

# THE Gun Owners

30 YEARS OF NO COMPROMISE – 1975-2005

## Fight to Muzzle Pro-Gun Groups Continues in Senate

by Mike Hammond

Remember the “swift boat veterans”?

After a presidential election which was determined by fewer than 120,000 Ohio voters, it is clear that George Bush is president of the United States – rather than John Kerry – because of the swift boat veterans and because of pro-gun support.

For their part, the swift boat veterans formed a political organization under section 527 of the Internal Revenue Code – and their organization was therefore called a “527.”

Both liberal Democrats and conservative Republi-

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## GOA in the News



GOA Communications Director Erich Pratt debated gun control in March, demonstrating how firearms restrictions have failed to keep thugs and criminals from getting guns. See related story on page 3.

## GOA Looking to Repeal DC Gun Ban

by John Velleco

(Washington, D.C.) – A bill to repeal the onerous gun ban in the nation’s capital was introduced in the U.S. House in March.

Rep. Mark Souder (R-IN) is the lead sponsor of H.R. 1288, the “District of Columbia Personal Protection Act.”

Specifically, the bill would repeal the handgun ban in D.C.; end registration requirements on firearms and ammunition; lift the prohibition of semiautomatic weapons; restrict the District government’s ability to regulate firearms; and, decriminalize possession of unregistered firearms or carrying a handgun in one’s home or workplace.

Since 1976, Washington has served as a testing ground for the gun control movement. The experiment has failed. Instead of a safe haven, the city is consistently crowned the ‘Murder Capital of the Country.’

The repeal of the gun ban is long overdue. The citizens of the city are made mandatory victims by the govern-

ment’s policy. Only the police and criminals have firearms, and the police cannot be everywhere all the time to protect every person. Nor are the police legally responsible to protect individuals.

For example, in *Warren v. D.C.*, the judge based his decision on “the fundamental principle that a government and its agents are under no general duty to provide public services, such as police protection, to any particular individual citizen.” This decision was upheld on appeal.

Critics of the law complain that D.C.’s firearms come from Virginia, where guns are not banned and citizens can carry openly without a permit and concealed with a permit.

### Gun control “utopias” have much higher crime rates

Under the gun control theory, if Virginia is the main source of crime guns, it should have a crime rate as high or higher than Washington’s. The statis-

tics prove the opposite. For instance, D.C.’s murder rate is over twenty times higher than that of Arlington, Virginia, which is located just across the Potomac River from D.C.

Furthermore, if gun control were an effective crime fighting tool, it would be most effective on an island. In England, the island-nation’s government has been on a gun banning frenzy for the past decade.

The result has been disastrous for citizens, as the violent crime and murder

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### Inside:

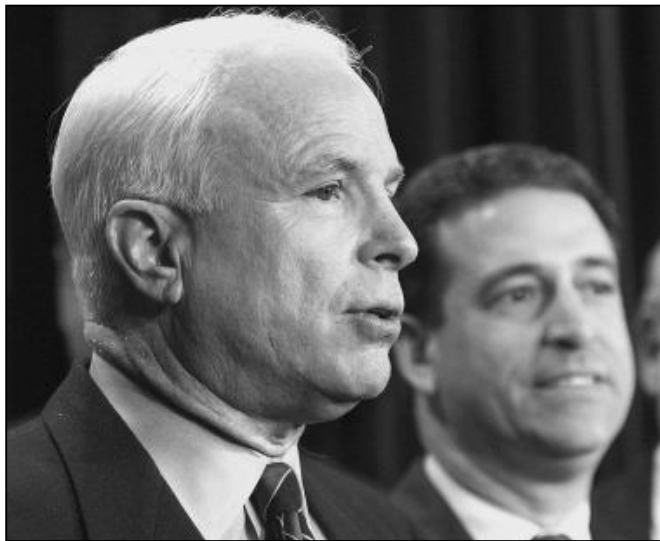
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- **Gun Owners Foundation wins Supreme Court battle! (page 6)**

## ***Fight to Muzzle Pro-Gun Groups***

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cans used 527's in the 2004 presidential elections.

