

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 258

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Dear Subscriber,

The OBAMA Administration's Social Security Administration has announced the details of a new rule that would bar many receiving federal disability payments from owning firearms. The proposed rule is part of President OBAMA's push to tighten gun laws while bypassing Congress.

News of the plan to add some Social Security recipients to the National Instant Criminal Background Check System, or NICS, was first uncovered by the Los Angeles Times last summer and has faced fierce opposition from gun rights groups ever since.

President OBAMA announced in January that he was officially ordering the Social Security Administration to start the process for implementing the rule.

Though Social Security's rule limits the scope of those banned from owning firearms compared to the VA it would still potentially target tens or hundreds of thousands of Americans that could be affected.

A South Carolina Senate subcommittee has passed a bill to protect the right to own guns from any federal attempts to register them or confiscate either guns or some types of ammunition. The "Second Amendment Preservation Act" passed by a vote of 11 to 8. It says South Carolina would not spend any state money to enforce a federal law or presidential order passed after January 1, 2016 that would limit a person's right to own a gun, require that a gun be registered or confiscated, or limit types of legal ammunition or accessories.

Sen. BRAD HUTTO, D-Orangeburg, chairman of the subcommittee that passed the bill, said he voted against it. He told fellow senators, "This is not a nullification bill, but says that this state will not enforce federal laws. I just don't know that we have the authority to tell the federal government we're not going to enforce what are the laws of the land. Critics say the bill is likely unconstitutional, and they will block it on the Senate floor.

The Constitutional Concealed Carry Reciprocity Act of 2015 (HR 923) is sponsored by Representative MARLIN STUTZMAN (R-IN) and now has more than 80 cosponsors in the House of Representatives, although it faces possible veto.

This "National Reciprocity Bill," HR 923 would make concealed carry permits from any state valid in all 50 states, similar to driver's licenses. This would remove the confusing current scenario where a concealed carry license from Kentucky is valid in Indiana, but not in California, or the scenario where a license from Texas is valid in Idaho, but not in Oregon or Washington state. HR 923 also protects permitless carry provisions by ensuring that a resident from a permitless carry state may also carry without a permit while traveling in any other state.

The U.S. House Appropriations Committee has passed the Fiscal Year 2017 Commerce, Justice, Science (CJS) appropriations bill. This legislation provides \$1.3 billion to fund ATF, \$18 million above the FY 2016 enacted level, and makes permanent four legislative provisions to protect citizens' Second Amendment rights: import applications on shotguns for sporting purposes, importation of "curios and relics" firearms, export of firearms to Canada and a prohibition on so called "gun-walking" as in the ill-conceived and disastrous "Fast and Furious" operation.

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Also in this issue: ● Arizona passes two pro-gun rights laws ● New Jersey Governor Christie vetoes gun control bill again ● Katie Couric gets spotlight for deceptive film ● Do not underestimate the disadvantaged in our Page 8 Parting Shot.

**AT THE
FEDERAL
LEVEL**

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For years, Sen. **CHUCK GRASSLEY** (R-IA) has shown strong leadership in opposing the Department of Veterans Affairs' (VA) scandalous practice of reporting to the FBI's National Instant Criminal Background Check System (NICS) any VA beneficiary who has had a "fiduciary" appointed to help the individual manage his or her benefits.

GRASSLEY tried to offer an amendment to the Military Construction and Veterans Affairs Appropriations Bill that would prevent such reporting without an adjudication of dangerousness. Incredibly, anti-gun Democrats, lead by Illinois Senator **DICK DURBIN**, blocked consideration of the amendment, arguing it was better to over-report those who pose no danger rather than risk not reporting someone who was mentally ill. **DURBIN** acknowledged that the current VA system likely leads to over-reporting.

But **DURBIN** called Grassley's amendment "dangerous," a Congressional Quarterly article noted, because of his own estimate that some 8% of the 177,000 people VA has reported had been diagnosed with "serious mental illness." This prompted Sen. **GRASSLEY** to retort, "Shame on you," before yielding the floor.

