

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

The inside story: After gun-rights lawyers worried over the Supreme Court's denial of additional time for pro-gun lawyers to argue their cause in the historic handgun-ban case District of Columbia v. Heller, **the oral arguments last month revealed that a majority of the Justices were ready to rule for the first time in the nation's history that the Second Amendment gives people an individual right to own a gun.**

Just before the oral arguments began at 10 a.m. on March 18, JOHN M. SNYDER, government relations representative with the Citizens Committee for the Right to Keep and Bear Arms, sat in the lobby of the Supreme Court Building on a bench beside the man whose name is on the case title, **DICK HELLER**, a soft-spoken man who got into it because **"I just wanted to be able to keep my guns."**

Heller told SNYDER that late the previous night **he passed out cough drops to people who had been standing in the wait-to-get-in line since early morning - and still faced an all-night vigil in the bitter cold - for the chance of a lifetime to witness history in the making.**

It was "The Hottest Ticket In Town" and **nobody had a clue who HELLER was.**

When Guests of the Court officials ushered the two into the imposing Courtroom, **HELLER was not taken to the Respondents Table with the lawyers at the front, but to an ordinary guests seat in the third row** (near the District of Columbia police chief).

Then the Marshal of the Court called out, **"God bless this honorable court"**, the nine Justices filed in, Justice Thomas read the decision on a prior case - the only time he spoke, as he afterward maintained his legendary silence, with no questions during the arguments - and new members of the Supreme Court bar were sworn in.

Chief Justice Roberts then asked the District of Columbia's attorney, Walter Dellinger, to begin, and **the fateful, complex 98-minute marathon was off and running.**

Dellinger quickly explained that the district was asking the high court to overturn a federal appeals court decision that declared the district's handgun ban unconstitutional and laid out his case and points of law.

The 110-page transcript of the entire hearing is on the Supreme Court website at www.supremecourtus.gov/oral_arguments/argument_transcripts/07-290.pdf.

The Second Amendment Foundation (SAF) found the oral arguments stunning **not so much for the intricate legal issues raised as for the Justice's knowledge of gun rights issues.** All nine had obviously been studying the case for months.

Gun-rights advocates watched breathlessly as **Justices Roberts, Antonin Scalia, and Samuel Alito echoed the earlier writings of Justice Thomas, emphasizing the Second Amendment's "right of the people" clause over the militia reference.** Four votes for the individual right to own guns.

Then Justice Anthony Kennedy flat out said he believes in an individual right. The fifth vote. Victory!

John Snyder said you could feel the relief and excitement. If the decision goes the way the oral arguments went, Americans will have the right to keep and bear arms enshrined by the Supreme Court, which will influence American law for decades to come.

But it's not over yet. The Opinion may retain many more "reasonable regulations" than most of us want. Regardless, SAF expects an affirmative ruling in late June..

Also in this issue: ● Family sues school over son's pro-gun T-shirt ● Tiahr Amendment under fire ● Christian Coalition supports guns ● Barak Obama and gun control ● Paint Bloomberg's face on your gun barrel ● Gun Gestapo? in our Page Eight "Parting Shot"

**D.C.
GUN BAN
CASE**

PHILADELPHIA CITY COUNCIL HEADS TO COURT OVER GUN LAWS

City police can't control criminals, so Philadelphia council members have asked a court to overturn a state law and let them adopt local gun-control laws because "loose state firearms laws are wreaking havoc on Philadelphia streets."

They accuse state lawmakers – who were given the sole power to regulate Pennsylvania gun sales in a 1974 law – of abdicating their responsibility to protect the public. Philadelphia's 400 annual homicides have spawned the notorious nickname "Killadelphia."

The Commonwealth Court did not indicate when it would rule on legislators motion by lawmakers to dismiss the city's suit.

**ON THE
LEGAL
FRONT**

FAMILY SUES SCHOOL DISTRICT OVER SON'S GUN T-SHIRT

Donald Miller, a 14-year-old schoolboy at Penn Manor High School in Millersville, Pa., is fighting back in federal court after being sent to detention for wearing a T-shirt bearing the image of a gun in honor of his uncle fighting in Iraq.

