

THE Gun Owners

41 YEARS OF NO COMPROMISE – 1975-2016

Obama's FBI Denying Honest Gun Owners Without Recourse

— *GOA-backed Emmer bill to correct abuses*

by Christopher Stone

Imagine that you're an 18-year-old, ready to buy your first rifle for the start of deer season.

Or maybe you're a 21-year-old woman who is a recent college graduate looking to buy her first concealed carry pistol.

You've thought about the firearm you want to purchase. You've talked to some fellow gun owners for their advice and taken a basic shooting class, while saving up your hard-earned money. You look forward to exercising your right to keep and bear arms.

After you arrive at the gun store and pick out your gun, you begin to fill out the ATF Form 4473. The gun store uses this form to submit your personal information to the FBI and the National Instant Criminal Background Check System (NICS).

"Not a problem," you think. "I'm not a criminal. I've never even been issued a speeding ticket."

You assume this background check should be quick and easy. You've double-checked all the boxes and the information is correct.

But then the gun store clerk informs you that your right to purchase a firearm has been denied. And due to the laws and NICS protocols, they can't tell you why you've been denied — only that they cannot sell you a gun. So now you must appeal to the FBI.

Your constitutionally-guaranteed right has been repudiated by the government and no one can tell you why. You've had a clean record since birth and now you're left scratching your head as to why the FBI (and NICS) believes you're a dangerous criminal.

This is a nightmare scenario for any law-abiding citizen trying to buy a gun.

And sadly, it happens to thousands of people, with no explanation. Gun rights researcher John Lott analyzed figures from the Department of Justice

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Dear Gun Owners:

**I Don't Need A
Congressional Law
To Take Away Your Weapons.**

When Gun Control Kills

by Erich Pratt

Anniversaries are usually a time for celebration. But that won't be the case for the Bowne family this year.

Last June, Carol Bowne was murdered outside her New Jersey home by a violent felon who had threatened her on several occasions.

The 39-year-old hairdresser had secured a restraining order against the former boyfriend, and had even installed security cameras and an alarm

system.

But realizing these measures would not be enough to stop a violent attack, she began the labyrinthine process for purchasing a firearm in New Jersey.

Carol applied for a permit to purchase a handgun on April 21, 2015.

Sadly, she was still waiting for permission to purchase her weapon on June 3, the day that her former boyfriend showed up at her home and

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- **GOA's exposé of anti-gun Merrick Garland printed in *USA Today* (page 4)**
- **What does Donald Trump think about gun control? (page 6)**

Obama's FBI Denying Honest Gun Owners Without Recourse

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and reports that 95% of initial denials under NICS are "false positives."

That's a lot of people being denied without good cause.

Perhaps it was because your data was entered incorrectly? Or maybe you have a common name with someone who truly is a criminal? There are many reasons why you could be illegitimately denied.

And to make matters worse, the FBI announced in October of 2015 that they were no longer processing appeals for individuals who had been flagged and denied their right to keep and bear arms in the NICS system.

The FBI is willingly allowing people to be caught in limbo with no resolution or appeals process to get their names removed from a gun ban list.

According to *USA Today*, "a backlog of 7,100 appeals" had accrued by January of this year. So in just four short months, there are thousands of denials that are simply going unresolved as the FBI claims they do not have the time or manpower to process the overwhelming numbers of gun purchases.

In an instant, you go from excited future gun owner to a blacklisted American citizen on a gun ban list. And all this happens with no explanation as to why your name is there in the first place.

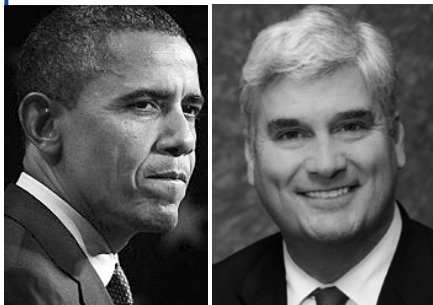
Even if you're wealthy enough to go out and hire the best lawyer in town, it doesn't matter. The FBI "can't help you" because they've chosen to shut down their appeals process.

The federal government has grievously failed thousands of Americans, but they still defend their protocols.

It is a harsh reminder that background checks have once again proven to be ineffective and present an undue, unconstitutional burden on the law-abiding citizen trying to buy a firearm.

