

THE Gun Owners

33 YEARS OF NO COMPROMISE – 1975-2008

GOA Weighs in on DC Case at the Supreme Court – Hammers Bush administration for anti-rights brief

by Erich Pratt

Gun Owners of America presented its arguments before the U.S. Supreme Court in March in defense of Dick Anthony Heller, who was denied the right to own a gun in the nation's capital as a result of the draconian gun ban which exists there.

In its hard-hitting brief, GOA took aim at the weak arguments put forth by both the DC government and the Bush administration. But more than that, GOA examined the favorable text and context of the Second Amendment in great detail, while also documenting the pro-gun history that formed the backdrop of its inclusion in the Bill of Rights.

The GOA brief even presented the greatest reason for the right to keep and



GOA's Executive Director Larry Pratt recently appeared on the Fox Business News Channel to debate the "economics" of the DC gun ban. Pratt told viewers that, "The cost of a gun ban is considerably higher than the cost of freedom which actually works to lower crime and make areas safer."

bear arms, stating that "the Second Amendment right is to be exercised as a

last resort to guard against tyranny."

The GOA approach differs from many of the briefs that are being submitted to the High Court. For example, one brief which is being submitted by several legislators highlights Congress' position on the Second Amendment over the years. This can be a useful approach, to be sure.

But while the congressional brief concedes that the DC Council may have gone too far, it also says it's appropriate for the legislative branch to pass restrictions upon our Second Amendment rights — a stance which is, in principle, not too different from the one the U.S. Solicitor General has filed.

That's where GOA draws a line in
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School Shootings: Gun-Free Zones or Killing Fields

by John R. Lott, Jr.
February 26, 2008

As Northern Illinois University restarts classes this week, one thing is clear: Six minutes proved too long. It took six minutes before the police were able to enter the classroom that horrible Thursday, and in that short time five people were murdered, 16 wounded.

Six minutes is actually record-breaking speed for the police arriving at such an attack, but it was simply not fast enough. Still, the police were much faster than at the Virginia Tech attack last year.

The previous Thursday, five people were killed in the city council chambers in Kirkwood, Mo. There was even a police officer already there when the attack occurred.

But, as happens time after time in

these attacks when uniformed police are there, the killers either wait for the police to leave the area or they are the first people killed. In Kirkwood, the police officer was killed immediately when the attack started. People cowered or were reduced to futilely throwing chairs at the killer.

Just like attacks last year at the Westroads Mall in Omaha, Neb., the Trolley Square Mall in Salt Lake City and the recent attack at the Tinley Park Mall in Illinois, or all the public school attacks, they had one thing in common: They took place in "gun-free zones," where private citizens were not allowed to carry their guns with them.

The malls in Omaha and Salt Lake City were in states that let people carry concealed handguns, but private property owners are allowed to post signs that

ban guns; those malls were among the few places in their states that chose such a ban.

In the Trolley Square attack, an off-duty police officer fortunately violated

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- **Where do the leading presidential candidates stand on gun rights (page 4-5)**
- **Gun Owners winning in the courts (page X)**

GOA Weighs in on DC Case

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the sand by repeating the amendment's wording "shall not be infringed" over and over again. For example, the GOA brief states:

[T]he argument that "the right of the people" is subject to reasonable regulation and restriction tramples on the very words of the Second Amendment, reading the phrase — "shall not be infringed" — as if it read "shall be subject only to reasonable regulation to achieve public safety."

The GOA brief can be read online at www.gunowners.org/fs0802.pdf on the GOA website. Several pro-gun groups joined GOA, including Gun Owners Foundation, Gun Owners of California, Maryland Shall Issue, Inc., Virginia Citizens Defense League, among others.

Bush brief supports gun control

Gun Owners of America has committed a significant portion of its available resources to fight the DC gun ban in the courts, in the Congress and in the media.

GOA spokesmen have appeared on many talk shows and in newspapers to differentiate the GOA approach from the sullied road the President has taken. They have argued that the brief which Bush's Solicitor General Paul D. Clement submitted in January would destroy the Second Amendment.

After all, the Bush administration's approach is that any and all guns can be controlled or banned if a federal court finds that to be "reasonable."

On the one hand, the Bush-Clement brief argues that the Second Amendment protects an individual right to keep and bear arms that predated the creation of the U.S. government by the people. On the other hand, it concludes that any and all guns can be controlled or banned if a federal court finds that to be reasonable.