Democrats such as anti-gun billionaire George Soros conspicuously spent tens of millions of dollars on their own 527's – money which was wasted because a majority of the American



**From left-to-right: Senators John McCain (R-AZ) and Russ Feingold (D-WI). Both senators have teamed up to further restrict the ability of grassroots organizations to criticize elected officials.**

people disagreed with their liberal message.

The “527” established by the swift boat veterans, on the other hand, turned the election around.

Its message diffused efforts to paint George Bush as a “draft-dodger” and John Kerry as a “war hero.” Had there been no 527's – liberal or conservative – in the 2004 elections, John Kerry would be president now.

### **Sen. McCain trying to gag pro-gun speech**

Politicians typically don't like to have their voting records publicized. So it is not surprising that liberal Republicans in the Senate – led by anti-gun Senator John McCain and joined by a cadre of grateful Democrats – are pushing legislation to clamp down on 527's.

The bill (S. 271) would effectively shut down most federal 527's by limit-

ing contributions to \$32,500.

Since the “swift boat” group was organized with a \$4.5 million contribution from developer Bob Perry, it would not have come into existence under the proposed rules.

Currently, many types of political committees are limited by the \$32,500 figure. But McCain's anti-527 bill goes far beyond current restrictions on political campaigning.

Instead, it prohibits any substantial efforts to say anything good or bad about a candidate – even if that candidate is an incumbent congressman.

Thus, the ban would extend to favorable or unfavorable remarks about a congressman's Second Amendment record – or even to many types of efforts to persuade a congressman to cast a pro-gun vote on an upcoming bill.

### **Relying on the Supreme Court can be quite risky**

Many observers hope that the courts will regard the McCain bill as the unconstitu-

tional incumbent-protection power grab that it is.

And, in fact, in 1976, the Supreme Court did strike down efforts to restrict

defend the Constitution is always a risky proposition.

Three years ago, some Republican senators “rolled over” in order to allow the passage of the McCain-Feingold Incumbent Protection Act.

This bill protects politicians from large broadcast ads close to an election by Second Amendment groups, if the ads even mention a politician's name. The complaisant senators reasoned that the Supreme Court would surely overturn this unconstitutional abomination.

Tragically, in a precarious five-to-four vote, the Supreme Court sustained nearly all of the McCain-Feingold Act – leaving red-faced senators stuck with a law they could have defeated, had they fought more vigorously on the Senate floor.

The result is that opponents of McCain-Feingold must now travel the convoluted road of trying to repeal it. (H.R. 689, introduced on February 9 by Maryland Congressman Roscoe Bartlett and 39 original cosponsors, would, if passed, do just that.)

The message to opponents of the new anti-527 legislation is clear: If S. 271 – the new McCain effort to curtail the free speech of 527's – is to be fought, it must be fought in Congress.

The Senate Rules Committee approved S. 271 on April 27, and the bill could be considered by the Senate at any time. Because of the legislation's broad support by Democrats and liberal Republicans and even some so-called “conservatives,” most observers believe that only an actual or threatened

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***The McCain-Feingold ban on free speech would extend to favorable or unfavorable remarks about a congressman's Second Amendment record — or even to many types of efforts to persuade a congressman to cast a pro-gun vote on an upcoming bill.***

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“independent” expenditures which were not coordinated with a candidate's campaign – and which did not expressly advocate the election and defeat of a clearly identified candidate.

Limiting such independent political speech, the court reasoned, was an unconstitutional violation of the First Amendment.

But relying on the Supreme Court to

filibuster could stymie its progress in the Senate.

