

# The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 252

December, 2015

Dear Subscriber,

PRESIDENT OBAMA hopes to make gun control the top issue of his final year in office, saying Americans aren't more violent than other people but they have more deadly weapons to act out their rage. In an interview published in *GQ* magazine, OBAMA said easy access to guns is the only variable between the U.S. and other developed countries.

OBAMA disregarded the huge per capita killing rate in Mexico and other countries loaded with drug lords and daily mass murders. Asked by BILL SIMMONS of HBO if gun control will be the "dominant" issue on his agenda next year, OBAMA replied, "I hope so."

Democrat Sen. CHUCK SCHUMER of New York vows that his party will bring a universal background check bill to the floor of the Senate early next year. "We need to close the loopholes that still remain in the background check system," SCHUMER said. "We are going to bring the universal background check bill to the floor of the Senate, early next year, and with your help we're going to win!"

Gun rights advocates are wary of such a law due to what they say are numerous incidences of people being wrongly placed on the list. The terrorism watch list has over one million names on it and is constantly and secretly adding innocent citizens to be wrongly listed as security threats. There is no reason to believe that a "universal" background check would not also secretly list innocent citizens and deprive them of their Second Amendment rights with no way to get off the list.

Congressmen DIANE BLACK (R-TN) and BILL FLORES (R-TX) have introduced a bill, the Nondiscriminatory Transportation Screening Act, demanding the Transportation Security Administration recognize gun licenses as a legitimate form of ID. Current TSA standards allow airport passengers to use their Costco membership cards at security checkpoints. Yet, concealed handgun licenses are not acceptable forms of identification. Additionally, the legislation would prevent the TSA from collecting or storing information about individuals with handgun licenses.

A bill designed to expand government funded research into gun violence as a health care issue would free physicians to ask patients about gun ownership. Doctors could also report what they deem to be threats of violence to authorities. Florida's Firearm Owners' Privacy Act, which limits such conversation under penalty of law, has been repeatedly upheld in federal court in a series of challenges by gun control groups and health care lobbyists in the so-called *Docs vs Glocks* case.

A bipartisan bill on mental health reforms, aimed at stemming the growth of gun criminals in the United States, is gaining ground in the Senate, but Texas Republican SEN. JOHN CORNYN is pushing his own legislation that includes language that would allow incentives for states that share mental health records through the National Instant Criminal Background Check System in hopes of preventing anyone who has been determined mentally ill by a court from buying a gun. CORNYN's bill has been endorsed as protecting gun rights and approved by the House Energy and Commerce's health subcommittee and is awaiting consideration by the full committee.

CORNYN said he has discussed combining the two Senate bills with SEN. BILL CASSIDY, R-La., who sponsors the bipartisan initiative, and an aide said he reportedly is open to the idea. It also includes other mental health provisions, but some Democrats, like Minnesota Democrat SEN. AL FRANKEN, say they won't sign off on it because of the gun issue.

Also in this issue: ● Clinton Watch - she's not credible ● Switchblade knife gets Second Amendment protection ● 2015 election results and 2016 election battlegrounds ● ROBBERY IS GETTING TO BE A DANGEROUS PROFESSION in our Page 8 Parting Shot.

**AT THE  
FEDERAL  
LEVEL**

### FLORIDA GUN BILLS GET MIXED RESULTS

A plan to strengthen Florida's "stand your ground" law that would have given defendants who claim self-defense more protection from prosecution died in the state House after a subcommittee rejected the legislation on a Democrat deadlocked vote. A proposal that would allow concealed-weapon permit holders to bring handguns onto college and university campuses continued moving forward in the state House, despite opposition from academic leaders. The Higher Education & Workforce Subcommittee voted 10-3, with Tallahassee Democrat Michelle Rehwinkel Vasilinda joining nine Republicans, to advance the bill (HB 4001). The House Justice Appropriations Subcommittee narrowly backed a controversial measure (HB 163) that would allow the 1.45 million people in Florida with concealed-weapons licenses to openly carry.

