

# THE Gun Owners

34 YEARS OF NO COMPROMISE – 1975-2009

As veterans lose their gun rights at alarming rates

## GOA backs Burr Bill to Protect Veterans



**Gun Owners of America fought a lonely battle against the Veterans Disarmament Act prior to its enactment by President Bush in January of last year. Now, Republican Senator Richard Burr of North Carolina has introduced S. 669 to protect veterans who are losing their gun rights at frightening rates.**

by John Velleco

U.S. Army Brigadier General Gary Patton lost sixty-nine men under his command over the course of a one year tour of duty.

In a poignant interview with CNN, Brig. Gen. Patton, staring down the stigma attached to mental health issues, acknowledged the emotional and psychological stress he suffered and how the events of war continue to wake him up at night.

“Of course, there is no [bomb] or rocket that is going off in my bedroom but the brain has a funny way of remembering those things and not only recreating the exact sound, but also the smell of the battlefield and the metallic taste you get in your mouth,” Patton said.

Except for the fact that he spoke out publicly, Gary Patton’s experience is not uncommon. As many as 300,000 Iraq and Afghanistan veterans suffer from Post Traumatic Stress Disorder (PTSD) or depression,

though estimates are that fewer than half seek treatment.

The military has frantically tried to address PTSD and depression among the troops.

But while many veterans could benefit from mental health treatment, a particularly egregious Department of Veterans Affairs (VA) policy serves as a great disincentive for men and women in uniform to admit to having any emotional or psychological problems.

In a practice that began under the Clinton presidency, veterans who seek mental health treatment through the VA risk losing their Second Amendment rights forever. The reason? If VA doctors or bureaucrats find a person to be “mentally incompetent,” the agency turns the name over to the FBI’s National Instant Background Check System (NICS), meaning these veterans could no longer buy or possess firearms.

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## Health Care Debate a Trojan Horse for Gun Control

by Mike Hammond

A 63 year-old GOA member in a VERY pro-gun state was recently surprised when his doctor asked him if he had any guns. And it was pretty clear that the doc wasn’t simply trying to locate a hunting buddy.

Said the member: “None of your [expletive deleted] business.”

Generally speaking, that is the right answer. Of course, this member could have also pointed out that he was more in danger visiting his doctor than standing next to his gun safe — as doctors accidentally kill their patients at a rate of over 100 times more often than guns do.

As doctors — particularly pediatricians — increasingly ask patients and their kids about their household gun collections, there is a new reason to fear this invasion of your privacy.

And that privacy invasion is about to be given a shot in the arm by anti-gun Sen. Ted Kennedy of Massachusetts.

At long last, Sen. Kennedy (D) has partially revealed the health care system he wants to foist on the whole country — and it isn’t pretty.

It won’t be pretty for your pocket book ... *or for your gun rights!*

But first, one needs to understand what TeddyCare is all about.

At the center of the plan is what’s called a “universal mandate.” What this means is that you — and virtually everyone in the country — will have to buy as much health insurance as the government demands, and that insurance plan will actually have to be approved by the government.

If you work for a small business, the business will buy the insurance on your behalf. But you may be saddled with an

enormous part of the cost. And, if the employer’s contribution is too large, you will be fired.

If you fail to buy TeddyCare, as the government orders you to do, the IRS will fine you, garnish your wages, put a lien on your house, and, ultimately, put you in prison.

How much will you have to spend on your TeddyCare insurance? Teddy’s not saying.

The portion of your paycheck that will have to be forked over to Teddy’s latest social experiment will be revealed *only after the massive health care bill is signed into law.*

This should set off alarm bells in your brain, because, for instance, the average family policy is currently \$12,700. “So,” proclaims Teddy, “everyone’s going to get a subsidy to

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# Lessons from Tiananmen Square — and why judges like Sonia Sotomayer should study their history

by Erich Pratt

Sometimes a pithy bumper sticker can say it all.

Twenty years ago, many gun owners silently protested the horrific events of June 4, 1989 with this simple adage: “China has gun control.”

To be more specific: China’s gun control applied to anyone outside of the military and the police — a truth that was pounded into the skulls of thousands of university students during what became known as the Tiananmen Square Massacre. The military government responded to student protesters in 1989 with gunfire and tanks, killing thousands of defenseless people.

The brutality of that day caused one Chinese professor to begin questioning his hope in “science and democracy.” That professor, Hong Yujian, is now a Christian pastor in Vancouver, Canada.