The Brady Campaign, frustrated with what they perceived as Sen. **CHARLES SCHUMER**'s (D-N.Y.) recent lack of effort on gun control, issued a statement complaining, "Last fall, Senator **SCHUMER** promised he would bring a bill to expand Brady background checks."

Brady Campaign President **DAN GROSS** whined to reporters that "Senator **SCHUMER** has not yet delivered on that promise." Shortly after Brady Campaign's tantrum, **SCHUMER** introduced S.2934, or the Fix Gun Checks Act of 2016. Schumer had been saving the legislation for the "right strategic moment."

Brady Campaign's decision to target **SCHUMER**, who has continuously proved himself a dedicated enemy of gun owners, drew rebukes from others in the anti-gun community. A Washington Post article, titled, "Why did a leading gun-control group just go after one of its own?," noted, "calling out an ally in such a public fashion struck many in the gun-control world as awkward, at best, and harmful to their cause, at worst."

The gun control groups who rushed to **SCHUMER**'s defense included Michael Bloomberg's Everytown. As for Schumer's legislation, the bill is a rehash of previous versions of his Fix Gun Checks Act.

Vice-president Joe Biden admitted defeat on passing stricter gun laws at the federal level, telling local leaders: "We're probably not going to get much more done in the next nine months." But he urged state and local politicians to continue fighting.

"Don't quit on this," he said at a meeting in Washington of local politicians from 48 states. Biden urged them to **reset the table for the next president** "to be able to get some of this done".

Gun violence is ravaging our communities, Biden said in a livestreamed address. "Of all the civilized countries in the world, this is an exception. It doesn't have to be this way."

Just because we have not been able to get it done nationally, with this Congress, does not mean that you cannot change a lot of the parameters of these issues at home, he said.

"Whether you like it or not, there is a Second Amendment. It is real. It exists. It must be upheld," Biden said. Americans own roughly 300 million guns. Biden told local leaders that the White House would keep attention on the issue, even if little action was possible on the federal level.

We're going to keep beating the drum, he said.

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Publishers: Alan M. Gottlieb and Joseph P. Tartaro

Editor: Ron Arnold

Subscriptions: Jessica Brown

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TWO PRO-GUN RIGHTS BILLS SIGNED IN ARIZONA

The enactment of SB 1266 and HB 2338 into law was a victory for Arizona gun owners. Improving firearm preemption laws throughout the state, SB 1266 not only voids unlawful regulations but also provides penalties for municipalities that knowingly and willfully violate the statute. HB 2338 allows individuals to lawfully carry firearms in their vehicles or person on any public right-of-way. Clarifying the state's preemption laws guarantees that every Arizonan will be held to the same standards whether they live in Tempe or Tucson. The two bills won support throughout the Arizona State Legislature despite attempts by former New York City Mayor Michael Bloomberg's out of state gun-control groups to derail them with outlandish claims of gloom and doom. The Governor also signed legislation prohibiting the state from levying fees on firearm transfers between two private parties.

CALIFORNIA ASSEMBLY PASSES GUN CONTROL BILLS

IN THE STATES

The California Assembly passed a package of gun control bills, including a measure to ban so-called bullet buttons which allow quick changes in the magazine of a military-style weapon. The bills, which lawmakers are pushing the Senate to consider, are among several gun control measures that leaders of both houses want to pass in advance of a gun control referendum headed for the November ballot. Also passed was a bill to allow employers, co-workers, mental health workers and school employees to ask a judge to ban someone from possessing a gun for up to a year. The state already allows family members to seek such a ban, known as a gun violence restraining order, against relatives whom a judge rules are at high risk of committing violence against themselves or others with a firearm. A spokesman for the Firearms Policy Coalition was not immediately available for comment to the media.