Officials at Penn Manor High School in Millersville, Pa., punished Miller after he refused to turn his shirt inside out. Kevin French, an attorney for Penn Manor, said the school district must create a safe environment, and Miller's T-shirt endangered the school. A federal judge will review the case.

JUDGE BLOCKS KENTUCKY LAW FORBIDDING NON-CITIZENS CARRYING GUNS

U.S. District Judge Thomas Russell has issued an injunction that stops enforcement of a Kentucky law barring non-citizens from carrying concealed deadly weapons, saying the law is written too broadly and violates the rights of attorney Alexander M. Say, a British national who has lived in Kentucky for 15 years.

The American Civil Liberties Union sued the Jefferson County Sheriff's Department and Kentucky State Police on behalf of Say.

STATE JUDGE RULES FOR GUN CLUB

Connecticut Superior Court Judge William T. Cremins has ruled that a group of local residents failed to show that the Metacon Gun Club poses a threat to the environment, killing the last of three lawsuits the group filed four years ago.

The group, Simsbury-Avon Preservation Society, LLC, demonstrates once again that environmentalists are no friends of gun owners.

IDAHO GUN SHOP KEEPS UP COURT BATTLE AGAINST ATF

Red's Trading Post in Twin Falls, Idaho, has continued its battle against the Bureau of Alcohol, Tobacco, Firearms and Explosives in federal court, contending the ATF wrongly revoked its license over paperwork violations.

ATF inspector John Hansen testified before U.S. District Judge Edward Lodge that the errors were repeated and serious, and that Red's had plenty of chances to fix problems before their license was pulled, which owners Ryan and Terry Horsey denied.

OHIO SUPREME COURT WILL HEAR ARGUMENTS ON GUNS IN PARKS

Ohioans for Concealed Carry get their day in (supreme) court this month, when they argue that the City of Clyde was properly rebuffed by an appeals court that ruled their "no-guns" signs were illegal.

Ohio Attorney General Jim Petro intervened in the appeals court case against the City of Clyde, arguing successfully that Ohio's concealed carry law is constitutional. Newspaper polls prove Ohioans strongly support protection in public parks.

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WASHINGTON STATE CONGRESSMAN VOWS NO GUNS IN PARKS

U.S. Rep. Norm Dicks (D-WA) has threatened to use any means necessary to block the administration's proposal to allow carrying firearms in national parks. Dicks is chairman of the House Appropriations interior subcommittee that oversees the National Park Service's annual budget. He said he'll add legislative provisions to his spending bill, even if it prompts a presidential veto.

Dicks, a perennial anti-gun zealot who has backed handgun bans and the now defunct "assault weapon" ban, is also known as a longtime puppet of the powerful environmental lobby - donations from Sierra Club officials are rank in Dicks' campaign finance reports on www.OpenSecrets.org.

**AT THE
FEDERAL
LEVEL**

Democrats, who have learned to fear the gun issue, have accused Republicans of using the guns-in-parks proposal as a wedge to exploit gun issues in an already overheated political atmosphere.

One wonders what else Democrats expected of Republicans, who are long-standing allies of the Second Amendment.

Washington State senior Senator Patty Murray complained that the guns-in-parks proposal had interfered with passage of her pet project, the so-called "Wild Sky Wilderness" legislation.

The "Sky" in "Wild Sky" has nothing to do with the air or airplanes - it's actually the Skykomish River, a popular fishing stream in the North Cascade Mountains, but greens evidently thought "Wild Sky" sounded more romantic (and winnable).

But Murray's wilderness lockup was yanked from the floor when Sen. Tom Coburn (R-OK), a longtime gun-rights advocate, said he would offer an amendment to the public lands bill that would allow guns in parks.

Sen. Murray also made the outrageous claim that "our national parks are some of the safest places in America." The *Christian Science Monitor* showed how wrong Murray was in a 2005 story headlined, "Crime rates tick up across national parks."

The story warned that, "National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents," and pointed out that alcohol and drugs are at fault, not illegal guns.

Park rangers get to carry guns in unsafe national parks. Why not you and me?

BLOOMBERG BACKS BILL TO KILL TIAHRT AMENDMENT

Senator Robert Menendez (D-NJ) has introduced a bill that would strike the Tiahrt amendment and its protection of gun trace information, the only thing between New York City Mayor Bloomberg's anti-gun coalition and victory for their mission to destroy the firearms industry by using ATF data to blame gun makers and dealers for the crimes of New York's uncontrollable thugs.

