



# The Phyllis Schlafly Report



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## United Nations Attack on Gun Ownership

The attempt this year to reprise last year's Million Mom March was a dud, attracting only about 200 demonstrators, and the Democrats' political gurus are whining about how Al Gore's pro-gun-control stance cost him votes last year in crucial states. So the anti-gun activists have moved to a less democratic venue: the United Nations.

On July 9 to 20, New York City will host the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The purpose of this conference is to demonize the private ownership of guns and get governments to confiscate all privately owned guns.

Don't be misled by the term "small arms." UN documents define small arms as weapons "designed for personal use" (such as your Browning pistol, your Ruger rifle, or your Winchester shotgun), while light weapons are for use by several persons as a crew.

Don't be misled by the term "illicit" trade. UN documents make it clear that, since most illegal guns start out as legal purchases, illicit trade must be stopped by clamping down on legal gun owners.

Don't think that this UN conference is just a talkfest. It is scheduled to produce a legally binding treaty to require governments to mark, number, register, record, license, confiscate, and destroy all guns except those in the hands of the military and the police.

The 18-page **Draft Programme of Action** ([www.globalpolicy.org/security/smallarms/2001/0109draf.htm](http://www.globalpolicy.org/security/smallarms/2001/0109draf.htm)) to be presented to the July conference sets forth the rationale plus the mechanisms for eliminating the "wide availability" of guns. It's obvious that the United States is the target because we are the only country with a Second Amendment, and other democracies such as England, Canada and Australia have either banned or severely restricted private gun ownership.

The Draft Programme wraps its gun-confiscation message in typical UN semantics, but makes little attempt to conceal the mailed fist in the velvet glove. It states: "In order to promote peace, security, stability and sustainable development in the world, we commit ourselves to addressing this problem in a comprehensive,

integrated, sustainable, efficient and urgent manner."

Indeed, the plan is comprehensive and integrated. According to the Draft Programme, "Preventing and reducing the illicit trade in small arms and light weapons consists of two sets of measures: the national control of manufacture and the proper marking of small arms and light weapons, coupled with accurate, sustained recordkeeping and exchanges of information."

Government "marking" and recordkeeping is "an integral part" of the process. It's clear that the UN is demanding that governments build a national electronic database of all guns and their owners, and then facilitate "an information exchange" (*i.e.*, share the database with the UN).

Through the Department for Disarmament Affairs, the UN promises to "develop an international mechanism that will facilitate the exchange of information on all aspects" of guns, *i.e.*, a global gun registry.

To wipe out private gun ownership, the UN demands that all governments enforce "adequate laws, regulations and administrative procedures to exercise effective control over the legal manufacture and possession of small arms and light weapons." And the UN demands that governments criminally prosecute all those who don't comply.

The UN plans to develop "model national legislation" so that Congress will pass laws that conform to the treaty's requirements. The UN plans to guide Congress by publishing "best practices" for legislation and procedures.

All unmarked or inadequately marked small arms and light weapons are to be confiscated and "expeditiously destroyed." The government is to assure that "no retransfer of small arms and light weapons takes place without prior authorization" by the government because the UN disapproves of the possession of guns by civilians who are "not part of responsible military and police forces."

The UN also has a plan to propagandize Americans to accept this global ban on private gun ownership. The Draft Programme calls for "seminars, conferences, consultations and workshops conducted by the United

Nations" for the purpose of "promoting the Action Plan." As part of its "awareness-training" to induce Americans to accept the new ban-the-guns policy, the UN wants government to pledge to destroy guns in "public destruction events."

The UN wants the first day of the conference to be called "Small Arms Destruction Day." The conference's Preparatory Committee (Prep Com) is calling on all governments, with the assistance of the UN's NGOs (Non-Government Organizations) and "civil society" (a fancy name for the NGOs working in tandem), to organize public events to promote the destruction of small arms and light weapons on that day.

The decision on NGO participation, adopted by the Prep Com without a vote, is in line with the growing UN practice of expanding the influence of "relevant" NGOs while bypassing sovereign member states. "Relevant" means only those NGOs that promote the UN agenda.

