

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

The U.N. Arms Trade Treaty is set to take effect on Christmas Eve. Though the United States delegation to the U.N. has supported the treaty, it has very little chance of being ratified by two-thirds of the Senate.

The U.N. General Assembly adopted the treaty in April 2013 with a vote of 154 to 3. The State Department points out that only Iran, Syria and North Korea opposed it.

Secretary of State JOHN KERRY said, "Make no mistake, we would never think about supporting a treaty that is inconsistent with the rights of Americans citizens to be able to exercise their guaranteed rights under our constitution."

Perhaps he didn't read the treaty. The parties are required to establish export and import controls for combat vehicles, aircraft and small arms and light weapons. The treaty further says that "Each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty."

That is GUN REGISTRATION, inconsistent with the Second Amendment right to keep and bear arms.

Investor's Business Daily editorialized that there is reason for concern about an end-run around Congress by President BARACK OBAMA. With his track record of using executive orders as a blunt instrument, OBAMA may well use the Arms Trade Treaty as an excuse for enacting gun control policies with the stroke of a pen, especially with import and export restrictions.

A Gallup poll has found that, since 2000, the percentage of Americans who believe that gun ownership makes their homes safer has nearly doubled. A mere 35 percent of Americans believed having a gun in the house was an added safety measure in 2000, while the majority (50 percent) thought it made households more dangerous. Now the tables have completely turned. Today, six in 10 Americans back owning a gun for safety, while only 30 percent believe it is dangerous.

Also, members of every political party are warming to the idea of gun ownership. Republicans show the largest growth (37-percentage points since 2000) followed closely by Independents (29-point increase) and lastly Democrats (13-point growth).

The FBI says the federal gun purchaser background check system isn't working - 186,000 improper sales slipped through last year, a rate of 512 gun sales a day, as states fail to consistently provide thorough, real-time updates on criminal and mental histories to the FBI.

The Thanksgiving-Christmas holidays are the busiest season for gun purchases, when requests for background checks speed up to nearly two a second, testing the limits of the National Instant Criminal Background Check System, or NICS.

Some 500 men and women run the system from inside the FBI's criminal justice center, a gray office building with concrete walls and mirrored windows just outside Bridgeport, West Virginia.

In roughly two percent of the checks handled by the FBI, agents don't get purchaser information in time. If three business days pass without a federal response, buyers can legally get their guns, whether or not the check was completed. The FBI blames the states for not providing timely information about criminal records and mental disqualifications.

Also in this issue: ● Midterm Election Wrapup ● District of Columbia faces contempt of court for gun law ● Park City, Utah repeals bad gun laws ● Four good reasons to own a gun in our Page 8 Parting Shot.

**AT THE
FEDERAL
LEVEL**

ALABAMA VOTERS APPROVE GUN RIGHTS AMENDMENT

Voters in Alabama approved an amendment to the state constitution that affirms that the right to bear arms is a "fundamental right"; any regulation of firearms is therefore subject to "strict scrutiny" in court. The amendment passed 72-28. A similar measure passed in Missouri during the August primary. In both cases, legislators argued that the state required higher legal protections for gun rights. They are part of a larger wave of gun laws passed in red states in the past two years. The sponsor of the Alabama amendment, state Rep. Mike Jones, said the measure would guard against future attempts to mimic policies put in place in more liberal parts of the country.

PROPOSED LAW IN LOS ANGELES REQUIRES GUNS TO BE LOCKED AT HOME

Several Los Angeles City Council members have proposed a city ordinance requiring residents to secure their guns at home when not being used, either with a trigger lock or in a locked container. Council member Paul Krekorian, author of the motion, said it was modeled after a San Francisco law which was challenged by gun owners who said the regulation prevented them from easily using their firearms for self-defense. In March, a Ninth Circuit Court upheld the ordinance, saying it did not infringe on gun owners second amendment rights.

