

Lautenberg Gun Ban Racking up the Horror Stories **-- *Lifetime ban disarms unsuspecting parents, spouses***

A wife tears her husband's pocket during an argument. A daughter throws keys at her mom - and misses. Both `assailants' are arrested, fingerprinted and booked. Welcome to Virginia's new zero tolerance of domestic violence.

And welcome to some of the most recent victims of the Lautenberg gun ban.

The Washington Post Magazine began its October 26, 1997 issue with the above quote. Page after page of examples showed how innocent men, women and children are becoming victims of the latest war against domestic violence.



Rep. Helen Chenoweth (R-ID).
Lautenberg gun ban (H.R. 1009)
Recently secured 37 cosponsors.

And unwittingly, the *Post Magazine* made it painfully clear how easy it is for honest citizens to lose their Second Amendment rights as a result of the Lautenberg domestic gun ban.

The Lautenberg ban, passed in 1996, imposes a lifetime gun ban on those who have committed minor infractions in the home - "offenses" as slight as shoving a spouse or spanking a child.

Chenoweth bill nets almost 40 cosponsors

Gun Owners of America warned even before the gun ban passed how disastrous it would become. Unfortunately, these predictions have come true with a frightening accuracy.

Many in Congress have ignored the effects of this pernicious law that they helped enact.

But Rep. Helen Chenoweth (R-ID) - who voted against the Lautenberg ban - has shown again and again why she is one of the staunchest defenders of the Second Amendment.

She introduced H.R. 1009 early last year to repeal this law and has secured 37 cosponsors since then.

Rep. Chenoweth continues to press on. But the Republican leadership has dragged its feet and shown no desire to push this legislation.

As a result, the horror stories are flooding in.

Torn pocket brings on Lautenberg sanctions

Consider Judy of Fairfax County, Virginia.

The slight tearing of her husband's pocket last year was enough to cart her off to the police station - even though her husband refused to press charges.

The husband, Tom, states he had only called the police to get "documentation in a custody dispute."

When Tom insisted he didn't want to press charges, he was told that "pressing charges is not [your] decision, it is the decision of the commonwealth of Virginia."

Unfortunately, Virginia's new "zero tolerance" requires police to press charges in such cases. Now, if and when Judy plea-bargains to a misdemeanor and pays a minimal fine, she will lose her Second Amendment rights forever.

Daughter flings keys, loses rights

The Washington Post Magazine also reported how a daughter was arrested, to the shock and horror of her parents, for throwing a set of keys near her mother.

Twenty-one year old Lora, also of Virginia, lost her temper and flung an empty water bottle and her car keys.

The water bottle landed on the front steps, but the keys fell near her mother.

For that, Lora was arrested, booked, and told she must not have any contact with her mom for three days, even though she's still living at home.

As stated by the *Post Magazine*,

In Lora's case, there really is no question. In the eyes of the law, you don't have to hit somebody to commit assault - all you have to do is *try* to hit them.

Yet clearly, the rules have changed.

Officer Mike Twomey, who assisted in the arrest, remarks that "in the old days, the proper response would have been to say, 'hey, ladies, cool it.' Now, arrest is the only option."

The *Post Magazine* reports that seven states plus the District of Columbia have mandatory arrest policies, and 26 others, including Maryland, have "presumptive arrest" policies that give officers a bit of discretion but still encourage them to make an arrest. Another 12 have laws that blend the two approaches.

Lautenberg creating new victims

With the Lautenberg gun ban in place, a new category of "victim" is emerging as a result of these tougher state laws - like the one in Virginia.

"A lot of times, I think arrests are being made when they shouldn't be," says Kenneth E. Noyes, staff attorney and coordinator of the domestic violence project for Legal Services of Northern Virginia.

He is not alone in this opinion.

"I am stunned, quite frankly, because that was not the intention of the law," says Judith Mueller of the Virginia-based Women's Center.

"It's disheartening to think that it could be used punitively and frivolously. Frivolously being the

operative word."

Dial 911; someone goes to jail

Before the Lautenberg gun ban, most people involved in minor altercations would simply plea-bargain to a domestic violence misdemeanor, pay a small (say, \$25) fine, and be on their way.