The brief asserts, with no proof whatsoever, that there is an "unquestionable threat to public safety that unrestricted private firearm possession would entail..." It is somewhat amazing that a brief in defense of the DC gun ban would say such a preposterous

A Very Goode Effort



VIRGIL
GOODE
PHOTO

Gun Owners of America helped Virginia Representative Virgil Goode (R) get 57 additional congressmen to sign his letter which was sent to the White House in February. Rep. Goode told the President that his administration should "withdraw [its] misguided brief" which supported gun control and "prepare a new brief" that better reflects Second Amendment rights.

thing, considering the city usually has the highest murder rate of all U.S. jurisdictions.

What about the words "shall not be infringed"?

In some thirty pages of flip-flopping arguments, the Justice Department brief never once considered what the Founders of the American Republic might have meant by the phrase "shall not be infringed." But the Clement brief did criticize the idea that the Second Amendment was a categorical prohibition on banning guns.

The DC Court of Appeals overthrew the DC handgun ban on the grounds that the Second Amendment protects the individual right to keep and bear arms.

But according to Bush's brief, this historical view of the Amendment should be sent back to the Appeals Court for another look. The Justice Department wants the Appeals Court to look at the District's gun ban in terms of what is "reasonable."

Nary a thought about what the Founders meant, and thus what the Second Amendment requires. The law should be "developed incrementally"

according to Clement — the living Constitution assertion that has been put forth by liberals for years to justify legislation by activist judges.

Clement's language is the language of tyrants throughout history. He claims for the government the right to change the meaning of the law and the Constitution on a continuing basis — on a whim. This avoids the messy business of proposing and debating constitutional amendments. It is much tidier to have a small group of rulers emerge from behind closed doors to announce what the law is today ... and to declare what was legal a few minutes ago to be illegal now.

BATFE's fingerprints on the Bush-Clement brief

The Bush brief submitted by the Solicitor General was co-authored by Stephen Rubenstein, the head lawyer for the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE). Not surprisingly, the brief expresses alarm that federal gun bans, licensing requirements, registration laws, import restrictions and other unconstitutional federal laws and regulations might topple if a literal interpretation of the Amendment becomes the required level of scrutiny.

In the Clement-Bush brief, the phrase "shall not be infringed" is never used. It would be hard to say *gun ban* or *licensing requirement* in the same breath with "shall not be infringed."

A favorable decision in *D.C. v. Heller* would not immediately result in a happy situation for DC residents. The case was designed to ease weak-kneed judges into a slow walk back to the Constitution. All that would happen if the decision of the appeals court were simply left standing is that DC would return to its pre-1976 law. And that law is about as bad as what one finds in New York City today.

Heller does not present the judges with the choice of keeping a gun ban or erasing all the unconstitutional gun laws on the books. Of course, the Court could do that, but such an outcome is unlikely in view of the strong constitutional stance that would be necessary for such a decision.

Unhappily, the Bush brief makes it more likely than not that the Second Amendment will be gutted (unconstitu-

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USA TODAY Wednesday, March 19, 2008

Opposing view: An unambiguous right 2nd Amendment bars regulation of people's ability to bear arms

By Herbert W. Titus and William J. Olson

Compelled to take up arms to regain their liberties as Englishmen, America's Founders knew that even the constitutional republic they had established could threaten the freedoms for which they had fought. In the First Amendment, they established a first line of defense — the freedoms of religion, speech, press, assembly and petition.

Knowing that words and parchment barriers alone would prove inadequate to restrain those elected as servants from becoming tyrants, they added the Second Amendment to secure "the right of the people to keep and bear Arms" — not to protect deer hunters and skeet shooters, but to guarantee to themselves and their posterity the blessings of "a free State."

Their foremost concern was the precipitating events of the American Revolution, wherein British troops in Massachusetts and Virginia seized American muskets, cannon and powder — actions the Declaration of Independence calls "a design to reduce (the colonists) under absolute Despotism."

Entrusting the nation's sovereignty to the people, the amend-

ment breaks the government's military monopoly, guaranteeing to the people such firearms as would be necessary to defend against the sort of government abuse of their inalienable rights the British had committed.

