



Allegheny County Sportsmen's League Legislative Committee Report

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ALLEGHENY COUNTY SPORTSMEN LEAGUE ON THE INTERNET <http://www.acslpa.org>

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Gun Control Continues to be Focus of Certain PA Legislators

In what can only be considered as a clear indicator of the year ahead for the law-abiding citizens of Pennsylvania who value their right to keep and bear arms, Philadelphia area House of Representatives members continue to introduce legislation that focuses on the instrumentality of crime and not the act itself.

The newest addition to this flawed and failed mentality is house Bill 2228 which calls for encoded ammunition to be sold in Pennsylvania and the creation of a database to track said ammunition. Despite the fact that the nationwide record of this legislation and this issue has shown a complete and utter failure of its benefit to the solution of crime or even to assisting law-enforcement in tracking a criminal in the three states that have implemented this concept certain inept Pennsylvania legislators continue to try to reinvent the wheel as is somehow they can magically make this concept work. What this concept will do is mandate that any ammunition not so encoded must be disposed of or the individual possessing it will be committing a crime. Interestingly the level of criminal punishment for intentionally damaging the markings on ammunition is only a misdemeanor 2 level of punishment which in and of itself is not indicative of the importance of this measure to authorities when attempting to solve crime.

It is the height of irony that Pennsylvania legislators will pursue this when even the liberal state of California to find this measure as unworkable and refuse to implement. The fact is that this legislation

will not have a future as a viable measure however it does demonstrate the unwillingness of certain legislators to understand that they must go after the criminal element if they truly intend to reduce violent crime and since this is not being pursued by these individuals one must question their motivation.

Allegheny County District Attorney Admits Defeat

Just this past week a startling series of events culminated in the Allegheny County District Attorney, Stephen Zappala, vowing to retake Allegheny County from the criminals and the gangs who are perpetuating in perpetrating indiscriminate shooting throughout certain communities. This is the very same District Attorney who continues to lobby for more gun control that would place restrictions on law-abiding citizens when at the same time the record is clear that his office does not impose the current laws against the criminal element that he is obviously from his statements lost the ability to control in Allegheny County.

The remarkable series of events that we have witnessed this week has seen authorities sit down with known gang members to work out some sort of compromise thereby legitimizing their existence. It is incomprehensible that we will as a society and not deal with terrorists and yet somehow we can reach out to violent criminally motivated gangs to seek some sort of peaceful resolution to the violence that they instigate. Several years ago the violent crime with guns was examined in Allegheny County by a task force of local state and federal authorities and they were able to determine that roughly 150 individuals were responsible for the vast majority of violent gun crime in this county. Yet there is no documentation that any substantial effort was made to determine why these individuals were still on the street and what was being done to control their activities since it is obvious that they are very effective at navigating the revolving door justice system we have done at the courthouse.

Logic and common sense beg the question that if it is wrong for parents to allow a child access to a firearm that is it not also wrong for a District Attorney to allow criminals access to us

when he does not apply the laws that currently exist and seek their strict and strident enforcement?

DoJ brief on DC case inflames activists

by Dave Workman, (*GunWeek*) Senior Editor

Slapping President Bush and the Republican Party with blame, gun rights activists were outraged over a Department of Justice (DoJ) brief filed in the District of Columbia gun ban case that supports the Second

Amendment as an individual civil right, but encourages the Supreme Court to remand the case back to the appeals court.

That fury grew when gunowners across the country learned that many local mayors had signed onto a separate amicus curiae brief supporting the District ban that was produced largely by the San Francisco-based Legal Community Against Violence, an anti-gun attorneys' organization.

Popular gun rights forums and Internet chat groups were dominated by discussions about the DoJ brief, signed by Solicitor General Paul D. Clement. Signing on was Stephen R. Rubenstein, chief counsel for the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, giving even more ammunition to some activists that the brief amounts to confirmation that the Bush Administration has turned on gunowners.

At one point, the brief attempts to defend gun laws by noting that Congress has the authority to prohibit certain firearms, such as machineguns. However, this case has nothing to do with machineguns, and arguments on gun rights forums were quick to point this out.

Even former National Rifle Association (NRA) president Sandra Froman, an Arizona attorney, got in on the act, writing on TownHall.com, "The Justice Department has not gone far enough to support the fundamental rights guaranteed under the Second Amendment, and so those who aspire to lead our nation must step up and call on the Supreme Court to affirm the judgment of the DC Circuit striking down the ban."

Other voices have also called for the presidential candidates now competing in primaries and caucuses for their parties' nominations, to speak out clearly on the case before the Supreme Court. While some commentators had predicted last year that the Supreme Court decision to review the case would put the gun issue squarely in the presidential and congressional elections this year, none had foreseen such a launching pad from the Republican White House.

Gun Owners of America (GOA) launched an effort to pressure the Bush Administration to retract the brief.

Largely at the request of GOA, Rep. Virgil Goode (R-VA) is asking President Bush to order the Justice Department to submit a brief in a US Supreme Court case that supports the rights afforded US citizens under the Second Amendment.

Goode sent Bush a letter I late January about the DoJ arguments.

"If this view prevails, a national ban on all firearms—including hunting rifles—could be constitutional, even if the court decides—on ample historical evidence—that the Founders

intended the Second Amendment as an individual right," his letter said.

"I would ask that you direct the Justice Department to withdraw this unfortunate brief and to replace it with an opinion which reflects the right of law-abiding Americans to keep and bear arms," Goode wrote.

Goode also is circulating his letter among colleagues, asking for their support on the issue.

Alan Gottlieb, founder of the Second Amendment Foundation, also fired off a column to several newspapers that accused Clement of engaging in "a transparent exercise of political pandering" for arguing in favor of an individual right, but asking the high court to remand the case back to the lower court. (See the column on Page 4 of this issue.)

"Legal slight of hand is being used to make the Second Amendment a right 'in name only,'" Gottlieb wrote. "And Mr. Clement appears to suggest that the longer the Supreme Court can put off deciding whether a restrictive gun law violates that important civil right, the better."

Gottlieb, with senior editor Dave Workman, released that column a few days before the nation celebrated "Dr. Martin Luther King" day in January. It appeared on the King holiday in The Ft. Worth Star-Telegram.

And Ken Blackwell, a Fellow at the Family Research Council and American Civil Rights Union, also wrote on Townhall.com that, "It appears that the Justice Department is trying to say this is a right that should be protected, but the level of protection should be low enough to allow government to broadly restrict or maybe even eliminate your ability to exercise that right. They try to split the baby of having a right but letting government do almost whatever it wants to that right.

"The problem with splitting a baby in half," Blackwell continued, "is that the baby usually dies. If our rights can be regulated to the point that we can't exercise them in our own homes, then they've been regulated out of existence. So much for civil rights."

More than a dozen amicus briefs have been filed by supporters of the 31-year-old District gun ban, and more were anticipated from opponents of the ban.

And that is largely the reason outrage has spread among activists, as they discovered mayors in their regions signed onto an amicus supporting the District's appeal. Those cities were Baltimore, MD, Cleveland, OH, Los Angeles, CA, Milwaukee, MN, New York, NY, Oakland, Sacramento and San Francisco, CA, Philadelphia, PA, Trenton, NJ and Seattle, WA.

"Let's be honest," Gottlieb noted in reaction to the mayors' amicus. "Mayors and police chiefs are fearful of an affirmative high court ruling on the Second Amendment as a fundamental individual civil right because they know such a ruling will jeopardize an area of public control they have enjoyed for generations. The cities claim that they 'need flexibility to respond to the serious threat of gun violence,' but they're really arguing in support of a bankrupt social philosophy that leaves the public defenseless against dangerous criminals."

The Clement brief repeatedly mentioned machineguns, which have nothing to do with the Heller case. Pro-gun activists generally felt that Clement was trying to add unnecessary alarm and "muddy the waters" on what they believe is a fairly clear-cut

case challenging a handgun ban that has no relation to fully automatic weapons.

But this does suggest to some in the gun rights community what supporters of the gun ban, and other gun laws, believe is at stake. If the high court affirms the March 2007 ruling by District Appeals Court Senior Judge Laurence Silberman, that the Second Amendment affirms an individual right and the District's gun ban violates that amendment, the gun control lobby fears legal challenges to every other restrictive gun law, particularly in Chicago and surrounding suburbs that have banned handguns.

Clement's brief argues that the Supreme Court should lower the standard of review for laws regulating gun ownership, yet other civil rights infringements are typically subject to a "strict scrutiny" standard, which is a very high threshold. Gun rights proponents contend that all civil rights challenges should face the same degree of scrutiny. One civil right is no less or no more important than another. *The New GUN WEEK, February 15, 2008*

DoJ Brief on DC gun rights case ignores King's lesson

by Alan Gottlieb, Gun Week Publisher, and Dave Workman Gun Week Senior Editor

Martin Luther King put it best: "A right delayed is a right denied."

The lesson appears to have been lost on the Department of Justice (DoJ) and Solicitor General Paul D. Clement in the amicus curiae brief submitted recently for the government in the case of District of Columbia v. Heller, which challenges the city's 31-year-old handgun ban, a horrible gun law that has had its day in court, and lost.

In a transparent exercise of political pandering, Clement and his colleagues named on the brief have strenuously, and correctly, argued that the Second Amendment protects an individual civil right, yet they insist that every restrictive gun law currently on the books should stand. They want this case sent back to the lower courts for further consideration. Translation: Legal sleight of hand is being used to make the Second Amendment a right "in name only." And Mr. Clement appears to suggest that the longer the Supreme Court can put off deciding whether a restrictive gun law violates that important civil right, the better.

While it is gratifying that the government properly holds the Second Amendment to be protective of an individual right, that gratification is greatly diminished by the argument that this case requires further review. That would be a great injustice, and as Dr. King once noted, "Injustice anywhere is a threat to justice everywhere."

The good citizens of Washington, DC, have waited long enough for this Draconian law to be challenged, and to further delay a ruling is to spit in the faces of all of those people who have waited for years to simply exercise their right of self-defense. The ban has been an utter failure, with violent crime actually rising after its inception.

By Mr. Clement's logic, the high court should have ruled that women have abortion rights, but they would be forever waiting to exercise those rights while their cases would be remanded back down the legal chain for further consideration.

By Mr. Clement's logic, segregation laws would still be under lower court review, and Rosa Parks would still be sitting in the back of the bus.

Many District residents are African American. Aren't they as deserving of the same rights as black citizens in Cleveland, Ohio? In our new book, *America Fights Back: Armed Self-Defense in a Violent Age*, we recount the story of Damon Wells, a Cleveland resident who was targeted by teenage street thugs illegally armed with a handgun, as legions of violent criminals now running the streets of Washington, DC, are armed. The difference in Wells' case was that he was also armed, and when the punk with the gun threatened to kill him, Wells shot first. Cleveland's black community rallied around Wells, with whom they identified as an "everyman" faced with the genuine threat of being victimized in his own neighborhood by predators that live there.

Perhaps the Clement brief should have come as no surprise. After all, the current Department of Justice has not been friendly toward individual rights—portions of the Patriot Act, for example, have horrified civil libertarians and conservatives alike—and it appears DoJ is simply trying to delay a ruling it fears will challenge what they describe in their brief as "the government's interest."

Here's a news flash: We're talking about a constitutionally-protected civil right, and the only interest government should have is enforcing that right, not eroding it. The Clement brief reflects cowardice on the part of the Justice Department, and a desire for expediency over what is right when an insidious, but politically correct gun law just might be struck down.

Dr. King put this philosophy in its proper perspective when he wrote, "Cowardice asks the question, 'Is it safe?' Expediency asks the question, 'Is it politic?' Vanity asks the question, 'Is it popular?' But, conscience asks the question, 'Is it right?' And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right." *The New GUN WEEK, February 15, 2008*

Stats Show MA '98 Gun Control Act a Failure, Reports GOAL

by Dave Workman, Senior Editor

Statistics on firearm and airgun assaults produced by the Massachusetts Department of Public Health (MDPH) dating back to 1994 suggest that the Bay State's 1998 Gun Control Act has been a dismal failure in reducing crime-related firearm injuries.

Although crime-related gun injuries dropped significantly from 1994 to 1998, from a high of 625 to a low of 291, respectively, figures have steadily marched upward to 2006—the most recent year for which data is available—with 519 firearm injuries and 67 airgun injuries were reported by the agency's Weapon Related Injury Surveillance System (WRISS).

The sharp rise in crime-related gun injuries occurred

during a period when the number of state gun licenses dropped significantly, primarily due to a failure by state agencies to monitor licenses and notify license holders to renew, noted James L. Wallace, executive director of the Massachusetts Gun Owners' Action League (GOAL).

"The national social experiment of gun control is now over," Wallace said. "We have a decade of proof here in Massachusetts that not only does gun control not solve the crime problem, it actually increases the crime problem."

Restrictive gun laws in the Bay State are nothing new, and they have always been sold by their advocates as a legislative means to reduce crime. The MDPH and WRISS data suggests that quite the opposite has been the case under the state's sweeping 1998 gun control measure.

Unintentional Injuries

Gun rights activists could show how unintentional firearm injuries since 1994 have steadily declined, from a high of 69 in 1994 to a low of 26 reported in 2006. Data for 2007 is not yet available.

In 1998, a total of 520 gunshot wounds were reported to the WRISS, and in 2006, that figure had climbed to 899. The number of injuries blamed on "sharp instrument wounds" declined from 1,885 in 1994 to 1,253 in 1998, but by 2006, that figure had also climbed back up to 1,346 injuries, according to WRISS data.

During only one year, 2000, was there a notable drop in crime-related gun injuries, the data shows.

The licensing problem to which Wallace alluded to first came to light in 2002 when the state House Post Audit and Oversight Committee reported that the state agency whose job it is to keep records for every licensed gunowner in the state had failed to notify nearly 750,000 gunowners that their Firearms Identification (FID) Card would expire prematurely.

At the time, the Criminal History Systems Board and Firearms Record Bureau acknowledged that more than 1.2 million of the known 1.5 million pre- 1998 firearms licenses could not be accounted for, GOAL recalled.

Massachusetts has a multi-tiered licensing system that ranges from a simple license that allows only for the possession of a chemical spray, to a "Class A" license to carry. Wallace told *Gun Week* that without a valid license, a Massachusetts resident cannot legally have a firearm. He said anti-gun lawmakers have done

"everything possible to make it as complicated as possible for gunowners here in Massachusetts but they don't want to admit they made huge mistakes."

"They don't want to turn back the clock," he stated.

Cambridge Overcharge

A good example of ratcheting down on gunowners, Wallace said, is what GOAL learned has been going on in the city of Cambridge, where gunowners were illegally being overcharged.

In November, GOAL called upon the state Inspector General to investigate the situation, in which it was discovered that the Cambridge Police Department had been overcharging for all gun licenses by \$20. For example, the department was charging \$120 for Class A and Class B licenses to carry, and \$45 for a Restricted Firearms Identification card. State statute sets those fees at \$100 and \$25 respectively.

The Inspector General put a stop to the overcharging, but now GOAL wants the city to refund the excess fee charges back to the gunowners who paid them. Wallace sent a letter to Gov. Deval Patrick on Dec. 31 asking for the refunds plus penalties and interest.

Wallace also wants the governor to remove the licensing authority from the city of Cambridge and make the state police responsible for that function. Further, he wants "disciplinary action" to be taken against the city, and he believes the governor's office should launch a statewide investigation to determine whether other cities are also overcharging for licenses.

"We want to know if any other town has been doing this," Wallace said.

The problem, he explained, is that the state does not appear to be taking responsibility or exercising any control over the process. Local police chiefs, who wield great power over issuance of licenses to carry, "work under a cloak of darkness," Wallace complained.

"Gunowners can be denied their licenses to carry a handgun for no reason at all," he said. "No one at the state level thinks they have the authority to tell these guys what to do."

Straightening out the licensing situation is only part of the problem, Wallace suggested. The fact that gun-related crime has risen when law-abiding gunowners have had their rights increasingly restricted is proof positive, in his opinion, that the 1998 gun law is nothing short of a disaster.

He has debated and discussed the issue several

times, but always, anti- gunners refuse to admit that passage of the gun law correlates with the upward swing of gun-related crime. [The New GUN WEEK, February 1, 2008](#)

MI data show lower crime, fewer gun deaths since CCW

by Dave Workman, Senior Editor

Gun rights activists are justifiably crowing over a recent revelation in the pages of The Detroit Free Press that in the six years since adoption of that state's liberalized right-to-carry statute violent crime has declined from where it was in the six years prior to the law's passage.