Before his conversion, however, Yujian wanted to understand what it was that had made the American dream work. So he studied America’s founding documents and was struck by phrases like “all men are created equal ... they are endowed by their Creator with certain unalienable rights.”

Hong was blown away. “There is nothing like this in Chinese thinking,” Hong told *World* magazine. “But if you cut out the Creator, you cut out the root of democracy.”

Wow, what a revelation! Our rights come from God. Isn’t it amazing that former communists understand this, but our intellectual elites are trying hard to forget it?

Take Sonia Sotomayer, the justice who has been nominated by President Obama to take the place of retiring Justice David Souter on the U.S. Supreme Court. Judge Sotomayer has rejected the notion that our rights come from God. In *United States v. Sanchez-Villar* (2004), she stated that “the right to possess a gun is clearly not a fundamental right.”

That’s not what our Founding Fathers believed. They understood that our rights come from God, and as such,

are unalienable. In other words, no government official — or judge — can take them away or restrict them in any way. The Second Amendment even captures this sentiment by stating the right to keep and bear arms “shall not be infringed.”

Elbridge Gerry, who was a delegate to the Constitutional Convention and one of the first U.S. Congressmen, agreed that our rights were non-negotiable. He said that “Self defense is a primary law of nature, which no subsequent law of society can abolish; [it is] the immediate gift of the Creator, [and] obliges everyone ... to resist the first approaches of tyranny.”

Gerry rightly believed that no law could justifiably abolish our rights. But when judges like Sotomayer start deciding which rights we have or don’t have, then all of our rights are in jeopardy.

This was certainly the case in China where for decades — even centuries — they have not respected the people’s right to keep and bear arms ... or their other rights for that matter. If you are a student today in China, you will not read about the Tiananmen Square Massacre in your textbooks or hear about it from your teachers or find articles about it on the Internet. It’s all been blocked and expunged by the government filters.

It’s interesting that tyrants don’t like the freedoms that we protect in the First and Second Amendments of the Bill of Rights. In our U.S. Congress, the very politicians who hate the Second Amendment are the ones who have tended to support laws like the McCain-Feingold law (which punishes people, under certain circumstances, for merely criticizing elected officials) and a reincarnation of the UnFairness Doctrine (which would punish broadcast stations for having “too much” conservative talk radio).

We either work to protect our right to defend ourselves or, eventually, we will even lose our right to protest the infringements that are taking place.

Thankfully, the resistance has already started. At least 35 states have intro-



**The Tiananmen Square Massacre of 1989 was a stark reminder of the need to have officials who respect God-given rights. While this concept has been absent in the minds of most Chinese officials, America’s Founders viewed rights as a gift from God, which no government official — or judge — could legitimately take away or restrict in any way. The Second Amendment even captures this sentiment by stating the right to keep and bear arms “shall not be infringed.”**

duced Tenth Amendment resolutions in recent months, putting the federal government on notice that it has far exceeded its constitutional powers.

This is not just a Republican revolution ... it is a bipartisan movement of legislators (and citizens) across the country who are fed up with a government that keeps taking away more and more of our freedoms.

And while these Tenth Amendment resolutions are a welcome first step, some states are now looking to veto (or get around) unconstitutional federal laws. More than a dozen states have rejected the federal REAL ID Act — which establishes the equivalent of a National ID card.

Montana and Tennessee have recently enacted laws that could invalidate most federal gun control laws inside their respective states. According to these statutes, any gun made in these two states is exempt from federal regulations, as long as it remains within their respective state. (See the full story on page 6)

It seems that the states are starting to catch “veto fever,” and it couldn’t have come at a better time. The nomination of Judge Sotomayer — and other

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## GOA in the News

**The Washington Times** June 14, 2009

### Sotomayor worries gun rights groups

Gun rights groups said attempts by Supreme Court nominee Sonia Sotomayor to defuse a showdown on Second Amendment rights have done little to assuage their concerns.

Gun Owners of America is actively lobbying against Judge Sotomayor's confirmation, but the National Rifle Association has yet to take a position.

The way the NRA chooses to go could have consequences for moderate to conservative Democrats who helped their party develop a staggering advantage in the Senate....

Gun Owners of America has had little hesitation in lobbying Democratic and Republican senators to oppose Judge Sotomayor's confirmation, arguing that previous votes in favor of gun rights pale in comparison to their upcoming Supreme Court vote.