Thus, the amendment's "well regulated Militia" encompasses all citizens who constitute the polity of the nation with the right to form their own government. The amendment's "keep and bear Arms" secures the right to possess firearms such as fully-automatic rifles, which are both the "lineal descendant(s) of ... founding-era weapon(s)" (applying a 2007 court of appeals' test), and "ordinary military equipment" (applying a 1939 Supreme Court standard).

No government deprives its citizens of rights without asserting that its actions are "reasonable" and "necessary" for high-sounding reasons such as "public safety." A right that can be regulated is no right at all, only a temporary privilege dependent upon the good will of the very government officials that such right is designed to constrain.

Herbert W. Titus and William J. Olson are attorneys for Gun Owners of America, which filed a brief in the Second Amendment case the Supreme Court heard Tuesday.

Veterans Disarmament Act Signed by Bush

by Erich Pratt

Gun Owners of America and its supporters took a big hit right before the Christmas holidays, as Senator Chuck Schumer (D-NY) outsmarted his congressional opposition into agreeing on a so-called "compromise" on HR 2640 — a bill which was signed into law by President Bush on January 8.

The bill — known as the Veterans Disarmament Act to its opponents — has been praised by the National Rifle Association and the Brady Campaign.

The Brady Bunch crowed "Victory! U.S. Congress Strengthens Brady Background Check System." The NRA stated that last minute changes to the McCarthy bill made a "good bill even better [and that] the end product is a win for American gun owners."

But Gun Owners of America, along with several state pro-gun groups across the country, decried the new law as imposing even more infringements upon gun owners' rights.

While a full description of this new law can be found on the GOA website, in brief, the Veterans Disarmament Act parrots BATFE policies and could

potentially disarm millions of Americans (including military veterans who suffer from ailments such as Post Traumatic Stress Disorder). This is a very dangerous turn of events which will have huge ramifications over the next several decades.

On the other hand, GOA was able to secure a few modest concessions which should provide some protection to gun owners — *though not nearly enough protection to justify support of this bill.*

Many of you know that Senator Tom Coburn (R-OK) held up the bill in the Senate for several months. His intentions were laudable as he desperately wanted to protect Second Amendment rights and cut unconstitutional spending.

Unfortunately, not one pro-gun senator chose to stand with Coburn ... not one. In fact, GOA felt just as alone as Coburn did. While two veterans groups (and several pro-gun state groups) sided with us, GOA was the only pro-gun group at the federal level that actively fought this legislation week after week, while another and bigger organization was working behind the scenes to help

pass the Veterans Disarmament Act.

Standing alone, Senator Coburn decided to negotiate for a better bill. GOA was asked for input and made a few contributions to the bill, but not enough to justify support for the Veterans Disarmament Act.

Additionally, GOA was prevented from seeing the final version of the bill before the brokered Schumer-Coburn compromise was taken to the floor under a Unanimous Consent agreement.

As a result, Senator Coburn spoke in favor of the compromise bill on the floor of the Senate — something that was a huge mistake, for many of the glaring problems with the bill still remained untouched.

So chalk up a victory for Chuck Schumer ... and for Carolyn McCarthy as well, as she told *CBS News*, "This is the best Christmas present I could ever receive." ■

Gun owners can go to <http://www.gunowners.org/a010808.htm> to read an extensive description of this new law to see how it affects them.

Mike Hammond also contributed to this article.

Obama to Get the Dems ‘Barack’ into the Business of Gun Control

by Erich Pratt

GOA Director of Communications

It sounded like a report from the *National Enquirer*. Dick Cheney and Barack Obama ... cousins?

Say it ain't so, Mrs. Cheney.

But in fact, the Vice-President's wife revealed this bombshell in her recent book, *Blue Skies, No Fences*. According to Lynne Cheney, the current veep and the Illinois Democrat Senator, who wants to be the next president, are distant cousins — eighth cousins, to be exact.

When hit with this revelation, the Obama campaign took the news in stride, saying that, "Every family has a black sheep."

All kidding aside, it's too bad that Dick Cheney and Barack Obama didn't do more shooting and target practice together in their youth, because today, they couldn't be more polar opposites when it comes to the Second Amendment.

Whereas one would be hard-pressed to find an anti-gun vote on Cheney's House record — as he served the state of Wyoming for many years — Obama's gun record is just simply atrocious.