Menendez's bill, called the Firearms Information Use Act of 2008, has forced gun rights advocates to once again fight to protect the amendment, introduced by Rep. Todd Tiahrt (R-KS) in 2003 to not only stop politicians and activists from filing frivolous lawsuits against gun dealers, but also to protect the identities of members of law enforcement.

"MICROSTAMPING" BILL DISCREDITED BY NEWSBLAZE

John W. Wallace, writer for web-based *Newsblaze*, has spelled out the problems with identical gun microstamping bills, S-2605 introduced in the Senate by Sen. Edward Kennedy (D-MA), and H.R. 5266 in the House, introduced by Rep. Xavier Becerra (D-CA).

Both are called the "National Crime Gun Identification Act" and supported by the usual suspects in the gun control lobby. Both require microstamping of handguns.

Wallace cites two studies of microstamping, one by the University of California at Davis, the other by the Association of Firearms and Tool Marks Examiners on Long Island, that both found the process to repeatedly fail in tests.

Not only doesn't the laser engraving produce uniformly readable marks (sure to make a fortune for defense attorneys ridiculing faulty evidence in court) but there are also so many ways to defeat microstamping that the whole idea is absurd.

FLORIDA HOUSE PASSES GUNS-IN-WORKPLACE BILL

Without debate, the Florida House passed HB503, which would allow employees to take their guns to work as long as the employee has a concealed weapons permit and the firearm is left in the car.

The bill passed on a nearly party-line vote, 72-42, with Republicans largely supporting the guns-at-work bill despite last-minute lobbying by businesses to kill the measure. The bill splits Republican loyalty between two core principles: the rights of gun owners and private property rights.

IN THE STATES

CHRISTIAN COALITION SUPPORTS GEORGIA GUN BILL

Georgia state Rep. Tim Bearden, leader of the effort to broaden carry rights for licensed Georgians to include parking lots, says he has a new ally in the fight that has split gun rights advocates from businesses in the Georgia Chamber of Commerce that say it violates private property rights.

The Georgia Christian Coalition now is backing his bill to include concealed carry even into churches - the portion of the bill that attracted the Christian Coalition's attention, Bearden told reporters.

Gun rights advocates have been working for two years now to get a bill that will protect the rights of workers to have concealed weapons in their cars on company lots. Insiders think it may not pass this year, either.

ILLINOIS HOUSE COMMITTEE KILLS AMMUNITION TRACE BILL

Rep. Will Davis (D-Homewood) saw his ammunition-tracing House Bill 4259 go down in flames by a 5-4 vote in an Illinois House committee.

The bill would have required ammunition in Illinois to carry a laser-etched code on both the casing and bullet, a slight variation on microstamping bills in others states, which affect only the casing.

Opponents said that the process of etching the codes would cost the ammunition industry millions and all but force the Winchester ammunition plant in Alton to close.

They also argued that using high-powered lasers near the explosive materials found in bullets could be dangerous.

13-GUNS-A-YEAR BILL INTRODUCED IN NEW JERSEY ASSEMBLY

Assemblywoman Joan Quigley (D-Hudson) is sponsoring a bill that would limit New Jersey buyers to purchasing one handgun every 30 days, or 13 in a year.

Quigley was joined by Jersey City Mayor Jerramiah Healy, Ceasefire New Jersey, and other gun control interests before the Assembly Law and Public Safety Committee, where the measure passed with one dissenting vote.

A similar handgun limitation has failed in the Pennsylvania legislature.

The sole dissenting vote came from Assemblyman Nelson Albano (D-Cumberland), who said, "This legislation will only hurt people who do the right thing, not crooks."

OKLAHOMA HOUSE OK'S CONCEALED CARRY ON COLLEGE CAMPUSES

The state House easily passed a bill that would allow military veterans and trained law enforcement personnel to carry concealed weapons onto college campuses.

The bill passed on a 65-36 vote, but was first stripped of a provision that would have allowed anyone age 21 or above with a concealed carry permit to be armed on campus. Lawmakers argued over whether arming some students would make campuses more safe or more dangerous.

