



September 23, 2008

**Re: NRA Advertisement**

Dear Station Manager:

As General Counsel to Obama for America, I write about an advertisement sponsored by the National Rifle Association ("NRA") that may be airing on your station. The text of the advertisement, and a thorough explanation of its falsity, is attached.

This advertisement knowingly misleads your viewing audience about Senator Obama's position on the Second Amendment. In an article published today, the *Washington Post* fact-checks this advertisement and awards it three "Pinocchios," meaning: "Significant factual error and/or obvious contradictions." For the sake of both FCC licensing requirements and the public interest, your station should refuse to continue to air this advertisement.

The unarguable falsities in this advertisement include the following:

- The NRA advertisement falsely claims that "Barack Obama supports a huge new tax on my guns and ammo." Note that the NRA is claiming that Obama, in the midst of his presidential campaign, supports such a tax. In fact, Senator Obama has no policy to raise taxes on firearms or ammunition. The *Washington Post* found this article to be based on "very flimsy evidence."
- The NRA advertisement falsely claims that Senator Obama "voted to ban virtually all deer hunting ammunition." This claim is based on Senator Obama's vote for the Kennedy Amendment, which would have expanded the definition of armor-piercing ammunition. As the *Washington Post* noted, Senator Kennedy – the author of the amendment in question – explained that it "will not apply to ammunition that is now routinely used in hunting rifles or other centerfire rifles." Factcheck.org unequivocally labeled the NRA's claim "false."
- The NRA advertisement falsely claims that Senator Obama "supports a ban on the shotguns and rifles most of us use for hunting." The source of this claim is the debate between Senator Obama and Alan Keyes on October 21,

OBAMA FOR AMERICA PO Box 8210 Chicago, IL 60680  
WWW.BARACKOBAMA.COM

PAID FOR BY OBAMA FOR AMERICA

2004; the full text of Senator Obama's remarks on the subject is attached. In it, Senator Obama voiced his support for the federal assault weapons ban, which was in place from 1994 to 2004. This bill banned only the most vicious types of assault weapons, not the "shotguns and rifles most of us use for hunting," as any hunter who purchased a rifle or shotgun in that ten-year period can attest. And in that same debate exchange, Senator Obama made clear that he only opposed firearms that were irrelevant for hunting unless the deer were "wearing bullet-proof vests."

Unlike federal candidates, independent political organizations do not have a "right to command the use of broadcast facilities." *See CBS v. DNC*, 412 U.S. 94, 113 (1973). Because you need not air this advertisement, your station bears responsibility for its content when you do grant access. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), *cert. denied*, 314 U.S. 909 (1950).

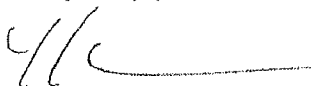
Moreover, you have a duty "to protect the public from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961). Failure to prevent the airing of "false and misleading advertising" may be "probative of an underlying abdication of licensee responsibility." *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

This advertisement is false, misleading, and deceptive. We request that you immediately cease airing this advertisement.

We would request the courtesy of a reply; and if you have questions, or believe that this ad is somehow fit for airing on your station, we ask that we have an opportunity to discuss this matter further, in person or by conference call.

Please contact Kendall Burman, at (312) 819-2433 or [kburman@barackobama.com](mailto:kburman@barackobama.com), for more information or to inform us of your decision. Thank you for your attention to this matter.