Oh sure, Obama told Iowa radio listeners last year that he is a "strong believer" in the rights of hunters and sportsmen, and that homeowners should have a firearm "to protect their home and their family." But then in the next breath, he says, "It's hard for me to find a rationale for having a 17-clip semiautomatic [sic]."

Good thing the ban on magazines that Obama supports was not in effect during the Los Angeles riots of 1992. That's when Korean merchants successfully used their semi-autos — with large magazines containing multiple rounds — to keep looters away from their stores. Their businesses remained standing, even while many others (which were left unprotected) burned to the ground.

Obama supports the existing gun control laws on the books. Nowhere in his literature or in his campaign speech-

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Obama on Gun Control

	Pro-gun	Anti-gun
1. Supporting concealed carry for citizens		X
2. Banning many common semi-automatic firearms		X
3. Disallowing self-defense in towns where guns are banned	X	
4. Imposing one handgun a month restrictions		X
5. Requiring lock up your safety trigger locks	X	
6. Protecting gun dealers from frivolous lawsuits		X
7. Outlawing gun confiscations during a national emergency	X	
8. Squelching the free speech rights of gun owners		X
9. Restricting the interstate sales of firearms		X
10. Repealing the gun ban in Washington, DC		X

¹ Obama supports a national ban on concealed carry because the states that allow it are "threatening the safety of Illinois residents." David Mendell, "Democratic hopefuls vary a bit on death penalty," *Chicago Tribune*, February 20, 2004.

² About the so-called "assault weapons" ban, Obama says, "I believe we need to renew — not roll back — this common sense gun law." John Chase, "Keyes, Obama are far apart on guns; Views on assault weapons at odds," *Chicago Tribune*, September 15, 2004.

³ When Illinois resident Hale DeMar was prosecuted by the town of Wilmette for using a handgun in his home to defend his family in 2003, several Illinois state legislators introduced SB 2165 to protect the right of self-defense for residents like DeMar.

Obama voted against the pro-gun legislation. Illinois State Senate, vote on SB 2165 (41-16), May 25, 2004.

⁴ As a state senator, "Obama regularly supported gun-control measures, including a ban on semiautomatic 'assault weapons' and a limit on handgun purchases to one a month." "Obama Record May be Gold Mine for Critics," *Associated Press*, January 17, 2007.

⁵ On July 28, 2005, Senator Obama voted for a provision requiring gun dealers to include the sale of a lock-up-your-safety device with every handgun sold. The amendment, offered by Sen. Herb Kohl (D-WI), passed by a vote of 70-30. The provision amended the gun makers' protection act (S. 397).

⁶ On July 29, 2005, Senator Obama voted against S. 397, a bill that was designed to put an end to the frivolous lawsuits that were threatening to put many gun dealers out of business. While an argument could be made that a pro-gun Senator might vote against this bill because it contained a lock-up-your-safety provision (see *supra* note 14), the fact that Obama voted in favor of that trigger lock amendment (but against the overall bill) indicates his real animus against helping gun dealers protect themselves from the anti-gun lawsuits that were aimed at driving them into bankruptcy.

⁷ On July 13, 2006, Sen. Obama voted for Emergency Powers language that saw only 16 of the most ardent anti-gun senators vote against it. The amendment provides that no money can be used by federal agents to confiscate firearms during a declared state of emergency. The amendment was added to the Department of Homeland Security appropriations bill (HR 5441).

⁸ On January 18, 2007, Senator Obama voted against a pro-gun amendment to strike language in S. 1 that would infringe upon the free speech rights of groups like Gun Owners of America. The amendment, which passed, struck requirements that would have required GOA to monitor and report on its communications with its members, and could easily have led to government demands for GOA's membership list (a.k.a. registration).

⁹ Obama has frequently made statements which indicate that he would restrict the interstate sale of firearms. For example, he told the NAACP that, "We've got to make sure that unscrupulous gun dealers aren't loading up vans and dumping guns in our communities, because we know they're not made in our communities. There aren't any gun manufacturers here, right here in the middle of Detroit." Senator Barack Obama, at the NAACP Presidential Primary Forum, July 12, 2007.

¹⁰ James Oliphant and Michael J. Higgins, "Court to hear gun case," *Chicago Tribune*, November 20, 2007.