This is one more reason why Gun Owners of America opposes universal background checks, as the federal government would then have the power to illegitimately deny even greater numbers of gun buyers — all without any recourse of getting their denials overturned.

Why GOA Opposes Unconstitutional Background Checks



It took a gun-hating President like Barack Obama to fully show the nation how an anti-gun executive could abuse background checks and deny law-abiding gun owners their right to buy firearms. Thankfully, Rep. Tom Emmer (R-MN) has introduced H.R. 4980, a bill that will help honest gun owners to overcome Obama's clandestine gun ban.

Emmer bill to help gun owners get their rights restored

Thankfully, freshman Rep. Tom Emmer (R-MN) has introduced legislation which would force the FBI and the courts to process appeals for individuals who have been flagged by NICS. It should come as no coincidence that Rep. Emmer is an "A+" rated pro-gun congressman.

H.R. 4980, the Firearm Due Process Protection Act, would force the government to process and make a determination on NICS denial appeals within 60 days.

Certainly, 60 days is still too long whenever a God-given right is concerned. But Emmer's bill is a first step toward overcoming the Obama administration's war on gun owners.

The ultimate solution, of course, is to dismantle the NICS system entirely and repeal the Instant Background Check.

Rep. Emmer says that under his bill, "Americans would be given the right to seek a court judgment to correct invalid information if the FBI does not act on an appeal within the deadline. Additionally, it increases congressional oversight by requiring statistics regarding the total number and nature of appeals [to] be reported to Congress."

This is much-needed legislation in light of the thousands of American citi-

zens who are wrongfully being held guilty until proven innocent.

GOA opposes unconstitutional background checks

Obama's war on gun owners serves as a dim reminder as to why universal background checks and NICS in general are unconstitutional prohibitions on the Second Amendment.

By placing restraints on our natural right to self-defense, the government gets to pick winners and losers.

This is why Gun Owners of America opposed NICS when it was proposed in 1993 and implemented in 1998, and why we will continue to oppose restrictions which infringe on our God-given rights.

We know for a fact that background checks have done nothing to stop any of the tragic mass shootings, as most heinous murderers either stole the weapons or passed through NICS with flying colors.

Sadly, it is the law-abiding men and women who've done nothing wrong who get caught in the system.

The problem with NICS background checks

Honest citizens should not have to ask the federal government for permission to exercise their rights. And it is especially offensive that when we do, the government can turn around and say NO without explanation or without a court-structured appeals process.

Due process is being denied, as are the rights protected by the Second Amendment.

That's why GOA is urging all of its members to contact their Representatives and urge them to co-sponsor the Firearm Due Process Protection Act (H.R. 4980).

Gun Owners of America is also encouraging the House Judiciary committee to vote on this bill and is calling upon Speaker Paul Ryan to then force a floor vote.

If the Congress truly cares about the Second Amendment — and in preserving the due process rights of all Americans — then they should not delay in this matter.

After all, if there is no way for honest citizens to appeal the government for a right denied, then is it really a guaranteed constitutional right at all? ■

GOA ON THE FRONT LINES

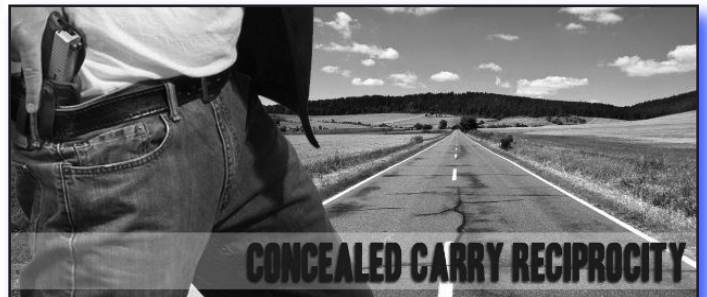
Constitutional Carry enacted in two more states



Two GOA-backed permitless carry laws were enacted in Idaho and Mississippi this spring, bringing the total number of Constitutional Carry states to eleven. Gun Owners of America worked with activists in the two recent states to overcome intense opposition by anti-gun groups that were heavily financed by Michael Bloomberg. GOA's Larry Pratt — pictured here with the head of the Idaho Second Amendment Alliance (left) — was the keynote speaker at a Constitutional Carry rally in Boise this February.



