

THE Gun Owners

36 YEARS OF NO COMPROMISE – 1975-2011

Push for UN Gun Control Treaty Continues

by John Velleco

The U.S. Department of Justice and its subsidiary agency — the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) — may be embroiled in a growing scandal known as Fast and Furious, but that has not dampened the Obama administration's enthusiasm for a worldwide gun control treaty.

In July, a United Nations "Preparatory Committee" is holding a third round of meetings gearing up for final negotiations on the massive Arms Trade Treaty (ATT) in 2012.

The treaty is a result of a 2006 UN draft resolution called "Towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms," which itself resulted from the 2001 UN "Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects" (PoA).

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GOA Attends Hearings on ATF



Committee Chairman Darrell Issa (R-CA) tells GOA Executive Director Larry Pratt that top officials in the Justice Department knew that ATF's Fast and Furious was knowingly putting firearms in gunrunners' hands and fueling violence south of the border. This, of course, raises the specter that the Obama Administration was ultimately using the program to help make the case for gun control here at home.

Senate Rejects Efforts to Protect Gun Records from ATF

by Mike Hammond

In May, the Senate killed an amendment introduced by Kentucky Senator Rand Paul which would have protected 4473's and other gun records from blanket searches by the ATF under the PATRIOT Act.

ble that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) could go to a secret (FISA) court, and, without any defense attorneys present, obtain an order to produce every 4473 in the country, ostensibly because a "terrorism investigation" requires it. If

Firearms Owners Protection Act. This Act spells out the purposes for which gun records can be obtained by a law enforcement agency: as part of a bona fide criminal investigation, a trace, or a routine annual inspection. Sen. Paul's amendment would have simply kept the 1986 law's provisions in place.

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"I want to thank Gun Owners of America for their strong support of my amendment to protect the privacy of gun owners."

— Sen. Rand Paul (R-KY)

Gun Owners of America worked with Sen. Paul on the amendment to exempt 4473's (the form all buyers fill out when a gun is purchased from a licensed dealer) from the legislation that was passed hastily after 9-11.

Without Paul's exemption, it is possi-

such an action were taken, the government would have a list of every FFL-related gun buyer in the country going back decades.

This is unacceptable and is a violation of gun owner protections enacted in 1986 as part of the McClure-Volkmer

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Push for UN Gun Control Treaty Continues

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The PoA itself is not a treaty, but an instrument meant to encourage voluntary action on the part of member states. Frustrations grew over perceived weaknesses in the PoA, in particular, that it was voluntary rather than compulsory, setting the stage for a resolution to turn the PoA into a legally binding treaty.

At stake is nothing less than U.S. sovereignty and the individual right to keep and bear arms in this country.

The most comprehensive treaty of its kind, the ATT would regulate weapons trade throughout the world on everything from battleships to bullets. Though the meetings are held behind closed doors and negotiators are reluctant to release details, the ATT will, at the very least, require gun owner registration and microstamping of ammunition.

The ATT will define manufacturing so broadly that any gun owner who adds so much as a scope or changes a stock on a firearm would be required to obtain a manufacturing license.

It would also likely include a ban on many semi-automatic firearms (i.e., the Clinton gun ban) and demand the mandatory destruction of surplus ammo and confiscated firearms.

A statement authored by Mexican negotiators and signed by nine other countries (Argentina, Chile, Colombia, Guatemala, Jamaica, Peru, the Republic of Trinidad and Tobago, and Uruguay) in July 2010 is indicative of the direction talks are headed. The statement urges that the ATT:

[B]e flexible to cover all types of conventional weapons (regardless of their purpose), including small arms and light weapons, ammunition, components, parts, technology and related materials, hence permitting the development of the concept “conventional arms” together with the future technological developments of the armaments industry.

The statement went on that, “It is important to maintain control throughout the whole life cycle of the weapon, from its production until its destruction,” and that all weapons “and their major parts and components must be



Leading agitators for the gun treaty include the International Action Network on Small Arms (IANSA), Amnesty International and Oxfam.

marked at the time of production and information regarding marking numbers processed, and maintained, in databases that allow for efficient tracing.”