John McCain's Gun Control Problem

by John Velleco

Director of Federal Affairs

In 2000, Andrew McKelvey, the billionaire founder of monster.com, threw a sizable chunk of his fortune into the gun control debate.

It was shortly after the Columbine school shooting. Bill Clinton was in the White House and gun control was daily front-page news. McKelvey wanted in.

He started out contributing to Handgun Control Inc., which had since been renamed the Brady Campaign to Prevent Gun Violence. But while he agreed with their gun banning goals, McKelvey thought the way they packaged their message was too polarizing.

"I told them that Handgun Control was the wrong name. I thought what they were doing was great but I thought it could be done differently," McKelvey said.

So McKelvey struck out on his own and formed Americans for Gun Safety. Although AGS shared almost identical public policy goals as other anti-gun groups, McKelvey portrayed the group as in the 'middle' on the issue and attempted to lure pro-gun advocates into his fold.

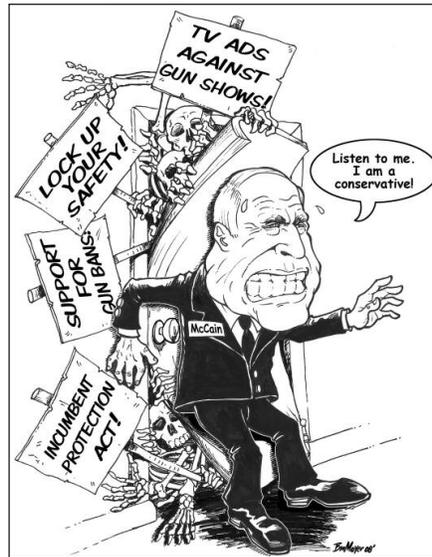
To pull it off, he needed a bipartisan coalition with credibility on both sides of the gun debate. On the anti-gun side, the task was easy. Most of the Democrats and a small but vocal minority of Republicans supported President Clinton's gun control agenda.

Finding someone who could stake a claim as a pro-gunner and yet be willing to join McKelvey was not so easy. Enter Senator John McCain.

McCain's star was already falling with conservatives. He had carved out a niche as a 'maverick' as the author of so-called Campaign Finance Reform (more aptly named the incumbent protection act), which was anathema to conservatives but made him a darling of the mainstream media.

Gun owners were outraged over CFR, but McCain still maintained some credibility on the gun issue.

Earlier in his career, McCain had voted against the Clinton crime bill (which contained a ban on so-called assault weapons), and he did not join the 16 Senate Republicans who voted for the Brady bill, which required a



five-day waiting period for the purchase of a handgun.

But as he ramped up for his presidential run in 2000, McCain, expanding on the 'maverick' theme, staked out a position on guns far to the left of his primary opponent, George W. Bush.

McCain began speaking out against small, inexpensive handguns and he entertained the idea of supporting the 'assault weapons' ban. His flirtation with anti-Second Amendment legislation quickly led to a political marriage of convenience with McKelvey.

Within months of the formation of AGS, McCain was featured in radio and

McCain's Grades on Guns	
2000	C--
2002	C--
2004	F--
2006	F--

television ads in Colorado and Oregon supporting initiatives to severely regulate gun shows and register gun buyers. Anti-gunners were ecstatic to get McCain on board.

Political consultant Scott Reed, who managed Bob Dole's presidential campaign in 1996, hoped McCain would "bring a conservative perspective to the gun debate."

The ads not only pushed the anti-gun show measure in those two states, they also served to undermine the efforts of gun rights activists who were furiously lobbying against the same type of bill

in Congress.

"I think that if the Congress won't act, the least I can do is support the initiative in states where it's on the ballot," McCain said in an interview.

At the time still a newcomer to the gun control debate, McCain said, "I do believe my view has evolved."

McCain continued to pursue his anti-gun agenda even after his presidential run ended, and the next year he and McKelvey made it to the big screen.

As moviegoers flocked to see Pearl Harbor, they were treated to an anti-gun trailer ad featuring McCain. This time the Senator was pushing legislation to force people to keep firearms locked up in the home.

"We owe it to our children to be responsible by keeping our guns locked up," McCain told viewers.

Economist and author John Lott, Jr., noted, "No mention was ever made by McCain about using guns for self-defense or that gunlocks might make it difficult to stop intruders who break into your home. And research indicates that McCain's push for gunlocks is far more likely to lead to more deaths than it saves."

