

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 253

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Dear Subscriber,

PRESIDENT OBAMA has announced plans to **expand background checks** with a more sweeping definition of gun dealers, **hoping to expand the number of gun sales subject to background checks.**

Speaking at the White House, **Obama said background checks "make a difference" and will be expanded** so that they can cover purchases online, at gun shows and in other venues. "Anybody in the business of selling firearms must get a license and conduct background checks or be subject to criminal prosecutions," he said. He added requests for more FBI agents to take the added work load of more background checks, and encouraged states to report the mentally ill for use in background checks.

**AT THE
FEDERAL
LEVEL**

But **OBAMA** did not mention that **anyone who was already habitually selling firearms at pawn shops, flea markets or gun shows is already licensed or already in violation of the law.** His **ibold actionsi** actually direct federal agencies to do better at **what theyire already supposed to be doing.**

SENATE MAJORITY LEADER MITCH MCCONNELL immediately condemned **OBAMA's** failure to enforce the law: **iIn the wake of the President's vow to 'politicize' shootings, itis hard to see today's announcement as being about more than politics. The President has overseen a dramatic drop in prosecutions related to the enforcement of gun laws already on the books, and his party recently voted once again to defeat a Senate measure to increase those prosecutions.i**

But Senator **MCCONNELL** had an even more stinging condemnation: "There is another point here as well. At a time when **the American people are looking to the Commander in Chief to provide real leadership in countering terrorist threats from ISIL and Al Qaeda,** what Americans seem to get instead are **lectures, distractions, and attempts to undermine their fundamental Second Amendment rights."**

HOUSE SPEAKER PAUL RYAN issued another immediate condemnation of **OBAMA's** new executive action: "From day one, **the president has never respected the right to safe and legal gun ownership that our nation has valued since its founding.** He knows full well that **the law already says that people who make their living selling firearms must be licensed, regardless of venue.** Still, rather than focus on criminals and terrorists, he goes after the most law-abiding of citizens. **His words and actions amount to a form of intimidation that undermines liberty.**

SPEAKER RYAN concluded, "No matter what **PRESIDENT OBAMA** says, **his word does not trump the Second Amendment.** We will conduct vigilant oversight. His executive order will no doubt be challenged in the courts. **We will not allow this strategy to take us off course from giving the American people a clear choice with a bold policy agenda."**

Fox News commentator **CHRIS STIREWALT** had some further thoughts that deserve careful attention, beginning with a puzzling question: **Is it possible that President Obama's executive actions on gun control can be both inconsequential and of lasting significance? His answer? iYou bet!i How?**

First, **OBAMA's** actions will not do much, if anything, to "spare families the pain and the extraordinary loss" from gun violence. However, if he wins through **legal and political battles to get congressional appropriations for his new rules** and gets broader power to regulate the sale of firearms by executive order, **ihe will have the power to regulate firearms the same way he can regulate the environment, banks and food, and this could lead to confiscations of the type that OBAMA has said might be necessary."**

--continued on Page 2

Also in this issue: ● **New York City bans toy guns** ● **SAF vows to appeal Seattle gun tax case** ● **Department of Homeland Security workers on terrorist watch list** ● **A DIFFERENT KIND OF CHRISTMAS TALE in our Page 8 Parting Shot.**

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It was also reported that just before the announcement, **PRESIDENT OBAMA** and his senior advisor **VALERIE JARRETT** met with former New York City Mayor and notorious anti-gun menace **MICHAEL BLOOMBERG** at the White House, possibly to discuss winning the kind of total presidential power over guns that *Fox News*'s commentator described.

"They discussed ways to keep guns out of the hands of those who should not have access to them and what more could be done at the state and local level to help address gun violence in America," said a White House statement.

BLOOMBERG has dedicated billions of his own personal fortune to press for gun control all across America. His efforts have been met with little success in achieving major anti-gun legislation, particularly in Congress.