Mexico’s statement, and others like it, outlines proposals the Obama administration would eagerly welcome. Since it has been largely stymied in pushing gun control in Congress, U.S. negotiators will push the envelope as far as it can.

The U.S. Undersecretary for Arms Control and International Security, a key negotiator of the ATT, is anti-gun former Congresswoman Ellen Tauscher of California. Tauscher said last year that her team at the State Department “will work between now and the UN Conference in 2012 to negotiate a legally binding Arms Trade Treaty.”

In early 2009, newly confirmed Secretary of State Hillary Clinton reversed the position of the Bush administration (which voted against the treaty in 2008) and stated that, “The United States is prepared to work hard for a strong international standard in this area.”

International standards, however, may not be the only, or even the primary, objective. Former ambassador to the UN, John Bolton, observes that, “The hidden agenda of a lot of the people who sought to negotiate a small arms treaty really had less to do with reducing dangers internationally and a lot more to do with creating a framework for gun control statutes at the national level.”

Bolton explains that pressure from the groups agitating for the treaty — groups such as Amnesty International, Oxfam, and the International Action Network on Small Arms (IANSA) — is geared toward constraining the freedoms of countries that recognize gun rights. “And specifically, and most

importantly, [to] constrain the United States,” Bolton said.

The disarmament community, not surprisingly, is happy to see Bolton out of the UN. Under his watch, the U.S. was the only vote out of 164 to oppose the 2006 draft resolution, and one of two to vote against the treaty in 2008.

U.S. freedom is clearly in the sights of the ATT. Negotiators, from abroad and within the Obama administration, view arms control as a human right,

rather than seeing civilian disarmament for what it is — the favorite tool of despots, dictators and tyrants to maintain power by engaging in mass murder and genocide.

The treaty is supposedly aimed at curbing the sale of weapons to terrorists and other “non-state” actors. But the same flawed logic that affects gun control proponents here at home affects the treaty’s leading proponents internationally. Bad guys — whether street thugs or would-be dictators — will get all the weapons they can afford.

And, perversely, in many instances those resisting an oppressive, genocidal regime would be held in the same light as terrorists and be legally prohibited under the ATT from purchasing weapons.

U.S. Senator Jerry Moran (R-KS)



Secretary of State Hillary Clinton and Undersecretary for Arms Control Ellen Tauscher have long histories of supporting outright gun bans and fit in well with the international disarmament community.

makes this point in a letter he drafted to President Obama. “[T]he underlying philosophy of the Arms Trade Treaty is that transfers to and from governments are presumptively legal, while transfers to non-state actors ... are, at best, problematic.”

Sen. Moran’s letter, in which he is joined by other pro-gun Senators, warned that any treaty “that seeks in

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GOA in the News



GOA's director of federal affairs, John Velleco (left), squared off against the Brady Center's Paul Helmke (right) on "Fox & Friends" and debated a law repealing Ohio's ban on carrying concealed firearms in restaurants that serve alcohol.

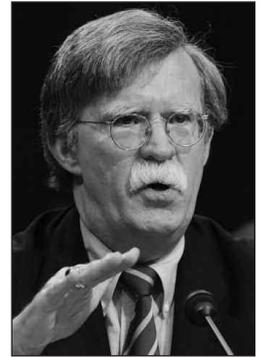
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any way to regulate the domestic manufacture, assembly, possession, transfer, or purchase of firearms, ammunition, and related items would be completely unacceptable to us."

The broadening Fast and Furious scandal — with our own government arming Mexican drug cartels — is outrageous, and GOA is working to see that bureaucrats at the highest level are held accountable. But that corruption will pale in comparison to what we will see across the globe if the ATT is enacted.

GOA will continue to keep the pressure on the U.S. Senate to oppose ratification of this abominable treaty. ■



Former UN Ambassador John Bolton warns that the UN Treaty has U.S. in its sights.

Ja Rule Goes to Prison — Bloomberg Remains At Large

by John Velleco

Going through another day blissfully ignorant of pop culture, I was confronted with a question about Ja Rule going to prison. Stumped, but with piqued interest, I looked it up.

