



# Allegheny County Sportsmen's League Legislative Committee Report

August 2008 □ Issue 166

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

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## PA Mayors Association Convention Gun Control Takes Center Stage

On July 18<sup>th</sup> the Allegheny County Sportsmen's League legislative committee chairman and Firearms Owners against Crime chairman, Kim Stolfer, made a presentation to the annual gathering of the Pennsylvania mayor's held in Gettysburg Pennsylvania. The crux of this meeting was initially to discuss Representative David Levdansky's controversial legislation that would have made it a crime to not report a lost or stolen gun. We were offered the opportunity to present the opposing viewpoint.

Once representative Levdansky discovered that we were presenting information in opposition to his position he canceled his attendance at this event and arranged for alternative representation, Chad Ramsey the national field director for the Brady campaign to prevent gun violence (formerly known as handgun control Inc.)

Obviously representative Levdansky has dropped all the appearance of actually believing his position on the private ownership of firearms is not deeply flawed. By arranging for the representation and presentation of his position on this legislation through communication with an anti-gun organization that is avowed enemy of gun owners and sportsmen clearly illustrates how far afield this legislator has gone.

Our presentation was well received and well documented and the mayors in attendance were a receptive audience that showed their acceptance and understanding of our message by the significant applause at the end of our presentation. The representative from the Brady campaign to prevent gun violence did not receive the same accommodation or level of appreciation.

## Registration of Guns Brings TERROR to Suburbia

### Report On MD State Police Gestapo "Investigation"

(Source--Bruce Jackson-VCDL)

I just wanted your organization to know what Our (Maryland) State Police are up too. The incident below happened to me, a legal gun owner in La Plata, Maryland two nights ago (August 4, 2008 at 12:30 PM). Next time, they won't get in without a warrant. You live and you learn.

My Wife and I were unfairly besieged late last night by the Maryland State Police. Enclosed is my summation for your review.

Last night at 12:30 pm a MD State Police "Armed Response Team" showed up at our door. I was dead asleep, my Wife was laying some ceramic tile on our basement floor when our driveway alert went off several times. She looked at the camera monitor and screamed that Police in Assault gear were running up to our front door. That made me sit straight up from a dead sleep.

We thought they were there for my Brother in Law who had just been mailed Bench Warrants to our home, but he doesn't live here and he is already incarcerated, so my Wife opened the door for them. Then I heard one of them say he had some papers for me or needed to speak with me, so I got up to speak with them (6 or 7 officers) in full assault vests, etc. and NO ONE in uniform.

Four heavily armed police came into the house while at least two others walked around outside of our home.

One, began to talk to me asking me about the types of weapons I own. Remember now, I was just startled from a dead sleep and I kept asking "why are you here, why do you want to know about my guns"? Every gun I bought in Maryland I bought from a MD Dealer. Well this Trooper said that I had purchased a "large amount" of ammunition recently and wanted to know why. When I questioned why he was asking, then he changed his tune to what type of Handguns I had. I told him I just purchased my first handgun in Maryland last week, but had not even picked it up from the Store. He questioned me about other handguns I might own and I realized that he was "fishing" to match his list of my ammunition purchases with handguns that I owned. Then I told him about my C&R license that I had purchased 2 with that

but was not required to register them with ST. Police. Moreover, I told him it

was the MD. ST. Police who approved me as a "designated collector" so why are they here in storm trooper fashion at 12:30 pm maybe to kill me because I legally bought some handgun ammo? He told me that most of the ammo I purchased was for weapons that they had no record of me having registered so the "SYSTEM" Flagged me. Flagged me for what? Death, Harassment at midnight by 7 Storm Troopers?

I asked, "... does your system know that it is stupid to buy ammo with your own ID if your are going to do something illegal, Does your system know that I have a C&R and can buy weapons of various calibers without your knowledge, Does your system know that you yourselves registered me as a designated collector, who "collects" so it is not unusual for me to buy any type or manner of ammunition and finally, Does your system know that it is NOT illegal to purchase handgun ammunition in the State of Maryland whether or not you own that caliber handgun?"

The Trooper (plain clothes), had a list of ammo calibers that he referred to and I agreed, there's no secret that I bought the ammo, but so what? And I'm still not sure of the States definition of a "large amount". Look, I'm not outfitting a Militia, hate group, or giving it to someone who can't buy it, or even buy ammo for a stolen weapon I don't want to register. Any weapon I have every owned has either been purchased at a Gun Store or I personally knew the individual I bought it from and its origin. And, last time I looked it is not illegal to buy handgun ammo, even if you don't own the caliber weapon OR you don't own a weapon at all!! So unless the law is changed, Police cannot harass people who do so.

That being said, the young Trooper told me I "should" voluntarily register all my weapons or this would happen again... because the "system" flagged me. And another thing, he kept asking where I kept my weapons, in a safe? I never answered him and he asked me three separate times as to the locations of any weapons I might have. I got the distinct impression he wanted me to voluntarily let him see/inspect the handguns for the calibers I bought ammo for, but I was ready for that. No warrant, no see. I mean, I would hope you could trust the Police, but why should I let six or seven or so strangers know where I keep guns? If indeed I had the calibers he was inquiring about?

The point here though, is that Police came to my home without a warrant, dressed to kill, trying to intimidate me about something that is NOT illegal!! This was not an Interview it was an interrogation under duress.

Funny the last thing he said to me before leaving was "... Mr. Curtis, sorry to have HARASSED you, you have a good night." Now that struck me as an odd thing for a Police Officer to say, especially if he was justified in doing his job. The last thing I'll say was that Trooper was courteous and having worn the badge, he and the team were sent by someone else, they're just following orders. However, whoever sent them to my home at 12:30 at night left a very bad taste in my mouth and NO ONE IDENTIFIED THEMSELVES TO ME NOR DO I KNOW THEIR NAMES. But rest assured they WERE the Maryland State Police. Word has it that there is a Special "Firearms" squad within the State Police and they have been asking gun

dealers to keep a log of people who purchase handgun and other regulated weapon ammunition by making them show ID and signing their name when purchasing ammunition (not required under Maryland Law). Their MVA / DMV information is put in the log by the FFL Dealer right beside the ammunition you buy. Then once a week they (Police) come back to the stores pick up the logs of ammunition purchases and as in my case, they are comparing handgun ammunition purchases against known handgun registration files. This practice was first started by the Howard County or Baltimore City Police (I believe), and the MD State Police adopted this tactic as well.

Perhaps it works, some criminals are stupid enough to purchase ammunition with their own ID. I am not a criminal nor am I stupid, but I was duped into signing those ammunition logs, without the FFL Dealer advising me that it is NOT mandatory or disclosing the log's true purpose. In fact I was told that if 'you' refuse to sign this ammunition log, the Dealer will refuse the sale. I will NEVER buy ammunition from that Dealer again.

We've contemplated moving back to VA or even go down to Florida for a while. But that was yesterday. Now there is nothing that will hold us back from moving back to a "Free State". Or at least a State where subversive tactics are not practiced by the Police.

Sincerely Don Curtis

Henry Heymering, President  
Maryland Shall Issue, Inc.

<http://www.marylandshallissue.org/henry@marylandshallissue.org>  
<http://www.vcdl.org/va-alert.html>

## Local PA Communities STILL Don't GET IT!

A township supervisors meeting August 11<sup>th</sup> in Hazle Twp (Hazleton, PA area) where citizens are demanding changes to the firearms ban in parks and the process of addressing this park rule prohibiting firearms resulted in the conclusion below at the second meeting, and a follow-up to last month when it was originally brought to their attention in relation to Title 18 section 6120's prohibition.

While "still investigating" they (the supervisors) cited *Munich v. Jefferson County* and stated that this case conveys the school grounds prohibition to anywhere the school children may go - if they go to a museum, that become 'school property' and subject to the ban. As such, they stated that local students frequent the park often, and as such, the park is included in the school prohibition (though how this has any bearing on their ordinance is a continuing question). See Article Below:

**Park called 'school grounds' in gun debate**  
BY MIA LIGHT, STAFF WRITER (Published: Tuesday, August 12, 2008 10:41 AM EDT)

The Hazle Township Board of Supervisors says it fully supports the right of Pennsylvanians to bear arms. But supervisors also want to uphold the rules and regulations that prohibit firearms in Hazle Township Community Park.

Questions regarding the legality of prohibiting firearms in the park surfaced last month when Paul Schroeder of Hazleton, a member of the Pennsylvania Firearms Owners Association, said park rules are in violation of the state Uniform Firearms Act.

Schroeder said members of his group sought to rent picnic facilities at the park earlier in the summer to hold a regional membership picnic, but were dismayed to learn that park rules and regulations prohibit carrying firearms in the park.

Schroeder and fellow association member Richard Banks of Mountain Top challenged the board of supervisors on the legality of the park rule.

The Uniform Firearms Act states that "no county, municipality or township may in any matter regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by laws of this commonwealth."

In response to Schroeder's and Banks' challenge, Hazle's supervisors agreed last month to have its solicitor research the legality of the park regulation and return with a recommendation. As they promised last month, Schroeder and Banks attended Monday's meeting to follow up on the findings.

Pointing to the same section of the Uniform Firearms Act that Schroeder and Banks quoted last month, board of supervisors solicitor David Pedri said the law sets specific exceptions to the "open carry" provision.

Both Schroeder and Banks agreed with Pedri that the law prohibits firearms on school grounds and in day care facilities.

According to Pedri, the Hazleton Area School District uses the park on a daily basis to serve lunch to students as part of the summer lunch program. Hazleton Area and other schools and childcare facilities hold other programs there, including cross-country practice and meets, field trips, student community service projects, school picnics and field days.

According to Pedri, the park is considered school grounds when it is used for educational purposes and is, therefore, protected under the Uniform Firearms Act as a gun-free zone. Banks said it is a "stretch" for the township to say the park is considered "school grounds" when students are using the facility.

"Just because the school uses it, I think that's probably a stretch to make the law cover what you want it to cover, and I'm not sure how that's trying to shake out," Banks said. Pedri replied, "I disagree on that."

Supervisors Chairman William Gallagher said the township has heard from representatives of local schools and child day care facilities who would not be comfortable at the park or would not use the park if the firearm ban is lifted.

A woman attending Monday's meeting spoke openly to Schroeder and Banks from her seat in the audience.

"For your group to have your way and prove your point, you're going to scare away our groups who bring children to the park," she said.

Gallagher said the township will defend the existing park rules and regulations, including the one prohibiting firearms.

"For the protection of youth in the area, we are standing behind our statute," Gallagher said.

**\*\*The fight continues for sanity and common sense!**

## McCain, Obama divide sharply in replies to FOP questionnaire

by Dave Workman, Senior Editor

Republican Sen. John McCain says bluntly that restrictive gun control laws, including bans, waiting periods, licensing and registration "don't work as crime fighting tools."

Liberal Democrat Sen. Barack Obama wants to clamp down on the so-called "gun show loophole." He would reinstate the ban on military-style sport-utility rifles and expose sensitive gun trace records kept by the Bureau of Alcohol, Tobacco, Firearms and Explosives by repealing a statute that protects those records.

That was the gist of their reactions on gun-related issues as part of a questionnaire submitted to both presidential candidates by the national Fraternal Order of Police (FOP).

McCain also told the FOP that he would consider legislation amending the 1996 "Lautenberg Act" that has cost many police officers their jobs because it prohibits anyone with even a misdemeanor domestic violence conviction from owning or possessing firearms.

Obama said he does "not support the repeal of this law."

Gun Week obtained copies of questionnaire responses that were submitted to the FOP by both candidates. By the time this issue reaches readers, it is likely those responses may be widely circulating on Internet forums and chat lists.

The questionnaires are telling.

### Glorified Cop Killer

Quizzed about the way some people have elevated convicted cop-killer Mumia Abu-Jamal, whose real name is Wesley Cook, to the status of cult hero, McCain took off the gloves while Obama seemed to dance around the ring.

"In December 2006, as the FOP marked the 25th anniversary of the murder of Philadelphia Police Officer Daniel Faulkner a small town in the suburbs of Paris decided to name a street after (his) killer" the FOP noted. "Similarly, a Chicago alderman proposed several years ago to name a street in honor of a Black Panther thug named Fred Hampton, who advocated the killing of police officers. If you were a member of the House in the 109th Congress, how would you have voted on final passage for (House Resolution) 1082, which condemned the actions of St. Denis, France in honoring Danny Faulkner's killer? As President, what actions would you and your Administration take to deter or condemn efforts by local, state, federal or foreign governments to honor those who kill or urge the killing our (sic) nation's police officers?"

Obama's reply seemed more like a campaign speech than a response.

"Our nation's law enforcement are our communities (sic) first line of defense from those who would do our citizens harm," Obama's response noted. "I deplore acts to harm or kill our nation's police officers, and oppose efforts to glorify those who commit such acts. My administration will focus on honoring our nation's law enforcement officers, who day after day put themselves in harm's way, by ensuring that they receive the funding and support needed to equip and train them, provide them the technology they need to keep themselves and our communities safe, and to protect their right to unionize and collectively bargain."

McCain, however, was blunt.

"If I were a member of the House in 2006," he replied, "I would have voted to condemn the decision of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murder (sic) of Philadelphia Police Officer Danny Faulkner. I would continue to condemn any efforts by anyone or any government to honor those who kill our nation's finest.

"I believe any politically motivated attacks on law enforcement officers should be investigated as a crime and should be prosecuted to the fullest extent of the law. In 1994, I championed legislation that would have expanded the Federal law that prohibited violent criminals and spies from profiting from their crimes to all federal felons. It is absolutely unconscionable that any felon should profit from his crime or be celebrated for his actions, such as Wesley Cook."

#### **Tiahrt Amendment**

But it is on the issue of gun control where the two candidates differ most sharply.

Again, speaking as though he were making a campaign speech, Obama stated, "I greatly respect the constitutional right of Americans to bear arms. But I also believe that we can respect the Second Amendment and stem gun violence in our communities. It is especially important to stop the trafficking of illegal guns, and my legislative priorities will focus on the common-sense steps we can take to do just that.

"First, we know that when law enforcement agencies operate in concert at the federal, state, and local levels, the chances of solving a crime increases. But since 2003, the Tiahrt Amendment has restricted the ability of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to share gun trace information with members of state and local law enforcement. The ATF has a wide-ranging database of gun information, yet Washington has threatened police officers with time in prison for attempting to access it. If we repeal this Amendment, it will give police officers the tools they need to fight the illegal gun trade and reduce crime.

"Second," he continued, "I support requiring background checks and closing the gun-show loophole that has been exploited by everyone from foreign terrorists to the Columbine High School shooters. Closing it would not impair the rights of lawful gun owners.

#### **Semi-Auto Ban**

"Finally," Obama concluded, "I believe we should reinstate and make permanent the expired federal assault weapons ban. We've witnessed the need for the ban in my hometown of Chicago, where Mayor Daley and the Chicago Police Department are backing a plan to equip officers with semi-automatic assault rifles in part because our officers have been outgunned by criminals equipped with AK-47s and similar weapons."

McCain's reply was shorter and more pointed.

"I believe the right of law abiding citizens to keep and bear arms is a fundamental individual Constitutional right that must be protected," the Arizona Republican stated. "We have seen the record of gun control, and it is a record of crime fighting failure. Assuming that criminals will abide by gun restrictions is dangerously naïve. Gun bans, waiting periods, ammunition bans, registration and licensing of gun owners—each of these has a

common theme: they only affect law abiding citizens. And they have another common theme: they don't work as crime fighting tools. The way to reduce crime is to prosecute criminals to the fullest extent of existing laws—which, if elected President, gun owners can count on my Administration to do." [The New GUN WEEK](#), August 1, 2008

## **Media support Dems 100-1, says Investors Business Daily**

by Dave Workman, Senior Editor

Democrats are far more likely to get financial support from media and individual reporters, according to a July p story in Investors Business Daily (IBD), further reinforcing the opinion among gun rights activists that the press does not play squarely with Republicans, conservatives and especially gunowners.

This flap erupted with the refusal by The New York Times to publish a John McCain rebuttal to an Op-Ed written by rival Barack Obama on Iraq. But reporter William Tate, whose piece was first published on The American Thinker website, did some homework and discovered "proof of widespread media bias" by doing what reporters often do: He followed the money.

It seems no secret that the networks and large daily metropolitan newspapers and wire services favor Obama over McCain.

How does this translate to the gun rights issue? In the wake of the US Supreme Court's historic June 26 ruling that the Second Amendment does protect an individual civil right to keep and bear arms for uses other than militia participation, and that the District of Columbia's handgun ban violated that right, reaction from major newspapers was heavily tilted against the 5-4 decision.

The New York Daily News, for example, editorialized, "since 1791, when the amendment was ratified, the high court has not once specifically defined this "right" as applying to individuals as well as to armed militias (read: National Guard).

"Now, 217 years later, the court's five conservatives have decided it is an individual right after all. And now Americans have a brand-new right they did not explicitly have before.

"We think it's a dubious new right. We think the five justices 'are off the wall. As do the four justices in dissent. But five beats four."

Liberal journalist Bill Press, writing in The Hill, criticized Justice Antonin Scalia for his majority opinion in the Heller case, observing, "For Scalia and four other conservatives on the court, if militia in colonial times could have a musket in their home, then men today can have an automatic killer pistol in their home.

"How simplistic. How wrong. How dangerous."

The Salt Lake Tribune editorialized, "The U.S. Supreme Court's holding Thursday that the Second Amendment enshrines in the Constitution an individual right to keep firearms in the home outside the context of a state militia was wrongly decided and turned decades of settled judicial precedent on its head. No fair reading of the plain language of the amendment or its history could have reached the conclusion the court announced."

And The Chicago Tribune, on its Internet edition, simply argued that the Second Amendment should be repealed.

In Tate's piece, he noted that journalists, identified as "mainly freelancers," defend their bias toward Democrats, and

particularly anti-gun Sen. Obama, by arguing that Obama is the "more newsworthy" candidate.

But there is an equally compelling argument that these journalists and the news agencies for which they work have something of a vested interest in tilting the news more toward Democrats.

According to Investors Business Daily, NBC and NBC Universal gave \$104,184 to Democrats while only giving \$3,150 to Republicans. CBS contributed \$45,508 to Democrats and a comparatively meager \$966 to Republicans. ABC reportedly contributed \$17,320 to Democrats and \$4,717 to Republicans. Even Fox News, thought by many to be a bastion of conservatism reportedly gave Democrats \$1,280 while giving nothing to Republicans. But that put Fox and Fox

News in company with The Washington Post, Newsweek, Time and the New York Times, and USA Today, all of which gave money to Democrats but none to Republicans.

Further, according to the business newspaper, "An analysis of federal records shows that the amount of money journalists contributed so far this election cycle favors Democrats by a 15:1 ratio over Republicans, with \$225,563 going to Democrats, only \$16,298 to Republicans."

Wade reported that 235 journalists had donated to Democrats, but only 20 had given to Republicans. By a 20-to-1 margin, he revealed, journalists have contributed to Obama over McCain.

The names of 311 reporters, news editors, anchors, correspondents, newspaper editors and publishers have shown up on Democrat donor lists, but only 30 have donated to Republicans, and the totals are lopsided, with \$279,266 reportedly going to Democrats and only \$20,709 to Republicans.

This is not the first time the press has looked at itself and found a decidedly liberal tilt in its ranks. Last year, MSNBC did a story on contributions by journalists—a practice that at one time could get someone suspended or fired—and found that "Most of the newsroom checkbooks leaned to the left." In June 2007, MSNBC reporter Bill Dedman wrote that a search of public records revealed that 144 journalists had given political contributions since 2004, and the overwhelming majority donated to "Democrats and liberal causes." Only 17 contributed to Republicans.

And more recently, a study by the Project for Excellence in Journalism and Harvard University's Joan Shorenstein Center on the Press, Politics and Public Policy "found that the media coverage of the 2008 presidential campaign was more likely to be spun in a positive manner toward Democrats than Republicans," according to MythBusters writer Terry Trippany.

In his IBD report, Wade noted that "most major news organizations have policies that forbid newsroom employees from making political donations." [\*The New GUN WEEK\*, August 15, 2008](#)

## UK thugs use knives to attack 60 per day

Forget gun control in Great Britain because thugs there are using knives, frequently.

That's the word from The Sunday Telegraph, which said that almost 60 people each day are stabbed or mugged at knife-point in the United Kingdom, and some of them are being killed.

Scotland Yard has tried to reassure the public, but that has had a hollow ring in a nation where using a weapon in self-defense can get a citizen thrown in prison.

More than 40 teens have been slain in the country this year, including more than 20 in London.

Home Secretary Jacqui Smith has offered up a Youth Crime Action Plan that includes a requirement that young criminals be forced to visit emergency rooms to see what knife wounds look like up close, the newspaper reported.

Prime Minister Gordon Blair has held talks with Metropolitan Police Commissioner Sir Ian Blair to use his new police powers to require clubs and bars to search patrons for guns and knives.

The newspaper said during the first three months of this year, the nation record 20,803 "serious knife crimes." That averages 56 a day.

Britain banned handgun ownership and placed very tight restrictions on long guns several years ago following a school massacre.

Responding to Smith's plan to deal with the crime wave, Harry Fletcher, assistant general secretary of the National Association of Probation Officers said the plan was a "damp squid," the newspaper reported. [\*The New GUN WEEK\*, August 15, 2008](#)

## Louisiana open carry activist settles with police department

*by Dave Workman, Senior Editor*

Louisiana open carry activist Mark Edward Marchiafava has settled out of court for an undisclosed sum in his legal feud with the Gonzales, LA, police department.

The settlement stemmed from a lawsuit Marchiafava filed after he was arrested, handcuffed and disarmed while openly carrying a handgun at a Tanger Factory Outlet on Jan. 28, 2006. Marchiafava, who does not have a concealed carry license in Louisiana, prefers to pack his handgun in the open, and he is stubborn about it.

Baton Rouge attorney John Delgado represented Marchiafava, and he told Gun Week that "It's perfectly legal in Louisiana to carry an unconcealed firearm on your person. This is an open carry state."

He acknowledged, however, that police might confront someone who does open carry.

"Hell," he said, "you can be hassled for anything. You can be hassled for jaywalking."

The attorney noted that most law enforcement officers in Louisiana know that open carry is legal, but Marchiafava's encounter with Gonzales lawmen left a bitter taste in his mouth. Gun Week reported this case more than two years ago.

Marchiafava said at the time that when he was confronted by police officers outside a store, he tried to explain to them that there was no law against open carry. A police officer abruptly told him, "Tell it to the judge."

Subsequently, when he was being transported to the police station, where he spent the next couple of hours, the officer told him, "I don't care what the laws or the Supreme Court say. We are not going to have people running around, wearing guns, with women and children everywhere."

Marchiafava has posted this story on the internet, and he has turned his case into a crusade. His case became something of a cause celeb among gun rights activists. He occasionally takes pokes at gun rights organizations including the National Rifle Association and Second Amendment Foundation for not helping out with his case.

He now spends part of his time in Mississippi, where his wife is employed. He told Gun Week that the Gonzales police "have a check for me" and that he was planning to drive down and get it. And he will be open carrying when he does. [The New GUN WEEK](#), August 15, 2008

## Open carry demonstration in Michigan gets attention

The open carry movement has come to Michigan, with a demonstration by more than three dozen armed citizens described as "mostly white men" turning out for a stroll along the streets of Hastings, a small community in western Michigan's Barry County.

