

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 171

March, 2009

Dear Subscriber,

The Democrat assault on so-called "assault guns" has begun - in Mexico.

Fifty-three U.S. lawmakers, all Democrats, sent a letter to President BARACK OBAMA **urging him to enforce a ban on importing assault weapons**, saying many such guns are later smuggled south to arm Mexico's ruthless drug cartels.

New York Democrat Rep. ELIOT ENGEL, on a junket to Mexico City, told reporters **"Assault weapons come to the United States from Europe and other places, and they make their way down to Mexico."**

The **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)** estimates that 90 percent of weapons seized in Mexico come from the United States. Mexico has long demanded that the U.S. do more to stop the flow of illegal firearms into their country, claiming their ineffective police are outgunned.

ENGEL was in Mexico for meetings on a U. S. House bill to spend \$405 million on the Merida Initiative, a program **to fight drug trafficking and organized crime in Mexico and Central America.**

So House Democrats used the event **to sneak in a first step toward reinstating the 1994 "Federal Assault Weapons Ban,"** a ten-year law that expired in 2004.

The poorly-drafted 1994 law prohibited the manufacture, import, sale or ownership of firearms that could include ordinary hunting rifles based on merely cosmetic factors such as stocks and sighting devices as well as moving parts.

The Democrats seized upon the **"import"** provision of the 1994 ban as their excuse, saying in their letter to OBAMA that **"the U.S. government can enforce it under provisions of the 1968 Gun Control Act."**

To give their letter a BUSH-bashing flavor, they also wrote, **"But the ATF has quietly abandoned the ban in recent years."**

In Washington, that's known as "spin." **Elsewhere it's called "lying."** The ATF stopped enforcing the 1994 ban's import provision because it had expired, not for some ulterior motive.

The 53 House Democrats asked Obama **to impose the import ban by executive order** because *they didn't want to face the furor and outrage* if they tried to pass it in Congress - on top of all the other controversial Democrat proposals.

At the same time - probably not by coincidence - **Obama's ferociously anti-gun Attorney General, ERIC HOLDER, was busy announcing the capture of more than 50 alleged members of the notorious Sinaloa Drug Cartel.**

It was supposed to justify the inclusion of **\$10 million in Obama's economic stimulus package for the ATF's "Project Gunrunner,"** which targets gun smuggling networks in the U.S.

But a reporter asked about the expired "assault weapons" ban. HOLDER replied, **"Well, as President Obama indicated during the campaign, there are just a few gun-related changes that we would like to make, and among them would be to reinstate the ban on the sale of assault weapons."**

Bad timing, with everything else on Obama's agenda. **Even anti-gun Speaker of the House Nancy Pelosi (D-CA) cringed,** and brushed HOLDER's statement aside with a bland comment: **"I think we need to enforce the laws we have right now."**

Also in this issue: ● *Swiss may ban guns at home* ● *Hillary's replacement flip-flops on gun rights* ● *Supreme Court upholds flawed domestic violence law* ● *Marine amputee wins D.C. gun case* ● *20-state review of active gun legislation* ● *What happens in Las Vegas in our Page 8 "Parting Shot"*

**ON THE
FEDERAL
LEVEL**

PROPOSED HANDGUN CRACKDOWN IN CANADA FINDS LITTLE SUPPORT

Toronto Mayor David Miller is trying to convince the national government to ban handguns across Canada, but even the neighboring city of London, Ontario, ducked his challenge to support the idea, deferring the decision indefinitely.

On Canada's Pacific Coast, the province of British Columbia (BC) is cracking down on gangs with guns, but popular columnist Ben Meisner warned that "if the provincial government hopes to get the entire population on side, they had better make certain that legitimate gun owners feel confident they are not being targeted in any new sweep."

BC has 212,316 licensed firearms owners, who own 874,496 registered firearms. By contrast, in 2008 there were only 2,537 firearms seizures in all of Canada, and only 1,393 were "crime guns," meaning they were used in the commission of a crime or came into the country illegally. Clearly, the average recreational shooter is not and never has been the problem with guns in Canada.