According to the *Breitbart News*, in 2014, **BLOOMBERG** launched a \$50 million challenge to the National Rifle Association in the political midterm elections to combat the pro-gun organization's clout. In response, the group mocked his efforts and warned gun owners of his liberal gun-grabbing tactics.

Republicans gained control of Congress anyway.

But the Democrats have not been sleeping at the wheel. Two weeks before **OBAMA**'s announcement, Rep. **DAVID CICILLINE** (D-Rhode Island) and 123 other Democrat House members introduced the **Assault Weapons Ban of 2015**, a bill to ban the manufacture of most semi-automatic firearms, which has little chance of passing. It was virtually identical to California Democrat Sen. **DIANNE FEINSTEIN**'s 2013 bill, which failed.

The Hill reported that **CICILLINE**'s bill would **renew the assault weapons ban that was originally signed by former President BILL CLINTON** but expired more than a decade ago."

False and bad reporting. That **CLINTON** bill restricted certain types and features of semi-automatics, but left the manufacture and purchase of some semi-automatic firearms intact.

CICILLINE's bill would completely eradicate the **CLINTON** law, not renew it, and outlaw the manufacture and sale of most semi-automatic firearms. That's the fact.

Also, **HOUSE MINORITY LEADER NANCY PELOSI** (D-California) lost in her effort to eliminate a budget rider that blocks taxpayer money from going into the Center for Disease Control and Prevention's (CDC) research into **gun violence**.

The trillion-dollar spending bill for the next two years **keeps the amendment**, which **PELOSI** had told gun control groups was a priority in the budget talks.

Congress removed the CDC's **\$2.6 million budget** for research into this subject in 1997 because the CDC was openly biased against gun rights. CDC's research head **PATRICK O'CARROLL** stated in a 1989 issue of *The Journal of the American Medical Association*, **"We're going to systematically build a case that owning firearms causes deaths."**

CDC was not banned from doing the research, it just had to find the money elsewhere, which they did: CDC articles on firearms have held steady since the defunding.

OBAMA's executive actions don't all get sympathetic press. He has instructed the Social Security Administration to come up with ways to share details about people who cannot manage disability benefits because of mental health issues with the National Instant Criminal Background Check System (NICS).

OBAMA proposed lifting limits imposed by HIPAA – the law that protects confidential health information. The issue of reporting mental health information is the most controversial of **OBAMA**'s actions as far as health experts are concerned.

However, in all this conflict, let us keep in mind that **the leading contender for the Democratic Party's presidential nomination, HILLARY CLINTON**, is campaigning on the most anti-gun platform of any candidate in American presidential history.

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FOUR CALIFORNIA GUN REPORTS

1) Lt. Gov. Gavin Newsom's proposed gun-control initiative is gathering the nearly 366,000 signatures needed to place the measure on the November ballot. It would require most people to pass background checks to purchase ammunition. 2) Police in California may now confiscate firearms from gun owners thought to be a danger to themselves or others without giving the owner any notice, using "gun violence restraining orders" (GVRs). 3) Los Angeles County officials are considering toughening local gun regulations, including a possible requirement for gun owners to buy insurance, which would be similar to car insurance, making payments to offset the costs to victims and public agencies if the policy-holder's gun is used to injure or kill someone. 4) Pleasant Hill lifted gun dealer distance rules from massage parlors, adult businesses and other gun stores but left rules against locating near schools, day care centers, parks and other businesses.

IN THE STATES

TAMPA CITY COUNCIL MAY JOIN FAKE 'GUN SAFETY' PUSH

The Tampa City Council voted 6-0 for Tampa Police Department and city attorneys to look into joining Do Not Stand Idly By, a left-wing campaign that aims to use the purchasing power of local and federal government to lobby gun manufacturers to use "smart gun" technology and set tougher standards for gun dealers. The campaign is organized by the anti-gun Metro Industrial Areas Foundation, an offshoot of leftist Saul Alinsky's 1940 Chicago organization, now calling itself a "coalition of citizen and church groups."