According to The Detroit Free Press, the group met at Richie's Koffee Shop and then walked outside and over to a fountain in front of the County Courthouse, where they listened to a speech by gun rights activist Skip Coryell, who was also openly packing a gun.

The newspaper noted that the Open Carry movement is growing in the United States. There are 44 states where open carry is legal without some sort of permit. While the practice is more common in places like Arizona, Alaska, Montana, Idaho, Virginia and Washington, there are activists in other states.

It was the right of open carry, and the exercise thereof by residents in Ohio a few years ago that finally prodded state lawmakers to pass concealed carry in the Buckeye State despite opposition from an, anti-gun governor and several police agencies.

Coryell reportedly called open carry "the next wave of the Second Amendment."

According to Newscenter 3 TV, there were plenty of people who turned up for the event to watch the spectacle. Despite some objections, Hastings Police decided not to intervene in anyway because it is legal in Michigan to carry a holstered side arm in public, without a permit, as long as it's visible and the owner obtained the gun legally.

Coryell said of marchers that "we just want people to know this is not something they should be afraid of, we want to put them at ease around guns. There is this stigma that guns equal crime and gun owners equal criminals, and that's just not true."

Not everyone in Hastings agreed. Some people believe the march was just a political stunt, and one shop owner was heard to remark that the march was about as welcome as the plague.

The practice of open carry went out of vogue long ago, but not off the law books. In an earlier time, Americans generally considered carrying a concealed handgun to be the act of a criminal or shady character. How times have changed.

Nowadays, open carry advocates are struggling to educate police agencies and the public that toting a firearm in full view is not illegal, and is no more a threat to public safety than hay fever or the common cold.

The Free Press said this is not the first time an open carry demonstration had been conducted in Michigan. Earlier, a group had gathered in a small park near Flint.

Open carry caught some criticism from Peter Hamm, spokesman for the Brady Campaign to Prevent Gun Violence. He told The Free Press that open carry activists are "pushy and aggressive." [The New GUN WEEK](#), August 15, 2008

## Bradys, anti-gun churches, spawn new demonizing term

by Dave Workman, Senior Editor

The Brady Campaign to Prevent Gun Violence and anti-gun clergy have spawned a new term to demonize gunowners they see as "a religious movement without spiritual grounding."

"Gundamentalism," according to the Rev. Rachel Smith of North Carolina, is "rooted in the sale and promotion of violence."

At least, that's the report in FrontPage magazine, which noted last month that the Brady Campaign's "God Not Guns" project calls anyone who does not embrace gun control a "gundamentalist." The article identified Smith as "Rev. Nancy Smith." It was written by Mark D. Tooley, director of the United Methodist committee at the Institute on Religion and Democracy (IRD).

Tooley told Gun Week that he was not familiar with the God Not Guns Coalition until a few weeks ago. He said part of his job is monitoring activities like this and informing church members about positions that church leaders may be taking that their congregations know nothing about. As an example, he said the United Methodist convention adopted a position about four years ago in favor of banning all private handgun ownership.

Positions like this, he said, do not represent church members, and contribute to the decline of church congregations.

Founded last year, the God Not Guns Coalition held its first Sabbath observance last Sept. 28-30 in communities across the country. Anti-gun Rev. Jesse Jackson preached a sermon at a New York church in conjunction with the event. During that observance, according to the [GodNotGuns.org](#) website, "congregations pledged their commitment to help make their communities safer from gun violence by recognizing and addressing the epidemic of gun violence and the spiritual and moral crisis that this epidemic reflects."

The group has been quick to brand gunowners with the mark of fanaticism, while Rev. Smith, identified by Front Page as the founder and leader of the anti-gun coalition, herself remarks in a short statement, "I believe the first commandment which says 'You shall have no other gods before me' and I believe that guns are revered as idols in our culture."

But comments from readers have blistered Smith for what they suggest is some fanaticism on her part.

One reader observed, "I truly cannot believe that someone has this much extra time on their hand to sit around and create new terms and ideologies to support their bizarre views. Come on now....Calling shooting enthusiasts and gunowners as worshippers of the gun. Sounds like a Monty Python skit to me. Can't believe anyone listens or writes about this dribble."

Another reaction came from a man identifying himself as a priest in the Oithodox Christian Church.

"The inane drivel of the 'liberal churches'," he wrote, "never ceases to amaze me. These holier-than-thou folks are mere spoiled brats with an ax to grind who haven't an idea what it is to suffer for Christ, offering trite and irrational slogans with nothing more than a false spiritual sounding dichotomy—'God or guns'?"

A third response noted, "Ms. Smith seeks to use her office to oppose a Christian's fundamental right to self- defense, defense of family, and defense against tyranny. Instead of lifting the name of Jesus Christ before a lost world of sinful, unrepentant men, she's allowed herself to become the willing tool of totalitarians bent on the destruction of American uniqueness."

On the God Not Guns website, Rev. Smith implored in her blog, "What do we need with so many guns? What happens when the perceived 'right' to gun ownership is complicit in the deaths of so many?"

According to the Front Page article, God Not Guns "includes agencies of the United Methodist Church, Evangelical Lutheran Church, Presbyterian Church (USA), United Church of Christ, and the National Council of Churches, along with several Jewish groups. The American Humanist Association is also a member..."

Basic ignorance of firearms appears to be no barrier to Rev. Smith's blog diatribes, however. In one recent column, she complained, "A friend of mine who is a pastor recently visited the home of someone in his congregation. After dinner the host said, 'I want to show you something,' left the dinner table, and returned with a double barrel pistol. The gun's top barrel was a .410 shotgun and the bottom barrel was a .357 pistol. My pastor friend, who happens to be Vietnam vet, was astounded. What, he asked, does anybody need with a weapon like that?"

"I wondered that same thing," she continued, "when the Assault Weapons Ban was allowed to expire a few years ago. Why does anybody need a military- style assault weapon?"

"I also wondered the same thing when concealed carry laws became so prevalent," Smith added. "Why does anyone feel the need to take a gun to work, or to the mall, or to a public park?"

The Brady Campaign is soliciting contributions for the God Not Guns project. [The New GUN WEEK](#), August 1, 2008

## Lawsuit filed against new DC gun regulations

Dick Heller, the plaintiff in the Supreme Court case that struck down Washington, DC's 32-year-old handgun ban filed a new federal lawsuit on July 28, alleging the city's new gun regulations still violate an individual's right to own a gun for self-defense.

He and maybe two other plaintiffs argue that the city's regulations are "highly unusual and unreasonable" in the complaint filed in US District Court, Associated Press reported.

The lawsuit supported by the National Rifle Association claims the District of Columbia continues to violate the intent of the Supreme Court's June 26 decision by prohibiting the ownership of most semi-automatic firearms, requiring an "arbitrary" fee to register a firearm and establishing rules that make it all but impossible for residents to keep a gun in the home for immediate self-defense.

The DC Council passed emergency gun legislation July 15, which will remain in effect until the council begins work in September on permanent legislation as reported previously of Gun Week.

The regulations maintain the city's ban of machine guns, defined in the law as weapons that shoot more than 12 rounds without reloading. That definition applies to most semi-automatic firearms.

Handguns, as well as other legal firearms such as rifles and shotguns, also must be kept unloaded and disassembled, or equipped with trigger locks in the home unless there is a "reasonably perceived threat of immediate harm." [The New GUN WEEK](#), August 15, 2008

## DC's new gun law fiddles court ruling

by Joseph P. Tartaro, Executive Editor

The District of Columbia Council approved new temporary firearms legislation on July 15 that is intended to allow residents to begin applying for home handgun licenses, and set the stage for more permanent regulations to be enacted as early as September.

The council's unanimous vote came as Washington officials made an attempt to appear to be complying with the Supreme Court ruling that struck down the city's 32-year-old ban on handguns.

The emergency legislation will allow handguns to be kept in the home if they are used only for self-defense and carry fewer than 12 rounds of ammunition. However, the new law still requires that handguns, as well as other legal firearms such as rifles and shotguns, must be kept unloaded and disassembled, or equipped with trigger locks—unless there is a "reasonably perceived threat of immediate harm" in the home.

Gun rights groups, including the National Rifle Association (NRA), said at least some of the new regulations will likely be challenged, according to Associated Press. The temporary bill maintains the city's bizarre ban of machineguns, defined as firearms that shoot at least 12 rounds without reloading or which load from a magazine in the grip, which applies to most semi-automatic handguns. Thus, most semiautomatic pistols would be prohibited because the city classifies them as machineguns.

Though residents could begin applying for licenses to keep handguns in their homes and registering previously unregistered handguns under a 180-day amnesty, city officials have said the entire process could take weeks or months.

The process involves a written exam of some 20 questions, proof of residency, good vision and health, as well as a ballistics test for the individual revolver or single-shot pistol. Successful applicants must pay a registration fee and agree to fingerprinting and a criminal background check before obtaining a handgun.

Perhaps the biggest hurdle prospective gunowners face is the fact that the District has no licensed retail gun stores, and may never have them unless it approves them under zoning laws. The Bureau of Alcohol, Tobacco, Firearms and Explosives currently lists only 10 federal firearms licensees, non-retail businesses and an individual in Washington, DC.

Seven of these licenses are for manufacturing, importing and consulting security firms. Two are for theatrical companies located in the District, and the one individual license is in the

name of [Josh Sugarmann, who is the executive director of the antigun Violence Policy Center](#). So far, neither Sugarmann nor the VPC have given any indication that they would act as transfer agents for individual Washington residents.

Washingtonians who wish to purchase handguns could travel to shops elsewhere or shop the Internet. They would have to present the shop with a certified police form authorizing the dealer to ship the weapon to a federally licensed gun dealer in Washington, where the buyer would pick it up. But until there is such a shop, no new guns would be coming into the city.

At least one individual has been reported by some Washington media to be seeking city approval so that he can reinstate his dormant federal firearms license for a retail outlet or as a legal transfer agent.

Assistant Police Chief Peter J. Newsham announced that if anyone shows up to register a semi-automatic pistol that fits the city's definition of a machinegun, police will confiscate the gun but will not immediately arrest the owner. However, he said police reserve the right to investigate and eventually file charges.

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

## Morton Grove repeals 1981 handgun ban

by Joseph P. Tartaro, Executive Editor

The early 1980s were bad years for gunowners and the right to keep and bear arms. In 1981, the Village of Morton Grove enacted an ordinance banning private possession of all handguns within the village limits. The law was even more restrictive than the 1976 gun laws enacted by Washington, DC, and the Morton Grove ban quickly inspired similar bans in some neighboring Chicago suburban communities. The Morton Grove ban was challenged all the way up to the Supreme Court in the early 1980s after being upheld by the Illinois Supreme Court, but the highest court refused to hear the case.

Now, Morton Grove's landmark handgun ban, imposed 27 years ago, is dead, having died quietly on the night of July 28, as the Chicago suburb's Village Board bowed to a new legal reality and the high cost of litigation and repealed the ordinance. (See Page 2 for related stories about repeal of handgun bans in Wilmette and Evanston, IL.)

The Morton Grove board's 5-1 vote came in response to the June 26 U.S. Supreme Court 5-4 ruling that struck down a similar ban in the District of Columbia. The high court ruled that the Second Amendment protects a person's right to own a firearm for self-defense.

Morton Grove had been named in a suit against Chicago and some of its suburbs which was filed by the National Rifle Association on behalf of several area plaintiffs the day after the high court ruling in District of Columbia vs. Heller. The previous day, within minutes of the Heller decision's announcement, the Second Amendment Foundation (SAF) and Illinois State Rifle Association (ISRA) filed a suit against the Windy City only on behalf of other local plaintiffs.

Fighting in court to try to keep the law would cost money the village does not have, Morton Grove officials said.

"I appreciate the courage the board (showed) in 1981 in a noble experiment," Trustee Dan Staackmann said. "(But) we don't have the resources to fight this all the way."

Officials said the impetus for the repeal was the court's decision, not the suit, according to The Chicago Tribune.

The year after the Morton Grove handgun ban ordinance was adopted, the city of Kennesaw, GA, responded by enacting an "experimental" ordinance of its own, requiring every household, except those with religious and philosophical objections, to maintain firearms and ammunition for personal and community defense. The American Civil Liberties Union challenged the Kennesaw ordinance but with SAF helping to defend the city that challenge was defeated at circuit court level.

Morton Grove Trustee Georgianne Brunner cast the lone vote against the repeal. "We may be acting a little bit in haste," she said. "I'm just grateful for what they did in 1981, and I wish we could just take a step back and wait it out."

Morton Grove adopted the nation's first ordinance banning the possession of handguns in 1981, triggering a storm of publicity and a nationwide debate over the merits of using local ordinances to control gun ownership. The ordinance was upheld in 1984 by the Illinois\_ Supreme Court.

The move to repeal the ban attracted little controversy, Village Administrator Joe Wade said. Only a few residents came to a meeting earlier this month, when the repeal was first on the agenda. The opinions were fairly evenly split, Wade said.

"Really, there hasn't been too much interest in the community," Wade said. [The New GUN WEEK, August 15, 2008](#)

## Judge in NY rules Heller ruling doesn't affect states

The recent historic handgun ruling by the US Supreme Court in District of Columbia vs. Heller should have no impact on gun control and licensing provisions in New York state, an Onondaga County, NY, judge has concluded, according to The Syracuse Post Standard.

County Judge William Walsh raised the incorporation issue when he ruled that the June 26 Heller decision striking down the DC's strict handgun ban has no effect on the rights of individual states to establish their own firearm laws.

Walsh made that finding in a written decision in which he reinstated a local man's pistol permit with limitations.

The Supreme Court may have recognized the right of individuals to possess lawful firearms in their homes, but it did not overrule the established precedent that the Second Amendment applies only to Congress and not to the states, Walsh wrote.

The Supreme Court's ruling would have an impact in the nation's capital because the District of Columbia is not a state and is under the jurisdiction of Congress, the judge decided. But it would not have an impact on states' rights to establish firearms laws, he concluded.

In the matter before Walsh, Daniel M. Groff, of Bridgeport, NY, had had a pistol permit since 1991 that allowed him the unrestricted right to carry a concealed handgun. The judge noted the permit had been revoked in May based on the filing of DWI and reckless driving charges against Groff in the town of Sullivan in Madison County.

With proof that Groff pleaded guilty to reckless driving and paid a \$300 fine, Walsh in late July ordered his pistol permit

reinstated. But the judge concluded the original decision allowing Groff to carry a concealed handgun had been a mistake.

An "unrestricted carry concealed permit" can be issued based on a showing a person has "a special need for self-protection distinguishable from that of the general community or of persons engaged in the same profession," Walsh noted.

Groff's original application indicated he needed the permit for "target shooting, personal protection, hunting" with no elaboration, the judge noted. He concluded target shooting and hunting did not warrant the issuance of a permit allowing Groff to carry a concealed handgun at all times.

According to The Post Standard reported, the judge further concluded the "unsubstantiated claim of the need for personal protection" was not sufficient to allow Groff to carry a concealed weapon.

Based on that and Groff's prior unblemished record, the judge agreed to reinstate his pistol permit but restricted it to possession on premises or for the purposes of hunting and target shooting.

Groff said recently he was unaware of the judge's decision about his pistol permit. He said he would await a copy of the ruling before deciding if he wanted to challenge the limitations.

Walsh wrote that the ability of New York residents to keep and bear arms is a privilege granted by statute. The state's constitution contains no such guarantee, he added.

"Thus, the issuance of a pistol license remains but a privilege subject to reasonable regulation under New York State law and the licensing officer is conferred with broad discretion in determining whether to issue, revoke, cancel or restrict such a license," Walsh wrote.

Tom King, president of the New York State Rifle and Pistol Association, said Walsh is "probably right" in his interpretation of the Supreme Court ruling and its impact.

"That's the way it is," he said. [The New GUN WEEK](#), August 1, 2008

## To avoid NRA suit, Evanston, IL, aldermen vote to amend gun ban

by Joseph P. Tartaro, Executive Editor

While Chicago Mayor Richard Daley remains defiant, the June 26 Supreme Court ruling overturning the District of Columbia gun ban already is having a domino effect in the Windy City's suburbs.

Wilmette trustees have voted to repeal their gun ban, and now aldermen unanimously in Evanston have voted to amend the city's 27-year-old handgun ban, according to The Daily Northwestern.

In mid-July, after weeks of consideration and consultation with the police, Evanston City Council members authorized a resolution that would rewrite the ordinance to comply with the Supreme Court ruling.

"No one was particularly happy or anxious to do anything that would change the ordinance," Ald. Edmund Moran (6th) said, according to the newspaper. "But we're being confronted with this lawsuit and rather than engaging in a protracted fight and spending a lot of money, it would be a better course of action to revise our ordinance in a way that it would make it more legally sustainable."

The final version of the modified ordinance has not yet been released, but Moran said city council members discussed the changes at a closed-door meeting. He explained that although legislation regarding the private possession of handguns will be amended, certain statements in the "extremely narrow" ruling suggest that other aspects of antigun ordinances remain constitutional.

"We are conforming to the court's ruling," he said. "But we are also going to closely examine those statements in particular and try to fashion our amendments accordingly."

Evanston Police Department Chief Richard Eddington said law enforcement officials are waiting to see how drastically the weapons ordinance will change. Under the existing ordinance, police issued 16 handgun ordinance violations and reported 107 incidents involving handguns, according to the Evanston Police Department's 2006 Annual Report.

Mayor Lorraine Morton, the defendant in the NRA lawsuit, attended the meeting and is concerned that the recent court ruling disregards important issues about the safety of the community.

"I just can't see how anyone could be helped by the gun ruling that the US Supreme Court put out," Morton said. "But you can't fight the Supreme Court."

The city of Evanston will seek to have the National Rifle Association (NRA) lawsuit dismissed, based on its plan to bring the law into compliance with the court ruling. The NRA said that it would consider dropping the lawsuit only after a review of the new ordinance, according to a spokeswoman. [The New GUN WEEK](#), August 15, 2008

## Court ruling forces Wilmette, IL, trustees to repeal handgun ban

by Dave Workman, Senior Editor

In December 2003, a man named Hale DeMar made national headlines when he shot a burglar in his suburban Chicago-area home, and subsequently was charged with violating the handgun ban Adopted by the Wilmette Village Trustees in 1989.

It was a symbolic gesture against violent crime, but in the years hence it is not clear whether the ban actually lowered crime, or just made criminals out of citizens like DeMar, who was cited for violating the ban. Charges against DeMar were intimately dropped and prosecutors in Cook County ruled that he had acted in self-defense.

Now, almost five years later, the village board has unanimously repealed the ban, one month after the US Supreme Court struck down a handgun ban in the District of Columbia because it violates the individual right to keep and bear arms that is protected by the Second Amendment.

Wilmette was not targeted by a National Rifle Association (NRA) lawsuit filed last month the day after the high court's Second Amendment ruling was issued. That may be due to the village's quick suspension of the ban's enforcement. Chicago, Morton Grove, Oak Park and Evanston (see related story) were sued by the NRA, one day after Chicago was sued by the Second Amendment Foundation and Illinois State Rifle Association. Chicago and the three targeted suburbs all have handgun bans in place.

According to The Wilmette Life newspaper, the village trustees admitted that the Supreme Court ruling "calls into question

our ordinance." Village President Chris Canning told the newspaper, "We thought the best thing to do was to suspend enforcement immediately and then look at our legal options, and at least personally, I think the strongest option that would give a clean slate to the whole situation would be to repeal the ordinance."

The Citizens Committee for the Right to Keep and Bear Arms

(CCRKBA) called the repeal a smart move.

"It appears the only people affected by the ban were law-abiding citizens like DeMar who were ensnared by the ordinance for having guns that suddenly became illegal," CCRKBA

Gottlieb observed. "Repealing the ban makes sense because the ordinance was grounded in nonsense."

Some Wilmette residents were reluctant to bid the ban farewell, however. The Wilmette newspaper quoted local resident Mark Singer noting, "To me, it's unseemly haste."

But Gottlieb said the 1989 ban was adopted "as a symbolic gesture."

"Symbolism never prevented a single crime," he stated, "and one does not make socio-political statements at the expense of a fundamental civil right. There are other options that make far more sense than disarming the public. We're glad village officials in Wilmette will be exploring those other options, and we hope they consult with gunowners in the process." [\*The New GUN WEEK\*](#), August 15, 2008

## Nevada chapter of ACLU splits with national group over Heller

The Nevada chapter of the American Civil Liberties Union (ACLU) has broken ranks with the national organization in the wake of the parent group's controversial and widely condemned reaction to the Supreme Court ruling in District of Columbia v. Heller, which affirmed an individual civil right to keep and bear arms under the Second Amendment.

The national ACLU's Suzanne Ito had earlier issued a statement that infuriated gunowners, including many who had long supported the ACLU, but vowed that was finished.

"The ACLU interprets the Second Amendment as a collective right," Ito's statement read. "Therefore, we disagree with the Supreme Court's decision in D.C. v. Heller. While the decision is a significant and historic reinterpretation of the right to keep and bear arms, the decision leaves many important questions unanswered that will have to be resolved in future litigation, including what regulations are permissible, and which weapons are embraced by the Second Amendment right that the Court has now recognized."

But the ACLU in Nevada reportedly sees things differently, according to The Washington Times, and posted the following message on its website following the June 26 high court ruling: "The ACLU of Nevada will defend this right as it defends other constitutional rights."

The national ACLU, headquartered in New York, was quick to put a positive spin on the announcement. According to The Times story, Dorothy M. Ehrlich, ACLU deputy executive director, stated, "Our local ACLU affiliates are free to take positions that differ from those of the national office. While the

organization is unified in purpose, we do not impose uniformity regarding specific positions."

Nevada Gov. Jim Gibbons was reportedly elated with the announcement. Gibbons is licensed to carry concealed in the Silver State. While a member of the Nevada delegation in Congress, Gibbons had a solid pro-gun voting record and was one of those who shepherded legislation which help facilitate the 2,800-acre public shooting range currently under construction in Clark County just north of Las Vegas.

Gibbons' spokesman Ben Kieckhefer told reporters, "Obviously, the ACLU in Nevada has seen the light on this issue, and we are happy they have. It adds to the long list of supporters of Second Amendment rights in the state. ... It is a state where the right to bear arms is held close to the heart."

The national ACLU has been taking heat from supporters and members all over the country since the Ito statement was released last month. Angry at the position expressed by Ito's statement, many said they would drop membership and cease financial support of the ACLU, instead sending their money to the National Rifle Association or some other gun rights group.

The Second Amendment has divided ACLU members, and even board members and officers for several years, with the dominant side taking the "collective right" position while others supported the "individual rights" position articulated in the Heller decision issued on June 26. [\*The New GUN WEEK\*](#), August 1, 2008

## More than our guns

by Genie Jennings

We are in a battle over words. By the narrowest margin the majority opinion of the Supreme Court defined "the right of the People" as a right of individual persons, not the right of a group. We might have assumed our next battle would rage over 'infringe,' but the Justices as well as the media seem to have a murky concept of Creator-given rights.