When the United Nations bounced us from the Human Rights Commission, while giving seats to Sudan, Libya, China and Cuba, that was just an insult. But it's deadly serious business when the UN tries to take away our guns.

### Surprise Assault on Gun Ownership

The gun-control lobby is on the warpath in a most surprising venue. A group called Doctors Against Handgun Injury is calling on doctors, including psychiatrists, to ask their patients nosy questions about their gun ownership.

As far back as we can remember, doctors have vigorously opposed any interference with the confidentiality of the doctor-patient relationship. We could always count on medical associations to defend patient privacy against any invasion by government, the media or others into personal medical records. Psychiatrists have been outspoken in the past about the importance of patient-doctor confidentiality because trust in the doctor is particularly important. Their patients are usually in a very vulnerable and exploitable state of mind.

Somehow, this is changing under a new onslaught by the gun-control lobby. It has lined up a coalition consisting of the American Psychiatric Association, the American Medical Association, the American Academy of Pediatrics, and ten other medical organizations claiming a membership of 600,000 doctors. (Faria, Miguel A. MD, "Doctors to Spy on Patients' Gun Ownership," *NewsMax.com*, 3-26-01)

The Doctors Against Handgun Injury plan to engage in what it calls "upstream intervention." That means using regular medical checkups to ask patients about firearm ownership and storage in their homes and warn them of the risks of this behavior.

But that's not all. Doctors Against Handgun Injury is also calling for changes in public policy, such as mandatory background checks on buyers at gun shows, limits on the number of guns an individual can buy, and a waiting period for all gun purchasers.

Will patients no longer see their physician as a

trusted professional in whom they can confide their most private facts about mind and health? Will the physician instead be perceived as an arm of the government prying into their private lives, or as a spokesman of a special-interest advocacy group pursuing a political agenda?

Unfortunately, some gun-control lawmakers are trying to lock doctors into the ban-the-gun agenda. A bill now under consideration in the California State Legislature would require pediatricians to subject children and their parents to all sorts of nosy questions about "family, environmental, and social risk factors," including whether there are guns in the home and whether their parents spank them.

You would think that the American Medical Association (AMA) would be shouting from the housetops against this government and outside interference with private medical practice, but it looks like the AMA has joined the ban-the-guns movement. The AMA uses its publications, including its Journal (*JAMA*), to publish biased research with preordained conclusions, such as "easy gun availability results in crime." (Faria, Miguel A., MD, "The AMA, Ethics and Gun Control," *NewsMax.com*, 5-03-01) Professor John R. Lott's book *More Guns, Less Crime* provides massive data to prove its title.

The AMA has plenty of money to pursue its left-liberal political agenda, it doesn't have to depend on the support of member doctors. Two-thirds of the AMA's annual \$200 million operating budget comes from sources other than membership, which has now dwindled to only a third of U.S. physicians.

A principal source of AMA wealth is a contract (kept secret from 1983 to 1998) with the Health Care Financing Administration (HCFA) by which HCFA requires all doctors to buy the AMA codes and use them to bill the government and third-party insurance carriers for all medical services. Failure to use the AMA codes accurately may result in government accusations of fraud and abuse, and prosecution and imprisonment.

The taxpayer-financed Centers for Disease Control (CDC) is also climbing aboard the ban-the-guns movement. It is trying to broaden the scope of public health to include the banning and confiscation of all handguns, the restrictive licensing of owners of other firearms, and the eventual elimination of all guns from private ownership except for a small elite of wealthy collectors, hunters and target shooters. (*Tennessee Law Review* 1995; 62:513-596)

CDC spokesmen propagate the myth that most of the perpetrators of violence are ordinary citizens rather than criminals by trade. The fact is that the typical murderer has a prior criminal history of at least six years with four felony arrests before he commits murder, and 75 percent of all violent crimes are committed by six percent of hardened criminals and repeat offenders.

We don't have to look very far to observe the tragic loss of liberty in countries that have gone down the road of banning private gun ownership or using doctors to collect confidential data on their patients to serve a political agenda.