Very truly yours,



Robert F. Bauer  
General Counsel  
Obama for America

**NRA "HUNTER" AD WATCH**

**9/22/08**

<b>AD SCRIPT</b>	<b>AD WATCH</b>
<p>I gotta tell you. With the high cost of gas and just about everything else, we're all feeling pinched. And now I learned that Barack Obama supports a huge new tax on my guns and ammo.</p> <p>Source: <i>Chicago Defender</i>, 12/13/99</p>	<p><b>Washington Post Fact Check Calls the Ad a Misfire.</b> The Washington Post Fact Check gave the NRA ad three Pinocchios saying, "While it is true that Obama favors tighter gun laws, it is a huge stretch to argue that he wants to take away the guns and ammunition most commonly used by hunters. The claim that he favors "a huge new tax on guns and ammo" rests on a confusingly worded 9-year-old newspaper article that has little relevance for Obama's platform as a presidential candidate. The NRA misfires on this one." [Washington Post, 9/23/08]</p> <p><b>OBAMA HAS NO POLICY TO RAISE TAXES ON GUNS OR AMMUNITION</b></p> <p><b>Washington Post Fact Check: The Ad "Cites A Decade Old Clip" To Support It's Claim But "Its Hardly Evidence That He Will Move As President To Tax The 'Guns And Ammo' Most Commonly Used By Hunters."</b> "The video cites a decade-old clip from a Chicago newspaper to support its claim that Obama favors a huge new gun tax. The December 13, 1999 article in the Chicago Defender said that the then Illinois state senator supported a '500 percent' increase in the federal tax on the sale of 'weapons he says are most commonly used in firearm deaths.' It is unclear from the article exactly what weapons would have been covered by the proposed tax. Most of the article deals with proposals by Obama to 'increase the penalties on gun runners who are flooding Chicago's streets with illegal weapons.' Even if Obama did support a big tax increase on the sale of certain types of assault weapons back in 1999, that is hardly evidence that he will move as president to tax the 'guns and ammo' most commonly used by hunters like Rusch." [Washington Post, 9/23/08]</p>

<p>And that he voted to ban virtually all deer hunting ammunition. Where's this guy from? He's probably never been hunting a day in his life. But its not just new taxes that Barack Obama wants.</p> <p>Source: US Senate, Vote 217, 7/29/05</p>	<p style="text-align: center;"><b>OBAMA DID NOT VOTE TO REGULATE THE SALE OF HUNTING AMMUNITION BUT ARMOR PIERCING/COP KILLER BULLETS</b></p> <p><b>2005: Obama Voted To Expand The Definition Of Armor Piercing Ammunition And To Regulate The Sale And Possession Of Armor Piercing Ammunition.</b> In 2005, Obama voted for the Kennedy amendment that would expand the definition of armor piercing ammunition and for other purposes. In 2005, Obama voted for the Craig amendment to regulate the sale and possession of armor piercing ammunition, and for other purposes. [S 397, Vote 217, 7/29/05, Failed 31-64, D:30-13, R:1-50, I:0-1; S 397, Vote 216, 7/29/05, Passed 87-11, D:33-11, R:53-0, I:1-0]</p> <p><b>Factcheck.org: The NRA's Claim That Obama Would "Ban Rifle Ammunition Commonly Used For Hunting And Sport Shooting" Is "False"</b> According to Factcheck.org the NRA's claim That Obama would "ban rifle ammunition commonly used for hunting and sport shooting" is "False: Obama is not proposing to ban hunting ammunition. And he did not, as claimed in an NRA TV spot featuring a Virginia hunter named Karl Rusch, vote to 'ban virtually all deer hunting ammunition.' What Obama voted for was a measure to ban "armor-piercing" ammunition, which the measure's sponsor has said repeatedly would not cover hunting ammunition. This claim is based on Obama's vote on S. 397 in the U.S. Senate. Obama was one of 31 senators who voted in favor of S. Amdt. 1615 to S. 397 which sought to "expand the definition of armor piercing ammunition." The amendment applied only to handgun ammunition 'capable of penetrating body armor' and to rifle ammunition that is 'designed or marketed as having armor piercing capability,' however. It's true that common high-powered rifle bullets are capable of penetrating the vests worn by police, which are a defense chiefly against lower-velocity handgun rounds. But does that mean hunting ammunition is 'designed or marketed as having armor piercing capability'? That's the NRA's argument, and it was repeated on the floor of the Senate by Republican Sen. Mitch McConnell of Kentucky. He said flatly that the measure 'would ban nearly all hunting rifle ammunition,' without any elaboration. However, the measure's sponsor, Sen. Edward M. Kennedy of Massachusetts, said his</p>
---	--

