The Gun Owners

35 Years of No Compromise – 1975-2010

After Supreme Court sides with GOA in important free speech case...

GOA Now Fully Ready to Hold Legislators Accountable

by Larry Pratt

In January, the Supreme Court took the collective gag out of the mouths of the American people — a gag that George Bush had imposed in 2002.

But while President Bush should certainly get much of the blame, he was not the only culprit responsible for enacting the now infamous Incumbent Protection Act.

Senators John McCain (R-AZ) and Russ Feingold (D-WI) deserve the lion’s share of the reproach for pushing a political speech gag law that is also known by the names of its authors, the McCain-Feingold Act.

Among other things, the law prohibited groups like Gun Owners of America from criticizing federal candidates in the days leading up to an election.

A GOA victory at the Supreme Court

Gun Owners of America was one of many groups that challenged this law in 2009, arguing that it infringed upon the free speech rights of GOA members who want to see their legislators

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Gun control on the retreat!

Executive Director Larry Pratt discusses one of the recent gun control laws that GOA has successfully lobbied to repeal. In this Fox News debate, Pratt explains why Americans should not fear a new law allowing Amtrak passengers to travel with guns in their checked baggage. (Go to page 4 to see GOA's full report on other exciting repeal efforts from around the country.)

Repeal It!

GOA helping build momentum to Repeal ObamaCare

by John Velleco

When Scott Brown shocked the political world and won a U.S. Senate seat as a Republican in liberal Massachusetts, the anti-gun ObamaCare bill should have been dead.

Senate Democrats needed all sixty of their votes when they passed the bill on Christmas Eve. After the special Massachusetts election in January, they controlled just fifty-nine votes.

The bill that passed in December would have been unable to pass after Sen. Brown was sworn in. But in a Congress that has taken corruption and bribery to a new low, congressional Democrat leaders were able to, in effect, veto the Massachusetts election and ram the bill down the American peoples’ throats — like it or not.

The majority of the American people, it turns out, didn’t like it and are pushing for a full repeal of the new law.

ObamaCare and gun control

The ObamaCare bill may be in the rearview mirror, but its implications for gun owners could be disastrous for years to come if steps are not taken quickly to undo the damage.

Regular readers of The Gun Owners are no doubt aware that GOA fought the national health care bill from the beginning due to concerns that it could disarm hundreds of thousands — if not millions — of American firearms owners.

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• GOA weighs in on the Supreme Court’s gun case (page 3)

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• Friends of GOA Dinner in Michigan (page 7)

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GOA ads to hold politicians accountable
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held accountable for their anti-gun voting records.

Well, the Supreme Court delivered good news in January when it found the most oppressive parts of the Incumbent Protection Act unconstitutional in Citizens United v. Federal Election Commission.

In the words of the Court, the law created a scheme that “would prolong the substantial, nationwide chilling effect” on political speech. In less measured terms, we could say that McCain-Feingold shredded the First Amendment, particularly the part that reads “Congress shall make no law… abridging the freedom of speech.”

The McCain-Feingold law prohibiting electioneering communication by corporations (such as GOA) and unions was interpreted by the Court as stating that:

An electioneering communication is “any broadcast, cable or satellite communication” that “refers to a clearly identified candidate for Federal office” and is made within 30 days of a primary election and that is “publicly distributed”… which in “the case of a candidate for nomination for President means” that the communication “can be received by 50,000 or more persons in a State where a primary election… is being held within 30 days.”

The same general kinds of restrictions were also imposed on speech in any congressional primary or general election.

It could hardly be clearer that Senators McCain and Feingold did not want the public finding out about their socialist politics, so they empowered a highly unconstitutional bureaucracy — the Federal Election Commission (FEC) — to micromanage, and thus prohibit, political speech.

The plaintiff in this year’s successful challenge was Citizens United, an advocacy organization that produced a documentary entitled Hillary. You might remember that Citizens United planned to advertise its film during Hillary Clinton’s campaign for president in 2008. Those responding to the ad

would have been drawn to a pay-per-view show on the Internet.

But alas, this was too much for the FEC, and the agency fought to keep the McCain-Feingold gag in Citizens United’s mouth.

