

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 117

September, 2004

Dear Subscriber,

Gun owners will be encouraged to know that the courts are upholding gun rights in a majority of cases.

The best news was a victory for gun rights in the third retrial of the California product liability case against Beretta USA Corp. in the accidental shooting of 14-year-old Kenzo Dix. Dix was killed when a friend played with a loaded firearm left unlocked by an irresponsible parent.

The lawsuit was filed in 1995 on behalf of Dix's parents by lawyers from **Handgun Control, Inc.**, since renamed the **Brady Center to Prevent Gun Violence**.

The Alameda County, California Superior Court jury deliberated only five hours before returning a verdict **in favor of Beretta**, finding **the pistol's design did not cause the accident**.

LAWRENCE G. KEANE, senior vice president and general counsel of the **National Shooting Sports Foundation**, said, "The Brady Center has struck out. This jury - *and two others before it* - listened carefully to all the evidence and again refused to blame the product manufacturer for reckless misuse of its product."

In another welcome victory, a Warren County, New Jersey ship captain, SALVATORE ATANASIO Jr., was **allowed to carry a concealed weapon in state waters and ports**, according to a ruling by Superior Court Judge JOHN PURSEL.

The judge cited **the post-September 11 world of terrorist threats** and the recent **rise in the terrorist alert system** as part of the reason for his decision to grant the permit. However, his ruling excluded carrying in other locations.

Although the federal Homeland Security Department **has permitted airline pilots to carry guns in the cockpit** under specific conditions, it has not similarly allowed ship's captains to carry a weapon on board.

New Jersey **state law does not specifically forbid a ship's captain to obtain a carry permit**, and ATANASIO's lawsuit clarifies that issue.

In Utah, the state Supreme Court is considering whether the University of Utah has the right to continue its **decades old gun ban** in the face of **Senate Bill 48, which gave the Legislature sole authority to regulate gun rights statewide** and specifically forbade public school districts, public schools or state universities to enact on-campus gun bans. A lower court sided with the university.

University attorney ALAN SULLIVAN said Utah's state universities were created in the state Constitution and **the Legislature has no power over campus policy**.

Assistant Attorney General BRENT BURNETT disagrees, saying **they weren't granted autonomy** by Utah's founders and **can't disobey laws**.

The high court will issue a ruling at an undetermined time.

In a setback for gun rights, Minnesota's Supreme Court has declined to bypass the Court of Appeals and **give immediate consideration** to an appeal of a judge's decision declaring the state's new **concealed handgun law unconstitutional**.

Ramsey County District Judge JOHN FINLEY ruled the new law unconstitutional **because it was attached to a seemingly unrelated bill** for the Department of Natural Resources, **violating a prohibition on laws that embrace more than one subject**.

FINLEY also **refused to leave the law in place while his ruling is appealed**, which throws the permit system back to local discretion over who gets a permit.

Also in this issue: ● *Gun-friendly Kerry?* ● *No sale for Elvis gun on European auction TV* ● *California passes .50-caliber ban* ● *Seniors biggest gun owner population* ● *Will machete control stop Boston crime?* ● *The value of a good gun in our Page Eight "Parting Shot"*

**ON THE
LEGAL
FRONT**

KERRY REACHES FOR THE GUN VOTES

JOHN KERRY, the man whose U.S. Senate voting record shows him to be the most anti-gun presidential candidate in history **is touting himself as being gun-friendly.**

Everywhere he goes it seems he's shooting at something. *With a gun.*

The Massachusetts Democrat **blew away 17 of 25 clay targets** at the Gunslick Trap Club last month.

The Laborers' International Union recently sent out a flier **depicting KERRY as "a lifelong hunter."**

KERRY told a Pennsylvania rally, "I've been a hunter since I was about 12 years old, and I went through the whole progression, you know, BB gun to 22s to 30-30, you name it."

Some of his own campaign commercials picture him **toting a shotgun.**

Why is he doing it? He knows that **gun owners and gun rights activists shot down Democrat AL GORE's presidential bid in 2000.**

It's bait to fish for gun votes.