CONNECTICUT LEGISLATURE PASSES BILL PROTECTING VICTIMS OF DOMESTIC VIOLENCE

Victims of domestic violence in Connecticut will receive additional protections with the passing of a bill aimed at prohibiting those who are subject to a temporary restraining order from possessing firearms, thus eliminating a critical window of time during which a victim's life could be at risk. The bill heads to the governor's desk in the coming days for his signature before it becomes state law. The bill passed in the Connecticut General Assembly -- the latest action to strengthening gun laws following the 2012 shooting at Sandy Hook Elementary School in Newtown, Connecticut. Gov. Daniel Malloy, who introduced the bill in February this year, said the bill is vital for the safety of domestic violence victims. Only permanent restraining orders prohibit firearm possession. Temporary orders can take weeks to be ruled permanent, leaving a victim's life at risk.

GEORGIA GOVERNOR VETOES "CAMPUS-CARRY" CONCEALED GUN BILL

Georgia's Republican governor vetoed a bill Tuesday allowing concealed handguns on college campuses, rejecting the proposal that had been easily approved by a legislature controlled by his own party in an election year. The bill would have allowed anyone 21 and over to carry a concealed handgun with the proper permit on a public college or university campus. The veto decision came weeks after Gov. Nathan Deal rejected a bill shielding opponents of gay marriage. That measure was backed by conservative groups but blasted by more than 500 Georgia companies as discriminatory. Deal had until midnight to either sign, veto or do nothing on the bill. If he had elected to do nothing, the bill would have automatically become law. Deal said, "I don't walk away from bills, I either veto them or sign them."

HAWAII COULD BE FIRST TO PUT GUN OWNERS IN FEDERAL DATABASE

Hawaii could become the first state in the United States to enter gun owners into an FBI database that will automatically notify police if an island resident is arrested anywhere else in the country. Most people entered in the "Rap Back" database elsewhere in the U.S. are those in "positions of trust," such as school teachers and bus drivers, said Stephen Fischer of the FBI's Criminal Justice Information Services Division. Hawaii could be the first state to add gun owners. "I don't like the idea of us being entered into a database. It basically tells us that they know where the guns are, they can go grab them" said Jerry Ilo, a firearm and hunting instructor for the state. "We get the feeling that Big Brother is watching us."

KANSAS GOVERNOR WIDENS RIGHT OF PUBLIC EMPLOYEES TO CARRY CONCEALED FIREARMS

Firefighters, code inspectors, tax auditors and other public employees in Kansas will no longer be prohibited from carrying concealed handguns while engaged in workplace duties in the community, officials said. Gov. Sam Brownback signed into law House Bill 2502 to broaden rights of public employees to possess hidden firearms while at work. Previous law enabled personnel to carry concealed, but limited their ability to take firearms in government vehicles or out in public. The law approved by Brownback will block city, county and state government entities from imposing personnel policies impeding the carrying of concealed weapons. The 2016 Legislature inserted a definition of public employer in the bill specifically exempting public school districts. The House voted 93-27 for the bundle of legislation of gun-related topics, while the Senate adopted the measure 32-6. Rep. Annie Tietze, D-Topeka, objected to a lack of law enforcement training.

MISSOURI LAWMAKERS PASS GUN BILLS AT 11TH HOUR

Missouri lawmakers concluded their annual session after sending Gov. Jay Nixon a bill that enacts a "stand-your-ground" right and expands gun rights to allow Missourians to carry concealed weapons without a permit. Under the measure, most people could carry concealed guns, even if they haven't gone through the training now required to get a permit. The legislation also expands the state's "castle doctrine" by allowing invited guests such as baby sitters to use deadly force against intruders. And it would create a "stand-your-ground" right, meaning people would have no duty to retreat from danger in any place they are legally entitled to be present. Republican supporters described it as a reasonable approach to personal safety, while many Democrats decried it.