<p>amendment was not intended to cover hunting ammunition." [Factcheck.org, 9/22/08]</p> <p><b>Washington Post Fact Check: Contrary To The Claim Made in The Ad The Amendment "Was Not Aimed At 'Virtually All Deer Hunting Ammunition' But Rather Authorized The Attorney General To Define Types Of Ammunition "Capable Of Penetrating Body Armor Commonly Used By Law Enforcement Officials."</b> "The NRA video also accuses Obama of voting 'to ban virtually all deer hunting ammunition' and supporting 'a ban on shotguns and rifles most of us use for hunting.' The deer hunting claim is based on Obama's support for an unsuccessful Senate amendment by Sen. Ted Kennedy (D-Mass.) that would have expanded the definition of 'armor-piercing' ammunition. The shotgun claim refers to semi-automatic rifles and pistols covered by the assault weapons ban, which expired in March 2004. Contrary to Rusc's claim, the Kennedy proposal of July 2005, SA 1615, was not aimed at 'virtually all deer hunting ammunition.' Instead, it would have authorized the attorney general to define types of illegal ammunition capable of penetrating body armor commonly used by law enforcement officials. During the Senate debate, Kennedy said that his amendment would 'not apply to ammunition that is now routinely used in hunting rifles,' a point contested by the NRA." [Washington Post, 9/23/08]</p> <p><b>The Sponsor Of The Amendment Said It Would Not Apply To Hunting Ammunition.</b> Senator Kennedy said of his amendment, "This is not about hunting. We know duck and geese and deer do not wear armor vests; police officers do." He also said of his amendment, "My amendment will not apply to ammunition that is now routinely used in hunting rifles or other centerfire rifles. To the contrary, it only covers ammunition that is designed or marketed as having armor-piercing capability." [Factcheck.org, 9/22/08]</p>	<p>If you can believe it he also supports a ban on the shotguns and rifles most of us use for hunting.</p> <p>Source: Illinois Senate Debate #3, Obama v. Keyes, 10/21/04</p>
<p><b>OBAMA WAS NOT FOR TAKING AWAY HUNTING RIFLES BUT FOR A BAN ON ASSAULT WEAPONS</b></p> <p><b>Obama Said In The Debate That He Supported The Assault Weapons Ban.</b> Obama said, "Well, let's be clear. Mr. Keyes, for example, does not believe in common gun safety laws like the assault weapons bill. I have, as one of my guests today, the head of the Fraternal Order of Police. I'm proud of the support that I've received from that organization, in part, because they are concerned precisely about what Mr. Keyes referred to—getting shot by assault weapons, when they go in, in an attempt to do a drug bust. Now, Mr. Keyes suggested that, somehow, because criminals break the law, that we shouldn't have laws in the</p>	

<p>first place. That defies logic. People break all sorts of laws, but we still have the laws in place. And the fact of the matter is, is that Mr. Keyes does not believe in any limits, that I can tell, with respect to the possession of guns, including assault weapons that have only one purpose, and that is to kill people, unless you're seeing a lot of deer out there wearing bullet-proof vests, then there is no purpose for many of the guns. I think it is a scandal that this president did not force a renewal of this assault weapons ban. If it had problems with it, then we should have closed those loopholes that might have made it not as effective as it should have been." [Obama-Keyes Debate, 10/21/04]</p>	
<p><b>OBAMA HAS BEEN A STRONG ADVOCATE FOR HUNTERS AND SHOOTERS</b></p> <p><b>Obama Said He Believes In The Second Amendment And Any Law Abiding Gun Owner Would Have Nothing To Fear from An Obama Administration.</b> "At a town hall meeting today, a voter told Obama that there are rumors that he is going to take away guns. 'People love hunting,' the man told Obama. Obama said he is aware that the issue is being 'peddled again and again,' but he assured the crowd that he will not take away guns that are legally obtained. 'I believe in the Second Amendment, and if you are a law-abiding gun owner, you have nothing to fear from an Obama administration!' Obama said his support for gun safety measures – such as background checks- does not mean that he opposes all gun ownership. 'Now, the NRA sometimes... their general attitude is look, we don't want anything, and if you even breathe the word 'gun control' or 'gun safety,' then you must want to take away everybody's guns. Well, that's just not true,' he said adding that illegal guns are his concern, not those used for sportsmanship. He also keenly noted that even if he intended to take away guns, he would not have the power to do so as president. 'I couldn't get it done. I don't have the votes in Congress.' As he wrapped up his rather lengthy explanation, Obama urged the crowd to look at his policies on the economy and health care rather than gun control. 'This can't be the reason not to vote for me,' Obama said, 'Because your guns... we're not going to mess with them... spread the word with your friends.'" [CBS News, 9/5/08]</p> <p><b>The American Hunters And Shooters Association Endorsed Obama Because He Will "Be A Strong And Authentic Voice For America's Hunters And Shooters."</b> The American Hunters And Shooters Association wrote in a press release, "We believe recent attacks on Senator Obama's stand on the 2nd Amendment and his commitment to our hunting and shooting heritage are unfair and American Hunters and Shooters Association is stepping up to set the record straight. Senator Obama has clearly</p>	<p>No politician is going to take away my guns and ammo. You don't have to be bitter to know Barack Obama isn't the kind of change we need. On November 4<sup>th</sup>, Defend Freedom, Defeat Obama. Get the facts at <a href="http://gunbanobama.com">gunbanobama.com</a>.</p>