MISSOURI LAWMAKER CONSIDERS LIABILITY INSURANCE FOR GUN-FREE BUSINESSES

Gun rights supporters argue that gun-free zones create places where criminals feel safer carrying out crimes and violence because it is less likely someone will have a gun to stop them. Agreeing, Representative Mike Moon (R-Ash Grove) believes owners of businesses in those zones bear some liability for their customers in the event of a crime. "Business owners within those gun-free zones really should have some responsibility if an individual patron is hurt in their business area. Why not require business owners in gun-free zones to hold enough liability insurance to cover injuries caused by a gunshot or gun wound or even a death?"

NEW JERSEY SENATE PASSES BILL REVISING 'SMART GUN' LAW

State lawmakers voted to roll back a stringent gun control measure, saying this rewrite of a 12-year-old law mandating the eventual exclusive sale of "smart guns" in New Jersey would help push manufacturers to get the technology onto store shelves. If it becomes law, the bill would require all firearms wholesalers and retailers in the state to offer at least one smart gun model for sale. Those outlets would also be allowed to sell all other legal models of handguns. A German company makes a .22-caliber smart gun that only fires if the user wears a watch with a radio signal, but nobody sells it. The bill now goes to the Assembly, which has no similar bill.

TOY GUNS BANNED IN NEW YORK

New York Attorney General Eric Schneiderman reached a settlement with 30 online toy gun retailers who sell their products through Amazon.com. Through Amazon, those retailers sold over 5,000 "imitation weapons" - toy guns that look real - in New York that are illegal because they did not meet state safety standards. In August, Schneiderman had announced an agreement with Amazon.com, Kmart, Sears, Wal-Mart and California-based ACTA for them to stop selling the imitation toy guns. They also had to pay a \$300,000 fine. The agreement requires the sellers to offer only toy guns that are colored entirely white or bright red, orange, yellow, green, blue, pink or purple. As if thugs can't steal dark paint.

VIRGINIA LAWMAKER WANTS TO DEFUND GOV. MCAULIFFE'S ARMED GUARDS

Republican state Sen. Charles W. Carrico Sr. has thrown down the gauntlet with Democratic Gov. Terry McAuliffe in a brewing battle over gun rights -- pushing to defund the governor's armed bodyguards unless he revokes an order that banned firearms in most state buildings. "It's easy for someone who is surrounded by armed state policemen to tell someone else they can't carry a weapon to protect themselves," said Carrico. "I may not have a lot of power, but I'm going to use the power I have to protect constitutional rights of individuals in my district."

APPEALS COURT: JUDGE DIDN'T HAVE POWER TO HEAR DC GUN CASE

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit has ruled that Judge Frederick J. Scullin Jr. overstepped his authority by ruling in the lawsuit over the District of Columbia's strict gun law. Scullin, a New York judge, was given authority to oversee a handful of cases in Washington. Those included one involving the city's gun law, but Scullin was not specifically given authority to oversee the follow-up case.

The case will now be re-assigned to a new judge so that the legal challenge can continue, said Alan Gura, a lawyer for the group challenging the law. The ruling will have no effect on the current state of gun laws in the city, Gura said, because Scullin's ruling halting the law's enforcement had been itself been put on hold by the appeals court. The city's law requires that to carry a gun a person must show a "good reason to fear injury to his or her person or property" or another "proper reason for carrying a pistol."

SAF VOWS APPEAL IN SEATTLE GUN TAX CASE

The Second Amendment Foundation promised an immediate appeal in its challenge to the City of Seattle's special tax on firearms and ammunition sales following a judge's ruling that the tax is legal, despite what appears to be a clear conflict with Washington's 32-year-old preemption statute. SAF was joined in the lawsuit by the National Rifle Association, National Shooting Sports Foundation, two local gun stores and two private citizens. They are fighting the city's so-called "gun violence tax" of \$25 per firearm and five cents per cartridge, which their attorneys contend is a violation of state law that puts sole authority over firearm regulation in the hands of the State Legislature.