Also in 2001, McCain went from being a supporter of anti-gun bills to being a lead sponsor.

Pro-gun allies in Congress who were holding off gun show legislation -- which would at best register gun owners and at worst close down the shows entirely -- were angered when McCain teamed up with Sen. Joe Lieberman (D-CT) and introduced a "compromise" bill to give the issue momentum.

"There is a lot of frustration. He has got his own agenda," one Republican Senator told *Roll Call*.

After September 11, 2001, McKelvey and McCain, now joined by Lieberman, had a new angle to push gun control.

"Terrorists are exploiting the gun show loophole," AGS ads hyped. McCain and Lieberman hit the airwaves again in a series of radio and TV spots, thanks to McKelvey's multi-million dollar investment.

A *Cox News Service* article noted that, "The ads first focused on gun safety but switched to terrorism after Sept. 11. Americans for Gun Safety said the

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School Shootings

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the ban and stopped the attack. The attack at Virginia Tech or the other public school attacks occur in some of the few areas within their states that people are not allowed to carry concealed handguns.

Gun Free Zones Fail Again



Associated Press

Armed police officers rush to the scene of the crime at the Northern Illinois University in February. Research scientist John Lott says that at some point, one would think the media would notice that murderers “aren’t just picking their targets at random” but instead are intentionally selecting gun free areas to commit their murders.

It is not just recent killings that are occurring in these gun-free zones. The Columbine High School shooting left 13 murdered in 1999; Luby’s Cafeteria in Killeen, Texas, had 23 who were fatally shot by a deranged man in 1991; and a McDonald’s in Southern California had 21 people shot dead in 1984.

Nor are these horrible incidents limited to just gun-free zones in the U.S. In 1996, Martin Bryant killed 35 people in Port Arthur, Australia. In the last half-dozen years, European countries — including France, Germany and Switzerland — have experienced multiple-victim shootings. The worst in Germany resulted in 17 deaths; in Switzerland, one attack claimed the lives of 14 regional legislators.

At some point you would think the media would notice that something is going on here, that these murderers aren’t just picking their targets at ran-

dom. And this pattern isn’t really too surprising. Most people understand that guns deter criminals.

If a killer were stalking your family, would you feel safer putting a sign out front announcing, “This home is a gun-free zone”? But that is what all these places did.

Even when attacks occur, having civilians with permitted concealed handguns limits the damage. A major factor in determining how many people are harmed by these killers is the amount of time that elapses between when the attack starts and someone is able to arrive on the scene with a gun.

In cases from the Colorado Springs church shooting last December, in which a parishioner who was given permission by the minister to carry her concealed gun into the church quickly stopped the murder, to an attack last year in downtown Memphis to the Appalachian Law School to high schools in such places as Pearl, Miss., concealed handgun permit holders have stopped attacks well before uniformed police could possibly have arrived. Just a few weeks ago, Israeli teachers stopped a terrorist attack at a school in their country.

Indeed, despite the fears being discussed about the risks of concealed handgun permit holders, I haven’t found one of these multiple-victim public shootings where a permit holder has accidentally shot a bystander.

With about 5 million Americans currently with concealed handgun permits in the U.S., and with states starting to have right-to-carry laws for as long as 80 years, we have a lot of experience with these laws and one thing is very clear: Concealed handgun permit holders are extremely law-abiding. Those who lose their permits for any gun-related violation are measured in the hundredths or thousandths of a percentage point.

We also have a lot of experience with permitted concealed handguns in schools. Prior to the 1995 Safe School Zone Act, states with right-to-carry laws let teachers or others carry concealed handguns at school. There is not a single instance that I or others have found where this produced a single problem.

Though in a minority, a number of universities — from large public

Guns are the Answer



ABC Photo

Jeanne Assam, who holds a concealed carry permit in the state of Colorado, saved hundreds of lives last December when she shot and critically wounded a serial murderer at the New Life Church in Colorado Springs. Because of Assam’s heroic actions, the gunman — who was armed with over 1,000 rounds of ammunition — was prevented from killing more than two people at the church.

schools such as Colorado State and the University of Utah to small private schools such as Hamline in Minnesota — let students carry concealed handguns on school property.

Many more schools, from Dartmouth College to Boise State University, let professors carry concealed handguns. Again, with no evidence of problems.