On top of that, the newspaper confirmed, firearm suicides and fatal gun accidents have also declined, even though more than 155,000 Michigan residents are now licensed to carry.

The data clearly refuted gloomy predictions from anti-gun organizations that opposed adoption of the concealed carry statute. They uniformly had predicted increased violence, including an "OK Corral" mentality among citizens who would settle even minor grudges with gunsmoke.

But it didn't happen, and according to Woodhaven Police Chief Michael Martin, quoted by the newspaper, "I think the general consensus out there from law enforcement is that things were not as bad as expected."

Martin, who is co-chair of the Legislative Committee of the Michigan Association of Chiefs of Police, while not clearly admitting that earlier concerns were off base, did acknowledge, "I think we can breathe a sigh of relief that what we anticipated didn't happen."

Alan Gottlieb, chairman of the Citizens Committee for the Right to Keep and Bear Arms, was more direct.

"Michigan's armed private citizens have provided the evidence we knew would come," he said. "Lawful concealed carry reduces crime and does not result in mass mayhem as the anti-self-defense crowd wanted us believe."

Gottlieb recalled the furious debate that preceded enactment of the new law in 2001. At that time, gun control proponents—whom Gottlieb calls "victim disarmament advocates"—actively opposed adoption of the right-to-carry statute, predicting gun battles at traffic stops, increased danger to children and police officers, and an upswing in both fatal and non-fatal gun accidents. He was particularly critical of

newspaper editorialists who went along with those predictions, without challenging their veracity or the record of similar laws in other states.

"Six years ago," he said, "anti-gunners pulled out all the stops, fabricated every dire prediction they could imagine, and essentially told lies about concealed carry and passed them off as truth, and too many in the media ate it up as if it were manna from Heaven."

According to The Free Press report, slightly more than 1% of the permits issued since 2001 have been revoked or suspended for assorted reasons. The newspaper also cited one state police report that said 175 Michigan permit holders had been convicted of a crime between July 1, 2005 and June 30, 2006, the majority of them nonviolent, and as a result their permits were suspended or revoked.

That correlates with national statistics, that suggest the number of concealed carry permit holders or licensees that get into trouble with the law is very low.

Gottlieb said the data show that police have nothing to fear from legally-armed, law-abiding citizens. He said armed citizens frequently serve as a deterrent to crime, and on occasion, they are the "true first responders."

He said the experience now reported in Michigan is the same for other states where right-to-carry statutes have been adopted, and the bloody forecasts of anti- gunners have been consistently proven wrong. Gottlieb said the history of this debate shows a pattern of deceit by the anti-self-defense lobby.

"It begs the question," he observed, "that if anti-gun extremists were so dishonest about this, what else have they been lying about?" [The New GUN WEEK, February 1, 2008](#)

YET ANOTHER MASSACRE IN A GUN-FREE ZONE

There is breaking news that five people have been shot to death at a city council meeting near St. Louis, Missouri.

Missouri does not allow law-abiding citizens to carry a firearm into a government building or place where a government meeting is being held.

That is a big mistake.

The perpetrator shot a police officer at the entrance to the building, shot and killed a second officer inside the building, and then had free rein on the helpless, government-disarmed victims inside. He was finally stopped when someone else with a gun showed up - more police officers.

A citizen carrying a gun in that meeting room might have been able to stop that criminal, saving lives.

Score more death and mayhem because of a gun-free zone, brought to you care of groups like the Brady Campaign.

Here is the story:

<http://tinyurl.com/yodglx>

Six dead, 2 injured in Kirkwood shooting

ST. LOUIS POST-DISPATCH

FEBRUARY 7, 2008 - Police officers at the scene of a shooting at Kirkwood City Hall.

Six people, including two Kirkwood police officers, a Kirkwood city council woman and the gunman, were killed tonight at Kirkwood City Hall, a St. Louis County police spokeswoman said about 9:25 p.m. Two others were wounded. And one of the wounded at St. John's Mercy Medical center is in critical condition.

Tom Noonan, a former Kirkwood council member, made a statement to the media confirming that the mayor is in critical condition. "We are all shocked not only about the mayor but everyone involved," he said.

Officer Tracy Panus said the man approached City Hall and shot one officer outside, then entered the building and shot and killed another officer.

"He shot three other people who were attending the council meeting. They also are deceased," she said. "One of the members attending the the board meeting was transported to an area hospital."

"He has shot seven people, killing five of them," Panus said. "Kirkwood police officer returned fire and killed him."

Dave Bundy, the editorial director for the Suburban Journals, said that one of the newspaper's reporters, Todd Smith, was injured in the attack.

"We don't know if it was a ricochet or what, but it hit him in the hand and shattered a bone or two," said Bundy, who spoke with Smith in the St. Johns' emergency room.

As medics were removing him from the scene, Bundy said, Smith called his editor and asked that a replacement be sent to city hall to continue reporting the story.

Family members of Thornton said Thursday night that they had no idea that he was contemplating anything violent. They said they were stunned after learning about the shootings from news reports.

Gerald Thornton said his brother's last words were, "'To God be the Glory' and that he loved us."

They didn't know he was headed to the council meeting, they said. *(Courtesy: PA Sportsmen's Assoc.)*

New Jersey is second state with Electoral College bypass

In January, New Jersey became the second state to approve a plan that would bypass the US Electoral College, giving the presidency to the winner of a national popular vote, according to wire service reports.

The move took effect when Democrat State Gov. Jon Corzine signed legislation that specifies the state's 15

Electoral College votes would go to the winner of the popular vote.

Maryland, with its 10 Electoral College votes, earlier approved a similar plan. Both are contingent on enough other states approving the plan to provide absolute control over presidential elections.

Another state plan also is headed for the desk of Democrat Illinois Gov. Rod Blagojevich after lawmakers also approved it in January.

Opponents say the plan threatens the nation's republican form of government and would give unstoppable control over the White House to any coalition the major population centers would choose to create.

It would allow New York City to outvote much of the Midwest; Los Angeles could determine the course of a national agenda for the Pacific Northwest.

Opponents also see the election of a president being designed by popular vote in less than a dozen high-population states, with candidates focusing their campaigns in those states and ignoring the voters in the rest of the states. *The New GUN WEEK, February 15, 2008*

Georgia Senate approves carry in state parks

A bill that would expand the rights of Georgians to carry concealed firearms sailed through the Georgia Senate on Jan. 17 in a lopsided 41-15 vote, over the objections of some law enforcement groups, according to Associated Press.

The bill would allow those with concealed weapons permits to carry their gun in a state park or historic site. And drivers eligible for a gun permit would be able to carry a loaded firearm anywhere they want in their car, under the legislation.

A much-disputed provision sought by the National Rifle Association (NRA) that would have allowed employees to leave a firearm in their locked car at work was watered down following a furious lobbying campaign against it by the Georgia Chamber of Commerce.

Under the bill that passed, only the 300,000 Georgians with concealed weapons permits would be eligible to take advantage of the parking lot provision. And workplace property owners would have a say in the matter. In publicly accessible parking lots, the same rules must apply to customers and employees. Guns could only be banned for employees if they are prohibited for customers as well.

The NRA said it backed the current compromise but would oppose any move to weaken it further. *The New GUN WEEK, February 15, 2008*

Judge supports PA open carry activist, suspended CPL restored

by Dave Workman, (GunWeek) Senior Editor

A Pennsylvania man has become something of an open carry activist hero after first having his concealed pistol license (CPL) suspended by a county sheriff because he openly carried at a polling place last November in New Franklin.

Greg Rotz told Gun Week that he frequently carries his pistol in the open, even though he is licensed to carry concealed. There is no law against open carry in Pennsylvania, but a constable on duty on the afternoon of Nov. 5, 2007, when Rotz showed up to vote, first tried to convince him otherwise, and then made a report to the now-retired sheriff, who suspended Rotz' carry permit.

The former Franklin County sheriff, Robert Wollyung, reportedly told WHTM news that carrying a firearm is a privilege, not a right.

But Wollyung's opinion would not have gotten very far with the crowd that showed up Jan. 8 at the Franklin County courtroom of President Judge John R. Walker, who took less than 30 minutes to restore Rotz' carry permit.

Rotz has become the latest "icon" of sorts in the national open carry movement. His plight brought gun activists from all over the map to the court hearing, and when it was over, they broke into applause, according to The Chambersburg Public Opinion, a newspaper that serves the town where Rotz lives.

In a telephone interview, Rotz told Gun Week that his legal adventure began on Election Day at about 5 p.m. when he showed up at his polling place with his Smith & Wesson .40-caliber Sigma semi- auto on his belt. The constable, identified by the newspaper as Gerald Speilman, allegedly told Rotz he was not allowed to carry the pistol in the polling place and asked him to put the pistol in his car. But Rotz challenged him to show where in the state law that prohibition exists. When the constable apparently tried to use a reference that prohibits armed police officers in a polling place, Rotz told him, "I'm not a police officer, I'm a private citizen."

After a telephone call, the constable acknowledged that Rotz was right, but then three days later, Rotz' permit was suspended by the sheriff.

"I've been to restaurants, stores, doctors' offices," Rotz said. "I've never been asked to leave and never been confronted by police."

National movement

When he appealed Wollyung's action, Rotz found himself getting plenty of help from open carry activists all over the map.

They contributed a reported \$3,000 to his defense fund to

help defray legal costs. As Gun Week has previously reported in a series of stories last year, open carry is being practiced, and promoted, by a small but growing number of activists around the country, in Pennsylvania, Virginia and Washington state, for example. It surprises people the number of states where the practice is legal, but over the past few generations, it has apparently gone so much out of vogue that nobody realizes it is legal. Thus, when someone shows up in public with a pistol openly carried on a belt, it raises eyebrows and often involves a face-to-face with one or more police officers.

The movement even has its own Internet forum, www.OpenCarry.org, which discusses activities in all 50 states, and now includes at least a half-dozen different discussions of the Rotz case in the Pennsylvania section of that forum.

Out West, in Washington state, where open carry proponents have been active over the past year, a leader of that movement, Lonnie Wilson, has been working quietly but with determination to educate local police agencies about the legality of open carry. The result of his efforts has been that several police departments have issued training bulletins reminding officers and sheriff's deputies that packing a pistol in the open is not illegal.

Current Laws

Backing that up are at least two appeals court rulings in recent years, the most recent an unpublished ruling from June 2007, affirming that the open carrying of a firearm in a non-confrontational or provocative manner, is not illegal. Washington state statute and its strong state constitutional provision covering the individual right to bear arms have occasionally frustrated anti- gunners.

In Pennsylvania, which is hardly the "Wild West," an estimated 60-80 open carry proponents including Mike Stollenwerk, one of the founders of OpenCarry.org, showed up at the court hearing to give Rotz moral support.

Also in the courtroom was the new Franklin County sheriff, Dane Anthony. Rotz said he shook Anthony's hand after the hearing and feels assured that he will not have the same kind of interaction that he did with Wollyung.

"As far as I'm concerned," Rotz told Gun Week, "I'm not going to have any issue with the sheriff in the future."

However, as in other places where open carry has raised some eyebrows, Judge Walker did note from the bench that he is personally going to contact his state lawmaker and try to have legislation introduced that would prohibit open carry at a polling place. [The New GUN WEEK](http://TheNewGUNWEEK.com)

February 15, 2008

Citibank Again Injects Itself In Web Gun Sales

by Joseph P. Tartaro, Executive Editor

Citibank, the public face of Citigroup, the nation's largest banking institution, has injected itself unfavorably into legal firearms business once again—a reprise of a February 2000 announcement that it would not maintain a checking account relationship with federal firearms licensees in Nevada and California.

The bank rescinded that policy less than a month later in the face of a Second Amendment Foundation (SAF) announcement that it was considering calling for a nationwide boycott. The SAF boycott threat made to the bank gained immediate nationwide notice when it was reported by Credit Card News, a prominent trade publication in the lending industry.

How the latest Citibank initiative will play out remains to be seen but if it is continued it will place the bank squarely in the position of interpreting and policing federal firearms laws instead of the Justice Department and its Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the government agencies authorized to do so by federal law.

The bank's latest efforts to regulate firearms commerce came to light when the National Shooting Sports Foundation's (NSSF) on-line newsletter, *Bullet Points*, ran the following story on Jan. 7 under the headline "Credit Card Processing Company Rejects Firearms Industry—Refuses to Process Transactions." The brief NSSF report said:

"Citi Merchant Services and First Data Corp. are refusing to process any credit card transactions between federally licensed firearms retailers, distributors and manufacturers—a move which will severely limit available inventory of firearms and ammunition to military, law enforcement and law-abiding Americans.

"The first company to be affected by this decision appears to be firearms distributor CDNN Sports Inc.

"We were contacted recently by First Data/Citi Merchant Services by a June Rivera-Mantilla stating that we were terminated and funds were being seized for selling firearms in a non-face-to-face transaction," said Charlie Crawford, president of CDNN Sports Inc. "Although perfectly legal, we were also informed that no transactions would be processed in the future, even for non-firearms. I find this very frightening."

CDNN Sports Inc. is a federally licensed distributor of firearms, ammunition and related non-gun products in Abilene, TX, which bills itself as "The Internet Super Store." In its Dec. 26, 2007 letter to CDNN headed "Notice of Termination," Citi Merchant Services claimed that its decision was based on the distributor's sale of firearms in a "non face-to-face environment," which it claimed was a violation of federal law. The notice also informed CDNN that it was seizing \$75,000 in CDNN's account to "establish a termination reserve," which it would hold "for the greater of six months or longer" to fund "potential charge backs."

The bank's position is that the decision was part of a policy of refusing to extend credit for anyone engaged in firearms transfers over the Internet in order to protect its own liability.

When NSSF ran the first story on the Citibank notice to CDNN, it concluded with the following advice: "To voice your concern to Citi Merchant Services and First Data Corp., please call 303488-8000 or toll-free 800-735-3362." And invited readers "To change to an NSSF affiliated credit card processing program, contact Payment Alliance International at 866-371-2273 (ext. 1131)."

It didn't take long for the story to hit the Internet and for many gunowners and dealers to comment, some of them expressing disbelief that the Citi Merchant Services/First Data policy could have come from the bank's highest levels.

Citi Merchant Services and First Data responded to NSSF via email on Jan. 9 with the following communiqué:

"We respectfully request that you remove the posting from your website regarding Citi Merchant Services and First Data Corp. As detailed below, the posting is inaccurate. Further, while we generally do not comment on individual merchant customers, we would like to briefly address the 12/26 letter posted on your web site. Regretfully, that letter did a less than satisfactory job of expressing applicable policies. Those policies are more properly detailed below.

"Citi Merchant Services and First Data do process firearms transactions. Our policy restrictions address only the sale of firearms in a non face-to-face environment. Non face-to-face transactions occur when a cardholder is not present in front of a merchant and includes mail order and online purchases. It is our policy not to service merchants that make non face-to-face sales in a number of industries, including firearms.

"It is not the policy of Citi Merchant Services or First Data to refuse to process transactions from duly licensed merchants that sell firearms in face-to-face transactions at the point of sale.

"Please direct any questions to Questions@firstdata.com."

On Jan. 10, NSSF replied to Citi Merchant Services/First Data's request with the following e-mail signed by Jake McGuigan, director of Government Relations, and Ted Novin, director of Public Affairs, which explained both the federal law and the firearms trade association's position:

"This is to confirm the National Shooting Sports Foundation's receipt of your e-mail response on behalf of First Data Corporation and Citi Merchant Services on Wednesday, January 9, 2008, concerning First Data and Citi Merchant's unilateral decision to stop processing credit card transactions involving the lawful sale of firearms by law-abiding, federally-licensed, firearms distributors/retailers. Regrettably, your e-mail serves to confirm the anti-gun corporate policy of First Datarand Citi Merchant Services and that the article in our publication 'Bullet Points,' and subsequent posting to our Website, was based on a correct and accurate understanding of that policy as articulated in the December 26, 2007, letter to Mr. Charlie Crawford at CDNN Sports Inc.

"We had hoped to hear from First Data Corporation and Citi Merchant Services that this was not your corporate policy and that the letter was merely the ill-considered actions of a single employee.