demonstrated his commitment to the 2nd Amendment by his vote in support of the Vitter amendment to HR 5441, the Department of Homeland Security Appropriations bill of 2007. This amendment prevents the Government from confiscating guns in a time of crisis or emergency. Imagine how the citizens felt during Hurricane Katrina when government agents kicked in doors to confiscate law abiding citizens' guns at a time when they needed them the most. We know Senator Obama 'gets it.' To say that he is an elitist is patently ridiculous. To hunters and shooters everywhere, Senator Obama's vote demonstrated a fundamental understanding of the meaning of the 2nd Amendment which means he recognizes the individual right of all citizens to keep and bear arms...In addition, Senator Obama's commitment to conservation and protection of our natural resources and access to public lands demonstrates to us his commitment to America's hunting and shooting heritage. Senator Obama will be a strong and authentic voice for America's hunters and shooters and it is with great pleasure that we endorse his candidacy." [Reuters, 4/16/08]

**Bill Schneider: If You Care About Hunting Issues 'Vote For Change.'** In a New West Politics column Bill Schneider wrote, "if you care about issues like protecting wildlife habitat so we can have something to hunt, improving hunting access, promoting alternatives to fossil fuels, keeping roadless lands roadless, reforming the 136-year-old mining law, preventing the Republicans from selling off public lands, and many other conservation issues threatening the future of hunting, you might want to, as Barack Obama has already told us thousands of times, vote for change." [New West Politics 7/9/08]

**Prominent Montana Sportsmen: Obama understands and supports an individual's right to bear arms.** In a Missoulian column Montana sportsmen, Steve Doherty, Jim Posewitz, Land Tawney, and Kendall Van Dyk wrote, "Obama understands that the U.S. Constitution protects an individual's right to possess and bear arms. And Obama realizes that Montana's gun laws shouldn't necessarily be the same as those in Chicago, where he served as a state senator. We all agree that we need to do what we can to prevent criminals from obtaining guns, and Obama will do this by working to ensure that illegal guns do not fall into the wrong hands. However, Montana residents who obtain firearms legally will see no changes in their traditional lifestyles." [Missoulian, April 24, 2008]

**THE NRA IS EVEN HAVING A HARD TIME CONVINCING THEIR MEMBERS OBAMA IS ANTI-GUN**

**The NRA Is Having Trouble Convincing Their Members That McCain Is More Supportive Than Obama Of Gun Rights.** "The National Rifle Association (NRA), for example, has struggled to convince members that McCain is the candidate most supportive of gun rights. After the NRA sent out an e-mail

last month attacking Obama, the group was surprised by the backlash it received. 'Amazingly, some people still don't believe Obama is radically anti-gun,' a follow-up message sent the next week said. 'Some have gone so far as to claim that NRA was actually misrepresenting Obama's anti-gun positions.' [CQ, 7/20/08]

**OBAMA HAS BEEN A CONSISTENT SUPPORTER OF THE SECOND AMENDMENT AS AN INDIVIDUAL RIGHT**

**Obama Said The Second Amendment Is An Individual Right.** Obama said, "What I have said is that I do not -- what I have said is, is that I'm a strong supporter of the Second Amendment, but I do not think that that precludes local governments being able to provide some commonsense gun laws that keep guns out of the hands of gangbangers or children, that local jurisdictions are going to have different sets of problems, and that this is a very fact-intensive decision that has to be made. But I do think that the Second Amendment is an individual right. So, what I would like to do is wait and see how the Supreme Court comes down, and evaluate the actual reasoning in the case to see how broad or narrow the decision's going to be." [CNN, 6/25/08]

**Obama Said That The Second Amendment Is An Individual Right.** Obama said, "Of course they're going -- I mean, they'll try, of course. I mean, they've got the same playbook every election, and guns is going to be one of those issues. And I understand that. It's been effective for them in the past. All I can do is describe to the voters what I believe and what I think. And what I believe is that there is a Second Amendment right. I think it is an individual right. I think people have the right to lawfully bear arms." [Obama Press Conference, Watertown, SD, 5/16/08]