### GUN LICENSES JUMP BY 66% IN MASSACHUSETTS

As the debate over gun laws continues, more and more people in Massachusetts are getting their gun license. The number of licenses in the state has grown by more than 65 percent since 2010. The reasons vary, protection, the fear of new laws, sport or just fun. It's not just men who are carrying firearms anymore. The number of legal gun owners in Massachusetts is growing. State data showing how many people have a license to carry from 2009 to September 2015 found 378,642 people or one in every 14 adults has a gun license in Massachusetts. Up from 227,612 in 2010. A 66% increase.

**IN THE STATES**

### BALTIMORE CITY COUNCIL REJECTS GUN SALES TAX RESOLUTION

One proposal for how Baltimore City and other jurisdictions could help pay for police body camera programs over the long term was voted down at City Hall. The idea was to ask the state to establish a special sales tax on handgun and ammunition sales. The thought was that the money made from the sales tax would help pay for body cameras. The Baltimore City Council's public safety committee rejected the resolution, but it is clear the conversation about funding the body camera program is not going away. Councilman Jim Kraft said that he supported the resolution because he thought it was worth looking into, but he is not surprised that it did not go any further because he did not think the city had the authority to act. At the same time, a few gun rights advocates told reporters that they did not support the idea.

### NEW JERSEY GUN POLITICS GETS COMPLICATED

In 2002, New Jersey passed a law requiring all firearms retailers to sell "smart guns" instead of traditional handguns once the technology became available. The Democratic lawmakers who spearheaded that effort acknowledged that it had backfired. So they introduced legislation they presented as a compromise: It would repeal the worst parts but leave unwelcome gun controls. The bill's fate is uncertain. Governor Christie conditionally vetoed a bill that would strengthen gun laws against domestic violence offenders. Instead, he proposed enhancing penalties for domestic violence, tightening parole eligibility for convicted abusers and speeding firearms application permits for victims of abuse "so victims may better defend themselves against future instances of abuse." If lawmakers fix the bill, he will reconsider.

### WISCONSIN BILL WOULD BAN AND CONFISCATE PRIVATE FIREARMS

A Democratic-proposed gun ban would prohibit some of the most highly-rated hunting rifles and shotguns, ban most pistols, and require Wisconsin residents with so-called "semiautomatic assault weapons" to turn their guns in to the government. Legislative attorneys - known as Legislative Counsel - confirmed to state Rep. Dave Craig (R) that the loosely written ban does not contain a grandfather clause, meaning owners of prohibited weapons would need to turn them in or face felony charges for possessing an illegal weapon. "Continued possession of a firearm defined as an assault weapon would generally be illegal under the bill."

**The Gottlieb-Tartaro Report** ® (ISSN 1079-6169) is published monthly by the Second Amendment Foundation, Liberty Park, 12500 N.E. 10th Place, Bellevue, WA 98005. Phone (425)454-7012. FAX (425)451-3959. Please call or write if you have a question regarding your subscription.

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Published by:

Design: Northwoods Studio

Second Amendment Foundation

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**POSTMASTER:** send address changes to **The Gottlieb-Tartaro Report**, 12500 N.E. 10th Place, Bellevue, WA 98005.

**Printed in the USA.**

## GUN CONTROL IS THE HEART OF HILLARY CLINTON'S CAMPAIGN

In a campaign TV ad and on the stump, Hillary Clinton vows to push for new gun restrictions, pressing her advantage on one of the few issues where she is more liberal than her chief rival, Sen. Bernie Sanders. The TV ad on the gun issue ran in Iowa and New Hampshire. It features Mrs. Clinton at a campaign event laying out the case for tougher gun restrictions, with people in the audience listening to her nod in approval. "How many people have to die before we actually act, before we come together as a nation?" she says in the ad.