During oral arguments in DC v. Heller, there was a lot of discussion about the consequences of the possible outcomes to current state, federal and local laws. A recurring theme was the balance between individual rights and public safety.

The absurdity of considering that arming honest citizens would result in increased crime defies all evidence. It is clear from all available data that there is an indirect relationship between citizen-ownership of guns and crime. When one rises, the other falls. Still, the justices explored the impact their decisions could have upon existing laws.

Their concerns about an upheaval were well-founded. Narrow as the decision may have been, it launched a crusade across the country. The Second Amendment Foundation (SAF) and National Rifle Association (NRA) forces stormed fortresses from San Francisco to Chicago; rumors of the pending invasions of New York City and Washington, DC, are rampant.

The entire pro-gun community has reason to cheer and be heartened. Heller is a victory. But, we must caution, it is narrow. Robert Levy designed the case to focus on one aspect: is the "right of the People to keep and bear arms" an individual right? The answer to that question has been 5-4 "Yes."

The war is not over. The dissenting opinion is chilling. It echoes an undercurrent running throughout our public discourse concerning the relationship between the individual and the state.

Our country was founded on the principles of individual freedom. Our Founders looked upon government as a necessary evil that must be constantly constrained if the individual is to survive. The late 1800s brought a different ideal to the forefront: the collective state. The individual is no more than a part of the group; the group is more important than the individual.

We are a nation of laws. Those laws ensure our freedom. Those laws demand vigilance on the part of the citizen. Many in the pro-gun movement have been vigilant; for decades they have been working to protect what we have, while warning of the travesties being used against not only gun-ownership, but freedom itself.

Our federal officials swear oaths to "preserve and protect the Constitution of the United States." Most state officials swear to uphold the constitution of their state. But, what are they swearing to do?

Again, we have words. Are they swearing to preserve the meaning of our Founders, or are they swearing to uphold "a living document" by which is meant nebulous meanings that can be changed at whim.

There is a method to change the Constitution contained within the document itself. It is a painstaking process by design. It cannot be done quickly or easily. Much thought and work must go into the amendments.

A high-school/college-undergraduate understanding of the balance of powers of the three branches of government suggests that the Supreme Court will examine laws and judge whether those laws have authority within the Constitution. In the dissenting Heller opinion it was suggested that the Second Amendment of the Constitution itself no longer has relevance and should not, therefore, be considered in relation to the law in question.

There is a procedure to repeal the Second Amendment from the Constitution. It cannot be done by a single man. Yet, we see similar actions in the Circuit and District Courts of the United States; we see similar actions in the Supreme Courts of the various states. Laws created by legislatures and referenda passed by the electorate are overruled by a handful of men in black robes.

Our Constitution means something today. What will it mean tomorrow? More than our guns are at stake: our very freedom is at risk. [The New GUN WEEK](#), August 1, 2008

## **Trial set Nov. 3 in NRA-SAF lawsuit against New Orleans**

A trial date of Nov. 3 is scheduled in the long-awaited civil rights lawsuit against the city of New Orleans and Mayor Ray Nagin by the Second Amendment Foundation (SAF) and National Rifle Association (NRA) over the seizures of privately-owned firearms following Hurricane Katrina in 2005.

The landmark lawsuit, filed in federal district court, brought a quick injunction against the gun confiscations, which had been ordered apparently without legal or constitutional authority, and were conducted without warrants or probable cause. In

preparation for the trial, attorneys for the plaintiffs recently obtained subpoenas for various news agencies to provide film footage or photographs that might be related to the case.

One particular piece of video that may become a centerpiece to the case is the disarmament of Patricia Konie by members of the California Highway Patrol, who were sent to help local authorities restore order to the ravaged city. The officers went inside Konie's home despite her insistence that she was high and dry, well provisioned and armed with an old Colt double-action revolver, which she showed the officers.

The film footage, shot by a San Francisco-based camera crew, shows Konie being gang slammed to the floor of her kitchen by two burly officers who then forced her out to a truck for evacuation. Her gun has never been found, and she was injured so severely in that incident that she required surgery.

At the time of the confiscations, former Police Superintendent Eddie Compass was quoted as stating that only the police would be allowed to have firearms. New Orleans police, deputies from nearby St. Tammany Parish, and visiting lawmen from as far away as California, New York and New Jersey, along with National Guard troopers, participated in the gun roundup.

That effort so enraged the NRA and SAF that both organizations immediately put in motion legal actions that, once each learned the other was working toward the same goal, were combined in one lawsuit that brought such fast action by the court that it stunned many observers. It was the first time that SAF and NRA had worked together on such a lawsuit, and it caused pundits to take notice.

Federal Judge Jay Zainey issued a temporary restraining order and almost immediately, the St. Tammany Parish sheriff's department not only stopped taking guns, they started returning firearms that had been seized, including two rifles that were taken from plaintiff Buell Teal at gunpoint on the waters of Lake Pontchartrain by visiting lawmen from New York who were using a Tammany sheriff's boat.

For several months after the disaster, New Orleans officials denied that they had been confiscating firearms despite witness and victim statements to the contrary. Finally, on the day that attorneys for NRA and SAF were to file a motion of contempt, the city reversed itself and admitted that they had firearms in a storage container. Upon inspection, those guns were found in terrible states of disrepair and one attorney estimated that more than 1,000 firearms had been kept in this container. [The New GUN WEEK](#), August 15, 2008

## **Judge upholds 'guns-at-work' law in Florida**

A federal judge said that Florida's new "guns-at-work" law is constitutional and that employees with concealed handgun licenses (CPLs) may keep guns locked in their cars while at work. However, he also ruled in a challenge to a new state law filed by the Florida Chamber of Commerce and the Florida Retail Federation that businesses can post their property to prohibit customers from bringing their licensed firearms into their parking lots.

US District Judge Robert Hinkle first released a preliminary injunction the night of July 28, then followed it up with the split

decision. The law which had been supported by Unified Sportsmen of Florida and the National Rifle Association went into effect July 1. The law was designed to prevent employers from telling workers, customers and other visitors they can't keep a firearm locked in their vehicles.

If a business has a gun ban policy, employees who possess a valid concealed handgun licenses (CHL) are exempt from the gun ban policy and cannot be fired for exercising their gun rights. If a business has a gun ban policy and no employee has a valid CHL, then that business can also ban customers from having guns locked in their vehicles in the parking lot while they shop or conduct business.

A business may not search vehicles; may not ask if a person has a firearm in the vehicle; may not ask if a person has a carry license. [The New GUN WEEK, August 15, 2008](#)

#### Fighting Back:

### **Pa robber shot dead by 'victim'**

From the "America Fights Back" file comes the story out of Manheim, PA, about the late Kevin Lee Smith, who will never get beyond age 19 because he botched a robbery attempt and was abandoned by his accomplice.

According to WGAL in Lancaster, and Lancaster On-Line, Smith and another man entered Power Pro Battery early on July 22 and followed the manager, identified by the television station as Elder Sepulveda, back to his office. Apparently realizing he was about to be robbed, Sepulveda pulled a handgun and opened fire on Smith, who was armed with a TEC-9 pistol. Hit twice in the chest, Smith dropped the gun and ran away with his accomplice. He got about 400 yards and collapsed.

What is unusual about this case is the reaction of Sepulveda's boss, identified as John Roads.

"We all have a right to come to work, to do our time and go home to our families," Roads told a reporter, "and nobody has a right to take that away from us."

He said Sepulveda "had an angel in his pocket, and I can only hope that I would have been as lucky and as fortunate had it been me."

That "angel" in Sepulveda's pocket was a small-caliber semi-automatic pistol that went undiscovered when the two would-be robbers apparently frisked him for a cell phone. They evidently didn't check the pants pocket where the gun was nestled, and when the two outlaws turned their attention from their intended victim, he drew and opened fire.

Police found that the TEC-9 had jammed, suggesting that Smith apparently tried to fire it. [The New GUN WEEK, August 15, 2008](#)

### **NY gunowner sues McCarthy over gun raid**

An outspoken Long Island, NY, gunowner's home was raided by Nassau County detectives, who seized two dozen firearms he lawfully owns just one day after Rep. Carolyn McCarthy's (D-NY) office made a 911 call about him, according to The New York Post.

Freeport resident Gabriel Razzano claims he was targeted in the spring raid for his "unpopular" political beliefs. He's now filed a \$5 million federal lawsuit against the Nassau PD and

McCarthy, charging they joined forces to strip him of his guns unconstitutionally.

The case pits Razzano against McCarthy, perhaps the most outspoken gun-control advocate in Congress. A crazed gunman murdered her husband and wounded her son in the infamous 1993 Long Island Rail Road Massacre.

According to The Post, the current flap arose on Mar. 19, when Razzano visited McCarthy's Garden City office to discuss an article about an illegal immigrant who was deported but was later nabbed in Freeport for the attempted murder of a cop.

"The office staff felt that Razzano's behavior was disruptive and threatening," said Lt. Kevin Smith, a police spokesman.

Razzano's home was raided the next morning. [The New GUN WEEK, August 15, 2008](#)

### **AZ college shooting occurs after campus CCW bill died in senate**

The shooting of three people on the campus of Arizona's South Mountain Community College in Phoenix came barely two months after a bill that would have expanded concealed carry to college campuses died in the State Senate.

Senate Bill 1214 would have allowed legally-licensed students and teachers to carry concealed handguns on college and university campuses in the state. But the bill died in the Senate.

Fortunately, nobody died in the shooting July 24 but three people were hit, including a 17-year-old boy and 20-year-old woman.

The suspect was identified as Rodney Smith, 22, who allegedly went to the campus to start a fight with a student over what appears to be a long standing grudge. The 19-year-old student was also hit, according to The Arizona Republic. Smith is a former student at the community college.

Earlier this year, Arizona lawmakers took up the issue of concealed carry on campus, a proposal pushed by pro-gun activists in reaction to the 2007 massacre of 32 students and teachers at Virginia Tech. That incident gave rise to Students for Concealed Carry on Campus, now with chapters in several states and on several college and university campuses. That organization has already staged nationwide "empty holster" protests, and organized an Aug. 1 conference at the National Press Club in Washington, DC.

The Arizona legislation was reportedly blocked by Republican Senate President Tim Bee of Tucson.

The newspaper quoted Jay Taylor of Phoenix, who reportedly is the older brother of the 17-year-old victim. He told the newspaper that "school is not as safe as we think it is." [The New GUN WEEK, August 15, 2008](#)

### **TN church shooting suspect said to hate liberals, gays, religion**

Jim D. Adkinson, the man charged with murder in the shooting deaths of two people at a church in Knoxville, TN on July 27 apparently hated liberals, gays and religion, according to various reports.

He bought the shotgun used in the Tennessee Valley Unitarian Universalist Church shooting about a month earlier at a

pawn shop, according to WBIR news. Several reports detailing his background all stated that he seemed angry toward his parents for having forced him to attend church "all his life."

- The Knoxville News Sentinel described him as having "issues with Christianity."

He apparently targeted the church because of its high profile support of certain liberal causes, and he blamed liberals for getting jobs that he apparently thought he should have gotten. The church actually founded a chapter of the American Civil Liberties Union.

The Unitarian Universalist Church has also taken strong positions on gun control, supporting the Brady Handgun Act and laws that would require waiting periods, licensing and registration.

Adkinson entered the church with the shotgun concealed in a guitar case. He reportedly had 76 shells along, and police officials believe he intended to kill several people and not leave the church alive. But his plans were thwarted by members of the congregation who quickly tackled him after the first shots were fired.

Killed in the attack were Greg McKendry, 60, who was being called a hero for placing himself between the suspect and other members of the congregation, and Linda Kraeger, 61, who died at the hospital a few hours after the shooting. [The New GUN WEEK](#), August 15, 2008

## Human encounters leave two bears dead, Ohio man charged

Black bear encounters seem to be on the rise in California last month, a sheriff's deputy in El Dorado County was forced where human encroachment into areas previously occupied only by wildlife puts bears on a collision course with civilization.

Combine the expansion of development in rural areas with a rising black bear population and you have the recipe for unpleasant interaction if not downright disaster.

In California last month, a sheriff's deputy in El Dorado County was forced to shoot a male black bear believed responsible for several home break-ins, according to The Sacramento Bee. This bear, estimated to weigh about 400 pounds, had broken into a home and set off a burglar alarm, bringing the lawman in response.

Accompanied by an enforcement officer with the California State Parks Dept., the deputy tracked down the bear as it was attempting to leave one of the homes it had invaded. The deputy fired several rounds from his shotgun, killing the beast as it moved towards him and the parks officer.

They treat bear shooting a little differently in Ohio, however, where the bears are listed as an endangered species.

According to the Huntington, WV, Herald-Dispatch, a Coshocton, OH, resident identified as John Tanksley faces charges in the killing of a black bear that came at him on his own property. He claims that he only fired in self-defense after the bear had ignored his dog's attempts to chase the bear away. The dog is a Rottweiler, and it had moved the bear about 100 yards down a road, but the bear came right back. That's when Tanksley got his rifle.

When the bear kept coming back, Tanksley and his girlfriend tried to get his dog into the house, and that is allegedly when the bear charged them. Tanksley told another newspaper, The Coshocton Tribune, that he had no choice but to shoot in self-defense.

At one point, the bear ran down a hill but came right back at Tanksley and his dog, who were now on the porch. The bear got to within 10 yards before Tanksley pressed the trigger.

According to The Coshocton Tribune account, the animal weighed an estimated 165 pounds and was about two years old.

But now Tanksley faces misdemeanor charges that could land him in jail for one year, and cost him a \$1,000 fine and the loss of his rifle. [The New GUN WEEK](#), August 15, 2008

## Bad summer for bad apples in various police agencies

*(Stories from the 'Only Cops Should Have Guns' file seem to abound this summer all over the country.)*

In Salem, OR, according to the Associated Press, Officer Tony Gonzalez was on the wrong side of the bars, where allegations of sex abuse put him. And there was that little matter of shooting a 20-year-old Irish citizen identified as A.J. Hanlon in June.

The published report said Gonzalez had allegedly been touching a girl "inappropriately" for several years, and the abuse sort of kicked in after a hiatus in the wake of the June shooting. That case was headed to a grand jury.

At a bail hearing in July, Judge Joseph Ochoa rejected a bail request.

Things weren't going much better down in Louisiana, where now-former Slidell Police Officer Jonathan M. Lutman, 25, quit after two years behind the badge after he was charged with nine counts of theft, and the cases were rather unusual.

According to The St. Tammany News, Lutman allegedly stole money from Hispanic men after he pulled them over on otherwise legal traffic stops. Slidell Police Chief Freddie Drennan was not happy July 11 when he announced that Lutman had been arrested by his own colleagues. The traffic stop thefts dated back to April 6.

Included in Lutman's alleged misadventures were two stops involving the same man, who was robbed both times.

Meanwhile, up in Pennsylvania, a former police chief in Lykens, Dauphin County, pleaded guilty to the theft of \$3,280 that was seized during a drug investigation, according to The Reading Eagle. Ex-cop Chris W.R. Wade also formerly was with the Hamburg Police Department, the newspaper said.

Wade was fired in January after three years on the job as top cop in Lykens. He is supposed to be sentenced this month. The newspaper said the money went missing from drug investigations in 2005 and 2007.

Then there is the story of Michael D. Roberts, a 57-year-old Minneapolis, MN, cop who allegedly tipped off a gang member about police activity for money. According to the Associated Press and St. Paul Pioneer Press, Roberts was indicted on three federal corruption charges including two counts of "depriving citizens of his honest services" and one count of "unauthorized access to a protected computer."

Roberts was placed on paid administrative leave in April along with a second police officer.

Down in South Carolina, a former highway patrol trooper was indicted July 17 for a civil rights violation related to the alleged beating of a man during a traffic stop in 2006.

According to The State newspaper in Columbia, ex-trooper John B. Sawyer was charged with violating the rights of Sergio Cardini. A dash-cam recording shows Sawyer, who was then a lance corporal with the highway patrol, kicking Cardini several times in the head during the May 28, 2006 incident. The beating came at the end of a police chase on 1-95. [The New GUN WEEK](#), August 15, 2008

## **Birmingham, AL, mayor proposes confiscating cars for illegal carry**

Drivers illegally carrying guns could face having their cars seized by the city of Birmingham, AL, under an additional crime crackdown initiative proposed by Mayor Larry Langford, The Birmingham News reported.

Langford said he will ask the state legislature to pass a law giving a Class I municipality the authority to pass an ordinance on illegal guns. The ordinance would state that the city will confiscate vehicles on the spot if the driver or any passengers are in possession without a concealed weapons permit or license.

"If necessary, you got to frisk your friends before you let them in the car," Langford said.

The vehicle confiscation would be in addition to any other penalties for possessing an illegal handgun.

Langford said he is not for gun control but "gun responsibility."

"If we catch you with a gun of any kind, I'm moving now to take your vehicle at the same time," he said. "We are serious about it."

City officials are looking to get tougher on crime following a string of violent events in the city that began over the July 4th holiday, the newspaper reported. The City Council was expected to vote on toughening the city's curfew ordinance through increased fines and possible jail time for parents. [The New GUN WEEK](#), August 1, 2008

## **GA governor backs CCW at Atlanta airport**

Georgia Gov. Sonny Perdue (R) on July 14 waded into the controversy regarding carrying guns in non-secure areas of Hartsfield-Jackson International Airport. Perdue said that guns should be allowed in public areas of the nation's busiest airport despite official local orders to the contrary.

The governor suggested his own wife might want to pack a firearm for long walks between the parking lot and the terminal at Hartsfield-Jackson Atlanta International.

Earlier this year, Perdue signed legislation that allows Georgians who have passed criminal background checks to carry concealed weapons onto mass transit, as well as into state parks and restaurants that serve alcohol. The new law took effect July 1.

A legal battle quickly erupted over whether the law applies to public areas of Hartsfield-Jackson before travelers pass through security checkpoints.

On the day the new law took effect, Atlanta officials who oversee the airport declared it a "gun-free zone" and said anyone carrying a gun there could be arrested and charged with a misdemeanor.

[GeorgiaCarry.org](#) filed a federal lawsuit challenging the city's designation, saying the airport qualifies as mass transportation and has restaurants that should be accessible under the new law. A hearing is scheduled Aug. 11 in US District Court.

The new law's sponsor, state Rep. Tim Bearden, called Perdue's comments "right on the money." [The New GUN WEEK](#), August 1, 2008

## **MA governor urges high fees for gun licenses**

Massachusetts Gov. Deval Patrick (D) has raised the ante on gunowner and gun dealer harassment.

On July 13, the governor filed a special budget appropriations bill (H-4971) for fiscal year 2008 that includes among other fee and license increases a call for increasing the licensing fee for Massachusetts firearms dealers from \$100 to \$450 for three-year licenses and also increases license to carry fees for individuals. The license fee for residents will go from \$100 for 6 years to \$200, while the nonresident license will balloon to \$250 a year from \$100.

H-4971 has been referred to the House Committee on Ways & Means. [The New GUN WEEK](#), August 1, 2008

## **NEWS BRIEFS**

### **Killer's ex-con brother slain**

From the "Fatal Errors in the Victim. Selection Process" file comes the story of Grant Fleming, 21, late of Staten Island, NY, whose criminal career has been forever cut short, thanks to an intended victim who had other plans.

Gun Week readers will quickly sense a pattern because Grant was the brother of Rudy Fleming, described by The New York Post as the killer of Nicole DuFresne in a Jan. 27, 2005 brutal armed robbery. After holding up DuFresne, Rudy Fleming gunned her down in cold blood after she asked, "You got what you wanted. What are you going to do now, shoot us?"

Grant was an ex-convict and reported member of the Bloods street gang. On his last trip across the line between right and wrong, he strolled up behind a guy carrying a bag of groceries and tried to rob that man at gunpoint.

Surprise of surprises, the man grabbed Fleming's gun, turned it on him and capped off three rounds right into his chest. Rudy missed the funeral, as he is serving life without parole for the DuFresne slaying. [The New GUN WEEK](#), August 15, 2008

### **Condemned man backs Obama**

Here's the kind of political endorsement a candidate can do without: Condemned murderer Dale Leo Bishop urged death penalty opponents to vote for Democrat Sen. Barack Obama to move their agenda forward.

Moments after making that recommendation, Bishop was put to death in Mississippi by lethal injection. He was convicted in 2000 for participating in the brutal killing of Marcus Gentry near the town of Saltillo. Gentry was bludgeoned with a hammer. However, Bishop did not actually deliver the fatal blows, a local newspaper reported.

According to The Jackson Clarion-Ledger, Bishop apologized to the family of his victim, and then observed, "For those who oppose the death penalty and want to see it end, our best bet is to vote for Barack Obama because his supporters have been working behind the scenes to end this practice."

Bishop is one of only eight people who have been executed since 1976 who did not actually kill the victim. There have been more than 1,100 executions in the 32 years since the Supreme Court reinstated the death penalty. [The New GUN WEEK, August 15, 2008](#)

## Aussie victim of a Werlikowske"

An unidentified police officer suffered the same fate as the police chief in Seattle, WA, when his gun was stolen from his unmarked patrol car, along with a baton and ammunition, according to The Sydney Morning Herald.

This kind of crime is sometimes called "a Kerlikowske," after Seattle Chief Gil Kerlikowske, who has lobbied consistently for tougher gun laws. The loss of his own 9mm Glock in December 2004 was embarrassing and it did sideline Kerlikowske from his anti-gun lobbying for a time.

In Australia, things turned out a bit better, the newspaper reported. Cops there arrested a man identified as David Annabel for having received the stolen property—including the handgun—that he purchased from an unidentified individual. Police recovered the gun, a holster, two magazines, 25 rounds of ammunition, handcuffs and an ASP telescoping baton.

Making this worse is that the gear was stolen from a Ford Falcon that was parked in the basement of police headquarters. [The New GUN WEEK, August 15, 2008](#)

## This guy had it nailed!

Evidently, there are more than a few people in Aurora, CO, who can't tell a nail gun from a firearm.

According to The Aurora Sentinel, last month police responded to a call that someone had strolled into a local Home Depot store with an AK47 and banana clip. Cops surrounded the store, the newspaper said, and the store was evacuated as heavily-armed lawmen searched for the reported gunman.

However, it was all for naught. An employee finally figured out what all the fuss was over, and he told police that a customer had come to the store with a nail gun looking for parts. He had left before the cops arrived. [The New GUN WEEK, August 15, 2008](#)

## Robber shoots self on the job

Police in a Dallas, TX, suburb say a man trying to rob a house accidentally shot himself after kicking down the door and died in the driveway.

Associated Press reported that Grand Prairie police say the body of 19-year-old Cameron Sands was found outside the house early on June 17.

Police Lt. John Brimmer says the evidence indicates Sands shot himself while trying to pull the gun from his waistband. He then dropped the gun and ran until he collapsed.

Sands was wounded in the stomach. The medical examiner's office has ruled his death accidental, which suggests that the statistic will end up in the National Safety Council firearms accidents tally rather than the FBI's Uniform Crime Report. [The New GUN WEEK, August 1, 2008](#)

## KY councilman fights back

A City Councilman in Eastern Kentucky says he was about to be the victim of a robbery, when he pulled out a gun and fought back, reported WSAZ.