**IN THE
COURTS**

"We are disappointed and strongly disagree with Judge Palmer Robinson's ruling, and we are confident that the State Court of Appeals will ultimately concur with our position," said SAF founder and Executive Vice President Alan Gottlieb. "SAF and NRA are very familiar with the state preemption statute because we teamed up once before against Seattle and beat the city soundly four years ago."

SUPREME COURT REFUSES TO HEAR CHALLENGE TO ASSAULT WEAPONS BAN

The Supreme Court has refused to hear the case of Friedman v. City of Highland Park, Illinois, a Second Amendment challenge to a Chicago suburb's ordinance that banned semiautomatic assault weapons and large-capacity magazines. The decision not to hear the case has no precedential force, but was nonetheless part of a series of signals from the Supreme Court giving at least tacit approval to even very strict gun control laws in states and localities that choose to enact them. "The justices don't reveal their reasons for denying review, but one thing is clear," said Adam Winkler, a law professor at the University of California, Los Angeles. "The justices certainly aren't eager to take up a Second Amendment case these days." In dissent, Justice Clarence Thomas, joined by Justice Antonin Scalia, accused the court of abdicating its responsibility to enforce the constitutional right to keep and bear arms. Justice Thomas wrote, "Roughly five million Americans own AR-style semiautomatic rifles."

DOCS LOSE AGAIN IN DOCS V GLOCKS CASE

In its third opinion in the same case, a majority of a three-judge panel has ruled that a state law prohibiting doctors from asking patients about gun ownership is valid. In earlier rulings, the U.S. Court of Appeals for the Eleventh Circuit held that the Florida Firearm Owners Privacy Act was a valid regulation of physicians' speech. It first said the law fell within the state's right to regulate licensed professionals. The second time the panel looked at the law, it upheld it under the First Amendment's intermediate scrutiny standard. This time around, the panel applied the First Amendment's strict scrutiny standard and said the provision passed constitutional muster. The physicians twice have sought en banc, or full court review, by the Eleventh Circuit, but have been preempted by the panel's decision to reconsider the issue. Anthony T. Caso, a professor at the Dale E. Fowler School of Law, said the panel noted that "the law fits well within the traditional authority of the states to define and regulate the practice of medicine."

LAWSUIT AGAINST 'MUSLIM FREE' GUN STORE THROWN OUT

A federal judge has decided to throw out a discrimination lawsuit against a gun store in Florida that declared itself to be a "Muslim free zone." The Council on American-Islamic Relations filed the complaint against Florida Gun Supply after store owner Andy Hallinan posted a video on YouTube calling Islam an "evil" religion and telling his "fellow patriots" that his gun store would be a "Muslim free zone" as a response to the shootings in Chattanooga. CAIR said in the complaint that Florida Gun Supply was depriving Muslims of their civil rights by barring them from the store. CAIR's goal in the filing the complaint was to get a judge to enact an injunction to prevent Florida Gun Supply from discriminating based on religion. U.S. District Judge Beth Bloom wrote in her ruling that CAIR failed to demonstrate that its members had actually been harmed by the "Muslim free" policy because none of its members had been denied access to Florida Gun Supply or its services.

IN THE COURTS

MAN WHO FOUGHT OFF INTRUDER COULD FACE EVICTION FOR GUN

A retired Maine lobsterman who fought off an intruder -- shooting him with a gun he bought less than a day earlier for protection against intruders -- now is fighting his landlord, who is warning he could face eviction for possession of the weapon. Lawyers for landlord Park Place and the management company responded to the lawsuit, asking a state judge to throw out the case. The lawyers argued that simple notification to Lembo that he could face an eviction if he did not follow house rules was insufficient to trigger the protection under the Second Amendment. "Threatening to evict Mr. Lembo for defending himself clearly violates his constitutional rights," NRA Maine State Liaison John Hohenwarter said after Lembo sued.