## Free Trade Is an Economic Not a Moral Issue

Most conservatives are so happy that we now have a President who has restored dignity to the White House. We are pleased that he brings a moral dimension to his actions and isn't squeamish about acknowledging his religious faith. But it was distressing that George W. Bush's recent remarks to the Council of the Americas went over the line. He proclaimed that "open trade is not just an economic opportunity, it is a moral imperative."

Sorry, Mr. President, you have it backwards. Open or free trade may be an economic opportunity (for some), but it certainly is not a moral imperative. The Bible does not instruct us on free trade and it's not one of the Ten Commandments. Jesus did not tell us to follow Him along the road to free trade.

Calling free trade "a moral imperative" is a sly semantic attempt to cast those who oppose free trade into exterior darkness where there is weeping and gnashing of teeth. No one gave our President authority to sweep out of the temple those who espouse what he calls "a new kind of protectionism."

Nor is there anything in the United States Constitution that requires us to support free trade and to abhor protectionism. In fact, protectionism was the economic system believed in and practiced by the framers of our Constitution.

Protective tariffs were the principal source of revenue for our Federal Government from its beginning in 1789 until the passage of the Sixteenth Amendment, which created the federal income tax, in 1913. Were all those public officials during those hundred plus years remiss in not adhering to a "moral obligation" of free trade? Hardly.

It is obvious that the Founding Fathers considered free trade among the states of the United States an economic imperative, but that free trade with England, the country that tried to treat us as its subordinate colony, would be ridiculous. To argue that the success of free trade *within* U.S. borders means that *global* free trade is a good idea is a total *non sequitur*. The success of free trade within the United States depends on government to enforce it against state's rights (sovereignty) and, likewise, global free trade requires global government to enforce it against every nation's sovereignty (as we are already seeing through the decisions handed down by the World Trade Organization).

The final paragraph in George W. Bush's recent speech exhorted his audience of non-elected diplomats, assembled as the Council of the Americas, to "help to bring sanity to the United States Congress." It's bad enough that President Bush cast those who oppose free trade into limbo with those who lack morality, but it's downright insulting that he labels them as lacking sanity.

Everyone present understood that "sanity" in the President's lexicon referred to passage of the U.S. Trade Promotion Authority bill, known as Fast Track, which Bush urged in his May 10 letter to Congress. That bill would surrender to the President Congress's explicit

constitutional power "to regulate commerce with foreign nations."

Free trade and Fast Track are issues that, in one way or another, touch the lives of most Americans. They deserve to be debated as the economic and national security issues that they are, not by name-calling.

The arguments the President offered for free trade were that it "creates jobs for the unemployed," pays "for clean air and water," and promotes "democracy ... in good time." But all those benefits are for foreign countries, not the United States.

President Bush has just demonstrated how he would use Fast Track by the way he is currently implementing NAFTA (North American Free Trade Agreement) to advantage Mexico and disadvantage Americans. The Administration announced this month that it will allow Mexican trucking companies to operate on U.S. highways without auditing their safety practices for up to 18 months.

How many cheaters do you think would appear if IRS announced that it wouldn't audit any tax returns filed in the next 18 months? In the name of free trade, would Americans accept not checking for foot-and-mouth disease for the next 18 months?

Some 14,000 Mexican trucks have been crossing the border every day but have so far been limited to a narrow region along the border. The Bush Administration will now allow them to operate across our entire country.

The failure of Mexican trucks to meet U.S. standards for safety, weight, emissions, tires, brakes, age and drug and alcohol use of drivers, and insurance coverage is common knowledge. Only about one percent of Mexican trucks are inspected at the border and, of those, at least 30 percent fail to meet our standards. Why should Mexican trucks have a free ride to escape regulations that U.S. trucks must obey? Furthermore, it's anybody's guess how many illegal aliens and illegal drugs are concealed in the 99 percent of uninspected Mexican trucks.

Another paragraph in President Bush's speech seems just as out of touch with reality. He said, "A recent summit in Quebec symbolized the new reality in our hemisphere, a unity of shared values, shared culture and shared trade."