Magoffin County Sheriff Bob Jordan says three people approached Royalton City Councilman Ray Nichols at his home. Police say one of them threatened to rob and kill Nichols.

After the threats Nichols says he opened fire because he thought his life was in danger.

Police haven't made any arrests in the case. Deputies say they have notified surrounding hospitals and emergency agencies to see if anyone may have been treated for a possible gunshot wound. [The New GUN WEEK, August 1, 2008](#)

## This story didn't stay in Vegas

We suppose the Las Vegas, NV, cops should have suspected something really weird was happening on July 8 when, at 8 a.m., they received a report of a naked guy stealing a beer from a 7-Eleven.

Lucky for the birthday suit outlaw that cops don't shoot people for grabbing a cold one even in the buff, but unfortunately for a man identified by The Las Vegas Review Journal as Charles B. Sell, his little escapade didn't end with just bagging a brew. His misadventure does kind of explain why the Chamber of Commerce tries hard to convince people that "what happens in Vegas stays in Vegas." Uh, not this time.

The 35-year-old Sell wasn't satisfied with stealing a beer. He then tried to steal a Citizens Area Transit bus, which is hard enough to do with your clothes on. In this case, it appeared the only weapon he had was inadequate. After climbing on the back of the bus and smashing out the rear window to get inside, he tossed the driver off and made it only about 200 yards before jumping off, also.

Here's where we heave a collective "Well, DUH!" at what the newspaper reported about this guy, He has a "history of criminal charges." He was also "arrested and taken to a hospital for a mental evaluation." The police said he "was possibly on drugs during the incident."

Sell was being held on \$14,000 bail, which might have been a little much, since it was obvious he wasn't carrying that kind of cash. [The New GUN WEEK, August 1, 2008](#)

## Man uses daughter as shield

A man identified as Brandon Hockman of LaPorte, IN, probably will not be getting any "Parent of the Year" award anytime soon.

According to WBBM in Chicago, and The Gary (IN) Post-Tribune, Hockman barricaded himself inside his home July 8 and

used his 2-year-old daughter as a shield against a police Taser. This was after he allegedly pushed the girl's mother down a flight of stairs.

By the time police arrived, according to the published reports, Hockman was "yelling obscenities" and getting angrier. Officers Darin Mercer and Nathan Thode found open windows and tried to get a clean shot at Hockman with their Tasers, but the 33-year-old man held the child up in front of him.

At some point, the reports said, Hockman walked over to Mercer and threatened to kill him.

That's when Mercer called him a coward.

Hockman put the child down and then began screaming at the savvy cop, who let him have it in the face with a chemical spray. Moments later, other officers broke through the door and zapped Hockman twice with 50,000-volt Taser shots. [\*The New GUN WEEK\*](#), August 1, 2008

## **Hindsight:**

### **Heller ruling opens doors to novel gun law challenges**

by Joseph P. Tartaro, Executive Editor

The debate over firearms laws and policies is likely never to end. The ink is hardly dry on Supreme Court Justice Antonin Scalia's majority opinion in *District of Columbia vs. Heller* that lawyers, plaintiffs and commentators have begun looking for new ways to parse Scalia's meaning.

As might be expected, journalists have found some new perspectives on the continuing gun debate.

Here's one example. "Twice convicted of felonies, James Francis Barton Jr. faces charges of violating a federal law barring felons from owning guns after police found seven pistols, three shotguns and five rifles at his home south of Pittsburgh, PA," according to Associated Press (AP) and *The Durant Daily Democrat*.

As a defense, Barton and several other defendants in federal gun cases are now arguing that the Supreme Court ruling in *District of Columbia vs. Heller* allows them to keep loaded handguns at home for self-defense.

"Felons, such as Barton, have the need and the right to protect themselves and their families by keeping, firearms in their home," says David Chontos, Barton's court-appointed lawyer, according to AP and *The Daily Democrat*.

Chontos and other criminal defense lawyers say the high court's decision means federal laws designed to keep guns out of the hands of people convicted of felonies and crimes of domestic violence are unconstitutional as long as the weapons are needed for self-defense.

So far, federal judges uniformly have agreed these restrictions are unchanged by the Supreme Court's landmark interpretation of the Second Amendment.

"The line I'm proposing, at the home, is entirely consistent" with the Supreme Court ruling, said Chontos, a lawyer in Turtle Creek, PA. A court hearing on the issue was scheduled for late July, but so far there have been no further details.

The legal attacks by Chontos and other criminal defense lawyers are totally separate from civil lawsuits filed by the Second Amendment

Foundation, Illinois States Rifle Association, National Rifle Association, and others challenging handgun bans in Chicago

and its suburbs as well as a total ban on guns in public housing units in San Francisco.

People on both sides of the gun control issue say they expect numerous attacks against local, state and federal laws based on the high court's 5-4 ruling that struck down the District of Columbia's ban on handguns. The opinion by Justice Antonin Scalia also suggested, however, that many gun control measures could remain in place.

Denis Henigan, vice president for law and policy at the Brady Center to

Prevent Gun Violence, said Scalia essentially was reassuring people that the laws keeping guns from felons and people with mental illness and out of government buildings and schools would withstand challenges. But Henigan said he is not surprised by felons pressing for gun-ownership rights.

"The court has cast us into uncharted waters here. There is no question about that," Henigan said.

"There is now uncertainty where there was none before," he said. "Gun laws were routinely upheld and they were considered policy issues to be decided by legislatures."

At the Justice Department, spokesman Erik Ablin said the agency's lawyers "will continue to defend vigorously the constitutionality, under the Second Amendment, of all federal firearms laws and will respond to particular challenges in court"

Cities' outright bans on handguns probably are the most vulnerable laws following the Supreme Court ruling. Many lawyers and Second Amendment experts believe that restrictions on gun ownership in public housing also will be difficult to defend.

The question for courts will be whether the government has more power when it acts as a landlord, as it does in public housing, than in general.

"I think there's a very substantial chance that these kinds of ordinances will be struck down because they are aimed at people who have shown no reason to be viewed as untrustworthy," said Eugene Volokh, a law professor at the University of California, Los Angeles, who has written about gun rights.

San Francisco Mayor Gavin Newsom has said the city will defend the policy as good for public safety. "Is there anyone out there who really believes that we need more guns in public housing?" Newsom said when the suit was filed a day after the Supreme Court ruled on Washington's handgun ban.

In the District of Columbia, the city housing authority is considering whether its prohibition on firearms in public housing can survive the court ruling, spokeswoman Dena Michaelson said.

But Volokh and some gun rights proponents said people convicted of crimes are less likely to succeed in their challenges.

Judges may find it harder to resolve cases in which nonviolent criminals, particularly those whose only offense happened long ago, are charged with gun possession.

As previously reported in *Gun Week*, the Supreme Court has a case on its calendar for the Fall that could indicate whether the justices are inclined to expand their ruling.

In *United States v. Hayes*, the government is asking the court to reinstate a conviction for possession of a gun for someone previously convicted of a domestic violence crime. In 1994,

Randy Hayes received a year of probation after pleading guilty to beating his wife.

The 4th US Circuit Court of Appeals overturned the conviction because the West Virginia law Hayes violated does not specifically deal with domestic violence crimes. The question for the high court, then, is a technical one: whether the law has to include domestic violence to be used in the future to prevent someone from owning guns?

Advocates on both sides of the gun control debate will be watching closely to see whether the court's DC decision is relevant to the Hayes case and, if so, how.

But the whole idea of gun rights for felons has suggested a new debate and noted pro-gun constitutional scholar and attorney and Don B. Kates addressed the issue in a July 22 New York Post commentary.

Kates seems horrified when he wrote, "Now, across America, public defenders and other lawyers for rapists, robbers and murderers are filing motions contending that their vicious clients have a Second Amendment right to have guns.

"If this were correct, the Second Amendment would be a very bad thing. Happily, it's not so.

"The high-court opinion vindicated the constitutional right of ordinary, responsible law-abiding adults to have a handgun to protect their families, homes and themselves. It also flatly stated that this right does not apply to criminals," Kates continued.

He assured readers that federal and state laws against convicted felons having guns are still valid: The Second Amendment protects \*right of self-defense for "good" people only, he said=.

Kates continues to discuss the studies-- of other criminologists to illustrate his arguments, and the intentions of the Founding Fathers. He argues that.

"In all societies recognizing a right to arms, that right was limited to the virtuous citizenry.' In this, as in much else, our Founders looked back to the ancient Greek and Roman republics. There, every free man was armed so as to be prepared both to defend his family against criminals and to man the, city walls in immediate response to the tocsin's warning of approaching enemies. Thus did each good citizen commit himself to the fulfillment of both his private and his public responsibilities."

Kates is quick to note that "Unfortunately, modern legislatures have added a host of trivial felonies. ... But the fact remains that people who have been convicted of serious criminal offenses have thereby lost their rights under the Second Amendment. They are subject to our laws against felons possessing firearms."

Still, this debate over allowing felons to possess guns at home for protection of themselves and their families, again raises the issue of relief of disability. That's a legislative decision. [The New GUN WEEK](#), August 15, 2008

## NRA PVF Alert

### **\$2 for the 2<sup>nd</sup>**

### **Monica Douglas Needs Your Help**

Pro-Second Amendment candidate, **Monica Douglas** won her Primary write-in campaign. She now heads to the General election to face longtime anti-gun incumbent Representative David Levdansky, from the Monongahela Valley. Douglas, in a last minute effort, received nearly 1,000 signatures supporting her candidacy. However, Monica now needs the financial resources to win in November.

You can help in this effort by being a "**\$2 for the 2<sup>nd</sup>**" donor. Our goal is to reach 50,000 gun owners from across the state to donate two dollars to help preserve the Second Amendment.

*Why support Monica?* Her opponent, Representative David Levdansky has become the poster child for Cease Fire Pennsylvania, the most outspoken anti-gun group in Pennsylvania---and the spokesman for the anti-gun Philadelphia Legislative Caucus.

Earlier this year when the gun debate raged in Harrisburg, Levdansky stood on the Capitol steps as the keynote speaker at a rally with Philadelphia legislators calling for "gun control measures". In fact, the *Philadelphia Daily News* recently reported that Levdansky:

***"stood up to withering questioning and attacks from the National Rifle Association and its surrogates in the House to strike a blow for gun-regulation sanity."***

After the latest gun control scheme was defeated this past April in Harrisburg, the *Philadelphia Inquirer* reported:

**"Levdansky and others suggested that, going forward, gun-control advocates needed to take a page out the NRA's playbook: amass an army of volunteers and supporters across the state."**

Levdansky tells constituents that he "believes our Constitution grants the right to bear arms" and yet his voting record and statements throughout his career show a disdain for individual liberty. As an example, at a Game and Fish Committee hearing in 1986 in Clarion, PA, Levdansky said, *"insofar as the constitutional question of the right to keep and bear arms is concerned, I think that that argument is rather hollow and shallow . . . At best, I think that the right to bear arms argument is **nothing more than rightwing, ideological rhetoric** and ought to be dismissed as such". His statements and voting record reveal his true beliefs and his position on these issues cannot be trusted.*

Now it's time to **send a message!!** By joining together we can send a message to Harrisburg that the ongoing attacks against the Second Amendment have gone too far!!! It's time we stood up against the ***withering innuendo and attacks on the Second Amendment by Levdansky***. Years ago, a Levdansky mailer to female constituents claimed that 'NRA' stands for 'No Rational Argument' but this election we can show him that it really means 'Not Reelected Again'.

*Levdansky 'arrogantly' claims he is untouchable in his district!* This is the election that gun owners can and must remove the voice of the anti-gun agenda in Harrisburg. Please be a "**\$2 for the 2<sup>nd</sup>**" contributor today. All donations should be sent to:

Citizens for Monica Douglas  
300 Bryce Lane  
Elizabeth, PA 15037

[www.monica douglas.com](http://www.monica douglas.com)

If you would like to volunteer please contact the campaign at 412-551-4891 or by email at [mdouglas@monicadouglas.com](mailto:mdouglas@monicadouglas.com).

Please ask your friends and families to participate as well.

**Remember, together we can make the difference!**

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**NSSF Bullet Points 08-04-08**

- **HOUSE BILL WOULD END D.C. REGISTRATION RULES . . .** Frustrated by the limited changes the District of Columbia’s government has made in its handgun ban since the U.S. Supreme Court ruled that the ban was unconstitutional, two congressmen have co-sponsored a bill that would repeal the district’s ban on pistols and eliminate all registration requirements, reports the [Washington Post](#). Similar legislation previously was introduced, and stalled, but its sponsors are employing an unusual tactic in attempting to move this bill onto the House floor. Meanwhile, the man who successfully challenged the district's handgun ban, Dick Heller, last week [filed a second lawsuit](#) with the goal of overturning the district's continuing ban against pistols.
- **A WIN IN MASSACHUSETTS . . .** A proposal by Massachusetts Gov. Deval Patrick to increase firearm license fees was defeated in the House of Representatives last week. Another bill, sponsored by Rep. George Peterson, would have decreased licensing fees to only \$40 but failed to win passage in the State Senate. “A clear message has been sent to Governor Patrick,” said NSSF Director of Government Relations Jake McGuigan. “Defeating the firearm license fee increase was a big win for all law-abiding firearms owners and a big step backward for the governor’s anti-gun platform.”
- **ILETO CASE . . .** Oral arguments in the appeal of Iletto v. Glock will occur tomorrow before the United States Court of Appeals for the Ninth Circuit. The remaining defendants in the case are Glock and RSR. The case was originally [dismissed](#) March 14, 2006, by the United States District Court for the Central District of California on the grounds that it was precluded by the Protection of Lawful Commerce in Arms Act (PLCAA). "The Iletto case is the 'poster child' of precisely the kind of frivolous lawsuit the PLCAA was specifically designed to stop. Glock was sued for lawfully selling a pistol to the City of Cosmopolis Police Department in Washington State that subsequently sold it to a federally licensed dealer and was later acquired by white supremacist Buford Furrow who misused it in 1999 in a notorious criminal shooting in the Los Angeles area. Incredibly, RSR was sued even though it never owned or possessed the pistol," said Glock's attorney Chris Renzulli, who will argue the case tomorrow.

**Bullet Points 07-14-08**

- **PROMOTING PRACTICAL PISTOL SHOOTING . . .**  
Two good stories showcasing the challenge and fun of

competitive pistol shooting and promoting the [U.S. Practical Pistol Shooting Association](#) appeared in newspapers recently. Travis Tomasi [is profiled](#) in the Kirkwood (Wash.) Reporter for adding the USPSA Area 1 Limited Division title to his Area 5 and 7 titles, all earned in June. “I was just immediately hooked,” Tomasi said of the sport. “The combination of speed and accuracy is awesome. It’s like racing with a firearm.” The Fresno (Calif.) Bee reported on Brad Holt [capturing the Production Division title](#), also at the Area 1 competition in Sherwood, Ore., which attracted 300 shooters.

- **COLORADO CONGRESSMAN TO PUSH FOR USE OF P-R FUNDS FOR RANGES . . .** Rep. Mark Udall says he [will introduce legislation](#) this week that will allow states to use up to 10 percent of Pittman-Robertson Wildlife Restoration Act moneys they receive to buy land for public shooting ranges, to develop shooting ranges and to maintain them. Udall, in his announcement, said his legislation would also allow P-R funds to roll over from year to year.
- **ATF COMMENT ON HELLER DECISION . . .** ATF Acting Director ATF Michael J. Sullivan released the following statement on the recent Supreme Court decision in District of Columbia et. al. v. Heller: "ATF is pleased with the Supreme Court's ruling recognizing that the Second Amendment protects an individual right to possess firearms, including for private purposes unrelated to militia operations. The court's ruling is in accordance with the text of the Second Amendment, historical practice, and the Attorney General's 2001 guidance on the scope of the Second Amendment, and is consistent with the bureau's understanding of the scope of the Second Amendment. The Bureau also is pleased that the court appropriately made clear that nothing in [the] ruling casts doubt on the constitutionality of 'longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.' In addition, the court appropriately recognized that the 'carrying of dangerous and unusual weapons,' such as machineguns, is not protected by the amendment. The bureau is studying the decision, but expects that it will not affect its continued enforcement of all existing federal firearms laws."
- **SPORTSMEN PONDER IMPACT OF BUDWEISER SALE . . .** The recent sale of the Anheuser-Busch Companies to Belgian conglomerate InBev has potential implications for the entire sports community. Budweiser and the other A-B brands have been major advertisers on televised sporting events—to the tune of \$218,000,000 a year—and also perennial major sponsors of outdoor sporting and conservation organizations. The National Shooting Sports Foundation, the National Fish and Wildlife Foundation, Ducks Unlimited and the American Trap Shooting Association are among the many groups which are supported by, or partner with, Budweiser. At this point, InBev’s future marketing approach is not known, but with hundreds of millions of dollars in play, for sure the whole sports world is watching.

**CCRKBA--NEWS RELEASE****BLOOMBERG ANTI-GUN 'SOUL-MATE' KILPATRICK NOW A CELLMATE; SHOULD RESIGN, SAYS CCRKBA**

Anti-gun Detroit Mayor Kwame Kilpatrick – jailed for violating terms of his bond as he faces trial on eight felony counts – should resign before bringing any more disgrace to his office, the Citizens Committee for the Right to Keep and Bear Arms said today.

Kilpatrick is a prominent member of New York Mayor Michael Bloomberg's anti-gun Mayors Against Illegal Guns coalition. The irony, said CCRKBA Legislative Affairs Director Joe Waldron, is that because the mayor is under indictment, he cannot possess a firearm.

"Here's a guy who was very quick on the political trigger by joining Bloomberg's coalition of gun-grabbing municipal chief executives," Waldron observed, "but he really misfired when he violated his bond agreement and crossed the border into Canada last month without telling the court in advance. The behavior that got him into this legal quagmire suggests that Kilpatrick considers himself above the law.

"No wonder he's pals with Michael Bloomberg," Waldron continued. "New York's mayor is lucky he's not facing charges for that vigilante gun shop sting operation he mounted two years ago because it interfered with legitimate federal investigations. Did Kilpatrick think that he would also avoid trouble, even though he lied under oath about a relationship he had with his former chief of staff?"

Waldron said Kilpatrick "is hardly the face I'd want representing any group of mayors, if I were Michael Bloomberg."

"Mayors Against Illegal Guns has been campaigning against a constitutionally-protected, fundamental civil right under the guise of crime control," Waldron stated, "claiming some kind of moral high ground in the process. Yet one of their key members is now under indictment for perjury, misconduct and obstruction of justice, and he's been jailed for violating provisions of his bond agreement.

"Bloomberg ought to be real proud of this guy," he concluded.

-END-

**GOA NEWS RELEASE--** Wednesday, July 30, 2008

**Senate Vote Is Good News For Gun Rights** -- GOA thanks activists for sending thousands of e-mails to the Senate prior to vote

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>

**Gun owners won an important vote in the U.S.**

**Senate this week**, when more than three dozen senators stood with Republican Sen. Tom Coburn of Oklahoma in his battle against Majority Leader Harry Reid of Nevada.

Reid fell eight votes short on Monday of stopping Coburn, who has been using parliamentary maneuvers to keep anti-gun legislation (and pork) from coming to the Senate floor for votes.

Sen. Coburn has placed a "hold" on more than 80 bills since January of last year -- including the bill which recently extended the National Parks gun ban to the Washington-Rochambeau trail.

Under the rules, one senator may block the progress of an objectionable bill by issuing a "hold" -- a maneuver which prevents a bill from speedily moving through the legislative process.

The frustrated dictator of the Senate (a.k.a. Reid) combined 36 of the bills which have come under Coburn's ire into a big omnibus bill and added all kinds of pork to entice senators into supporting the measure. Nevertheless, Reid still fell eight votes short of what was needed to defeat Coburn's holds.

GOA wants to thank all of you who took the time during the last week to urge your senators to stand with Coburn!

**VETERANS DISARMAMENT UPDATE**

In other Senate news, Richard Burr's bill to repeal large parts of the Veterans Disarmament Act is gaining steam. The Republican senator from North Carolina introduced the Veterans Protection Act (S. 3167) after President Bush signed a gun ban into law this year -- a law which, among other things, disarms military veterans who have been diagnosed with PTSD.

The Burr bill, which now has 18 cosponsors, would protect the rights of military veterans and make it more difficult for the Veterans Affairs to deny them their Second Amendment rights.

GOA members should have received their latest newsletter by now. This issue contains a key update on the Veterans Protection Act in the House (introduced by Rep. Virgil Goode) and answers frequently asked questions by gun owners such as: what should I do when I'm denied by the Brady Check and can I run a NICS check on myself?

If you're not receiving the GOA newsletter, please go to <http://www.gunowners.org/ordergoamem.htm> to get your members-only subscription today!

**ACTION:**

1. Continue asking your two senators to stand with Sen. Coburn in defying the strong-arm tactics of Majority Leader Reid. Further to that, urge them to cosponsor Coburn's bill (S. 2807) repealing the gun ban in the National Parks. You can visit the Gun Owners Legislative

Action Center at <http://www.gunowners.org/activism.htm> to send your Senators the pre-written e-mail message below.

2. Make sure you check out the latest GOA newsletter and mail the enclosed postcards in support of the Veterans Protection Act if you have not already done so. Thank you!

----- Pre-written letter -----

Dear Senator:

I was very happy to hear that the Senate stood with Tom Coburn and refused to vote for Harry Reid's pork-laden omnibus bill on Monday, July 28.

I applaud Senator Coburn's efforts to return our government to a constitutional basis, and I hope that the Senate will act on his bill to repeal the National Park Service gun ban (S. 2807).

Please stand with Sen. Coburn against the strong-arm tactics of Sen. Reid and support the repeal of the NPS gun ban.

Sincerely,

## News links

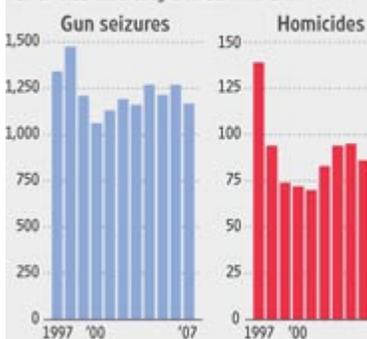
### 08/08/05 Going After Crimes -- and Guns

RICHMOND, Va. -- The National Rifle Association and the Brady Campaign to Prevent Gun Violence rarely agree on anything related to gun laws. But both support a law-enforcement program in Richmond that targets gun crimes.

The Supreme Court's Second Amendment decision in June that struck down restrictions on individual gun ownership caused city officials nationwide to worry that they could see an increase in gun violence. It also renewed interest in Richmond's efforts to combat it. The city has already reduced firearm-related violence dramatically. It has done so not by making gun purchases more difficult -- Virginia is one of the easiest places to legally buy a handgun -- but by severely punishing all gun crimes, including those as minor as illegal possession.

#### Safety On

The number of homicides in Richmond, Va., dropped after the city adopted stricter penalties for crimes involving a firearm in 1997.



Sources: Bureau of Alcohol, Tobacco, Firearms and Explosives (gun seizures); Richmond Police (homicides)

The decade-old program is credited with reducing the number of guns on the streets by 31% in its first year, 1997. By 2007, the city registered 56 murders, down from 112 in 1996, the last full year before the program was implemented. Armed robberies dropped nearly a third.