Ja Rule is a rapper, as in musician. His real name is Jeffrey Atkins. Maybe he didn't want to be confused with the country music star with a similar last name.

So, what heinous crime landed Mr. Rule is prison?

In 2007, Rule was pulled over in his Maybach sports car after a concert at Manhattan's Beacon Theatre. Police found a loaded .40 caliber handgun in the back seat, which turned out not to be registered in accordance with New York state law.

He was not using the gun in the commission of a crime, mind you — the gun was the crime. And in Michael Bloomberg country, there is no greater offense.

For his part, Rule took full responsibility and accepted a deal for a two year prison term as opposed to going to trial and facing a three-and-a-half year mandatory minimum sentence. "Laws are laws," he said on Good Day New York, a morning TV show. "There's



Jeffrey Atkins (a.k.a., Ja Rule) is going to prison for the non-violent "crime" of possessing a loaded .40 caliber handgun in the back seat of his car.

nothing I could really do but own up to the situation."

Now, I don't know Ja Rule and I'm not in any position to pass judgment. But one thing I do know is that Mr. Rule has never tried to take away any of my constitutionally protected individual liberties.

The same cannot be said of New York City's lunatic mayor. It was Mike Bloomberg, after all, who lobbied the state legislature to pass the law making it a Class 3 felony (the same as robbery or burglary) to carry a loaded, unregistered handgun in the Empire State.

Bloomberg's favorite cause, in fact, is taking away gun rights from law-abiding Americans. He calls the group he founded "Mayors Against Illegal Guns," but the name is a sham. Presumably, no mayor is for "illegal" anything. He should, to borrow a phrase from Ja Rule, "own up" and not use such a misleading name. "Mayors Against All Guns" would be more accurate.

Bloomberg's group opposes concealed carry laws and the ability of private citizens to buy or sell their own personal firearms without government interference. It is pushing a bill to prohibit people on the government's "terror

watch list" from possessing firearms, without the protections of due process of law, and it would reinstate the Clinton gun ban.

In short, Bloomberg's mayors haven't come across an anti-gun bill they wouldn't support.

But laws against carrying firearms for self-defense must be looked at hard in the light of the recent *Heller* and *McDonald* Supreme Court decisions reaffirming that the Second Amendment protects an individual right. New York's anti-self defense laws, in particular, create their own category of victimless crimes, treat gun owners like criminals and make streets and neighborhoods fertile ground for violent thugs.

Ja Rule will now sit in prison for the next 18 months or so. Maybe some people don't mind seeing a tattooed rapper go to prison. But the same thing could happen to a nurse working the midnight shift at an inner city hospital who carries a gun because she doesn't want to be raped or carjacked, or to someone who carries a firearm for protection when driving deserted roads upstate.

Here's an idea. If they're so intent on disarming the population, how about we send politicians like Bloomberg to prison the next time a person is unable to defend himself or herself because they were disarmed by anti-gun laws? ■

Senate Rejects Efforts to Protect Gun Records from ATF

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Democrat and Republican leaders put the squeeze on their members

A mere 24 hours before the Senate vote, Democratic Leader Harry Reid went through parliamentary convolutions in order to prevent a vote on the Paul 4473 amendment, fearing that a vote on his language would have devastating implications for his Democrats running for reelection.

But Reid had some important allies in the Republican leadership. Minority Leader Mitch McConnell and his second-in-command, retiring Senator Jon Kyl (R-AZ), used their “Republican whip” apparatus to mischaracterize the Paul amendment and try to force Republicans to vote against it by spreading misinformation and lies.

For instance, they claimed that had the FBI been investigating the 2009 Fort Hood shooter, and had the Paul amendment been in effect, authorities would not have had the necessary tools under the Patriot Act to stop the shooting.

But the terrorism legislation was fully in force at the time of the Fort Hood shooting, and did nothing to prevent it! The answer to every government inadequacy is not simply to grant it more power.

Republican leaders also claimed that there was no evidence that the PATRIOT Act has been abused on a “wide-spread” basis, either in general or with respect to the Second Amendment.

But given that all investigations are secret and it is a crime to disclose them, it is hypocritical to argue that we don’t know all the abuses.