But gun owners know better. As the *Pittsburgh Tribune-Review* wrote in its top editorial space, gun owners would laugh themselves silly at KERRY's rhetoric if it were not for what's at stake. This man wants to be *President of the United States.*

JOHN KERRY's voting record in the U.S. Senate tells us **what to expect if he's elected president:**

- KERRY voted 9 times in favor of **banning semi-automatic firearms.**
- KERRY voted to **close huge areas of California's Mojave Desert to hunting.**
- KERRY voted to hold America's firearms makers - **not violent criminals** - responsible for crimes committed with firearms.
- Kerry was one of only 18 Senators who **opposed the Firearms Owners' Protection Act**, which ended federal abuses committed under the 1968 Gun Control Act.
- KERRY voted to **criminalize legal sales** between private citizens at gun shows.
- KERRY would appoint **only anti-gun Democrats** to all leadership positions in the Cabinet and federal agencies.
- KERRY's wealthy wife TERESA HEINZ KERRY has vowed to continue **giving millions to her anti-hunting environmental group coterie** if she becomes First Lady.

JOE WALDRON, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms, said, "Despite what JOHN KERRY claims now, the record shows that he doesn't support the Constitution's Second Amendment right to bear arms. For two decades, KERRY has voted consistently for gun control legislation and against gun rights defenders."

Other gun rights organizations agree. The National Rifle Association's WAYNE LaPIERRE said that KERRY is "a Second Amendment phony."

The NRA will spend about \$20 million in this year's election campaign.

Still, KERRY insists that he's a hunter, gun enthusiast and friend of sportsmen everywhere.

Gun rights defenders don't buy it. They feel that KERRY is the poster boy for a strategy created by billionaire ANDREW MCKELVEY's "Americans for Gun Safety" advising anti-gun Democrat candidates to **camouflage themselves in gun-friendly words** falsely claiming to support the Second Amendment.

It's worth asking whether anyone at all believes it.

**POLITICS
2004**

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.

UNITED NATIONS FLOATS AN IDEA THAT SHOULD SINK

France, Germany and Chile have urged the United Nations to impose "global taxes" on gun sales worldwide, as part of its poverty relief program.

The International Institute for Sustainable Development reported, "The proposals to be considered include a carbon tax on fuel use, a tax on currency transactions, an arms-sales tax, a global lottery and a tax on international airline travel."

The United States and Japan strongly oppose the concept of global taxes.

AROUND THE WORLD

INDIA'S WEIRD GUN PERMIT SYSTEM BACKFIRES

In the north Indian state of Uttar Pradesh, anyone applying for a gun permit can bring in five people willing to be sterilized and avoid a \$1,079 special payment.

Farm landlord Avtar Singh accepted the incentive and brought five of his farmworkers from rural Lakhimpur Kheri to Lucknow, the state capital, after telling them they were to be inoculated against malaria. Instead, doctors in a state clinic there gave them an anesthetic - and a vasectomy.

When the workers - three married with children, two single - awoke and went home, they felt pain in their privates. They were horrified when they went to the local clinic where doctors told them they had been sterilized.

District magistrate S.P.S. Solanki took the case and began administrative action against the health officers involved. Officials ruled out any action against landlord Singh.

Iqbal Hussein, chief medical officer at Lakhimpur Kheri, said all the men would be taken to Lucknow for reversal surgery at state expense.

Authorities introduced the sterilization-for-gun license scheme as an innovative way to promote family planning and control population growth. It has been introduced in three districts so far.

SWISS PROTEST PROPOSED END OF MILITIA ARMY

Switzerland's defense minister Samuel Schmidt provoked a firestorm of protest when he proposed the end of an age-old tradition that has turned every fit young Swiss man into a combat-ready member of the country's armed forces.

Swiss People's Party parliamentarian and militia supporter Ulrich Schluer said "I am astonished at the statement."

Most Swiss men keep their high-powered assault rifle - the standard issue weapon - at home.

Defense ministry spokesman Philippe Zahno said, "We do have an incredibly large number of weapons dispersed among our citizens but it's part of our liberal tradition and the great confidence that the state places in its citizens."

Switzerland's government is set to discuss the militia army this month.