"What they're doing in Richmond isn't brain surgery," says Bureau of Alcohol, Tobacco,

Firearms and Explosives

spokesman Mike Campbell. "They are sitting down and working for a common goal: put the mopes with the guns in jail. Word spreads when you do that."

Dubbed Project Exile, the program forms the foundation of a series of local, state and federal law-enforcement partnerships. It focuses on the city's most violent areas and hands out harsh sentences for any crime involving a firearm, a move that runs counter to traditional city tactics of barring gun stores and crafting onerous licensing requirements.

With concern over crime rising amid budget cuts to local law enforcement, a small but growing number of law-enforcement officials view Project Exile and the cooperative efforts in Richmond as a way to further accelerate the decline. Other cities, including Springfield and Peoria in Illinois have visited to see what Richmond is doing.

Although the NRA is challenging gun laws in various cities such as San Francisco and Chicago, it supports Richmond's efforts.

"By prosecuting them they prevent the drug dealer, the gang member and the felon from committing the next crime," says NRA Executive Vice President Wayne LaPierre. "Leave the good people alone and lock up the bad people and dramatically cut crime."

Although it wants more done to tamp down the supply of guns, the Brady Campaign to Prevent Gun Violence also supports Richmond's efforts, says Peter Hamm, Brady spokesman. The organization supports any measure that reduces violent crime, which the Richmond effort is doing, he says.

Before Project Exile began in 1997, Richmond had the third-highest murder rate in the nation, according to Federal Bureau of Investigation statistics. Guns were the weapons of choice. That year, then Deputy Assistant U.S. Attorney James Comey and Assistant Federal Prosecutor David Schiller promised 100% prosecution of gun crimes. They ran television and radio ads. A 40-foot city bus was emblazoned with the message: "An Illegal Gun Gets You 5 Years in Federal Prison." Bail was unlikely, parole nonexistent, and inmates facing federal time were more likely to be sent to prisons out of state.

As Project Exile has matured, the marketing campaign has toned down and it has become the basis for a larger cooperative effort. The tough penalties are still in place, but the state has added gun-related penalties of its own, some more severe than federal punishment. At a bimonthly meeting, a team of police, agents and state and federal prosecutors determine in which venue they will bring a case to ensure the maximum possible penalty.

"Whether you take a person state or federal, that person's gone," says David McCoy, the interim Richmond police chief. "The goal is to address violent crime and get violent criminals off the street."

In the 1990s other jurisdictions created similar programs to Exile and like Richmond had initial reductions in gun violence. They experienced a similar rise in that violence in the early 2000s. Violent crime dropped nationally in 2007 after a two-year rise -- even as violent crime continued to go up in smaller cities.

Richmond, however, seems to have overcome at least one obstacle that has endured elsewhere. Although state and federal agencies talk cooperation, there are turf wars -- and agencies aren't always as collegial as they are in Richmond.

But Richmond doubled down on the cooperation among state and federal agencies. The eight federal, state and local law-

enforcement agencies and federal and state prosecutors meet regularly almost like one super police force determining where to deploy personnel.

In one example of cooperation, agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives and the FBI took a case to ease the workload on local authorities, says Brian Swann, who heads the ATF office here. The defendant killed a man who was trying to steal his crack cocaine. Although murder cases aren't usually federal, this one involved a firearm and drugs, and so could be moved to federal court. The defendant got life plus 40 years.

North of downtown, Mr. Swann and fellow ATF agent James Panos cruise in an unmarked car. While the agents conduct investigations, they also patrol like city police, engaging citizens and talking to potential suspects, "just to let them know we're here and keeping an eye on them," Mr. Swann says.

The agents respond to all murders in their sectors, as well as all shootings. The other local, state and federal agencies conduct similar operations.

"If we get called out" and someone identifies a suspect as Peanut, "I expect my guys to know who 'Peanut' is, who his grandmother is, who he hung out with last night," Mr. Swann says.

Residents have become accustomed to the agents and wave from porches as they drive by. One house is pockmarked from an old shooting. Nearby, Mr. Panos identifies several people familiar to authorities. One was the subject of a 2006 raid at his home where three guns and 10 grams of crack cocaine were seized. "We couldn't tie him to the guns," Mr. Panos says.

Further along, another young man eyes the car warily. He is known around the neighborhood as a low-grade drug dealer, but one who refuses to carry a gun, Mr. Panos says.

It is quiet for the moment, even in the Providence Park area where there were six shootings earlier this year. State, local and federal officials descended on the area and things have calmed down. "Maybe we'll be out of a job one day," says Mr. Panos. [http://online.wsj.com/public/article/SB121789872887012221.html?mod=2\\_1563\\_topbox](http://online.wsj.com/public/article/SB121789872887012221.html?mod=2_1563_topbox)

#### **08/08/05 Pregnant motorcyclist shot**

NEVILLE TWP. - The .223-caliber bullet that was removed from Alisa Musser's side Saturday night would make an interesting addition to her baby's scrapbook - if police ever release that piece of evidence.

Musser, who is four months' pregnant, was shot by what appears to have been a stray bullet while she was riding on the back of a motorcycle Saturday night on Neville Island.

Miraculously, the fetus wasn't hurt and the expectant first-time mother from Mount Oliver was recovering at home Monday afternoon. Musser, 26, said she planned to stay off motorcycles until at least after her baby is born.

"The Lord definitely had a helmet on my baby," said Musser, who is taking the week off from her job at Michael's Arts and Crafts at the Waterfront in West Homestead while she recovers.

State police said Musser was shot around 5:30 p.m. Saturday while on the Interstate 79 off-ramp to Neville Township. Cpl. Jennifer Brown said it didn't appear that Musser was targeted by a shooter, but rather that she was struck by a stray bullet, perhaps

from a nearby shooting range.

An investigation was ongoing Monday.

Musser said she thought another vehicle had kicked up a rock or piece of glass.

"I didn't know what the heck it was, but it hurt like hell," said Musser, who was en route to a friend's house a couple of blocks away in Neville.

When Musser got to the house, she said she looked down at her left side and saw blood oozing through the two shirts she was wearing. She went to Sewickley Valley Hospital, where doctors removed the bullet, and was transferred to Pittsburgh's Allegheny General Hospital for further evaluation.

"When they said it was a bullet, I just lost it and started shaking. I started thinking about what could've happened. I feel so lucky," Musser said.

Keith McElrath, president of the Coraopolis Sportsmen's Club in Robinson Township, about a mile from where Musser was shot, said there was a chance that the bullet came from the club's outdoor shooting range.

"But if it did, the person would had to have shot away from the range. Our backstop doesn't point that way," said McElrath, who wasn't at the club Saturday night.

McElrath said state police had been to the club, which has 600 members, earlier in the day to collect the club's sign-in logbook from Saturday. McElrath said he planned to post a sign at the club reminding members to sign in before using the range and to exercise caution when out there.

"I don't know if it (the bullet) came from here, but I'm just glad the lady is OK and her baby is going to be fine. It would have ruined the rest of my life if something worse would have happened," McElrath said.

[http://www.ellwoodcityledger.com/site/news.cfm?dept\\_id=563781&newsid=19893625](http://www.ellwoodcityledger.com/site/news.cfm?dept_id=563781&newsid=19893625)

#### **08/08/03 Unique law lets police seize guns before a crime is committed**

HARTFORD -- Using a unique state law, police in Connecticut have disarmed dozens of gun owners based on suspicions that they might harm themselves or others.

The state's gun seizure law is considered the first and only law in the country that allows the confiscation of a gun before the owner commits an act of violence. Police and state prosecutors can obtain seizure warrants based on concerns about someone's intentions.

State police and 53 police departments have seized more than 1,700 guns since the law took effect in October 1999, according to a new report to the legislature. There are nearly 900,000 privately owned firearms in Connecticut today.

Opponents of a gun seizure law expressed fears in 1999 that police would abuse the law. Today, the law's backers say the record shows that hasn't been the case.

"It certainly has not been abused. It may be underutilized," said Ron Pinciario, coexecutive director of Connecticut Against Gun Violence.

Attorney Ralph D. Sherman has represented several gun owners who had their firearms seized under the law. His latest client was denied a pistol permit because the man was once the subject of a seizure warrant.

"In every case I was involved in I thought it was an abuse," said Sherman, who fought against the law's passage.

The report to the legislature shows that state judges are inclined to issue gun seizure warrants and uphold seizures when challenged in court.

Out of more than 200 requests for warrants, Superior Court judges rejected just two applications — one for lack of probable cause, and another because police had already seized the individual's firearms under a previous warrant. Both rejections occurred in 1999. The legislature's Office of Legislative Research could document only 22 cases of judges ordering seized guns returned to their owners.

Rep. Michael P. Lawlor, D-East Haven, is one of the chief authors of the gun seizure law. In his view, the number of warrant applications and gun seizures show that police haven't abused the law.

"It is pretty consistent," said Lawlor, the House chairman of the Judiciary Committee.

Robert T. Crook, the executive director of the Connecticut Coalition of Sportsmen, questioned whether police have seized more guns than the number reported to the legislature. Crook said the law doesn't require police departments or the courts to compile or report information on gun seizures. The Office of Legislative Research acknowledged that its report may have underreported seizures.

"We don't know how many guns were actually confiscated or returned to their owners," Crook said.

Police seized guns in 95 percent of the 200-plus cases that the researchers were able to document. In 11 cases, police found no guns, the report said.

Spouses and live-in partners were the most common source of complaints that led to warrant applications. They were also the most frequent targets of threats. In a Southington case, a man threatened to shoot a neighbor's dog.

The gun seizure law arose out of a murderous shooting rampage at the headquarters of the Connecticut Lottery Corp. in 1998. A disgruntled worker shot and killed four top lottery officials and then committed suicide.

Under the law, any two police officers or a state prosecutor may obtain warrants to seize guns from individuals who pose an imminent risk of harming themselves or others. Before applying for warrants, police must first conduct investigations and determine there is no reasonable alternative to seizing someone's guns. Judges must also make certain findings. The law states that courts shall hold a hearing within 14 days of a seizure to determine whether to return the firearms to their owners or order the guns held for up to one year.

Sherman said his five clients all waited longer than two weeks for their hearings. Courts scheduled hearing dates within the 14-day deadline, but then the proceedings kept getting rescheduled. In one client's case, Sherman said, the wait was three months.

Many gun owners don't get their seized firearms back. Courts ordered guns held in more than one-third of the documented seizures since 1999. Judges directed guns destroyed, turned over to someone else or sold in more than 40 other cases.

A Torrington man was one of the 22 gun owners who are known to have had their seized firearms returned to them.

In October 2006, Torrington police got a seizure warrant after

the man made 28 unsubstantiated claims of vandalism to his property in three-year period. In the application, police described the man's behavior as paranoid and delusional. They said he installed an alarm system, surveillance cameras, noise emitting devices and spotlights for self-protection. They also reported that he had a pistol permit and possessed firearms.

A judge ordered the man's guns returned four months after police seized them. The judge said the police had failed to show the man posed any risk to himself or others. There also was no documented history of mental illness, no criminal record and no history of misusing firearms. "In fact, the firearms were found in a locked safe when the officers executed the warrant," the ruling said.

Lawlor and Sherman weren't aware of any constitutional challenges to the law, or any state or federal court rulings on the question of its constitutionality.

Lawlor said there have been no challenges on constitutional grounds because of the way the law was written. "The whole point was to make sure it was limited and constitutional," he said. Sherman said it is because the law is used sparingly, and because a test case would be too costly for average gun owners.

Lawlor, Crook, and Sherman don't see the legislature repealing or revising the gun seizure law. Pinciario said Connecticut Against Gun Violence doesn't see any reason why lawmakers should take either action.

"The bottom line from our perspective is, it may very well have saved lives," Pinciario said.

Crook and Sherman said law-abiding gun owners remain at risk while the gun seizure law remains on the statute books.

"The overriding concern is anybody can report anybody with or without substantiation, and I don't think that is the American way," Crook said. <http://www.rep-am.com/News/357596.txt>

#### **08/08/01 A trusted Pa. gun-control ally ... and NRA spy?**

Mary McFate was the kind of volunteer the gun-control movement in Pennsylvania prized. By all accounts, she was dedicated and diligent, humble enough to stuff envelopes yet bold enough to lobby U.S. senators.

Now it seems that the CeaseFire PA board member may have been more versatile than anyone could have imagined. According to Mother Jones magazine, she was a spy for the National Rifle Association.

Mother Jones reported that McFate was in fact Mary Lou Sapone, who made headlines in the 1990 when it was revealed that she had been hired by a surgical-equipment company to infiltrate the animal-rights movement.

As McFate, the magazine reported, Sapone covertly infiltrated gun-control groups for more than a decade and received payment from private security firms and the NRA.

During that time, she inserted herself into some of the most important gun-control organizations in the country and was part of discussions on national strategy and policy. She lived in Grove City, Pa. - between Pittsburgh and Erie - and apparently moved to Florida several years ago.

As evidence of Sapone's role, the magazine cited a 2003 deposition by Tim Ward, former president of the Maryland-based security firm Beckett Brown International. Ward testified

that he hired Sapone to gather intelligence for the NRA, according to the article.

How did the magazine connect McFate to Sapone? It called McFate's home phone number and asked for Sapone. The woman who answered acknowledged that she was Sapone, the magazine said. Phone listings show both names at that number.

Attempts to reach McFate/Sapone at her home phone in Sarasota, Fla., or by e-mail were unsuccessful. The NRA did not return requests for comment.

Phil Goldsmith, president of CeaseFire PA, said he had also tried to reach McFate after publication of the Mother Jones article Wednesday, to no avail. He said he would ask the 17-member board to remove McFate in the next 10 days if he did not hear from her.

"If I wasn't 63 years old and seen a lot in my life, I would have been shocked," said Goldsmith, a veteran of city politics as managing director to Mayor John F. Street.

The Freedom States Alliance, a coalition of nine gun-control organizations from New England to Minnesota, decided not to wait to hear from McFate; the group threw her off its board yesterday by conference call.

"She was in the room for discussions about what legislative goals would be set, what the strategy would be to pursue those goals, and was, it appears, being paid to share that information with the gun lobby," said Freedom States Alliance board member Angus McQuilken. "It is shameful."

McQuilken and others were quick to criticize, and to mock, the NRA.

"It's surprising that the NRA had nothing better to do but put a mole into an organization such as CeaseFire PA," said City Councilwoman Donna Reed Miller, who is locked in a legal battle with the state over gun-control legislation she cosponsored with Councilman Darrell Clarke. "It must mean they're afraid of something."

"It shows what radical ideologues have to do when they don't have the public or citizens on their side. They cheat," said Joe Grace, executive director for CeaseFire PA.

But the overriding emotion yesterday seemed to be not outrage but befuddlement at how McFate, seemingly one of the more militant members of the movement, could have pulled it off - and why.

"She must be very good at what she does, because a whole bunch of very smart people were completely hoodwinked by this," said Diane Edbril, CeaseFire PA's executive director between 2004 and 2007.

Edbril hosted McFate at her Radnor home in July 2007, when McFate flew up from her home in Sarasota to attend a CeaseFire PA board meeting.

"She was in my guest room. Was she looking through stuff in my house?" Edbril was asking herself yesterday.

Ona Hamilton, whose local Million Mom March group evolved into CeaseFire PA in 2002, asked McFate to be on CeaseFire PA's first board. McFate at the time was a board member for Pennsylvanians Against Handgun Violence. Hamilton said McFate would rail against her fellow board members in that organization for being too soft on the NRA, Hamilton said.

McFate did so much grunt work and provided so many helpful ideas that both Hamilton and Edbril suggested that, spy or not, she may have been a positive influence.

"I actually think she helped the movement rather than hurt the movement through all her volunteer efforts," Hamilton said. "I just don't see what she could have gained in terms of damaging information."

Hamilton last spoke to her friend in 2005, when McFate was trying to get elected to the national board of the Brady Campaign to Prevent Gun Violence. Hamilton voted for her; McFate still lost.

Bryan Miller, executive director of Ceasefire NJ, first met McFate in 1998, when she was in Philadelphia protesting an NRA meeting.

"We thought she was sort of a flake and not so bright, but hardworking and ready to show up for anything," Miller said.

"But she was always there, when I think about it," Hamilton said.

"She was always there."

[http://www.philly.com/philly/hp/news\\_update/26170194.html](http://www.philly.com/philly/hp/news_update/26170194.html)

### **08/07/30 Man sought in McKees Rocks bar shooting in custody**

A man wanted in connection with a weekend shooting at a McKees Rocks bar surrendered to Allegheny County police yesterday.

Marlin Jackson, 28, faces four counts of aggravated assault, four counts of reckless endangerment and one count of carrying a firearm without a license.

The shooting occurred at 1:16 a.m. Sunday at Becker's Cafe in the Bottoms section of McKees Rocks. Two men and two women suffered gunshot wounds and were taken to Allegheny General Hospital.

Mr. Jackson, listed at an East End address, already had a jury trial pending Sept. 23 before Allegheny County Common Pleas Judge Randal B. Todd on two firearms violations from an April 2007 arrest by Pittsburgh police.

He is being held at the Allegheny County Jail.

<http://www.post-gazette.com/pg/08212/900377-57.stm>

### **08/07/30 AP: Abuses by Pa. constables persist; reform urged**

HARRISBURG, Pa. (AP) -- Valerie Hubbard was half asleep in her 11-year-old son's bedroom just before midnight - they had been watching "Ratatouille" on DVD - when three constables crashed through the locked first-floor door of her apartment house.

She did not know they were there to arrest her for unpaid parking tickets.

"I was scared to death," she said. "They made me feel like I was a real criminal, like I had done this terrible thing."

In 1998, state prosecutors asked the Pennsylvania Legislature to regulate and rein in constables, citing complaints around the state of constables being too heavy-handed or in many cases acting criminally. But lawmakers balked; constables are independent contractors who are elected locally and carry out work for local judges, and they did not want to interfere with local control.

Ten years later, despite some local tightening of regulations, the system remains plagued by problems that continue to demonstrate a need for reform, The Associated Press found.

In a review of court records, government files and news accounts, the AP was able to identify dozens of cases of serious misconduct by constables over the past decade. And in interviews with judges, prosecutors, defense lawyers, police and county government officials, the AP found widespread belief the system remains wide open to abuse by armed constables who operate with minimal training and little oversight.

There are virtually no qualifications to hold the office, a vital cog in Pennsylvania's justice system. Constable duties include making arrests for warrants, serving civil papers and transporting prisoners for the low-level district courts.

Training and equipment are often far below police standards. The constables' unusual legal status as independent contractors means they exercise considerable legal authority with virtually no supervision or accountability.

Many judges, prosecutors and police officers believe oversight and standards are too weak - and some of the state's longest-serving and most respected constables agree.

"The good constables, which are the majority, want those bad apples out," said Chuck Benhayon, a Bucks County constable who serves on the Constables' Education and Training Board. "Any time you have people in power you're going to have problems."

Some also worry about unreported abuses.

"Their work is very hidden, and they deal with individuals within the criminal justice system who don't have much lobby power, influence or sympathy," said Blair County President Judge Jolene Kopriva, interviewed during a canvass of county judges. "So they are individuals who can be taken advantage of easily. Not many people would care."

#### A LITANY OF ABUSES

The AP found cases over the past decade in which constables have been caught molesting children, having sex with prisoners and stealing court funds. One was apprehended by the attorney general's child predator unit seeking a sexual liaison with someone he thought was a 14-year-old girl.

Constables have been convicted of federal weapons and tax evasion charges. A Johnstown constable was a leader of the Ku Klux Klan, and an Erie constable was barred from performing court work after being accused of discriminating against blacks.

A constable in Altoona accidentally discharged his gun inside a courtroom, several have been accused of threatening people with weapons, a veteran Butler County constable died of a heroin overdose and several constables have been accused of illegally impersonating police, even pulling over motorists.

The 1966 shooting of a fellow Marine during the Vietnam War by the president of Chester County's constable association surfaced in 2000 when authorities realized that the man - who also was mayor of tiny Modena borough - should not be carrying a gun.

Ron Meyers Jr. shot a friend in the shoulder and then killed himself in 2006, two-and-a-half years after he had been elected Northampton borough constable in on the strength of 16 votes. The local district justice, who remembered Meyers' criminal record for passing bad checks, refused to swear him in or give

him any court work, but that did not prevent him from taking office.

Five years ago in Ford City, about 30 miles northeast of Pittsburgh, 21-year-old Constable James W. Schaffhauser murdered his girlfriend - shooting her five times in the head and chest - and then killed himself over the breakup of their two-month relationship. Schaffhauser, a mall security guard, was described by the coroner as a "cop wannabe" who adorned his ammunition-stocked home with police memorabilia.

In a highly publicized 2003 incident, constables serving a warrant for a couple dozen unpaid parking tickets killed three dogs in an 11-bullet fusillade unleashed inside an Allentown home. The house was occupied at the time by several adults and three children, none of them injured. The subsequent federal civil-rights lawsuit was settled for \$320,000.

And in Harrisburg, Constable Peter J. Wirs served jail time for theft after police charged him in 1998 with fraud in ordering 23 Crown Victorias from a car dealership as he embarked on a bizarre effort to expand the traditional duties of constables by investigating prostitution and pulling over motorists.

#### INDEPENDENT CONTRACTORS

State law allows for removal of constables by county president judges under certain circumstances, but the procedure is rarely used. Some believe the existing removal procedure would help address the problems if it were employed more often.

"I don't think anybody wants to get involved, to be honest with you," said Thornton Constable Jack Esher, president of the Pennsylvania State Constables Association. "I think the process for fixing it is already in place. I think that they're just not doing it."

The precise number of constables who hold office in Pennsylvania, like much about the current system, is unclear. Ten years ago, the National Constables Association counted some 6,000 Pennsylvania constables among nearly 13,000 nationwide.

Only about 1,200 Pennsylvania constables have completed the training and maintained the liability insurance required to perform court-related duties, according to the Pennsylvania Commission on Crime and Delinquency. About 800 others have voluntarily registered with the commission but are not certified for court work.

Perhaps as many as a couple thousand more have been elected in local races and qualify for special "peace officer" arrest powers under state law. They are entitled to serve as paid security at polling places on election day, but without state training and certification they cannot work for the courts.

Some were elected by just a few write-in votes they did not solicit and have no interest in the job.

However many there are, constables are independent contractors under a 1991 Pennsylvania Supreme Court decision that moved them out of the judiciary and into the executive branch.

Their duties are spelled out in state law, and some counties have imposed their own sets of regulations. They operate throughout the state, although Philadelphia uses a different system and in two small counties, Forest and Sullivan, no local constables currently hold office.

The high court ruling, which dealt with separation-of-powers concerns, landed constables in a sort of regulatory no-man's-land

and has complicated efforts to deal with problems such as fraudulent billing, residency issues, conflicts of interest and compliance with ethics disclosure rules.

In 2006, 973 constables failed to file the required statement of financial interests with the State Ethics Commission, and the ethics board had to initiate 40 enforcement actions. Twenty-seven cases landed in Commonwealth Court.