PATRIOT Act abuses already occurring

The fact is, thousands of phone records have been procured illegally by the FBI. According to the January 19, 2010, edition of *The Washington Post*:

The FBI illegally collected more than 2,000 U.S. telephone call records between 2002 and 2006 by invoking terrorism emergencies that did not exist or simply per-

GOA Pushes Paul Amendment



Gun Owners of America worked with Sen. Paul on his amendment to prevent the ATF or FBI from using the PATRIOT Act to compile wholesale records on gun buyers.

suading phone companies to provide records, according to internal bureau memos and interviews. FBI officials issued approvals after the fact to justify their actions.

Not only that, the Obama administration is now pushing to illegally seize 4473-type information through its illegal regulations on multiple semi-auto sales in the Southwest — a demand which is being made under the rubric of “national security.” This effort to register gun sales along the border just underscores how easily the ATF could use the excuse of “terrorism” to register

gun sales across the entire country.

Opponents of the Paul amendment claimed that gun owners are protected under the PATRIOT Act, because a request for gun records must be relevant to a terrorism investigation and must first be approved by the Director of the FBI or a select few high-ranking officials.

But this argument does not address the fact that the standard of “relevance” is a low standard ripe for abuse, and it is not much of an assurance at all when you have an administration (like Obama’s) that is hostile to the Second Amendment.

Reid had one additional ally: the National Rifle Association. In the end, the NRA helped both Democrat and Republican leaders by not taking an “official position” on the bill.

Although not taking an official position on the Paul amendment, an NRA letter from Chris Cox, read on the Senate floor, argued that the Paul amendment “encourages the government to use [the McClure-Volkmer] provisions in current law that allow access to firearms records...”

But in 1986, there was great rejoicing over passing the McClure-Volkmer

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Did you Senator vote for gun registration?

On May 26, 2011, the U.S. Senate defeated an amendment offered by Senator Rand Paul (R-KY) to protect the privacy of gun owners. Specifically, his language would have exempted gun records — including 4473’s (the form all purchasers fill out when they buy a firearm from a licensed dealer) — from the blanket information demands which the ATF can make under the PATRIOT Act. The Senate defeated the Paul language by an 85-10 vote.

Those who voted against the Paul amendment (and in favor of gun owner registration) are listed below.

Akaka (D-HI)	Coons (D-DE)	Kirk (R-IL)	Reed (D-RI)
Alexander (R-TN)	Corker (R-TN)	Klobuchar (D-MN)	Reid (D-NV)
Ayotte (R-NH)	Cornyn (R-TX)	Kohl (D-WI)	Risch (R-ID)
Begich (D-AK)	Crapo (R-ID)	Kyl (R-AZ)	Rockefeller (D-WV)
Bennet (D-CO)	Durbin (D-IL)	Landrieu (D-LA)	Sanders (I-VT)
Bingaman (D-NM)	Feinstein (D-CA)	Lautenberg (D-NJ)	Sessions (R-AL)
Blunt (R-MO)	Franken (D-MN)	Leahy (D-VT)	Shaheen (D-NH)
Boozman (R-AR)	Gillibrand (D-NY)	Levin (D-MI)	Snowe (R-ME)
Boxer (D-CA)	Graham (R-SC)	Lieberman (ID-CT)	Stabenow (D-MI)
Brown (D-OH)	Grassley (R-IA)	Lugar (R-IN)	Thune (R-SD)
Brown (R-MA)	Hagan (D-NC)	Manchin (D-WV)	Toomey (R-PA)
Burr (R-NC)	Harkin (D-IA)	McCain (R-AZ)	Udall (D-CO)
Cantwell (D-WA)	Hatch (R-UT)	McCaskill (D-MO)	Udall (D-NM)
Cardin (D-MD)	Hoeven (R-ND)	McConnell (R-KY)	Vitter (R-LA)
Carper (D-DE)	Hutchison (R-TX)	Merkley (D-OR)	Warner (D-VA)
Casey (D-PA)	Inhofe (R-OK)	Mikulski (D-MD)	Webb (D-VA)
Chambliss (R-GA)	Inouye (D-HI)	Murkowski (R-AK)	Whitehouse (D-RI)
Coats (R-IN)	Isakson (R-GA)	Murray (D-WA)	Wicker (R-MS)
Coburn (R-OK)	Johanns (R-NE)	Nelson (D-FL)	Wyden (D-OR)
Cochran (R-MS)	Johnson (D-SD)	Nelson (D-NE)	
Collins (R-ME)	Johnson (R-WI)	Portman (R-OH)	
Conrad (D-ND)	Kerry (D-MA)	Pryor (D-AR)	