OHIO CASTLE DOCTRINE BILL GETS 4TH HEARING

Ohio's SB 184, the No Duty To Retreat/Castle Doctrine legislation pending in the state Senate's Criminal Justice Committee, gets a fourth hearing this month.

A substitute bill has been readied and is expected to be voted out of committee.

SB 184 and the House companion bill, HB264, are endorsed by the Buckeye Firearms Association, a statewide organization of gun rights supporters.

Testimony from proponents, opponents and interested parties will be heard.

SOUTH CAROLINA CONSIDERING TWO PRO-GUN BILLS

A bill to keep the names of concealed carry permit holders is nearing passage in the South Carolina Legislature, undergoing small changes between the House and Senate versions that are expected to be reconciled this month.

The bill came in response to a Virginia newspaper publishing the names and addresses of that state's concealed carry permit holders.

IN THE STATES

A bill making its way through the South Carolina House would allow people with concealed weapons permits on state properties, including universities.

TENNESSEE HOUSE SPEAKER KILLS FOUR PRO-GUN BILLS

State Rep. Jimmy Naifeh (D-Covington) has used his power as Speaker of the House to cast three roll call votes against pro-gun bills in the Criminal Practice Subcommittee, as well as in a voice vote that defeated a fourth gun bill.

The Speaker can cast votes in any House committee or subcommittee. The votes killed a bill that would have permitted faculty and staff at public schools to carry handguns, one that would have allowed guns in parks, and one that would have removed gun-buying disqualifications for people with voluntary mental hospital commitments on their records.

A fourth bill would have allowed guns in restaurants.

UTAH HOUSE PERMITS OPEN CARRY OF LOADED GUNS

The state House of Representatives in Utah has passed a bill allowing a person with a valid concealed weapons permit to openly carry a loaded gun in some public places.

HB473, the open carry bill, was amended, however, to forbid a person from openly carrying a loaded gun on school campuses. Legislator rejected an another amendment requiring a concealed weapon to be concealed in all places, saying it was an affront on the Second Amendment.

The House passed the bill 60-11. It now moves to the Senate for debate.

VIRGINIA GOVERNOR VETOES TWO GUN BILLS

Democrat Gov. Tim Kaine has vetoed legislation that would allow concealed handguns in bars and restaurants that serve alcohol, and a measure that would have allowed gun owners with or without concealed-carry permits to store firearms in locked vehicle compartments, despite the fact that the bill had broad support in both chambers of the General Assembly.

Gun supporters believe that the veto is likely to be sustained in the Senate.

WEST VIRGINIA GOVERNOR SET TO SIGN CASTLE DOCTRINE BILL

Gov. Joe Manchin says he intends to sign a "castle doctrine" bill sponsored by Sen. Shirley Love (D-Fayette) to provide a homeowner with protection in court if an intruder or his family brings a lawsuit after a violent confrontation.

The bill says a property owner can use the burglar's presence as "a full and complete" defense for using deadly force.

West Virginia's bill focuses on lawsuits because state law has never obligated a potential crime victim to retreat in the face of an adversary inside one's domicile. The bill has not yet arrived at the Governor's office, but he says he intends to sign it once it does.

WYOMING GOVERNOR SIGNS CASTLE DOCTRINE AND KATRINA GUN BILLS

Gov. Dave Freudenthal has signed into law a bill the prohibits government officials from confiscating guns from law-abiding citizens, as was done by police in New Orleans following Hurricane Katrina.

Freudenthal also signed House Bill 137, a modified Castle Doctrine law that allows citizens to use deadly force, but only covers intrusions inside the home. The new law gives immunity from civil lawsuits for using force against intruders.

PRESIDENTIAL CANDIDATES AVOIDING GUN ISSUES

Democrats have been skittish about gun control since 1994 because their party strategists saw their "assault weapon" ban as the main reason they lost control of both houses of Congress for the first time in 40 years.

In 2000, Vice President Al Gore lost states with large numbers of gun rights advocates, and Democrats again saw gun control as a key reason he lost the presidential election.

In 2004, Sen. John Kerry touted his credentials as a hunter and Howard Dean, failed presidential candidate and current Democratic Party Chairman says that guns are a state issue.