OPEN CARRY BAN OVERTURNED IN MISSOURI

Missouri has passed an open carry law banning any city or other municipal entity in the state from ever approving a statute which would ban such an expression of Second Amendment rights. Amendment 5 ensured that all Missouri gun laws are "unalienable." The law was spurred by the city of Webster Groves passing a law banning open carry in September. Amendment 5 passed with 60 percent of the vote during the primary election in August. The overturn of the open carry ban in Webster Groves occurred in late October, after the new state law was enacted. "We have no choice in the matter. We must comply with the state law and all of us as municipalities are facing this," Mayor Gerri Welch said.

ONE-PERCENTERS AIMING FOR UNIVERSAL BACKGROUND CHECK INITIATIVE IN NEVADA

After pouring in millions to fund a universal background check initiative that passed in Washington State on November 4, Michael Bloomberg's Everytown for Gun Safety is preparing to bypass the Nevada legislature and impose universal background checks on Nevadans. Bloomberg's group gathered 250,000 signatures and will ask the state legislature to pass universal background checks during 2015. If the legislature refuses, Bloomberg's group will do an end-around the legislature as they did in Washington state by pushing a ballot initiative in 2016. Nevada Governor Brian Sandoval (R) vetoed universal background check legislation in 2013.

DEMOCRATIC GAINS IN THE OREGON LEGISLATURE BAD NEWS FOR GUN RIGHTS

Oregon Democrats have moved the state Legislature decisively to the left. The partisan shift opens the door to gun control, environmental regulations and other ideas that liberals have tried and failed to pass in the last four years. Gun-control advocates have already signaled their intent to push for stricter background-checks, and they may get their way with the addition of supportive Senate Democrats. A bill requiring background checks for private gun sales fell short this year.

TEXAS LEGISLATORS MAY BAR ENFORCEMENT OF FEDERAL GUN CONTROL LAWS

Lawmakers in Texas will consider legislation to bar the enforcement of any federal gun control law that "infringes on a law abiding citizen's right to keep and bear arms." The bill, numbered HB 176, is titled The Second Amendment Preservation Act and was introduced by state representative Tim Kleinschmidt (R-Dist. 17). Kleinschmidt's bill sets forth specific examples to show which federal gun control laws would be unenforceable.

**IN THE
STATES**

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SECOND AMENDMENT CRUSHES GUN CONTROL CANDIDATES IN MIDTERM ELECTIONS

As the election returns came in on November 4 one thing was evident: the Second Amendment buried gun control candidates in Senate and gubernatorial races around the country. That annihilated the left's relentless claim that 90 percent of Americans support more gun control.

MIDTERM ELECTION WRAPUP

In gubernatorial races, Arizona pro-Second Amendment candidate Doug Ducey (R) beat gun control candidate Fred DuVaul (D). In Florida, pro-Second Amendment incumbent Rick Scott (R) beat gun control candidate Charlie Crist. In Texas, pro-gun rights gubernatorial candidate Greg Abbott (R) won. In Maryland, the gun-friendly gubernatorial candidate Larry Hogan (R) won. In Alabama, pro-gun Governor Robert J. Bentley (R) won. In Wisconsin, pro-gun Governor Scott Walker (R) won. In Michigan, pro-gun Governor Rick Snyder (R) won. In Nevada, pro-gun Governor Brian Sandoval (R) won. In Ohio, pro-gund Governor John R. Kasich (R) won. In Oklahoma, pro-gun Governor Mary Fallin (R) won. In Wyoming, pro-gun Governor Matt Mead (R) won. In Idaho, pro-gun Governor Bruce Otter (R) won. In Kansas, pro-gun Governor Sam Brownback (R) won. And in Maine, pro-gun Governor Paul R. LePage (R) won against gun control candidate Michael Michaud (D).