"Self-defense is a fundamental, God-given right that belongs to every law-abiding American -- no matter their tax bracket, zip code or street address. Furthermore, Article 1 Section 16 of the Maine Constitution echoes this sentiment by stating: 'Every citizen has a right to keep and bear arms and this right shall never be questioned.'"

ARE BB GUNS FIREARMS? MINNESOTA SUPREME COURT TO DECIDE

The Minnesota Supreme Court has agreed to review the case of a convicted felon sentenced to five years in prison for possessing a BB gun. David Lee Haywood was charged in Ramsey County in 2013 with possession of a firearm by an ineligible person. He was convicted after the judge told the jury a BB gun counts as a firearm. The Minnesota Court of Appeals upheld his conviction, saying appellate courts have consistently included BB guns in the definition of firearms. The Minnesota Supreme Court will now consider the issue. Court papers say Haywood, 37, was caught with a BB gun that looks like a Walther P99 pistol. Haywood was deemed ineligible to possess a firearm because of a 2005 drug conviction. Haywood argued in his appeal that a BB gun shouldn't be considered a firearm under the ineligible-person law because the statute does not define the term. A 1977 Supreme Court ruling stated, "We think that term should be defined broadly to include guns using newer types of projectile propellants and should not be restricted to guns using gunpowder."

CONGRESSMEN FILE AMICUS BRIEF AGAINST STATE DEPARTMENT IN 3D PRINTED GUN SUIT

In the case of *Defense Distributed v. U.S. Department of State*, the Obama administration is citing the International Traffic in Arms Regulations (ITAR) in an effort to curb Defense Distributed's effort to publicly post online blueprints of 3D printable firearms. Congressmen filed the brief in support of plaintiffs.

The congressional brief aids the case of Defense Distributed and the Second Amendment Foundation. Rep. Thomas Massie (R-Ky.) said in defense of the weapons technology company: "it could have dramatic implications for free speech on the Internet. We expect the Court to recognize that the State Department exceeded the authority granted by Congress and violated the First, Second, and Fifth Amendments to the Constitution." Following an injunction by Defense Distributed and its partner, the Second Amendment Foundation, the summer of 2015 was one long legal battle. Defense Distributed rose to prominence in 2013, when its creator, Cody Wilson, invented the world's first 3D printable handgun.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Portsmouth, New Hampshire:** Astronaut Capt. Mark Kelly and his wife, former Congresswoman Gabby Giffords were in Concord and Portsmouth to announce their new group, the Granite State Coalition for Common Sense. The group urges New Hampshire lawmakers to advance policies that can prevent gun tragedies while protecting the rights of law-abiding Americans to own and use firearms, a press release stated. The coalition's members include leaders from across sectors and parties, as well as gun owners. Kelly said closing loopholes that let felons and domestic abusers in New Hampshire buy a gun without a criminal background check is one of the new coalitions' biggest priorities.

● **Washington, D.C.:** Remarkably, Alan Bersin, DHS's Assistant Secretary for International Affairs, Chief Officer for the Office of Policy, testified before the House Oversight Committee on how to better track and vet foreign nationals entering the United States who might be national security risks. When Rep. Blake Farenthold (R-TX) asked about whether no-fly lists would be appropriate to curb a U.S. citizen's right to firearms, Bersin said he didn't believe that it would be proper.