Democratic presidential rivals Barak Obama and Hillary Clinton have both avoided the legal case that is driving the gun issue this year: *District of Columbia v. Heller* (see our Page 1 inside story).

Which seems out of character for both, who portray themselves as leaders ready to confront anything.

When the Supreme Court justices debated the legality of the District of Columbia's handgun ban, their file included a legal brief from Vice President Dick Cheney, Republican presidential candidate Sen. John McCain, and 54 other senators asking that the law be overturned.

But the rival brief from other members of Congress who back the tough handgun restrictions is missing the signatures of two prominent Democrat senators: Hillary Rodham Clinton and the likely nominee, Barak Hussein Obama, Jr.

They know that sympathy for gun control is politically costly.

So much for the "fearless" leaders.

Paul Helmke, president of the Brady Center to Prevent Gun Violence, told a reporter, "Democratic politicians are nervous about the gun issue, so they stay away from it."

John Snyder of the Citizens Committee for the Right to Keep and Bear Arms is more blunt and to the point: "The fact is that politicians have discovered there are 80 million law-abiding gun owners in America, and they're mad as all get-out at politicians who want to take their guns away."

Perhaps the most ludicrous thing about guns and Barak Obama is his proposal a few years ago for a federal law against licensed firearms dealers operating within five miles of a school or park. Critics noted that Obama's five-mile-radius proposal - we have a lot of schools and parks in this country - would effectively ban gun shops almost anywhere in the nation, and certainly in all the cities.

But oddly enough, the same Barak Obama didn't oppose a Senate measure to prohibit sex-related shops from opening near schools or places of worship. He didn't vote "no," he merely voted "present." The measure to ban porn shops didn't pass the Senate.

His campaign explained that their candidate was trying to avoid mandates on local authorities. Let's see if we have this straight: Obama wouldn't ban porn shops because it would have been a mandate on local authorities, but he would ban gun shops because... No, it still doesn't make sense.

And what about the criticism that Obama has changed his position on gun control as he came more into the spotlight? He never voted in favor of gun owners while he was in the Illinois state legislature, but now says he supports the Second Amendment. His campaign says that "Obama has been consistent."

Then why didn't he (and why doesn't he) sign an amicus brief that opposes the D.C. gun ban?

Well, you do have to give him this: since getting into the Senate, he has voted in favor of gun owners - once. He opposed confiscation of lawful firearms after the Katrina debacle. That's it.

That's the fearless leader who supports the Second Amendment. Not much for a gun owner to vote for. But there may be an upside to all this: the gun control crowd is concluding that Obama is turning into a sellout on this issue.

**GUNS AND
POLITICS**

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Washington, D.C.:** Data released by the FBI's National Instant Criminal Background Check System (NICS) shows 1,021,130 background checks were performed on the sale of firearms in February, an 11.6 percent increase from 914,854 reported in February 2007. Adjusted state figures shows background checks were up 10.9 percent during the month. A total of 1,063,686 background checks have been reported by NICS so far this year. The increase coincides with an uptick in excise taxes reported by firearms and ammunition manufacturers, another key economic indicator for the firearms industry.

● **Bellevue, Washington:** The media deliberately downplayed the role played by armed student Yitzak Dadon at Jerusalem's Mercaz Haray seminary in stopping a gun-wielding terrorist last month, says the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA), "because it proves that armed students can stop campus gunmen." Dadon heard gunfire, saw the gunman emerge from a library, and used his own gun to shoot the terrorist twice in the head. CCRKBA said, "Elitist American college administrators, the national press, nor anti-gun politicians can sweep this incident under the rug." Reports published around the world mentioned Dadon's heroism, but many news agencies in the United States did not, or minimized it.

● **London, United Kingdom:** Home Secretary Jacqui Smith has rejected Scottish Government calls for a review of gun laws. She also declined an invitation to co-host a firearms summit with Scots Justice Secretary Kenny MacAskill. Firearms control is reserved to Westminster, but Holyrood ministers said Scotland had a distinct problem with airguns. Des Browne, UK Scottish Secretary, said, "We have people in Scotland who aspire to government but are more interested in grievances and arguments with the UK Government."