Fearmongers and Hypocrites in the Gun Debate

by Erich Pratt

It was a year ago this June that a crime wave was supposed to sweep the streets of Chicago.

The Supreme Court ruled that the city's handgun ban violated the rights of residents, making the ownership of such firearms legal after they had been banned for almost 20 years.

Gun control activists were just sure that legalizing handguns was going to be a bad thing. After all, murders in the Windy City had been spiking during the months leading up to the Court's decision. How could "introducing more guns into the mix" make people safer?

Well, just ask the 45-year-old Chicago woman who recently killed an intruder in her home.

"I was scared for my life," she said, relating how she opened fire with her handgun after the burglar confronted her with a tire iron in her basement. "I thank God that I'm still here."

It's good to know that there are some people who are happy the Chicago ban was ruled unconstitutional. Sadly, few of them are on the City Council, which responded to the *McDonald v. Chicago* decision by enacting new "emergency" restrictions on firearms.

But those controls aren't making a whit of difference in keeping bad guys from getting firearms, and they're only making it more difficult for law-abiding residents to protect themselves.

Even so, people like this Chicago woman now have the ability to legally purchase handguns, and that is helping save lives — much to the shock of those who had predicted nothing but doom and gloom in the wake of last year's Court case which upheld individual gun rights:

- "The Supreme Court gun decision moves us toward anarchy," said David Ignatius of *The Washington Post*.
- The Court's ruling "could prove far more destructive — quite literally — to our nation's communities," said Supreme Court Associate Justice John Paul Stevens (who is now retired).

Not to be outdone, then-Mayor Richard Daley stated that the key issue in the Chicago case "is nothing less



Former Chicago Mayor Richard Daley, a fierce anti-gunner while he was in office, wants full-time protection now that he's retired.

than the safety of our streets." More parents and children would die, he predicted, if "guns [become] too easily available in our society."

But one must now ask the all-important question on this one-year anniversary: since the Court ruled against Chicago and guns have become more available, did crime rates skyrocket as Daley & Co. predicted?

Well, not quite. While Chicago's murder rate was on the rise before the Court's decision, it has plummeted in the months since handguns were made legal (in relation to previous years).

Last year marked a 45-year low in Chicago's murder rate, and the trend continues to look optimistic. This year, it took longer for the city to reach 100 homicides than it did last year — another sign that Chicago is experiencing fewer murders.

In other words, Daley & Co. were completely off target. How can all these fearmongers be taken seriously when their predictions have been so horribly wrong?

Fearmonger: "Someone who stands to gain power, influence or funding by spreading fear in the general population."

Get that. It doesn't matter if a fearmonger's prediction ever materializes. A fearmonger only wants to scare people into adopting his solution to the problem. For Daley & Co., the fear of what *could* happen is intended to frighten everyone into supporting *even more* gun control.

And that's why it's helpful to go

back and examine some of their statements. After all, one way to test the validity of someone's world view is to see how well he can predict the future.

Whether it's Harold Camping telling us when the world is going to end, or Barack Obama explaining that his stimulus package will keep unemployment under eight percent, or a big-city mayor promising that more gun control will keep people safe ... if they can't correctly forecast the future, then it shows the

world their ideas are fundamentally flawed.

No wonder that the fearmonger usually loses his cool when his predictions fail to materialize. Such was the case with Mr. Daley, who got testy with a reporter when he was asked about the effectiveness of his city's handgun ban which was enacted in 1982.

"It's been very effective," Daley snarled, grabbing the gun off the table in front of him. "If I put this up your — your butt, you'll find out how effective it is. If we put a round up your, ha ha."