"We're conveying on the Hill that this is the big one, anything you might have done in the past was wiped clean," said Larry Pratt, executive director of Gun Owners of America.

"We want Republicans deciding they're going to fight this. This needs to be something that goes on the record," he said.

– Larry Pratt, GOA Executive Director



**GOA Executive Director blasted a report – issued in April by the Department of Homeland Security – that targeted many gun owners and military veterans as right-wing terrorists.**

**The Wall Street Journal** May 30, 2009

### Gun Advocates See Reason to be Wary of Nominee

The Gun Owners of America, an organization based in Springfield, Va., is telling its 300,000 members to let senators know they oppose Judge Sotomayor's appointment. "Our message will be to the senators [that] it doesn't matter how you voted" on other gun issues, said executive director Larry Pratt. The nomination "is the big one."...

The rulings in Judge Sotomayor's cases show the administration's true thinking on gun rights, said Mr. Pratt of the Gun Owners organization. "I think the cat has now come screaming out of the bag," he said.

– Larry Pratt, GOA Executive Director

**CQ Today Online News** May 20, 2009

### Guns and Credit Cards: A Strange Legislative Fit

President Obama's election and Democratic gains in last year's congressional elections have not translated into legislative victories for gun control advocates. There has been no action to renew an expired federal restriction on assault-style weapons, and in February, Senate Democrats helped provide a majority for adoption of an amendment that would ease restrictions on gun ownership in the District of Columbia. The Senate provision has stalled House action on a bill (S 160) that would provide the District with full voting representation in the House....

Erich Pratt, director of communications at Gun Owners of America, agreed that Democrats are being careful out of respect for the gun lobby's power. He said his group has been working for a while to get the national parks provision language through Congress and is excited that it is now part of legislation [that takes effect next February].

"People have been raped, murdered, attacked by wild animals," Pratt said. "Whether you're in national parks or Washington, D.C., it's just not right to tell people that you can't protect yourself and we will punish you if you try to."

– Erich Pratt, GOA Director of Communications

**FOXNews.com** Sunday, May 17, 2009

### Critics Deride Bill Designed to Keep Weapons Out of Terrorists' Hands

A bill designed to keep weapons out of the hands of terrorists is drawing fire from gun rights advocates who say it could infringe upon regular citizens' constitutional right to bear arms.

The Denying Firearms and Explosives to Dangerous Terrorists Act of 2009 [proposed by Rep. Peter King] would authorize Attorney General Eric Holder to deny the sale or transfer of firearms to known or suspected terrorists – a list that could extend beyond groups such as radical Islamists and other groups connected to international terror organizations.

Critics say the names of suspected terrorists could be drawn from existing government watch lists that cover such broad categories as animal rights extremists, Christian identity extremists, black separatists, anti-abortion extremists, anti-immigration extremists and anti-technology extremists.

"It doesn't say anything about trials and due process," said Larry Pratt, executive director of Gun Owners of America. "This is one of the most outrageous pieces of legislation to come along in some time. It's basically saying, 'I suspect you, so your rights are toast.'"

– Larry Pratt, GOA Executive Director

## Lessons from Tianamen

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assaults on our liberty by the Obama administration -- is waking people up to the dangerous threat that is resident in the Oval Office.

In China, the 1989 massacre of innocent people sparked a greater reform movement by Chinese nationals around the world.

Sometimes it gets worse before it gets better. ■

## Sotomayor's horrid record on guns

■ Sotomayor ruled in *United States v. Sanchez-Villar* (2004) that "the right to possess a gun is clearly not a fundamental right."

■ Sotomayor was part of a three-judge panel earlier this year which ruled in *Maloney v. Cuomo* that the Second Amendment does not apply to the states. This makes her more liberal than the Ninth Circuit, which stated in the *Nordyke* case in April that the Second Amendment does apply to the states.

■ Sotomayor has held very anti-gun views, even as far back as the 1970s. Fox Cable News reported on May 28 that in her senior thesis at Princeton University, she wrote that America has a "deadly obsession" with guns and that the Second Amendment does not guarantee an individual right to firearms ownership.





# National Park Service Gun Ban Repealed!

by John Velleco

Good news!