But failure to stop the bill will pretty much assure that there will be no more organizations like Swift Boat Veterans and POWs for Truth. ■

*Mike Hammond is a legal counsel for Gun Owners of America.*

## GOA in the News

# GOA Media Appearances in March and April

### Television and Radio

04/29/05	KTOE, Minnesota	03/14/05	WNMF, Florida
04/28/05	National Public Radio	03/11/05	KAHI, California
04/27/05	KDKA, Pennsylvania	03/10/05	KTKK, Utah
04/26/05	WNWS, Tennessee	03/10/05	WMUZ, Michigan
04/22/05	KUBA, California	03/10/05	FOX NEWS
04/21/05	WVNE, Massachusetts	03/10/05	WTLN, Florida
04/19/05	FUJI, DC	03/09/05	Republic Network
04/18/05	WBMI, Michigan	03/09/05	WLVL, New York
04/16/05	KVOI, Arkansas	03/09/05	MSNBC
04/15/05	Information Radio Network	03/09/05	WMMB, Florida
04/14/05	WACV, Alabama	03/08/05	MSNBC
04/14/05	KTBB, Texas	03/08/05	KLBM, Oregon
04/14/05	KNOX, North Dakota	03/08/05	Lars Larson Show
04/13/05	KGEZ, Montana	03/07/05	KFAX, California
04/09/05	American Freedom Network	03/07/05	KTKK, Utah
04/05/05	WHK, Ohio	03/07/05	KMED, Arkansas
04/05/05	KMED, Oregon	03/07/05	WKPD, New York
04/04/05	WVTK, Kentucky	03/05/05	WIS, South Carolina
04/04/05	KGAB, Wyoming	03/04/05	WJBC, Illinois
03/25/05	The Heart of the Matter	03/03/05	KCMN, Colorado
03/24/05	WHON, Indiana	03/03/05	KBST, Texas
03/24/05	WKHM, Michigan	03/02/05	LOUISIANA NETWORK
03/23/05	WAIC, Massachusetts	03/02/05	KNOX, North Dakota
03/23/05	KMED, Oregon	03/02/05	KCRS, Texas
03/23/05	WENG, Florida	03/01/05	The Star Network
03/22/05	WBAP, Texas	03/01/05	WFTW, Florida
03/22/05	WIBA, Wisconsin	03/01/05	WFAD, Vermont
03/22/05	SKY NEWS		
03/22/05	Radio America		
03/22/05	WTKS, Georgia		
03/21/05	KOKO, Missouri		
03/21/05	WSRF, Florida		
03/15/05	WFFG, Florida		
03/14/05	RNN		
03/14/05	KMED, Oregon		

### Newspapers

04/27/05	Lincoln Journal Star
04/23/05	New York Times
04/21/05	Congressional Quarterly Today
04/21/05	Deseret Morning News
04/21/05	Lexington Herald Leader
04/20/05	Associated Press
04/20/05	CNN.com
04/19/05	Associated Press



GOA Executive Director Larry Pratt debated the Brady Campaign in March. The video of this show can be seen at <http://www.gunowners.org/svtb.htm> on the GOA website.

04/18/05	Newsweek	04/07/05	Christian Science Monitor
04/17/05	Contra Costa Times	04/07/05	The Herald-Sun (NC)
04/14/05	Sun Sentinel (FL)	04/06/05	Aberdeen American News
04/14/05	The Wichita Eagle	04/06/05	Dallas Morning News
04/13/04	Courier-Post (NJ)	04/06/05	Gannett News Service
04/13/05	The Frontrunner	04/06/05	Milwaukee Journal Sentinel
04/13/05	Knight Ridder	04/06/05	San Francisco Chronicle
04/13/05	Myrtle Beach Sun-News	04/05/05	Chicago Tribune
04/13/05	National Journal's Congress Daily	04/05/05	Gannett News Service
04/13/05	Philadelphia Inquirer	04/03/05	New York Times
04/13/05	Saint Paul Pioneer Press	03/30/05	Scripps Howard News Service
04/13/05	UPI	03/29/05	Agape Press
04/12/05	Associated Press	03/27/05	Boston Globe
04/12/05	Congressional Quarterly Today	03/25/05	Intellectual Conservative
04/12/05	The Record (NJ)	03/25/05	American Daily
04/11/05	Los Angeles Times	03/25/05	The Conservative Voice
04/11/05	The White House Bulletin	03/25/09	CNSNews
04/10/05	Akron Beacon Journal	03/24/05	Philadelphia Daily News
04/10/05	New York Times	03/18/05	National Journal's Technology Daily
04/10/05	Los Angeles Times	03/17/05	Roll Call
04/10/05	The Washington Post	03/12/05	The Economist
04/09/05	Star Tribune (MN)	03/08/05	The Advocate (LA)
04/08/05	Gannett News Service		

## Gun Banners Shoot Themselves in the Foot

by Erich Pratt

Oh, the irony. The very laws aimed at stopping gun violence only seem to encourage more of it.