Few know that Dylan Klebold, one of the two Columbine killers, was closely following Colorado legislation that would have let citizens carry a concealed handgun. Klebold strongly opposed the legislation and openly talked about it.

No wonder, as the bill being debated would have allowed permitted guns to be carried on school property. It is quite a coincidence that he attacked Columbine High School the very day the legislature was scheduled to vote on the bill. With all the media coverage of the types of guns used and how the criminal obtained the gun, at some point the news media might begin to mention the one common feature of these attacks: They keep occurring in gun-free zones.

Gun-free zones are a magnet for these attacks. ■

John Lott is the author of the book, Freedomomics upon which this piece is based and is a Senior Research Scientist at the University of Maryland.

GOA Weighs in on DC Case

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tionally) by the Supreme Court.

Opposition to gun control is mounting

Not only will a harmful Court decision open the flood gates to greater gun control restrictions, we may even see states talk about leaving the union.

Already, Montana has issued an official resolution which several dozen federal and state officials have signed stating that a Supreme Court decision against the Second Amendment in the *Heller* case will be considered a breach of contract, forcing Montana to consider “historic” remedies for such a breach.

In Congress, Representative Virgil Goode (R-VA) sent a letter — signed by 57 other congressmen — which slapped the Bush administration's extremely weak stance on the Second Amendment.

Rep. Goode told President Bush that he should “direct the Department of Justice to withdraw [its] misguided brief ... [and] prepare a new brief that more accurately reflects the time-honored view that the Second Amendment provides law-abiding Americans with the right to keep and bear arms.”

It could be that the Goode letter, among other things, has had an impact upon the Bush Administration. Even before the oral arguments were presented before the Supreme Court, columnist Robert Novak had picked up that as a result of the firestorm that was brewing inside the White House — because of this issue — Clement was going to “amend his position” toward a more pro-gun position when he actually faces the justices.

In fact, Clement's oral arguments before the Court on March 18 turned out to be the most pro-gun sounding of all the lawyers who appeared before the Supremes, even more so than the attorney representing Dick Heller.

So a big “thank you” to those of you who asked your Representative to sign on to the Goode letter. Your hard work makes a difference. You can read the list of congressional signatories at www.gunowners.org/fs0803.pdf. ■

Larry Pratt also contributed to this article.

‘Barack’ into the Business of Gun Control

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es does he stake out a position in favor of repealing any gun control measure that has passed into law.

Not surprisingly, Obama supports the gun ban in the nation's capital, saying the “DC handgun law is constitutional.” And he is opposed to people using guns for self-defense, when those guns are owned in localities like Washington, DC and Chicago where firearms are banned.

Illinois resident Hale DeMar was prosecuted by the town of Wilmette for using a handgun in his home to defend his family in 2003. Because Wilmette had imposed a ban on the possession of handguns, several Illinois state legislators introduced SB 2165 to protect the right of self-defense for residents like DeMar.

True to form, Obama voted against the pro-gun legislation.

It is very telling that Obama moved further to the left than most of the liberal legislators in his state. The self-defense bill protecting gun owners like DeMar passed the state senate 41-16 and was later enacted into law over the governor's veto (and over Obama's opposition).

The concealed carry of firearms is another important issue for gun owners, and yet Obama is not only opposed to citizens carrying guns, he supports

using federal laws to override those states which currently allow the practice.

In 2004, Obama said he supports a national ban on concealed carry because the states that allow it are “threatening the safety of Illinois residents.” Never mind the fact that concealed carry laws have improved the safety of citizens in the states that have enacted such laws.

Obama has also taken a strong position in favor of the Clinton semi-auto ban which sunset in 2004. “I believe we need to renew — not roll back — this common sense gun law,” Obama said.

Well, there's nothing that's “common sense” about the Clinton ban. Not only did it outlaw almost 200 types of firearms, legislators like Senator Chuck Schumer of New York tried to amend the law (before it sunset) to include additional types of semi-autos — even banning classic (wood-stock) long guns such as the Remington shotgun which Senator John Kerry received as a gift during his 2004 presidential bid.

Bottom line: Senator Obama may not be as gun ban-crazed as the infamous Chuck Schumer. He may not lay awake at night dreaming of ways to disarm honest gun owners. But sure enough, Obama is a committed anti-gunner. ■

A fully-footnoted version of this article can be found on the web at <http://gunowners.org/pres08/obama.ht>

McCain Gun Control Problem

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switch is legitimate.”

