

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

Gun control advocates lost ground in the 2004 elections, ending any shot that Congress will renew a federal ban on so-called "assault weapons" in the next two years, despite zealous anti-gun efforts.

Even one of the ban's co-authors, Rep. CHRISTOPHER SHAYS (R-CT), said, **"My general reading is that neither side wants it to come up."**

Seven of nine newly elected members to the Senate oppose the ban, and another would only support a more narrowly defined ban. They replace senators who voted six to three in favor of the ban.

The switches would result in the Senate **rejecting the ban 52 to 48.**

On another front, **the repeal of Washington, D.C.'s 1976 handgun ban has a better chance** of passing next year in the 109th Congress because of Republican gains in the Senate.

The District of Columbia Personal Protection Act passed through the House 250-171 in late September. It had 45 Democrat co-sponsors and gained the final support of 52 Democrats.

D.C. Mayor ANTHONY WILLIAMS, his police chief and the superintendent of schools **testified before Congress in September against repealing the ban.**

Crime statistician JOHN LOTT Jr., points out in his book "More Guns, Less Crime," that jurisdictions that **strengthen gun ownership, or allow its citizens to apply for concealed-carry permits**, see a greater decrease in crime than the national average.

Members of Congress say this can happen in the District of Columbia, which has long been plagued by high crime from street gangs and dope dealers that gave the city the sarcastic label, "A Work-Free Drug Zone."

The **improved pro-gun makeup of the Senate** has also brought new hope for passing **a federal law blocking frivolous lawsuits against gun makers and sellers.**

A lawsuit immunity bill died in the Senate in March when the gun control faction added two amendments that led gun owners to withdraw their support: an extension of the "assault weapons" ban and a requirement for background checks of all firearms purchased at gun shows.

Gun owners blamed Senate Minority Leader TOM DASCHLE (D-ND) for the deliberate obstruction, a tactic he had used on numerous other issues to thwart the agenda of President GEORGE W. BUSH.

Gun owners worked intensively to unseat DASCHLE and succeeded. Republican JOHN THUNE edged him out in a bruising \$26 million election battle.

DASCHLE was the first Senate minority leader to be deposed since 1952, when Republican BARRY GOLDWATER of Arizona turned Senate Majority Leader ERNEST McFARLAND out of office.

With the notably pro-gun makeup of the incoming Congress, **gun owners face better prospects of winning key battles** for the next two years.

Also in this issue: ● *Boys and guns: good policy* ● *Ten years for owning a gun?* ● *Anti-gunmaker lawsuit thrown out in Illinois* ● *Oklahoma's new 'weapons at work' law challenged* ● *Surprise! London newspaper running a pro-gun campaign!* ● *Self Defense on the Rise in our Page Eight "Parting Shot"*

**AT THE
FEDERAL LEVEL**

REPORT: PLAYING WITH GUNS IS GOOD FOR BOYS

PENNY HOLLAND, a leading child psychologist teaching at London Metropolitan University, says **banning boys from playing with toy guns is futile and may even damage their development.**

HOLLAND, who claims that **boys have fallen victim to politically correct dogma**, claims that suppressing their need for boisterous play may be counter-productive.

In a new book, "We Don't Play With Guns Here," HOLLAND says the British ban on violent play should be reconsidered. She believes that boys who have been banned from playing at soldiers, pirates, or superheroes, **become disruptive and live up to a "bad boy" image.**

She says the zero-tolerance approach that emerged in the 1960s and '70s **was wrong** to assume that "the spiral of male violence" could be broken by preventing boys from playing aggressive games.

HOLLAND claims that 30 years after the ban on playing with guns and swords came into vogue, **boys continued to play behind the backs of staff**, even when they had been told it was wrong.

Even when the plastic guns and swords were taken away, they did what generations of boys have done before. Pieces of wood, tennis rackets and even pens and crayons, **all became guns, swords, and daggers in the fertile young imagination.**

Her views have been **strongly opposed by gun control groups** and families of the 16 children and their teacher killed in the 1996 school shooting in Dunblane, Scotland. The tragedy dramatically accelerated the existing trend towards banning toy guns and swords in shops and nurseries alike.