"Your anti-gun corporate policy is based on ignorance of the law applicable to the sale of firearms. It is perfectly legal, in fact commonplace, for a federal firearms licensee in one state to sell a firearm to a non-licensee (consumer) from another state. What you fail to appreciate is that the firearm is not shipped in interstate commerce directly to the consumer. Rather, as required by federal law, the firearm is shipped by the selling licensee to another federal firearms licensee in the state of residence of the consumer who is purchasing the firearm. The consumer acquires the firearm from that licensed dealer in a face-to-face transaction after completion of a Firearms Transaction Record, commonly referred to as an ATF Form 4473, and a federally-mandated background check to ensure that the purchaser is legally permitted to buy the firearm.

"Furthermore, the policy of First Data and Citi Merchant Services interferes with the receiving and shipping of inventory from and to federally licensed firearms retailers, distributors and manufacturers. This inventory supplies not only law-abiding Americans, but military and law enforcement agencies as well.

"June Rivera-Mantilla's original correspondence contained so many errors that one could only deduce that it was an unformed mistake that would consequently be corrected. Instead, we learned yesterday that First Data Corporation and Citi Merchant Services stands behind the policy, which affects not only firearms retailers, manufacturers and distributors, but also law enforcement agencies at the federal, state and local levels of government and law-abiding citizens.

"NSSF will not remove its Web posting nor will we rescind or alter our story. However, if we receive written confirmation from you that, after having researched the law, First Data and Citi Merchant Services have changed their corporate policy, we will consider publishing that fact in a follow-up story"

As this issue went to press, *Gun Week* learned that the National Rifle Association and Second Amendment Foundation were attempting to clarify the bank's position and determine at what level of management the decision to refuse to process legal Internet transactions was made. Attorneys for CDNN were also reportedly seeking a resolution of the matter, including the return of the \$75,000 seized by the bank. [The New GUN WEEK, February 1, 2008](#)

CA appeals court douses San Francisco ban

by Dave Workman, Senior Editor

In a unanimous ruling, the California Court of Appeals, First Appellate District, has upheld a lawsuit filed by the Second Amendment Foundation (SAF) and National Rifle

Association (NRA) striking down a handgun ban measure passed by San Francisco voters in November 2005.

The court ruled that Proposition H, which banned the "sale, manufacture, transfer or distribution" of ammunition and firearms in the city and county of San Francisco violates California's state preemption statute. There is no state constitutional right to keep and bear arms provision in the Golden State.

SAF and NRA were joined in the lawsuit by the California Rifle and Pistol Association, Law Enforcement Alliance of America, California Association of Firearms Retailers and several citizens.

It was the second time that SAF had battled a San Francisco *gun ban* successfully in court. Twenty three years ago, SAF defeated a gun ban passed under the administration of then-Mayor Dianne Feinstein, a perennial anti-gunner who went on to become one of California's two US Senators, both Democrats.

Noting the history of SAF versus San Francisco, SAF founder Alan Gottlieb told *Gun Week* that "what this demonstrates is that the city's leadership is as horribly out of touch with the law as it seems to be out of touch with reality."

"This has been a horrible waste of the court's time, the city's legal resources and the taxpayers' money," he said. "The only reason this case went forward after the ban was struck down by the trial court is that San Francisco Mayor Gavin Newsom and the Board of Supervisors wanted to mandate their extremist antigun rights philosophy as public law."

The ban was considered extreme by gun rights advocates because it banned the possession of handguns in the city and county of San Francisco, and also placed bans on ammunition and firearms manufacturing and transfers in that jurisdiction.

The appeals court did not touch on whether California citizens have a constitutional right to own or possess firearms, only whether Proposition H was preempted by state law. In the ruling, written by Presiding Justice Ignazio J. Ruvolo, the court noted that "If the preemption doctrine means anything, it means that a local entity may not pass an ordinance, the effect of which is to completely frustrate a broad, evolutionary statutory regime enacted by the Legislature."

Associated Justices Timothy A. Reardon and Patricia K. Sepulveda concurred.

Gottlieb recalled that both SAF and NRA had urged the city administration to not place the controversial proposition on the 2005 ballot, and had then promised to file suit if the measure was approved by voters. True to their word, both organizations, joined by the other groups and individuals, were in court immediately after the election.

Of all the participants, SAF had the experience of its earlier lawsuit against the Feinstein ban in the early 1980s,

and Gottlieb said that this case was "almost like a re-match with the same outcome."

Gottlieb said he was delighted that NRA and other groups were involved in the case. It marked the second time that SAF and NRA have cooperated in a major legal action against a municipality in support of gun owners' rights.

LEAA Chief Operating Officer Ted Deeds told Gun Week that the city's continued effort to enact the ban, even after the trial court struck it down, was "a waste of time and resources."

Chris Cox, executive director of NRA's Institute for Legislative Action, called the ruling "a big win for the law-abiding citizens and NRA, members of San Francisco." [The New GUN WEEK](#), February 1, 2008

Huckabee message appeals within firearms community

With primary season in high gear, Republican presidential candidate Mike Huckabee recently sent a fund-raising message around to supporters and potential supporters, assuring voters that he is a gunowner who understands what the Second Amendment is all about.

"The Founding Fathers," he said, "weren't worried about our being able to bag a duck or a deer, they were worried about our keeping our fundamental freedoms."

"By disarming our law-abiding citizens," Huckabee wrote, "we take away the strongest deterrent to violent criminals—the uncertainty that they don't know who is helpless and who is armed. Our law enforcement officials can't be everywhere, all the time. Lawfully-armed citizens back them up and prevent robberies, rapes, and the murder of innocents. Immediately following the disaster of Katrina, with law enforcement non-existent, many victims were able to protect their lives, their homes, and their precious supplies of food and water only because they were armed."

Taking a shot at rival Rudy Giuliani, Huckabee noted, "Some candidates have filed frivolous law suits against gun manufacturers," an allusion to the lawsuit that was filed by New York City against the gun industry when Giuliani was mayor.

He contrasted that by recalling that when he was Arkansas governor, he signed legislation to prohibit municipal lawsuits against gunmakers.

"I was the first Governor in the country to have a concealed handgun license," he said, "and of course I'm a lifetime member of the National Rifle Association."

Noting that some of his rivals "believe gun control should be determined geographically"—another swipe at Giuliani and perhaps Michael Bloomberg, the current mayor of New York City—Huckabee observed, "Second Amendment rights belong to individuals, not cities or

states. Your Second Amendment rights don't change when you change your address.

"Our Founding Fathers, having endured the tyranny of the British Empire, wanted to guarantee our God-given liberties," Huckabee said. "They devised our three branches of government and our system of checks and balances. But they were still concerned that the system could fail, and that we might some day face a new tyranny from our own government. They wanted us to be able to defend ourselves, and that's why they gave us the Second Amendment. They knew that a government facing an armed populace was less likely to take away our rights, while a disarmed population wouldn't have much hope. As Ronald Reagan reminded us, 'Freedom is never more than one generation away from extinction.' Without the Second Amendment, all of our other rights aren't inalienable, they're just 'on loan' from the government." [The New GUN WEEK](#), February 15, 2008

Poisonings including painkillers kill more Americans than guns

For the first time in modern American history, drug overdoses and other types of poisonings now kill more people than guns.

Such deaths more than doubled between 1994 and 2004, according to data obtained from the National Center for Health Statistics (NCHS) in a joint investigation by The Charleston Sunday Gazette-Mail and West Virginia Public Broadcasting.

This Sunday Gazette-Mail/West Virginia Public Radio joint investigation of overdose deaths started as an investigation into something else entirely. Reporter Tara Tuckwiller was digging through federal documents, looking for methadone death numbers. In the process, Tuckwiller unearthed the startling statistic: In 2004, for the first time, more Americans were killed by poisonings—mostly drug overdoses—than guns.

The fastest-growing killers aren't heroin and cocaine. They're prescription painkillers. Researchers were shocked when they saw the new numbers, said Lois Fingerhut, special assistant for injury epidemiology at NCHS.

"My God—who would ever have thought that poisoning would have risen that quickly to surpass firearms?" she said.

West Virginians are more likely to die of drug overdoses than people from any other state. Poisonings—mostly overdoses—killed 20 times more West Virginians last year than they did in 1998.

Nationally, more than 30,000 people died from poisoning in 2004, the most recent year for which nationwide data is available.

When most people hear of poisoning, they don't think of drug overdoses. However, prescription drugs are responsible for most of that increase in overdose deaths. Heroin deaths fell slightly between 1999 and 2004, while cocaine deaths rose 43%. But prescription narcotic deaths rose 152%. Prescription narcotics now kill five times as many Americans as heroin, and almost twice as many as cocaine.

The dead aren't always addicts. With painkillers, even a simple mistake can be fatal. Between 1998 and 2005, such serious adverse drug events reported to the US Food and Drug Administration more than doubled, according to a September article in the journal Archives of Internal Medicine.

Four of the top six medications suspected of killing the most people were prescription narcotics: oxycodone, fentanyl, morphine and methadone. Those four drugs are suspected of killing 11,967 people during those eight years— people who may have been given the wrong drug at a hospital, or the wrong dose from a pharmacy. [The New GUN WEEK](#), February 15, 2008

Gun crime up 'fourfold' in UK

The British government is looking at expanding its firearms restrictions, this time banning "deactivated" guns, some of which had somehow been re-activated, all because of eight incidents in which these revived firearms had allegedly been used.

At the same time, a top British politician was quoted by a leading newspaper in the United Kingdom noting that gun-related crime "had increased fourfold over the past decade."

According to The Guardian Unlimited on-line of Jan. 10, "shadow home secretary" David Davis balked at the effort due to the miniscule number of such guns involved in crimes.

"While we welcome any action," Davis said, "however overdue it may be, to tackle the scourge of gun crime, the government's own figures show that, in 2005-06, there were only eight incidents where deactivated or reactivated weapons were used—just 0.04% of gun offences."

Davis added that "sustained action" against the other 99.6% of gun-related crime in the United Kingdom is necessary. As part of the solution, he suggested using "dedicated" border police to concentrate on thwarting smugglers who bring in illegal guns and drugs, increasing prison space and reducing red tape for police.

In reaction, Home Secretary Jacqui Smith told a Liverpool audience that "Tackling gun crime is key to making people feel safer and more secure in their communities. We already have the tightest controls in Europe, but there is more we can do to remove the threat of gun crime." [The New GUN WEEK](#), February 15, 2008

Another failure of restraint order

"Restraining orders aren't worth anything."

That was the observation of a Utah police chief in the aftermath of a Sunday morning homicide in the parking lot of a church in Lehi.

Killed in the Jan. 6 shooting was Kristy Ragsdale, whose estranged husband, David, reportedly had waited for her until she showed up just after 11 a.m., when he gunned her down. It was her 30th birthday, according to The Deseret Morning News.

Ragsdale reportedly got out of his silver BMW with a 9mm pistol and opened fire. He then fled to the home of his brother, about eight miles away. About 45 minutes after the shooting, Ragsdale's brother called police.

Lehi Police Chief Chad Smith took the call from Ragsdale's brother, and talked the brother into convincing Ragsdale to turn himself in. He never directly spoke to the suspect, the newspaper said. [The New GUN WEEK](#), February 15, 2008

One more legal system failure leaves California woman dead

A Pomona, CA, woman identified as Monica Thomas-Harris is dead, murdered by her estranged husband who then took his own life, and the case has ignited a critical look at California's legal system, according to MSNBC and Associated Press.

Published reports say that Thomas-Harris had pleaded with the district attorney's office back in December for an emergency protection order from her husband, after learning just before Christmas that he had been released from jail. Why was he in jail? Because he had abducted and threatened her in November, the reports said, and also because he had been a felon in possession of a firearm. He had pleaded no contest to the gun and a false imprisonment charge on Dec. 21, but asked to be released prior to formal sentencing so he could allegedly arrange for his elderly mother's care while he was incarcerated.

Two weeks later, Thomas-Harris died in a motel room after being shot by Curtis Harris, who then turned the gun on himself. That bullet put an end to a life that included felony convictions for firearm and drug offenses.

The circumstances leading up to this are hardly what could be called a comedy of errors.

Curtis Harris was reportedly in jail awaiting sentencing on the abduction beef, but for some reason, a deal was made for his release four days before Christmas, when the prosecutor and judge involved in the original case were on vacation for the holidays. Compounding matters, the prosecutor who filled in on the case reportedly relied on advice from Harris' defense attorney, and also overlooked

a probation report that said Harris was not suitable for release because he posed a danger to Monica.

The defense attorney, according to the Associated Press report, had only known Harris for about a month.

Because Harris was released right before the Christmas holiday weekend, no judge was apparently available to issue a no-contact order. The following Monday was Christmas Eve, and the defense attorney was on vacation and not available for a court appearance. Meanwhile, Curtis was out of jail.

Thomas-Harris' father, James Thomas, told a reporter that he was disgusted with the chain of events that allowed Harris to "go right out and find my daughter and kill her."

The couple was married in 2001 and she filed for divorce in 2005. She had filed for a restraining order at that time, but she reportedly never appeared for a court hearing on that allegation and the case was dropped.

It was different on Dec. 21, the reports said, because Thomas-Harris spent "about 45 minutes" with prosecutors begging for a no contact order for her protection.

Jump ahead to Jan. 3, when Thomas-Harris' teenage daughter from a previous relationship called her mother on her cell phone only to hear Harris yelling in the background, MSNBC reported. Two days later, a maid found the bodies in a Whittier motel room. [The New GUN WEEK](#), February 15, 2008

Florida lawmakers introduce gun in vehicle privacy measure

A pair of companion bills have been introduced in the Florida legislature with the intent of protecting gunowners who keep firearms in their cars, even when those vehicles are parked on property owned by their employers

The legislation is supported by the Unified Sportsmen of Florida (USF).

House Bill 503 sponsored by Rep. Greg Evers (R-Dist. 1), and its companion Senate Bill 1130 sponsored by Sen. Durrell Peadar (R-Dist. 2), would protect the rights of Florida gunowners to store firearms in their vehicles without fear of having their cars searched.

Under terms of the legislation, known as the "Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008," employers would be prohibited from making random car searches on company property a condition of employment. Further, public and private entities would be prohibited from banning customers, employees or anyone invited on the premises from possessing "any legally owned firearm that is lawfully possessed and locked inside or locked to (a) private motor in (a) parking lot."

According to USF, the reason for this legislation is to prevent business entities from searching private vehicles

"and violating the constitutional rights of customers and employees." In a message to sportsmen and gunowners in the Sunshine State, the organization noted, "Your Second Amendment rights are at the very heart of this issue. In addition to prohibiting searches of private vehicles in parking lots, the bills also prevent businesses from asking customers or employees to disclose what personal private property is stored in a private vehicle."

The legislation also prevents any action against customers or employees who refuse to give out that information, or against anyone based on information provided by a third party.

"Corporate giants have been trampling constitutional rights," the organization stated. "Some are even attempting to coerce and intimidate gunowners into giving up constitutional rights as a condition of employment.

"A business owner or manager has no more right to say you can't have a firearm in your private vehicle than they have a right to say you can't have a pair of sun glasses, an umbrella, a Bible or a baby seat," the group added.

The statement was released by Marion Hammer, executive director of the Florida organization and a former president of the National Rifle Association.

She said employee gun bans "are blatant discrimination against people who choose to exercise a constitutional right and take responsibility for their own safety." [The New GUN WEEK](#), February 15, 2008

Traffic accidents, shootings led police deaths upward in 2007

A record number of fatal traffic incidents and a double-digit spike in shooting deaths led to one of the deadliest years for law enforcement officers in more than a decade, according to two Washington groups, cited in an Associated Press report.

With the exception of 2001, which saw a dramatic increase in deaths because of the Sept. 11 terrorist attacks, 2007 was the deadliest year for law enforcement since 1989, according to preliminary data released jointly by the National Law Enforcement Officers Memorial Fund and Concerns of Police Survivors.

The report counted the deaths of 186 officers as of Dec. 26, up from 145 last year. Eighty-one died in traffic incidents, which the report said surpassed their record of 78 set in 2000. Shooting deaths increased from 52 to 69, a rise of about 33 percent.

"Most of us don't realize that an officer is being killed in America on average every other day," said Craig W. Floyd, chairman of the National Law Enforcement Officers Memorial Fund.

Officer fatalities have generally declined since peaking at 277 in 1974, the report said. Historically, officers have been more likely to be killed in an attack than to die accidentally and shootings outnumbered car crashes. But those trends began to

reverse in the late 1990s. This year, about six of every 10 deaths were accidental.