Concealed carry reciprocity gaining steam



GOA members and activists have pushed their Representatives hard in recent weeks to sign on to the Constitutional Reciprocity legislation (HR 923) — and it has resulted in dozens of additional supporters. As this newsletter goes to press, HR 923 is approaching 100 cosponsors. This is significant, since HR 923 is the only bill in the House that protects concealed carry reciprocity for everyone, including citizens from Constitutional Carry states who do not need government permission to travel armed.

Sheriffs say NO to gun control



Gun Owners of America has long encouraged state officials to nullify federal gun control laws. So GOA was glad to see Sheriff Richard Mack (pictured on right) encouraging law enforcement around the country in April to defy any gun restrictions that infringe upon the Second Amendment. Long-time readers of *The Gun Owners* will remember that Mack was one of the sheriffs who challenged the Brady Law's background checks and won at the Supreme Court in 1997. Sheriff Mack, who is pictured next to GOA Executive Director Erich Pratt, is head of the Constitutional Sheriffs and Peace Officers Association.



GOA backing dozens of pro-gun challengers

GOA is actively involved in dozens of races around the country. In Nevada, GOA is supporting Michele Fiore, a pro-gun leader who is now running for the U.S. House of Representatives in the 3rd Congressional District. Fiore has sponsored several pro-gun bills as a state legislator — including campus carry and concealed carry legislation.

Fast Fact:

Worst Mass Shootings Occur Outside the U.S. A study conducted by the Crime Prevention Research Center found that all 20 of the worst mass public shootings since 1970 have occurred outside of the United States. And the same is true of 42 of the worst 46 shootings during that same time period.

Source: tinyurl.com/jhvo53q

Merrick Garland really is anti-gun



by Michael E. Hammond in *USA Today*

The usual gaggle of anti-gun suspects has come out of the woodwork to attack the “gun lobby” for its opposition to any action on behalf of Supreme Court nominee Merrick Garland.

Coupled with their typical protestations that their attacks on Second Amendment advocates are not attacks on the Second Amendment itself, their words are laden with half-truths and selectively culled “facts.”

But the truth is simple. Second Amendment issues have come before Garland, at least four times. He voted anti-gun every time.

In 2007, Garland was one of four judges on the District of Columbia Circuit who voted for the full court to rehear a pro-gun holding of a three-judge panel overturning Washington’s draconian gun ban in *District of Columbia v. Heller*.

And, yes, although Garland was joined by A. Raymond Randolph, appointed by George H.W. Bush, Garland’s vote was not merely a matter of intellectual curiosity. A comparable case, *Seegars v. Gonzales*, was decided differently two years earlier by an anti-gun panel of the same court. That time, Garland voted against a rehearing by the full court.

In 2000, Garland voted to allow the FBI to retain background check records well beyond the immediate destruction required by the Brady Law. I drafted the original version of the Smith Amendment that prohibits the FBI from keeping such records and taxing gun transactions that require a background check, which was in effect at the time. And, as the draftsman, I can tell you that Garland’s position was contrary to statutory law.

Finally, in 2012, Garland voted to allow prosecution (with a 30-year mandatory minimum sentence) of automatic firearms offenses without the prosecutor having to prove the accused knew the weapon was automatic, known as a showing of *mens rea* or a guilty mind, a requirement common in criminal law.

We know that with his anti-gun record, Garland would be the “swing vote” on the Supreme Court with respect to the 5-to-4 *Heller* decision and the subsequent *McDonald* decision that extended it. These cases recognized that the Second Amendment applied to individuals and to states.

We also know that Justices Elena Kagan, Sonia Sotomayor, Ruth Bader Ginsburg and Stephen Breyer have called for reconsideration of *Heller* — both from the bench in the *McDonald* dissent and, in the case of Kagan, in a public speech. Whatever the unanimous Supreme Court rejection of a Massachusetts court ruling that upheld the state’s stun gun ban meant, it surely does not mean that these four justices have suddenly reversed their narrow



reading of the Second Amendment.

If Garland were perfectly consistent with our views on every other issue, the possibility that the Supreme Court would fundamentally rip the Second Amendment from the Constitution would be enough to justify

our position.

Some argue that it is somehow either a matter of precedent or a matter of “decorum” to give Garland a hearing or at least a vote, a point made last week by the conservative former senator Tom Coburn of Oklahoma. But in an era where the court has turned itself into a super legislature, the Senate clearly has not only the right but also the obligation to block any nominee who would further that usurpation of power.