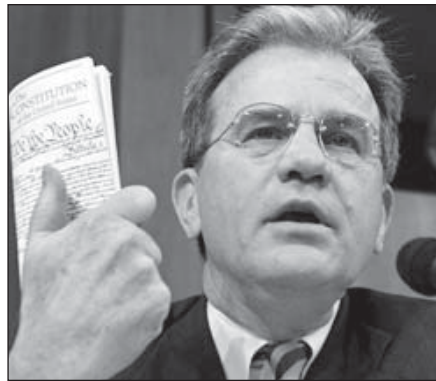
The U.S. Congress passed a bill in May that included an amendment to repeal the gun ban on National Park Service (NPS) land and wildlife refuges.

The amendment was sponsored by Republican Senator Tom Coburn of Oklahoma and attached to a credit card industry reform bill before it was sent to the President.

For decades, law-abiding citizens have been prohibited from exercising their Second Amendment rights on NPS land and wildlife refuges, even if the state in which the land is located allows carrying firearms.

With some limited exceptions for hunting, the only way to legally possess a firearm anywhere in a national park is by having it unloaded and inaccessible, such as locked up in an automobile trunk.

A Bush administration regulation partially reversed the ban, but that action was singlehandedly negated recently by an activist judge in Washington, D.C. The Department of Interior decided not to appeal that ruling.



**“Gun Owners of America was the most consistent and loudest voice on Capitol Hill in support of the effort to repeal the National Park Service gun ban.”**  
— Sen. Tom Coburn (R-OK)

Because of that, Gun Owners of America fought hard to repeal the NPS gun ban through the legislative branch. In fact, GOA was the leading, and often only, national gun group involved in this fight. Your membership in GOA was absolutely vital to achieving this win.

GOA worked with Coburn on his amendment that simply allows for state and local laws — instead of unelected bureaucrats and anti gun activist judges

— to govern firearm possession on these lands.

Sen. Coburn said that, “Gun Owners of America was the most consistent and loudest voice on Capitol Hill in support of the effort to repeal the National Park Service gun ban.”

The anti-gun leadership in both the House and Senate fought back and tried to keep the Coburn amendment from being attached to the underlying bill.

Anti-gun Rep. Carolyn McCarthy (D-NY) whined that a “very good” credit card bill had been “hijacked” by the Coburn amendment. To this, Rep. Rob Bishop (R-UT) pointed out that gun control is the policy of tyrants, as evidenced by the British attempt to confiscate firearms at Lexington and Concord in 1775.

Regardless, Congress sent the bill to President Obama, who was demanding a credit card bill by Memorial Day. Obama signed the Coburn provision into law, but only because it was part of the larger bill that he really wanted.

The repeal provision will take effect in February of next year. ■

*Erich Pratt also contributed to this article.*

## TeddyCare

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pay for this.” There's going to be a “chicken in every pot,” and no one's going to have to pay for it.

Yeah, right. If you're a welfare mother, the government will pay for your TeddyCare, and it would pay for it — the first time — by taxing employer-provided health benefits of working Americans. But if you a “working Joe” your Kennedy-subsidy will be a microscopic fraction of the cost of your mandated TeddyCare insurance policy.

Okay, all of this sounds ominous ... but why is this a gun issue?

The answer is that TeddyCare will allow radical left Health and Human Services Secretary Kathleen Sebelius to determine all of the fine print in every



**Senator Ted Kennedy (D-MA) is sponsoring a health care bill that could place Americans' gun information into a massive federal database and cost them about \$13,000 per year as well.**

TeddyCare policy — which you will be required to buy under penalty of imprisonment.

Currently, as a result of the stimulus bill and a whole lot of other factors, the government is rapidly moving in the direction of computerizing all of your most confidential medical records and putting them into a federal database.

So remember when your son was asked by his pediatrician about your gun collection? That would be in the federal database.

Or remember when your wife told her gynecologist that she had regularly smoked marijuana ten years ago — thereby potentially barring both her and you from ever owning a gun again? That would be in the database.

Or if a military veteran complains to his psychiatrist that he's had emotional stress since coming back to the States,

that would be in the database.

Or remember when gramps was diagnosed with Alzheimer's, thereby making him a “mental defective” who would have to relinquish his life-long gun collection? That's in there too.

And, while we are dangerously close to allowing BATFE to troll all of that information, TeddyCare would allow Sebelius to put everyone's private data in a database with a stroke of a pen.

When we say “everyone,” we don't mean quite everyone.