ELVIS' GOLD GUN BANNED FROM SALE IN EUROPEAN TV AUCTION

A gold-plated Walther PPK once owned by Elvis Presley was expected to fetch \$110,000 on European cable channel Auction-world TV, but regulators nixed the event because advertising guns on TV is forbidden. They put it on the Web instead. Elvis was known to use the gun to shoot out his TV screens when bored.

CANADA STILL HAS A MILLION UNREGISTERED GUNS LONG AFTER DEADLINE

The Canada Firearms Centre has confirmed that 18 months after a registration deadline, more than a million guns remain unregistered in the nation.

Also, 406,834 valid license holders still haven't registered their guns.

DESCENDANTS OF THE MUTINY ON THE BOUNTY TOLD TO HAND OVER GUNS

Pitcairn Islanders have been told by their New Zealand-based Deputy Governor to hand over their guns because a hot-button sex-scandal trial on the island could lead to violence. Pitcairn, where Bounty mutineers led by Fletcher Christian took refuge in 1790, has 50 residents who own about 20 guns.

CALIFORNIA: ANTI-GUN BILLS PASS

Negligent Storage bill: SB1140, which makes it a crime if a minor gains access to your firearm with or without your permission, has passed out of the Assembly and is on the Governor's desk.

Ammo Registration bill: SB1152 passed out of the Senate and is on the Governor's desk.

50-caliber bill: AB50 has passed and is on the Governor's desk. The legislation, sponsored by Assemblyman Paul Koretz (D-West Hollywood), would make it illegal to manufacture, sell, distribute, import or possess a .50-caliber Browning Machine Gun (BMG) rifle without a permit in California.

**AT THE
STATE
LEVEL**

The Koretz bill far exceeds the restrictions on the firearm enacted by Contra Costa County last spring, which were a mere front. Contra Costa Supervisor John Gioia of Richmond told the *Tri-Valley Herald*, "The whole point was to build momentum and support for the Koretz bill."

If signed into law by Gov. Arnold Schwarzenegger, AB50 likely would pre-empt Contra Costa's ordinance, which bans the sale of the weapons in the unincorporated county, and end the legal battle brewing over the new law.

"It would probably knock out Contra Costa's ordinance and, assuming the county would repeal the ordinance, we'd drop the lawsuit," said Chuck Michel, the attorney representing the coalition of gun-rights advocates suing the county.

Gun-rights advocates have noted that the unincorporated county only has two gun dealers, and neither one sells .50-caliber rifles. A coalition of groups, including gun enthusiasts, publishers, manufacturers and retailers, sued the county in federal court over the ban.

If enacted, the Koretz bill would require anyone who takes ownership of a high-powered .50-caliber rifle on or after Jan. 1, 2005, to apply for a permit with the state Department of Justice.

People who already own the rifles would be allowed to keep them, provided they register the guns in a state database. Anyone who buys such a rifle by Dec. 31 of this year would have until April 30, 2006, to register with the state's justice department.

Toy gun penalties: SB1858, by Sen. Joe Dunn (D-Garden Grove), has passed out of the Assembly. It requires that imitation firearms offered for sale in California after July 1, 2005, must have a "conspicuous advisory" explaining that using the gun in public may cause "confusion" and possibly be a crime. The advisory must also declare that changing the color of the gun will make it more dangerous.

Toy manufacturers that don't comply with the requirement will face fines up to \$10,000. The bill doesn't apply to brightly colored toy guns.

The legislation now returns to the Senate for approval.

NEW LAW SHIELDS DELAWARE SHOOTING RANGES FROM NUISANCE SUITS

Under a law signed recently by Gov. Ruth Ann Minner, Delaware's existing outdoor shooting ranges can't be sued by new suburban neighbors who are annoyed by gunfire. The law also prohibits county and municipal governments from bowing to pressure and writing nuisance laws that could put the ranges out of business.

Currently, 45 other states have laws similar to Delaware's.

ILLINOIS GOVERNOR VETOES PROTECTION FOR HOMEOWNERS WITH GUNS

Anti-gun Gov. Rod Blagojevich has vetoed a bill meant to provide legal protection for homeowners who violate local gun ordinances by shooting intruders.

The legislation was a response to the heavily publicized case of Hale DeMar, a Wilmette restaurant owner who shot a burglar who had broken into his home twice.