**AROUND THE
WORLD**

SWISS SOLDIERS MAY LOSE RIGHT TO STORE GUNS AT HOME

Switzerland's part-time soldiers could lose the right to store their weapons at home if the country's Social Democrat party and the Greens can collect enough signatures to force a national referendum requiring the weapons to be stored at military bases.

A coalition of 74 groups says the weapons are involved in too many suicides and murders in the country and tighter controls are needed. Switzerland's armed forces consist of just a few thousand permanent full-time staff. The rest are a militia. A 2007 law banned them from storing ammunition at home. The coalition now wants to extend this, control military weapons and set up a national gun register.

"NO GUNS FOR YOU!" SAYS JAMAICA FIREARMS BOSS

Errol Strong, chairman of Jamaica's Firearms Licensing Authority has rejected calls from gun rights lobbyists and members of the public who have been clamoring for Government to relax legislation to allow all law-abiding citizens easier access to owning firearms.

According to FLA's Strong, with Jamaica's high propensity for violence, the move could backfire with devastating results. "In the context of the Jamaican experience, the right to own a gun could have profound consequences," Strong told reporters. "Quite often attacks on licensed firearm holders and the police are to get the guns."

"What I can further tell you is that, since the start of the year, the FLA has revoked 17 firearm licenses for various reasons," said Strong who is also a retired Assistant Commissioner of Police.

Strong's FLA is undergoing an internal audit. Strong said there were some grave concerns about the effectiveness, efficiency and management of the office.

COWBOY-THEMED PARTY RAIDED BY BRITISH POLICE THINKING GUNS ARE REAL

The 25th wedding anniversary of Roy and Val Worthington of Leicestershire, England was to be a festive wild-west themed costume party. It was going great when three police cars and a helicopter crashed the party and turned it into a disaster movie. Far from being embarrassed by their mistake - Val had notified police last November that some of her guests would be carrying fake cowboy pistols - the Leicestershire Police Department said, "we have a duty to treat all reports of firearms as genuine." Val said, "The helicopter was a bit over the top."

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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Design: Northwoods Studio

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Published by:

Second Amendment Foundation

Subscriptions \$60 per year USA, \$70 elsewhere. Single issues \$5.00. Copyright © 2009 by Alan M. Gottlieb and Joseph P. Tartaro. Photocopying, reproduction or quotation strictly prohibited without written permission of the publishers. Bulk rates on request. Postage paid at Bellevue, WA.

POSTMASTER: send address changes to **The Gottlieb-Tartaro Report**, 12500 N.E. 10th Place, Bellevue, WA 98005.

Printed in the USA.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **New York:** Newly appointed Senator Kirsten Gillibrand - successor to Hillary Clinton - has flip-flopped on HR 4900, a gun trace bill that she co-sponsored last year as a Representative from a pro-gun rural New York district. She now says she wouldn't vote for it. She claims she was misled by the bill's supporters who said it would help law enforcement, and now believes it would hurt - only after New York City Mayor Michael Bloomberg took her to the "re-election woodshed" and threatened to help other candidates unless she rejected the bill, which would bar his local cops from getting gun trace data on active federal investigations. The bill helps FBI investigators keep investigation data confidential, but hurts Bloomberg's efforts to get the data so he can bring lawsuits against gun dealers.

● **West Hartford, Connecticut:** Colt Defense LLC has received a \$9.49 million firm five-year contract for gun parts, according to the Defense Department's web site. "The contract is for 18,000 gun barrels and front assemblies, 13,600 hand guards, 7,100 heavy barrel assemblies, 22,000 receivers and cartridges, and 200,000 extractor spring assemblies," according to the listing. The Tank and Automotive Command Rock Island, Illinois is the contracting base.