President Bush's speechwriters should know that there is less reality of shared culture in Quebec than almost any place in the Western Hemisphere. It was only six years ago that 49.4 percent of French-speaking Quebecois voted to secede from the shared culture of English-speaking Canada.

The lesson that Quebec teaches is that language is a powerful pressure point of disunity when one section of the country speaks a language different from that of the national majority. It is unfortunate that President Bush appears to be fostering this same kind of separatism by starting to deliver his Saturday radio broadcasts in Spanish as well as in English.

## Statement on the Second Amendment

by Attorney General John Ashcroft

May 17, 2001

... Let me state unequivocally my view that the text and the original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms.

While some have argued that the Second Amendment guarantees only a "collective" right of the States to maintain militias, I believe the Amendment's plain meaning and original intent prove otherwise. Like the First and Fourth Amendments, the Second Amendment protects the rights of "the people," which the Supreme Court has noted is a term of art that should be interpreted consistently throughout the Bill of Rights. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 265 (1990) (plurality opinion). Just as the First and Fourth Amendments secure individual rights of speech and security respectively, the Second Amendment protects an individual right to keep and bear arms.

This view of the text comports with the all but unanimous understanding of the Founding Fathers. See, e.g., Federalist No. 46 (Madison); Federalist No. 29 (Hamilton); see also, Thomas Jefferson, Proposed Virginia Constitution, 1764 ("No free man shall ever be debarred the use of arms."); George Mason at Virginia's U.S. Constitution ratification convention 1788 ("I ask, sir, what is the militia? It is the whole people . . . To disarm the people is the best and most effectual way to enslave them.").

This is not a novel position. In early decisions, the United States Supreme Court routinely indicated that the right protected by the Second Amendment applied to individuals. See, e.g., *Logan v. United States*, 144 U.S. 263, 276 (1892);

*Miller v. Texas*, 153 U.S. 535, 538 (1893); *Robertson v. Baldwin*, 165 U.S. 275, 281-82 (1897); *Maxwell v. Dow*, 176 U.S. 581, 397 (1900). Justice Story embraced the same view in his influential *Commentaries on the Constitution*. See 3 J. Story, *Commentaries on the Constitution* § 1890, p. 746 (1833). It is the view that was adopted by United States Attorney General Homer Cummings before Congress in testifying about the constitutionality of the first federal gun control statute, the National Firearms Act of 1934. See *The National Firearms Act of 1934: Hearings on H.R. 9066 Before the House Comm. on Ways and Means*, 73<sup>rd</sup> Cong. 6, 13, 19 (1934).

As recently as 1986, the United States Congress and President Ronald Reagan explicitly adopted this view in the Firearms Owners' Protection Act. See Pub. L. No. 99-308, §1(b) (1986). Significantly, the individual rights view is embraced by the preponderance of legal scholarship on the subject, which, I note, includes articles by academics on both ends of the political spectrum. See, e.g., William Van Alstyne, *The Second Amendment and the Personal Right to Arms*, 43 Duke L.J. 1236 (1994); Akhil Reed Amar, *The Bill of Rights and the Fourteenth Amendment*, 101 Yale L.J. 1193 (1992); Sanford Levinson, *The Embarrassing Second Amendment*, 99 Yale L.J. 637 (1989); Don Kates, *Handgun Prohibition and the Original Meaning of the Second Amendment*, 82 Mich. L. Rev. 204 (1983).

In light of this vast body of evidence, I believe it is clear that the Constitution protects the private ownership of firearms for lawful purposes.

...

*Phyllis Schlafly* is the author of 16 books, including five books on national defense and foreign policy: *The Gravediggers* (1964), *Strike From Space* (1965), and *The Betrayers* (1968) covering the McNamara years; and *Kissinger on the Couch* (1975) and *Ambush at Vladivostok* (1976) covering the Kissinger years. Her most recent book, *First Reader*, is a system for teaching children to read. She was a member of the Commission on the Bicentennial of the United States Constitution (1985-1991), by appointment of President Reagan. She is a lawyer, a syndicated columnist, a radio commentator, and the president of Eagle Forum.

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