**Obama Said He Believes The Constitution Confers An Individual Right To Bear Arms.** Obama said, "As a general principle, I believe that the Constitution confers an individual right to bear arms. But just because you have an individual right does not mean that the state or local government can't constrain the exercise of that right, and, you know, in the same way that we have a right to private property but local governments can establish zoning ordinances that determine how you can use it." [Democratic Debate, 4/16/08]

**Spokesperson: Obama Believes The Second Amendment Creates An Individual Right.** "Jen Psaki, a spokeswoman for Democratic presidential hopeful Sen. Barack Obama of Illinois, said Mr. Obama 'believes the Second Amendment creates an individual right, and he greatly respects the

constitutional rights of Americans to bear arms.' He also believes that the Constitution permits state and local governments to adopt reasonable and common-sense gun safety measures,' she said, but would not elaborate on the whether the senator supports the D.C. gun ban." [Washington Times, 3/17/08]

**Obama Said The Second Amendment Guarantees An Individual Right To Bear Arms.** "Barack Obama said the nation must do 'whatever it takes to eradicate this violence,' but quickly added that he believes the Second Amendment guarantees 'an individual right to bear arms,' subject to 'common-sense regulation.'" [USA Today, 2/18/08]

**12/5/07: Obama Said "His Academic Studies Convinced Him That Gun Ownership Is An Individual Right And Not Just The Right Of The Militia....Like All Rights Though, They Are Constrained By The Needs And The Rights Of the Community."** "When a student asks Obama for his views on the Second Amendment, he reminds his audience that he taught constitutional law at the University of Chicago and is thus familiar with the arguments regarding the right to bear arms. He acknowledges 'a tradition of gun ownership in this country that can be respected,' and says that his academic studies convinced him gun ownership 'is an individual right and not just the right of a militia.' But he was not finished. 'Like all rights, though, they are constrained by the needs and the rights of the community,' Obama then spoke of 34 students who were killed on the streets of Chicago and called for sensible gun control to prevent senseless death." [Weekly Standard, 12/17/07]

#### **OBAMA VOTED TO PROHIBIT SEIZURE OF FIREARMS DURING DECLARED DISASTERS**

**2006: Obama Voted For An Amendment To Bar The Use Of Homeland Security Funds To Seize Firearms During Declared States Of Emergency.** In 2006, Obama voted for and Clinton voted against a vitter amendment to bar the use of funds in the bill to seize firearms due to the declaration of a state of emergency. [Vote 202, S Amdt. 4615 Adopted 84-16 (R 55-0; D 28-16; I 1-0). 7/13/06. CQ, 7/13/06]

➤ **NRA Chief Lobbyist Thanked Vitter And All Senators Who Supported His Amendment For Protecting "The Self-Defense Rights Of Citizens When Those Rights Are Most Vital."** "NRA Chief Lobbyist, Chris Cox, asserted, 'After Hurricane Katrina, the New Orleans Police Superintendent issued

orders to confiscate firearms from all citizens, allegedly under a state emergency powers law. With that one order, he stripped the one means of self-protection innocent citizens had during a time of widespread civil disorder. This legislation guarantees that will never happen again...In passing this legislation, the United States Senate acted to protect the self-defense rights of citizens when those rights are most vital. There was no 9-1-1 or police to rely on while looters and rapists and thugs ran rampant and honest citizens were left to their own devices to protect themselves, their families and their neighbors. I want to thank Senator Vitter for introducing this amendment and all the Senators who supported it." [NRA Press Release, 7/13/06]

> **NRA Executive VP Said Katrina Gun Seizure Was Largest Since 1775 And After Gun Control Advocates Had Said For Years That "No One Would Ever Take Your Firearm."** "It was the largest seizure of firearms since British general gates seized firearms from the colonists up in Boston in 1775. What happened is after that hurricane, when there was no police protection at all, complete breakdown, the mayor and the police chief went on TV at their press conference and said we're going to confiscate all firearms in the city... The media buried this story because we've been saying for years, you'd better stand up for your freedoms, and your freedom's only as good as you standing up for it. And the other side kept saying, "Oh, no one would ever take your firearm. The NRA is just crying wolf." [CNN Glenn Beck Show Transcript, 10/24/07]