● **Tampa, Florida:** Scott Patrick, general manager of the Shoot Straight gun range in Tampa, says the number of people coming into his store is still going up a month after President Barack Obama took office. Patrick is having serious trouble keeping all kinds of fire arms in stock, but ammunition is what is really flying off store shelves. Ammo that sells for personal protection is as good as gold these days, and it's costing 30 to 40 percent more than it used to.

● **Seattle, Washington:** Seattle Police Chief Gil Kerlikowske has been tapped to become the nation's next "drug czar." The choice offers more proof of the anti-gun intentions of the Obama administration, the Citizens Committee for the Right to Keep and Bear Arms reported. "During his eight-year tenure as Seattle's police chief, Gil Kerlikowske has established himself as a devoted lobbyist for every restrictive gun law proposal," a CCRKBA news release said. "That's pretty hypocritical of a guy whose own gun was stolen out of his department car on a downtown Seattle street."

● **Washington, D.C.:** Since the United States Supreme Court's decision in *District of Columbia v. Heller*, the District has continued its unconstitutional ban on gun possession by non-residents, as well as the ban on gun carry outside the home even for residents. But in December, 2008 amidst all the hubbub leading up to President Obama's inauguration, the DC City Council quietly enacted 2 new bills that ban the registration (and thus ownership) of a large number of ordinary rifles, shotguns, and handguns merely because they contain certain apparently cosmetic offensive features, such as pistol grips, or because they are not on the California Roster of Handguns Certified for Sale.

● **San Francisco, California:** The City of San Francisco has paid \$380,000 to the Second Amendment Foundation and the National Rifle Association as reimbursement for legal fees incurred while striking down Proposition H, passed by San Francisco voters in November 2005. Combined with more than \$200,000 in fees paid to City lawyers and an equal value of lawyers time donated to the City for the unsuccessful defense of this case, the total costs to City taxpayers in defending against Proposition H, a civilian disarmament attempt, approaches \$800,000.

● **New Jersey:** New Jersey is second to one when it comes to "sensible gun laws," the Brady Campaign to Prevent Gun Violence recently announced. "Sensible gun laws" is the new buzzword meaning "total gun control." New Jersey is behind only California when it comes to gun control, according to a rating system used annually by the group. "New Jersey continues to make progress when it comes to common-sense gun laws," said anti-gun zealot Paul Helmke, the Brady Campaign's president. "We will continue to push to make it harder for dangerous people to get dangerous weapons." It would be more accurate if he removed "dangerous."

FIGHTING FOR POST-HELLER GUN RIGHTS IN ILLINOIS

Three lawsuits based on the Supreme Court's *Heller* decision - that the Second Amendment protects an individual right - have been filed against state and local bans or controls on guns in Illinois. Defendants are the City of Chicago and the Village of Oak Park (a suburb of Chicago).

The Second Amendment Foundation and the National Rifle Association filed separate cases, but they were consolidated by the court. The three cases were then narrowed to the question of whether the Second Amendment applied to the states.

Senior U.S. District Judge Milton I. Shader of Chicago ruled against the gun rights advocates, saying he was bound by a 1982 Seventh Circuit Court of Appeals ruling that the Second Amendment did not apply to the states, relying on the 1886 Supreme Court ruling in *Presser v. Illinois*, which held that the Second Amendment only applied to the national government.

**ON THE
LEGAL FRONT**

SAF and NRA appealed to the Seventh Circuit Court, and have filed merits briefs arguing that *Presser* no longer applied because the idea of "incorporating" the Bill of Rights so they applied to states through the Fourteenth Amendment did not yet exist - or that *Presser* is outdated and overturned by modern Supreme Court precedent. All briefs in the appeal are due this month.