IN THE STATES

NEW HAMPSHIRE GOVERNOR VETOES CONCEALED CARRY GUN BILL FOR SECOND TIME

The New Hampshire House has voted for a proposal allowing concealed-carry permits holders and as expected, Gov. Maggie Hassan vetoed House Bill 582, which would do away with the requirement to have a concealed weapon permit. She vetoed a similar bill last year, and like last year, the House and Senate lack the necessary two-thirds majority to override the veto. "As I said when I vetoed nearly identical legislation last year, New Hampshire's current concealed carry permitting law has worked well for nearly a century – safeguarding the Second Amendment rights of our citizens while helping to keep the Granite State one of the safest states in the nation," Hassan wrote in her veto message. "It is a permitting system that gives an important oversight role to local law enforcement while ensuring that an appeal process is in place if a permit is denied."

NEW JERSEY GOVERNOR CHRISTIE VETOES GUN CONTROL BILL AGAIN

Gov. Chris Christie again conditionally vetoed a bill requiring domestic violence offenders to surrender firearms, saying current law already covers the issue. The Republican governor said in a veto message that the bill would place "redundant restrictions on firearms ownership while ignoring the larger problem of domestic violence." Current law requires officers to seize a person's weapons when there is probable cause to believe the person has committed domestic violence, said Christie, who vetoed a version of the bill last year. Backers say the bill would establish a formal process for the surrender of firearms and enable courts to hold offenders accountable for failing to turn over guns.

TENNESSEE CAMPUS CARRY BECOMES LAW WITHOUT GOVERNOR HASLAM SIGNATURE

A bill allowing staff and faculty at Tennessee's public colleges and universities to be armed on campus became law without the Republican governor's signature. Gov. Bill Haslam said in a statement that he disagreed with the bill for not allowing institutions "to make their own decisions regarding security issues on campus." But the governor acknowledged that the final version of the measure had addressed concerns raised by college administrators during the legislative process by including provisions protecting schools from liability and a requirement to notify law enforcement about who is armed on campus. "Ultimately, this legislation was tailored to apply to certain employees in specific situations," Haslam said. Bans remain for stadiums while school-sponsored events are in progress.

COURT RULES RIGHT TO BUY, SELL GUNS PROTECTED BY SECOND AMENDMENT

A three-judge panel for the U.S. Ninth Circuit Court of Appeals has issued a 2-1 ruling that "the right to purchase and sell firearms is part and parcel of the historically recognized right to keep and bear arms" protected by the Second Amendment in a case brought by the Second Amendment Foundation. An amicus brief was filed by noted attorney Alan Gura for the Citizens Committee for the Right to Keep and Bear Arms. "This is an important decision," said SAF founder and CCRKBA Chairman Alan Gottlieb. "It remands the case back to the lower court for compliance."

U.S. JUDGE STRIKES DOWN D.C. CONCEALED-CARRY GUN LAW AS LIKELY UNCONSTITUTIONAL

A federal judge has ruled that a key provision of the District's new gun law is probably unconstitutional, ordering D.C. police to stop requiring individuals to show "good reason" to obtain a permit to carry a firearm on the streets of the nation's capital. U.S. District Judge Richard J. Leon found that the law violates the "core right of self-defense" granted in the Second Amendment, setting aside arguments from District officials that the regulation is needed to prevent crime and protect the public.

IN THE COURTS

APPEALS COURT DEALS BLOW TO MARYLAND GUN CONTROL LAW

A federal appeals court dealt a potentially serious blow to Maryland's landmark gun control law, ruling that a lower court was wrong when it upheld the state's ban on assault rifles. A three-judge panel of the U.S. Court of Appeals for the 4th Circuit concluded that the semiautomatic weapons and high-capacity magazines banned by Maryland's Firearm Safety Act "are in common use by law-abiding citizens." As a result, they don't fall under the exception to the right to bear arms that applies to "unusual" weapons such as machine guns and hand grenades, the court said.

