

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

Is the carefully-groomed image of presidential candidate JOHN KERRY as a sportsman, hunter and gun lover true? Consider the ongoing flap over an article in this month's *Outdoor Life* magazine and decide for yourself:

Mr. KERRY was asked whether he was a gun owner, and, if so, to identify his favorite gun.

"My favorite gun is the M-16 that saved my life and that of my crew in Vietnam," Mr. KERRY told the magazine. "I don't own one of those now, but one of my reminders of my service is a Communist Chinese assault rifle."

**JOHN KERRY
'ASSAULTS' OUR
INTELLIGENCE**

That reply from a senator who strongly supported the assault weapons ban set off a firestorm nationwide. Even the anti-gun *New York Times* sarcastically noted, "it is not clear what Mr. KERRY does with the Chinese assault rifle he told *Outdoor Life* magazine he kept in his personal collection."

Suddenly the man **who has supported every gun control proposal that crossed his desk in 20 years on Capitol Hill** owns an assault rifle. It's okay for JOHN KERRY to own one, but not JOHN Q. PUBLIC? That pushed KERRY's hypocrisy meter right off the scale.

KERRY campaign damage control went into high gear. First, **it was a mistake**. KERRY **didn't** own a Communist Chinese assault rifle. Campaign spokesman MICHAEL MEEHAN told the *New York Times* KERRY owns two guns, a double-barreled 12-gauge shotgun and a single-bolt-action military rifle, which he "keeps as a relic" and had never fired - the kind used by Soviet snipers against invading Germans during WWII. **MEEHAN couldn't identify the firearm exactly**, saying it had no markings.

Oops. Now candidate KERRY owns a *sniper rifle*, another demon of the gun control crowd. Time for some more damage control.

Then MEEHAN said many of the remarks attributed to KERRY were from **a questionnaire filled out by campaign staff**. Woah! What does that say about the importance KERRY attaches to communicating with the shooters and hunters whose votes he's been trying so hard to court?

It says the whole flap is **a world-class insult to the intelligence of every gun owner** who knows the difference between a prized firearm and political fraud.

It is of little genuine concern to gun owners whether Mr. KERRY owns an "assault rifle" or a "sniper rifle" or a kid's water pistol.

"What does concern the firearms community is **KERRY's record**," said JOE WALDRON of the Citizens Committee for the Right to Keep and Bear Arms. **"Gun people are not the ignorant bumpkins that Democrat spinmeisters evidently think we are.**

"KERRY can tell us all day that he supports the Second Amendment, but his votes certainly don't show it. **We have no reason to believe his words, only his acts.**

"The proof doesn't lie in what firearm a candidate may have hanging on his wall that he can't readily identify, but **what he does to protect the right to own it and to protect that right from abuse for all of us.**"

Also in this issue: ● *Bye-bye ban* ● *D.C. sniper lawsuit settlement* ● *House votes to repeal D.C. handgun ban* ● *Russians rushing to buy guns* ● *California Gov. Schwarzenegger is a mixed bag for gun owners* ● *Armed robbers and armed victims in our Page Eight "Parting Shot"*

GOOD RIDDANCE TO A BAD LAW

The 1994 federal assault weapons ban officially died September 13.

Contrary to Sarah Brady's frantic last-minute cry to extend the ban - "The assault weapons are coming, they're coming next week" - **the nation has not descended into a bloodbath** of insane shooters without the ban.

It was a bad law from the beginning. It will not be missed, and **crimes committed with the previously-banned "assault weapons" will not increase.**

The law banned semi-automatic rifles featuring detachable magazines with more than ten rounds of ammunition and more than one attachment such as a pistol grip, a flash suppressor or a bayonet mount.

It was supposed to prevent crime, but it had no meaningful effect in reducing crime. Witness the 1997 Los Angeles bank heist in which **robbers used guns banned under the law to wound 16 people before police killed the criminals.**

As TIMOTHY WHEELER wrote in the *National Review*, it was "a fraudulent piece of legislation pushed through by hard-line gun-control advocates during the glory days of the Clinton era. To get it through Congress, its backers had to agree to a ten-year sunset provision."