"We do need to come together and pursue commonsense reforms," the Democratic presidential front-runner said at a town hall meeting in Iowa. "This is a problem and it's a danger. It's a threat everywhere in our country." She said she would push to close loopholes in the background-check system and wants to overturn liability protections for gun manufacturers.

### **CLINTON WATCH**

#### CLINTON HAS LOCKED UP THE GUN GRABBER VOTE

John Lott comments on Hillary Clinton. She has made gun control a central issue of her 2016 presidential campaign. She has named the NRA as one of her biggest enemies. But the regulations she is pushing will disarm millions of Americans and primarily take guns away from poor blacks. Clinton wants poor minorities' votes, she just won't let them be able to defend themselves. Clinton also wants to end right-to-carry laws that let 13 million Americans carry concealed handguns for protection. But it is poor blacks who benefit the most. Background checks, even universal checks do not reduce violent crime. It has proven very difficult to stop gangs from getting access to guns. Even gun bans for whole countries have only seen murder rates rise.

There is little doubt that the people who are most likely to be victims of violent crime - again, overwhelmingly poor blacks in urban areas - are also the ones who benefit the most from owning guns and having the option to protect themselves. And Clinton has their vote locked up.

#### WHY HILLARY CLINTON THINKS GUN CONTROL CAN WIN IN 2016

The polls on guns are mixed, but some Democrats point to evidence that public opinion on gun control is changing. A Gallup survey in October showed that 56% of Americans believe there should be stricter laws around firearms sales, a rise of eight percentage points from 2014.

Polls show that the core of Clinton's gun control push - universal background checks - is widely supported. Nationally, nearly 90% of Americans support universal background checks, according to multiple polls. Voters in key general election swing states appear to agree with Clinton, too. In Ohio, a 2013 Mayors Against Illegal Guns-funded poll showed that 83% supported all gun buyers to pass criminal background checks. In Florida, Public Policy Polling in September showed that 88% supported background checks.

But, at least 12.8 million people have concealed carry permits, and the total number of Americans who carry a gun with them is likely much higher. Anti-Clinton organizers say these voters have a strong attachment to guns and will overwhelmingly oppose Clinton at the polls.

#### AP: HILLARY CLINTON'S GUN CONTROL CLAIMS 'UNSUPPORTED ON ALL COUNTS'

On November 15, the Associated Press (AP) fact-checked Democrat presidential hopeful Hillary Clinton's gun control claims, among which was her contention that "nearly 3,000 [were] killed by guns" between the October 13 Democrat debate and the one that took place on November 14.

The AP reported that during the November 14 debate, Clinton said, "Since we last debated in Las Vegas, nearly 3,000 people have been killed by guns. Two hundred children have been killed. This is an emergency." Clinton then claimed there had been "21 mass shootings" between the October 13 debate and the one held on Saturday night. She said the mass shootings "[included] one last weekend in Des Moines where three were murdered."

3,000? Nope, 1,000. 200 children? No, 70, and that includes teens, which brings in gang violence and street crime. 21 mass shootings? Not even close. 3 in Des Moines? No, one. AP's final word on Clinton's claims? "Unsupported on all counts."

**WISCONSIN MAN CAN LEGALLY POSSESS SWITCHBLADE IN HOME**

An Appleton man can legally possess a switchblade in his home, a state appeals court ruled Tuesday. The decision didn't address whether the state's switchblade ban is broadly unconstitutional, however.

The ban is unconstitutional as it applies to Cory Herrmann because he uses the knife only in his home to protect himself, the 3rd District Court of Appeals said in a unanimous decision. The court stressed that its ruling applies only to Herrmann's case.

The appellate court found the possession prohibition is unconstitutional as applied specifically to the facts of Herrmann's particular case. The judges said the state's argument that the prohibition protects public safety has nothing to do with Herrmann's case since possession in a home for self-defense poses little to no danger to the public. The court also said the ban significantly burdens Herrmann's right to bear arms.