● **Ottawa, Canada:** Liberals are accusing the ruling Conservatives of allowing long gun owners to circumvent Canada's gun registry laws by extending a gun amnesty program for long guns. The government last November reintroduced a bill to kill the controversial registry for rifles and shotguns, and have not been anxious to stir up old protests that bordered on rebellion a few years ago. A new bill would push back the extension that ends later this spring to remain in effect until May 16, 2009.

● **Chippewa Falls, Wisconsin:** Lauer Custom Weaponry makes bright-color paint kits for handguns for fashionable women's guns and to help rescue workers and range masters find guns more easily. But that alarmed rabid anti-gun New York City Mayor Michael Bloomberg so much he pushed through a law making possession of paint kits or painted guns a crime worth a year in jail or a \$1,000 fine. So Lauer's Wisconsin-based company is selling a line of paints named "The Bloomberg Collection." You can now paint your gun Manhattan Red, Bronx Rose, Brooklyn Blue, Queens Green, or Staten Island Orange. For the true collector, there's a stencil of the mayor's face for the barrel of your gun. Bloomberg called the kits "a tragedy in the making."

● **Washington, D.C.:** ATF's acting director, Michael J. Sullivan, has taken actions to punish Edgar A. Domenich, a whistle-blower who alerted the agency about mismanagement by former ATF director Carl J. Truscott, according to a complaint filed by Domenich's Washington attorney, Debra S. Katz, with the Office of Special Counsel. She alleged that certain actions by the Justice Department are violations of the Whistleblower Protection Act. Domenich is a 23-year veteran of ATF, and claims he was demoted, denied bonuses and given a poor job review after years of outstanding job reviews.

● **New York City:** NYC Mayor Bloomberg has opened a new front in his controversial gun control project by enlisting six state legislators from around the country to form a lawmaker's coalition to supplement his group of 292 mayors. Manhattan Democrat Eric Schneiderman, the state Senate's deputy minority leader, is joining with lawmakers from Florida, Kansas, Nebraska, Pennsylvania and Illinois as founding members of a legislative panel evenly divided between Democrats and Republicans for gun control. The group has registered with the IRS and is accepting contributions from the public.

Parting Shot

ALARM BELLS RINGING: "CONSENT SEARCH" OR "GUN GESTAPO"?

The Safe Homes Initiative sounds so harmless it could be a sales pitch for a residential burglar alarm system - only the burglars are police officers who come to your door without a warrant and ask to conduct a "consent search."

Once inside, they can search for anything they want, belonging to anyone they want, deliberately targeting residents who have NOT given their consent. The cops are in and you can't throw them out. Burglars in uniform.

They're actually doing it in Boston and in Washington, D.C. - or at least they're trying to. Citizens catch on quick, and they fight back.

The Boston Globe reported that "Police would ask parents or legal guardians for permission to search homes where juveniles ages 17 and under are believed to be holding illegal guns. Police would only enter homes into which they have been invited and, once inside, would only search the rooms of the juveniles."

The rules offered limited amnesty for any guns seized.

Bostonians told the cops, "Yeah, sure, as soon as you've got a warrant."

The programs have been delayed by dismayed officials. The very idea of allowing police to enter without justification and without a search warrant issued by a judge doesn't go down well with Americans. Citizen groups sprung up faster than you could count them, passing out circulars warning neighbors about a rogue police department that evidently hadn't read the Fourth Amendment lately.

You know, that part of "unreasonable searches and seizures."

The same thing happened when crime-capital Washington, D.C. tried their "Trust me, baby" search and seizure campaign with the pretty name.

Community leaders went door to door in Ward 8 to advise residents not to invite police into their homes to search for weapons.

"Bad idea," said D.C. School Board member William Lockridge. "I think the people should not open your doors under any circumstances, don't even crack your door unless someone has a warrant for your arrest."

Ron Hampton, of the Black Police Officers Association, said he doesn't expect many in the community to comply. Police no longer have community trust.

The angry response of citizens shows they have learned that in a culture of gun control, the police are the enemy of public safety, not its guardians. Police put you in jail for defending yourself, or even having the means to defend yourself, and they're never there when you need them - *before* the criminal shoots you.

We have five choice words for our disappointed friends in blue:

Brother, you asked for it.

Alan M. Gottlieb

Joseph D. Tartaro

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