Floyd credited technology improvements with helping reverse the trend. Safety vests save lives and non-lethal devices such as electric stun guns prevent some fatal encounters, he said. He attributed the spike in shooting deaths to the increase in violent crime nationwide.

Of the 81 traffic deaths this year, 60 officers died in car crashes, 15 were hit by cars and six died in motorcycle crashes.

After traffic crashes and shootings, physical causes such as heart attacks were the leading cause of death, contributing to 18 fatalities. *The New GUN WEEK, February 1, 2008*

Remote Arizona Hamlet Residents, Sick Of Crime, Arming Themselves

Jim Ross lifted his coat slightly behind the counter of his restaurant in Aguila, AZ, revealing a 9mm Smith & Wesson pistol in a holster.

"I'm not going to be a victim without somebody having a bullet in their (rear)," said the owner of Coyote Flats Cafe on US 60. "We're going to take this town back."

Jim and his wife, Dorene, are not the only folks packing heat in this backwater community 25 miles west of Wickenburg in the far western segment of Maricopa County, according to *The Arizona Republic*.

With little law-enforcement protection and a crime wave that has left two residents dead and hit just about every business in Aguila, many residents have armed themselves, installed security systems and taken to patrolling residential areas.

"My neighbors have been robbed three times already," said Veronica Rodriguez, a widow with three children. "People are afraid to go in the streets at night. The problem is there are no police here."

"We've called 911 for assaults, and 24 hours later, they showed up," said Bob Edwards, 63, chief of the Aguila Volunteer Fire Department.

Many Aguila residents say the crime surge stems from a growing methamphetamine problem, compounded by the deactivation of a sheriff's substation in Wickenburg.

Their angst and anger climaxed Monday when about 200 people jammed into the Aguila community center to vent at Maricopa County sheriff's Capt. Scott Penrose.

For two hours, they shared crime stories and warned that Aguila citizens are going to start shooting people in defense of their homes and businesses.

They said deputies almost never patrol the unincorporated town. Even when a patrol car arrives from the nearest active substation, about 60 miles away in Sun City, residents say the deputies often refuse to gather evidence, interview suspects or file reports.

Finally, folks grouched that Sheriff Joe Arpaio seems to spend a lot of time on television with his law officers going after illegal immigrants in Phoenix when there is a serious crime problem in county jurisdictions.

"What about Sheriff Arpaio?" demanded one man in the crowd. "He doesn't even know about Aguila, does he? It's a joke."

Penrose conceded that residents have suffered. He said response times have been inexcusable. He offered to help organize a sheriff's posse. He said efforts will be made to increase patrols and deputies will be admonished to be responsive and courteous. His supervisor confirmed the beefed-up patrols in an e-mail Wednesday to one of the meeting's organizers.

In a later interview, Arpaio vowed to send his illegal-immigrant interdiction squad and other deputies to Aguila. At the town meeting and in private conversations, no residents blamed undocumented immigrants for escalating crime. *The New GUN WEEK, February 1, 2008*

DC's top lawyer's surprisingly quits

District of Columbia Attorney General Linda Singer resigned on Dec. 17, as lawyers in her office prepared to defend the city's 30-year-old gun ban before the Supreme Court this Spring, according to *The Washington Times*. Her resignation was scheduled to take effect on Jan. 5.

Singer, whose office has handled appeals in the case since a federal appellate court struck down the gun in early 2007, informed Mayor Adrian M. Fenty of her decision in person.

Singer, 41, did not offer a reason for stepping down in a letter of resignation to Fenty, instead referring to accomplishments made during her one-year tenure.

The Times noted that Fenty, a Democrat, did not confirm or deny reports that the attorney general's resignation stemmed from frustration over the mayor's general counsel, Peter Nickles, intruding on the duties of her office.

The District's attorney general serves as the city's top lawyer, prosecuting some crimes, handling all of the city's civil litigation and drafting proposed legislation, among myriad duties.

Fenty said that Nickles will serve as acting attorney general and that a decision had not been made on a permanent appointment to the position. *The New GUN WEEK, February 1, 2008*

Shopper pulls gun, stops robbery cold

A legally-armed grocery store customer in Indianapolis, IN, is being credited with halting an armed robbery by pulling his own weapon and pointing it at the assailant until police arrived.

According to a report in *The Indianapolis Star*, Charlie Merrell, 51, was in a checkout line at a grocery store called Bucks IGA when a "masked man jumped a nearby counter and held a gun on a store employee."

While the suspect was demanding cash from the workers, according to the police report, Merrell pulled his own handgun, pointed it at the robber and ordered him to put down his weapon.

Police reported Merrell had a valid permit to carry the handgun, and they recovered an unloaded .380-caliber handgun and \$779 cash from the suspect.

Police records show Dwain Smith, 19, was being held in the Marion County Jail on a bond of \$30,000 on initial charges of robbery, criminal confinement, pointing a firearm, battery and carrying a handgun without a license. *The New GUN WEEK, February 1, 2008*

****Federal Legislative Update:***
Senator Kennedy Attacks Gun Owners and Gun Makers: Microstamping Legislation Introduced!

This week, Senator Edward M. Kennedy (D-MA) and Congressman Xavier Becerra (D-CA) introduced "microstamping" legislation (S.2605/H.R.5266) titled the "National Crime Gun Identification Act of 2007." The House bill is co-sponsored by Reps. Conyers (D-MI), McCarthy (D-NY), Rahm (D-IL), and Rangel (D-NY).

Senator Kennedy said, "Micro-stamping ammunition is an important and effective method of tracing guns, and provides law enforcement with a much-needed resource in solving crimes."

In actuality, microstamping has **never** been implemented. California passed legislation at the end of last year and was signed into law but has yet to be implemented. With this in mind Senator Kennedy's comments are completely without support or merit on the facts of this issue and claiming it is an "effective method" is not correct.

Furthermore there are MANY flaws with micro-stamping as an effective and worthwhile crime fighting measure. For Instance:

Micro-stamping has repeatedly failed in tests. In 2006, a study by forensic experts and researchers at the University of California (Davis) concluded, "At the current time it is not recommended that a mandate for implementation of this technology in all semiautomatic handguns in the state of California be made."² Results of the study were consistent with earlier peer-reviewed tests published by the Association of Firearms and Toolmarks Examiners. Firearms examiner George Krivosta, of the Suffolk County, N.Y., crime lab, found that the "vast majority" of micro-stamped characters in the alphanumeric serial number couldn't be read on "any of the expended cartridge cases generated and examined."

Micro-stampings are easily removed. In the tests noted above, firing pins were removed in minutes, and serial numbers were obliterated in less than a minute, with household tools.

Most criminals who use guns, get them through unregulated channels. According to the BATFE, 88% of crime guns are acquired through unregulated channels, and the median time between a crime gun's acquisition and its use in crime is 6.6 years. According to the Bureau of Justice Statistics, most criminals get guns via theft or the black market.⁶

Micro-stamping may increase gun thefts, home invasions and other burglaries, and expand the black market in guns. Criminals will be further encouraged to get guns illegally, if they believe that guns bought legally will be linked to them in a computerized database.

Micro-stamping wastes money, including that which is better spent on traditional crime-fighting and crime-solving efforts. It will require a costly computerized database to track micro-stamped handguns, costs that will be passed along to all consumers, including law enforcement agencies. It will require a redesign of the handgun manufacturing process, and could require payment of licensing fees to the sole-source micro-stamping patent holder.

Problems for law enforcement. Micro-stamping exposes police departments to lawsuits if officers fire "unsafe handguns" at suspects. Departments will have to spend money destroying all cases fired in training, to prevent cases from being reused at crime scenes. Criminals can obtain fired cases from practice ranges, and use them to "seed" crime scenes, to confuse investigators.

The measure has support from the usual gun ban groups, such as the Coalition to Stop Gun Violence, the Brady Campaign, and others. (*Courtesy: Allegheny County Sportsmen's League*)

NEWS RELEASES:

Gun Owners of America E-Mail Alert
 8001 Forbes Place, Suite 102, Springfield, VA 22151
 Phone: 703-321-8585 / FAX: 703-321-8408
<http://www.gunowners.org>
 Friday, January 25, 2008

The Bush administration has continued veering toward gun control. You know it is bad when The Brady Campaign to Prevent Gun Violence salutes the administration's support for gun control.

Why would anti-gunners praise the Bush administration? For one, signing the first gun control

legislation in over a decade, the Veterans Disarmament Act (H.R. 2640). For another, the very anti-gun brief the Solicitor General (the Justice Department's lawyer) filed in the DC gun ban case, D.C. v. Heller.

As you know, Rep. Virgil Goode is rounding up other members of the U.S. House of Representatives to join with him on his letter to the President asking him to withdraw that brief.

Gun Owners of America has taken the lead in building public awareness of the Solicitor General's action, and the need to urge all members of Congress to support Rep. Goode's efforts.

We know it is imperative for the NRA to encourage their members to weigh in with their representatives on behalf of Rep. Goode.

It would be very helpful if you -- and as many gun owners as you can recruit to help -- would call the NRA and urge them to publicly encourage members of Congress to join with Rep. Goode by signing his letter to the White House.

The toll-free number to call at the NRA is 800-392-8683. To maximize your effort, please call rather than e-mail.

For your information, the GOA press release that explains what is wrong with the administration's brief is here:

<http://www.gunowners.org/pr0801.htm>

The D.C. v. Heller case is by far the most important Second Amendment court case of our lifetime. Thank you for doing all you can to help secure a pro-gun outcome.

CCRKBA

Liberty Park
12500 N.E. Tenth Place
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<http://www.ccrkba.org/>

CCRKBA-- INSIST CANDIDATES SIGN 2008 PRESIDENTIAL GUN RIGHTS PLEDGE

This presidential election is the most important election for gun owners in decades. The next president will probably appoint one or more Supreme Court justices, who will decide gun rights cases for decades to come.

The next president will also be in a position to sign or veto firearms laws. Will the candidates sign or veto Nationwide Concealed Carry? How about legislation to close the mythical "Gun Show Loophole"? What about "assault weapon" legislation banning all or most semi-automatic rifles, shotguns, and handguns?

Or worse still, will the next president actually propose gun ban bills for Congress to pass?

Just what can we expect from the remaining presidential candidates, should gun owners help them win

the Presidency? It is time for these people to pledge "on the record" that they will respect the cherished individual right to keep and bear arms.

The Second Amendment Foundation and the Citizens Committee for the Right to Keep and Bear Arms have sent the presidential candidates our 2008 Presidential Gun Rights Pledge ([Read a sample pledge](#)) so that gun owners can get firm commitments that the candidates will take action to defend the right to bear arms.

Now is the time for gun owners to contact each and every presidential candidate to insist that they sign our 2008 Presidential Gun Rights Pledge.

Here is the contact information for all of the presidential candidates still in the race, in alphabetical order by political party and last name.

Hillary Clinton

(703) 469-2008

<http://www.hillaryclinton.com/help/contact/>

Barack Obama

(312) 819-2008

<http://my.barackobama.com/page/s/contact2>

Mike Huckabee

(501) 324-2008

information@explorehuckabee.com

John McCain

(703) 418-2008

info@mccain08hq.com

Ron Paul

(703) 248-9115

<http://www.ronpaul2008.com/contact/form>

Mitt Romney

(857) 288-6400

info@MittRomney.com

Again, it is absolutely vital that you contact these candidates and make your voice heard! The candidates need to know that tens of millions of gun owners will stand up for their right to bear arms, and that gun owners will hold them accountable.

-END-

News Briefs:

NE lawmaker's bill safeguards guns in disasters

Should disaster strike and chaos ensue as in New Orleans after Hurricane Katrina, Nebraskans could be forced to give up their guns under current law, Associated Press reported.

However, a state lawmaker wants to change the rules so that cities and other political subdivisions in Nebraska couldn't confiscate guns as New Orleans did.

Under the bill (LB-1076) sponsored by Nebraska state Sen. Kent Rogert of Tekamah, neither the state nor

political subdivisions could enact special restrictions on guns during emergency or disasters: The law would apply to gun possession, storage and use, among other things. [The New GUN WEEK, February 15, 2008](#)

Feds douse incandescents

You can start replacing those traditional incandescent light bulbs over your reloading bench and everywhere with those twisty compact fluorescent lights (CFLs) soon, but be careful where you dump the replacements.

In addition to raising auto fuel efficiency standards by 40%, an energy bill passed by Congress on Dec. 18 and signed the next day by President Bush bans incandescent light bulbs incrementally by the year 2014.

The legislation is supposed to boost the energy efficiency of "almost every significant product and tool and appliance that we use, from light bulbs to light trucks," according to Rep. John Dingel (D-MI), chair of the House Energy Committee.

The phase-out of incandescent light is to begin with the 100-watt bulb in 2012 and end in 2014 with the 40-watt.

While standard light bulbs cost about 50 cents, depending on size and brand, the spiral CFL sells for about \$3. Advocates argue, however, the CFL lasts five years longer and rises about 75% less energy.

However, the presence of small amounts of highly toxic mercury in CFLs poses problems for consumers when breakage occurs and for disposal when bulbs eventually burn out. You're not supposed to dispose of them in your regular trash, but no one has explained yet how to dispose of them safely. [The New GUN WEEK, February 15, 2008](#)

Chief fires cop in 911 suit

Two months ago, after hundreds of people from across the country voiced their outrage, Casselberry, FL, police Sgt. Andrea Eichhorn dropped her lawsuit against the family of tiny, brain-damaged Joey Cosmillo. Eichhorn has sued the child's parents and grandparents after she fell while responding to their 911 call.

Dropping the suit wasn't enough to save her job.

On Dec. 4, the Casselberry Police Department fired her, according to The Orlando Sentinel.

Her suit, filed Oct. 1 and abandoned Oct. 12, brought public ridicule to the agency, according to a memo from police Chief John Pavlis. It damaged the city's image and made people question whether they, too, might get sued by officers responding to 911 calls. [The New GUN WEEK, February 15, 2008](#)

Top cop canned over brews

From the "Only Cops Should Have Bud" file comes the story of ex-Police Chief Brian Hill, late of the Wilson, KS, police department.

He's no longer the top cop in this small town, because he was fired in January for having ripped off some beer from a refrigerator belonging to the city fire department in August 2007. We understand there's nothing like a good cold one after fighting a hot one, but that must have been pretty valuable suds. It sure turned out to be expensive for Hill.

According to Associated Press, Hill's powers of observation that all cops are supposed to have must not have been working too well because he was caught on a surveillance camera grabbing the beer from the fridge. He was convicted of misdemeanor theft on Dec. 26—some Christmas present!—and fired effective Jan. 25, with the option of a hearing. The story said he had been on unpaid suspension pending an appeal of the conviction. [The New GUN WEEK, February 15, 2008](#)

Dallas PD wants cops prosecuted

Here's one you don't see everyday, straight from the "Only Cops Should Have Guns" file: The Dallas Police Department wants two of its own officers to face charges after holding a country singer and his companion at gunpoint one evening in late December.

According to KBTX and the Associated Press, prosecutors are reviewing the case that involved singer Steve Holy and an unidentified friend. They reportedly were playing foosball at Holy's home with off-duty Dallas officers Paul Loughridge and Randy Anderson. At some point during the evening, the two cops, who had been drinking, pulled their guns at Holy and his friend and made them get on the floor.

News reports quoted First Assistant Dallas County District Attorney Terri Moore, who explained that prosecutors would review the case to see whether charges of aggravated assault would be filed against the two officers. [The New GUN WEEK, February 1, 2008](#)

Philly cop investigated

Political bigwigs in Philadelphia, PA, have been on the warpath for months over guns and crime, but they were suddenly mute when an off-duty Philly police officer came under investigation for being drunk in public and brandishing his weapon.

This happened Dec. 28 at a South Philadelphia gas station and convenience store, where the suspect cop came in, appeared to be intoxicated, and made his way into an area restricted to customers. According to WCAU News, the unidentified cop was "wobbling around" and then drew his concealed handgun, holding it in his hand next to his leg. Customers fled.

That was when clerk, Derrick Helms and co-workers locked themselves in an office and called the police.