**ALABAMA JUDGE DISMISSES MURDER CHARGE, D.A. APPEALS**

Circuit Court Judge Dan Reeves dismissed the murder charge facing 24-year-old Demetrius Watson on Nov. 17, finding him immune under the "Stand-your-Ground" law. The Shelby County District Attorney's office has appealed the ruling to the Alabama Court of Criminal Appeals.

**IN THE COURTS**

Watson had been charged with murder after fatally shooting 40-year-old Lisa Langston, of Clanton, on Dec. 5, 2013. Reeves ruled that Watson "feared for his life" and was "acting in self-defense the night of the incident," according to court documents.

In the document, Reeves cites several findings with his ruling, including: 1) The events occurred in an isolated neighborhood after Watson received a call from his brother warning of an "erratically behaving woman" approaching his property. 2) Watson encountered an unknown woman "on all fours, rolling around on the ground and acting very erratic." 3) Watson "calmly and repeatedly" tried to get the woman to leave the property. 4) The woman "rushed towards him screaming that she was going to kill him."

The issues recorded on the appeal concern whether the "Stand-your-Ground" law entitles defendants to a pre-trial ruling on immunity.

**MAN TO FIGHT STATE FOR THE 541 GUNS**

The man who had hundreds of guns and thousands of rounds of ammunition taken from his homes in Clovis this week now plans to challenge the state on its decision to take the weapons. Legal experts say there's a chance the case will go to California's highest court. When special agents with the state took more than 500 guns and thousands of rounds of ammo from Albert Sheakalee in Clovis, it sparked a statewide debate. The courts will have to decide if the details from Sheakalee's mental health hold are significant enough to take away someone's Second Amendment rights. Special Agent Michael Haroldsen of the California Department of Justice told the man, "You are a danger to the public, or to yourself," with no evidence. Sheakalee's attorney Mark Coleman says his client is not high risk. "This is a 59-year-old man who has never committed a crime. He's never been adjudicated by any mental health professional as being dangerous," said Coleman.

**MAINER WHO SHOT INTRUDER SUES LANDLORD TO KEEP GUN**

In Portland, Maine, Harvey Lembo, a retired lobsterman and former volunteer police officer, who uses a motorized wheelchair, shot an intruder after buying a gun to defend himself. He has sued Stanford Management Co., his landlord, over a policy that prohibits him from keeping a gun in Park Place Apartments, his subsidized dwelling. Stanford Management claimed it warned Lembo that tenants are prohibited from having firearms after he shot an alleged burglar in the shoulder after five break-ins.

Patrick Strawbridge, Lembo's Boston-based attorney, filed the lawsuit in Knox County Superior Court and said, "We're interested in ensuring that people in Mr. Lembo's position are able to enjoy their full constitution rights, including their right to lawfully possess a firearm in self-defense." The lawsuit added details about Lembo's health: he feared that he was being targeted by burglars for prescription medication used for chronic pain.

**UTAH SUPREME COURT RECOGNIZES FIRED EMPLOYEES SELF DEFENSE**

A Utah Wal-Mart fired five employees after shoplifters displayed guns and were disarmed by them. Company policy stated that employees must disengage from armed situations, withdraw to a safe position, and contact law enforcement or be fired. After investigations, Wal-Mart discharged the five employees for violating this policy.

The employees filed suit against Wal-Mart in the U.S. District Court for the District of Utah asserting various claims, including wrongful termination in violation of public policy.

Utah has an "at-will employment" doctrine allowing such firings, but also has a few exceptions called "wrongful discharge" violations. The Utah exceptions are fairly limited, permitting an employee to assert a claim for wrongful discharge in violation of public policy. The public policy claim of self defense was not on the list when this case came to court.

**IN THE COURTS**

The five fired workers sued to have a new exception added for their situation, *Ray, et al. v. Wal-Mart Stores, Inc.* which went all the way to the Utah Supreme Court, which ruled in the workers' favor and expanded wrongful discharge claims to include self defense.