I was general counsel to the Senate Steering Committee — the Senate’s conservative Republican caucus — during the Bork nomination. I can tell you that both Robert Bork and Clarence Thomas were crucified by the Senate. With the balance of the court at stake, Senate Democrats would have done anything they thought would be helpful (and politically doable) to stop either of the nominees.

Finally, the argument has been made recently that, on the D.C. Circuit, Garland and John Roberts voted together on 85% of the 34 cases they shared. I’m not sure that conservatives are thrilled about the prospect of another “John Roberts” on the court. Setting that aside, the fact is that a substantial majority of lower court cases revolve around narrow questions of fact and law.

Because the Supreme Court largely selects its docket, the percentage is lower with them. But even with the Supreme Court, 66% of the cases were decided by a 9-0 decision in the 2013-14 term (40% in 2014-15), and only about 15% of the outcomes were 5-4 (26% in 2014-15).

Put another way: Because not all 5-4 splits are strictly ideological, one or more conservatives voted with one or more liberals in more than 85% of Supreme Court decisions in 2013-14. Yet, despite the fact that all liberal and conservative justices agree (unanimously) up to two-thirds of the time, it is the blockbuster cases where the difference between Ginsburg and Antonin Scalia matters.

So, yes, the gun lobby will continue to support the Second Amendment and oppose the Garland nomination. And, yes, Democrats in tight Senate races in pro-gun states might want to keep this in mind. ■

Michael Hammond, general counsel of Gun Owners of America, is the former executive director of the Senate Steering Committee. This article appeared in USA Today on May 1.

When Gun Control Kills

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viciously stabbed her to death.

State law requires that Garden State residents be issued their Firearms Purchaser ID card within 30 days, but gun owners report that delays of up to six — or even nine — months are common.

Carol was still waiting 43 days later, when the man she had warned the authorities about came to her home and murdered her.

You would think that stories like Carol's would make gun control advocates reconsider their support for restrictive gun laws — especially since plenty of women, because they had access to firearms, have been able to protect themselves against violent domestic partners.

Consider the two Kentucky women who recently shot and killed their abusive exes in separate incidents this April.

Both women had secured restraining orders against their violent tormentors, but understood that a mere piece of paper would not be enough to keep them at bay.

So both women refused to be victims.

First, in the town of Stanton, Melissa Roberts used a 12-gauge to defend herself against a violent ex-boyfriend, Steven Strange. The sheriff's office later confirmed that deputies had been called to the home several times previous to Strange's death.

In the other case, Pamela Smith used a handgun to protect herself against her estranged husband. Ignoring the restraining order against him, Terry

A Right Delayed is a Right Denied



Carol Bowne was brutally murdered while waiting for a gun permit.

Briggs entered the home without consent and threatened to assault Pamela, who then grabbed a handgun and killed him.

Millions of Self-Defense Cases

In 2013, President Obama's Center for Disease Control found that Americans use guns to defend themselves, anywhere from 500,000 to 3 million times a year.

This finding confirmed the groundbreaking work of Dr. Gary Kleck who, roughly 20 years earlier, reported that Defensive Gun Uses in America (DGUs) totaled 2.5 million per year and that 46% of the self-defense cases were by women — a percentage that Kleck concedes could be slightly high given that women might be more likely than men to report their DGUs.

Regardless, the stories of women defending themselves with firearms are more than just anecdotal.

They are a regular occurrence.

Guns have served as the "great equalizer" for countless women. And that takes us back to the lessons learned from the Carol Bowne tragedy.

Carole's killer didn't need a gun, but Carol sure did. And she could still be alive today if arrogant officials had not denied her the right to protect herself.

The Second Amendment guarantees that all citizens have the right to keep and bear arms, without that right being *infringed*.

But this is gun control's legacy — restrictive laws that fail to disarm criminals, even while they make it harder for honest citizens, like Carol, to defend themselves.

One could only hope that New Jersey officials would learn from this tragedy and realize that no law-abiding citizen should ever have to prove their innocence to the government in order to exercise their constitutionally-protected rights.

No decent citizen should ever have their rights put on hold.

It's a matter of life versus death. ■



How to Place GOA



You can help protect gun rights for future generations by placing Gun Owners of America in your will or estate plans.