When the uniforms showed up, they charged in with guns drawn, and then it was discovered the armed drunk in their midst was one of their own. But the police clammed up on the case, and referred the matter to internal affairs for investigation, the station reported. [The New GUN WEEK](#), February 1, 2008

Indiana Teen Gets 42 Years in Sniper Case

A teenager who pleaded guilty to killing one man and wounding another in a series of 2006 Indiana highway sniper shootings was sentenced to 42 years in prison on Dec. 27, according to Associated Press.

Defense attorneys tried to portray 18-year-old Zachariah Blanton as troubled and the victim of teasing, but the judge said his emotional problems were no excuse for killing someone he had never met.

Prosecutors said Blanton fired his hunting rifle into Interstate 65 traffic on July 23, 2006, from an overpass about 60 miles south of Indianapolis, killing 40-year-old Jerry L. Ross of New Albany. An Iowa man traveling in another pickup truck also was injured.

Blanton had faced trial on charges of murder, attempted murder and criminal recklessness. But he pleaded guilty earlier this month to lesser charges of voluntary manslaughter with a deadly weapon and criminal recklessness. [The New GUN WEEK](#), February 1, 2008

Green Bay, WI, Cops Fingerprint on Traffic Stops

If you're ticketed by Green Bay, WI, police, you'll get more than a fine. You'll get fingerprinted, too, according to WBAY-TV.

If you're caught speeding or playing your music too loud, or other crimes for which you might receive a citation, Green Bay police officers will ask for your driver's license and your finger. You'll be fingerprinted right there on the spot. The fingerprint appears right next to the amount of the fine.

Police say it's meant to protect you—in case the person they're citing isn't who they claim to be. But not everyone is sold on that explanation.

"What we've seen happen for the last couple of years [is] increasing use of false or fraudulent identification documents," Captain Greg Urban said.

Police say they want to prevent the identity theft problem that Milwaukee has, where 13% of all violators give a false name.

Citizens do have the right to say no. "They could say no and not have to worry about getting arrested," defense attorney Jackson Main said. "On the other hand, I'm like everybody else. When a police officer tells me to do

something, I'm going to do it whether I have the right to say no or not."

That's exactly why many drivers are uneasy about the fine print in this fingerprinting policy.

Police stress that the prints are just to make sure you are who you claim to be and do not go into any kind of database; they simply stay on the ticket for future reference if the identity is challenged. [The New GUN WEEK](#), February 1, 2008

Anti-gun mayor's son

Jacob Nickels, son of anti-gun Seattle, WA, Mayor Greg Nickels—one of the founding members of the Mayors Against Illegal Guns with New York Mayor Michael Bloomberg—was sentenced to three months in federal prison and another three months of home confinement for his part in a tribal casino gambling scheme.

The casino scam cheated the Nooksack tribal casino out of an estimated \$90,000, and Nickels had acknowledged that when he was working as a pit boss at the casino, he helped individuals involved in a wide-ranging cheating scheme. These individuals bribed card dealers to use fake shuffles to rig the games. It is estimated that this gambling ring cheated tribal casinos around the West out of more than \$1 million.

As part of his sentencing, Nickels will also have to repay \$90,510 to the Nooksack casino.

After the plot was uncovered, Nickels pleaded guilty in August to a charge of felony conspiracy as part of a plea agreement.

He was accompanied in court at his December sentencing by a red-faced Mayor Nickels, who did not speak to the press. [The New GUN WEEK](#), February 1, 2008

Only Cops Should Have. . .Sobriety

Normally, Gun Week would suggest that it must be something in the water, but in two cases, one from Pennsylvania and the other from Florida, it isn't water they're drinking that gets them in trouble.

From the "John Barleycorn and Badges" file comes the story of Paul J. Evanko, former Pennsylvania State Police Commissioner, who was busted Dec. 17 for driving under the influence. He wasn't too hard to find, either, because he was involved in a car crash three days before in Harrisburg, according to the Lancaster OnLine.

Evanko had a blood alcohol level of 0.183, more than twice the legal limit of 0.08.

He retired from the state police four years ago, and had spent eight years as its commissioner. Evidently that's when he stopped taking his own advice.

"It is the responsibility of each driver in Pennsylvania to stay out of the driver's seat when he or she is impaired by alcohol," he said in 1999.

Perhaps if he gets convicted, part of his sentence should involve chatting with Miami-Dade, FL, police Officer Jeffrey Janish, who was in uniform and behind the wheel of his patrol car when he was pulled over by the Florida Highway Patrol Dec. 18 for speeding. He was, according to WPLG in Miami, swerving from lane to lane.

Surprise of surprises, Janish was reportedly "relieved of duty" but was still getting paid, pending an investigation. The television station said the Palm Beach County Sheriff's office booked Janish, and at the time, he had a blood alcohol level about three times the legal limit.

No, we won't drink to that! [The New GUN WEEK](#), February 1, 2008

Too much reality on screen

From the "You're Not Gonna Believe This" file comes the story out of the African nation of Angola where a couple of actors involved in the production of a crime movie won't be finishing the project.

They're dead; shot and killed by Angolan cops who thought they were real bad guys involved in an armed robbery.

According to the BBC, film director Radical Ribeiro was filming a scene in a suburb of the capital city of Luanda, with permission from the government. Well, the government wasn't saying anything in the wake of this Keystone Kops snafu, but the BBC reported that while he was filming this robbery scene, a truckload of cops showed up and started shooting "at everybody at close range."

Well, the shooting continued even after the two actors bit the dust, until Ribeiro yelled at the cops to hold their fire. That's when the cops—who are the only people with guns in Angola, evidently—hopped back in their truck and sped away without even attending to the people they shot.

[The New GUN WEEK](#), February 1, 2008

News Links:

08/02/02 Police officers shoot each other - One officer charged with aggravated assault

BUFORD, Ga. - Two off-duty officers from different police departments wounded each other in a gun fight in the middle of a road in an Atlanta suburb, authorities said.

Both officers suffered non-life-threatening wounds, police said. Their conditions were not immediately known on Saturday.

Officer Jay Daily, a five-year veteran of the Duluth Police Department, exchanged multiple gunshots with Fulton County officer Paul Phillips on Friday afternoon, police said.

Daily was in custody Saturday, charged with aggravated assault, Cpl. Illana Spellman of the Gwinnett County police said.

"It's been confirmed that the Duluth police officer was the

aggressor in this case," Spellman said.

Phillips, 37, required surgery at Gwinnett Medical Center. A hospital spokesman said Saturday he could not release information about the two officers. He referred questions to Spellman, who did not immediately have an update on their injuries.

"It's been baffling to us why this situation even occurred," said Duluth Police Chief Randy Belcher. "It's an embarrassment to this agency."

Phillips, who was wearing his uniform and in a marked police car, was driving to his home in Gwinnett County, police said. He was flagged down by someone who had seen Daily involved in a physical altercation with a woman in a sport-utility vehicle.

Daily, who lives in the area, was off duty and in civilian clothing but was wearing a bulletproof vest, police said.

Police did not know what relationship Daily had with the woman or what started the confrontation. The woman, who was not identified, later was hospitalized for minor injuries she suffered before the shooting started, police said.

Belcher described Daily as "an outstanding officer" and said he was suspended while the investigation is under way.

<http://www.msnbc.msn.com/id/22965019/>

08/01/31 Column: Guns, crime, bans and politics

Hitler, Stalin, slave holders of the pre-Civil War South, Mao Tse-Tung, Lenin. What do these people have in common? Gun bans.

Out of all the atrocities attributed to humankind, many have been at the hands of "concerned" dictators who banned guns from their countries "for the benefit of all." I laugh when I think of all those dictators' speeches. Standing in front of a crowd, they proclaimed that relinquishing weapons to one person or government source would create peace for all. What the world was soon to find out was with this added leverage over their citizens, dictators soon massacred many of them.

"OK," you may be saying, "I listen to enough history in class. Why do I need to read it in a newspaper column?"

Well, apparently readers of history are in short supply these days. Let me tell you about a recent occurrence that is sure to make your blood boil if you are a supporter of the 2nd Amendment.

Earlier this month, the Bush administration released an amicus brief to the U.S. Supreme Court. An amicus brief is a fancy term for a letter stating one party's opinion on a particular case. In this instance, it was the case of the Washington D.C. handgun ban. It may come as a surprise to some that a government body would ban guns from American citizens, but it happened.

First, I will go back to 1976. That was the year Washington's City Council passed a ban on all handguns under the Firearms Control Regulations Act. Another part of the law states that all guns must be kept either disassembled or with trigger-locks on at all times. So much for self-protection! Citizens of Washington were also not allowed to own a handgun. If they had one at the time of the ban, then they could keep it; guns were not going to be confiscated. However, no new handguns were allowed to be registered after that. So people like me, who were not born at that time, are out of luck.

This ban was supposed to decrease the crime rate of the city. At that time, crime rates in the city had reached epic proportions. So, did this wonderful ban create the peace ascribed to it by the City Council?

Between 1976 and 1991, crime rose 200 percent in the city according to the FBI as cited by the National Rifle Association. Even the Washington Post stated that the crime rates had not had a dramatic decrease, as was expected. However, hardheaded lawmakers still said the crime rates would probably have been higher had the gun ban not been in existence.

Some people think if we ban guns from lawful citizens, then the bad guys will not have them either. If you are going to break laws anyway, wouldn't you break the gun ban law as well? If you are willing to break a big law and kill, wouldn't you be willing to break a little law and get a gun? This creates a big problem for citizens who would abide by the law, and do not have a gun, and get mugged, raped or killed by non-law-abiding citizens who do manage to skirt the law and get one.

This law, passed in 1976, recently underwent some fire. The federal appellate court overturned the handgun ban in the spring of 2007. The decision was appealed to the Supreme Court, where the case was accepted and is waiting for a ruling. At this point, the Bush administration decided to weigh in.

Earlier this month, the administration sent a brief to the Supreme Court stating that, although it supported the constitutional reading of the 2nd Amendment, it did not feel that the Washington ban violated the amendment. So much for a government that supports the freedoms outlined by the Constitution!

The Washington gun ban is laying the groundwork for more bans to follow. Yet another scary reality many of you are aware of is Chicago's handgun ban. It outlaws the possession of handguns in Chicago and some suburbs.

Gun bans are sweeping the nation, supposedly bringing with it peace from criminals. Instead, it creates a reign of terror. In the past, the gun has been used to protect innocent people from the demands of criminals. Now, it has created a criminal class that knows it can push and prod its way into homes, and it is illegal for the occupants to protect themselves. So long safety. In its place we have unarmed citizens trusting that the criminals will obey the gun bans. Good luck!

Colleen Lindsay is a senior studying journalism.

<http://media.www.siude.com/media/storage/paper1096/news/2008/01/31/Columns/Column.Guns.Crime.Bans.And.Politics-3177925.shtml>

08/01/31 W.Va. may offer gun training in schools

CHARLESTON, W.Va. - A significant drop in the number of hunters in West Virginia has left a hole in the state's budget, and one lawmaker thinks he has a solution: Allow children to receive hunter training in school.

Children as young as 10 years old are already eligible for hunting licenses in the state, but training courses are typically offered outside of school. Proponents of the plan hope embedding training during school hours boosts interest.

Seventh- through ninth-graders could opt for instruction in topics ranging from survival skills to gun safety, but the weapons would have dummy ammunition or be disabled. Sen. Billy

Wayne Bailey, who introduced the bill this month, doesn't envision students firing real guns during class time.

"It's a way to take this kind of education in the classroom and make it more convenient for young people," said Bailey, a Wyoming County Democrat.

In the face of national concern about school violence, the presence of even disabled guns in school could seem incongruous, but some gun control advocates say careful supervision can ease concerns.

The primary concern of the Brady Campaign to Prevent Gun Violence is children with unauthorized access to guns, spokesman Brian Malte said, and the organization has no problem with supervised training programs.

"We let TV babysit our children," Bailey said. "This is a way to teach them there's a real consequence every time you pull a trigger."

West Virginia, where roughly 320,000 people participated in the recent two-week gun season for bucks, may be the only state contemplating such a bill, according to the National Conference of State Legislatures.

http://news.yahoo.com/s/ap/20080131/ap_on_re_us/young_hunters:_ylt=A149Bh.8dK4tmLwx2qBb.y.s0NUE

08/01/28 MD: Annapolis mayor wants fired guns to automatically stamp bullets In the wake of a double homicide in Annapolis' Bay Ridge Gardens apartments, Mayor Ellen Moyer is pushing for lawmakers to draft legislation that requires gun manufacturers to produce microstamp imprints of a gun's serial number on shell casings.

The Annapolis mayor plans to meet with state leaders today, including House Speaker Michael Busch, D-Annapolis, City Police Chief Joseph Johnson and representatives from several state agencies to push for legislation and secure crime and drug-prevention funding.

"Being able to track where the illegal guns are coming from is really important to reducing the number of illegal guns on the street," Moyer said.

The serial number would be automatically imprinted on the shell casings after the gun is fired. Her proposal also includes funding for a collaborative drug intervention program among nonprofits and youth-counseling centers.

"If we can close down those markets, that has a major impact on reducing petty and violent crime. Much of the petty crime is to support drug deals," Moyer said. Annapolis experienced a record-breaking nine homicides in 2007.

Police spokesman Hal Dalton said the microstamping technology would only help with "crimes of passion."

"If [microstamping] is just done at a state level and only Maryland does it, most criminals will try to import their weapons or make sure they get one without it," he said.

http://www.examiner.com/a-1183701~Annapolis_mayor_wants_fired_guns_to_automatically_stamp_bullets.html

08/01/27 Parolee Held On \$1 Million Bail in Random Hatboro Shooting

"A Hatboro, Pa. man with an extensive criminal background is behind bars on \$1 million bail, accused of trying to kill a woman he didn't know and now authorities are trying to figure out how he got his hands on a gun.

Court records show 30-year-old Gary Zweitzig was out on parole when police say he took two shots at the 34-year-old woman with a semi-automatic pistol as she was walking home on York Road in Hatboro.

Records show Zweitzig has an extensive record, including felony and drug convictions. Prosecutor Kevin Steele says they're looking into whether they can prosecute the gun charge at the federal level:

"Guidelines for a state offense and federal offenses are somewhat different, a federal case may carry with it stiffer penalties."

Police say witnesses identified Zweitzig as the man who fired the gun. He did not have a permit to carry the firearm and the gun was unregistered. Police recovered two shell casings and a bullet that they say penetrated two signs. The woman was not hit."

<http://www.kyw1060.com/pages/1546489.php>

08/01/25 Nutter: Enforce Phila.'s gun laws

The mayor is setting up a legal showdown with the state Supreme Court, which banned such city ordinances

Mayor Nutter yesterday said he would enforce new city gun-control laws even without state authorization to do so - setting up a possible legal and political showdown between the state and the new mayor.

At the first regular meeting of the new City Council yesterday, Council members Darrell L. Clarke and Donna Reed Miller introduced the same package of gun-control measures that languished last year while the state legislature refused to authorize them.

But these bills have a new wrinkle - they don't call for state-enabling legislation. The previous bills were conditional on companion state laws in recognition of a 1996 Pennsylvania Supreme Court ruling that said cities could not enforce their own gun laws.

But Nutter, Clarke and Miller, frustrated by the repeated failure of gun-control measures in the legislature, now appear ready to do just that.

"If these bills pass and if I sign them, then I expect to enforce them," Nutter said. "If you believe we can have a safer city by putting these measures in place, I think as good public servants we are compelled to take some type of action in the face of no relief coming from anywhere else."

Clarke said only that the new bills are "part of a legal strategy."

The bills would force owners to immediately report stolen guns; set monthly limits for firearms purchases; require vendors to report ammunition sales; and prohibit gun sales to anyone who is the subject of an order of protection.

Temple University law professor David Kairys, a gun-control advocate, said "that's what our City Council and mayor should be doing - they're dealing with an urgent problem."

Kairys said the city's action could set up a test of a new Supreme Court, now under Chief Justice Ronald Castille, the

former Philadelphia district attorney who promised to depoliticize the court.

"If there's really going to be a new day in the Pennsylvania Supreme Court, this would be a fine place to start," Kairys said.

State Rep. Dwight Evans (D., Phila.), whose bill to give the municipalities the ability to make their own gun laws was defeated in the House Judiciary Committee last year, said, "My position has always been that the city should have the authority to make its own gun policy, and I will try to do all I can do to get the city that authority."

He added: "As far as their method of handling it, that's their decision."

Nutter said any legislation would have to go through the traditional hearing process and be vetted by the city's law department.