The gun control crowd didn't care that their law didn't reduce crime, only that it kept guns out of the hands of law-abiding criminals and weakened the Second Amendment.

The National Institute of Justice, the Department of Justice's research wing, reported the month before the ban expired, "**We cannot clearly credit the ban with any of the nation's recent drop in gun violence.** And, indeed, there has been no discernible reduction in the lethality and injuriousness of gun violence."

For this and many other good reasons, Republicans and a sizable number of Democrats in Congress decided not to press for the ban's renewal. The law simply did not work as intended.

Ironically, now that the ban has been allowed to sunset, **criminals still won't be legally able to possess real assault weapons.**

The "assault weapons" name was a total misnomer. The guns actually banned were not machine guns or easily converted to machine guns. A true military assault weapon is capable of expending all the cartridges in its magazine with one squeeze of the trigger. **The guns banned by the assault weapons legislation never operated like that** nor could they be easily converted to do so.

Now, law-abiding citizens will once again be free to purchase semi-automatic firearms for target shooting, shooting competitions, hunting collecting, and most importantly, for self-defense.

But it's not over yet. **In politics, it's never over.** There are many who want to renew the ban. The new reasons are as ridiculous as the old ones.

JOHN KERRY has offered up the argument that **assault weapons are not needed for hunting, so the government can and should ban them.**

As the Manchester, New Hampshire *Union Leader* recently editorialized, "**It's scary when a man who may well become president of the United States thinks the Second Amendment refers to hunting, not self-defense.**"

KERRY isn't the only scary senator gun owners should worry about. CHARLES SCHUMER, HILLARY CLINTON, TED KENNEDY and DIANE FEINSTEIN are just four more good reasons not to let your guard down.

They and their gun control cohort will continue to work diligently to undermine the Second Amendment and take away your gun rights. Count on it.

Eternal vigilance... well, you know the rest.

**ASSAULT
WEAPONS
BAN, R.I.P.**

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APPEALS COURT BACKS CHICAGO'S DEMAND FOR GUN RECORDS

The City of Chicago's \$433 million lawsuit against the firearms industry got a boost from a 7th U.S. Circuit Court of Appeals ruling that **orders the federal government to turn over gun purchase records to the city.**

The Bureau of Alcohol, Tobacco, Firearms and Explosives denied Chicago's Freedom of Information Act (FOIA) request for the records, saying the information "could reasonably be expected to interfere with law enforcement proceedings," and **"constitute an unwarranted invasion of personal privacy."**

IN THE COURTS

Chicago's 1998 lawsuit claimed manufacturers, dealers and distributors created a public nuisance by "flooding the suburbs with guns," enabling Chicago residents to buy them like anyone else. Chicago has outlawed handguns and **is attempting to blame gun dealers in other towns for crimes committed within its city limits.**

The BATF is considering an appeal of the court ruling.

KENTUCKY COURT NARROWS GUN STORAGE AREAS IN CARS

The Kentucky Court of Appeals has ruled that a state law exempting people from prosecution for concealing firearms in glove compartments **should not apply to other storage areas in a vehicle.**

A three-judge panel reversed lower court rulings that said the glove compartment exemption applied to other vehicle compartments such as **center consoles.** The lower court had concluded the term glove compartment is outdated and **the exception should apply to any compartment, including a center console.**

The ruling stemmed from a Jefferson County case in which Fadi Mohammad was found with a loaded handgun in the center console of his car in 2002 and was charged with carrying a concealed weapon. Under Kentucky law, a firearm found in a glove compartment is not considered concealed.

DENVER IN POWER STRUGGLE WITH STATE OVER GUNS

Denver officials believe they can enforce their own "assault weapons" ban now that the federal Brady ban is dead. However, state legislation passed in 2003 pre-empts the city from regulating firearms.

Denver Assistant City Attorney David Broadwell said the city has filed suit alleging that **the state law violates Denver's power to govern itself under the home-rule provisions of the Colorado Constitution.**

Until the court rules, Broadwell said, city enforcement of its ordinance will be on a case by case basis if law officers encounter someone who is carrying one of the 33 firearms or other accessories banned by Denver's 1989 law: "If we find an egregious enough violation, we're going to cite them."