The state crime commission oversees what limited training currently exists: 120 hours for new constables who also want to carry a gun - compared with the more than 750 hours of basic training required for both deputy sheriffs and police officers.

The position of constable is a remnant of Colonial times - they served as the only law enforcement officers in many of the state's remote areas until the state police were established early in the 20th century. They are elected to six-year terms.

#### AT WHAT PRICE?

For all the problems with constables, court officials describe most of them as honest and hardworking, and there is agreement that increased training requirements have improved their level of professionalism over the past 15 years.

They handle a massive amount of work for the district judges, who preside over traffic cases, less serious crime and minor civil disputes and arraign and set bail for those accused of more significant offenses.

"Every county that utilizes constables (is) getting more than their money's worth," said Esher, head of the constables' association. "Otherwise, they wouldn't be giving them the work that they're giving them."

But critics argue the constable system has long outlived its usefulness, calling it prone to corruption, inefficient and so deeply flawed that it ought to be scrapped and its duties and \$30 million annual cost turned over to county sheriffs' offices.

"There are some people out there doing a good job, but the system itself doesn't work," said Bruce Edwards, president of the state troopers' union. "It doesn't need to be overhauled, it needs to be gotten rid of."

Doug Hill, executive director of the County Commissioners Association of Pennsylvania, said the search for an alternative approach has run into a major problem - finding a branch of government willing to supervise constables.

"The last time this was considered, we said we don't want to do it," Hill said. "The sheriffs don't. The courts don't. The district attorneys don't."

#### NO STATEWIDE STANDARDS

Constables are elected in the area where they live but can work anywhere in the state. They get work through the district judges, and a successful constable will often work for several judges at one time.

The judges are also elected - some are themselves former constables - and many critics say the interdependent relationship between the two offices can become problematic. Constables rely on judges for work, judges need constables to get their papers served, and the two often draw from similar bases of political support.

"I don't think (the judges) really do a very good job of screening and determining qualifications," said Royce L. Morris, president of the Pennsylvania Association of Criminal Defense Lawyers.

"There could be nepotism going on there," he said. "The constable could be related to a friend or family member" of the judge.

Under state law, constables are paid according to a schedule that, for example, gives them \$38 to transport an incarcerated prisoner - plus mileage and \$13 an hour - and \$25 to serve a criminal warrant. Most of their payments come from court fees paid by defendants.

Despite having to pay their own overhead, some constables do quite well under the current system: an AP analysis of Pennsylvania court system records showed 33 constables earned at least \$70,000 last year. Ten earned more than \$100,000.

The rules under which they operate are a quintessentially Pennsylvanian patchwork. In fact, a \$300,000 consultant to the crime commission in November recommended more standardized job descriptions, procedures, equipment and warrant tracking methods.

After surveying hundreds of constables, Fairfax, Va.-based Caliber wrote that there was widespread disagreement about the limits of their power "yet a clear understanding of power and duty is a fundamental element of sound law enforcement work."

Those recommendations have not been adopted.

[http://hosted.ap.org/dynamic/stories/P/PA\\_ROGUE\\_CONSTABLES\\_I\\_PAOL-?SITE=PASC&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/P/PA_ROGUE_CONSTABLES_I_PAOL-?SITE=PASC&SECTION=HOME&TEMPLATE=DEFAULT)

#### 08/07/30 Vegas police: Jerry Lewis cited for gun in luggage

LAS VEGAS - Police say they have confiscated a gun belonging to Jerry Lewis that was found in the 82-year-old entertainer's carryon bag as he prepared to fly to Detroit from Las Vegas.

Las Vegas policeman Bill Cassell said Tuesday that the actor was cited Friday for carrying an unloaded concealed weapon at the Las Vegas airport.

Lewis' manager, Claudia Marghilano, says the handgun is a hollowed-out prop gun that Lewis sometimes twirls during his show. She tells The Associated Press that the gun couldn't fire.

Marghilano says Lewis didn't know the gun was in the bag along with other props.

Cassell says if the gun were merely a prop "it wouldn't be a weapon and we couldn't cite him for carrying a weapon."

<http://www.philly.com/philly/wires/ap/entertainment/movies/26090079.html>

#### 08/07/30 Activists decry pigeon shoot planned for Berks

A secretive pigeon shoot that may involve birds kidnapped from the streets of New York City is slated this weekend near Reading, according to the Humane Society of the United States.

Many animal activists thought that the practice of blasting birds sprung from traps for a prize had largely disappeared with the end of the notorious Hegin, Pa., pigeon shoot in 1999.

They were angered to learn of a shoot, by invitation only, that the HSUS said is planned for tomorrow through Sunday at the Strausstown Gun and Rod Club in Strausstown, Berks County.

The HSUS called it "the largest pigeon shoot of the year in Pennsylvania."

A woman who answered the phone at the gun club yesterday hung up on a reporter seeking to ask questions about the pigeon shoot.

"They don't like the scrutiny," said HSUS spokeswoman Heidi Prescott.

Prescott said that pigeons netted in New York City "have in the past been sold to this gun club" and a Berks County broker by a New York bird broker.

Strausstown shooters will kill or wound 4,000 to 6,000 birds in a competition to kill the most birds for prizes, Prescott said.

The event was described as a "Calcutta" shoot, involving a type of sports bet.

In response to news of the Strausstown shoot, the HSUS offered a \$2,500 reward for the arrest and conviction of those who "commit acts of animal cruelty before, during or after live pigeon shoots."

The Hegin shoot ended after the state Supreme Court paved the way for anti-cruelty agents to bring charges of animal cruelty against those involved in pigeon shoots. In that action, the court called the shoots "cruel and moronic."

Many pigeons are hit but not killed and can take hours to days to die, activists say.

"Pennsylvania is the last state to openly host these cruel and frivolous events that are on par with other bloodsports like dogfighting and cockfighting that disgrace our culture," Prescott said.

Some consider pigeons nuisance birds.

According to the New York Post, a pigeon broker named Don Bailey is in charge of the Strausstown shoot.

Bailey could not be reached yesterday but last December the Inquirer quoted him as saying that shoots help get rid of vermin. "We kill pigeons. What do you think they [the city] do when they poison birds in Philadelphia?" he said. \*

[http://www.philly.com/philly/hp/news\\_update/26088749.html](http://www.philly.com/philly/hp/news_update/26088749.html)

### 08/07/30 Long Beach police shoot Los Angeles police officer

LOS ANGELES - Long Beach police officers shot and wounded an off-duty Los Angeles police officer early Wednesday, authorities said.

Officer Jason Geggie was shot after Long Beach officers responded to a call about a person brandishing a gun while walking down the street, Long Beach police said.

Long Beach police Sgt. Dina Zapalski said Geggie pointed a gun toward officers. The Long Beach officer who fired his weapon was placed on standard three-day administrative leave, she said.

Geggie, a Long Beach resident currently assigned to the Los Angeles Police Department's central traffic division, was in stable condition at a local hospital with wounds to his arm and torso, Long Beach police said.

The 26-year-old, who has been with the LAPD for a year and a half, was booked for investigation of two counts of exhibiting a firearm in a threatening manner, including once in the presence of a police officer.

Both police departments were investigating the shooting.

[http://www.philly.com/philly/wires/ap/news/nation\\_world/26105239.html](http://www.philly.com/philly/wires/ap/news/nation_world/26105239.html)

### 08/07/29 SWAT Team Honored For Raid On Wrong House

MINNEAPOLIS (WCCO) — On Monday, Minneapolis Police Chief Tim Dolan handed out honors to a team of officers involved in a botched raid at an innocent family's home more than seven months ago. The family is upset and their attorney criticizes the awards and questions the timing.

Just days before Christmas, the sound of intruders breaking into their home in North Minneapolis prompted Vang Khang to grab his shotgun to protect his six children. His terrified wife called 911.

Khang fired several shots at the "intruders" who turned out to be members of the Minneapolis Police Department's SWAT team. The officers returned fire. Their protective gear prevented them from being harmed by the bullets.

No one was hurt in the shootout last Dec. 16 and the Minneapolis Police Chief ordered an internal investigation. The house was left riddled with bullet holes and broken glass. Two days later, Dolan apologized to the family and launched an internal investigation to find out how the SWAT team wound up in an innocent family's house in the middle of the night.

The investigation determined that the team had gone there looking for a gang member's guns after an informant gave investigators in the department's Violent Offenders Task Force bad information. The investigation is ongoing.

On Monday, Dolan recognized members of the SWAT team for their bravery and how they handled the raid. With Mayor R.T. Rybak and other city officials looking on, the chief handed out medals and commendations.

"The easy decision would have been to retreat under covering fire. The team did not take the easy way out," Dolan told the crowd. "This is a perfect example of a situation that could have gone horribly wrong, but did not because of the professionalism with which it was handled."

The Khang family was upset when they learned of the awards given to the SWAT team.

"They were outraged and they were hurt. They were hurt. To this day this family continues to suffer," said their attorney, former U.S. Attorney Tom Heffelfinger.

Heffelfinger said the family has notified the city that they plan to file a lawsuit over the botched raid. He questions the timing and motives for the award.

"Why now are we seeing the police department honoring these men? In this context, I'm convinced this is an effort on the part of the police leadership to sanitize the conduct of their officers on December 16," he said.

"The officers put themselves in harm's way. They were shot at and shot and deserved to be recognized," said Dolan in a statement defending the awards to the SWAT team.

Dolan said an internal investigation conducted by his staff cleared the conduct of the SWAT officers who raided the Khang home.

More than seven months later, the internal review has not finished looking into how the officers and supervisors in the Violent Offenders' Task Force handled the investigative piece of the case which preceded the raid at the Khang home. So far, no one has been disciplined in connection with the mistaken raid.

<http://wcco.com/iteam/swat.team.honored.2.783216.html>

**08/07/29 Fla. guns at work law upheld by federal judge**

JACKSONVILLE, Fla. - Employees with concealed weapons permits can keep guns locked in their cars at work in Florida, but businesses are allowed to prohibit customers from bringing firearms on their property, a federal judge has ruled.

The Florida Chamber of Commerce and the Florida Retail Federation, which challenged the state law that took effect July 1, huddled with their lawyers Tuesday to understand the split decision by U.S. District Judge Robert Hinkle in Tallahassee and decide whether they should challenge it.

Rick McAllister, president and CEO of the retail federation, said he doesn't believe his organization will appeal.

"On balance, it's a pretty good decision," he said. "Are we happy about the employee thing? No. We'll keep working to change the Legislature's mind."

The chamber said it was reviewing both legal and legislative remedies.

"It adds another layer of confusion to the law," said Adam Babington, legal counsel for the Florida Chamber.

However, Marion Hammer, a spokeswoman for the National Rifle Association, called Monday's decision "a huge win for the people."

The NRA pushed for the law's passage in the last legislative session, citing the Second Amendment, which protects the rights of citizens to carry weapons.

"The problem has been corporate giants who think they can control everything their employees do or say or everything that goes on a piece of property," Hammer said. "They are employers, they are property owners. They are not emperors. For crying out loud."

Attorney General Bill McCollum's office does not plan to appeal, spokeswoman Sandi Copes said.

The business groups claimed the law puts employees and customers at risk, infringes on the rights of businesses and violates a federal occupational safety law.

Mark Wilson, the Florida Chamber president and CEO, called the law "a big government solution looking for a problem." But he commended Hinkle for deciding that businesses could ban customers from bringing guns on their property.

More court action and appeals may come, but the judge suggested that attorneys confer on whether they want his preliminary injunction to stand or schedule another hearing in his Tallahassee courtroom to argue the law's merits.

Hammer was unsure if more challenges would come.

"I don't have a crystal ball. Everybody is still reading and rereading the order and figuring out where you go from here. For us this is a huge win," she said.

The Attorney General's Office is reviewing claims by several large corporations that contend they are exempt and can prohibit their employees from bringing weapons onto their property. They include Walt Disney World and Universal Studios.

A Disney security guard was fired on July 8 when he wouldn't let officials search his car. The man had told local media that he planned to challenge Disney's claim that it was exempt from the law by keeping a gun locked in his car.

Under the law, the Attorney General's Office can take civil or administrative action against employers. The law also allows an employee to sue a business if the law isn't followed.

The law exempts other places including schools, nuclear power plants and some government installations.

[http://www.philly.com/philly/wires/ap/news/nation\\_world/26062479.html](http://www.philly.com/philly/wires/ap/news/nation_world/26062479.html)

**08/07/28 Lawsuit filed against new DC gun regulations**

WASHINGTON - The plaintiff in the Supreme Court case that struck down Washington's 32-year-old handgun ban filed a new federal lawsuit Monday, alleging the city's new gun regulations still violate an individual's right to own a gun for self-defense.

Dick Heller and two other plaintiffs argue that the city's regulations are "highly unusual and unreasonable" in the complaint filed in U.S. District Court.

The lawsuit claims the District of Columbia continues to violate the intent of the Supreme Court's June 26 decision by prohibiting the ownership of most semiautomatic weapons, requiring an "arbitrary" fee to register a firearm and establishing rules that make it all but impossible for residents to keep a gun in the home for immediate self-defense.

The D.C. Council was quickly criticized by gun rights advocates when it unanimously passed emergency firearms legislation July 15. The law will remain in effect for 90 days, and the council expects to begin work in September on permanent legislation.

The regulations maintain the city's ban of machine guns, defined in the law as weapons that shoot more than 12 rounds without reloading. That definition applies to most semiautomatic firearms.

Handguns, as well as other legal firearms such as rifles and shotguns, also must be kept unloaded and disassembled, or equipped with trigger locks in the home unless there is a "reasonably perceived threat of immediate harm."

"A robber basically has to make an appointment" for a resident to be able to prepare the weapon for use, Heller's attorney, Stephen Halbrook, said Monday. Halbrook also called the city's definition of machine guns "bizarre."

"The District's ban on semiautomatic handguns amounts to a prohibition of an entire class of arms that is overwhelmingly chosen by American society for the lawful purpose of self defense in the home," the lawsuit alleges.

D.C. interim Attorney General Peter Nickles said the suit came as no surprise and that he expects a long legal fight as the issue makes it way through the courts.

"I think there's a fundamental disagreement with the intent of the Supreme Court's decision," said Nickles, noting that the court's ruling did not give officials much guidance on regulating firearms.

"We don't think the Supreme Court said you can have a loaded gun in the home at all times," Nickles said. He also said the ruling allows the city to regulate weapons that it considers unreasonably dangerous, and he believes that includes semiautomatic handguns.

After the Supreme Court's landmark 5-4 ruling on the Second Amendment, the D.C. Council quickly moved to comply with the ruling, and residents were allowed to begin applying for handguns July 17 for the first time since 1976.

Monday's lawsuit alleges that Heller initially tried to register a semiautomatic Colt pistol, but was denied because D.C. police considered the weapon to be a machine gun.

Besides Heller, the other plaintiffs are Absalom Jordan, whose application to register a .22-caliber pistol was denied, and Amy McVey, who must return to police headquarters two more times to complete the registration of her weapon after being photographed, fingerprinted and undergoing a background check, according to the lawsuit.

Washington's gun ban essentially outlawed private ownership of handguns in a city struggling with violence. But the ban's impact on crime has long been debated, particularly after homicides more than doubled during a crack epidemic in the late 1980s and early '90s.

The city's gun regulations remain among the strictest in the country under the new regulations, according to the Brady Campaign to Prevent Gun Violence.

[http://www.philly.com/philly/wires/ap/news/nation\\_world/25998509.html](http://www.philly.com/philly/wires/ap/news/nation_world/25998509.html)

#### **08/07/27 RI police: 24-year-old son killed parents with hoe**

LINCOLN, R.I. - Authorities charged a man Sunday with killing his parents with a garden hoe and burying their bodies in their backyard cesspool.

James A. Soares, 24, of Warren, did not enter a plea when prosecutors arraigned him at the state police barracks in Lincoln with two counts of murder in the deaths of James A. Soares Sr., 60, and Marian Soares, 53.

He was being held overnight and was to be formally arraigned in district court Monday. A spokesman for the state police did not know whether Soares had a lawyer.

Police would not comment on a motive but said they believe Soares attacked and killed his parents July 9 with a heavy digging tool known as a grub hoe. Police said he then dragged their bodies into an in-ground cesspool at the family's home in Warren, a small town southeast of Providence. Soares lived with his parents.

"It's incomprehensible to think that someone could kill someone that brought them into the world," police Maj. Steven O'Donnell said.

The couple had been reported missing July 15 after they didn't show up for a family reunion.

On Saturday, police used a backhoe to dig up the Soares' backyard and found the bodies. O'Donnell said the grub hoe was found under the senior Soares' body.

Police said the younger Soares was the prime suspect early in the investigation, based on police interviews. He was taken into custody Friday.

Police would not comment on whether Soares confessed and said the investigation was continuing.

In 2002, the elder Soares pleaded guilty to a federal charge of being a felon in possession of firearms. He was sentenced to probation and home confinement.

[http://www.philly.com/philly/wires/ap/news/nation\\_world/25966469.html](http://www.philly.com/philly/wires/ap/news/nation_world/25966469.html)

#### **08/07/27 Confiscation of guns might put a crimp on poachers**

But state fails to win forfeiture right

A legislative effort to restore the Pennsylvania Game Commission's authority in taking away the firearms of wildlife violators has failed.

Under pressure from some gun owners and sportsmen, the House Game and Fisheries committee is expected to remove language dealing with confiscation and forfeiture from House Bill 2205, which is aimed at overhauling penalties for poachers. The committee also tweaked the measure to go easier on first-time violators and get tougher on repeat offenders.

The bill could be voted on this fall, but, given the upcoming general election, it is expected to be reintroduced and acted upon next year. It would require both House and Senate approval.

Amending forfeiture from the bill increases its chance of passage, said committee chair Rep. Ed Staback (D-Lackawanna).

"The [forfeiture] portion of the bill became extremely controversial," he said. "Rather than see the entire bill destroyed as a result, we decided to remove all the [forfeiture] language, and deal with it in another bill down the road. For now, we want to focus on poaching."

Kim Stolfer of the Allegheny County Sportsmen's League and Firearms Owners Against Crime, concerned it would give the Game Commission too much power over personal property rights, lobbied the committee against forfeiture.

"Let's ratchet up the penalties and show we're serious about poaching," said Stolfer, of McDonald. "But leave asset forfeiture out of the game code."

The committee's minority chair, Rep. Sam Rohrer (R-Berks), said the bill's forfeiture language -- modeled after drug forfeiture laws -- was so vague it threatened "far too much of a real or potential infringement on citizens' rights."

In light of what he called a "demonstrated government aggressiveness" in recent years to compromise constitutional rights, "any legislation having to do with taking property away from individuals had better be very carefully crafted and considered."

Game Commission officials said the agency is only interested in firearms, jack lights and other property such as ATVs directly connected to serious violations, and offered to explicitly delete PennDOT-titled vehicles and real estate from the bill.

But that failed to assuage forfeiture critics.

"It would be like putting old tires on a brand new pick-up," said Stolfer.

The committee decided to delete forfeiture altogether and will be given an amended HB 2205 this fall.

The Game Commission had long standing forfeiture authority until 1990, when, in *Commonwealth vs. Reeves*, Commonwealth Court ruled the Game Code didn't provide for due process in keeping a violator's vehicle. The case involved an SUV defendant Gary L. Reeves used to transport poachers. Although he pled guilty, Reeves convinced the court the commission acted without statutory power in keeping his vehicle.

The ruling set precedent, stripping the commission of its forfeiture authority for everything except wildlife and wildlife parts, or obvious contraband, such as marijuana. Legal firearms, knives, spotlights and other items -- even when used unlawfully -- can be seized only for evidence and must be returned to the owner once a case is adjudicated.

Even with statutory authority, the commission would have to convince the court to order forfeiture, as a matter of constitutionally guaranteed due process.

"Without statutory authority, we can't even ask," said Game Commission assistant counsel Jason Raup. "And we haven't asked since Reeves."

Raup said he can recall just two occasions when a judge or district attorney ordered hunting weapons forfeited.

"There were other criminal activities beside wildlife poaching involved, and the guys did something so bad the DA or the judge found some other statutory vehicle with which to do it," he said.

Those cases dramatize the impact forfeiture can have, said commission law enforcement chief Rich Palmer.

"One guy was almost in tears trying to buy his two guns back from us," he said. "He had multiple offenses, a 60-year license revocation, and thousands of dollars in fines, but nothing got his attention like the forfeiture of his guns. His family was offering to pay us far more than they were worth."

The commission does not sell guns back to former owners.

Some critics of Pennsylvania's poaching laws regard the commonwealth as soft on poaching, as compared with other states, although HB 2055 would increase serious offenses to the level of felony and provide for harsher fines and jail time, which is not now allowed under the Game Code.

Separate legislation was introduced this year to enroll Pennsylvania in the Interstate Wildlife Violator Compact, which bans violators in one state from hunting in all member states. Pennsylvania is one of just a few states that hasn't joined.

Raup said forfeiture would have put more teeth in the anti-poaching package, which mostly targets serial offenders.

"Besides jail time and higher fines, they'd know they'd likely lose their weapon," he said. "We prosecuted one guy on three different occasions, and although he was found guilty, we had to give him back his crossbow."

Palmer said wildlife officers in other states tell him forfeiture is effective.

"License revocation and permanent forfeiture of firearms -- especially in states in the compact -- are the two big deterrents," he said. "Firearms are the No. 1 thing. People have a strong emotional attachment to their guns."

Texas Parks and Wildlife Department attorney Boyd Kennedy backs that up.

"We were pretty much where you are until the 1990s," he said. "Fines weren't making the serious offenses go away, so we raised the stakes."

The state legislature increased penalties for poaching, and broadened the wildlife department's forfeiture authority, he said. "Forfeiture is aimed at certain crimes, like hunting without landowner consent or with spotlights, or hunting from a car on the road. And it has worked. We've seen a decline in those offenses."

Col. Peter Flores, director of law enforcement for Texas Parks and Wildlife, agrees forfeiture hits poachers where it hurts.

"We took away a prized Browning rifle, [which] had belonged to a violator's granddaddy, for hunting without landowner consent," he said. "The guy was 27 [years old] but when he got out of jail, he was more afraid of facing his daddy over the loss of a family heirloom."

But Rohrer said what other states do has little bearing here, and the issues at stake affect more than gun owners.

"Every person who values a constitutional right," he said, "to travel, to speak their mind, to do anything -- had better be on heightened alert, because the evidence is clear that there is increasingly a disregard for those rights." <http://www.post-gazette.com/pg/08209/899823-358.stm>

#### **08/07/25 Man charged with shooting lawn mower**

A 57-year-old south side man, who might have been struggling with a hangover, is charged today with shooting his lawn mower with a sawed-off shotgun.

"I'll tell you the truth," a criminal complaint quotes an apparently inebriated Keith Walendowski. "I got pissed because my lawn mower wouldn't start, so I got my shotgun and shot it.

"I can do that. It's my lawn mower and my yard, so I can shoot it if I want," Walendowski told police.

#### **Ignorance of the law, however, is not a legal defense.**

Walendowski is charged with a felony count of possessing a short-barreled shotgun and a misdemeanor count of disorderly conduct while armed. If convicted of both charges, he faces up to six years and nine months in prison.