Cook County prosecutors declined to press criminal charges against DeMar, but Wilmette officials charged him with violating the village's ban on handguns.

Public outrage got the bill passed so that burglary victims like DeMar could argue self defense if charged with violating such an ordinance.

A vote in the Legislature's fall session is expected to override the Governor.

NEVADA SENIORS PROTECT THEMSELVES WITH GUNS

Las Vegas seniors are typical of a growing trend among those over 65 to own guns - and protect themselves with guns.

**AT THE
STATE
LEVEL**

In 2002, 37 percent of Americans older than 65 reported owning guns compared to 24 percent of those ages 40 to 49 - a reversal of 1982 figures, when 30 percent older than 65 reported owning guns compared to 38 percent in the 40 to 49 age bracket, according to the National Opinion Research Center in Chicago.

A group calling themselves the "Senior Militia" meets at a Las Vegas indoor shooting range, some in wheelchairs, some using walkers, but all determined to keep their standing date for target practice with friends. It's the wave of the future as Baby Boomers age.

MORE THAN 1,600 LICENSED FOR CONCEALED CARRY IN NEW MEXICO

The state Department of Public Safety has released figures showing that more than 1,600 New Mexicans have been licensed to carry concealed, loaded handguns since the beginning of the year.

The Department also noted that slightly more than 350 other New Mexicans had applied and were undergoing background checks.

Under a law that went into effect January First, New Mexicans 25 and older are authorized to apply for two-year concealed carry licenses. Applicants must pass local and national background checks and complete firearms training.

NEW YORK LEGISLATURE REJECTS GOVERNOR'S GUN PERMIT RENEWAL SCHEME

The state Legislature has passed a public safety budget bill that does not include Republican Gov. George Pataki's proposal to require regular costly renewals of pistol licenses. Now, unless they're revoked for cause, pistol licenses are good for life.

Gov. Pataki wanted pistol owners to renew their licenses every five years and pay a fee of at least \$100. The fee would have generated an estimated \$31 million a year. Administration officials also argued that the renewal requirement would help the state police keep its database of handgun owners up to date. More than a million pistol licenses have been issued in New York since 1936.

Many fellow Republicans were incensed by the plan, saying that licensed law-abiding citizens were the least likely to commit crimes.

NORTH CAROLINA

Gov. Mike Easley has signed into law a measure that makes buying handguns in North Carolina easier for people who already hold concealed weapons permits.

The new law allows people with a concealed-carry permit to skip the normal approval process when buying a pistol. The reasoning was that another background check was redundant because everything necessary has already been done.

The bill overwhelmingly passed both houses of the Legislature.

Cari Boyce, Gov. Easley's spokeswoman, said, "The concealed handgun permit is extensive and thorough. This bill doesn't take away any of that protection."

Lisa Price, executive director of the North Carolinians Against Gun Violence, was negative about it: "Not surprising in an election year."

OKLAHOMA'S IMPROVED GUN LAWS GO INTO EFFECT IN NOVEMBER

Starting November 1st, employers cannot prevent workers with concealed carry permits from keeping a gun in their cars at work.

The law was intended to protect the rights of gun owners, specifically saying employers cannot create policies of rules to ban permitted guns in locked cars, unless the employee is a convicted felon.

Some who work at schools of federal buildings still won't be allowed to bring guns in their cars.

No workplace shootings in Oklahoma have ever been carried out by a concealed carry permit holder. About 42,000 Oklahomans have permits.

ANTI-GUN FORCES SEEK REPRIEVE FOR SEMI-AUTO BAN NOW ON DEATH ROW

The Clinton semi-auto "assault weapons" ban expires on the 13th of this month.

Sentenced at its creation in 1994 to sunset in ten years, the ban on magazines and firearms is one of the most hated pieces of gun control ever enacted.

**AT THE
FEDERAL
LEVEL**

The campaign to ban a large number of semi-automatic rifles began with mischaracterizing them as "assault weapons." Many quite ordinary rifles got caught in the ban because of misconceptions.