Earlier this year, several shootings received high media attention. There were shootings at a school yard in Minnesota, a courthouse in Atlanta, a church in Wisconsin, and a judge's home in Chicago.

All the shootings resulted in people dying. All the shootings occurred at places where guns were banned.

Moreover, in two of these cases, the bad guys stole weapons from cops before going on their shooting rampages.

### Bad guys get guns through illegal means

First there was Brian Nichols who, after stealing a gun from a deputy in an Atlanta court house, killed four people.

Then, a 16-year-old teenager in Minnesota stole guns from his grandfather — who was a cop — and used one of the weapons to kill several students and adults at a Minnesota high school.

Although the guns in question were stolen from the police in both cases, the gun control lobby still insists upon punishing law-abiding Americans — even though gun control would have done nothing to keep guns out of the bad guys' hands.

The gun control lobby has been blinded by their own dogma and is guilty of "shooting themselves" in the foot.

The simple fact is: even if the Brady Bunch were successful in disarming the entire nation and turning us into a larger version of Washington, DC, bad guys would continue to get guns. They could buy them on the black market or steal them — amazingly enough — even from the police!

### Gun haters just don't get it

Nevertheless, the Brady Center's website states that the Minnesota shoot-

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## Gun Banners Shoot Themselves in the Foot

Continued from page 3

ing demonstrates the problems with the “ready availability of ever-deadlier weapons” in our society. Does the Brady Center realize that guns will ALWAYS be available as long as police continue to arm themselves? Or are they now advocating that we disarm the police?

The Violence Policy Center also used the Minnesota tragedy to berate the nation for its “love affair with guns.” Again, does this “love affair” apply to the police?

The Brady Bunch might want to consider the common denominator in most public slayings — a common factor which shows that, while thugs like the Minnesota teenager may be criminal, they’re not stupid.

After all, they usually seek out disarmed victims to perpetrate their crimes. They don’t go shoot up a police station. No, they go to where victims are defenseless — like to a school, where teachers and principals are disarmed by law.

The majority of the American public



After stealing firearms from his father, who was a cop, Jeff Weise went on a shooting rampage that killed 9 other people — many of them at the Red Lake High School in Minnesota.

has the right solution to this thorny dilemma. In a *Research 2000* poll, 85% of Americans indicated that a principal or teacher should be able to use “a gun at school to defend the lives of students” to stop a school massacre.

### Guns Save Lives

This is the solution that works in the real world, where at least two massacres have been prevented by law-abiding gun owners. First there was Joel Myrick, an assistant principal, who defied the law and used his own gun to stop Luke Woodham’s shooting spree at a Mississippi high school in 1997.

Then there were two law school students at the Appalachian School of Law in Virginia who similarly used their own personal guns to stop Peter Odighizuwa’s rampage in 2002.

The Brady Bunch has long been accused of using tragedies and walking over dead bodies to help advance their agenda. Unfortunately for them, it gets embarrassing when they try to make an argument for gun control in a situation where the crook got his guns from the police.

Oops! Talk about shooting yourself in the foot.■

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# Watch-lists: The new face of gun control

by John R. Lott, Jr. and Sonya D. Jones

Should people lose rights because they are sympathetic to, but do not actually help, terrorist groups? Should law enforcement and not judges be the arbiter of those sympathizers who should be placed on "watch lists"?

In Senate hearings on renewing the Patriot Act [in April], Democratic Senators Ted Kennedy and Charles Schumer said the answer to both questions was "yes."

Attorney General Alberto Gonzales and FBI Director Robert Mueller were grilled over a report showing that 35 gun purchases during the first half of last year were made by people on terrorist "watch lists," and the Senators called it a major public security risk.