DOMESTIC VIOLENCE GUN CASE DOESN'T MENTION SECOND AMENDMENT

West Virginia resident Randy Hayes has lost his gun rights case, *United States v. Hayes*, at the Supreme Court in a 7-2 vote decision. In spite of its recent support for an individual right to bear arms in the *Heller* case, the Supreme Court adopted a broad reading of the federal law that bans possession of firearms by those who have been convicted of felonies or of "a misdemeanor crime of domestic violence."

The meaning of the phrase about "a misdemeanor" was the issue, and the Second Amendment and *Heller* did not even get mentioned. Hayes claimed that since his crime was simple battery, and was not specific to battery against a family member, it should not have triggered the domestic violence firearm possession law.

The case drew interest in part as a test of the strength of the right to bear firearms in the wake of *Heller*. The Second Amendment Foundation filed a brief in the Hayes case, urging the Court to adopt the narrower interpretation and to allow states leeway in defining crimes.

In his dissent, Chief Justice John Roberts Jr. warned that the majority's ruling will give local jurisdictions an easy way to defeat the rights supposedly championed in *Heller*.

OKLAHOMA'S GUNS-IN-VEHICLE LAW RULED VALID

Oklahoma's law requiring employers to allow workers to have guns in their locked vehicles at work is valid, a panel of the 10th U.S. Circuit Court of Appeals has unanimously decided. The decision by the Denver-based court overturns a court order by U.S. District Court Judge Terrence Kern who in 2007 barred enforcement of the law.

In March 2004, the Oklahoma legislature passed an amendment holding employers criminally liable for prohibiting employees from storing firearms in locked vehicles on company property.

A number of corporations subsequently filed suit in opposition to the new law, alleging it was an unconstitutional taking of private property. The lower court ruled in favor of the corporations.

In October 2008, Oklahoma Gov. Brad Henry and Attorney General Drew Edmondson appealed Judge Kern's ruling to the Tenth Circuit Court of Appeals.

Appellate Judges Paul J. Kelly, Bobby R. Baldock, and Michael W. McConnell said Kern's ruling "interferes with Oklahoma's police powers and essentially promulgates a court-made safety standard - a standard that the Occupational Safety and Health Administration has explicitly refrained from implementing on its own. Such action is beyond the province of federal courts."

WISCONSIN JUDGE UPHOLDS OPEN CARRY

A municipal judge in West Allis, Wisconsin has found resident Brad Krause not guilty of disorderly conduct for openly carrying a holstered firearm while planting trees in his yard, saying state law does not prohibit open carry and that state and local ordinances cannot trump the U.S. Constitution.

Judge Paul Murphy also used his oral decision to chastise the state Legislature for not clarifying the legality of open carry - the carrying of legal firearms in plain public view - and he chided the state's attorney general for refusing to take a stand.

West Allis police stormed Krause's property with their weapons drawn last August after a neighbor had called police and inquired about the legality of Krause's visible firearm. Officers subsequently charged him with disorderly conduct and confiscated the pistol. Police have still not returned the firearm.

**ON THE
LEGAL FRONT**

THREE GROUPS SUE TO STOP CONCEALED CARRY IN NATIONAL PARKS

The Brady Campaign to Prevent Gun Violence, the National Parks Conservation Association and the Coalition of National Park Service Retirees have filed suit in the U.S. District Court for the District of Columbia to revoke a rule enacted by President George W. Bush that allows concealed firearms in national parks.

The groups argue that the Bush administration violated several laws in issuing the rule, such as failing to conduct an adequate environmental review under the National Environmental Policy Act. They also argue that the new policy could deter some visitors, such as school groups, from visiting national landmarks.

The Obama Administration's Justice Department sought to block a preliminary injunction of the controversial rule, writing that the new rule "does not alter the environmental status quo, and will not have any significant impacts on public health and safety."

But Interior Secretary Ken Salazar has asked for an internal assessment of whether the measure has any environmental impacts the government needs to take into account. Observers expect to it favor the three groups for political reasons.