But HOLLAND's book confirms what many guilty parents long suspected, **that boys will indulge in gunplay** regardless of attempts by schools, day-care facilities and guardians to stop them.

HOLLAND said of the war games: **"It is very much part of them making sense of the world.** It relates to timeless themes of **the struggle between good and evil.**

"It seems to represent a developmental need to play with these things and my feeling is that it is counter-productive to work against that."

Although closed-minded anti-gun advocates reject her work, others agree.

HELEN FRASER, a senior lecturer in child development at Edinburgh University, said **she broadly agreed with HOLLAND's findings.**

She said: "It's all a matter of balance and proportion. I would be very cautious of allowing too much of a fascination with guns to develop, but I think **we can all think of examples where we played games such as Cowboys and Indians and it did us little harm.**

"What I would be more dubious about would be some of the scenes of violence on television and the impact of some very violent video games."

A shooting coach, ALAN PHILIPS, said the research was **a welcome dose of common sense.**

PHILIPS, a senior member of the **UK Practical Shooting Association**, said: "For years people who shoot have been demonized as representing some kind of 'gun culture.' Maybe gangsters are embroiled in some kind of gun culture, but responsible shooters are certainly not.

"When I was younger we always played Cowboys and Indians and sometimes just used our fingers as guns. **We all turned out pretty normal**, at least to my mind."

**PUBLIC
POLICY
ISSUES**

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ILLINOIS LAWMAKERS OVERRIDE VETO OF BILL PROTECTING GUN OWNERS

The Illinois House has voted 85-30 to override Gov. Rod Blagojevich's veto of a bill protecting homeowners who use a banned handgun to shoot burglars.

The Senate approved the bill earlier, so it now becomes law. It was inspired by the case of Hale DeMar, a Wilmette restaurant owner who shot a burglar who had broken into his home twice. County prosecutors declined to press charges for the shooting, but Wilmette village officials charged DeMar with breaking the city's ban on handguns.

IN THE STATES

Under the new state law, someone who shoots an intruder on his or her property could not be charged with violating a local gun ban. It does not prevent state charges if prosecutors find the shooting itself was a crime.

MASSACHUSETTS TOWN WANTS 10-YEAR JAIL SENTENCE FOR OWNING A GUN

New Bedford, Massachusetts Mayor Fred Kalisz wants a mandatory five-to-ten year jail sentence for illegally carrying or possessing a gun in the city limits.

Not ten years for using a gun in a crime. Ten years for possessing a gun.

The city is taking its outrageous home-rule petition establishing the penalty to the state Legislature.

New Bedford Police Department Chief Carl Moniz said illegal guns are seized from individuals on the street all the time, raising doubts about why a new law is needed to enforce existing laws.

The City Council must approve the petition and send it on to the Legislature.

New Bedford Solicitor Matt Thomas said if it gets onto the Legislature's January calendar and it agrees to the change, the new law could hit the books in early 2005.

PENNSYLVANIA RETIRED LAW OFFICER CONCEALED CARRY BILL DIES

The recently-passed federal Law Enforcement Officers Safety Act of 2004 allows retired officers to carry concealed weapons.

It found the state of Pennsylvania with no laws in place to deal with the federal legislation, so Adams County Sheriff Raymond "Rocky" Newman turned to state Rep. Stephen Maitland to draft a bill that would bring the state into compliance with the federal law.

Their bill unanimously passed the state House of Representatives in November, but it died when the legislative session ended in November before the state Senate could consider it.

Maitland said he plans to reintroduce the bill when lawmakers return in January. The measure is expected to pass easily.

UNIVERSITY OF UTAH FLOUTS THE LAW OVER GUNS ON CAMPUS

The University of Utah has voted to ignore a state law requiring it to allow guns on campus - guns have been prohibited by the state school for almost 30 years.

Mark Shurtleff, the state's attorney general, says that in a concealed-carry state, the university policy violates state law.

"It's the state that makes regulations for the university - not the other way around," said Republican state Sen. Michael Waddoups, the bill's sponsor.