VOTERS GIVE CONGRESS A MANDATE TO STOP GUN CONTROL

Breitbart.com reported that federally speaking, in race after race gun control candidates were run out of office and replaced with pro-Second Amendment candidates in the US Senate. This was clear for Mark Udall (D-CO) and Kay Hagan (D-NC)--two Senators who voted for Senator Joe Manchin's (D-WV) gun control bill in April 2013, only to be replaced by pro-Second Amendment candidates. Senator Mary Landrieu (D-LA) voted for Manchin's gun control package as well, and she lost so much support among midterm voters that her race went to a dismal run-off flop against pro-Second Amendment candidate Bill Cassidy (R-LA). In Arkansas, Senator Mark Pryor (D) voted against Manchin's gun control package in 2013 but still lost to pro-gun rights candidate Tom Cotton (R). Breitbart's assessment: "This race was truly demonstrative of the push for a mandate inasmuch as a quasi pro-gun candidate--Pryor--was run out of office to make room for a bona fide, no holds barred supporter of the Second Amendment, Tom Cotton."

NEW YORK STATE SENATE TURNED BECAUSE OF THE SAFE ACT

The New York State Rifle and Pistol Association is taking credit for having turned the tide in the state Senate, noting the defeat of three incumbent Democrats as a result of their stance on the controversial SAFE act. Senators Cecilia Tkaczyk, D-Duanesburg; Terry Gipson, D-Rhinebeck; and Ted O'Brien, D-Irondequot, all lost re-election to Second Amendment rights candidates.

SAFE Act opponent Lee Zeldin defeated New Yorkers Against Gun Violence-endorsed incumbent Congressman Tim Bishop in District 1. SAFE Act supporter Assemblyman Ed Hennessey was defeated by pro-gun Dean Murray in District 3. New Yorkers Against Gun Violence Board member Justin Wagner was defeated for the second time in Senate District 40. SAFE Act supporter Assemblywoman Addie Russell lost to John Byrne in District 116. pro-gun rights John Katko defeated antigun incumbent Congressman Dan Maffei in District 24. NYSRPA endorsed Peter Lawrence defeated New Yorkers Against Gun Violence endorsed Gary Pudpup in Assembly District 134. New Yorkers Against Gun Violence endorsed incumbent Senator Mark Grisanti lost in District 60.

COLORADO DEMOCRATS CEDE CONTROL OF STATE SENATE

Democrats lost control of the Colorado state Senate to the GOP, setting up a divided Legislature after two years of Democratic control. Democratic Senate President Morgan Carroll announced that the chamber has flipped from 18 Democrats and 17 Republicans to 18 Republicans and 17 Democrats. Republicans immediately vowed to pursue changes. GOP Leader Bill Cadman, a Colorado Springs senator expected to be named president, said his party would move "away from the extraordinary divisiveness of recent years."

"We are here to serve common interests, not special interests," Cadman said in a statement. Carroll vowed to work with the new Republican majority.

FEDERAL JUDGE ASKED FOR CONTEMPT CHARGE AGAINST DISTRICT OF COLUMBIA

A federal judge is weighing a request to hold Washington, D.C. in contempt of court for enacting new gun laws that are so restrictive as to be out of compliance with his order to allow for firearms to be carried publicly in the city.

District Judge Frederick J. Scullin Jr. asked the city and the plaintiffs fighting the regulations for additional filings on whether the city should be held in contempt of his order that officials develop a licensing scheme "consistent with constitutional standards enabling people to exercise their Second Amendment right to bear arms."

Attorney Alan Gura, who is representing four gun owners in the 2009 Palmer v. District case, argued that, despite passing new laws that allow for concealed carry, the District has not lived up to its court-ordered obligation because the plaintiffs he is representing are still unable to obtain gun-carry permits under the city's strict regulations.

"There is no way in the world my clients can obtain a license to carry a gun," Mr. Gura said in court, noting that they are unable to prove they are under a specific threat as required by the regulations. Although gun owners were able to begin the application process October 22, no permits have been issued.

**IN THE
FEDERAL
COURTS**

CALIFORNIA JUDGE WON'T CONTINUE TO DELAY GUN DECISION

U.S. District Judge Anthony Ishii of Fresno has rejected a request by California attorney general Kamala Harris to further delay his order overturning the 10-day waiting period for gun owners who are known to the state to already own guns – a narrow but significant Second Amendment decision. The judge found no evidence that the cooling-off period to buy more firearms prevents violence by people who already own guns, so the law is unconstitutional.