Here are some sample instructions to share with your advisor or attorney:

I give, devise and bequeath to Gun Owners of America (tax ID # 52-1256643), a non-profit, corporation in Springfield, Virginia:

- A. The sum of \$_____; or
- B. _____ percent of my estate; or
- C. Residue. I give my Residue to Gun Owners of America, 8001 Forbes Place, Suite 102, Springfield, Virginia 22151.

Supreme Court, Gun Rights Top Concerns in 2016 Elections



Voters in the U.S. will decide on their choice for president based on a wide range of issues, but when it comes to gun rights, the gap between Donald Trump and Hillary Clinton could hardly be wider — especially given Hillary's support for Australian-style gun confiscation as a "good example" for the United States.

by John Velleco

The 2016 election season is the wildest in recent memory, and there's still a long way to go until November.

After the Indiana primary in May, real estate mogul Donald Trump became the Republican presumptive nominee, wresting control from an establishment class that for years has ignored the pleas of rank-and-file voters to rein in the federal government.

Not that Mr. Trump has outlined, with any specificity, exactly how he intends to bind the government with the chains of the Constitution. It's more a case that he capitalized on voters' frustration that any politician with an "R" or a "D" after their name could not — or would not — get the job done.

So now the Republican standard-bearer is someone who, like 2012 nominee Mitt Romney, supported a so-called assault weapons ban in the past, but who for the past year has hit many of the right notes on the gun issue.

Trump has spoken out strongly, for instance, against gun free zones.

During a debate in October, Trump said that, "gunfree zones are target practice for the sickos and for the mentally ill. They look for gunfree zones... I think gun-free zones are a catastrophe. They're a feeding frenzy for sick people."

Trump, who holds a carry permit in New York City, has become a more vocal proponent of concealed carry, telling CNN that, "the right of self-

defense doesn't stop at the end of your driveway."

Following the shooting at Umpqua Community College in Roseburg, Oregon, Trump addressed attendees at one of his rallies. "Let me tell you, if you had a couple teachers with guns in that room, you would have been a hell of a lot better off."

Also visible on the campaign trail are Trump's two oldest sons, Donald Jr. (a competitive shooter) and Eric, both long-time firearms enthusiasts and outspoken gun rights supporters.

Trump did draw the ire of gun rights supporters when he came out in support of a gun ban for people on the government's secret watch list.

In an interview with ABC's George Stephanopoulos (a liberal political activist pretending to be a news reporter), Trump said that, "If somebody is on a watch list and an enemy of state and we know it's an enemy of state. I would keep them away, absolutely."

On the other side of the presidential election coin is Hillary Clinton, who supports a ban on semi-autos and a whole bunch more.

Clinton doesn't think President Obama's executive actions on guns went far enough and pledges to increase the use of Executive Orders.

With Hillary, there is no such thing as "enough" gun control.

"Australia's a good example" for gun control in the U.S., she told a New

Hampshire audience, referring to that country's gun confiscation policies.

Voters in the U.S. will decide on their choice for president based on a wide range of issues, but when it comes to gun rights, the gap between Trump and Clinton could hardly be wider.

Supreme Court: Gun Rights in the Balance

The unfortunate death of Justice Antonin Scalia, a strong voice for interpreting the Constitution according to its original meaning, leaves a colossal hole on the Court that Obama would love to fill before leaving office.

With the Court split 5-4 on many cases, including landmark Second Amendment rulings, Scalia's replacement has the potential to effectively repeal the Second Amendment.

For this reason, GOA has pushed the Senate not to move on with any nomination put forward by Obama.

There are already two Obama nominees on the Court, both of whom lied about their views on the Second Amendment. Giving Obama a third pick would be devastating, as would the election of Hillary Clinton.

Whatever gains were made in the *Heller* and *McDonald* decisions will be wiped out.

For all practical purposes, the view that the Second Amendment protects a collective states' right, as opposed to an individual one, will become the prevailing legal theory should Obama or Clinton pick the next Justice.

In addition to Justice Scalia's replacement, there is the potential for other vacancies on the horizon. Two Justices will be in their eighties by the time of the election, and one will turn eighty in the middle of the next presidential term.

So the next president will name at least one (assuming Republicans hold firm and do not allow Obama to push through a last-minute pick) and potentially as many as four nominees to the Court.

Donald Trump backed off his 2015 assertion that his liberal sister, a Third Circuit Court of Appeals judge, would make a "phenomenal" addition to the Court.