The public hears "assault weapons" and thinks "machine guns." The guns affected by the ban are not machine guns. They fire one shot with each press of the trigger, the same as many shotguns used by duck hunters, or rifles used by big-game hunters.

The worst piece of anti-gun hokum was the claim that the ban would stop violent crime. Semi-automatic rifles was used in less than 2 percent of violent crimes, according to studies at both the state and federal levels.

Now, to the joy of gun owners, this semi-auto ban is going to expire.

But anti-gun Senator Dianne Feinstein (D-CA) is not giving up. She's pushing hard to get the semi-auto ban tacked onto some other bill.

A few key senators have managed to thwart Feinstein's every move and keep the ban from getting to the President's desk.

Senate Majority Leader Bill Frist (R-TN) was instrumental in keeping anti-gun amendments from being offered to S. 2062, a measure relating to class-action lawsuits.

So anti-gun websites are calling on its readers to "flood Dr. Frist's office with tens of thousands of e-mails telling him to stop blocking the Assault Weapons Ban renewal."

They're also calling upon their fellow gun ban zealots to pound House Speaker Dennis Hastert's office with calls to renew the ban.

It won't work. We will win. The clock is ticking and the Clinton ban will soon die. Good riddance.

PRESIDENT BUSH OPENS HUNTING AND FISHING ACCESS ON 17 FEDERAL AREAS

The U.S. Fish and Wildlife Service has announced that the Bush administration is giving people who hunt and fish new access to hundreds of thousands of acres within 17 national wildlife refuge and wetland sites.

Some of the sites are in battleground election states such as South Dakota, Illinois and Louisiana, which might help President Bush's re-election efforts.

Agency Director Steve Williams said, "This is just another example of the president's commitment to sportsmen. By law, Congress directed the service to consider and provide opportunities for hunting and fishing where it's compatible on wildlife refuges. We take that quite seriously."

Hunting and fishing have always been allowed on national wildlife refuges, but past administrations caved in to environmental group pressure to treat them like nature museums and keep hunters and fishermen out.

The Bush policy is more of a restoration of lost hunting and fishing rights than opening new access to hunters and fishermen.

NEW YORK REP. MALONEY WANTS NATIONAL .50-CALIBER BAN

Anti-gun Rep. Carolyn Maloney (D-NY) wants to ban the sale of .50-caliber rifles, characterizing them as horrifying "armor-piercing" firearms and ignoring their use in competitive sports shooting.

Maloney says the firearm is so dangerous - "it can be used against the nation's aircraft and chemical plants" - that it deserves its own legislation.

Both the House and Senate have pending legislation to ban .50-calibers.

Maloney says various terrorist organizations are now buying .50-caliber rifles, but she does not say which terrorist organizations or how she knows about their buying habits.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Springfield, Massachusetts:** Smith & Wesson has recaptured its ranking as the top handgun maker in the United States from Sturm, Ruger & Co. Smith & Wesson lost its top spot in the early 1990s when the company signed a safety deal with the Clinton administration that soured buyers who felt their constitutional right to buy a gun had been harmed. Smith & Wesson appears to have lived down that black mark, enjoying nearly \$82 million in handgun sales in the 2003 fiscal year, up 25 percent from the previous year. Sturm, Ruger reported \$60.2 million in handgun sales during the calendar year of 2003.

● **Londonderry, New Hampshire:** The Naval Surface Warfare Center has awarded Insight Technology, Inc. of Londonderry a \$25 million contract for 4,165 Thermal Clip-On Night Vision Devices (CNVD-T). It is a small, lightweight thermal weapon sight that can be positioned in front of weapons-mounted day optical sights. Special Operations Force operators can change from day to night without having to align a new device to the weapon.

● **San Diego:** FMG Publications is encouraging American sportsmen to vote with their wallets this fall by supporting their Second Amendment right. The message from the publisher of *American Handgunner*, *GUNS* and *Shooting Industry* magazine: "Buy a Gun for America." The idea is that by demonstrating with a fistful of cash that you live in a country where you can buy a gun, you're strengthening your right to buy a gun.