Messrs. Kennedy and Schumer's proposed solution? Simply ban the sale of guns to people law enforcement places on the watch list.

The *New York Times* also sounded the alarm . . . with an editorial entitled, "An Insecure Nation."

The *Times* could not resist further sensationalizing the concerns. Fanning fears of terrorists being "free to buy an AK-47," it failed to mention that in the worst case these would be civilian, semi-automatic versions of the guns (just like any hunting rifle), not the machine guns used by militaries around the world.

The 35 "suspected" purchases, out of

3.1 million total transactions, were allowed because background checks found no prohibiting information.

No felonies or disqualifying misdemeanors, for example. They were neither fugitives from justice nor illegal aliens. Nor had they ever disavowed their U.S. citizenship.

As Mr. Mueller pointed out, the FBI was alerted when these sales took place, but the transactions weren't stopped because the law didn't prohibit them. But Mr. Mueller assured the Senators that "we then will pursue [these leads]. We will not let it go."

## Police reports can be unreliable

Ironically, this debate occurred just weeks after the U.S. Supreme Court slapped down state laws that use police reports to set prison sentences because police reports are not reliable.

Being on the "watch list" would also just rely on police reports. There would be no adjudication by a judge, no trial by jury, before being placed on the list.

"Suspects" don't even have to be foreigners. They may have simply been individuals classified by law enforcement as sympathetic to militia groups or other undesirable domestic organizations.

Some politicians have recently experienced being on a "watch list" firsthand.

Ironically, the same Mr. Kennedy

who wants to rely on "watch lists" was understandably upset last year and publicly complained to the Senate Judiciary committee when he was prevented from flying on an airplane because his name was placed on just such a "watch list."

Rules did not allow him to be told at the airport why he was being denied a ticket, but fortunately for him being a U.S. senator meant the problem was eventually resolved with a few telephone calls.

## Background checks have failed to curb crime

Ultimately, though, despite all the fears generated, background checks simply aren't the solution. The federal Brady Act has been in effect for 11 years and state background checks even longer.

But despite all the academic research that has been done, a recent National Academy of Sciences report could not find any evidence — not a single published academic study — that background checks reduce any type of violent crime.

Surely, it would be nice if these regulations worked. But it's hard to believe they will be any more successful stopping terrorists.

Criminals and terrorists share much in common, starting with the fact that what they are doing is illegal. In addition,

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## GOA Looking to Repeal DC Gun Ban

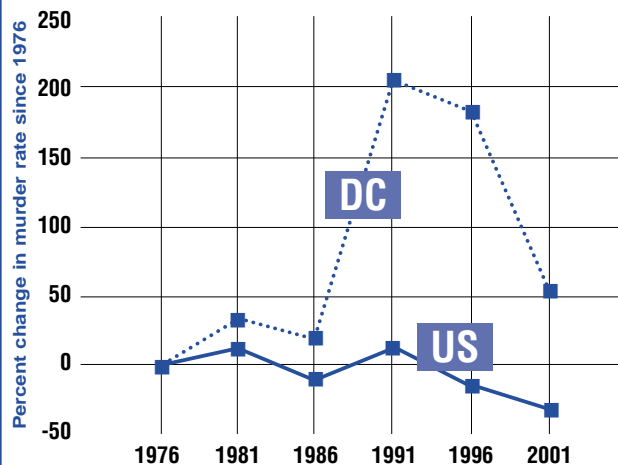
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rates climb steadily. The gun ban has only emboldened the criminal element, which is thriving under the law. The *Daily Telegraph* of London noted that, "Petty vandals and criminals have begun carrying guns regularly because they are so readily available."

Numerous studies by economists, criminologists, and government agencies have reached the same conclusion as the common thug on the street: criminals prefer unarmed victims.

If criminals have a reasonable

## Has DC's Strict Gun Control Made Citizens Safer?



suspicion that a potential victim might be armed, they will choose an easier target.

A successful repeal of the gun ban in D.C. will make the city's residents safer and also deliver a severe blow to the gun control lobby's overall agenda.

H.R. 1288 has been referred to the House Committee on Government Reform, chaired by anti-gun Rep. Tom Davis (R-VA).