Two gun owners and two gun-owner rights groups, The Calguns Foundation and Second Amendment Foundation, sued over the state waiting period in 2011.

Harris had asked for a delay until the 9th U.S. Circuit Court of Appeals can issue its decision. She had argued it will be expensive to hire and train workers or change the state's computer system to accommodate the ruling. She said that the appellate court could overturn Ishii, wasting the state's money and time.

Ishii ruled, "The Court does not know how Defendant prioritizes projects, but dealing with an unconstitutional law should be towards the top of the list."

Californians buying their first firearm will still have to undergo background checks and the 10-day waiting period under Ishii's order.

HOLDER SUPPORTS BAN AGAINST INTERSTATE GUN SALES

United States Attorney General Eric Holder has gone on the record to oppose a lawsuit filed by Second Amendment advocates who say a federal ban against purchasing handguns out of state violates the US Constitution. Holder filed a 60-page motion rejecting a lawsuit filed in July that challenged a ban on how Americans acquire handguns, according to Courthouse News Service. At the time, a coalition made up of federally licensed gun dealers, firearms buyers and the Citizens Committee for the Rights to Keep and Bear Arms group all filed a suit against the attorney general and the director of the US Bureau of Alcohol, Tobacco, Firearms and Explosives because they said a law prohibiting the purchase of handguns outside of one's home state violated their right to own firearms.

Although the attorney general's motion won't immediately halt the plaintiffs' case, Holder is asking that the federal court system reject the lawsuit.

SAF SUPPORTING CALIFORNIA DEALER LAWSUIT V. KAMALA HARRIS

The Second Amendment Foundation has joined the Calguns Foundation and California Association of Federal Firearms Licensees in a lawsuit filed by four California gun dealers against State Attorney General Kamala Harris, alleging a violation of their First Amendment rights. The lawsuit alleges that the California Penal Code violates First Amendment rights by prohibiting the plaintiffs from displaying images of handguns or even the word "handguns" where they would be visible to passersby. However, anti-gun protesters are still allowed to appear with signs that use the words or images, constituting what the lawsuit calls "viewpoint discriminatory."

SECOND LAWSUIT FILED CHALLENGING FEDERAL BAN ON NEW MACHINE GUNS

A complaint for declarative and injunctive relief was filed in the United States District Court for the Eastern District of Pennsylvania. Plaintiff Ryan S. Watson, acting individually and as trustee of the Watson Family Gun Trust, is suing Attorney General Eric H. Holder, Jr. and Bureau of Alcohol, Tobacco, Firearms and Explosives Director B. Todd Jones for administering, executing and enforcing "statutory and regulatory provisions [that] generally act as an unlawful de facto ban on the transfer or possession of a machine gun manufactured after May 19, 1986."

Attorney David R. Scott is joined in the lawsuit by Stephen D. Stamboulieh, the Mississippi attorney who filed a similar action in Texas in the case of Hollis v. Holder. This latest action differs from the first in that Watson is subject to an actual taking resulting from actions performed under authorization of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for which approval was later revoked.

IN THE FEDERAL COURTS

CHALLENGE TO NEW YORK CITY GUN REGULATIONS EMERGES FROM LIMBO

New York State Rifle & Pistol Association filed suit in federal court in 2013 challenging the constitutionality of New York City's gun rules, alleging they infringe upon the Second Amendment by denying the right to possess and carry a firearm for personal defense. The court ruled the case would be put on hold until potentially relevant issues were decided in another case, *Osterweil v. Bartlett*, which has now been decided. Cross-motions were filed for summary judgment in the case, and arguments were heard in October as the case moves forward.