MARINE AMPUTEE ACQUITTED ON D.C. GUN POSSESSION CHARGES

After being deadlocked twice, a D.C. Superior Court jury has acquitted a Marine amputee with an Ohio Concealed Handgun License on felony charges of gun possession stemming from an arrest while he was on the way to Walter Reed Army Medical Center in Washington, D.C. for treatment of his amputated legs which were blown off by a bomb during his third tour of duty in Iraq.

In the 2006 incident, Cpl. Melroy H. Cort, 24, and his wife, Samantha, were en route from their home in Columbus, Ohio, to Walter Reed when they stopped to fix a flat tire. Cort took his pistol from the car's glove box while he and his wife fixed the tire. An onlooker called police, who handcuffed Cort in his wheelchair and jailed him. He represented himself at trial and finally defeated D.C.'s prosecutor when the jury acquitted him of felony gun charges. But he was convicted of possessing ammunition, a misdemeanor, and sentenced to time spent in jail.

VIRGINIA JUDGE SAYS OPEN CARRY IS OKAY IN NORFOLK PARK

General District Judge James S. Matthews dismissed a trespassing charge against Dan Moore of Hampton, Virginia, who police ordered to leave Waterside Park for carrying a holstered firearm, and refused to leave. Police claimed the place was private property, but Norfolk Redevelopment Authority records showed otherwise.

PENNSYLVANIA TOWN WILL CHANGE ORDINANCE BANNING GUNS IN PARKS

The municipality of Lower Salford, Pennsylvania, has an ordinance forbidding guns in their parks, but resident Derek Price notified its Parks Board that the state has a pre-emption law, which its ordinance violates. Township solicitor Jim Garrity agreed, and is working with the board to fix the ordinance.

ALABAMA HOUSE PASSES BILL AGAINST GUN SEIZURES IN EMERGENCIES

A "Katrina Bill" has passed the Alabama House of Representatives on a 101-0 vote to prevent state or local governments from seizing lawfully owned guns during emergencies, as happened during Hurricane Katrina, when New Orleans police took over 1,000 guns from law-abiding citizens. The bill now goes to the Senate, where it passed 22-0 last year, but was not voted on by the House.

ARKANSAS COMMITTEE OKAYS CONCEALED GUNS IN CHURCHES

The Arkansas House Judiciary Committee has passed House Bill 1237, which would allow people licensed to carry concealed handguns to carry them in church and on church property. The bill allows churches to notify members of a no-guns policy any way they want instead of posting a sign. The bill now goes to the full House.

IN THE STATES

CALIFORNIA: NEW LOS ANGELES GUN CONTROL LAW PROPOSED

L.A. city council members Jack Weiss and Janice Hahn want a new law to remove the gun rights of people convicted of misdemeanors including carrying a concealed weapon, possession of an "assault weapon," burglary and misdemeanor gang crimes. The proposal would require council approval and legal review by the city's attorney before it is drafted as an ordinance.

ILLINOIS HOUSE PANEL PASSES CONCEALED CARRY BILL

The Illinois House Agriculture and Conservation Committee has approved a bill that would allow residents to carry concealed handguns or other weapons in public. Illinois and Wisconsin are the only two states in the country that do not allow concealed carry. Two versions were passed at once: one with permits issued by the Illinois State Police, the other by county sheriffs.

KANSAS JUDGES TESTIFY AGAINST CONCEALED CARRY IN COURTROOMS

Three judges told the Kansas House Judiciary Committee that a bill passed by the Senate that would exempt state and federal prosecutors from a prohibition on possession of concealed handguns in courthouses. Their objections ranged from intimidation of jurors, litigants and attorneys if the concealed gun was observed during a trial and the lack of training in high-stress situations.

MARYLAND LAWMAKERS PUSH FOR GUN BANS AND MORE CONTROLS

Two Maryland legislators are pushing a "Weapon-Free Higher Education Zones" bill that would ban guns and knives from college campuses. Opponents said that signs do not stop criminals but leave law-abiding students open for attack. In another proposal, Gov. Martin O'Malley (D) is asking that judges be allowed to confiscate guns from the subjects of temporary protective orders.