Nutter also transmitted a set of proposed charter changes to Council yesterday that would increase the independence of the Office of Inspector General; allow department heads to hire more deputies who are exempt from Civil Service, a policy Nutter has pushed as critical for management of the Police Department in particular; and to define and separate the duties of the Commerce Department and the city representative.

http://www.philly.com/inquirer/home_region/20080125_Nutter__Enforce_Phila_s_gun_laws.html

08/01/22 Police shootings prompt a review

Philly Mayor Nutter ordered his police commissioner to study the department's policy on the use of deadly force.

Confronted with a spike in police shootings, Mayor Nutter has ordered Police Commissioner Charles H. Ramsey to lead a "complete review and analysis" of department policies on the use of deadly force.

The mayor said his request was prompted by the chaos at a New Year's Eve party, when an officer fired 11 shots into a crowded rowhouse while pursuing a suspect just after midnight. Four innocent bystanders were hit, among them a 9-year-old boy and 33-year-old Abebe Isaac, who died of his wounds a week later.

"I think increasingly it's clear that our entire use-of-force policy needs to be reviewed," Nutter said. "I want to make sure that we're utilizing the best in training and other tactics."

Since that shooting, police have shot and killed two more civilians, including Timothy Goode, a cousin of City Councilman W. Wilson Goode Jr. Last year, police shootings left 15 dead. In 2006, 20 civilians were killed by police, more than in any year since 1980 and the highest total among the nation's 10 largest cities.

"I'm going to look at the policy, the training, and make recommendations based on that," Ramsey said yesterday evening as he entered a West Philadelphia church for one in a series of town-hall meetings he's held this month.

Ramsey's review of the use-of-force policy will be included in a broader crime-fighting plan the commissioner is scheduled to give Nutter on Jan. 30. That plan is also expected to address the crime emergency the mayor declared following his inauguration on Jan. 7.

When asked whether he was essentially second-guessing the decisions of officers on the street, Nutter was emphatic that he was not.

"The officers have a responsibility to protect themselves and other people in the area," he said. "When the officer makes that assessment, they have a split-second decision to make."

Nutter said that all policies - in the Police Department and elsewhere - were subject to review with a new mayor in office.

The city's policy on use of force is covered in two directives. One governs the use of firearms; the other sets guidelines for batons, pepper spray and Taser stun guns.

Drafted in 2001 and last amended in 2003, the 11-page firearms policy instructs officers to "exhaust all other means of apprehension and control before resorting to the use of deadly force" and to discharge their firearms "only to protect life."

Officers, the policy reads, must "reasonably believe" that they or others risk "imminent death or serious bodily injury" before using their sidearms. The directive forbids shooting to prevent suspects from fleeing, and it rules out the use of firearms when "doing so will unnecessarily endanger innocent people."

According to the policy, all police shootings are to be investigated by Internal Affairs. Shootings that result in death or very serious injuries are to be handled by the department's homicide unit.

It is, by most measures, a fairly strict policy. That suggests to some that changing its language won't help matters.

"In my view, the written policy is not the problem," said David Rudovsky, a University of Pennsylvania law professor and civil-rights lawyer.

"The problem is police have used deadly force in violation of the policy, and they have not been disciplined. Essential to any policy is appropriate training and supervision and discipline for officers who violate it."

Ramsey's record indicates he recognizes the importance of holding officers to strict standards when it comes to the use of deadly force.

http://www.philly.com/inquirer/local/20080123_Police_shootings_prompt_a_review.html

08/01/22 Video Shows Ironwood Grill Restaurant Robbed At Gunpoint

INDIANA, Pa. - State police hope surveillance video will help them arrest the person who held up a restaurant in Indiana, Pa., on Thursday.

Police on Monday released the surveillance footage, which shows the robber demanding money from a cashier at Ironwood Grill on Oakland Avenue and pointing a gun at the employee's head.

The cashier was "very collected and did what the suspect told him to do," said Trooper John Fisanich. "Gave him the money."

During the robbery, police said a group of patrons walked in the door. The robber waved the gun at them, and they immediately backed out of the shop, police said.

After getting about \$400, the robber ran out of the restaurant, police said. Nobody was hurt.

Police said the robber is white, approximately 5 feet 6 inches tall and about 150 pounds.

He wore a black ski mask and a black hooded sweatshirt with a large "g" or "q" and possibly some type of animal or mascot on the front, police said.

The clothing appears to be blue in the surveillance video, but police said it is actually black.

<http://www.msnbc.msn.com/id/22770707/>

08/01/19 'I decided I was gonna fight back,' mugging victim says

An Easton man testified he unholstered his handgun and slipped it into his coat pocket moments before Maurice T. Cook and Tyrone Wright tried to rob him at gunpoint.

Robert Pierce Jr. said he became suspicious when Cook, 22, of Easton, and Wright, 22, of Newark, N.J., who were walking behind him, picked up their pace and narrowed the gap as all three made their way to S. 11th Street about 5:30 p.m. Dec. 4. Pierce said he didn't know either man but knew something was wrong when he heard them call out "Yo," or "Hey."

Cook, Pierce said, pulled out a handgun, which he pressed to Pierce's back, then his head, and both men warned him to be quiet and dragged him a short distance. "That's when I took the chance and pulled my gun," Pierce testified Friday during a preliminary hearing before District Judge Michael Koury of Wilson.

Pierce said he fired into the air and Wright ran. Cook returned fire and, Pierce said, appeared to be positioning himself to shoot him. Pierce said he aimed for Cook's legs and squeezed off another round. Cook, who had been shot in the abdomen, took off running. Pierce yelled to a man who had come out of a nearby market to call for help, then he walked the short distance to his fiancée's mother's home on Lehigh Street and told her to call police.

Koury sent all charges against Cook and Wright to county court. Each man is charged with robbery, aggravated assault and conspiracy to commit both crimes. Wright also is charged with giving a false name to police and Cook is charged with two firearms counts. Both remain in the county jail under \$250,000 bail.

Pierce said he had left his fiancée's home on Warren Street and encountered Pierce and Cook soon after leaving. He said that during the attempted robbery, he told the two he had nothing to steal. "They were telling me to calm down," Pierce said. "Cook was saying he was gonna shoot me" and Wright added, "Yeah, he's gonna shoot you."

"I decided I was gonna fight back," said Pierce, who has a permit to carry a concealed weapon. He was not charged with a crime.

Easton police officer Robert Weber testified that he was called to 1143 Washington St. for a report of a shooting victim. Weber said Cook was lying in the foyer of the building, moaning. He said Wright identified himself as Tyrone Watson and gave several Social Security numbers and dates of birth. Asked what had happened, Weber said, Wright said, "A white guy came out and started shooting" at him and Cook.

Detective Daniel Reagan said he interviewed Cook at St. Luke's Hospital-Fountain Hill, where he underwent surgery for his wound. "He didn't know the individual's name," Reagan said. "He said he's a white boy who hangs around Butler Street." Reagan said Cook told him Pierce "said something about a female," and Cook "told him to go on," but Pierce pulled out a gun and opened fire as Cook tried to disarm him.

Police found a .45-caliber handgun on S. 11th Street. Pierce, once at his fiancée's mother's house, said he unloaded his gun, put it in plain view and waited for police.

http://www.mcall.com/news/local/all-b1_3prelim.6234335jan19.0.378243.story

08/01/18 Founder of Anti-Gun Group Pleads No Contest to Weapons Charges

LOS ANGELES — A former gang member who founded an anti-violence group called No Guns has pleaded no contest to federal weapons charges.

Hector "Big Weasel" Marroquin, 51, and co-defendant Sylvia Arrellano, 25, entered pleas Thursday for three counts of manufacture, distribution and transport for sale of an unlawful assault weapon.

Arrellano also pleaded no contest to machine gun conversion and possessing a silencer and acknowledged that the crime was committed for the benefit of a criminal street gang.

She was given until Tuesday to surrender for sentencing and would likely be sentenced to four years in prison, prosecutors said.

Marroquin attorney Patrick Smith did not immediately return a phone message seeking comment Thursday. No phone listing was available for Arrellano.

Marroquin was arrested in June at his Downey home following a nine-month investigation into weapons sales by the 18th Street gang, to which he once belonged.

Arrellano was arrested at a Cudahy home as a result of the same investigation

Marroquin founded No Guns in 1996, ostensibly to reduce gang and gun violence. The group received \$1.5 million from the city as a subcontractor on anti-gang efforts but its contract was canceled last year after authorities learned that Marroquin had hired relatives, including his son, Hector "Little Weasel" Marroquin.

The son is an acknowledged 18th Street gang member who pleaded no contest in June 2007 to home-invasion robbery and was sentenced to nine years in state prison.

<http://www.foxnews.com/story/0.2933.323727.00.html>

08/01/14 Cuomo Stands Alone on 2nd Amendment

In arguing that the Second Amendment case now before the Supreme Court shouldn't have any bearing on state gun control laws, Attorney General Cuomo is finding himself largely alone among state attorneys general.

Mr. Cuomo filed a brief, signed onto by only four other states and Puerto Rico, to the federal high court last week in *District of Columbia v. Heller*, which will be heard in March. In the case, the Supreme Court will review whether Washington, D.C., residents have a right under the Second Amendment to keep handguns at home for self-protection. The District of Columbia has what amounts to a blanket ban on handguns.

The question of whether states can regulate gun ownership is not at the forefront of the D.C. case. But gun rights proponents say a decision endorsing a reading of the Second Amendment that favors private gun ownership will lead to challenges of state gun control laws.

Mr. Cuomo's brief is, in effect, an effort to limit any damage to the relatively strict handgun regulations in New York and some other states that might result from a Supreme Court decision favoring private gun ownership. The brief argues that the Second Amendment does not limit the power of state governments to regulate gun ownership.

The brief argues that the Second Amendment protects the rights of states to keep militias without interference from the federal government, and is therefore primarily about state sovereignty. In that sense, the brief suggests, a reading of the Second Amendment that put restrictions on what states can or can't do "would dramatically alter the Amendment's meaning and turn its federalism-grounded purpose on its head."

That argument is a position frequently argued by supporters of gun control. What is most unusual about the brief, perhaps, is not what Mr. Cuomo argues, but what little backing he managed to get from other states. The brief, prepared by Mr. Cuomo's office, is joined by Hawaii, Maryland, Massachusetts, New Jersey, and Puerto Rico.

Although briefs in support of Washington's law were due last week, the briefs opposing the District of Columbia's effort to save its handgun ban won't be filed for another month. That may be when the bulk of the state attorneys general make their position known.

"I believe that you will see a substantial number of lawmakers and state attorneys general siding with the individual-rights view of the Second Amendment," the lawyer who expects to argue against Washington before the Supreme Court, Alan Gura, said.

Some of those briefs are expected to contain arguments that endorse an individual rights interpretation but also leave room for substantial regulation of guns. Because many legal experts expect the Supreme Court to strike down the Washington law, even attorneys general in favor of some gun control may see it as better strategy to side with the expected winners.

"I could see an attorney general saying that maybe if I come in on the other side, I may be able to find the middle ground and have more credibility with the court," a former attorney general of Maine, James Tierney, who now runs the National State Attorneys General Program at Columbia University, said.

"They think the District of Columbia is likely to get struck down, but they don't want that decision to go beyond striking down that provision," he said.

Some attorneys general may simply not take a side.

Besides Mr. Cuomo, few New York politicians filed briefs opposing an individual rights view of the Second Amendment. The city's chief lawyer, Michael Cardozo, who was appointed by Mayor Bloomberg, signed onto San Francisco's brief, which argues "firearms regulation is a critical part of cities' efforts to protect the health and safety of their residents."

District attorneys from four of the five boroughs and Albany argue that courts have long held that the Second Amendment provides for only the right of a state to form a militia.

Of the 18 members of the House of Representatives who filed a brief arguing against an individual rights interpretation of the Second Amendment, only one, Rep. Carolyn McCarthy, belongs to the New York delegation. It is possible that the lawmakers' brief wasn't circulated widely.

"My suspicion is that because of the holidays and the fact that it was circulated during the recess, there were some members who would have decided to join who didn't because they didn't review it," the attorney who filed the brief, Scott Gant of Boies, Schiller & Flexner LLP in Washington, said.
http://www.nysun.com/article/69412?page_no=1

08/01/13 Sportsmen looking to add seventh day

The pace of society has accelerated. People are working longer hours and more days. Organized sports, video games and other attractions are competing for children's time.

And yet, Pennsylvania's ban on hunting on Sundays -- which dates to 1873 -- remains in place, limiting opportunities for working sportsmen to take the next generation of kids afield. That's got to change if hunting is to survive, Zuzich said.

"Any step toward legalizing Sunday hunting would be a step in the right direction, in my opinion. It's kind of like we're a couple of years behind the rest of the country," said Zuzich, a Level Green resident and president of the Sportsmen's Association of Greensburg.

A couple of national organizations agree and plan to do something about it. The U.S. Sportsmen's Alliance and the National Shooting Sports Foundation are organizing a grassroots informational campaign aimed at legalizing Sunday hunting in Pennsylvania. It's expected to launch during the first quarter of 2008.

The reason for the push is simple: hunters, while still a vital part of the economy, are declining in number as the baby boomers leave the ranks. A survey found that for every 100 hunters lost nationally, only 69 new ones are taking their place. In Pennsylvania -- one of the nation's strongest hunting states but also one of its oldest -- just 62 hunters are being recruited for every 100 who leave.

One of the main reasons hunters cite for packing away their guns is a lack of time to get in the woods, said Chris Dolnack, senior vice president of the Shooting Sports Foundation. That's where Sundays come in.

"If we're going to get more interest in hunting and increase participation, we've got to remove barriers and increase opportunities. And probably the single greatest opportunity we have to expand hunting for this generation is Sunday hunting," Dolnack said.

Hikers, horseback riders, birders and others who share the woods with hunters six days a week have also spoken out against giving up their exclusive right to Sundays. Their concern is primarily safety, said Dave Mottorn of Murrysville, an avid hiker from the Allegheny Group of the Sierra Club.

But -- given that many of the Allegheny Group's hikes run across state game lands that were bought and paid for by hunters -- he could compromise, he said.

"The fact is, hunters pay the bills," he said. "You don't have to buy a hiking license in Pennsylvania, but you do have to buy a hunting license. So, while I'd rather not deal with the danger, I guess we could coexist with hunters."

http://www.pittsburghlive.com/x/pittsburghtrib/sports/outdoors/s_547221.html

08/01/10 Man who killed jewelry thief gets life term without parole

Barry Mason, a 71-year-old theft victim who retaliated by shooting his assailant seven times in the head and upper body at close range, has been convicted of first-degree murder, a verdict his attorney intends to appeal.

Meanwhile, Mason, of Old City, a tool repairman with no prior criminal record, has been ordered by Common Pleas Court Judge Sheila Woods-Skipper to serve a mandatory sentence of life in prison without parole.

Jamil Burton of South Philadelphia was 19 when, in August 2006, he snatched from Mason's neck a gold chain that held an \$18,000 diamond ring and rode off on his bicycle. Mason, who had been driving his car and had been stopped at a light, then followed Burton to Louis I. Kahn Memorial Park in Center City and killed him with a .380-caliber pistol he was licensed to carry.

"His life is destroyed by this event he didn't start," Mason's attorney, Gerald Stein, said yesterday. Stein had urged the jury to consider the shooting self-defense and, at most, manslaughter.

The jury, however, was swayed by Assistant District Attorney Deborah Watson-Stokes' theory of the case.

"It was the commonwealth's position that Jamil Burton was executed," Watson-Stokes said last night in an interview, noting that Burton was shot at close range.

The following account was compiled from interviews with Watson-Stokes and Stein:

On Aug. 4, 2006, Mason had trouble sleeping and, as he often did, went out to tinker with his tool-repair truck, parked at 10th and Washington Streets. About 2:30 a.m., he drove his 1998 Lincoln Continental toward one of his haunts: the Midtown Restaurant at 11th and Sansom.

While he was stopped at a light at 11th and Spruce, Burton approached on his bicycle. Mason told him "to get lost" and drove another block. While Mason was stopped on 11th near Locust, Burton pedaled up and grabbed Mason's gold chain.

During the six-block chase that ensued, Mason twice drove into Burton, fracturing the young man's hip. With Burton on the ground at the park's entrance, Mason got out of his car, stood over Burton, and repeatedly fired.