Teddy has conveniently excluded Washington bureaucrats from his TeddyCare mandate.

Also, Teddy and his friends in the media don't want you to hear about the details until after the bill is passed. That's why they're trying to slam it through within the next month and a half before anyone's had a chance to read or debate it.

Please stay tuned for further updates. ■

*Mike Hammond is the legislative counsel for Gun Owners of America.*

# Gun Owners Foundation taking the Olofson Case to the Supreme Court

by Larry Pratt

As readers of *The Gun Owners* know, since July 2008, Army Reservist David Olofson has been serving a 30-month sentence in a federal penitentiary in Sandstone, Minnesota, for loaning a malfunctioning Olympic Arms semi-automatic AR-15 rifle to a friend to use at a range.

After executing a no-knock raid on his home, and pointing automatic weapons at his children and coming up empty in its search for evidence of a crime, the ATF charged Olofson with the “knowing transfer of a machine-gun.”

Even though the first ATF test of Olofson’s rifle found his AR-15 to be a malfunctioning semi-automatic, it was “retested,” skipping several critical steps that would have shown it was clearly malfunctioning, and using a type of ammunition that Olofson had never used in his rifle. The ATF apparently was able to get different results in a second test and, ignoring the first one, reversed its position on the semi-auto classification.

After many egregious violations of due process, David Olofson was convicted on the theory that *any weapon*, which *ever* fires more than one shot with a single pull of a trigger, *no matter what the cause*, is a machinegun. The judge twice rejected Olofson’s proffered definition of automatic, even though it was pulled straight from a governing Supreme Court decision called *Staples*.

In line with the prosecution’s theory, the trial judge refused to define the term “automatically,” leaving the jury free to believe that even Grandma should be sent to federal prison if both hammers on her double-barreled shotgun fell when she pulled only one trigger.

After this blind deference to the prosecution, and the sandbagging of Olofson’s defense counsel, Olofson was convicted and sent to federal prison to serve a 30-month sentence, instead of being sent to Iraq to continue serving his country, as he had been scheduled to do.

Earlier this year, Olofson appealed his conviction in the United States Court of Appeals for the Seventh Cir-

cuit in Wisconsin, demonstrating the unfairness of his trial, and the illegality of his conviction. Oral argument was held on January 22, 2009, and GOF attorney, and former Dean of Regent Law School, Herb Titus, argued the case for Olofson.

Sadly, on May 1, 2009, a three-judge panel of the Seventh Circuit affirmed Olofson’s conviction. The thrust of its decision was that it had been perfectly fine for the trial court to refuse to define the word automatically. The panel held that “automatic” is a word in common parlance, and that an average juror would understand what it meant as applied to a firearm.

Remarkably, the panel held that the Supreme Court’s definition of automatic in *Staples* was “not an accurate statement of the law.” The panel held that the *Staples* court had meant its definition to apply only to that decision, and as such was dicta, not binding on any court. But if, as the panel said, automatic is a word that everyone understands, it is unclear why the Supreme Court would find the need to define it at all.

The panel instead mined the dictionaries for a definition of “automatic” that it could use to uphold Olofson’s conviction. The panel found what it was looking for — in a 1934 copy of *Webster’s New International Dictionary*. After reading the opinion, GOF went looking for that dictionary and was able to find only one copy ... at the Library of Congress. Strikingly, on the very same page of the dictionary from which the panel pulled its definition, there is a definition for “automatic gun” that fits squarely with *Staples* and Olofson’s requested instruction.

Simply, the panel held that even though the Supreme Court — and at least one other circuit — has previously adopted a definition of “automatic,” it was unreasonable for Olofson to rely on it. Instead he should have relied on a definition from an arcane 1934 dictionary that is long out of print and nearly out of existence — but apparently a definition which the jury clearly knew of and understood, without any guidance at all.



**The case of Army Reservist David Olofson should concern all gun owners. Olofson was scheduled to serve his country in Iraq, until an overzealous judicial system sentenced him to 30 months in federal prison for transferring an AR-15 that malfunctioned, firing more than one shot at the pull of the trigger. GOF is now taking his case to the U.S. Supreme Court.**

On May 15, 2009, Olofson’s attorneys filed a petition for rehearing *en banc* before the Seventh Circuit, in which they explained the legal errors of the panel discussed above. At the heart of Olofson’s petition for rehearing was his claim that the three-judge panel’s decision affirmed his conviction even though it was based upon an erroneous definition of a machine gun that contradicted the definitions historically used by ATF, as well as the definition established by the United States Supreme Court and the Seventh Circuit.