A ruling from the state Supreme Court is expected this month.

WISCONSIN GREEN PARTY PUSHES BEVY OF ANTI-GUN MEASURES

If anyone doubted that environmentalists oppose the Second Amendment, the Green Party in Wisconsin can set things straight for them.

The Green Parties of Kenosha and Racine counties have formally called for background checks on gun show purchases, a state ban on so-called "assault weapons," and a ban on the carrying of concealed firearms.

Greens made their announcement of anti-gun intent last month at the eighth annual gun show at Memorial Hall in Racine.

ILLINOIS SUPREME COURT REJECTS CHICAGO'S ANTI-GUN LAWSUIT

A unanimous Illinois Supreme Court has rejected the City of Chicago's attempt to blame gun makers for the criminal misuse of firearms within the city.

In rejecting Chicago's case the court ruled that gun makers do not owe a "duty to the city of Chicago or its residents to prevent their firearms from ending up in the hands of persons who use and possess them illegally."

The court concluded that the "matter of regulating the manufacture, distribution, and sale of firearms" was best left to the legislature, not the courts.

Lawrence G. Keane, senior vice president and general counsel for the National Shooting Sports Foundation, the firearm industry's trade association, said, "Chicago now joins a list of other cities that have failed in their suits against gun makers, including Boston, Cincinnati, Newark and Jersey City."

**ON THE
LEGAL
FRONT**

COURT: PENNSYLVANIA "WEAPONS OF MASS DESTRUCTION" LAW NOT FOR COMMON CRIMES

Common Pleas Court Judge James Lineberger has thrown out ridiculous "weapons of mass destruction" charges against a Kensington man and his two sons, accused of building an arsenal to protect their alleged marijuana business.

Police raided the house of Johnnie Bellmon, 61; Harry Bellmon, 41; and Benjamin Bellmon, 30, in July 2003 and uncovered large quantities of marijuana, as well as four hand guns, an ammunition making machine, an artillery rocket, three hand grenades and 20,000 rounds of live ammunition.

The Bellmons were charged under Pennsylvania's new WMD laws that passed after 9/11 to hand out stiffer penalties to terrorists. The three pleaded not guilty. Their attorneys argued that the military gear was part of a collection, and posed no hazard.

In issuing a judgment of acquittal, Judge Lineberger refused to allow the jury to consider the charges, plus companion charges of risking a catastrophe.

With some of the most serious charges removed, the trio now face charges of drug possession with intent to distribute, conspiracy, and possessing instruments of crime.

If the men had been convicted of the weapons of mass destruction charge they would have faced a maximum 20 years in addition to the standard sentence.

VIRGINIA SHOOTING ACCIDENT CAN'T BE MADE INTO A CRIME

The Virginia Court of Appeals has ruled that an accidental shooting by a 14-year-old boy in Henrico County could not be the basis of a criminal charge against the boy's father for not preventing the accident.

The shooting occurred in October 2002 after Paul Mangano, his son Alexander, and an 11-year-old friend all became alarmed at a loud noise they thought was a gunshot. It was during the sniper attacks near Washington, D.C. and Alexander went to his father's bedroom and got the family's .22-caliber rifle.

Paul Mangano came back in the house after investigating the noise, saw his son with the rifle, told him to put it away and went upstairs. Alexander had completed a gun safety course, removed the magazine from the rifle, but who accidentally shot his friend in the head, causing the loss of an eye.

Paul Mangano was convicted of felony child abuse by Circuit Judge George F. Tidey, but the three-judge appeals court panel ruled unanimously that the law and evidence did not establish that Mangano "knew danger ensued from only ordering his son to put the gun away rather than taking it from him."

COLT DEFENDS ITS TRADEMARKS IN COURT

Colt Defense of West Hartford, Connecticut, has filed a lawsuit alleging that Bushmaster Firearms Inc. copied Colt's M-4 carbine rifle. Colt is also suing Heckler & Koch GmbH, a German company with a plant in Sterling, Virginia. Colt alleges that both companies have engaged in trademark infringement, trademark dilution, false advertising, unfair competition and deceptive trade practices.