HOMEOWNERS FIGHTING NEW HAMPSHIRE LAW PROTECTING GUN CLUBS

A recent New Hampshire law exempts shooting ranges from liability and prosecution from noise complaints. But 23 members of "Residents Defending Their Homes" say **the measure violates their legal recourse** against a local gun club, and want the court **to strike it down as unconstitutional.**

The group filed a petition in Hillsborough County Superior Court against the town of Hollis and the Lone Pine Hunters Club. The Club's lawyer, Andrew Prolman, said he expected the court to uphold the statute.

WASHINGTON D.C. SNIPER LAWSUIT SETTLED - BAD PRECEDENT?

Bushmaster Firearms Inc. of Maine and Bull's Eye Shooter Supply of Tacoma, Washington, **have agreed to pay the families of 8 victims of the 2002 D.C. sniper shootings two settlements totaling \$2.5 million.**

No previous lawsuit by people alleging gunmaker or dealer negligence leading to the criminal use of a gun has been successful in court.

Bushmaster's insurance company will pay \$550,000 to the families, and Bull's Eye will pay \$2 million. Bushmaster says it settled without admitting liability and it will not change any of the ways it does business.

HOUSE VOTES TO REPEAL D.C. BAN ON HANDGUNS

The House of Representatives has voted overwhelmingly to repeal the district of Columbia's 27-year-old ban on handguns, one of the strictest anti-gun laws in the nation.

Rep. Tom DeLay (R-TX) said, "For years, American citizens in Washington, D.C., have had their right to self-protection denied them, and it's time to set things right."

The vote of 250 to 171 with one member voting present, angered D.C. Mayor Anthony Williams. Eleanor Holmes Norton, D.C.'s delegate to Congress, called the measure "sheer lunacy."

Fifty-two Democrats voted to repeal the district's gun law, which bans all handguns unless they were owned and registered before 1977.

The measure would permit district residents to keep loaded firearms in their homes and businesses, to own semiautomatic rifles, and would end both the ban on private handgun ownership and the city's firearms registration program.

However, the Senate will not hear the proposal, according to Idaho Republican Senator Larry E. Craig.

He dropped a bid to bring the repeal to a vote after Senate leaders indicated they did not have time for a lengthy debate over gun limits before Congress adjourns for the fall elections.

In addition, opponents of the repeal lobbied senators and held a news conference on Capitol Hill.

Craig spokesman Dan Whiting acknowledged that the senator lacked the votes to pass the repeal as an amendment to the District's 2005 budget in the Senate Appropriations Committee.

Amy Call, a spokeswoman for Senate Majority Leader Bill Frist (R-TN), said that if a D.C. ban repeal measure was brought up as an amendment on the Senate floor, it would probably trigger an unwelcome standoff with Democrats by starting a fight to restore the expired "assault weapons" ban.

**ON THE
FEDERAL
LEVEL**

NEW YORK DEMOCRAT CALLS FOR SNIPER RIFLE BAN

Rep. Carolyn Maloney (D-NY) recently pulled out all the stops at a staged news conference with leaders of the Violence Policy Center and "New Yorkers Against Gun Violence" to chase the latest demon of the gun control crowd, the "sniper rifle."

Maloney said, "the .50-caliber, armor-piercing sniper rifle, a weapon of terrorist organizations including Al Qaeda," is weakly regulated and needs tough restrictions. It's a re-run of the "assault rifle" campaign.

Like the term "assault rifle," "sniper rifle" is elastic and does not mean just one type of firearm, and has gained an unfavorable overtone with the public.

Sniper rifles are, of course, used by a sniper, defined in the military as "an infantry soldier especially skilled in field craft and marksmanship who stalks and kills selected enemy with a single aimed rifle shot."

The word has been corrupted by the media to mean any sneaky shooter.