Of course, politicians tried to mask their self-interested protectionism behind the cloak of fighting corruption. This was somewhat hypocritical, especially considering that John McCain was reprimanded by the U.S. Senate for exercising “poor judgment” in his role as one of theKeating Five senators who took contributions from Charles F. Keating, Jr., but then later tried to cover up the ensuing banking scandal that ultimately cost many people their life savings.

Senator McCain would later describe his role in this scandal as “the worst mistake of my life.”

Supreme Court got it mostly right on political speech

In January, the Supreme Court raised eyebrows when it went further than the litigants asked and reversed its own earlier decision in Austin v. Michigan Chamber of Commerce (1990). In that case, the Supreme Court held that political speech may be banned if the speaker is a corporation. This type of thinking reflects the monopolistic thinking of socialists, namely, that the only good “corporation” is the state, and there should be no competing corporations.

(Of course, the liberal elite also doesn’t like individuals speaking out, as we are seeing in the Obama administration’s current efforts to control the internet.)

Nevertheless, the FEC tried to argue that organizations like Gun Owners of America could be “restricted” without interfering with their freedom of speech.

But the Court did not buy that argument. Because an organization’s “speech” is limited by tight restrictions, this then limits how much a corporation can “speak.”

We see this with the Second Amendment, as well. Cities like Washington, DC, impose draconian licensing schemes which effectively ban residents from exercising their gun rights. The enemies of freedom have the same game plan for infringing the First and Second Amendments.

In Citizens United, the Court failed to overturn all of the federal campaign laws, but that’s because only a small segment of those laws were actually being challenged. Indeed, Citizens United was rebuked by the Court for having focused on too narrow an issue in their original petition, and they were told to rewrite their brief and come back asking for the Austin decision to be overturned.

GOA and Gun Owners Foundation
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Opposing view:
Gun controls cost lives
It's unconstitutional to enact restrictions on law-abiding people

By Erich Pratt

Chicago resident Ronyale White called 911 four times in 2002 when her estranged husband was trying to kill her. When the police finally arrived, they found this mother of three dead on the floor — a mute testimony to the failure of gun control.

That same, tragic story has been repeated many times over in a city that frequently competes for the title of being the nation's murder capital. But all that could end if the Supreme Court rules against Chicago's handgun ban in McDonald v. Chicago.

Gun Owners of America hopes this will be the case.

Support for gun control is at its lowest level in recent memory, according to the latest polls. But gun control supporters — like those at USA TODAY — want to walk a tightrope, claiming that Americans can enjoy the right to keep and bear arms while being subjected to "reasonable" gun controls. That's like saying that African-Americans in the 1950s could enjoy the right to vote ... as long as they paid a little old poll tax.

The fact is, a right delayed is a right denied. And those denials have cost people their lives. Thousands of Ronyale Whites have suffered because their gun rights were denied to them. Yet the Second Amendment says nothing of "reasonable" gun control.

What it does say is that our gun rights "shall not be infringed." Translation: It is constitutionally invalid to enact any bans, licensing requirements or carry restrictions on law-abiding persons who simply want to protect themselves and their families.

Every day, armed gun owners successfully defend their lives all across the country. Recently, a store owner in Louisiana shot and killed an attacker who jumped him in the parking lot; a thug was fatally shot in Kansas after assaulting a man at a car wash; and in Arizona, a gun owner defended himself against four attackers who police said were beating him with a baseball bat.

Without the right to carry firearms away from home, all of these cases would have turned out differently. Guns save lives — the lives of the law-abiding.

Erich Pratt is the Director of Communications for Gun Owners of America.

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Battle Gears Up Over Pivotal Supreme Court Seat — Will Senate GOP be missing in action?

by Mike Hammond

With the retirement of the liberal justice John Paul Stevens from the U.S. Supreme Court, there has been fervent speculation as to which anti-gun crazy will be nominated by Barack Obama to succeed him.

The successor could cast the deciding vote on the constitutionality of Firearms Freedom Acts, which have passed in many states, as well as ObamaCare and many other gun-related cases.

So it is particularly disconcerting to hear press reports that Senate Republicans will pull their punches on Supreme Court nominee in order not to appear "obstructionist."