But times are changing. Even the *Post Magazine* questioned whether every 911 call should end in an arrest. For example, what should the police do when:

- * A man calls 911 to report that his wife has destroyed his Mercedes with a ball-peen hammer and would like her, please, arrested?
- * A father calls to say that his son threw food at him, and now he would like the teenager, please, arrested?
- * A husband calls 911 to say that his wife slapped him with an open hand and he would like her, please, arrested? Under the new laws, all these "assailants" could spend a night in jail. The question is, do they really deserve to have a domestic violence misdemeanor on their record?

And even more importantly, should they now lose their gun rights forever?

It is true that the Lautenberg law allows for the restoration of rights following the expungement of the domestic violence record or an official pardon.

But while this is true on paper, it rarely occurs in practice. As a rule, elected officials fear having to "stick their necks" out on what is considered to be a politically sensitive issue.

Moreover, it is especially true that judges are reluctant to expunge the records of people who have since moved out of the county or the state.

Spank your child, forfeit your guns

Gun Owners of America reported last year how one GOA member - who probably represents scores of others - stepped forward to tell his horrific story.

Many years ago, this father gave his child a swat on the rear. Because the father was going through an ugly divorce, his estranged wife, with the encouragement of her mother, reported the man to the police for child abuse.

The father had spanked his daughter with an open hand on the buttocks. After a nasty court battle, the man finally accepted a domestic violence misdemeanor conviction.

Now he is disarmed for life by the Lautenberg gun ban, simply because he spanked his child.

Upon learning of the Lautenberg gun ban, this GOA member, seeking to be in compliance with the law, sold his collection of firearms. He has forfeited his Second Amendment rights, for simply spanking his own daughter.

Lautenberg disarming people from all walks of life

More recently, a Michigan woman made national news when her case went to trial for the same offense.

Kathi Herren, 32, swatted her child in discipline. The result? She has now lost her Second Amendment rights because of that swat.

"In today's politically correct world, parents can't even spank their children in public," said GOA Executive Director Larry Pratt.

"If you do, you could lose your right to protect your children -- forever. That makes absolutely no sense at all."

Judge Brian MacKenzie announced that "he had no intention of sending her to jail."

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And thus, the irony remains: despite serving no jail time, despite this being a very minor "offense," Herren will be punished for the rest of her life.

No guns. No self-protection. In an emergency, her only recourse now is to dial 911.

All of the above examples are, of course, only the tip of the iceberg.

Gun Owners of America frequently receives reports of police officers, army sergeants, gun dealers and people from all walks of life who are being disarmed by the Lautenberg ban for the very slightest of infractions.

"This law must be repealed," Pratt said. "And Congress owes it to the people to put Rep. Chenoweth's bill to a vote."

"But if Congress doesn't, then we will rate the cosponsorship of her bill instead of a vote. Those who cosponsor H.R. 1009 will be listed as having cast a pro-gun vote. All the others will have to answer to their constituents in November.

"And gun owners will remember in November," Pratt said.

Lautenberg Ban Targets Wrong Weapons

The following comes from the Utah Department of Public Safety, in their analysis of Domestic

Relative Frequency of Weapon Use	Percentage
Firearms	1.9%
Knife/Cutting Instrument	3.0%

Blunt Object	1.5%
Motor Vehicle (as weapon)	0.6%
Personal (hands, feet, etc)	85.5%
Other	5.6%
Unknown	1.9%

Get Pro-gun Compromisers on Board the Full Repeal of the Lautenberg Gun Ban

The Representatives listed below are cosponsors of a compromise bill (H.R. 26, introduced by

Barcia (D-MI)	Bishop (D-GA)
Bliley (R-VA)	Brady (R-TX)
Camp (R-MI)	Christensen (R-NE)
Collins (R-GA)	Deal (R-GA)
Emerson (R-MO)	Gekas (R-PA)
Hayworth (R-AZ)	Holden (D-PA)
LaTourette (R-OH)	LoBiondo (R-NJ)
Lucas (R-OK)	Myrick (R-NC)
Ney (R-OH)	Norwood (R-GA)
Oberstar (D-MN)	Peterson, John (R-PA)
Petri (R-WI)	Souder (R-IN)
Traficant (D-OH)	Upton (R-MI)
Watt (D-NC)	