Though Chairman Davis does not support the measure, if GOA members and supporters throughout the country apply enough pressure on their own representatives, the House leadership will nevertheless bring the bill to the floor for a vote. ■

# Supreme Court Sides With Gun Owners Foundation

by Mike Hammond

The Gun Owners Foundation won a major battle in April – as the U.S. Supreme Court held, by a five-to-three vote, that a conviction in a foreign court does not permanently bar an American from owning a gun.

Chief Justice William Rehnquist, who has been ill, took no part in the deliberations.

The decision in *Small v. United States*, No. 03-750, was a tremendous victory for Gun Owners Foundation, since the organization had made a substantial contribution to the legal defense work that produced the successful outcome.

Small had been convicted in Japan for illegally importing two rifles, eight semiautomatic pistols, and 410 rounds of ammunition into the anti-gun country.

Small was sentenced to three years in a Japanese prison – although, under Japan's draconian laws, he could have been locked up for the rest of his life.

In an opinion written by Justice Stephen Breyer, the Supreme Court held that language in 18 U.S.C. 922(d) and (g) imposing a gun ban on any person "convicted in any court" of a crime punishable by more than one year in prison did not apply to foreign convictions in countries like Japan.

Any other interpretation would have meant that political dissidents in despotic regimes – imprisoned for speaking out against their totalitarian governments – would have been denied their Second Amendment rights if they

subsequently fled to the United States.

## Liberal justices come to gun owners' aid?

Justice Breyer emphasized this point when he stated that "foreign convictions differ from domestic convictions in important ways."

Breyer specifically invoked article 153 of the Criminal Code of the Russian Soviet Federated Republic in order to demonstrate this point.

Ironically, Breyer was joined in his pro-gun decision by the so-called "liberals" on the court – Ginsburg, Souter, Stevens, and centrist O'Connor.

And, equally ironically, the three-man anti-gun dissent was filed by the court's so-called "conservatives."

## "Conservative" judges argue for lifetime gun ban

Writing for himself, Scalia, and Kennedy, Clarence Thomas argued that Small should be subject to a lifetime gun ban because of the similarities of U.S. and foreign law.

Despite his reputation for being "pro-gun," Thomas notably failed to raise the possibility the 1968 Act – which contains the 18 U.S.C. 922(d) and (g) gun ban – might itself be unconstitutional under the Second Amendment.

Thomas also wrote the opinion of the court in 2002 in *United States v. Bean*, No. 01-704 – holding that a lower court did not have the jurisdiction to relieve an American of a lifetime gun ban.

Because Congress had prohibited the Bureau of Alcohol, Tobacco & Firearms



**Liberal Supreme Court Justice Stephen Breyer during a lighter moment. Breyer shocked many onlookers by taking the "pro-gun" position in a recent court case that was decided on April 26.**

from exercising its statutory power to relieve Bean of his "disability" to own a gun, this meant that Bean had no remedy for reasserting his Second Amendment rights, no matter how unreasonable the courts and bureaucrats found the gun ban to be.

This seemingly odd dichotomy follows an increasingly common trend where the court's so-called "conservatives" frequently support federal bureaucrats' expansive interpretation of their authority under federal laws, without questioning whether those laws are constitutional to begin with.

Thus, these "conservatives" give more and more power to federal bureaucrats to ban guns, demand identification from innocent citizens, and overturn state pro-development laws – all in the name of "judicial restraint."

The *Small* decision now opens the door for Bean to take steps to get his rights restored. ■



Dear GOA Editor,

I had a recent experience with my son, which says a great deal about the next generation. He was to write on

gun control, take a position, and back it up.

My son began his paper as a believer in the gun control position. He is a teenager, and he tends to take in the typical teenage-focused media.

As we rode in the car together, I shared some thoughts off the top of my head. After I got home, I went to the GOA website and printed off the Firearms Fact Sheet and other interesting information for him. The "Just for Skeptics" section was especially useful, as the testimonials and fact sheets were

very compelling.