National Republican Senatorial Committee Chairman, Texas Senator John Cornyn, said Republicans would "bend over backwards both in appearance and in reality to give the nominee a fair process."

Fair is one thing, but shirking constitutional duty in an effort to appear "reasonable" is another. During the last Supreme Court nominee battle, South Carolina Republican Lindsey Graham set the tone on the first day of hearings on the confirmation of Sonia Sotomayor: "Unless you have a complete meltdown, you are going to be confirmed."

Sen. Graham joined seven other Republicans in confirming a Supreme Court justice who is not even sure that an individual has a fundamental right to self-defense.

The fact is we really don't need another ObamaPét on the U.S. Supreme Court — with the possibility that this Justice will cast the deciding vote in favor of every socialist "change" that this administration can ram through the Congress.

We have enough ObamaPète in Congress already.

The bottom line is this: Barack Obama has crammed the anti-gun socialized medicine bill down the throats of the American people — and has set up an historic referendum on his anti-gun stewardship.

But, until November, we need Senators to put further Obama Supreme Court-packing on hold until the American people have had their say. Senators who claim to support the Second Amendment should join together to filibuster any nominee who does not support the right to keep and bear arms.

Mike Hammond is the legislative counsel to Gun Owners of America.
States to Fed: Enough!
— Initiatives underscoring states’ rights sweeping the nation

by Craig Fields

At a time when the federal government is running roughshod over individual gun rights — and socializing fully one-sixth of the American economy in the process — state legislators all across the country are getting fed up.

Moreover, they are taking action to put the feds on notice... and Gun Owners of America members and supporters are helping them do so.

GOA has been working hard to repeal gun control legislation nationwide, both at the federal and state levels. The results have been fantastic.

First there is the concept known as the Firearms Freedom Act, and it has truly become a national sensation.

At its heart, the Firearms Freedom Act has a very simple concept. It states that if a gun was made in a state, and then stays within that state, the gun shall not be controlled under the Constitution’s Interstate Commerce Clause. (Because, you see, the firearm was never part of interstate commerce.)

It is very important to understand that the Commerce Clause has been the “hook” used to justify almost every federal gun control law on the books. It is equally important to understand that the Tenth Amendment mandates that any powers not specifically delegated to Congress by the Constitution are reserved for the States respectively, or the People themselves.

In other words, if the Constitution doesn’t outright say that Congress can do something, it can’t!

And with that pesky old Second Amendment standing in the way, for decades Congress has used its authority to regulate interstate commerce (originally intended for purposes such as keeping a state from imposing prohibitively high tariffs) to justify “regulating” firearms purchases.

So what does this abrogation of the Commerce Clause lead to? Gun control. In total defiance of the Second Amendment, yes, and with the lamest of excuses.

All of that started to change with the Supreme Court’s 1995 decision in U.S. v. Lopez. The Court held that the federal government couldn’t just say “interstate commerce” in order to impose a Gun Free Zone around a school that was obviously not involved in firearms commerce.

The government’s argument? Kids go to school, they get an education, and that education affects their future ability to engage in interstate commerce!

But the feds have paid no attention to the plain language of the Court, and have now started mandating all manner of things, including forcing people to buy government-approved health insurance.

Such an intolerable situation is why many states are responding with Firearms Freedom Acts, as well as other measures amounting to “we’re not gonna take it anymore.”

Some are going so far as to prove that they’re not fooling around with a meaning-

less UN-style resolution — they’re adding teeth so everyone will know they are deadly serious. In Wyoming for example, the Senate unanimously declared that ATF agents would be prosecuted for trying to enforce unconstitutional federal gun laws:

Any official, agent or employee of the United States government who enforces or attempts to enforce any act, order, law, statute, rule or regulation of the United States government upon a personal firearm ... manufactured [in Wyoming and which stays in the state] shall be guilty of a felony and, upon conviction, shall be subject to imprisonment for not more than two (2) years, a fine of not more than two thousand dollars ($2,000.00), or both.

As of this writing, Idaho has become the seventh state to enact Firearms Freedom — and dozens of other states have or are planning to have an FFA introduced into their legislature.