More recently, Trump has signaled that he would nominate justices more in

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Supreme Court, Gun Rights Top Concerns in 2016 Elections

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the mode of Clarence Thomas, who, like Scalia, is an originalist and supports the individual rights view.

As for Clinton, there is no doubt which direction she will take the court.

Senate Elections Take Center Stage

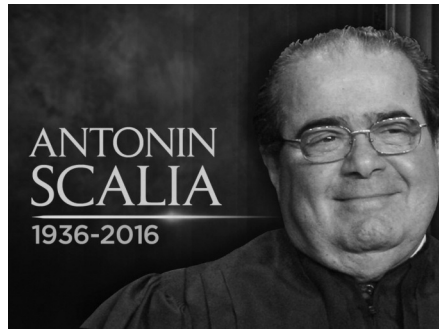
Any Supreme Court nominee must be confirmed by the Senate, where currently Republicans hold a 54-46 advantage. The 2016 U.S. Senate elections, therefore, are now a referendum on the Supreme Court.

To capture the 4-5 seats needed to gain a majority in the Senate, a lot has to break the Democrat's way. But the electoral map is in their favor, as Republicans have to defend twenty-four Senate seats this November, Democrats only ten.

Of the seven most competitive seats, six are currently held by Republicans: Florida, Illinois, New Hampshire, Ohio, Pennsylvania and Wisconsin.

The most competitive Democrat-held seat is Nevada, where Minority Leader Harry Reid is retiring.

In Florida's seat, which became open



The late Antonin Scalia leaves big shoes to fill on Supreme Court.

when Marco Rubio mounted his presidential run, GOA is backing Rep. Ron DeSantis in a grueling primary on August 30.

On the Democrat side, bombastic liberal Rep. Alan Grayson is in a close race with equally anti-gun Rep. Patrick Murphy.

The Illinois Senate seat is currently held by the most anti-gun Republican in all of Congress, Sen. Mark Kirk, who will face Rep. Tammy Duckworth (also "F" rated by GOA) in November.

In New Hampshire, Sen. Kelly Ayotte (C rated by GOA) is being challenged in a September primary. The eventual winner will face off in the general election against Gov. Maggie Hassan, who has turned vetoing constitutional carry into a yearly ritual.

In the battleground state of Ohio,

Republican Senator Rob Portman (B rated by GOA) faces former governor and U.S. Representative Ted Strickland. Strickland used to boast of a pro-gun record but now favors outlawing private firearms transactions — and would vote for a Supreme Court nominee who would repeal the Second Amendment.

Pennsylvania's Pat Toomey has caused deep rifts between himself and his former supporters in the pro-gun community by teaming up with Sen. Joe Manchin (D-WV) on legislation to regulate gun sales between private individuals.

And Wisconsin's Ron Johnson (B rated by GOA) is in a tight rematch with former Sen. Russ Feingold, who lost to Johnson in 2010.

Democrats need to run the table to gain control of the upper chamber, but crazier things have happened in the political world this year.

In addition to the presidential and senatorial elections, all 435 seats in the U.S. House of Representatives, twelve governorships and scores of down-ticket offices are also up for grabs this November.

GOA is actively involved in dozens of races around the country. To get up-to-date information about elections in your state, be sure to sign up for GOA email alerts at www.gunowners.org/alerts. ■

Crossing Over: Robyn Sandoval's Journey to Gun Ownership

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Police Department after Hurricane Katrina was one of many examples where government officials used an emergency to disarm the citizenry.

When Sandoval learned how easy it is to swap out a magazine, she realized how pointless was her earlier belief that there

should be a limit on magazine capacities.

Sandoval used to want the government to get rid of all the guns, thinking this would make everyone safe. But it finally dawned on her that what she really wanted was a society without bad guys. "It was never about guns at all."

Now Sandoval offers training to women. Those who are interested can get information at AGirlAndAGun.org.

My interview with Robyn Sandoval can be heard at: www.tinyurl.com/jg688r9 ■

Are you a GOA Life Member yet?



Enroll as a Life Member at the special charter rate of only \$500, which entitles you to full member privileges.

Also consider the easy payment plan with an initial deposit of \$50 (*with the remainder to be billed to you*) or as a quarterly debit to your credit card for \$50 until your GOA Life Membership is fully paid.

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When you contact us by phone, email or mail, please provide us with your name, address, city, state, zip and member number to begin enjoying your Life Member privileges with Gun Owners of America.

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