Later, he asked me to read his draft essay, and to my surprise, his position had completely changed. "I couldn't find anything to back up what I had been thinking," he said. "I had no facts or reasonable arguments to counter with — and couldn't find any either. I was done!"

Thank you for having a good website. I believe that my son now has a better grasp on the subject of gun control and its implications for our society.

Sincerely, D.M., Virginia ■



# Sausage Making in the U.S. Senate

By John Velleco

Earlier this year, a bill to protect the firearms industry from frivolous lawsuits appeared to be on the fast track in the United States Senate.

A March 15th *Associated Press* story noted that S. 397, the Protection of Lawful Commerce in Arms Act, would likely be brought "straight to the chamber floor for approval after the Easter recess."

However, with the Senate embroiled in a drawn out battle over President Bush's judicial nominees, much of the Senate's business, including bills of importance to gun owners, may grind to an indefinite halt.

It is regrettable for the gun industry that S. 397, which has broad bipartisan support, is in danger of falling victim to the highly charged political debate over judges.

Over thirty cities and municipalities are engaged in a legal assault against the firearms industry, hoping to further an agenda which has been repudiated by voters in national elections and consistently rejected by the Congress.

## Frivolous lawsuits as legal terrorism

Gun makers win the overwhelming majority of court cases, as courts are reluctant to obliterate the tort law principle that manufacturers are not liable for the criminal misuse of their lawfully manufactured products. Nevertheless, legal fees, soaring insurance premiums, and other expenses related to the legal battles continue to plague the industry.

Anti-gun extremists are well aware that gun makers do not have the deep



**Sen. Dianne Feinstein (D-CA) will probably offer a myriad of anti-gun amendments to the Gun Makers Protection Act.**

pockets of other industries, thus making them more susceptible to bankruptcy (as happened to the company Navegar, which went out of business despite a California Supreme Court victory in 2001) or accepting onerous regulations (such as when gun maker Smith & Wesson entered into an unholy alliance with the Clinton Administration to avert a lawsuit in 2000).

The U.S. House's version of the bill, H.R. 800, enjoys a much more optimistic outlook. The Judiciary Committee has completed its final work on the bill and a vote can come before or right after the Memorial Day recess.

Regardless of what transpires in the House, if the Senate does not break its logjam on judges, the bill will simply languish indefinitely. Furthermore, getting the bill to the Senate floor is only half the battle.

## Bill has become a magnet for anti-gun riders

When the same bill was brought up

last year, anti-gun California Democrat Senators Dianne Feinstein and Barbara Boxer, along with anti-gun Republican John McCain, managed to attach gun control amendments that effectively doomed the legislation.

Should the bill reach the floor, Sen. Boxer is certain to offer her amendment to require that trigger locks be sold with every firearm, and Sen. Feinstein can be expected to offer an amendment that would ban .50 caliber rifles.

In late April, Feinstein introduced a stand-alone bill, S. 935, banning .50 caliber rifles, priming the pump for her to offer that as an amendment to any pro-gun bill that might reach the floor. Other anti-gun amendments related to expanding the Brady law and regulating gun shows out of existence will also likely be offered.

## Sen. Frist reluctant to block anti-gun amendments

It remains largely in the hands of Majority Leader Bill Frist (R-TN) to use the parliamentary rules of the Senate to block the anti-gun agenda, something he has been reluctant to do in the past.

What this all means for gun owners is that, despite certain passage in the House, the support of 56 out of 100 Senators and a President willing to sign the bill into law, the bill still faces an uphill battle with intense lobbying on all fronts.

Gun Owners of America is staunchly opposed to any anti-gun amendments and will continue to push for a clean bill to make it to the President's desk. ■

## Watch-lists: The new face of gun control

*Continued from page 5*

tion, terrorists are probably smarter and engage in vastly more planning than your typical criminal, thus making the rules even less likely to be successful.

People need to remind themselves that a "watch list" is only that. It is not even probable cause. If you had probable cause that these suspects had done something illegal, you could arrest them.

## Sen. Kennedy wants to treat criminals better than gun owners

Ironically, during the hearing, Mr. Kennedy spent most of his question time concerned that foreign combatants held in Guantanamo were not treated by the military with the respect that the FBI uses to handle American criminals.