GUN RIGHTS GROUP WINS GEORGIA SUPREME COURT BATTLE WITH BOTANICAL GARDEN

The Georgia Supreme Court has ruled in favor of a gun rights advocacy group representing a member who is seeking to carry his pistol into the Atlanta Botanical Garden. In a unanimous decision written by Justice Carol Hunstein, the high court reversed part of a Fulton County judge's decision favoring the garden's weapons ban and remanded the case to the lower court. GeorgiaCarry.org sued the garden for preventing visitors holding weapons licenses from taking their guns with them. The high court's decision means the lawsuit can proceed.

PRO-GUN STUDENTS WIN: COLLEGE FORCED TO SETTLE LAWSUIT FOR \$50,000

Last February, Nicole Sanders and other students waved signs of "Defend Gun Rights" at Blinn College in Texas to advertise their Young Americans for Liberty group and were told to stop by campus officials. The Foundation for Individual Rights in Education's Stand Up for Speech Litigation Project took the case and filed a lawsuit for Sanders against college officials in the U.S. District Court in Austin alleging that "Blinn College unconstitutionally restricts the free expression of its students." Blinn settled and will pay \$50,000 and revise its policies.

CALIFORNIA COURT: GUN IN BACKPACK NO DIFFERENT FROM GUN IN POCKET

Carrying a loaded gun in a backpack strapped to the body is no different from carrying it in the clothes a person is wearing, and a state law makes both illegal in public, the California Supreme Court has ruled. The court's unanimous ruling came in a case that asked it to clarify the state law, which makes it a crime to carry a loaded firearm on one's person in public. The court said there was no distinction between a backpack, a fanny pack or other container on the body and clothing that is being worn.

COURT HANDS GUN PERMIT HOLDERS WIN IN PRIVACY VIOLATION SUIT

A three-judge Pennsylvania Commonwealth Court panel said a county judge in Chambersburg should not have thrown out the complaint by three men and a woman who argue the sheriff shouldn't be sending notices about their permits by postcards without envelopes to inform people about approvals, denials, revocations and renewals. The decision says the confidentiality provisions in the Uniform Firearms Act allow concealed carry license applicants' information to be disclosed only to courts or criminal justice agencies. The lawyer for the licensees says violations carry civil damages of \$1,000 per occurrence, plus legal fees.

GUN RIGHTS ADVOCATES SUE TO USE STATE ASSEMBLY VIDEO IN INITIATIVE CAMPAIGN

Opponents of California Lieutenant Governor Gavin Newsom's gun control ballot initiative were banned from using footage of the state legislature's public video feed in a campaign ad against the initiative. A law prohibits using the feed "for any political or commercial purpose, including any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors." Filmmakers and activists filed a First Amendment lawsuit challenging the ban, asking for a restraining order against the law.

WISCONSIN CARRY FUNDED CASE WINS ON APPEAL

Mark Hoffman of Somerset, Wisconsin was arrested for open carrying in a park and charged with obstructing a police officer and loitering. A court found him guilty on the loitering charge. Wisconsin Carry funded an appeal for Hoffman. The appellate court found the only reason Mark was cited was because of open carry of a firearm and that Wisconsin's preemption statute prohibits one from being convicted of loitering if the sole cause of alarm is carrying a firearm without evidence of criminal or malicious intent.

**IN THE
COURTS**

FEDERAL JUDGE UPHOLDS TOWN'S "NEED" RULE FOR CONCEALED CARRY

A federal judge ruled that the Town of Bristol's concealed weapon permitting policy requiring applicants to show a true safety need does not infringe on a resident's Second Amendment rights. In ruling, U.S. District Court Judge John J. McConnell Jr. struck down Gendreau's arguments under the U.S. Constitution, but declined to take up the state law claims as the matter has already been decided by the state Supreme Court. The case has gotten financial support from the Citizens' Rights Action League and the Rhode Island Firearm Owners' League.