ELEVENTH CIRCUIT UPHOLDS FLORIDA'S PATIENT PRIVACY LAW

In a victory for gun owners who simply seek medical care, not political philosophy, from their doctors, the U.S. Court of Appeals for the Eleventh Circuit has upheld Florida's Firearm Owner's Privacy Act. This law was passed after patients were harassed or denied access to services because they refused to be interrogated by their doctors about their ownership of firearms. The case, *Wollschlaeger v. Governor of Florida*, vindicated Florida's attempt to protect patients from being forced to divulge personal information that is irrelevant to their own medical treatment. As the court noted, the law "protects a patient's ability to receive effective medical treatment without compromising the patient's privacy with regard to matters unrelated to healthcare."

COURT WON'T REVISIT CONCEALED WEAPON PERMITS CASE

California counties can't require gun owners to show good cause beyond the wish for self-defense to get a concealed weapons permit after a federal appeals court let its previous ruling stand on the issue. Most of California's 58 counties required proof of being in danger, and some were awaiting the outcome of the appeal to the 9th U.S. Circuit before changing it. Other counties have been issuing concealed weapons permits under the new rule that requires only a desire for self-defense rather than showing the applicant is in danger. The attorney general's office said it was reviewing the 9th Circuit ruling to determine if it should appeal. "A right to bear arms is no right at all if you need to demonstrate a need to carry that firearm which satisfies the police," said Joyce Malcolm, a law professor at George Mason University law school.

GUN RIGHTS SHOWDOWN OVER SUNNYVALE LAW REACHES APPEALS COURT

Sunnyvale, California's ordinance against large-capacity ammunition magazines holding more than 10 rounds, even within a private home, requires them to be surrendered to law enforcement to avoid prosecution for a misdemeanor offense. The ordinance is in appeal before the 9th Circuit, with Sunnyvale gun owners petitioning to invalidate the ordinance, which was approved by voters. Plaintiff Leonard Fyock said to the court that millions own such magazines to protect "hearth and home." His lawyer said nearly half of ammunition magazines in circulation outside of California hold more than 10 rounds and that anyone driving through Sunnyvale would be at risk of criminal penalties if they are in possession of these magazines. "In American history, magazine prohibition has been a rarity," wrote the Gun Owners of California. "Sunnyvale's (law) has no support in American legal history."

GUN-CONTROL GROUPS PRESSURE NEW JERSEY TO ENFORCE UNUSUAL GUN LAW

Gun-control groups are urging a New Jersey court to make the state enforce a 2002 law mandating that once technology is available to prevent a gun from being used by an unauthorized person, only that type of handgun may be sold in the state. The New Jersey law, the only one of its kind in the U.S., mandates that within three years from the date such a gun becomes available in any state, all handguns sold in New Jersey must include technology to limit their use to specific people. Supposedly, such a gun, the Armatix iP1 pistol, went on sale this year, starting the 3 year period. The Brady Campaign to Prevent Gun Violence and the Million Mom March urged the New Jersey Superior Court to make the state enforce the law.

GUN RIGHTS GROUP SUES ATLANTA BOTANICAL GARDENS TO ALLOW WEAPONS

Phillip Evans, a Gwinnett County man, sued the Atlanta Botanical Gardens because he was escorted off the property for openly carrying a gun. According to the suit he filed with the gun rights group GeorgiaCarry.org, a new state law only allows private property owners to ban guns, but lessees of public property do not have that right. Attorney John Monroe said that the Botanical Gardens leases City of Atlanta land where guns are legal. The lawsuit said the Botanical Gardens is violating Evans' right to carry a gun.

**IN THE
STATE
COURTS**

PENNSYLVANIA TOWNS SUE OVER STATE GUN CONTROL LEGISLATION

Democrat mayors from across Pennsylvania are going to Commonwealth Court to overturn Act 192 a preemption bill signed into law by Governor Tom Corbett in October. It not only makes gun rights uniform statewide, but also gives gun rights groups standing to sue municipalities over gun laws more restrictive than state law without the need to include a local resident in the suit. And the municipality would have to pay the entire legal bill if the city loses the challenge. Philadelphia, Pittsburgh, and Lancaster filed the lawsuit with three Democrat state senators and two state representatives.