At the same time, he believes Americans can lose their rights to own a gun without an evidentiary hearing.

Democrats may think that people on "watch lists" should be denied their

rights to own a gun, but what is next?

Why not just make the system much "more efficient" and simply put all people on "watch lists" directly in prison? ■

*John R. Lott Jr., a resident scholar at the American Enterprise Institute, is the author of More Guns, Less Crime and Sonya D. Jones is a law student at Texas Tech University. This article first appeared in The Washington Times on April 11, 2005. It can be found at [www.gunowners.org/op0514.htm](http://www.gunowners.org/op0514.htm)*



## Why Do Criminals Break the Law?

by Larry Pratt

Criminals are as much a victim as those they have victimized, right? After all, they do what they do because of poverty, or bad parenting, or lousy peers, mental illness or the availability of a gun, right?

Well, no, says clinical psychologist Stanton Samenow.

Criminals are the way they are

because that is what they choose to do. From his experience, Samenow argues that even if a criminal has a mental illness, they commit crimes because they want to do so. Lots of people have mental illness, but very few of them commit crimes.

Samenow warns that criminals are not stupid. If they score low on IQ tests, that is usually because they could not care less about learning the kinds of things in school that are measured by such tests. They are quite adept at picking up on what will help them — the law being a favorite course of study behind bars.

### “Mental illness” is often a scam

Also, criminals are quick to pick up on psychological jargon and get good at feeding it back to the practitioners. In other words, crooks are good at scamming mental health workers. If someone thinks they are nuts, not a crook, and that will get them out of jail, then, they quickly learn to sound as if they are mentally ill.

Samenow warns therapists against listening to just one side — especially when the one side is a criminal (of any age) who lies not out of necessity but as a way of getting a thrill from manipulating other people. Lying gives power. A child or a student can often con a mental health practitioner into thinking that a parent or a teacher is an abuser and should be brought under control in the criminal justice system. Samenow has found that without a third party who can provide a “truth check” of what the child or student accuser is saying, devastating injustices can result.

Indeed, many people come from poverty, broken homes, lousy neighborhoods filled with budding criminals — and lead good, productive lives. And criminals can come from wealthy homes just as easily as not.

One of the implications of Samenow’s decades of experi-

ence is that the War on Poverty was doomed to failure as a crime-fighting measure.

Another implication of Samenow’s research is that prisons do not make criminals into criminals, although they may increase their networking behind bars for when they get out.

Criminals like the excitement of doing what is prohibited. It is a characteristic they demonstrate often very early in life. Normal living is boring. Breaking the law is fun. One predator told Samenow: “If rape were made legal, I would find some other law to break.” They lie not out of uncontrollable compulsion, but for the excitement of manipulating and controlling other people.

Criminals can change; they can stop being criminals, Samenow has found. To do so, they have to choose to do so. They have to learn how to think about the future, and especially about how their actions will affect other people.

(To learn more about Samenow’s findings and his book, *Inside the Criminal Mind*, you can listen to my interview of him at <http://www.gunowners.org/radio.htm> in the archives of my *Live Fire* radio program.)

### Criminals don’t care about following gun laws

Until criminals choose to change, they will be criminals and the rest of us make a huge mistake to ignore that simple fact.

And, sorry gun control advocates — criminals don’t care about your gun control laws. They know that gun control is only for suckers (their word), not for them. What does that make those who support gun control laws? Aiding and abetting criminals is a term that comes to mind.

One of the legislative ramifications of Samenow’s research bears on the so-called Our Lady of Peace Act. Anti-Second Amendment Senator Charles Schumer (D-NY) wants to add mental health records to the National Criminal Information database. The assumption is that mental illness is a predictor of violent behavior. Based on his extensive clinical experience, Samenow puts it very succinctly: “[A]ll criminals are rational and — crime is never caused by mental illness.”

Of course, Schumer wants to disarm Americans and has shown that, for him, any excuse is a good excuse. But the rest of us now know the truth: all medical records, including mental health records, should be off limits to police investigators. ■

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