States also saying no to ObamaCare

Today’s reaffirmation of the precepts of federalism is also being felt in other ways that are of direct concern to gun owners.

The highly unpopular and decidedly anti-gun ObamaCare legislation is

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**States to Fed: Enough!**

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being strenuously resisted by many states.

By far the most aggressive action has taken place in Virginia, Idaho, and Utah. Those states have outright “nullified” ObamaCare. Nullification is the process whereby a state literally passes a law to proclaim that an unconstitutional federal law shall not apply within that state.

This flows directly from James Madison’s doctrine of interposition, whereby an individual state is expected to interpose itself between a federal government that is acting unconstitutionally and its citizens and/or its sovereignty.

Arizona will send its nullification effort to the people in the form of a ballot initiative in November, and other states are mulling similar actions.

What the press is focusing on, however, is what more than a dozen state attorneys general did seven minutes after Obama signed the anti-gun health care bill: they filed suit in federal court.

That lawsuit posits two constitutional foundations: that nowhere is Congress authorized to force Americans to buy health care, and that doing so would be an “unfunded mandate” on the states, which would have to implement it.

It is interesting to note that the very same “unfunded mandate” argument forced an even more liberal Supreme Court, in *Printz v. U.S.* (1997), to strike down the portion of the Brady Law requiring local law enforcement to conduct background checks.

**States still not done: pro-gun movements accelerating**

In light of this heavy — and very welcome — wave of states standing up to an unconstitutional Obama administration and its anti-gun policies, Second Amendment activists should not overlook the myriad other pro-gun advancements occurring at the state level.

The biggest news, certainly, is that Arizona recently became the third state to pass an “Alaska carry” bill.

This initiative is modeled after Alaska’s successful self-defense statute, which essentially combines the best of two worlds. On the one hand, you do not have to beg for government permission and get a permit just to defend yourself and your family. On the other hand, if you want a permit (for reciprocity purposes, perhaps), there’s a system for that.

No-safety zones are evaporating as gun rights activists seize the initiative. Several states have repealed their “restaurant bans” on concealed carry (most recently, Virginia). Also, with regard to churches, airport parking lots, the very halls of the legislature — pro-carry forces are achieving much needed reforms.

Then there is the whole issue of Campus Carry. Almost unthinkable until following the Virginia Tech tragedy, a serious movement is now underway to transform America’s college campuses from criminal playgrounds to secure self-defense areas. Utah and Colorado have already done so; in other states, the pendulum has obviously swung to where the anti-gun crowd is playing defense.

In fact, anti-gunners all across our Several States are on defense constantly as gun control continues to be an abysmal failure and a loser on Election Day.

*Gun Owners of America* often hears from activists who want us to spend more time on offense. And while the political climate usually means we are forced onto defense (they really are trying to take away your guns), it is gratifying to report that at the state level in 2010, we’re not only on offense — we’re winning in unprecedented fashion.

**News Flash:** As this newsletter goes to press, *Gun Owners Foundation is submitting an amicus brief to defend the Montana Firearms Freedom Act in federal court. More information will follow in the next newsletter.*

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**GOA radio ads to hold McCain accountable**

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submitted their own brief — available at www.gunowners.com/speech — which argued for total repeal of the federal campaign laws. The *amicus* brief argued that campaign laws abridge the First Amendment freedom of the press — which is an individual right and not one that is only available to favored entities.

Unfortunately, campaign laws have unconstitutionally exempted liberal media corporations even while stuffing gags down the throats of other corporations.

GOA is now free to take to the people of Arizona the anti-freedom record of Sen. John McCain, the friend of the gun control crowd. In that vein, Gun Owners has produced an ad which can be heard on the GOA web site: www.gunowners.org/radioads

GOA is currently raising funds to help distribute this ad to multiple media outlets throughout the Grand Canyon State.
Repeal It!
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A national medical records database could pose all sorts of problems for gun owners, and could serve as a dangerous tool for politicians and bureaucrats who disdain firearms but find it politically impossible to enact gun control laws. For instance, should people who are taking certain prescriptions or who have vision problems be either temporarily or permanently barred from possessing firearms? Could such persons’ civil liberties be jeopardized because of medical conditions?