HOMELESS WOMAN'S STUN GUN SPURS SECOND AMENDMENT CASE

Jaime Caetano, a homeless woman who was beaten so badly by her ex-boyfriend that she ended up in the hospital, was convicted for carrying a stun gun given to her by a friend to protect her from the violent ex-boyfriend, against whom she had obtained multiple restraining orders. Caetano is now appealing to the Massachusetts Supreme Judicial Court, arguing that a stun gun falls within the meaning of "arms" under the Second Amendment. Her lawyer, Benjamin Keehn, said the state's ban "cannot be squared with the fundamental right to keep and bear arms." Massachusetts is one of only five states that ban stun guns and Tasers for private citizens. Caetano's case asks to overturn her conviction on the stun gun charge and to protect the homeless by confirming her right to bear arms outside a home she does not have.

UNDER FIRE, PARK CITY, UTAH REPEALS SECTIONS OF ITS GUN LAWS

Alan Gottlieb, the executive vice president of the Second Amendment Foundation, notified the Park City, Utah Council that four parts of its gun code violated state law and the Constitution's Second Amendment, urging repeal to avoid risk of lawsuits. The Council repealed its ban on the use and possession of firearms; a ban on concealed carry; a ban on a loaded gun inside a vehicle, on a street or in a posted area; and a ban on drawing or showing a gun in "an angry or threatening manner," loaded or not. The Park City Council unanimously approved repealing the sections. None of them appeared to be pleased to be casting a vote loosening gun laws inside Park City. Several of them said they were unhappy they were doing so.

CALIFORNIA GUN OWNER NOT GUILTY OF FEDERAL CONSPIRACY CHARGE

A federal jury in Sacramento found gun owner Ulysses S. Grant Early IV not guilty of conspiracy to make a false statement on a federal firearm record known as an ATF Form 4473. The Calguns Foundation supported his legal defense. Early's lawyer, Donald Kilmer, successfully argued that a police officer was the actual buyer in the gun's initial sale, that Early later purchased from the officer in a separate, legal "private party transaction," and that Early did not conspire to withhold information from the government by making a false statement. Early broke no state or federal firearm laws, did a background check and a 10-day wait.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Moscow, Russian Federation:** In an amendment to its tough gun control laws, the Russian government eased restrictions, allowing citizens to carry licensed weapons for the purposes of 'self-defense.' Until now Russian gun enthusiasts were only permitted to carry firearms for hunting or target shooting after obtaining a license through the Interior Ministry. Russian gun licenses are to be renewed every five years, and applicants face strict background checks and are required to take gun safety courses. The addendum to the law now lists self-defense as a legally acceptable reason for carrying a weapon.

● **Lynden, Washington:** The Lynden Pioneer Museum will remove World War II-era guns from a current exhibit and return them to their owners, to avoid violating the new background-check law, according to Troy Luginbill, the museum's director. "I read through the law about 10 different times looking for a loophole," he said. Banning 70 year old rifles from being displayed in a museum wasn't really the objective of Washington's universal background check, but anti-gun nuts made it so nobody can loan out antique firearms to museums in Washington State.

● **Jerusalem, Israel:** Israel's public security minister vowed to ease restrictions on carrying firearms for self-defense after a terrorist attack on a Jerusalem synagogue left four dead, including three Americans. It was not exactly clear what new measures would be put in place, but Minister Yitzhak Aharonovitch said the move would apply to anyone licensed to carry a gun in Jerusalem, The Times of Israel reported. The announcement comes after two armed Palestinians stormed into a Jerusalem synagogue during morning prayers, killing four people and injuring eight others. The two assailants were later killed by police.