● **Boston:** The *Boston Globe* reports that guns aren't the problem, criminals are the problem. Police report the growing use of machetes by Hispanic gang members. Boston police in the past few years have confiscated at least 50 machetes that were used in crimes. Gang members are also arming themselves with Chinese throwing stars and Japanese metal chain whips, called Nunchukas. Several Boston-area communities have passed ordinances restricting or banning long knives. Well, it's nothing that gun owners haven't known all along: it is the evil intent in a person's heart, not the object in his hand, that is at fault.

● **Minneapolis:** ATK, a Minnesota-based ammunition manufacturer, have received a \$3.4 million, three-year contract to supply the 38,000-member New York City Police Department (NYPD) with 38 Special Gold Dot Hollow Point ammunition. With this contract, ATK now provides the NYPD with nearly every round of ammunition it will use in pistols, rifles, and shotguns. ATK will produce the ammunition at its Lewiston, Idaho, facility under Speer brand name. ATK is primarily known as the nation's largest supplier of ammunition to our nation's military.

● **Athens, Greece:** Matt Emmons, the first American in 40 years to qualify for three Olympic shooting events, won the gold medal for the men's 50-meter prone rifle event. But he did it in spite of a string of misfortunes: First, someone vandalized his gun in April; then, while preparing for the Olympics, he caught a bad cold; before the final event, his heart was beating so fast he didn't know if he could calm himself, hold the rifle straight and shoot with accuracy. He did it, and with a borrowed rifle. With a score of 703.3 points, Emmons won the second gold medal of the 2004 Olympics for the United States shooting team. Kim Rhode won in the double trap event.

● **Philadelphia:** Gun dealer Sauers Trading has settled a wrongful death lawsuit by agreeing to pay \$850,000 to Tennille Jefferson, whose 7-year-old son Nafis was killed by another child who found a revolver under a car. Sauers had sold the gun to Perry J. Bruce, who illegally resold the gun on the street. Bruce bought a number of small handguns from Sauers Trading and resold them illegally. Bruce pleaded guilty to federal charges in 1998. Sauers had no knowledge of the illegal sale, but agreed to the settlement.

● **Pierre, South Dakota:** Gov. Mike Rounds has announced that Dakota Arms, a firearms maker in Sturgis, has been awarded a grant of \$174,000 to improve skills for new and existing workers. The company produces custom firearms.

Parting Shot

THE VALUE OF A GOOD GUN

After hurricane Charley and then Frances hit Florida hard, Mark Silverman of Punta Gorda surveyed the mess down what used to be a tidy street.

With a shock he realized his neighborhood was ripe for looters.

Silverman got his two surviving dogs and his good gun and painted a make-shift warning on a sheet of plywood that had been deposited in his yard by the storm: Neighborhood Watch - Protected by .357.

As it turned out, no looters were foolish enough to see if it was true.

The gun went unused, which was what Silverman had in mind.

Far away, in Grand Rapids, Michigan another .357-caliber handgun had gone unused under the front counter of Willy's Foods since it was first put there.

Leon Moody has operated the little corner store for twenty years without incident.

But then one recent morning at about 10:20 a.m. a 21-year-old man came into the store, stuck a gun in Moody's face, and said, "Give me your money."

Moody later told a reporter for the *Grand Rapids Press*, "I never seen him in my life. So I said to him, 'Man, why you want to rob me?'"

The man responded, "I'll blow your head off for that money."

"Wait a minute," Moody told the man, giving himself time to reach under the counter.

Moody grabbed his .357 and shot the man in the arm.

The suspect fled in a dark pickup, but soon turned up in a local emergency room, where he was arrested and charged with assault.

Moody was shaken by the incident as he watched from the front seat of an unmarked police car while investigators searched for evidence. A detective found the robber's discarded gun outside the store.

"I was scared," Moody said. "I hate it that I hit him 'cause I don't want to hurt nobody."

Moody is known in the neighborhood as a generous man who often treats neighborhood kids to free pop and candy.

Grand Rapids Police Lt. Paul Warwick said "It doesn't appear that the store owner was acting inappropriately. He's got a lot going for him."

Police did not file charges against Moody, since his gun was licensed and the shooting was a clear case of self-defense. And he's definitely not trigger-happy.

Even a reluctant warrior needs a good gun.

Alan M. Gottlieb

Joseph D. Tartaro

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