NEW HAMPSHIRE YEARBOOK PHOTO CASE IN COURT

When Blake Douglass, a 17-year-old senior at Londonderry High School, submitted his yearbook photo, it showed him in a typical sportsman's pose - outdoor photo, smiling into the camera, wearing all-white with a navy shooter's vest and a broken-open shotgun over his right shoulder.

**ON THE
LEGAL
FRONT**

The school's officials said no, they won't show a gun in their yearbook, despite Douglass's exemplary sportsman's record.

Outraged, Douglass hired Concord attorney Penny Dean and sued the school board, principal, district superintendent and yearbook advisers in U.S. District Court in Concord, to force them to print the photo in his yearbook.

Dean has filed two motions, one to delay the yearbook's printing until the matter is resolved in court, another to request an expedited hearing.

OHIO SUPREME COURT WON'T THROW OUT LAWSUIT AGAINST ANTI-GUN SHERIFF

The Ohio Supreme Court has issued an alternative writ of mandamus rejecting Franklin County Sheriff Jim Karnes' request to have a lawsuit against him thrown out.

The lawsuit was filed in April by Josephine Lee over a delay in her concealed carry permit caused by the Sheriff demanding more information than Lee provided in her application. The state's new concealed carry law does not allow sheriffs discretion to ask for such additional information, according to Lee's lawsuit.

Karnes requested the high court to dismiss Lee's suit, but they refused on a 6-1 vote. Sheriffs must accept a proper application without further questions.

Attorney Ken Hanson of Firestone and Brehm, Ltd, the law firm representing Lee, said "Josephine's application complied with the law in all respects. It appears that the Sheriff's confusion centers around whether he must accept an affidavit at face value, or whether he had discretion to inquire beyond the affidavit and require supporting materials not provided for in the statute."

Ohioans for Concealed Carry, a gun rights group, is providing logistical support for Lee's case.

OHIO JUDGE RETURNS CONFISCATED GUN TO CONCEALED CARRY PERMITTEE

Reversing his decision to keep a confiscated gun, Bedford, Ohio, Municipal Court Judge Peter J. Junkin ordered police to give back a .38-caliber Smith & Wesson revolver to owner Justin T. English - but only after a spate of bad publicity about Junkin being the first judge under the state's new concealed carry law to keep a defendant's gun after the case was over.

Police originally took the gun from English during a traffic stop in August. English was a passenger in the stopped car and immediately told police that he had a gun in the waistband of his pants. English had and continues to hold a valid permit to carry a concealed firearm.

After resolving charges of improper transport of a gun, English asked for his revolver back, but Judge Junkin refused. Riled up, Ohioans for Concealed Carry appealed the confiscation to the state appeals court. That appeal is still pending.

Then English's attorney made an oral argument for the gun's return. Junkin reversed himself and ruled that the gun be returned.

OKLAHOMA "WEAPONS AT WORK" LAW CHALLENGED

U.S. District Court Judge Sven Erik Holmes has issued a temporary restraining order against enforcement of a new Oklahoma law, House Bill 2122, that allows gun owners to bring a weapon to work if it is kept in a locked vehicle. The ban on bringing firearms inside the workplace remains intact.

Whirlpool and oil giant ConocoPhillips Inc. are suing to stop the law from taking effect. The State Chamber, a business group, has also filed briefs against the law. "We have fights on work property all the time," said David Strecker, attorney for the State Chamber. Democrat state Sen. Frank Shurden, a co-author of the law, said there would be no workplace shootouts because of the law.

SURPRISE! LONDON NEWSPAPER IN BIG PRO-GUN CAMPAIGN

The London Telegraph has launched a campaign to give people more rights to protect their homes and families from violent intruders.

The newspaper ran a survey showing that 71 percent of voters believe that householders should have the "unqualified right to use force, including deadly force if necessary" against burglars.

**AROUND
THE
WORLD**

An even greater proportion of those surveyed - 81 percent - say that intruders should lose the right to sue for anything the householder does in self-defense. Burglars can sue for being shot.

The British government responded with polite noises but no change in the law.