MINNESOTA NON-PROFITS WANT GUN SHOWS AND INTERNET GUN SALES BANNED

Two groups, Citizens for a Safer Minnesota and the Peace Foundation of North Minnesota have convinced Rep. Michael Paymar (Democratic-Farmer-Labor Party) to introduce a bill that would prohibit private sales of pistols or semi-automatic rifles unless the buyer or seller was a federally licensed dealer, or used a licensed dealer to transfer the firearm. A similar bill was defeated last year.

MONTANA LAWMAKERS AIM TO ELIMINATE FEDERAL GUN CONTROLS

House Bill 246 would exempt firearms made in Montana and used in Montana from federal regulation - such gun owners and dealers would be allowed to skip reporting their transactions to the federal government. The proposal circumvents federal authority over interstate commerce, which is the legal basis from most gun regulation in the United States. The bill is seen as a states' rights measure.

MIXED SIGNALS IN NEW JERSEY LEGISLATION

While the New Jersey State Senate defeated a "one-handgun-purchase-in-30-days" bill by one vote, the legislature passed a bill that increases the penalty for possessing an unlicensed machine gun or semi-automatic rifle from a third-degree to second-degree crime with a sentence of 5 to 10 years, and a \$150,000 fine or both.

NEW MEXICO HOUSE COMMITTEE PASSES RESTAURANT CARRY BILL

The New Mexico House Business and Industry Committee has unanimously approved House Bill 105, which would permit concealed handgun licensees to protect themselves in eating establishments licensed to dispense alcoholic beverages for consumption on the premises. The bill now goes to the House Judiciary Committee.

OKLAHOMA HOUSE COMMITTEE BILL WOULD BAR "OBAMA QUESTIONS"

The Oklahoma House Judiciary Committee has voted 9-2 to send a bill for a full House vote to bar employers from asking job applicants if they own a gun. The measure was sparked by alarm at the requirement that President Obama's transition team applicants had to fill out a questionnaire and provide registration information on any guns they owned. Lawmakers fear Obama's hostility to gun owners.

OREGON LAWMAKERS MOVE TO PROTECT CONCEALED CARRY INFORMATION

House Bill 272 has been introduced to shield the private information of Oregonians with Concealed Handgun Licenses (CHL). The measure would prohibit CHL information from being released under the state public records law. More than 109,000 Oregonians have a Concealed Handgun License.

IN THE STATES

PENNSYLVANIA NEWSPAPER HAS ADVICE FOR LEGISLATURE

The failing *Philadelphia Inquirer* wants to know "how long Pennsylvania lawmakers under the sway of the National Rifle Association are going to sit on their hands rather than enact reasonable gun-control measures that could help stem the carnage." They want gun owners to report any lost or stolen weapon, and one gun per month limits. Not a word about better law enforcement.

SOUTH CAROLINA SENATOR WANTS GUN RIGHTS EXPANDED

Republican State Senator Shane Martin has introduced a bill to allow concealed-carry permittees to bring their firearms onto school grounds and into restaurants that sell alcoholic beverages. On school property, a gun would have to remain in a locked vehicle, and in a restaurant, any person carrying a gun could not sit at the bar. Support for the bill has been lukewarm so far.

SOUTH DAKOTA HOUSE PASSES "TOTAL PREEMPTION" BILL

The South Dakota House has voted 46-20 to pass HB1278, which prohibits townships, counties and cities from restricting possession, ownership, sale or carrying of firearms in any way. Supporters said the goal is to make sure South Dakota adults with permits to carry concealed weapons can travel freely without fear they'll violate some local ordinance. HB1278 would invalidate existing restrictions.