● **Knoxville, Tennessee:** Dr. Patrick Stephen Hackett is a veterinarian, and a lifelong resident of the Knoxville-Oak Ridge area, is on the no-fly list because he shares the same name as notorious Irish Republican Army terrorist Patrick Joseph Hackett, who was jailed in the 1970s for planting bombs in Britain. Since learning he was on the list, Hackett has been denied boarding on planes and even spent time in a foreign jail. He says that's why he worries about the recent proposal by President Barack Obama to prevent those on the Transportation Security Administration's no-fly list from purchasing guns. His Congressman, U.S. Rep. John J. Duncan Jr. is trying to help, but said, "Unfortunately, the no-fly list has run amok and is vastly overbroad. Even the late (U.S. Sen.) Ted Kennedy ended up on a watch list in 2004. This effort to turn the no-fly list into a no-gun list is just a political gimmick that is being used by the far left to try to impose gun control on law-abiding Americans following the recent mass shooting in San Bernardino, California."

● **Placerville, California:** God-fearing and gun-toting, a group of ministers and church security personnel training in California's Sierra foothills were invited to the gun range in Placerville by gun safety instructor Geof Peabody. Peabody offers the class free to members of any church, reports CBS News correspondent John Blackstone. He said he has trained more than 500 people in the last eight years. His graduates qualify to carry concealed weapons, and many do so in church. "Does it seem to go against the sanctity of the church in any way to bring a gun into church?" Blackstone asked. "Not at all, not at all," said Bruce Shoff, who serves on a security team at his church. "The Bible tells us to be our brother's protector...it's just another tool."

● **Columbus, Ohio:** Liberals across the country are challenging fellow Democrats on guns in primaries, opening up divisions within the party on one of the most volatile issues of 2016. In the Ohio Senate primary, a young city councilman is attacking former Gov. Ted Strickland, a popular Democrat who once touted National Rifle Association support. "It's now a wedge issue, not just between Democrats and Republicans, but between Democrats, over who can be the strongest on this issue," said Shannon Watts, the founder of Moms Demand Action for Gun Sense in America, a front group of former New York Mayor Michael Bloomberg.

● **New York City:** Muslim women across Canada and the U.S. are flocking to classes for self defense amid a rise in anti-Muslim rhetoric. The entrepreneurs behind The Demureist and Amirah Couture Inc., companies for modest fashion, recently joined forces to offer self-defense classes specifically for Muslim women in New York City because of "numerous and unfortunate attacks both verbally and physical on Muslim women." The weekend classes were particularly popular, and women in New Jersey even told the fashionistas they are seeking a self-defense course locally.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Washington, D.C.:** The Washington Post (WaPo) said a New York Times (NYT) front page editorial calling for gun confiscation is hurting the gun control cause. The NYT editorial is written around President Obama's ongoing narrative against "weapons of war," i.e., "assault weapons," which were two of the four weapons Syed Farook and Tashfeen Malik used in their San Bernardino terror attack. It is the first time in nearly a century that the NYT has run an editorial on the front page, and they came out with guns blazing. According to the NYT, it is "time to end the gun epidemic in America." And part of doing this means outlawing and confiscating "weapons of war." But the WaPo suggests the NYT has gone too far this time by confirming every gun owner's worst fear - namely, that all the talk about gun safety and reducing gun violence is just a sham, and the real agenda of the gun control movement is total confiscation.

● **San Bernardino, California:** After the assault by a heavily armed husband and wife that killed 14 people and wounded 21 in San Bernardino, California gun sales spiked big. People were saying, "If we all had guns, instead of 14 victims, there would have been zero, except for those two (attackers)." Gun sales have spiked after previous mass shootings, as reflected in Federal Bureau of Investigation data on background checks for people seeking to purchase guns. The week the agency performed the most background checks since 1998 came immediately after the December 2012 school shooting in Newtown, Connecticut, that killed 27 people. Potential gun buyers that week numbered 953,600. Gun sales were already on the rise this year. On Black Friday, the popular shopping day on Nov. 27 after the U.S. Thanksgiving Day holiday, a total of 185,345 applicants were processed through the FBI's National Instant Criminal Background Check System, a 5.5 percent increase from the year before.