In *Ray*, the Utah Supreme Court noted that the right of self-defense is expressed in the Utah State Constitution, as well as the Utah self-defense statute and common law decisions. The Court considered such decisions and also statutes as the Utah Stand Your Ground law that broadened the definition of self-defense in some situations. The Court concluded, "[W]here an at-will employee is unable to withdraw from an imminent threat of death or serious bodily harm, the employer may not terminate the employee for exercising the right of self-defense."

**UNITED KINGDOM CITIZEN IN HAWAII FIGHTS FOR SECOND AMENDMENT RIGHTS**

Honolulu resident Andrew Namiki Roberts, a legal permanent resident of the United States who was born in England, was given a permit by the Honolulu Police Department to acquire rifles and shotguns, which must first be obtained before purchasing one. He then took a firearms safety course, which is required to obtain a permit for a handgun. But when the self-employed photographer tried to get a handgun permit, he was told his background check was deemed incomplete and that he needed a letter from the British consulate clearing his background.

His lawyer, Richard Holcomb, said the department couldn't produce written policy about requiring such documentation, but even if it could, it's an unfair requirement. "They can't discriminate against permanent resident aliens," he said.

Roberts sued the Honolulu Police Department for discriminating against non-U.S. citizens by making it difficult for them to obtain firearm permits. Hawaii only granted permits to U.S. citizens until a federal judge in Honolulu last year ruled it unconstitutional.

The lawsuit notes that Hawaii law says if the permit applicant is not a U.S. citizen and is eligible to acquire a firearm, an inquiry on the applicant will be made using the National Instant Criminal Background Check System and the Immigration and Customs Enforcement databases, leaving no other requirements in the law.

**IDAHO SUPREME COURT REJECTS PENNSYLVANIA MAN'S GUN RIGHTS APPEAL**

The Idaho Supreme Court has rejected an attempt of Pennsylvania resident Todd Rich to have his gun rights restored under Idaho law. Rich pleaded guilty to felony rape in Idaho in 1992 and was sentenced to six years in prison.

In 2004 his conviction was reduced to a misdemeanor, his sentence was suspended and he completed probation.

By November 2013, Rich had moved to Pennsylvania where a judge ruled he couldn't own a gun because of the Idaho rape case.

That month in Idaho he filed an action in district court seeking a judgment that, because he was no longer a convicted felon due to the 2004 sentencing agreement, he "may lawfully purchase, own, possess or have under his custody or control a firearm under the laws of the State of Idaho."

In April 2014 the district court rejected that argument. Rich then appealed to the Idaho Supreme Court and they also rejected it.

**GUN NEWS TICKER - QUICK TAKES ON THE NEWS**

● **Clarksburg, West Virginia:** More Americans had their backgrounds checked purchasing guns on Black Friday than any day on record, according to data released by the FBI. The National Instant Criminal Background Check System processed 185,345 requests on Nov. 27, one of the largest retail sales days in the country. "This was an approximate 5% increase over the 175,754 received on Black Friday 2014," wrote Stephen Fischer, the FBI's chief of multimedia productions. "The previous high for receipts were the 177,170 received on 12/21/2012."

● **Alabama:** After the terrorist attacks in Paris, many Americans were thinking about personal safety. The attacks prompted yet another jump in gun sales nationwide. Gun shows in southwest Alabama are unusually busy. Mark Beasley has been very busy in the days since the Paris terror attacks. "Sales have gone up at least 50% in the last five days," said Beasley. He runs Quality Pawn in Huntsville. "It puts a scare in an individual, it takes something like that to shake people up in a way," said Timothy Dilcher, a gunsmith with Frazier's Tactical Firearms. From Charleston to Lafayette a rise in gun sales follows the month after every massacre that's made the news. We have gun background check numbers to back that up. Despite the unlikely event of a terrorist attack a strategy poll showed nearly two-thirds of Alabamians worry about a strike in this state.