TENNESSEE LAWMAKERS CONSIDERING SEVERAL GUN RIGHTS BILLS

Tennessee's legislature is fast-tracking bills to let people with carry permits take guns into state and local parks and establishments serving alcohol - all places where they are currently banned. The House handgun study committee also recommended making secret the list of Tennessee's 219,236 gun-carry permit holders and to penalize any publication of their identities.

TEXAS LAWMAKERS CONSIDERING GUNS ON COLLEGE CAMPUSES

Texas legislators are considering Senate Bill 1164 and identical companion House Bill 1893, letting concealed-handgun permit holders, who must be at least 21, carry loaded guns on campus. Only 11 U.S. universities allow students and faculty to carry concealed weapons. There is also a proposal to let Texans carry their guns openly, which Rep. Debbie Riddle (R-Tomball), has considered filing.

VIRGINIA SENATE VOTES PRO-GUN ON TWO KEY BILLS

The Virginia Senate has passed SB 1035 to repeal the restaurant ban with the condition that people with guns cannot consume an alcoholic beverage while on the premises and must inform a designated employee of the gun's presence. A matching bill, HB 1821 is pending action by the House of Delegates. The Virginia Senate also rejected SB 1257 to ban most private sales of guns at gun shows.

WEST VIRGINIA SENATOR WANTS CAPITOL GUN BAN REPEALED

West Virginia State Sen. Dave Sypolt (R-Preston) has proposed legislation that would repeal the weapons ban at the Capitol Complex in Charleston. He said he envisions that weapons would still be prohibited from the Capitol building itself; his proposal is intended to allow them on and around the complex and parking lots.

WYOMING LAWMAKERS WANT TO SEND OBAMA A PRO-GUN MESSAGE

Wyoming's House Judiciary Committee has unanimously endorsed a resolution telling Congress to stop trying to pass federal legislation that restricts firearm ownership. Sponsor Rep. Dan Zwonitzer (R-Cheyenne) said with Democrats controlling the White House and Congress, gun control bills are on the horizon.

Parting Shot

WHAT HAPPENS IN LAS VEGAS

In mid-afternoon on a recent Sunday, Mark Clinton Vains, 42, left his little apartment near Nellis Air Force base in Nevada.

He drove past the trailer home at Desert Winds Mobile Home Park in North Las Vegas where he had lived most of the past 17 years with his wife and young son, now in his teens.

He kept moving toward downtown, The Strip, and then turned into a residential neighborhood near Las Vegas Boulevard.

A nice home on Crystal Peak Drive caught his eye. He parked on the street, removed a suitcase from the car trunk, and walked up to the home.

No one was there, so he entered through the back door.

And began to clean the place out.

Mr. Vains had led an eventful life, in jail, out of jail, in jail, out again.

He stole cars as a teenager.

In his 20's he learned burglary.

In his 30's he fenced stolen property for other thieves.

In 2004 he was arrested for lewdness with a minor under 14 and convicted.

In December of 2008 he was arrested on an attempted burglary charge.

In February 2009 he was arrested on charges of possession of a stolen vehicle and felony failure to report his change of address as a convicted sex offender.

It seems that the management of the mobile home park got a court order barring Vains from returning to Desert Winds and he neglected to tell police.

But about 4:15 on that Sunday afternoon, Paul Witte returned to his Crystal Peak Drive home and found an open suitcase on the floor full of his possessions.

That led him to quietly take his registered gun from its storage place, chamber a round, and cautiously look around his home.

Then Vains appeared, pulled out what looked like a 45-caliber handgun and lunged at Witte. Witte shot Vains multiple times in the chest. Then he called 911.

Police responded and found Vains dead at the scene. They found that Vains' firearm was a pellet gun, which Witte had no way of knowing.

Witte said, "I didn't create this situation. I reacted to his actions. I have no remorse whatsoever."

Neither did police. Homicide Lt. Lew Roberts said charges against Witte would not be sought.

Police took Vains away one last time.

What happens in Las Vegas stays in Las Vegas.

Alan M. Gottlieb

Joseph D. Tartaro

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