BELGIAN LEFTISTS CALL FOR WEAKER GUN RIGHTS

Two left-wing members of the Flemish "progressive" party Spirit are pushing to stop citizens from buying guns, claiming it will halt the growing numbers of people killed by criminals using firearms.

Geert Lambert, leader of Spirit, and fellow party member Stijn Bex say the more guns in circulation, the more people will die. They were silent about more criminals in circulation.

The Spirit party has put forth a new law that would tighten requirements for gun ownership and only allow permits to be given to those who use guns for their hobby or job. Spirit is also pushing for the central registration of all firearms.

INDIA: WANT A GUN? GET STERILIZED

Here's a new twist on population control. India's largest and most populous province, Uttar Pradesh, has raised the ante for getting a gun license: to obtain a single-barrel shotgun, two people must be sterilized; to buy a revolver, the price is five.

This bizarre government program has evoked fears that rich farmers will force their laborers to get vasectomies so the boss can own a gun.

The government is unapologetic: it intends to keep up the program. For years, poor people in Uttar Pradesh who get sterilized receive priority for houses, small loans and extra rations of basic items like sugar. Guns are just the latest carrot in their carrot and stick approach.

CANADA WASTING MILLIONS MORE ON GUN REGISTRATION PROGRAM

Inky Mark, Conservative Party Member of Parliament, was shocked to learn that the Canadian Firearms Program has been allocated another \$120 million.

The gun control project's original \$2 million budget has already soared past \$1 billion, and is widely regarded as a total failure in combatting crime.

"None of that new \$120 million will go to training or public gun safety programs," said Mark. "It's all slated for public relations, advertising, travel, hospitality, conferences and professional services."

BRAZIL MAY EXTEND GUN BUY-BACK PROGRAM

Justice Minister Marcio Thomaz Bastos says that Brazil's gun buy-back program has been so successful that the government is considering extending it another six months. Since the project was launched in July, 160,000 guns have been sold to the government as part of a draconian new anti-gun law that bans citizens from carrying guns. Only police and those who can prove their lives are in danger can get gun permits. Bureaucrats have wide discretion in denying permits.

SOUTH AFRICA'S ANTI-GUN SECURITY MINISTER EVADING OVERSIGHT

Amid accusations that enforcement of the nation's new Firearms Control Act is rife with corruption resulting in devastating economic damage, Safety and Security Minister Charles Ngakula has cancelled a long-awaited appearance at Parliament's safety and security committee. Democratic Alliance Member of Parliament Roy Jankielsohn said, "The minister has not attended a single meeting of the oversight committee. This poses question marks over his commitment to accountability."

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Springfield, Massachusetts:** Smith & Wesson settled with its former CEO Roy C. Cuny for \$375,000 after he left the company suddenly in November. As part of the deal, Smith & Wesson agrees to pay for a separate lawyer to represent Cuny in the ongoing Securities and Exchange Commission investigation of the company. The SEC is investigating whether laws were broken when Smith & Wesson filed incorrect financial information regarding the purchase of the company in 2003.

● **Washington, D.C:** The Metropolitan Washington Airports Authority (MWAA) recently held a hearing to discuss its plans to change its policies on weapons on airport grounds. The MWAA is the law enforcement body for both Dulles International Airport and Reagan National Airport. At issue is whether anyone is allowed on airport grounds and its surrounding land while carrying a weapon. Gun rights activists have argued that the law is unconstitutional and that in Virginia, they are allowed to carry their weapons openly. However, effective July 1, a new Virginia state law was passed making it a misdemeanor to possess or transport any gun or dangerous weapon into any air carrier airport terminal in the state. The MWAA is independent of the federal government, the Commonwealth of Virginia and the District of Columbia. But it is considering five exceptions to its gun ban: 1) authorized personnel (sky marshals, law enforcement officers with prisoner); 2) unloaded firearms in checked baggage; 3) firearms securely packaged for air cargo shipment; 4) law enforcement officer required to carry a firearm as part of official duties; 5) an employee of the MWAA using a firearm for MWAA purposes such as animal control on airport property.