Nevertheless, on June 1, 2009, the Seventh Circuit rejected the petition. This clears the way for Olofson to file his petition for *certiorari* with the United States Supreme Court.

If this case is allowed to set a precedent, it will mean that any law abiding gun owner with a semi-automatic rifle that malfunctions, firing more than one shot at the single pull of the trigger, could be charged and convicted of the felony of knowing possession of a machine gun.

GOA would like to thank each and every one of you who has contributed to the Olofson defense, including those who have been so generous in helping David’s wife and three children stay afloat while he is in jail with your monthly contributions to their support. For those who are able, we would ask that you do whatever you can to help us continue the fight.

Regular support via credit card deductions can be made by going here: <http://gunowners.org/olofson.htm>. ■

# Montana, Tennessee leading the way in resisting federal abuses

by Erich Pratt

A peaceful revolution is sweeping the nation.

Thirty-five states have introduced Tenth Amendment resolutions in recent months, putting the federal government on notice that it has far exceeded its constitutional powers.

And in two states, legislators have thrown down the gauntlet to President Obama.

- In March, Governor Brian Schweitzer signed the Montana Firearms Freedom Act into law. This act basically states that if you make a gun in Montana — and the firearm stays in the state — it is exempt from federal gun control laws. All the gun needs are the words “Made in Montana” stamped on it.

- In June, the state of Tennessee followed in passing nearly identical legislation to exempt home-grown guns from federal controls. Ironically, the Tennessee law was the first one to take effect (on July 1) as the Montana law does not take effect until October 1.

## GOA's grassroots unload on anti-gun governor

The victory in Tennessee was particularly gratifying for GOA members as they intensely lobbied Gov. Phil Bredesen (D) to support the measure. After Bredesen vetoed a bill allowing concealed carry holders to possess firearms in restaurants that serve alcohol, GOA launched a grassroots blitz into the governor's mansion. Feeling the heat, the anti-gun governor decided to let the Firearms Freedom act become law without his signature.

Bredesen reportedly does not like the new law and is hoping it's eventually defeated in the courts. But the grassroots pressure inflicted upon him was so great that he didn't want to stick his neck out once again to veto another pro-gun bill — especially since the legislature overrode his veto on the guns-in-restaurants bill.

Opponents of the Firearms Freedom legislation are freaking out because, as was reported in the press, “the law could result in gun purchases with no criminal background checks.”

It is difficult to predict, at this time, all of the ramifications that will come from this approach. Will the Montana and Tennessee laws simply allow guns to be made instate without things like serial numbers or will it also apply to the purchase and possession of those guns?

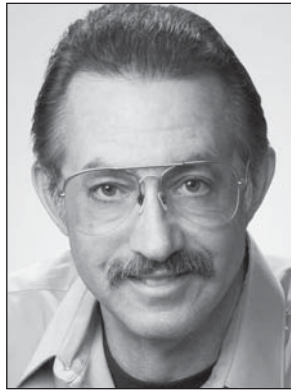
The critical language in both laws says that any gun made in the state “is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce.”

This could mean that private citizens in both states would not be subject to the onerous firearms restrictions that people in other states have to suffer through. If so, this is what such a scenario would look like:

- **No more discrimination against military veterans.** According to the Congressional Research Service, there are roughly 150,000 military veterans who have been denied the right to buy a firearm because they suffer from things like night tremors resulting from their service overseas. But if there is no federal instant check for intrastate guns, then military veterans would once again be able to own guns and to defend themselves and their families.

- **No more age and sex discrimination.** Last year, a Delaware woman was denied the right to purchase a handgun because she was too old and ... because she was a woman! A subsequent investigation found that the state police were misusing the Brady check system to register and record gun buyers. In Montana and Tennessee, however, none of these abuses could possibly be committed against those who purchase firearms made in the state — not if there aren't any background checks on such firearms.

- **No more erroneous denials.** Thousands of people are erroneously denied the right to buy firearms every year. The number of people who could successfully reverse their denial, but



**Gary Marbut — former GOA Board Member and current head of the Montana Shooting Sports Association — is the intellectual author of the Firearms Freedom Act.**

they never even bother to begin an appeal, could be as high as 20,000. A Government Accounting Office study found that almost 50% of denials under the Brady Law are erroneous — that is, they were for administrative snafus or traffic violations. But this wouldn't be a problem in Montana or Tennessee, if citizens can soon buy home-grown guns in the state without federal interference.