But, "sniper rifle" can include any of a large number of high-accuracy rifles, which is exactly what gun control advocates intend: to ban the largest number of guns possible, **especially hunting rifles.**

To underscore this point for the general public, the Website *explanation-guide.info* notes: "Hunting rifles are often used as sniper rifles. Some of the first sniper rifles and many modern ones are derived from or are direct copies of hunting rifles. The deep ties between the two fields result in weapons that fulfill similar needs."

Make no mistake, the gun control crowd knows this is a potential path into banning all hunting rifles.

Maloney called for congressional passage of House Resolution 4292 to ban .50-caliber "sniper rifles" and otherwise regulate the firearms in the same manner as machine guns are regulated.

It doesn't take much guesswork to figure out where this will lead.

"FIREARMS FEVER" IN RUSSIA

After the recent Islamic terrorist massacre of children in Beslan, Russians began a gun-buying frenzy.

AROUND THE WORLD

Pravda wrote in a recent issue, "Russian society is on the verge of a real firearms fever. People are racing to hospital psychiatric facilities in order to obtain needed certificates which will enable them to purchase firearms."

Individuals were absolutely banned from possessing firearms under the old Soviet system, and the new government has allowed only a very narrow market for personal gun sales.

Many citizens are writing to the State Duma, the national legislative body, urging lawmakers to make the firearms market more liberal.

Yuri Dotsenk, a private citizen from Sochi, wrote, "There is simply no governmental system to protect its people. In my opinion, there is only one way out of this mess: the state has to make guns legal."

Law-abiding Moscow residents can currently get a special permit for self-defense firearms at a licensing division of the city's department of internal affairs. The potential gun-buyer must show certificates that he or she is in good mental health, demonstrate an ability to load and unload a gun, and wait a few weeks for the permit to sift through the bureaucracy.

Knowledgeable residents say it is possible to shorten the procedure to only a day or two if one has an extra US\$200 to spare.

Those with a shady past prefer to buy guns on the black market for the equivalent of about US\$1,000 each.

THE UNITED KINGDOM'S CENSORED LIVES

A television commercial for Land Rover that featured a woman firing a starter pistol to launch an outdoorsy weekend in its Freelander Sport model has been banned by regulators after it prompted more than 300 complaints from viewers because it showed a gun.

Ofcom, the media regulator, ruled that the commercial breached "guidelines on harm and offense" and must not be shown again. Ofcom said: "Given regular coverage of high-profile shooting incidents and public concern about the wider social impact of the so-called gun culture, the glamorization and normalization of guns, even indirectly, is simply offensive to many people."

John Lott, Jr., a resident scholar at the American Enterprise Institute in Washington, D.C., responded by pointing out that British law has banned most weapons that can help commit a crime, yet their crime rate is out of control.

Lott wrote: "Crime [in the UK] was not supposed to rise after handguns were banned in 1997. Yet, since 1996 the serious violent crime rate has soared by 69%; robbery is up by 45% and murders up by 54%. Before the law, armed robberies had fallen by 50% from 1993 to 1997, but as soon as handguns were banned the robbery rate shot back up, almost back to their 1993 levels."

Most rational people would look at that record and conclude that disarming people made them more vulnerable to criminals. But not the UK.

Lott wrote, "The irony is that after gun laws are passed and crime rises, no one asks whether the original laws actually accomplished their purpose. Instead, it is automatically assumed that the only 'problem' with past laws was they didn't go far enough."

So now, in the face of hordes of criminals freely using guns against totally helpless citizens, the government is debating whether to force shotgun owners to justify their continued ownership in order to get a license, and whether to ban toy guns. No doubt keeping British youth from playing with toy guns will stop London drug gangs from shooting up the neighborhood.

Well, the government has to do *something*, even if it is ridiculous.

Passing concealed carry laws would never occur to them. It might *normalize* guns! That might *offend* someone! Poor delicate British souls!

What's abnormal here, owning guns or being a sitting duck for crooks?

ALASKA ANTI-HUNTING RADICALS IRK LOCALS

Fanatical anti-hunting groups, including the Humane Society of the United States (which runs no animal shelters like local humane societies), Greenpeace and PETA, are backing an initiative to ban the use of bear management techniques commonly used by the Department of Fish and Game.