● **Little Rock, Arkansas:** Acxiom Corporation recently asked its employees to leave their deer hunting rifles at home because the nearby Clinton Library was to open, with ceremonies attended by President Bush and former presidents Jimmy Carter, George H.W. Bush and Clinton. Acxiom spokesman Dale Ingram said, "We have a policy forbidding weapons on company property. This would not be a time to violate that policy." Deer hunting season overlapped the library opening, and hunters take their sport very seriously, bringing rifles to work in their cars so they can get in a few hours in the woods before and after work.

● **Montville, Connecticut:** The Montville Board of Education has approved a new rifle club by a five to four vote. Physics teacher and shooting enthusiast Stephen Rocketto had set his sights on starting an official rifle club at Montville High School but failed two years ago when the vote was tied. Half a dozen students are taking shooting lessons at the Quaker Hill Road and Gun Club under Rocketto's supervision. The four dissenting education board members said with the school's zero tolerance policy on guns, it wasn't the right message to send. No guns are brought to school in the new gun club.

● **Washington, D.C.:** Secretary of State nominee Dr. Condoleezza Rice is a big supporter of the Second Amendment, according to Rice biographer Antonia Felix. It was a commitment cultivated during her days growing up in Commissioner of Public Safety Eugene "Bull" Connor's Birmingham, Alabama. Then the shotgun wielded by her father was often the only thing that stood between her family and the Ku Klux Klan. In 1963, racial violence was "turning her hometown into 'Bombingham' as Alabama's governor George Wallace fought a federal court order to integrate the city's schools," wrote Felix. "With the bombings came marauding groups of armed white vigilantes called 'nightriders,' who drove through black neighborhoods shooting and starting fires. Condi's father John Rice and his neighbors guarded the streets at night with shotguns." Rice said that if those guns had been registered, Bull Connor would have had a legal right to take them away, removing one of the black community's only means of defense. "I have a sort of pure Second Amendment view of the right to bear arms," Rice said.

Parting Shot

SELF-DEFENSE ON THE RISE

Pensacola, Florida was hard hit by Hurricane Ivan and 77-year-old James Workman was hard hit by both the storm and an intruder who entered the trailer where he and his wife Kathryn have been living beside their damaged home.

At 2:20 a.m. one recent Wednesday night, Rodney Dean Cox, 35, of Asheville, North Carolina, came into the yard and Workman tried to warn him away with a shot from his .38-caliber handgun into the ground. The man refused to leave and entered the trailer.

Workman scuffled with the intruder and, finding himself on the losing end, fatally shot the man.

Police said the man had come to Florida to work after the hurricane, but declined to identify his employer. Prosecutors are investigating the case to decide whether the shooting was justified or if Workman will be charged with a crime.

In Eliot, Maine, Mark Murphy, 39, began pounding on the front door of David Oeser's home at 1:30 in the morning, raging and demanding entry. Oeser, 54, was still awake and told the man no, but Murphy came in anyway.

Oeser went to his bedroom and locked the door, telling Murphy to leave. Murphy broke down the door and entered the bedroom, yelling incoherently. Oeser made several more pleas that Murphy leave, to no avail. Oeser then shot Murphy in the chest. Despite the wound, Murphy kept grappling until Oeser called 911.

Murphy fled to Boston, where he was treated at Beth Israel Deaconess Medical center, but police tracked him and extradited him back to Maine. He was arraigned on felony charges of aggravated criminal trespass and Class C assault. Bail was set at \$50,000.

Oeser will not face any charges.

In Syracuse, New York, Elwood L. Powell, 40, came to the door of Western Lights Mobil Mart at 4:00 a.m. and buzzed to be let in. Powell then proceeded to rob the store and rushed Steven Brown, the store's owner.

Brown reached under his counter and grabbed his loaded 16-gauge shotgun. Powell grabbed the barrel and Brown fired once. The shot went through one of Powell's legs and lodged into the calf of the other leg.

Brown retreated to his office, locked the door and called 911. Police found Powell in the parking lot and took him to University Hospital where his injuries were not considered life-threatening. He was charged with felony robbery. Brown was not charged, and police praised his control of the situation.

Alan M. Gottlieb

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