JUDGE SIDES WITH FLORIDA STATE UNIVERSITY IN 'GAME DAY' GUN DISPUTE

Florida State University won't have to pay damages to a gun-rights group for incorrect information about firearms published in a 2015 football "game day" guide. Leon County Circuit Judge Charles Dodson ruled Tuesday that the issue became "moot" because the university corrected the information shortly after receiving the complaint in September. The initial "game day" guide incorrectly included a prohibition on guns being stowed in cars. Dodson also ruled that the school's Student Code of Conduct is correct to list stun guns as prohibited on campus.

MACHINE GUN BAN UPHELD BY FEDERAL APPEALS COURT

A federal appeals court agreed that the Second Amendment doesn't allow U.S. citizens to own machine guns, rejecting once again a claim brought by a Pennsylvania man who unsuccessfully attempted to acquire a military-style firearm by registering it through his family trust. Ryan Watson first sued the U.S. government in 2014 after his application for a M-16-style machine gun was accidentally approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives before being rescinded one month later. Mr. Watson had filed the application with the ATF through the Watson Family Gun trust and argued in his subsequent lawsuit that existing laws say nothing prohibiting "unincorporated trusts" from acquiring machine guns that are otherwise barred for civilian use under the federal Gun Control Act. Contrary to Mr. Watson's claims, the appeals panel said no existing law can be construed to allow private citizens to possess machine guns by registering the weapons through a trust.

JUDGE BACKS ROCKLAND LANDLORD THAT THREATENED TO EVICT GUN-OWNING TENANT

A Rockland man's civil rights were not violated when the landlord of his subsidized apartment told him to give up his gun or face eviction after he shot an intruder, a Knox County judge ruled. Harvey Lembo, a 68-year-old retired and disabled lobsterman living in Rockland, shot Christopher Wildhaber after midnight Sept. 1. Lembo had bought the pistol less than 24 hours earlier after several break-ins at his apartment. Lembo's suit, filed in November 2015, claimed that his landlord's threat to evict him through the courts violated his Second Amendment right to keep and bear arms, and violated the Maine Civil Rights Act. Lembo, who uses a wheelchair, had argued that he needed the gun to protect himself after his home was burglarized multiple times in recent years. But Justice William Stokes found that Lembo's claims failed to meet the basic standard that would give him grounds for the case to move forward.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **New York City:** This month, the G-T Report focuses on New York City as Gun Control Central, the capital of liberal gun control politicians, propagandists and not-so-honest media makers.

● **New York City:** MSNBC anchor Rachel Maddow, an admitted gun control advocate, shocked her fellow liberals when she told CBS News' Rita Braver that she thinks "shooting is fun." Braver accompanied Maddow to a gun range, where she watched Maddow shoot a few rounds. **Maddow:** "This is a beautiful gun." **Braver:** "So maybe you wouldn't expect the woman wielding the Colt .45 pistol or the AR-15 rifle to be unabashedly left-leaning Rachel Maddow." **Maddow:** "Like, I'm a real liberal, even on, like, gun safety and gun control issues. That said, I think that shooting is fun, and I think that shooting ranges are an excellent place to both learn about guns and to freak your friends out!" We see, Rachel. Guns good for me but not for you. That's liberal-think.

● **New York City:** Here's a choice example of how honest and direct television news people can be: After host Stephen Colbert on CBS' "The Late Show" stated that Yahoo News Global Anchor Katie Couric's documentary "Under the Gun" is "about gun control and the NRA," Couric said, "Yeah, we try to say, 'gun safety.' Yeah, gun safety and gun violence prevention, because gun control, I think, makes people freak out." She's worried about people freaking out over clear language but not over hiding her real meaning.

● **New York City:** Couric again! She is an executive producer of "Under the Gun," and also acts as an interviewer in the Epix documentary. In a key scene, the audience watched her at a gathering of the Virginia Citizens Defense League, a staunch pro-gun group, where she is heard asking this question: "If there are no background checks for gun purchasers, how do you prevent felons or terrorist from walking into, say, a licensed gun dealer and purchasing a gun?" The documentary shows the group members quietly looking at Couric, each other and toward the ground, as if no one has an answer to the question. Silence goes on for about nine seconds. That caused a huge uproar among gun owners who watched. "Fake! Trick edit! Fraud! Lies" they yelled. Director Stephanie Soechtig was alarmed and said "I never intended to make anyone look bad and I apologize if anyone felt that way." Lame. That didn't convince anybody.