Richard, you're so funny. We're all laughing ... not! Actually, people *are* laughing at Daley, but it's because of his hypocrisy.

Hypocrite: "A person who engages in the same behaviors he condemns in others."

That describes Richard Daley, who fought to keep Chicagoans defenseless when he was in office. But now that he's retired, he wants full-time protection that most mortals simply can't afford.

While most residents of the city need to spend hundreds of dollars and wait several weeks to buy a legal handgun, outgoing Mayor Daley demanded five armed bodyguards to protect him — all at the taxpayers' expense, of course.

Mr. Daley doesn't have to pay a dime, and he doesn't have to fill out any paperwork.

Maybe if we forced hypocrites like Daley to live under the laws they want to impose on everyone else, then maybe ... just maybe ... they'd understand the ineffectiveness of gun control. ■

Time to Close Down the ATF

by Larry Pratt

Rep. Darrell Issa (R-CA) has shone a spotlight on the criminal behavior of the Bureau of Alcohol, Tobacco, Firearms and Explosives, commonly referred to as the ATF. At a hearing in June, Issa took on Assistant Attorney General Ronald Weich by asking him: “Who authorized this program that was so felony stupid it got people killed?”

Chairman Issa started off the interrogation of Weich by holding up one of the pages that the ATF had provided his committee. It was completely blackened, one of hundreds that had been totally redacted by the agency. (See the accompanying picture.) Issa told Weich that this was unacceptable and that he was tired of the lack of cooperation at the Department of Justice.

Issa also caught Weich in a lie by pointing to a letter in which he denied any knowledge of Fast and Furious, when we now know that Weich *did* know about the program. Weich said that the letter had been written by a committee and that he did not know who had written that particular sentence. He refused to commit, however, to finding out who authored that lie and reporting back to Issa about it!

ATF's lies exposed

The subject of the hearing was Operation Gunrunner, which had been repackaged in October of 2009 as Fast



Rep. Darrell Issa (R-CA) grilled an Obama Administration spokesman by holding up one of the pages that the ATF had provided his committee and noted that the submission of hundreds of pages which were partially or completely blackened was totally unacceptable.

some 150 people have been murdered by criminals using these arms. Two of the deceased were U.S. federal agents.

Officially, the plan was to run a super sting operation to bring down a cartel or two. On its face, this is a lie, because the ATF refused to work with Mexican authorities. The ATF frequently lost track of the firearms after they moved south of the border, and once the guns were not under surveillance, there was no longer a chain of evidence.

Moreover, U.S. agents need permission to enter Mexico. Failure to do so could result in a year in jail — even for ATF agents who, by the way, are not allowed to have guns in Mexico. ICE agent Jaime Zapata was assigned to Mexico and was prohibited from carrying a gun. While disarmed, he was murdered during an ambush by cartel members who used one of the “Fast and

“The ATF trumpeted the violence that was occurring on both sides of the border — violence that was, in part, being fueled by Fast and Furious.... The Obama Administration used the violence to clamor for increased gun controls here at home.”

and Furious. What had been a fairly routine sting operation to make an arrest at the time of an illegal firearms sale became a way of letting guns go unmonitored with criminals into Mexico, as well as in the U.S.

Some 2,500 guns have turned up in Mexico from Fast and Furious, and

Furious” guns.

In a March 2010 internal memo that was later made public, the ATF trumpeted the violence that was occurring on both sides of the border -- violence that was, in part, being fueled by Fast and Furious.

Everyone seemed to “benefit” from

this program. The Obama Administration used the violence to clamor for increased gun controls here at home. And Issa’s hearing revealed that Acting Director Kenneth Melson would expectantly watch a “live feed” of firearms sales being made at a cooperating gun store.

It’s like spending the day at the movies, opined Mike Vanderboegh of Sipse Street Irregulars. “Hey, get me some more popcorn,” he said.

Democrats continue plugging for more gun control

News reports have disclosed that many gun stores in the Southwest had suspicions about buyers that were not flagged by the Instant Check. But these gun dealers were told to go ahead and let the sales take place.