● **New York City:** Mayor Bill de Blasio urged the city's pension funds to divest their holdings in stocks of gun makers after the mass shooting in San Bernardino, California. Two of the funds in the city's \$155 billion pension system dropped their holdings in gun manufacturers such as Smith & Wesson Holding Corp. and Sturm Ruger & Co, Inc. after the Sandy Hook school shooting in 2012. Those two funds were the New York City Employees Retirement System and the New York City Teachers Retirement System. Funds for the city's police and fire departments and the city's board of education have not divested. "I call on all government pension funds in New York City and across the country to divest immediately from funds that include assault weapon manufacturers," de Blasio said in a statement.

● **Bellevue, Washington:** The one-year anniversary of the implementation of Washington state's Initiative 594, a gun control and registration measure disguised as a "universal background check," has shown it to be an absolute failure in crime prevention, according to the Citizens Committee for the Right to Keep and Bear Arms. In a blistering news release, CCRKBA Chairman Alan Gottlieb, who helped spearhead the opposition to I-594, noted, "Despite public records requests to agencies around the state, we can find no record of any enforcement of this new law. But has the law prevented guns from falling into the wrong hands? Not according to Gottlieb: "The law didn't prevent a 15-year-old in Snohomish County from buying what may have been a stolen gun that he mishandled to accidentally shoot his younger brother," Gottlieb said. "It didn't prevent the July murder of Donnie Chin in Seattle's International District. It didn't keep a gun out of the hands of a known teenage gang member who is now facing charges relating to an August shooting in which the victim was walking with his son in Seattle."

● **Washington, D.C.:** The Department of Homeland Security is supposed to protect us from terrorists but it's full of terrorists, says the watch list. Rep. Stephen Lynch (D., Mass.) disclosed that a congressional investigation recently found that many people working at DHS also "were on the terrorist watch list." The Inspector General found 72 individuals working at DHS on the terrorist watch list, for real or by mistake. The DHS director resigned over the colossal mess.

Parting Shot

A DIFFERENT KIND OF CHRISTMAS TALE

Shortly before 2:10 p.m. on Christmas day last month, four young thugs drove up to a liquor store on S. Rancho Ave. in San Bernardino, California. Two masked robbers jumped out of the getaway car, one armed with a black handgun that was later determined to be an airgun, and the duo ran into the liquor store, brandished the gun and demanded money from the clerks.

The two clerks saw the gun, and "fearing for their lives, armed themselves and shot" the suspect with pistols they had stashed under the counter, San Bernardino police Lt. Richard Lawhead said later. He said it is not against the law for a storekeeper to stow a gun, adding the shooters were "legally permitted" to carry weapons.

The two masked suspects fled the scene with the two accomplices in the getaway car and were caught by Colton police a short distance away. The injured suspect was hit multiple times. He was taken to Arrowhead Regional Medical Center, where he "was not expected to recover from his wounds," a release stated.

All four juvenile suspects were booked on suspicion of armed robbery. Their names were withheld because they are minors.

Jason Klein of Newark, Ohio, had a large family staying for Christmas, six children and two grandchildren, "so lots of kids, lots of presents," he said.

He was lying in bed that night when a noise jolted him awake just before 4 a.m. "I just saw somebody quickly dart toward our back window," Klein said. "The first thing I thought about was protecting my family."

Klein acted without thinking. He grabbed the gun he keeps above his bed with his heart pounding and opened up his sliding door.

"When I first got his attention, he came at me, came at the door and said 'you ain't gonna shoot me' and I said 'I will shoot you' and I put the sight right on his head," Klein said. The man had a direct line of sight to the Christmas tree. "I think he could see right through and everything is lit up," Klein. "He said 'I picked the wrong house to do this.'"

Klein kept the gun trained on the would-be burglar until deputies got on scene. Then he realized something: "I was standing there wearing nothing but my .40 caliber."

He was naked and armed. Klein didn't take the time to put on clothes before jumping into action.

Sheriff's deputies arrested the suspect. He is currently in jail.

Alan M. Gottlieb

Joseph D. Tartaro

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