- **No more arbitrary gun bans.** President Clinton enacted a law banning the possession of many kinds of semi-automatic rifles, shotguns and handguns. While that law sunset in 2004, there are many on Capitol Hill — including President Obama — who would like to reenact that ban. But this would not impact residents of Montana and Tennessee who could soon be free to buy any “banned” gun that was made in the state.

These new laws are almost sure to be challenged in the courts, as opponents are claiming the Firearms Freedom legislation will allow criminals to evade federal background checks and get firearms.

Excuse me? If that's true, then how were bad guys getting guns for the past 30 years in Washington, DC? While the city's gun ban was in place, there were no gun stores or gun shows ... there were no legal guns being bought and sold ... there were no legal guns in private hands, period! And yet criminals still got firearms and made our nation's capital one of the most dangerous cities in the country.

Several states resisting federal encroachments

## Several states resisting federal encroachments

The Firearms Freedom Act is following the path where many other states have trod. But as they say in poker — it's now time to “up the ante.”

As mentioned above, several states have passed so-called Tenth Amend-

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## Montana and Tennessee Leading Way

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ment resolutions in recent weeks to protest the usurpation of power that has been seized by the federal government — and by the Obama administration in particular. Without fail, however, most of these resolutions have no teeth.

What Montana and Tennessee have done is to actually interpose themselves so as to protect their citizens from the unconstitutional mandates that have passed at the federal level.

The idea originated in Montana. Joel Boniek is the representative who introduced the new law in the Montana legislature. Gary Marbut — a former GOA Board Member and the current head of the Montana Shooting Sports Association — is the law's intellectual author.

Marbut says that, in addition to the state of Tennessee, there are almost a dozen states which are considering, or have already introduced, similar bills.

Those who follow Montana gun laws will realize that this is not the first act of interposition on their part. This is the state that has effectively, by law,

decreed that every law-abiding citizen within the state is authorized to carry a firearm within a school zone; the state that nullified the federal requirements of REAL-ID (read: National ID card); and which had even threatened to leave the union if the Supreme Court ruled against Second Amendment rights in the *Heller* case.

### Following in the Founders' footsteps

James Madison and Thomas Jefferson would be proud. When the federal government passed the Alien and Sedition Acts — a series of laws which amounted to unconstitutional restric-

“nullify” these laws. The Alien and Sedition Acts produced a classic conflict between the federal government and the states.

Madison, who would later become the fourth President of our country and the man known as the Father of the Constitution, gave constitutional reasons for why the states should ultimately decide such a conflict:

The states, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal, above their authority, to decide, in the last resort, whether the compact made by them be vio-

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## After Gov. Bredesen vetoed a popular pro-gun bill, GOA launched a grassroots blitz into the governor's mansion. Feeling the heat, the governor was forced to let the Firearms Freedom act become law.

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tions on the freedom of the press — Madison and Jefferson authored the protest resolutions for the states of Virginia and Kentucky.

They essentially said that if Congress did not repeal the law, the states would be forced to “interpose” themselves and

lated. . . . Consequently, that, as the parties to [the Constitution], they [the states] must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition.

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## Veterans Losing Rights

*Continued from page 1*

According to the 1968 Gun Control Act, a person “adjudicated mentally defective” is prohibited from owning a firearm. For the better part of forty years, the common application was that a person found “not guilty by reason of insanity” in a criminal trial fell into this category.

In recent years, though, the definition of “adjudicated mentally defective” has broadened dramatically. Adjudications that once took place in a courtroom with the legal protections of due process can now occur in a VA psychiatrist's office.

In 1999, the VA submitted to the NICS system the names of around 90,000 veterans it deemed “mentally defective.” These men and women were not placed on the gun ban list because of a criminal conviction, nor were they determined to be a threat or danger to themselves or others.

In fact, inquiries made nearly a decade later by Republican Senators Tom Coburn (OK) and Richard Burr (NC) confirmed that these names were submitted solely because a doctor or other bureaucrat determined that a third party should be assigned to manage their financial affairs.