● **New York City:** Ex-Mayor Michael Bloomberg has spent \$72 million in the past four years to boost his chosen candidates and pet causes across the country, records reviewed by The New York Post show. The billionaire's largesse intensified in 2012 when he launched his own political action committee, Independence USA PAC, and in 2014 with the creation of his nonprofit Everytown for Gun Safety fund. He has spent \$34.6 million on winning candidates and causes – and \$21.4 million on losers. And he spent another \$16 million on pet issues that were not linked to particular candidates, such as gun control and climate change. Former Orlando Police Chief and Democrat Val Demings couldn't topple Republican Daniel Webster in a congressional race in Florida despite garnering \$5.2 million in donations and TV ads from Bloomberg in 2012. She is running again in 2016. And Virginia Democrat Dan Gecker couldn't win a state Senate seat in 2015 even though he benefited from \$1.2 million of Bloomberg's cash."

● **Brussels, Belgium:** The European Union made headlines with new gun-control rules after the Paris terrorist attacks, but experts say implementing them across the 28 member countries could prove a moving and potentially hazardous target. There are about 81 million illicit firearms across the EU. A ban on semi-automatic weapons will have to be debated and approved by the European Parliament and Council. Lawmakers should brace for strong resistance from hunters and sportsmen, who fear it will seriously restrict legal owners. "It seems to be that the Commission now wants to show quick activism after these terrible Paris attacks, but they are going too far," said Hans Schollen, a lawyer and president of a German sporting association, the VDS.

● **San Francisco, California:** The fatal shooting of an Oakland muralist marks the second time in roughly two months that a gun stolen from a federal official allegedly was used in a San Francisco-area murder. A local CBS TV station reported that the gun allegedly used to kill muralist Antonio Ramos on Sept. 29 was stolen 16 days earlier from an Immigration and Customs Enforcement official. ICE has acknowledged the theft but has neither confirmed nor denied whether that gun was used to kill Ramos, 27, while he was working on a peace mural beneath an overpass. The TV station reports that a law enforcement source made the connection between the stolen gun and Ramos's death.

● **Chicago, Illinois:** Bill Ayers, Bernardine Dohrn, and James Kilgore – three communist revolutionaries who were part of domestic terror groups and who all spent years on the run from the law – approved when a man in their talk show called for "citizen's tribunals" against the National Rifle Association to be held at the United Nations. Gun owners might do the same against gun control groups.

## THE 2015 ELECTION TIGHTENED PRO-GUN GRIP ON STATE GOVERNMENTS

Democrats' failure to take over the Virginia state Senate means that Republicans still hold total control of 30 of the country's 50 state legislatures (60 percent) and have total or split control of 38 of the 50 (76 percent.)

**Virginia:** Washington Post editors said, "The [election] outcome was a blunt rebuke to Gov. Terry McAuliffe (D), who portrayed the elections as a make-or-break moment for his progressive agenda."

The Democrats needed to gain only two districts to give themselves a majority in the state senate. Michael Bloomberg pumped more than \$2.3 million into the race, but the anti-gun Democrat Senator lost to the Republican challenger, Glen Sturtevant, preventing the Democrat lock.

### ELECTION RESULTS

**Kentucky:** The Bluegrass State fared no better for anti-gun Democrats. With Matt Bevin's win in Kentucky, Republicans now hold 32 of the nation's governorships – 64 percent of all the governors mansions in the country.

2015's election results were not good for former New York City Mayor Michael Bloomberg. The billionaire has publicly committed himself to spending millions of dollars to promote gun control but he's not gotten the "bang for his buck" that he desired. Matt Bevin won his race for Governor despite all of Bloomberg's money, quite a feat, since he is only the second Republican in four decades to win Kentucky's top spot.

**Oregon:** The residents of Coos County, Oregon, overwhelmingly passed a Second Amendment Preservation Measure that could become a model for other states and localities. An Oregon paper describes the resolution this way: The lengthy measures declare any gun law infringing on the state and federal constitution to be void and gives the sheriff the task of determining the constitutionality of any gun law. It also says the counties won't spend any funds to enforce the law passed by the Legislature this year requiring background checks on private gun transfers. Violators of the ordinance could face a \$2,000 fine. The measure would also invalidate the Universal Background Checks law which went into effect at the state level in August of this year.