So, what did Democrats do in the face of this damning evidence? They wanted to discuss the need for more gun restrictions.

Sen. Diane Feinstein (D-CA) said Congress needed to pass more gun control because, if one massages the numbers just right (and ignores a whole bunch of others), why, 70% of guns used in Mexican crime supposedly come from the U.S. At least that’s what a brand new report from the ATF claims.

But Issa would have none of that, and he kept the committee focused on all the guns the ATF is helping send to Mexico.

ATF has a long history of death and destruction. Waco was never adequately addressed at the time. Indeed, ATF got a bigger budget the next year. Innocent people such as David Olofson were convicted with perjured testimony. The Bureau has never published a manual detailing how they determine what is, or is not, a machine gun.

We have to thank the agents who had the courage and integrity to blow the whistle on the corruption being fostered by their superiors. But this is only the tip of the iceberg. The Constitution allows no room for gun control, which is why this agency needs to be done away with and the managers of Fast and Furious (and those who signed off on it in the upper echelons of the Justice Department) need to go to jail. ■

Docs & Glocks in the Sunshine State

— *New law invites lawsuit*

by John Velleco

A bill banning Florida physicians from asking patients about gun ownership, signed into law by Governor Rick Scott (R) in June, has brought out more than the typical hue and cry from the anti-self defense crowd.

The Brady Center to Prevent Gun Violence, along with the Florida chapters of the American Academy of Pediatrics (AAP), the American Academy of Family Physicians, and the American College of Physicians, has filed a lawsuit seeking to throw out the new law.

While claiming the new law violates doctors' First Amendment rights, the lawsuit hardly conceals its bias against gun rights.

"By severely restricting such speech and the ability of physicians to practice such preventative medicine, the Florida statute could result in grievous harm to children, adolescents, adults, and the elderly," according to the motion filed in federal court in Miami.

No mention is ever made, of course, of the "grievous harm" that is prevented because of lawful gun ownership. In fact, a wide range of studies show that self-defense uses of firearms dramatically outweigh accidents and the criminal misuse of guns. Doctors who discourage gun ownership actually make people less safe and more vulnerable to criminal attack.

Furthermore, contrary to the Brady Center's misinformation campaign, the new law does allow for doctors to discuss firearms ownership if relevant to a patient's medical care or safety.

"There's nothing in the bill that would prevent a safety discussion about firearms like medical personnel would for swimming pools, chemicals or any other potential hazard," said state Rep.



Thomas Barwick/Getty Images

Florida Governor Rick Scott (R) signed legislation in June to prevent doctors from asking their patients about guns in the home.

Jason Brodeur, the bill's sponsor.

"The bill only states that medical personnel can't ask about firearm ownership directly, record the answer or condition treatment upon the response."

Besides questions about gun ownership being inappropriate and none of a doctor's business — and besides the fact that most doctor organizations are vehemently anti-Second Amendment — there are serious questions about how such information could be abused.

Rep. Brodeur cites cases of patients being denied care for refusing to answer questions about guns — and also cites concerns that such information could lead to higher insurance rates.

But there are even greater issues at stake. Most importantly, under the new national health care law — which the American Medical Association and the AAP supported — the federal government will amass a database of patient medical records. In that case, information about gun ownership passes from the realm of doctor-patient confidentiality to potential abuse by bureaucrats in Washington.

"If the overreaching federal government actually takes over health care, [people are] worried that Washington, D.C., is going to know whether or not they own a gun and so this is really just a privacy protection," Brodeur said.

Brodeur's worries are not unfounded. The American Association of Physicians and Surgeons has warned for years about the government breaching the confidentiality between doctors and patients, and we know that the federal government has already used medical records to take away people's gun rights.

For instance, the U.S. Department of Veterans Affairs (VA) disarmed tens of thousands of veterans who suffered from common ailments such as PTSD — something that affects as many as one-third of returning combat veterans.

Since 1999, over 150,000 vets have lost their Second Amendment rights for life because, based on the diagnosis of government psychiatrists, they have a third party appointed to oversee their financial affairs.