The shooting occurred Wednesday at a home Walendowski shares with his mother in the 3500 block of S. Austin St.

According to the complaint, Walendowski had been drinking all morning. Around 9:30 a.m., he attempted to start his 21-inch Lawn-Boy - unsuccessfully.

After shooting the mower, he went in his basement, where he was arrested by police, the complaint says.

Police recovered the shotgun, shells, a handgun, rounds for the handgun and a stun gun.

Dick Wagner of Wagner's Garden Mart, 6075 N. Green Bay Ave., said shooting the mower didn't help Walendowski's odds of getting it repaired.

"Anything not factory recommended would void the warranty," he said.

<http://www.jsonline.com/watch/?watch=1&date=7/25/2008&id=43793>

#### **08/07/24 Robbery suspect shot**

A suspected robber was hospitalized last night with a gunshot wound received during the alleged holdup of a man in Collier, Allegheny County police said.

Three people, including the intended robbery target, have been arrested, and a fourth arrest is pending, police said.

The would-be robbery target, Joshua Oravetz, 21, of Scott, called 911 at 8:04 p.m. to report the robbery on Boyds Run Road in Collier.

The suspected robbers had fled by the time police arrived. One of them, Dupree Patterson, 31, of McKeesport, had been shot in the forearm and thigh.

His companions drove him to St. Clair Hospital for treatment.

County police Lt. William Palmer said Mr. Patterson and the two others, Crystal Carson, 19, Bridgeville, and Michael Harshey, 21, Perrysville Avenue, tried to rob Mr. Oravetz at gunpoint.

However, Mr. Oravetz pulled a pistol of his own and began firing, causing his attackers to flee, Lt. Palmer said.

Police suspect Mr. Oravetz had been selling marijuana and that the other three tried to rob him of his money and drugs, Lt. Palmer said.

At the scene, Mr. Oravetz was arrested on charges of aggravated assault and illegal possession of a firearm; no drug-related charges have been filed.

At the hospital, Ms. Carson and Mr. Harshey were arrested on robbery charges.

All three were awaiting arraignment this morning.

<http://www.post-gazette.com/pg/08206/899226-100.stm>

#### **08/07/24 N.J. man sentenced for gun trafficking**

ATLANTA - A New Jersey man has been sentenced to 12 years and seven months in federal prison for heading a gun-trafficking ring that purchased weapons in Georgia and sold them in New Jersey.

Authorities said 13 guns sold by 34-year-old Clovis Reeves and his co-conspirators wound up at crime scenes, including a homicide.

Reeves, of Newark, was convicted May 1 of conspiracy to illegally purchase firearms, aiding and abetting the falsification of firearms records, and being a felon in possession of firearms.

Five of the seven others indicted with Reeves testified at his four-day trial. Among them were Georgia residents who admitted acting as "straw purchasers" in 2005 to buy dozens of guns carried to Reeves and later sold.

[http://www.philly.com/philly/wires/ap/news/state/new\\_jersey/25872499.html](http://www.philly.com/philly/wires/ap/news/state/new_jersey/25872499.html)

#### **08/07/24 Police say shooter killed girlfriend first**

Richard Wilson wasn't happy that his girlfriend used his cell phone, and so, police said, he killed her.

The 59-year-old ex-convict - who has spent half his life in prison for murder - also tried to shoot his way past four police officers Monday afternoon, but they shot him instead.

Today, with Wilson still recovering at the Hospital of the University of Pennsylvania, Homicide Capt. James Clark announced that ballistics tests showed the same .38-caliber revolver used against police was used to kill Wilson's girlfriend early Monday morning.

Wilson, who has been out of prison for three years, was charged with murder in the slaying of Monica Wilson, 41.

In 1973, Richard Wilson and an accomplice entered a South Philadelphia clothing store, and they pulled a gun on three employees. The manager, Edward Appell, 57, was shot before he could say a thing, police said at the time.

For that, Wilson served about 30 years on a 27- to 55-year sentence. He was paroled in 2003, but was sent back to prison for a parole violation after being arrested in 2005 on an assault charge. That case was dismissed, and Wilson was paroled for a second time in May 2005, according to the Pennsylvania Department of Corrections.

Troubles began for Wilson again early this week. Wilson, who is married, was out with his girlfriend Sunday night into Monday morning, police said.

The two were spending time near the Mount Moriah Cemetery in Southwest Philadelphia, using crack cocaine, police said.

Wilson was angered because his girlfriend used his cell phone, and that's when he shot her, police said.

Monica Wilson was found by passersby on Cemetery Avenue, near Woodland Avenue, about 12:20 a.m. Monday with a gunshot wound to the head. The gunman was gone.

About 12 hours later, a tipster called police and identified a man in the area as the shooter. When police arrived, they said they spotted Richard Wilson at 64th Street and Greenway Avenue with a gun in his pocket.

Police said that as officers closed in, Wilson began firing a five-shot revolver, reloading once in his attempt to flee.

He missed all four officers, but they returned fire and struck him in the stomach and hip, police said.

Police traced the gun to a man who had legally purchased it and reported it stolen.

Two of the city's firearms examiners, Officer Lou Grandizio and Kenneth Lay, a civilian, then compared bullets shot from that weapon with a bullet recovered from Monica Wilson. They matched.

Wilson also is charged with attempted murder, aggravated assault and weapons violations.

<http://www.philly.com/philly/news/breaking/25878739.html>

#### **08/07/22 Holdup victim kills gunman in Manheim**

Two would-be robbers, apparently lying in wait before daybreak, picked on the wrong victim in Manheim early today.

One suspect, a 19-year-old Lancaster city man, was shot in the chest and died hours later at a local hospital.

The other fled on foot — without any loot — and is still at large.

Police did not identify any of the men.

The botched holdup occurred just after 5 this morning when two masked men dressed in black followed the operations manager of Power Pro Battery Company into his office at 210 S. Penn St., police said.

Knowing he was about to be robbed, the manager pulled out his own handgun, turned and fired twice, hitting one of the suspects in the wrist and chest just inside the front door of the building, police said.

The worker, whose name has not yet been released by police, then called his boss, John Roads. Related Topics shooting (388) crime (2) attempted robbery (2)

"John, they tried to rob me," he said. "I shot somebody."

Both suspects fled east on foot, but the wounded robber collapsed about 400 yards away on West Stiegel Street, bleeding profusely from his chest.

Manheim Borough Police received word at 10:30 a.m. that the wounded robbery suspect had died. They did not release his name.

Police found a loaded TEC-9 semi-automatic handgun — a weapon that is rare yet increasing in popularity among criminals — nearby.

They also found baseball caps and a bandana, apparently worn by the two suspects.

Police were questioning the Power Pro Battery employee, whom they labeled a victim, this morning. They were also interviewing several other workers there.

"The victim has indicated to us that he acted in self-defense,"

Manheim Borough Police Chief Barry Weidman said.

"At this point it appears to be a robbery gone bad. We have no indication that it is any more than an attempted robbery."

Police marked off numerous pieces of evidence along the street early this morning. The southern end of Manheim is home to several businesses and several homes, as well as an elementary school, H.C. Burgard.

Bill Butler, 41, a resident of the 200 block of West Stiegel Street near the battery firm, said he was getting ready for work when he heard two gunshots. He looked out his guest-room window and saw two darkly dressed men running.

"I saw these two guys running about 20 feet apart," said Butler. "They were both dressed in black. One guy was behind the other, and he was going slower, and he was saying, 'Help me, he shot me.'"

Butler dialed 911.

Medical crews were dispatched to West Stiegel and Cherry streets at 5:25 a.m. Butler, a former Army medic who worked on an ambulance crew in West Virginia for 12 years, walked outside to help the wounded man.

"He had a sucking chest wound," said Butler.

Butler rode along with the Manheim Ambulance crew to Lancaster General Hospital. He said he held the wounded man's gloves over his wounds.

"He was conscious but fading. He said, 'I can't breathe,' and at one point he asked for his mother," said Butler. "It's something I've never seen before around here. I felt like I was back in the ambulance service."

Butler said the second robber fled north, through a brushy area between a building and parked trailers along the north side of West Stiegel Street.

Police launched a canine search but had not found the second suspect as of late this morning.

Roads said his worker, who was being questioned by borough police, had a license to carry the weapon. Police confirmed that.

Roads said the suspects were likely looking for cash and lying in wait for the operations manager to show up for work.

The company employs 14 people, including a team of drivers who carry cash to local junkyards to buy batteries. The firm reconditions the batteries for resale. Roads said employees for the firm have been robbed at least five times in its 10 years of existence.

The operations manager arrived for work shortly after 5 a.m. and parked his navy blue Chevrolet Avalanche along West Stiegel Street about 50 yards from Power Pro Battery.

Roads said the worker, sensing he was about to be robbed, intentionally left the business security system on so that it would trigger an alarm when the robbers entered. It did, and police were dispatched.

Roads added that there are surveillance cameras inside and outside the business, and that authorities are reviewing tapes. <http://articles.lancasteronline.com/local/4/224813>

#### **08/07/19 Moms Against Guns given free billboards**

They were donated by two local firms. The group backs election of foes of illegal guns.

In April, Moms Against Guns had a humble request: one affordable billboard advertising its petition for stricter gun laws.

Flash forward three months, and the Philadelphia-based advocacy group now has 27 billboards citywide, with at least six more on the way.

The billboards will stay up through November's elections - just long enough, the group says, for voters to elect candidates willing to crack down on illegal guns.

It's all part of what founder Lynne Honickman called a viral campaign.

"Everybody has a power: the power to vote," Honickman said. "Not until the general public says 'enough' will the politicians do their duty."

The group is working on getting 50,000 signatures for a petition on its Web site (<http://www.momsagainstguns.org>) urging state lawmakers to pass tougher gun laws. The petition has nearly 4,500 so far.

The billboards come free from Clear Channel Outdoor Philadelphia and Interstate Outdoor Advertising, two locally based firms.

"We didn't think a billboard was going to make a difference," said Drew Katz, chief executive officer of Interstate. "Thirty billboards might make a difference."

The slew of billboards reflects a sense of urgency as gun violence continues to claim lives.

As of yesterday, there were 175 homicides this year in the city. Of those, 138 were committed with handguns, two with rifles and four with shotguns, said Lt. Frank Vanore, a police spokesman.

"It's obvious that guns on the street are a major, major problem," Vanore said.

He cited another statistic: Over the last year, three police officers were killed and several others were shot. It is becoming "very, very dangerous to face" gun-toting criminals, he said.

The campaign by Moms Against Guns has the support of Mayor Nutter, who has tried to pass tougher gun laws, while Harrisburg legislators have bristled.

Yet, as Honickman acknowledged, the campaign is preaching to the choir. "The inner city knows its problem," she said, noting strong pro-gun sentiments across much of the state. Honickman would like to raise billboards outside Philadelphia. "We are statewide," she said, "but whether someone is going to give us billboards is another issue."

In the meantime, Honickman said she hoped the petition would get the legislature's attention.

"We need to fight this fight," she said. "It's an uphill fight, which it shouldn't be."

<http://www.philly.com/philly/news/local/25644254.html>

#### **08/07/18 St. Pete Police: Resident Shoots Intruder In Burglary Attempt**

A man fatally shot an armed intruder with the intruder's gun during an attempted burglary, St. Petersburg police say.

About 12:30 p.m. today, Jack Donaldson entered the back door of his apartment at 1018 22nd Ave. S. to find a masked man with a semi-automatic handgun, St. Petersburg police spokesman Bill Proffitt said.

The two struggled, and the intruder dropped his weapon. Donaldson, 27, picked it up and shot the intruder, whom police identified as Lajuan O. Dandy, 39, of St. Petersburg.

Donaldson chased after another man who ran from the apartment and fired at least one shot at him, but missed, Proffitt said. Police did not have a detailed description of the other man. <http://www2.tbo.com/content/2008/jul/18/st-pete-police-report-death-suspected-home-invasio/>

#### **08/07/18 Journalists injured as gun accidentally fired**

Three journalists in Sichuan Province were injured at Nanchong City Public Security Bureau when a confiscated gun accidentally went off, Chongqing Times reported today.

The gun was used for hunting birds and was loaded with stones at the time of the accident, the report said.

Su Dingwei, a reporter from West China City Daily, was in stable condition after surgery. Wang Xiaofeng from Chinanews.com.cn and Zhang Yicheng from Nanchong Daily only received minor injuries, the report said.

The accident occurred 10 minutes after a public security bureau press conference that gave details of a special campaign against illegal explosives and weapons.

"Journalists from 13 media outlets were led to a hall on the second floor after attending the meeting on the 12th floor," an intern surnamed Lin told the newspaper. "One officer picked up a confiscated pistol and demonstrated it to the journalists."

Lin said she heard a bang and saw Su collapse on the ground.

"White smoke was rising in the room and crushed stone-like things were scattered all around," the newspaper quoted her as saying. "Su was injured in the foot, leg and chest."

[http://www.china.org.cn/china/local/2008-07/18/content\\_16031816.htm](http://www.china.org.cn/china/local/2008-07/18/content_16031816.htm)

#### **08/07/18 Why a New Revolver Is Still Out of Reach**

District residents in the market for handguns could face a long wait -- only one dealer has stepped up so far, and his license isn't active.

Charles Sykes Jr. has been selling guns since 1994 to active and retired police officers and security companies out of an unmarked office in Anacostia. But right now his business, CS Exchange, is on hold because he recently changed locations on Good Hope Road SE and his permit needs to be amended.

Sykes said the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives told him that it could be 30 to 90 days before his papers are in order again.

For now, D.C. residents who want to buy handguns have no legal options. Under federal law, people can arrange to buy handguns out of state, but the pickups must be from federally licensed dealers in their home states. To meet federal requirements, guns are shipped across the border between two dealers, typically for a fee.

That means that a D.C. resident could arrange to buy a handgun in Maryland, for example, but the gun would have to be shipped to a licensed dealer in the city for the customer to pick it up, and Sykes is the only one who has agreed to handle such transfers. Until he gets his license back, he said, those transfers can't be made.

"I have to bide my time," Sykes said. "I'm a patient person."

He has not decided how much he will charge to handle gun purchases made outside the District. But he has made up his

mind about this: He won't be selling guns to the public, just handling transfers.

"It's going to be too headache-y for me to try to satisfy everybody's tastes," Sykes said.

Sykes probably will face competition at some point. But anyone wanting to set up a gun shop must go through federal and District licensing, a process that might take up to two months on the federal end and six months on the District end, officials said.

Once Sykes is back in business, he said he would keep things "low-key," seeing clients by appointment only, as he has done for the past 14 years. Sykes, who was born and raised in the District, described his business as a one-man operation.

"Guns is a part-time thing," Sykes said. "It's not as lucrative as people think it is. It's not like you're selling cars and you're in the thousands."

Sykes said he does not keep guns on the premises, though he was unwilling to go into details, citing safety concerns. He plans to keep the business as unmarked as it is now, sharing space with a security company in the back of a plain-looking building.

"It adds a little bit more security for individuals who want to get a firearm," Sykes said, "as opposed to an individual walking out of a gun store with a bag."

<http://www.washingtonpost.com/wp-dyn/content/article/2008/07/17/AR2008071702680.html>

#### **08/07/18 Moore Township police: Argument, stumble trigger gunshot**

Moore Township police said Erik F. Garces, 38, had a pillow in one hand and a .45 pistol in the other when he tripped over a TV cable and dropped the gun. A single shot went off, striking a television and the floor.

Garces told police he and his wife were arguing, and he decided to sleep in his mother-in-law's room -- court documents did not elaborate on whether his mother-in-law was home at the time -- so he grabbed his pillow and the .45 Springfield Armory XD pistol he kept on his nightstand, police said.

Garces said he stumbled over an errant TV cable in the dark, the gun discharged and fell out of its holster, police said. An officer unloaded the weapon and noted that the gun had one round in the chamber and 12 in a 13-round capacity magazine.

Garces was charged with reckless endangerment and sent to Northampton County Prison in lieu of \$20,000 bail. He also was evicted from his home in the 600 block of Ranger Road and ordered to surrender any firearms he owns, according to court documents.

[http://www.lehighvalleylive.com/bethlehem/index.ssf/2008/07/plice\\_argument\\_stumble\\_trigge.html](http://www.lehighvalleylive.com/bethlehem/index.ssf/2008/07/plice_argument_stumble_trigge.html)

#### **08/07/18 'He had no option'**

The district attorney ruled a June road-rage shooting in York was justifiable.

Brian P. Fentiman used justifiable force when he shot and killed a 42-year-old Hellam Township man after a road rage encounter June 27 in York, according to the York County District Attorney.

After reading the statements of nearly 10 witnesses, York County District Attorney Stan Rebert said he is convinced the victim, Douglas Allen Need, was drunk and out of control when

he assaulted a woman and threatened to shoot others in the 400 block of East Philadelphia Street.

Fentiman fired because he was concerned Need would seriously hurt or kill someone, Rebert said.

"This guy (Fentiman) was between a rock and a hard place. He had no option. He was concerned about the safety of others," Rebert said.

Witnesses consistently told York City Police investigators that Need was the aggressor and that Fentiman gave him fair warning to stop, including firing one warning shot.

He also shot Need in the leg in an attempt to disable him but hit Need's femoral artery, causing him to bleed out, Rebert said. Need died at York Hospital.

Fentiman, 50, who lives in the Allentown area, was forced to make a quick decision between retreating and risking that others could have been hurt or killed, or firing at Need, Rebert said.

"He (Fentiman) was very upset. He regrets what happened. He knew he had to do what he did but didn't relish the thought of killing someone," Rebert said.

Rebert said his decision to rule the shooting justified came down to what was reasonable under the circumstances.

Although Need was not armed, Rebert said, Fentiman could not see his right hand.

"He (Need) said he had a weapon and threatened to shoot people. I don't believe you have to wait to see a gun," Rebert said.

"You can second-guess this until the cows come home. But he was confronted with a dangerous, possibly lethal situation, and acted appropriately."

Witnesses told police Need was driving wildly and cut off a car with two women and a baby inside. Need and the two women stopped their cars and argued, police said. Need struck one of the women and a family member who came to her aid. Need yelled at the woman and threatened the lives of others.

When Fentiman, a passerby, intervened, Need charged him, forcing Fentiman to fire a warning shot and yelling for Need to step back, police said. When Need kept charging, Fentiman shot him in the leg, police said.

Fentiman's attorney, Kurt Blake, said Fentiman fired the warning shot as Need charged him from about 4 feet away. He fired a second shot into Need's leg as the man continued to advance and grabbed Fentiman's shirt, ripping off a button, he said.

"He (Fentiman) was in a no-win situation," Blake said.

Fentiman, who has family in York County and investment properties in the city, was legally armed and cooperated fully with investigators, Blake said.

Blake said Fentiman intervened because he couldn't stand seeing a defenseless woman "manhandled" and wanted to make sure she and those who tried to help her were not harmed.

Fentiman has needed counseling since the shooting, he said.

"He wished he wasn't put in that situation, but he did what he needed to do," Blake said.

York City Police forwarded their investigative findings Friday to Rebert.

Lt. Ron Camacho, who heads the detective bureau, said witnesses clearly indicated Fentiman had no choice. Camacho said he thought Rebert made the "right decision."

"Need's actions were dangerous to say the least. They were very concerned about their safety," Camacho said.

[http://www.inyork.com/ci\\_9917828?source=most\\_viewed](http://www.inyork.com/ci_9917828?source=most_viewed)

#### **08/07/17 Daley's \$1 mil. push to buy back guns misfires**

LOW TURNOUT | Program useless because weapons don't work: critic .

Mayor Daley wants to raise \$1 million to buy back guns and remove them from Chicago streets, but the latest in a string of corporate fund-raisers got off to a slow start.

Sources said former Board of Education President Michael Scott was asked to co-sign a wave of fund-raising letters and make fund-raising phone calls after the initial response was lukewarm from a business community that's also being called upon to bankroll Chicago's 2016 Olympic bid.

Scott's calls reportedly picked up the pace of donations that will be used to give cash bounties to those who turn in guns and finance other anti-violence programs.

Daley insisted that he was not disappointed at the turnout for Tuesday's breakfast meeting at the Union League Club to kick off the effort spearheaded by Scott and Chicago's former chief financial officer, Dana Levenson.

"I know you sent someone over there to spy on everybody -- like the Sun-Times is gonna [have] a big exclusive [saying], 'Where are all the CEOs?' But, we raised quite a bit of money," said Daley, who asked the Sun-Times and Tribune to donate \$100,000 apiece.

Last year, a similar gun buy-back program bankrolled by corporate donors took 6,069 guns off Chicago streets.

Those who turned in firearms got \$100 pre-paid debit cards. Those who handed in 650 replica, air and BB guns got cards valued at \$10.

Scott acknowledged that initial fund-raising for the gun turn-in program was slow, but said, "Any money we raise would be more than we had. . . . Whatever the results are, the mayor wants to continue to press the business community and the media to get more involved in this problem we all face."

The value of gun buy-back programs came under question this week at a City Council hearing.

Dr. Carl Bell, president and CEO of the Community Mental Health Council and Foundation Inc., argued that turn-in programs don't reduce gun violence because "the guns they buy back don't work in the first damn place."

<http://www.suntimes.com/news/politics/1061106.CST-NWS-guns17.article#>

#### **08/07/17 Gov. says Chicago 'out of control'**

NEW SHERIFF IN TOWN? | Gov offers to send state troopers and National Guard copters to fight gang violence  
Calling violence in Chicago "out of control," Gov. Blagojevich on Wednesday offered to lend state troopers and National Guard helicopters to the city to augment the Chicago Police.

The governor is considering forming an "elite tactical team" to help the Chicago Police fight gang problems, a source said, adding that the unit could later be sent across the state to deal with gang problems at any city's request.

Gov. Blagojevich has offered to "loan" state troopers and National Guard equipment to the city to augment the work of

Chicago Police officers. The image of state troopers and National Guard helicopters patrolling the streets of Chicago is certain to embarrass Mayor Daley.

"It's fair to say that violent crime in Chicago is out of control. In certain communities in the city of Chicago, it is reaching epidemic proportions," Blagojevich told reporters at a bill-signing ceremony in Chicago.

The governor noted 16 children -- "almost one child a day" -- have been gunned down in Chicago since June 26. The shooting death toll for Chicago Public School students stands at 29 since last fall.

"Twenty-eight of those kids are African-American and Latino. Hard to imagine that that would be acceptable if that were, in fact, the case in other parts of the city or in a middle-class suburb somewhere. . . . Something is wrong, and this violence has to stop," he said.

The governor's surprise offer also comes at a time when his \$34 billion state construction program is in a deep freeze, largely because Mayor Daley is unwilling to go along with a Chicago casino to finance it. Daley is aligned with state House Speaker Michael Madigan (D-Chicago) against a massive gambling expansion.

The image -- or even the possibility -- of state troopers and National Guard helicopters patrolling Chicago is certain to embarrass Daley at a time when the city is one of four finalists to host the 2016 Summer Olympic Games. Still, City Hall did not automatically reject the governor's sketchy offer.

"Obviously, we welcome partnerships with the state -- not just on this issue, but on a variety of issues. In the same vein, the mayor earlier this season reached out to the governor to try and craft a partnership to try and occupy young people during the summer with jobs," mayoral press secretary Jacquelyn Heard said, noting that the city has yet to receive that summer jobs funding.