IN THE STATES

The ballot measure would ban the intentional feeding of bears for the purpose of photography or viewing, and prohibit the Alaska Department of Fish and game from live trapping and relocating problem bears. Violators would be subject to a year in jail and a \$10,000 fine for each offense.

CALIFORNIA'S GOV. SCHWARZENEGGER IS 3 FOR 5 IN GUN BILLS

Gov. Arnold Schwarzenegger is proving to be a mixed bag for gun owners in signing and vetoing gun bills from the close of the 2004 legislative session.

- He signed AB 50, a ban on .50-caliber rifles - bad.
- He signed SB1858, providing that imitation firearms that look like the real thing can't be displayed in public - bad.
- He signed AB2431, requiring law enforcement agencies to return firearms seized or held as evidence to their owners once background checks show they can legally own the guns - good.
- He vetoed SB1140, which criminalized storing a handgun where a child can easily find it, or storing a firearm and its ammunition in the same place - good.
- He vetoed SB1152, which would have required stores that sell bullets to keep information about the buyer and obtain a thumbprint from the buyer - good.

ILLINOIS SENATOR WANTS ANTI-GUN LANGUAGE OUT OF STATE CONSTITUTION

Sen. Ed Petka (R-Plainfield) is calling for the removal of a phrase from the state's 1970 constitution that places limitations on citizens' rights.

Article 1, Section 22 gives residents the right to bear arms, but adds a qualification. It says: "**Subject only to the police power**, the right of the individual citizen to keep and bear arms shall not be infringed."

The "police power" clause has been used in Illinois courts to uphold bans on handguns, says Petka.

The police power, according to most scholars, is inherent in every government and is not given to the government by the Constitution; rather the Constitution is a limitation on the use of the power. It is usually defined as the power of the sovereign to legislate on behalf of the public health, safety, welfare and morals by suitable regulations. Just how much the police power can be limited by constitutions has long been the subject of heated debate.

Of the 44 states that have constitutional protection of the Right to Keep and Bear Arms, only Illinois subjects the right to the police power.

"We need to reclaim what was lost in the 1970 Constitution," Petka said in asking that the clause be removed.

MARYLAND'S GOV. EHRLICH APPROVES BEAR HUNT

Gov. Robert L. Ehrlich Jr. has approved a plan to allow hunters to kill as many as 30 black bears in western Maryland by the end of the year, as requested by Department of Natural Resources officials to help control the state's growing population of black bears.

Gov. Ehrlich overrode the objections of a legislative committee in giving the approval.

PENNSYLVANIA LAWMAKER WANTS STRICTER GUN LAW

State Rep. Dan Frankel (D-Pittsburgh) has introduced House Bill 2451, titled "Assault Weapons Ban," co-sponsored by Rep. Mike Sturla (D-Lancaster). Sturla said, "While I am a gun owner and respect the constitutional right to own firearms, House Bill 2451 is about common sense." Gun rights advocates say Sturla's words are protective camouflage for anti-gun Democrats in an election year.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Londonderry, New Hampshire:** Yearbook publishing giant Jostens has agreed to support Londonderry High School's decision to nix senior Blake Douglass's submitted yearbook photo showing him with a broke-open shotgun. Douglass's lawyer, Penny Dean, said she will sue the school district if it does not allow the avid sports shooter's photo. Jostens said it supports the school because the yearbook is the school's property and it signed the contract.

● **Hubbard Woods, Illinois:** School Principal Maureen Cheever has withdrawn her invitation for First Lady Laura Bush to read to students for 30 minutes because local gun control advocates told her there was no place in the "sacred" halls of Hubbard Woods School for the Bush administration, which they argued has a lax stance on gun control.

● **New York City:** The New York Post reports that New Yorkers are at least four times as likely to be punched to death than to be killed with an assault-style rifle. The unpublished state figures also revealed that New Yorkers are at least twice as likely to be clubbed to death than shot dead by an attacker using a semi-automatic firearm previously covered by the federal ban that expired last month. Of 893 murders committed two years ago, only 22 - or slightly over 2 percent - were committed with some form of rifle, including assault-style rifles, the figures show.