Such questions may be less abstract than people think, and one need look no further than the Veterans Administration — where national health care has been in place for years — to see why.

Veterans disarmed
Since 1999, over one hundred thousand veterans have lost their gun rights because, based on the opinion of psychiatrists, a third party was appointed to oversee their finances. These veterans lost a fundamental civil liberty based not on a criminal conviction, nor were they afforded what could be considered meaningful due process of law, nor were they determined to be a danger to self or others. They were determined to have been “adjudicated as mental defectives” by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE).

When the law banning gun possession by those “adjudicated as mental defectives” first passed in 1968, it typically applied to those found not guilty of a crime by reason of insanity. In 1997, in quintessential Orwellian fashion, the definition was expanded by regulation to persons who “lacked the mental capacity to contract or manage [their] own affairs.”

Furthermore, also in 1997, the BATFE issued a notice declaring that it considered government entities outside the court system — such as the VA — as having legal authority to make mental adjudications.

The veterans who were disarmed by the VA served their country honorably and yet were subject to a lifetime gun ban thanks to the combined efforts of bureaucrats at various branches of the federal government. Since the VA operates a national health records database, it was a simple matter of information sharing between federal agencies for this travesty of justice to occur.

If the government can strip veterans’ Second Amendment rights for health reasons, there is no reason to believe it will not happen to an even greater extent to the rest of society. And if the VA can exercise that kind of discretionary power, there is no reason not to expect the Social Security Administr-
eral government forcing people to buy health insurance. Over a dozen state attorneys general have filed lawsuits against the bill to protect their states' citizens from this unprecedented mandate.

It is not every day that states assert their own powers in court with respect to the federal government, which serves to underscore the momentum in the country for not simply modifying ObamaCare, but repealing it completely.

One such effort was the Tea Party Express, a forty-two city bus tour which began in Harry Reid’s hometown of Searchlight, NV, and ended on April 15 in Washington, D.C.

GOA’s Executive Director Larry Pratt joined the Tea Party Express in Tulsa, Oklahoma.

The organizers of the April 2 rally invited Pratt to be the keynote speaker to the event which drew 2,500 people. The crowd was very sympathetic to the cause of gun owners in general and to the common enemy that taxpayers and gun owners have in the new socialization of America’s medical system.

Indeed, 62% of Americans favor repealing the bill, according to one CBS poll. These voters are certain to take their outrage over the health care bill — and the corrupt process that allowed it to become law — into the voting booth in November.

Of course, with Obama sitting in the Oval Office, a full repeal will be all but impossible. But there’s a lot that can be done in the interim — like “defunding” the federal government’s ability to socialize America. The 2010 elections can serve to slam the brakes on the Obama train (much like the 1994 elections had a chilling effect on the Clinton agenda), even if a total repeal has to wait until after the 2012 elections.

Given all the problems specifically related to gun owners — of course, other opponents of the bill, such as Tea Party activists, have about a trillion other reasons they don’t like the new law — it is no wonder the movement to repeal ObamaCare is strong and growing.

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**Friends of GOA Serve Up a Fabulous Dinner Event in Michigan**

A Friends of GOA dinner was held in Detroit on March 27. John Garfield, a long-time representative of GOA in Michigan organized the event at Sindbad’s at the River.

A number of office holders and candidates spoke in addition to the dinner’s keynote, GOA Executive Director Larry Pratt. It is hoped that this event will be the first of many.

If you would like to organize a dinner in your area, please go to http://gunowners.org/dinner and let GOA know of your interest.

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**Chile after Earthquake**

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Sadly, the neighbors had previously asked the soldiers for guns, but they had been denied. That would have been a perfect moment to organize Gun Owners of Chile!

But isn’t it interesting: it does not matter where one is or what language is being spoken, bad people will take advantage of the weak and helpless.

In 1992, USA Today reported that many of the people rushing to gun stores during the riots in Los Angeles were “lifelong gun-control advocates, running to buy an item they thought they’d never need.” Ironically, they were outraged to discover they had to wait 15 days to buy a gun for self-defense.