● **Washington, D.C.:** FBI statistics on murder victims for 2013 found that the number of gun-related homicides reached a five-year low, dropping eight percent since 2009. The FBI reports that roughly two-thirds of the 12,253 people murdered in America in 2013 died by firearms. The total, 8,454, was down 9% since 2009, when it stood at 9,199. A large majority of gun-related homicides (5,782) were killed by people wielding handguns. The next largest category, "firearms, type not stated," totaled 1,956. The third of 2013 homicides not involving firearms were caused by "knives or cutting instruments" (1,490), "blunt objects" (428), "personal weapons," like fist, feet, etc. (687), and miscellaneous other means, including poison and fire.

● **Camden, New Jersey:** Golani Rifle and Pistol Club, a New Jersey shooting club that caters to the needs of Orthodox Jewish gun owners, is challenging two major Jewish organizations, the Orthodox Union and the Rabbinical Council of America, in an effort to get the Orthodox community to become more accepting of the idea of gun ownership. A lengthy statement released by Golani on September 15th that was signed by 12 rabbis from throughout the United States sharply criticized both groups for their stated views on gun ownership. Golani was established in 2003 to enable people who desire an extra level of personal protection, as well as those who enjoy shooting for sport, to improve their marksmanship skills and participate in gun club events, usually closed to observant Jews because they tend to be held on Shabbos.

● **Buffalo, New York:** The announcement by Buffalo, N.Y. police that they will begin confiscating guns registered to recently deceased citizens "is not simply cold-hearted, it is ghoulish," said Citizens Committee for the Right to Keep and Bear Arms Chairman Alan Gottlieb, affirming something that gun rights advocates have contended for years: Gun registration leads to gun confiscation. "The idea that police would peruse the obituaries and compare the names of recently deceased persons with their pistol permit records, and then send officers to take those guns while a family is still grieving their loss is simply unconscionable," Gottlieb said. "This is tantamount to dancing on someone's grave and it amounts to taking property without due process or probable cause." Buffalo's outrageous police department is a stab in the heart of American justice. It must be roundly denounced and stopped.

Parting Shot

FOUR GOOD REASONS TO OWN A GUN

A Tuscaloosa woman opened fire on a man previously accused of stalking her after he allegedly came to her house in the night and threatened to kill her. 55-year-old Horace Johnson called the victim on the phone and threatened to kill her, then pulled up in the woman's driveway. The woman, 41, grabbed a shotgun, and when Johnson threatened her outside her own home, she fired two shells at him, grazing him with at least one pellet in his neck. Johnson was treated at DCH Regional Medical Center in Tuscaloosa, where investigators discovered a history of stalking the woman and trying to set her house on fire. He was charged with third-degree domestic violence harassment and booked in the Tuscaloosa County Jail, where his bond is set at \$1,000.

In Lancaster, Ohio, a masked man came into The City Center Drive Thru holding a knife and pointed it at the clerk, who backed up into a counter where the store's gun was located.

The 44-year-old clerk told police she grabbed the gun and pointed it at the man and he leaned toward her again with the knife before running out of the store. "He just came up to the register and he said 'Give me all your money,' and I thought it was a joke," she said in the 911 call. "And then he waved the knife at me and I pulled out the gun and he started running." The Lancaster Police Department's detective bureau is still investigating the failed armed robbery.

In Shreveport, Louisiana, 29-year-old Daniel Smalley was trying to force his way into a home on East Wilkinson Street, when the homeowner, Gerald Yager, armed himself with a handgun. After banging and kicking on both the front and back doors, Smalley forced his way into the back door of the residence. Once inside, Yager fired numerous times, striking Smalley once in the upper body.

Police responded and Smalley was taken to University Health Hospital with what are described as potentially life-threatening injuries.

In Barnhart, Missouri, an employee of Karsch's Village Market tried to convince heavily intoxicated 48-year-old Robert Lawson that he shouldn't attempt to drive and the Market would provide him a ride. Lawson insisted on driving, got into his vehicle, reached in the glove box, pulled out a gun, and pointed it at the employee. The employee, who has a conceal carry permit, was forced to pull out his gun and shoot Lawson in self defense. The man was pronounced dead at the scene. Police say the employee was questioned but not detained.

Alan M. Gottlieb

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