● **Washington, D.C.:** Moveon PAC has released a TV ad that invites viewers to think that the expiration of the ban on 19 semi-automatic rifles will allow people legally to buy fully automatic machine guns that can fire "up to 300 rounds per minute." FactCheck.org, a watchdog group, spotted the ad and noted that it has been illegal to buy a machine gun without federal clearance since 1934. The ad, said FactCheck.org, constitutes "false political advertising."

● **Springfield, Massachusetts:** Smith & Wesson begins shipping higher-capacity magazines with its pistols this month following the expiration of the federal assault weapon ban. The ban limited semiautomatic pistols to magazines of 10 rounds or less. Smith & Wesson started offering customers buying pistols a coupon good for two free higher-capacity magazines when they became legal again. In Massachusetts, California and some other states, local laws preclude the larger-capacity magazines from being sold new. The new magazines will have capacities of 11 to 17 rounds, the capacities the company featured before the 1994 ban.

● **Pensacola, Florida:** Jerry Allen Bradford, 37, was charged with felony animal cruelty after he tried to shoot seven puppies and one of the puppies made the .38-caliber revolver discharge, wounding him in the wrist. Bradford was treated at a local hospital while Escambia County Sheriff's Deputies found three of the puppies in a shallow grave outside the man's home. The other four were in good health and were taken by Escambia County Animal Control, which planned to make them available for adoption. We've never heard a dog-shoots-man story before.

● **Edwardsville, Illinois:** Lewis and Clark Community College is offering three new non-credit classes as part of a series of personal protection and firearm safety courses. Individuals will learn how to safely handle and shoot a handgun in the Handgun Safety class. In 10 hours over four weeks, participants will spend time in the classroom and on the shooting range learning about the parts and operations of handguns and ammunition. Students who take and pass an examination at course conclusion will receive certification.

● **Orono, Maine:** The University of Maine is now providing storage for student guns. Student hunters, martial arts enthusiasts and paint-ball fiends are welcome to live on campus or in fraternity and sorority houses, but they must lock their weapons up at the UMaine Department of Public Safety, where a room is earmarked for the purpose. UMaine is one of only 11 schools that has storage facilities on campus, according to Alliance for Justice, an association of advocacy organizations. Slightly over 4 percent of U.S. college students own guns.

Parting Shot

ARMED ROBBERY AND ARMED VICTIMS

Ten minutes before the 10 p.m. closing time at Snookie's convenience store on Nations Ford Road in Charlotte, North Carolina, two men walked in the front door.

Wilbert Bernard McCauley, 27, and Kima Ivey, 24, came up to the counter where owner Ambrose Nwosu stood waiting to serve them.

McCauley pulled out a gun and told Nwosu that it was a robbery.

Nwosu responded with the equivalent of "Nuts!" and grappled with the thug, lurching and falling into shelves of chips and candy.

Ivey got scared and fled the store.

But McCauley still had his handgun and started shooting at Nwosu.

He missed.

Nwosu did not.

He grabbed his gun from under the counter where he had kept it since two years ago when he was robbed at a car wash not far from his store.

"I remembered that incident," Nwosu told police later.

He fired at McCauley and killed him.

Police responded to the scene within minutes. The robber was taken to a local hospital where he was pronounced dead.

Customers who frequent Snookie's say Nwosu had every right to defend himself and protect his business.

Willie Morris, a long-time patron, said, "The man is just trying to make a living. He's got to eat like everybody else. He was just protecting his property."

Ambrose Nwosu told News 14 cable television reporter Mercer Merrill, "I'm thankful to be alive, but unfortunately a life was taken. I don't like it. I wish they had gone somewhere else."

Police launched an investigation into the fatal shooting, but there is no indication that Nwosu will be charged with any crime.

Police are still searching for the fleeing suspect, identified by Nwosu from police photos as 24-year-old Kima Ivey.

Ivey currently has two outstanding warrants for his arrest.

He is considered armed and dangerous.

But there is nothing more dangerous to an armed robber than an armed victim. Which is as it ought to be.

Alan M. Gottlieb

Joseph D. Tartaro

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