As in Los Angeles, so in Chile ... gun control only affects the good guys, while the bad guys manage to arm themselves. And even though they may be armed, the thugs still try to avoid the few who manage to arm themselves for protection. Effective self-defense means the sparing of lives and properties.

We must insist that our employees who work for us in government stop taking sides with predators and start getting out of the way so the rest of us can take care of business.

Whether we study the riots in Los Angeles, or the hurricane in New Orleans or the earthquake in Chile, disasters overwhelm the authorities. If we allow ourselves to be disarmed by our employees, we can be sure they will be of no use during an emergency.
In Chile after the Earthquake:  
"We Want Guns"

by Larry Pratt

Chileans were shocked by the February 27 earthquake. Yes, the resultant devastation was impressive, but not nearly as lethal as the one in Haiti. Some of the most rigorous building codes in the world saved many, many lives from a much stronger earthquake in Chile than the one that shook Haiti.

What did shock Chileans was the ensuing violence that was unleashed following the earthquake. Chile’s government TV news channel, 24 Horas, provided continuous coverage of scenes of damaged, and occasionally destroyed, buildings. Interviews with people revealed their disbelief that there was more violence following Chile’s quake than had occurred in Haiti.

It did not take long for gangs to form and sweep through residential and commercial neighborhoods. The outgoing socialist president, Michelle Bachelet, had a lifelong hatred of the military that had ousted Communist President Salvador Allende back in the 1970s. The marauding gangs were more than the police could handle and the situation was deteriorating.

President-in-waiting Sebastian Pinera criticized Bachelet, and after a couple of days of waiting — where the people were left defenseless against the violent elements of the country — the military was finally deployed. They found many chaotic areas, and the TV accounts recorded the horror suffered by whole neighborhoods.

In some cases, citizens had to stay up all night with whatever weapons they had — clubs, a few hunting rifles or anything at all — to defend their homes and their families. The hordes who were invading neighborhoods were wielding knives. The first night after the quake was horrific.

Unlike our response to Hurricane Katrina, the Chilean authorities did not feel compelled to confiscate the occasional firearm owned by citizens, but that’s because Chile already has stringent gun control laws. Semi-automatic firearms and machine guns are illegal for “mere” civilians, although there are some hunting rifles in the hands of the people — weapons which were effectively employed in self-defense.

As 24 Horas reported, bonfires and self-defense groups proliferated throughout the city of Concepcion — where the quake hit the hardest. But looting continued throughout that first day.

Supermarkets were pillaged. In one case, after miscreants looted the food and building material out of a supermarket, they torched the empty hull and created a fire so fierce that it spread to other buildings. Fighting a fire when the water supply has been cut off becomes extremely difficult.

In the town of Chihuayante, every supermarket was stripped bare. Some Chileans might have excused the taking of food, that was going to perish anyway, from a store where no one was available to make a sale. But stripping the building materials off the store? Chileans were questioning as to what kind of a people they are.

24 Horas reported on neighborhoods where entry was restricted and residents armed with handguns and shotguns (dare we say “militias”?!) stood guard to protect their families.

The socialist bias of the government’s TV network came through when self-defense was labeled a “spirit of vigilantism.” Vigilantism it was not, and 24 Hora’s own reportage put the lie to the libel when they reported that neighbors said that the police had come and authorized them to use their guns to protect their neighborhoods. Rather than vigilantism, what really was occurring was closer to a posse.

The benefit of armed citizens was visible in footage which showed a group of armed neighbors arresting some thugs with the help of the police. Other neighborhood scenes showed citizen self-defense patrols with some guns among them.

In one scene, a group of women saw the television cameras recording the thuggery and responded by marching toward the reporter chanting: “We want guns! We want guns!” You can see this chant, with English subtitles, at about 5:35 minutes in the video at: www.gunowners.org/earthquake

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Gun Owners

Sen. H.L. Richardson (Ret.)  
Founder and Chairman

Tim Macy  
Vice-Chairman

Larry Pratt  
Executive Director

Erich Pratt  
Director of Communications

John Velleco  
Director of Federal Affairs

GUN OWNERS OF AMERICA  
8001 Forbes Place, Suite 102  
Springfield, Virginia 22151  
703-321-8585  
Web Site: http://www.gunowners.org

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