"It is, at the very least, a little disconcerting that we're only hearing about this as the media does," she said.

Cooperation between Chicago and State Police would not be unprecedented. In 1999, the agencies joined forces on holiday traffic patrols and roadside safety checks on the Chicago Skyway and Lake Shore Drive. Both roadways are normally the exclusive purview of Chicago Police. They have continued to work together on roadside checks and other operations in the city.

"The CPD is a great friend of the State Police and does a great job helping us," a State Police source said. "We have a great deal of respect for them. Our working relationship has always been good. I think this will work out just fine."

But Madigan's spokesman, Steve Brown, said the governor's motives are political. Even as he offered state help, Blagojevich urged the mayor to "get off the sidelines" and help him pass the stalled capital bill.

"My guess is the governor may be smarting because the mayor was quoted publicly as saying he tried to convince [Blagojevich] to have a more common-sense approach to the capital plan, and that advice was ignored," Brown said.

Blagojevich spokesman Lucio Guerrero fired back that the governor's plan is not a stunt.

"Making sure that kids aren't shot and guns aren't in the hands of bad guys is far from political," he said.

<http://www.suntimes.com/news/metro/1060701,CST-NWS-blago17.article>

### **08/07/13 Local lawsuit tests high court's ruling that lifts D.C. gun ban**

A Washington County man charged in federal court with being a felon in possession of a handgun has filed a motion asking that the charges be dismissed based on a recent Supreme Court decision.

James F. Barton Jr. argues that the court's opinion lifting the ban on handguns in Washington, D.C. -- and the assertion that the possession of guns in the home is an individual right -- must be applied to all people.

Senior U.S. District Judge Alan N. Bloch has scheduled a July 31 hearing on the matter.

On its face, Mr. Barton's argument appears to have no merit because the majority opinion of the Supreme Court in *District of Columbia v. Heller* specifically noted: "[Nothing] in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill ... ."

But it's precisely because of that language that attorney David B. Chontos, who represents Mr. Barton, filed his motion to dismiss.

Several legal scholars agree that the instruction in the opinion is nothing but dictum, merely a statement by the court that is not binding as a precedent in lower courts or for the future Supreme Court.

But Mr. Chontos based his argument on language included in the Second Amendment, which reads: "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."

Mr. Chontos argues that the phrase "the people," must mean the same as it does in other amendments, including the First, which guarantees free speech and freedom of religion, and the Fourth, which guarantees privacy and the right to be free from unreasonable search and seizure.

"Despite having a conviction history, Barton still has a right to free speech. He still has the right to exercise whatever religion he wants to," Mr. Chontos wrote. "Our Supreme Court has not even come close to saying that, once you are convicted of a federally defined felony, you can not assert a Fourth Amendment right."

"Heller holds that 'all Americans' have an 'individual right to use arms for self-defense.' This right is non-existent, however, to Barton because a statute of Congress eliminates his ability to protect himself and his family through the possession and use of firearms in his home."

But legal scholars argue that all constitutional rights are not guaranteed.

Just as a person can't yell "Fire!" in a crowded theater, there can be some regulation on firearms, as well.

Duquesne University law professor Kenneth Gormley called Mr. Chontos' argument "a manufactured" one.

"There are lots of individual rights that come with limitations," he said.

By committing a crime, the felon has forfeited a number of rights, including the right to serve on a jury and to vote, as well as the right to own a firearm, he said.

Mr. Barton, 48, was convicted in 1995 of receiving stolen property -- which was a firearm -- and possession of a controlled substance with intent to deliver in Washington County.

In May 2007, investigators searching his home found 15 firearms -- seven pistols, three shotguns and five rifles -- as well as ammunition.

Mr. Chontos concedes that his client may not be the most sympathetic defendant to use as a test subject, but his argument remains the same.

"I firmly believe your home is your castle, and you should be allowed to defend yourself if an intruder comes in to do harm to you or your family," he said. "I think the key dividing line is the home. What you do in your home is far different from what you do in public."

Legal blogs have been paying close attention to this issue, he said.

Douglas Berman, a law professor at Ohio State University, runs the blog "Sentencing Law and Policy."

He believes that if you take the right of self-defense in the home established by the Supreme Court at face value, then the felon-in-possession law seems suspect.

"Courts are going to have to sort through issues that no one gave serious thought to," he said. "If we think this is an important right, it deserves constitutional treatment on par with other rights."

The majority opinion recognized that there have to be some restrictions on firearms, Mr. Berman said, but clearly an outright ban is not permissible.

The types of regulation cited in the opinion include felon-in-possession laws, as well as the prohibitions against carrying a firearm in a school or government building, and the qualifications required to purchase guns.

Mr. Berman went on to say that even though the felon-in-possession law is broad, those are the types of crimes for which prosecutors should use their discretion.

He described them as "the low-hanging fruit." Felon-in-possession laws are seen as very quick and easy cases to prove.

In the Western District of Pennsylvania, the number of felon-in-possession charges have gone from 19 in 2003 to 90 in 2007.

U.S. Attorney Mary Beth Buchanan said the people in this district who are charged with being a felon in possession are those who have significant and recent criminal histories.

Though she said the federal law prohibiting felons from possessing firearms doesn't differentiate between offenders, significant and recent criminal histories are just two of the criteria her office uses when meeting with local and state law enforcement to see if a case should be prosecuted federally.

"We've charged offenders with recent convictions or past convictions of a very serious and violent nature," she said.

Mr. Gormley expects with the recent Supreme Court decision that thousands of defense attorneys across the country will file motions similar to Mr. Barton's to test the issue.

But he also believes the dictum in the court's decision will win the day.

"The fact is, it's in the opinion, and lawyers and judges are going to think this is clearly what the court intended," he said.

"It's going to have an impact." <http://www.post-gazette.com/pg/08195/896468-58.stm>

### 08/07/13 Is buying a gun a suicidal act?

Americans often buy guns for self-defense, a purpose that now has Supreme Court validation. But according to advocates of gun control, those purchasers overlook the people who pose the greatest threat: themselves. Anyone who acquires a firearm, we are told, is inviting a bloody death by suicide.

So says Matthew Miller, a professor at the Harvard School of Public Health. "If you bought a gun today, I could tell you the risk of suicide to you and your family members is going to be two- to tenfold higher over the next 20 years," he told The Washington Post. Since the chance of a gun being used for suicide is so much higher than the chance of it being used to prevent a murder, we would all be better off with fewer firearms around.

It's a rich irony--as though smoke alarms were increasing fire fatalities. But the argument raises two questions: Is it true? And, when it comes to gun control policy, does it matter?

As it turns out, the claims about guns and suicide don't stand up well to scrutiny. A 2004 report by the National Academy of Sciences was doubtful, noting that the alleged association is small and may be illusory.

Florida State University criminologist Gary Kleck says there are at least 13 published studies finding no meaningful connection between the rate of firearms ownership and the rate of suicides. The consensus of experts, he says, is that an increase in gun ownership doesn't raise the number of people who kill themselves--only the number who do it with a gun.

That makes obvious sense. Someone who really wants to commit suicide doesn't need a .38, because alternative methods abound.

Gun opponents, however, respond that guns inevitably raise the rate because they're uniquely lethal. Take away the gun, and you greatly increase the chance of survival.

But in his 1997 book, "Targeting Guns: Firearms and Their Control," Kleck points out that "suicide attempts with guns are only slightly more likely to end in death than those involving hanging, carbon-monoxide poisoning, or drowning." It's not hard to think of some other pretty foolproof means of self-destruction--such as jumping off a tall (or even not so tall) building, stepping in front of a train or driving at 80 m.p.h. into a telephone pole.

People who use guns are generally hell-bent on ending their lives. So deprived of a sidearm, they will no doubt find another reliable method--rather than swallow a dozen aspirin and wake up in the emergency room. Banning guns is no more likely to reduce suicides than banning ice cream is to curb obesity.

A few decades ago, various European countries changed the type of natural gas used for home heating and cooking--replacing a toxic form with a harmless variety. That step eliminated one time-tested way of killing oneself. Alas, while the number of gas suicides declined, in most of these countries, the death toll didn't.

The same pattern holds for guns. The National Academy of Sciences report noted that any link between firearms and suicides "is not found in comparisons across countries." The number of guns in a nation tells you nothing about its suicide rate.

But let's suppose science could establish that people who obtain firearms do indeed increase their death rate (or the death rate of their family members) from suicide. So what?

Buying a car may shorten your lifespan, since traffic accidents are a major killer. Building a backyard swimming pool creates a potential fatal hazard to you and your loved ones. But nobody says the government should interfere with such decisions.

Personal safety is a far more central matter of individual autonomy than those choices. A mentally stable person living in a crime-ridden neighborhood should be free to judge whether she's more at risk from street criminals than from a spell of intense depression.

Presumptuous paternalists argue that Americans should be deprived of guns because gun owners are their own worst enemies. A lot of Americans would reply: We can't trust ourselves, but we can trust you?

Steve Chapman is a member of the Tribune's editorial board. He blogs at [chicagotribune.com/chapman](http://www.chicagotribune.com/chapman)  
<http://www.chicagotribune.com/news/columnists/chi-oped0713chapmanjul13.0,1862929.column>

#### **08/07/11 Ex-husband killed after shooting wife in Altoona**

ALTOONA, Pa.—Logan Township police say no charges will be filed in a shooting that left a man and his ex-wife dead.

Logan Township Police Chief Ron Heller says 47-year-old John Hoover went to his former mother-in-law's home late Thursday night and shot his former wife to death. Forty-four-year-old Tina Hoover was shot twice.

A friend of Tina Hoover's who was at the house then shot John Hoover, killing him. Heller says 48-year-old Michael Cherry had a permit to carry a gun and was justified in using the gun in self defense. Heller says Cherry will not be charged in the shooting.

Tina Hoover had a protection from abuse order in effect against her ex-husband for stalking her, but Heller says there had been no incidents reported to police since the order took effect in March.

[http://www.eveningsun.com/statenews/ci\\_9850830](http://www.eveningsun.com/statenews/ci_9850830)

#### **08/07/10 Nutter: If you lose your piece, call the police**

If you own a firearm and live in Philadelphia, now would be a good time to make sure it's still where you last left it.

The city today starts enforcing a new law requiring gun owners to report a lost or stolen firearm within 24 hours. For 30 days, gun owners can call 9-1-1 to report a lost or stolen firearm, no matter when it went missing.

After that, any gun recovered by police that has not been reported missing can bring the owner up to a \$1,900 fine for a first offense and up to 90 days in jail for repeat offenses.

"If you lose your piece, call the police," said Mayor Nutter, in announcing the enforcement yesterday.

Nutter made clear that the city is not targeting law-abiding gun owners. Instead, the focus is on "straw purchases," guns bought by those allowed to own them and then given or sold to those who can't own them.

"Good folks who are paying attention actually keep track of their stuff," he said. "Other folks are involved in the game, they're involved in the business. That's who we're actually talking about here. They didn't lose anything. They gave it away. They sold it."

The National Rifle Association, along with local gun shops and firearm owners, sued the city in April after City Council passed

five gun-control measures. A Common Pleas Court judge ruled last month that the city could enforce three of the laws - including the measure on lost or stolen guns - but issued a permanent injunction on the two other laws.

The city and the NRA are each appealing parts of the judge's June decision to the state Commonwealth Court.

NRA attorney Scott Shields said yesterday that he will ask the Commonwealth Court for an injunction to keep the city from enforcing the lost or stolen gun law.

The NRA argues that the city is preempted from enforcing gun-control laws, based on a 1996 state Supreme Court ruling that said that only the state can regulate gun ownership.

Along with the law on reporting lost or stolen guns, the NRA also wants the Commonwealth Court to strike down the law allowing police to confiscate guns with a judge's approval from people considered a danger to themselves or others, and one prohibiting gun possession by people subject to protection-from-abuse orders.

Nutter yesterday said that the city is still writing regulations on how to enforce those laws.

The city wants to overturn the Common Pleas Court ruling so that it can enforce the other two laws - limiting handgun purchases to one a month and banning semiautomatic guns with clips that hold 10 or more rounds.

"They may try to enforce them and quite frankly if they do enforce them, they're going to face a civil-rights suit, but we're confident that these ordinances are going to be stricken down as violations of statewide preemption," Shields said yesterday.

District Attorney Lynne Abraham has said that she will not enforce the local gun laws because she thinks they conflict with the Supreme Court ruling.

Nutter said that the city will enforce the lost or stolen gun law as a code violation, so Abraham's office won't be involved.

"These are civil matters," Nutter said. "They're taken care of by our city Law Department, just like any other code violation."

[http://www.philly.com/philly/hp/news\\_update/24305969.html](http://www.philly.com/philly/hp/news_update/24305969.html)

#### **08/07/09 City to enforce law on lost guns**

Mayor Nutter and City Council are to announce today that police are poised to begin enforcing a new and fiercely disputed law that requires gun owners to report within 24 hours firearms that are lost or stolen.

Enforcement would actually begin in 30 days. Nutter is expected to set out during a news conference today a monthlong grace period in which owners of lost and stolen guns could come forward beyond the 24-hour limit that a new City Council ordinance requires, according to the mayor's office.

That ordinance was one of five signed by Nutter in April. In addition to establishing criminal penalties for those who fail to contact police within 24 hours of discovering their firearms missing, the laws also establish definitions and penalties for assault weapons, limit handgun purchases to one a month, and restrict gun ownership from unstable individuals or those subject to an order of protection.

All five laws were challenged in state court by the National Rifle Association, local gun owners, and firearms dealers.

Common Pleas Court Judge Jane Cutler Greenspan struck down the assault-weapon ban and one-gun-a-month limit as

contrary to state law. But she ruled that the NRA and other plaintiffs could not challenge the other three laws because they had no standing to sue.

Both sides are appealing, and the case is headed to Commonwealth Court.

C. Scott Shields, representing the NRA and other plaintiffs, said he would seek an immediate injunction if city began to enforce the law.

The Pennsylvania Supreme Court is expected to have the final say on the legality of the city's ordinances. While the U.S. Supreme Court this month struck down a District of Columbia ban on handguns, Nutter and others noted that the court left some room in its opinion for local regulation of firearms.

The city is not yet ready to enforce the other two laws, which restrict gun ownership from those accused of domestic abuse, or individuals deemed a risk to themselves or others, said Nutter's spokesman, Doug Oliver. Those laws require regulations that are still being worked on, Oliver said.

<http://www.philly.com/philly/news/local/24167474.html>

#### **08/07/08 Man shot by Phila. police has lengthy criminal record**

The 28-year-old man shot by police yesterday has a lengthy criminal record that includes two charges of attempted murder and two convictions for illegal gun possession, court records show.

Troy Bagby - who also goes by Troy Pressley and Troy Bagby Pressley - was sentenced to county prison twice for gun violations and once for drug dealing, court records show.

As Bagby was fleeing on foot from a police officer yesterday afternoon in North Philadelphia, he appeared to reach for an object in his waistband, said Lt. Frank Vanore.

The pursuing officer, who name is being withheld, fired several times at Bagby, hitting him once in the leg. Bagby was taken to Temple University Hospital and was reported in stable condition.

No gun was recovered from the scene. Police did find drugs that Bagby allegedly ditched while he was being chased.

Police said Bagby has been arrested nine times.

Court records show that Bagby was arrested in 1997 and charged with two counts of attempted murder and a slew of other offenses. He was found not guilty on one count of attempted murder and the other count was dropped.

He was found guilty of carrying a firearm without a license and sentenced to five to 10 months in Philadelphia prison.

In June 1999 - under the name Troy Pressley - he was again charged with illegal gun possession and terroristic threats, but the case was dismissed.

In 2000, he pleaded guilty to carrying a firearm in public and was ultimately sentenced to two to four years in county prison.

In 2003, he pleaded guilty to drug dealing and was sentenced to 11 1/2 to 23 months in county prison.

He has a pending drug dealing case stemming from an arrest last year.

The incident yesterday began when the 22d Police District uniformed officer attempted to pull over a Buick in the 2100 block of Norris Street about 4:30 p.m.

Instead of stopping, the car sped off. The police officer pursued and tried to pull the car over several more times before

the Buick stopped in the 1800 block of Bailey Street, Vanore said. Bagby fled up Bailey, and the officer ran after him.

Vanore said the shooting incident was being investigated by Central Detectives and Internal Affairs.

<http://www.philly.com/philly/news/breaking/24061749.html>

#### **08/07/07 Nutter seeks even lower crime rates**

Homicide is down 20%, violent crime 6% as the mayor and police strive for their goal.

Homicide and violent crime decreased substantially during the first half of the year, but the decline is not keeping pace with the ambitious goals set by Mayor Nutter and Police Commissioner Charles H. Ramsey.

The Philadelphia Police Department reported that murders were down about 20 percent for the first six months of the year - 164 homicides as of Thursday, compared with 204 during the same period last year.

In January, Nutter and Ramsey set a goal of a 25 percent reduction from last year's total of 392 murders; that would amount to 294. At the current pace, the city is on track to record a tally closer to 320.

Violent crime is down 6 percent this year, short of the 20 percent reduction that Nutter and Ramsey set as a goal in January.

Ramsey, the former Washington chief who was appointed in January when Nutter assumed office, said in an interview on Thursday that he was still optimistic the homicide target could be met, but said the goals were deliberately set high. "Granted, all these are 'stretch goals,' " he said. "I think you really shoot for as far as you can go and see where you can end up."

Nutter said his administration's strategy to deploy more officers on the street was only beginning to produce benefits.

"Halfway through the year, we're certainly on the path to meet or exceed our goals," he said on Friday. "The strategy does take a little time to kick in. I'm not sure if all the criminals in the city have gotten the full message yet."

On the whole, the preliminary crime statistics under the new administration's watch show positive trends: more arrests, more guns seized, more violent crimes cleared.

One cloud on the horizon: Property crime is up 1 percent, which Ramsey says may indicate more people are resorting to theft in a soft economy.

"When you first start to see a downturn in the economy, it's often reflected in property crime," Ramsey said. "Or sometime it's just thieves. That's what they do for a living."

Ramsey said the department's more aggressive stop-and-frisk strategy aimed at keeping illegal weapons off the street was also yielding benefits. Police stopped 103,433 pedestrians during the first half of the year, a 58 percent increase, and 193,300 vehicles, a 17 percent increase. Police seized 1,570 weapons, a 2.3 percent increase over last year.

But the department said more citizens had filed complaints against the police this year, which may reflect the additional contact with the public. Ramsey said 273 complaints had been filed this year, an 11 percent increase over last year.

"I'd like to also think people feel a little more comfortable reporting what they think is misconduct," he said. "I'd like people to think they can contact us and we take the complaint seriously."

Ramsey released the statistics ahead of a series of six Town Hall meetings he has scheduled this month. He held a similar series of meetings in January before unveiling his crime plan, which called for putting more officers on patrol to increase the department's visibility.

"Are there still issues out there?" he said. The aim is just to get a feel from people how they perceive we're doing."

Much of Ramsey's strategy is built on increasing the 6,700-member department's visibility. He redeployed 250 officers into uniformed patrol; some were new recruits, others came from special units. Commanders are also under orders to wear uniforms, and most officers other than detectives and undercover officers have traded in their street clothes for uniforms.

"For me to say I have more cops on the street is one thing. If people don't see them, what good does it do? Ultimately, it's public perception - the public's sense of safety and security - is what really matters."

Ramsey said the department is deploying a "mobile force" of officers to work extra shifts during the high-crime summer weekends, including officers normally assigned to desk duty.

So far this year, violent crime decreased in all but two of the city's 23 police districts - the 3d in South Philadelphia and the 7th in Northeast Philadelphia.

The rate of decrease was highest in the nine districts where resources were concentrated under Ramsey's crime plan: the 12th, 14th, 15th, 18th, 19th, 22d, 25th, 35th and 39th Districts.

"Those nine districts drove our crime to a large extent last year," Ramsey said. "So the strategy of putting more cops on the street, more on patrol, is paying off now."

Of the 164 homicides recorded, 82 percent were committed with guns. Fifty-three percent were the result of arguments, often petty, and are crimes that are very difficult to prevent.

"We had a homicide where a woman stabbed a guy over a bag of potato chips," said Ramsey. "It's stupid stuff, absolutely stupid."

Detectives are clearing about 70 percent of the homicides, compared to 62 percent last year and about 51 percent the year before.

Police cleared about 55 percent of all violent crimes, up from 46 percent last year. Crimes are "cleared" generally when an arrest is made.

Ramsey said he was unconcerned that the department might not meet its crime-reduction targets. "It's not whether or not you meet the goal that defines success or failure, it's really how hard you are working."

At a retreat with commanders last week, Ramsey said he emphasized the need for the force to pay less attention to internal politics and more to its mission.

"Let's not focus on all the distractions out there - who likes who, who doesn't like who," he said. "That's all bulls- and it takes you away from the mission. We're here to make the streets

safe."

<http://www.philly.com/philly/news/homepage/24003434.html>

### **08/06/20 Ex-gun store owner accused of illegally exporting firearms**

The former owner of a controversial suburban gun store is charged with illegally exporting hundreds of firearms -- two of which were used in attempted murders in Canada, according to a criminal complaint unsealed Thursday in federal court in Chicago.

Ugur Yildiz, a naturalized U.S. citizen from Turkey, ran Chicagoland Bells gun shop in Franklin Park until 2005, when the Bureau of Alcohol, Tobacco, Firearms and Explosives revoked his license. His store was accused of 500 willful violations of gun control laws.

ATF warned Yildiz he could not export firearms without a special license from the State Department. But since June 2006, Canadian law enforcement officials have recovered 25 guns registered to Yildiz, officials said. All but one was recovered during a criminal investigation into drug trafficking and violence.

Yildiz, who lives in Park Ridge, told agents that after he lost his gun license, he shipped 237 firearms to Windsor, Ontario, where he put them in storage. He said he rejected a request from a man to buy them for \$20,000, according to the criminal complaint.

After Yildiz's license was revoked, another entity, Chitown22 Corp., applied for a license to sell guns at the same Mannheim Road address in Franklin Park. ATF denied that license in 2006, saying the application did not name a hidden owner.

The denial followed protests by United Power, an advocacy group whose members marched outside the store. They pointed to a study that showed the store sold 738 guns linked to criminals between 1996 and 2002.

Acting ATF Director Michael J. Sullivan, in an interview this week with the Chicago Sun-Times, said he has been trying to increase the frequency of inspections of the nation's more than 60,000 gun dealers.

"They're not getting a pass," Sullivan said in response to criticism that ATF is not tough enough on rogue gun shops.

Sullivan added that most licensed gun dealers are law-abiding and that, to be fair, ATF needs to apply the rules more uniformly across the country. <http://www.suntimes.com/news/24-7/1016270.CST-NWS-guns20.article>

### **Founding Fathers Intent:**

"A general dissolution of principles and manners will more surely overthrow the liberties of America than the whole force of the common enemy. While the people are virtuous they cannot be subdued; but when once they lose their virtue then will be ready to surrender their liberties to the first external or internal invader." -- *Samuel Adams (letter to James Warren, 12 February 1779)*