"The law recognizes the right to self-defense, but you can never take a human life [in exchange] for property," Watson-Stokes said.

What Mason should have done, she said, was "call the police" or "yell for help."

<http://www.philly.com/philly/news/local/13831932.html>

08/01/10 Return visit backfires for Erie robbery suspect

Erie police arrested a man on charges he robbed a Country Fair on Monday after he returned to the store Wednesday night.

The case unfolded after the clerk who was robbed of \$200 on Monday called 911 again Wednesday night.

She told police the robber was back inside the store, 347 E. 12th St. She said she recognized the customer's face and voice as those of the man who robbed the store Monday.

Police arrested Ronald N. Shubert, 39, after he left the store.

Police are investigating whether the Country Fair robbery is connected to two other attempted robberies in the same area the same night -- one at the Red Hot Restaurant, 1301 Parade St.

and the other at Tim Hortons coffee shop at East 12th and Holland streets

http://www.goerie.com/apps/pbcs.dll/article?AID=/20080110/N_EWS02/269701685/-1/ETN

08/01/09 Police: Suspect in Miami detective's slaying in custody

A gang member in custody for allegedly firing his AK-47 as he ran through a North Miami Beach apartment complex is considered the main suspect in the shooting death of a police detective, officials said Wednesday.

Ricardo Ajuste, 21, has not been charged with Miami police Detective James Walker's death yet, as authorities continued building their case. He was being held without bond. Neither jail nor court records listed an attorney.

He was arrested early Wednesday on two counts of attempted murder with a firearm because he allegedly opened fire on a couple in a car near Walker's vehicle Tuesday, police Lt. Bill Schwartz said.

He continued firing as he ran through the apartment complex, and Walker was apparently caught in the crossfire, Schwartz said.

Walker was found slumped over the wheel of his unmarked patrol car with his service weapon in his hand, Schwartz said. The weapon had been fired. Walker was shot multiple times with a high-powered weapon, police said. An AK-47 was found at the scene. Police were analyzing fingerprints and comparing the weapon with bullets taken from Walker's body to see if they matched.

"If it all matches up with Ajuste, he'll go from being a suspect to being charged with the murder of Detective Walker," Schwartz said.

Walker was off-duty and had stopped at the apartment complex to visit his estranged wife, Schwartz said.

Before his arrival, Ajuste "in an apparent jealous rage" opened fire with his AK-47 on a man and a woman inside a car, Schwartz said. The couple fled, and Ajuste ran after them while allegedly continuing to fire his weapon.

Walker likely heard the shots, because he was found with his weapon in hand, Schwartz said. The detective did not radio for help, though.

"We think everything happened way too fast," Schwartz said. "Even though he was off the clock, it appears this was a line-of-duty death."

The relationship between the couple in the car and Ajuste was not clear. The man was wounded in the arm, and was being questioned by police as a witness and victim, Schwartz said.

Ajuste is a member of a gang that operates out of the apartment complex, Schwartz said.

A tip led to Ajuste's arrest, police said. Investigators questioned numerous gang members, drug dealers and other sources after Walker's shooting.

<http://www.orlandosentinel.com/news/...tory?track=rss>

08/01/09 America's gun culture - fading slowly?

WASHINGTON (Reuters) - Is America, land of shooting massacres in schools and public places, slowly falling out of love with guns?

The answer is yes, and it runs counter to popular perceptions of the United States as a country where most citizens are armed to the teeth and believe it is every American's inalienable right to buy an AK 47-style assault rifle with the minimum of bureaucratic paperwork.

But in fact, gun ownership in the United States has been declining steadily over more than three decades, relegating gun owners to minority status.

At the same time, support for stricter gun controls has been growing steadily and those in favor make up a majority.

This is a little-reported phenomenon but the trend is shown clearly by statistics compiled by the University of Chicago's National Opinion Research Center (NORC), which has been tracking gun ownership and attitudes on firearms since 1972, the longest-running survey on the subject in the United States.

The number of households with guns dropped from a high of 54 percent in 1977 to 34.5 percent in 2006, according to NORC, and the percentage of Americans who reported personally owning a gun has shrunk to just under 22 percent.

So, by the rules of democratic play, one might assume that the majority would have major influence on legislation. But that's not how it works, thanks to the enormous influence of the gun lobby.

The long-term decline monitored by the Chicago survey has buoyed proponents of tighter gun controls. "America's gun culture is fading," says Josh Sugarmann, who heads the Washington-based Violence Policy Center.

According to Sugarmann, those keeping the culture alive and those most vocal in resisting tighter regulations are white, middle-aged men whose enthusiasm for firearms, hunting and shooting is not shared by younger Americans.

Yet, at the moment it's difficult to imagine the U.S. without its gun culture.

But then, who could have imagined France with a ban on smoking in public places, Germany with speed limits on almost half its autobahns, or a black man as a serious contender in this year's presidential elections in the United States?

To what extent gun ownership will continue to shrink depends, at least in part, on a decision by the U.S. Supreme court expected this summer. The court will rule on one of the most acrimonious disputes in the United States: do Americans have the constitutional right to own and bear arms?

GUN RAMPAGES PART OF LIFE

At the heart of the long-running debate, argued with more passion than almost any other, is the meaning of the U.S. constitution's second amendment.

Written 219 years ago, it says: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

A string of lower court rulings over several decades held that the amendment meant to guarantee the collective right of state militias, not individual citizens. Such rulings have had limited impact: gun regulations vary from state to state and in most, weapons are easy to buy and legal to keep.

There are a few exceptions: handguns are illegal in Chicago and in Washington, where a court ruled in December that its total ban violated the constitution. That is the case the Supreme Court will take up this year.

No matter how it rules, the court's decision is unlikely to make much immediate difference to the mass shootings by unhinged citizens that have become part of American life.

Gun rampages happen with such numbing regularity -- on average one every three weeks in 2007 -- that they barely make news unless the death toll climbs into double digits, as happened at the Virginia Tech university. There, a student with mental problems killed 32 of his peers and himself.

President George W. Bush this week signed into law a bill meant to prevent people with a record of mental disease from buying weapons.

Virginia Tech was the worst school shooting in U.S. history and rekindled the debate over the easy availability of guns in America. There are more private firearms in the United States than anywhere else in the world -- at least 200 million.

While that arsenal has been growing every year, the proportion of U.S. households where guns are held has been shrinking. In other words: Fewer people have more guns.

One estimate, by the National Police Foundation, says that 10 percent of the country's adults own roughly three quarters of all firearms.

PREVENTION, NOT CURE

That is the hard core, which counts on the gun lobby, chief of all the National Rifle Association (NRA), to throttle attempts to impose restrictions on the sale of firearms.

The NRA, a group that claims some 3 million members, calls itself "America's foremost defender of Second Amendment rights" and backs candidates for political office on their stand on one issue -- gun ownership -- regardless of party affiliation.

Politicians tend to pander to the NRA, some more shamelessly than others. One of the Republican candidates for the 2008 presidential race, [Mitt Romney](#), went so far as to falsely claim that he was a lifelong hunter and had received an official NRA endorsement in 2002.

Small wonder, then, that the debates following every shooting massacre tend to focus not on the easy availability of guns but on preventive security measures.

Metal detectors at the entrances of shopping malls, for example. Or bullet-proof backpacks. They were developed in the wake of the 1999 shooting at Columbine High School, where two teenagers killed 12 students and teachers and then themselves.

The Columbine-inspired backpacks went on sale in August and have sold briskly. "Sales picked up considerably in the Christmas period," said Mike Pelonzi, one of the two men -- both fathers -- who designed and market them. "Our market is expanding."

<http://www.reuters.com/article/reutersComService4/idUSL099229120080109?sp=true>

08/01/08 Man robs Country Fair after try at Red Hot fails

A man who robbed an eastside convenience store Monday had tried to rob a restaurant across the street minutes earlier, only to leave empty-handed after the owner confronted him with a shotgun.

Erie police said the robber, described as a white, stocky man with a mustache, tried to rob the Red Hot Restaurant, 1301 Parade St., just after 10:30 p.m.

The man walked into the restaurant and ordered two orders of

Greek fries, owner George Katsiadis said.

"When I asked him if he wanted anything else, he said, 'Give me all your (expletive) money,'" Katsiadis said, adding that the man made it appear as if he was armed.

That's when Katsiadis flashed the shotgun he keeps behind the counter, and the man fled, Katsiadis said.

He didn't go far. Police say they believe the same man robbed the Country Fair just across the street at 347 E. 12th St. minutes later.

The robber once again made it appear he was armed and left with an unknown amount of cash, Sgt. Jon Nolan said.

The man, believed to be in his 20s or 30s, was last seen on foot running east wearing a blue windbreaker and a dark black hood.

Anyone with information is asked to call the Erie Bureau of Police at 870-1125.

<http://www.goerie.com/apps/pbcs.dll/article?AID=/20080108/NEWS02/801080380/0/RSS>

08/01/08 Woman, 80, Shoots Lion to Protect Dog

Acting to protect her dog, 80-year-old Martha Smith killed a mountain lion at her home along French Creek near Fairburn.

She missed with her first shot, went into the house to call 911, then went back outside with a .22-caliber rifle. "And he was a spittin' and a growlin'," said Smith. "All I saw was flashing eyes and teeth. And I knew I was gonna have to kill him if I

could." Smith, who lives alone, said she'd like to have the lion mounted, but doubts the state Department of Game, Fish & Parks will return the carcass to her.

<http://www.wjla.com/news/aploader.html?js=whm&id=486206>

08/01/08 'Antique Firearms' Targeted in New York State Measure

(CNSNews.com) - New York has some of the toughest gun control laws on the books, but a new measure being debated in the state assembly would mandate that people who want to buy muzzle-loading pistols or muskets get a permit for "antique firearms."

According to State Assembly Bill A09543, introduced by Assemblyman Michael Gianaris (D-Queens) on Nov. 30, the measure would eliminate the exemption of antique firearms from regulation and licensing.

The legislation amends sections of New York's penal law to prevent certain types of firearms known as "black powder rifles" to be purchased without background checks and carried without licenses.

"Currently, because these .50-caliber rifles are muzzle-loaded, they are classified as 'antique guns,' and as a result, are exempt from the screening process of other firearm purchases," the bill says.

Gianaris pointed to two events in recent months that highlight the "danger" posed by these weapons.

The first happened in mid-June, when a New York state trooper was shot in the shoulder while investigating a domestic dispute in northern New York.

While responding to a 911 call, 29-year-old Amanda Reif was seriously injured by a blast from a black powder rifle fired by Steven McCumber, a 45-year-old convicted rapist who was able to purchase the weapon because it was considered an antique and

therefore not subject to any permits or background checks.

Despite being seriously wounded, Reif was able to return fire, killing McCumber with a single shot. Reif recovered from her injury.

Three months later, 22-year-old Omesh Hiranman -- a freshman at St. John's University in New York City -- was seen leaving a cab on the school's campus in Queens while carrying another .50-caliber rifle and wearing a rubber mask that resembled the Fred Flintstone cartoon character.

Even though Hiranman had a history of mental illness, he was able to purchase the weapon in a Poughkeepsie gun store the week before he carried it onto the campus, which is located in the district represented by Gianaris in the state assembly.

However, students who saw the masked and armed student quickly contacted campus security, which had instituted a new emergency alert system after the April 16 shootings at Virginia Tech, where a student killed 32 people and himself.

As a result, Hiranman was captured by unarmed security guards while the campus was locked down and before anyone was injured.

Soon after the Queens incident, New York City Police Commissioner Raymond Kelly called for stricter statewide gun regulations. "Anything you can put a bullet in" should require a permit, he said during a news conference. "I'm certainly a proponent for more regulations."

Gianaris stated in his measure that it would "close this loophole" in state law by requiring those purchasing black powder rifles to be screened "in a manner consistent" with other New York gun restrictions.

But opponents of the legislation claim that it goes too far.

Ken Mathison, president of the Shooters Committee on Political Education (SCOPE, Inc.), told Cybercast News Service on Monday that the intent of the new measure "is to keep muzzleloaders out of the hands of felons, but through its wording, it requires a license for all muzzleloaders."

Mathison and other critics point to the language of the bill, which defines an "antique firearm" as "any muzzle-loading pistol or revolver with a matchlock, flintlock, percussion cap or similar type of ignition system (or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade)."

Because of that broad definition and the lack of any exception for historical sites and museums, the bill could end antique firearm collecting and reenacting historical battles in New York, which would be a blow to the state's economy.

Also, Mathison said that the legislation's "knee-jerk response" to the incidents that involved muzzle-loading firearms could also restrict hunting in New York state, which he called "a big deal."

"If this bill were to become law, it would require all current owners of muzzleloaders to get a license similar to a pistol license just to possess these items in their homes and use them on their private property," he stated. "That's what's bad about it."

Nevertheless, Mathison said he believes it's only "a matter of time" before the measure is enacted into law "because Democrats already control the state assembly and need only three seats to take over the state Senate.

Dave Workman, communications director with the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA),

agreed on Monday that the measure is "a typical over-reaction by lawmakers in Albany to two unfortunate but isolated incidents that should not be used to attack the rights of tens of thousands of law-abiding gun owners."

"The majority of people who will be unfairly penalized by this legislation are historic re-enactors and hunters, who have harmed nobody," he added. "Now the legislature seeks to hold these people accountable for the acts of two individuals."

<http://www.cnsnews.com/ViewNation.asp?Page=/Nation/archive/200801/NAT20080108a.html>

08/01/07 Our View: Federal lands should have consistent gun rules

Interior Secretary Dirk Kempthorne should listen to his colleagues from Idaho and almost half of the U.S. Senate and give gun-carrying Americans consistent rules to follow.

U.S. Sen. Mike Crapo asked Kempthorne to repeal a federal gun restriction in national parks and wildlife refuges because the guidelines are "confusing, burdensome and unnecessary."

We agree with Crapo and 47 senators, including Sen. Larry Craig, who support the change. Crapo spent two weeks getting signatures on a letter to Kempthorne; 39 Republicans and eight Democrats signed on (the Democrats included both of Montana's senators).

The letter asks federal agencies to change rules that prohibit visitors to most national parks and wildlife refuges from carrying active, loaded guns.

Gun restrictions vary from Bureau of Land Management acreage to other federal lands to state land. But in all instances - except in most national parks - gun owners can transport a gun that is unavailable for use. That means the gun remains assembled but does not sit on someone's lap or in a hip holster.

Generally, guns are allowed in national parks but must be broken down, instead of simply packed in a case out of reach. (There are some exceptions, particularly in Alaska, and in 59 national park units where people can hunt and carry weapons during hunting season.)

<http://www.idahostatesman.com/editorial/story/257069.html>

08/01/06 Michigan sees fewer gun deaths -- with more permits

Six years after new rules made it much easier to get a license to carry concealed weapons, the number of Michiganders legally packing heat has increased more than six-fold.

But dire predictions about increased violence and bloodshed have largely gone unfulfilled, according to law enforcement officials and, to the extent they can be measured, crime statistics.

The incidence of violent crime in Michigan in the six years since the law went into effect has been, on average, below the rate of the previous six years. The overall incidence of death from firearms, including suicide and accidents, also has declined.

More than 155,000 Michiganders -- about one in every 65 -- are now authorized to carry loaded guns as they go about their everyday affairs, according to Michigan State Police records. About 25,000 people had CCW permits in Michigan before the law changed in 2001.

"I think the general consensus out there from law enforcement is that things were not as bad as we expected," said Woodhaven

Police Chief Michael Martin, cochair of the legislative committee for the Michigan Association of Chiefs of Police. "There are problems with gun violence. But ... I think we can breathe a sigh of relief that what we anticipated didn't happen."

John Lott, a visiting professor at the University of Maryland who has done extensive research on the role of firearms in American society, said the results in Michigan since the law changed don't surprise him. Academic studies of concealed weapons laws that generally allow citizens to obtain permits have shown different results, Lott said. About two-thirds of the studies suggest the laws reduce crime; the rest show no net effect, he said

<http://www.freep.com/apps/pbcs.dll/article?AID=/20080106/NEWS06/801060602/1>

08/01/04 Philadelphia police again faulted for collateral damage

For the second year in a row, city officials are being asked how police officers responding to celebratory New Year's Eve gunfire ended up shooting innocent bystanders.

This year, police chasing an armed reveler shot into a house filled with partygoers, leaving one man in a coma, a second wounded and a 9-year-old boy with a graze wound to the chest. A year ago, police fatally shot a man in the back of the head as he tried to flee when neighbors started shooting guns into the air.