● **New York City:** Couric again and again! Raw audio of the interview between Katie Couric and the activists provided to the Washington Free Beacon shows the scene was deceptively edited. Instead of silence, Couric's question is met immediately with answers from the activists. A back and forth between a number of the league's members and Couric over the issue of background checks proceeds for more than four minutes after the original question is asked. The Virginia Citizens Defense League labeled the deceptively edited segment featured in the film "unbelievable and unprofessional." Philip Van Cleave, the organization's president, said the edit was done deliberately to make it appear that league members didn't have a response to Couric's question. Director Soechtig did the editing and said, "My intention was to provide a pause for the viewer to have a moment to consider this important question before presenting the facts on Americans' opinions on background checks." Sure it was.

● **Washington, D.C:** The Secret Service will perform background checks on all journalists who plan to attend the Democrat or Republicans conventions. In short, this means journalists will now have to undergo government scrutiny of their mental and criminal backgrounds before being able to exercise their First Amendment rights. Journalists who don't pass muster—in what several complain is an inscrutable security screening process for which there are no plainly established criteria, and from which there is no appeal—will be denied credentials to cover the GOP's July 18-21 conclave in Cleveland, at which reality show billionaire Donald Trump is expected to be nominated, and the Democrats' July 25-28 meeting in Philadelphia, at which former New York senator and secretary of state Hillary Clinton will likely be named the standard-bearer. One reporter whined, "I personally think it's the government deciding who can and can't be a journalist, and I don't think the First Amendment allows that." Journalists, get in line with all gun owners.

Parting Shot

DO NOT UNDERESTIMATE THE DISADVANTAGED - IF THEY HAVE GUNS

Eddie Frank Smith, 69, a wheelchair-bound Vietnam veteran, was at home in Monticello, Georgia about 9 p.m. when Andre Smith, 22, (no known relation), forced his way into Eddie Frank Smith's home through a rear door, according to a media release from the Georgia Bureau of Investigation.

When Eddie Frank Smith went to investigate, Andre Smith lunged toward the resident, who shot the intruder once in the chest, according to the GBI.

The intruder ran away and collapsed about 100 yards from the residence.

Both Eddie Frank Smith and neighbors called 911.

Andre Smith later died at Jasper Memorial Hospital.

An autopsy was performed on Andre Smith at the GBI crime lab in Decatur.

The investigation continues, and results will be turned over to the Ocmulgee Judicial Circuit District Attorney's Office for review, according to the GBI. No charges are expected.

An 80-year-old great-granny got a gun and wasn't afraid to use it. Barb Moles shot and killed a home intruder who beat her husband with a crowbar and stabbed him with a knife.

She told a local television station she is "not just the typical granny."

"You know, never in my whole life did I ever anticipate having to take another life -- especially at age 80. Give me a break here!"

Moles grabbed her gun, a .38-caliber pistol, when she saw her 75-year-old husband bleeding on the floor during a home invasion in their rural Sultan, Washington home around 8:30 p.m.

Deputies said Steven Sheppard, 25, attacked Leland Moles after breaking into the couple's home to steal drugs.

When Sheppard encountered Barb Moles, he said one word: "Gun."

Moles, a grandmother of eight and a great-grandmother of three, pulled the trigger four times. Three bullets hit the mark.

"I was just intent upon stopping him," she told officers. "I didn't have any other thought in my head. I just knew I had to stop him."

Sheppard was an ex-con who spent time in prison for robbery.

Leland Moles remains in a hospital where he is listed in stable condition, officials reported.

Alan M. Gottlieb

Joseph D. Tartaro

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