However, Second Amendment expert Dave Kopel pointed out that, “the McCain-Lieberman bill is loaded with poison pills which would allow a single appointed official to prevent any gun show, anywhere in the United States from operating.”

Ultimately, the anti-gun legislation was killed in the Congress and AGS fizzled out and disappeared altogether. The issues for which McKelvey spent over \$10 million are still in play, however, and John McCain remains a supporter of those causes. In fact, as

recently as 2004, McCain was able to force a vote on a gun show amendment.

In the post-Columbine and post-9/11 environments, the Second Amendment was under attack as never before. Pro-gun patriotic Americans who stood as a bulwark to keep the Congress from eviscerating the Constitution were dismayed to look across the battle lines only to see Senator McCain working with the enemy.

John McCain tried running for president in 2000 as an anti-gunner. This year it appears he is seeking to “come home” to the pro-gun community, but the wounds are deep and memories long. ■

See also: <http://www.gunowners.org/mccaintb.htm> GOA compendium of McCain's gun control record.

GOA in the News

USA TODAY Wednesday, November 14, 2007

More arms, less crime Opposing view: Supreme Court should reject D.C. ban, uphold ownership rights

by Larry Pratt

The Supreme Court should agree to hear *District of Columbia v. Heller* and uphold the majority opinion of the federal appeals court.

Heller presents the Supreme Court with a clear choice as to whether the Second Amendment protects an individual right to keep and bear arms or a collective right of states to have a militia. Judge Laurence Silberman's opinion for the Court of Appeals for the District of Columbia Circuit presents a strong case for individual rights.

In recent years, the Supreme Court has already stated that whenever "the people" is mentioned in the Bill of Rights that it refers to the same "class of persons." So if "the people" in the Second Amendment doesn't refer to all of the people, then it doesn't in the First or Fourth Amendments either.

In the USA, the people are the sovereigns. They are the "We the People" who established and ordained the government, and they were expected to own firearms in the defense of their free society. More than that, people were required by the legislatures to own and possess firearms.

Those who would claim that the National Guard fulfills this function in modern society are forgetting that the Guard is ultimately controlled by the federal government, rather than We the People.

One of Washington's principal arguments for its gun ban is that it's needed as a crime-fighting tool. Say what? In 2005, FBI data reported a murder rate there of 35 per 100,000 residents. Compare that with the nearby suburban county of Fairfax, Va. (with nearly twice the population – and the traffic); the murder rate there was 0.3 per 100,000.

John Lott, senior research scientist at the University of Maryland and author of *More Guns, Less Crime*, has shown through his massive analysis of crime data, for each county throughout the country, that laws that encourage folks to carry concealed weapons lower crime. Washington's crime will come under control when its citizens are able to defend themselves with guns.

The district already has an effective crime-fighting tool if it will use it – the Second Amendment.

Larry Pratt is executive director of Gun Owners of America.

Order Important Second Amendment Book

In *The Founders' View of the Right to Bear Arms*, David Young sheds light on what the courts are doing with the Second Amendment. The reader, with *The Founders' View*, will be able to judge whether or not the courts understand the Constitution. This is a very important book which was referenced in the brief that Gun Owners of America submitted to the U.S. Supreme Court.

It is available online at www.gunowners.com/books7006.htm for \$26.95 plus shipping and handling.

GOA Founder's Efforts Sink Gun Ban

San Francisco voters have been slapped down once again.

After the Bay Area voted for a complete handgun ban within city limits in 2005, GOA's founder and chairman, Sen. H.L. Richardson, responded by submitting an amicus brief in opposition to the ban.

Richardson was in a unique position to weigh in, because while he was serving as a California state senator for more than two decades, he had drafted (and passed) preemption legislation which bans localities from doing what the Bay City did.

The first hurdle was cleared in June, 2006, when Superior

Court Judge James Warren agreed with the GOF-funded amicus brief and overturned the voter-approved measure, citing Richardson's law as prohibiting the city from banning guns.

San Francisco appealed the case, but the city was slapped down in January, when a state appeals court once again sided with gun owners. The court acknowledged that "the ordinance will affect more than just criminals," and hence, runs contrary to Richardson's preemption law. ■



Sen. Bill Richardson, ret.

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