The shootings early Tuesday morning came as Police Commissioner Sylvester Johnson ends a six-year tenure marked by public concern about gun violence and the police response to it.

Johnson has repeatedly been asked to answer questions about the department's use of deadly force, including two months ago when officers killed a distraught teenager wielding a clothes iron. City police fatally shot 16 people in 2007 and 20 the year before.

"It seems that there's too much of a policy to shoot first and worry about the outcome later," lawyer Bruce Ginsburg said Thursday. "It puts everybody in the city in danger."

Johnson, who retires Friday after 43 years with the department, defended his officers while promising an investigation of the New Year's Eve shootings. He also said the department's training is sufficient.

"It's hard for you to say when an officer has a gun pointed at him, is he reacting too fast? We had one (officer) killed, we had six others who were shot" this year, Johnson said Thursday at his final news conference.

He said that endangered officers frequently resolve situations without firing their weapons. But they have only a split-second to make a decision.

"When you have an officer (with) a gun pointed at him, how he is going to react is how he reacts," he said. "When you have a door, he doesn't know who's behind the door."

Police acknowledged this week that they arrested an innocent partygoer early Tuesday morning, based on his resemblance to the suspect who they say fired shots in the air, pointed his weapon at police and ran toward the string of row homes. Authorities later charged a 21-year-old man, who was apparently shot in the arm but did not seek treatment.

The party's host, Clinton Rogers, 30, told reporters bullets started flying through the front door at him, friends and relatives

just after midnight. Parents jumped in front of their children and two men who were shot ran upstairs, trailing blood.

The spray of bullets left Abebe Isaac, 33, in a medically induced coma after he was shot in the face. Meanwhile, Michael Johnson, 32, remains stable after being shot in the side. Nyger Page, 9, treated and released after suffering the graze wound.

Ginsburg, the attorney, represents Page's family and also that of Bryan Jones, who was shot to death by police as 2007 arrived.

Jones, 20, had set out on foot in the waning moments of 2006 to retrieve a young nephew from a party and was fleeing gunfire when he was shot.

Police have said officers responding to a report of gunfire were fired at by people on a porch and that an officer fired at Jones when he saw him reaching for his waistband. Jones, however, had no weapon and no criminal history, Ginsburg said.

"Nothing was learned about the unnecessary death of a young man last year," Ginsburg said.

Ginsburg, who plans to file a wrongful death suit on behalf of Jones' family, said police have not released the name of the officer who shot Jones. The internal investigation into the case is still ongoing.

Police officials said Thursday that each officer goes through eight hours of related training each year, and that the training includes shooting practice, classroom time and interactive exercises.

Johnson's replacement as police commissioner, Charles Ramsey, has pledged to address the number of police shootings. Ramsey has noted that in his tenure as police chief of Washington, D.C., the number of such shootings fell by 77 percent.

Criminologist Sam Walker, who studies police accountability at the University of Nebraska at Omaha, said officers should be well-versed in how to respond to expected situations such as the New Year's Eve shootings. He believes constant training is the key.

"That's a recurring problem, so the department should be addressing that," he said. "The most important thing I've learned in the last 10 years is how fragile police departments are in terms of these accountability issues. If you blink, or turn the other way, things will very quickly erode."

http://www.examiner.com/a-1138099-Philadelphia_police_again_faulted_for_collateral_damage.html

08/01/04 Philadelphia police criticized for New Year's Eve shootings

PHILADELPHIA (AP) - For the second year in a row, city officials are being asked how police officers responding to celebratory New Year's Eve gunfire ended up shooting innocent bystanders.

This year, police chasing an armed reveler shot into a house filled with partygoers, leaving one man in a coma, a second wounded and a 9-year-old boy with a graze wound to the chest.

A year ago, police fatally shot a man in the back of the head as he tried to flee when neighbors started shooting guns into the air.

The latest shootings came as Police Commissioner Sylvester Johnson ends a six-year tenure marked by public concern about gun violence and the police response to it.

Johnson has repeatedly been asked to answer questions about the department's use of deadly force, including two months ago when officers killed a distraught teenager wielding a clothes iron.

City police fatally shot at least 16 people in 2007 and 20 the previous year.

"It seems that there's too much of a policy to shoot first and worry about the outcome later," said Bruce Ginsburg, an attorney representing two of the shooting victims. "It puts everybody in the city in danger."

Johnson, who retires Friday after 43 years with the department, defended his officers while promising an investigation of the New Year's Eve shootings.

"It's hard for you to say when an officer has a gun pointed at him, is he reacting too fast? We had one (officer) killed, we had six others who were shot" this year, he said Thursday at his final news conference.

Johnson's replacement, Charles Ramsey, has pledged to address the number of police shootings. Ramsey has noted that in his tenure as police chief of Washington, D.C., the number of such shootings fell by 77 percent.

Philadelphia police acknowledged this week that they arrested an innocent partygoer early Tuesday, based on his resemblance to the suspect who they say fired shots in the air, pointed his weapon at police and ran toward the string of row homes.

Authorities later charged a 21-year-old man, who was apparently shot in the arm but did not seek treatment.

The party's host, Clinton Rogers, 30, told reporters that bullets started flying through the front door at him, friends and relatives just after midnight. Parents jumped in front of their children and two men who were shot ran upstairs, trailing blood.

The spray of bullets left Abebe Isaac, 33, in a medically induced coma after he was shot in the face. Michael Johnson, 32, remains stable after being shot in the side. Nyger Page, 9, was treated and released after suffering the graze wound.

Ginsburg represents Page's family and also that of Bryan Jones, who was shot to death by police as 2007 arrived.

Jones, 20, had set out on foot in the waning moments of 2006 to retrieve a young nephew from a party and was fleeing gunfire when he was shot.

Police have said officers responding to a report of gunfire were fired at by people on a porch and that an officer fired at Jones when he saw him reaching for his waistband. Jones, however, had no weapon and no criminal history, Ginsburg said.

"Nothing was learned about the unnecessary death of a young man last year," he said.

Ginsburg plans to file a wrongful death suit on behalf of Jones' family

http://www.fox23.com/news/national/story.aspx?content_id=41fcd003-eca0-483e-9985-47995ece9495&rss=79

08/01/03 Guns in the cockpit

In a recent interview, Sen. Bill Nelson of Florida stated: "The need for guns in the cockpit is just nearly not [sic] as acute as it once was. There are all kind [sic] of screening systems, there is now the reinforced cockpit door, there are air marshals, we now have a lots of checks and balances." Hearing this, some might ask, "Do airline pilots still need to be armed?" The answer is, "Absolutely — now more than ever."

Consider this: Arming pilots is not a new idea. In fact, airline pilots flew armed in large numbers from the dawn of commercial aviation to 1987 with no record of incident. **When the federal government disarmed pilots in 1987, many pilots predicted cockpit takeover attempts** — including the late Captain Victor Saracini, who, in horrible irony, was the captain of United flight 175 on September 11, 2001 when his Boeing 767 was hijacked and crashed into the South Tower of the World Trade Center. It was the disarming of pilots in 1987 that inevitably led to the September 11 cockpit takeovers.

When the first pilots were armed in April 2003, all airliners had been retrofitted with the reinforced cockpit door, but few were willing to bet the lives of hundreds (or thousands) of people on the hope that the door would withstand a sustained attack from killers who had been trained to quickly breach it. Terrorists know what security experts have long known: There is no such thing as an impenetrable door. The reinforced cockpit door will slow terrorists from breaking into the cockpit, but it is foolish to blithely assume that it will stop them.

The Federal Air Marshals Service is an important layer of security, but the agency has never been able to cover more than a fraction of domestic flights. Armed pilots protect many times the number of flights that the agency does at 1/25th of the cost per flight. If marshals happen to be on board a flight that is attacked by terrorists, and they are able to control the situation from the cabin, all the better. The guns carried by pilots will never be a factor. However, if the marshals are not able to stop the attack (or are not on board the airplane) and the killers breach the cockpit door to find defenseless pilots, everyone on board — and possibly thousands on the ground — will soon be dead.

All armed pilots are trained and deputized federal law enforcement officers. Prior to inception of the armed pilot program, there were reckless predictions of accidental shootings and safety degradations. The facts illustrate the absurdity of these claims. The number of pilots who have stepped forward to attend training (at their own time and expense) is huge. Airline pilots have been (re)armed for nearly five years now and the program has a safety record that is superior to any law enforcement agency in the country.

Mr. Nelson tells us that we don't need armed pilots because airport security screening now provides a meaningful layer of protection. Anyone who has been through passenger screening in recent years might wonder what planet the senator is talking about. Recent internal Transportation Security Administration testing (TSA) has shown that screeners missed 60 percent to 75 percent of the prohibited items. The TSA screening model is based upon the theory that we can cleanse the airport of small things that are potentially dangerous. This has led us to the inane circumstance where we are limiting the size of toothpaste tubes but ignoring potentially dangerous people. An effective program that looks for dangerous people by identifying tell-tale, involuntary behavior patterns should be the foundation of screening, but due to politically correct thinking, the TSA may never implement an effective system.

Some have argued, "The threat we face is now is explosives smuggled on airliners and armed pilots can't stop a bomb." True enough (although effective screening can). But if terrorist groups are now looking toward explosives as a weapon of choice, is this

not evidence that the armed pilot program is working? If we disarm pilots, the specter of September 11-style hijackings may well resurface.

It is human nature to become complacent as the years pass since September 11, but complacency is a luxury airline pilots cannot afford. Arming airline pilots is safe, fundamentally important, and highly cost-effective. How many government programs can make that claim? The U.S. military stands ready to destroy an unarmed airliner that has been commandeered, killing everyone board. I ask this question of those who have forgotten the lessons of September 11: How can you support the use of military force to kill innocent people on an airliner while at the same time denying them the last-resort, final line of defense that might have saved their lives by permitting their pilots to be armed?

<http://www.washingtontimes.com/apps/pbcs.dll/article?AID=/20080103/EDITORIAL/583177106/1013>

Hindsight:

Real data refuting anti-gunners appearing in major newspapers

by Joseph P. Tartaro, Executive Editor

In the Feb. 1 issue of Gun Week we featured a story by Dave Workman that reported on Michigan data for the past six years showing that since the state enacted a shall issue concealed pistol licensing (CPL) law crime has gone down and there have been fewer gun deaths. Most of this data was first reported by The Detroit Free Press, one of many newspapers in the Wolverine State that had heavily reported anti-gunner claims that enactment of the CPL law would increase both crime and gun-related deaths. If memory serves me right, The Free Press and many of its colleagues took editorial positions against passage of the shall issue law, predicting "blood-in-the-streets" and "Wild West shoot-outs."

As Workman reported in the last issue, The Free Press data confirm that with more than 155,000 Michiganders now licensed to carry concealed, the state's crime rate is down, its gun crime rate is down, its suicide rate is down and its fatal gun accident rate is down.

The Michigan data parallels the findings of John Lott in his seminal county-by-county nationwide research published in *More Guns=Less Crime*. The Free Press report also quoted several police officials who had previously opposed the law now admitting that they were wrong.

What's particularly worth noting is that the general media have not been as aggressive in reporting defensive uses of firearms as they have been with gun-related slayings. But now, they seem to be focusing not only on data supporting defensive uses of firearms, but are reporting that 'Castle Doctrine' laws also work. Such evidence has appeared recently in Texas and Tennessee.

In its Jan. 20, 2008 issue, The Dallas Morning News reported some recent cases from the Dallas area and around the country. Earlier, on Jan. 9, The Memphis Commercial Appeal has reported on an increased number of justifiable homicides in that area during 2007.

Memphis Report

The Commercial Appeal led by reporting that the number of justifiable homicides nearly tripled from 2006 to, 2007 in Memphis. And after saying, "No one is sure why, but one man has a theory"- it quoted Torn Givens, owner and instructor at the firearms training school RangeMaster.

"The thugs have started running into people who can protect themselves," said Givens in the third line of the story.

Then Chris Conley, author of The Commercial Appeal story which was also syndicated nationwide by Scripps-Howard, balanced it somewhat by reporting that police detectives and prosecutors don't think it's that simple.

"It's hard to put your finger on it," said police Lt. Joseph Scott. "There are more handgun carry permits, there is more education, but you can't say that's the reason."

However, Conley next noted:

"More people are getting carry permits, and more people know their rights. As many as 35,000 people in Shelby County (which includes Memphis) have carry permits, which means they have had some training on the laws governing self-defense.

The education, Givens says, is "trickling down" to friends and family members.

Of the 164 homicides in 2007, 32 were ruled justified as legal acts of self-defense. The 2006 number was 11, The Commercial Appeal reported.

Consequently, criminal homicides are down. There were 131 in 2007, compared to 150 in 2006.

The spike in justifiable homicides in Memphis may just be an aberration, experts say.

There were somewhat fewer gang killings in 2007, which are less likely to be viewed as justified. There were fewer beating deaths, which, again, are rarely justifiable.

There were somewhat more deadly shootings by law enforcement officers in 2007, four by Memphis police, including one by an officer assigned to a federal fugitive task force; one by a Shelby County sheriff's deputy; and one by a University of Tennessee officer. All were found to be what internal affairs investigators term "good shoots."

The law hasn't changed in any real way, despite a flurry of headline-grabbing bills introduced by legislators last year.

Tennessee law gives residents the right to defend themselves if they have a reasonable and imminent fear of harm from a carjacker, rapist, burglar or other violent assailant. They can also employ deadly force to protect another.

And while a diminishing number of states require residents to avoid a confrontation before using deadly force, Tennessee does not have such a "retreat law."

When someone claims self-defense, it is the burden of the prosecutors to refute that claim.

Dallas Report

The Dallas Morning News story began with the statement "Lethal force against intruders was widely used in America long before the rise of castle laws, and police today report cases across the country whether or not such laws are in place."

But the newspaper went directly into revisiting several recent cases of justifiable self-defense shootings, six from Dallas proper, another from elsewhere in Texas and selected four more from reports all around the country.

One of the Dallas cases cited involved a businessman who shot and killed two suspected burglars in separate incidents over a three-week period when they attempted to break into his West Dallas business.

James Walton, owner of Able Walton Machine & Welding, was alerted to an intruder Oct. 14 when his motion-sensor alarm sounded. Walton, 70, who lives at his business, went downstairs with his shotgun and fired at a man who had broken in. The intruder, Jimmy Gannon of nearby Ferris, was taken to Methodist Dallas Medical Center, where he died of his wounds.

On Sept. 22, Walton shot and killed a man he saw climbing through a pried-open window at his business. The intruder was later identified as Raul Laureles.

In both cases, a Dallas County grand jury declined to indict Mr. Walton.

One of the ironic other cases cited came from Houston, where state Rep. Borris Miles—who had voted against Texas' castle law—shot and wounded a man he said was trying to steal copper from his new home in July. Miles was upstairs in the home, then still under construction, when he heard noise downstairs. He found two men cutting pipes. When he yelled, one threw a pocketknife,

and Miles, who has a concealed-handgun permit, shot the man in the leg. He was not charged in the case.

Defense against Animals

Gender and age also play an important role in determining whether a newspaper reports on the defensive use of firearms. For example, in early January, The Rapid City Journal reported how 80-year-old Martha Smith shot a mountain lion in the yard of her Fairburn, SD, ranch late one afternoon.

According to The Journal, when Smith looked outside her window in the fading light and saw her Border collie facing off with a snarling mountain lion, she acted.

Smith grabbed her .22-caliber rifle, walked outside and fired a shot at the lion. She missed, since she hadn't fired the rifle much in years.

Smith went back inside and called 911, but the dispatcher had trouble finding someone from Game, Fish & Parks (GF&P) to come out right-away and take care of the lion.

So Smith grabbed the .22 again and went back outside where Bo was keeping the lion at bay. She walked to within about 20 or 25 feet of the lion and fired. She hit him with that shot. The lion jumped up, ran, a short distance and dropped to the ground.

I added the last story to remind readers that Personal defense encounters often involve dangerous animals and not just aggressive criminals. And thus ends the lesson for all who will learn. It's nice to know that at least some newspapers are now treating gun issue stories with greater objectivity. *The New GUN WEEK, February 15, 2008*

Founding Fathers Intent:

"It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow." -- *Alexander Hamilton and James Madison (Federalist No. 62, 1788)*