This practice has gone on for ten years now. Veterans who go to the VA for help — often with symptoms related to stress in combat — and are determined to need help with their financial affairs are automatically categorized “mentally defective.” And even if help is only needed temporarily, the gun ban lasts a lifetime.

Theoretically, it's possible to get off NICS, but only through the very same bureaucrats who supported the gun ban in the first place.

Under a super-elastic definition of “mental defectiveness,” therefore, many veterans who served their country honorably from WWII to Iraq and Afghanistan have lost their Second Amendment rights for life because a

doctor in the VA appointed someone to look over their checkbook

The situation worsened in 2008 thanks to a law signed by President George W. Bush. What had been done illegitimately by the VA since 1998 is now *required* by the so-called “NICS Improvement Act.”

Veterans deserve the best mental healthcare available, but the threat of losing their Second Amendment rights acts as a deterrent to those who would benefit from treatment.

GOA is working in Congress to protect veterans' Second Amendment rights. One bill, the “Veterans Second Amendment Protection Act” (S. 669) was recently reported favorably out of the Veterans Affairs Committee.

This bill, sponsored by Sen. Burr, simply requires due process and a finding in a courtroom (not just a doctor's office) that a person is a danger to self or others before being stripped of his or her Second Amendment rights. A companion bill was also introduced in the House (H.R. 2547). ■



# The Butler's Changed the Locks!

by Larry Pratt

Imagine the reaction of a homeowner when, upon returning to his house late at night, his key does not work in the lock. He summons his butler who tells him from behind the locked door that he will no longer be admitted into his own house. Furthermore, if he does not leave right away, the police will be summoned to deal with his trespass!

Such a turn of events would be labeled theft. The butler would not have the paperwork to document his claim of ownership, and in a just system, he would end up in jail.

Well, the same thing by analogy has happened to you and me. Of course, most of us, myself included, do not have a butler. But we all have another employee — government. And our government employee has been as out of control as the hypothetical butler above.

*We the People* established the government of the United States — and enshrined that principle in the preamble to our Constitution. The *People* were able to establish a new government because they could use their arms to overturn a rebellious government that was routinely breaking the law. As Jefferson put it in the Declaration of Independence, "...whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it..."

The King of England fancied himself as the sovereign — the one who had the last word. The American colonists saw him as subject to various foundational English constitutional documents such as the Magna Carta and the Declaration of Rights of 1689. Moreover the king had bound himself to various limitations in each of the colonial charters.

When the distant government in London capped a growing list of violations of the rights of Englishmen with a ban on guns and ammo, the colonists knew that war was afoot. When the Crown shot without warrant at colonists in Lexington and Concord, the King's men got their just deserts — lethal volleys of lead.

To refer back to our butler analogy, the King and Parliament were attempting to change the locks, and the American colonial homeowner put a stop to this outrage before it could be completed.

Fast forward to today. What are we to make of the gun bans that have been imposed in Washington, DC and Chicago, and the virtual bans through licensing schemes such as that of New York City's? It is another case of the butler changing the locks!

When President Clinton banned a whole class of firearms, he was in the process of going door by door, front to back, to change the locks. President Obama, his Attorney General and his first Supreme Court nominee are all analogous to butlers who illegally change the locks — they all want to jail Americans for having guns in their homes.

When the sovereign is disarmed, he is no longer the sovereign because he has no way to enforce his will. An armed people can always enforce an election outcome — even if a rebellious government servant disregards it — with guns. Without guns, the sovereign becomes a subject not even worthy of the title "citizen."

The Swiss to this day have a saying that is quite on point: "The emblem of a free man is a gun." The obverse, of course, is "A disarmed man is a slave."

The blatant advocacy of disarming the American people should be seen for what it is — a coup d'état. We must act before the butler manages to completely change the locks on our house. ■

## Montana and Tennessee Leading Way

Continued from page 7

What? Is Madison saying that states can directly contradict the federal government? Well, Madison would say that if the federal government is violating the Constitution, then the states can

intervene to protect the people. But won't that create disunity?

No, not really, since the people will ultimately decide between the states and the federal government. And that is precisely what happened during the election of 1800, when angry voters went to the polls.

That election was the death knell of

the Federalist Party and its candidate for President, John Adams. In their place, the nation elected Thomas Jefferson and catapulted a new party — the Democratic-Republicans — to the forefront.

As the level of unrest in the country seems to be rising these days, one wonders: will history repeat itself? ■

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