**Louisiana:** The Palmetto State held its preliminary election and nominated a winner in the runoff, Rep. Jeff Landry, who won his final race and is the new Attorney General.

### ELECTION BATTLE GROUNDS

#### WHICH ARE KEY GUN RIGHTS BATTLEGROUND STATES FOR 2016?

Democratic presidential candidates are selling gun control promises to states all over the country, but they may just be selling potential blue Senate seats down the river. Only 10 of 34 seats in the Senate up for grabs in 2016 currently have Democratic senators. There are also about 10 swing states up for grabs. And all of the blue swing states up for grabs have large constituencies of gun owners.

In **Colorado**, Democratic Senator Michael Bennet will likely be facing a tough re-election. His anti-gun opinions are well known and becoming less popular.

**Florida's** Sen. Marco Rubio will be retiring from the Senate in order to go full throttle on his presidential bid. Representative Patrick Murphy and Rep. Alan Grayson will be entering the race and neither is a shoo-in.

**Nevada:** Democratic State Attorney General Catherine Cortez Masto has announced her run for Harry Reid's Senate seat. She has been mum about gun control along the campaign trail but opposes campus carry for students over 21.

**New Hampshire:** Current Senator, Kelly Ayotte (R). Her dip in the polls following a vote against gun background checks may set a precedent for future candidates. Democrat Governor Maggie Hassan will be challenging Ayotte in the next election. Hassan has vetoed legislation that would ease restrictions on gun owners.

**Pennsylvania:** current Senator: Pat Toomey (R). The Hill points out that Republican Senator Pat Toomey is "seeking re-election in a state that hasn't picked a GOP nominee for president since 1988.

As in all elections, who wins depends on who casts the most votes, us or them.

# Parting Shot

## ROBBERY IS GETTING TO BE A DANGEROUS PROFESSION

Reginald Gildersleeve, wearing a mask, walked into a South Side Chicago bodega where he once worked, pulled out a gun and announced a robbery. As he pointed his gun at the store's employees, a customer who was a valid concealed carry license holder, pulled out his own gun and shot Gildersleeve dead. The irony is that the robber had a fake gun but the customer didn't.

"Something doesn't seem right," said Igbinosa Oronsaye, whose mother married Gildersleeve three years ago. "He didn't deserve to get shot multiple times."

The Chicago police didn't agree. The suspect had a "lengthy" arrest history, including at least one robbery, police said, adding that charges against the shooter "do not appear likely."

Matthew Shawon Elliott, 30, of Statesville, North Carolina, and two others entered Long Jewelers on Hanes Mall Circle in Winston-Salem, waved guns and threatened the customers and employees of the business while the third stood guard at the entrance, police said.

One of the robbers smashed display cases and began to take jewelry, when a manager from the back of the store heard the commotion, retrieved the store gun, and shot Elliott twice.

Elliott, who had two prior felony convictions in North Carolina for robbery with a dangerous weapon, ran out of the store, along with the other robbers. He collapsed just outside the business and died at the scene. The other robbers ran away and are still being sought by police.

Forsyth County District Attorney Jim O'Neill said the shooter would not be charged. He feared for his life and the lives of the employees and patrons, police said.

A 13-year-old boy was by himself in his home around 1:30 p.m. on Elderwood Drive in Ladson, South Carolina, when he heard someone trying to break in through the back door. He then took out his mother's gun and fired through the door.

Deputies say the suspect then fired a shot back at the boy, but the bullet didn't hit the child. Authorities say the suspect drove away from the home, and was eventually taken to the hospital where he later died.

The mother said that she was at work at the time of the incident, and found out about it when her son called her moments after the shooting took place. She then told him to call police. Officers say they did recover a gun from the back yard of the home.

*Alan M. Gottlieb*

*Joseph D. Tartaro*

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