These veterans committed no crime; they were not tried in a court of law; they served their country honorably; and yet they lost their gun rights for life ... thanks to government bureaucrats and medical records. Because the VA controls a national health record database, it was simply a matter of a few keystrokes to add the names of these vets to the FBI's gun prohibition list.

Based on the experience of veterans, gun owners have every reason to fear that the prohibited person list will grow dramatically under ObamaCare.

Gun Owners of America applauds the efforts of Rep. Brodeur and Gov. Scott in keeping gun owner information off of any medical records database. ■

Senate Rejects Efforts to Protect Gun Records from ATF

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Firearms Owners Protection Act, which limited inspections of gun records to very narrow circumstances.

So to argue now that we should not remove the ability of the ATF to issue blanket demands for 4473's because it might, instead, rely on more limited statutory authority it has had for 25 years is, frankly, a little foolish.

Moreover, McClure-Volkmer requires a genuine bona fide criminal investigation, rather than a mere terror-

ism fishing expedition.

The good thing is this: Rand Paul forced a vote on his amendment, so we now know who we can rely on to block abusive practices by ATF, and who may actually side with ATF if their leadership "orders" them to violate the law. ■

Mike Hammond is GOA's legislative attorney.



Gun Owners “Duking it Out” in the Courts

by Larry Pratt

In May, Gun Owners Foundation (GOF) filed a brief with the U.S. Supreme Court in an effort, ultimately, to help protect Americans from unscrupulous officials who want to steal our guns.

The case is *United States v. Antoine Jones*, and it highlights

how the federal government is once again breaching the Fourth Amendment by unlawfully tracking Americans without a search warrant or reasonable suspicion.

If successful, this Fourth Amendment case will have huge implications for protecting our property (and especially our gun rights). The Fourth Amendment states that:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This important amendment protects us from unreasonable searches and seizures and requires the government to get a search warrant (signed by a judge) before agents can seize any property — including firearms.

Unfortunately, this amendment has been whittled away by courts in recent years, as they have allowed random gun sweeps and other warrantless searches. If the Supreme Court agrees with the GOF brief, we will have taken a giant step toward restoring the original meaning of the Fourth Amendment — thus protecting gun owners from having their firearms stolen by rogue officials.

Gun Owners Foundation also filed a brief with the U.S. Supreme Court in support of Virginia’s legislation blocking the anti-gun ObamaCare law. Thanks to this disastrous health care act, all physicians will soon be required to provide a government database with all the information needed to build a case against any person the ATF wishes to adjudicate as “mentally defective” — in the same way the Veterans Administration denied gun rights to more than 150,000 military veterans.

GOF has also submitted another brief challenging Washington, DC’s gun laws. You will probably remember that GOF was very active in 2008 when we submitted a brief in *DC v. Heller* — a case that eventually overturned the gun ban in our nation’s capital and affirmed that the Second Amendment is a right enjoyed by all Americans.

But while residents have purchased thousands of firearms in the District since then, the DC government still imposes a draconian multistep process for obtaining a firearm. So GOF has filed a brief in support of Mr. Heller’s second suit against the city’s restrictive laws.

In other court-related news, GOF has helped gun owners like Walter Reddy in Connecticut. GOF is supporting his attorneys who are working to get his confiscated firearms back after a judge had ruled that Reddy was a danger to himself and others. But this determination was based on an unsigned accusation and on the opinion of an FBI agent who considered Reddy to be dangerous — merely because of his pro-Constitution views!

“If the Supreme Court agrees with the GOF brief, we will have taken a giant step toward ... protecting gun owners from having their firearms stolen by rogue officials.”

Finally, GOF filed a brief in *MSSA v. Holder* last year, supporting Montana’s Firearms Freedom Act (FFA). The FFA says that if a gun is made in the state and stays in the state, no federal firearms laws apply. The brief argues that there is no authority for federal gun controls, and that even federal law recognizes that Montana can have a Firearms Freedom Act.

Gun Owners Foundation has an ambitious agenda, as we seek to roll back the restrictions that are making it difficult for honest Americans to keep and bear arms.

Please know that we could not do this work without the financial support of gun owners around the country. ■

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