#### **OBAMA VOTED TO GIVE CONCEALED CARRY TO RETIRED POLICE AND MILITARY**

**Obama Voted To Give Concealed Carry For Retired Police and Military; Fraternal Order of Police Endorsement Seen As Purely Political Move.** Obama voted to allow retired peace officers and military personnel who have served honorably for at least 10 years to receive a permit to carry concealed firearms. Mendell is critical of Obama's courtship of the Fraternal Order of Police by voting to allow retired cops to carry concealed weapons. An Obama aide told him, "Downstate, that endorsement can mean a lot. Obama might not be a big fan of guns, but he is a big fan of the FOP endorsing him." [93<sup>rd</sup> GA, SB 2188, 3/26/04, 3R P: 40-13-1; *From Promise To Power*, 251-2]

**OBAMA AGREED WITH THE SUPREME COURT DECISION REPEALING THE DC GUN BAN**

**Obama Said He Agreed With The Supreme Court That The Second Amendment Is An Individual Right And The Decision Leaves Room For Common Sense Gun Laws That Are Compatible With The Second Amendment.** Obama said, "Well, you know, what I have consistently said is that I believe that the second amendment means something, that it is an individual right. And that's what the Supreme Court held, so I agree with that aspect of the opinion. What I've also said is that every individual right can be bound by the interests of the community at large, and the Supreme Court agreed with that as well. It looks to me that the D.C. handgun ban overshoot the runway, that it went beyond constitutional limits. But it doesn't mean that local communities can't, you know, pass background checks; that they can't, you know, make sure that they're tracing guns that have been used in crimes to find out where they got them from. So, there's still room for us to, I think, have some common sense gun laws that are also compatible with the second amendment. And, you know, the key is to try to stop using this as a wedge issue and let's figure out an intelligent way where we can stop having kids being murdered on the streets of American cities, while making sure that law-abiding gun owners are protected in their rights." [Bloomberg Interview, 6/26/08]

**Obama Said That He's Not In The Camp That The Supreme Court Got It Wrong On The DC Gun Ban Because The Supreme Court Ruling Did Not Say That You Can't Have Common Sense Gun Laws.** Obama was asked, "I'm not in the camp of their overall reasoning. Now, you know, how they applied it and how they will apply it in the future, I think, is the key question. I think it's very important for everybody to understand that the Supreme Court ruling did not say that you can't have common sense gun laws. It just said that this particular case violated a basic principle that people do have a right to bear arms." [Bloomberg Interview, 6/26/08]

**Obama Said That The Supreme Court Endorsed His View That Reasonable Regulations Can Be Enacted By Local Communities To Keep Streets Safe While Still Protecting The Right Of Individuals To Bear Arms.** Obama said in a statement, "I have always believed that the Second

Amendment protects the right of individuals to bear arms, but I also identify with the need for crime-ravaged communities to save their children from the violence that plagues our streets through common-sense, effective safety measures. The Supreme Court has now endorsed that view, and while it ruled that the D.C. gun ban went too far, Justice Scalia himself acknowledged that this right is not absolute and subject to reasonable regulations enacted by local communities to keep their streets safe. Today's ruling, the first clear statement on this issue in 127 years, will provide much-needed guidance to local jurisdictions across the country. As President, I will uphold the constitutional rights of law-abiding gun-owners, hunters, and sportsmen. I know that what works in Chicago may not work in Cheyenne. We can work together to enact common-sense laws, like closing the gun show loophole and improving our background check system, so that guns do not fall into the hands of terrorists or criminals. Today's decision reinforces that if we act responsibly, we can both protect the constitutional right to bear arms and keep our communities and our children safe." [Politico, 6/26/08]

**Obama Said He's A Strong Supporter Of The Second Amendment But That Doesn't Preclude Local Governments Being Able To Provide Common Sense Gun Laws That Keep Guns Out Of The Hands Of Gangbangers Or Children.** Obama said, "What I've said is that I'm a strong supporter of the second amendment. But I do not think that that precludes local governments being able to provide some common sense gun laws that keep guns out of the hands of gang bangers or children, that local jurisdictions are going to have different sets of problems, and that this is a very fact intensive decision that has to be made. But I do think that the second amendment is an individual right. So what I'd like to do is wait and see how the Supreme Court comes down and evaluate the actual reasoning in the case, to see how broad or narrow the decision's going to be." [Chicago Press Avail, 6/25/08]

[http://voices.washingtonpost.com/fact-checker/2008/09/nra\\_misfires\\_against\\_obama.html](http://voices.washingtonpost.com/fact-checker/2008/09/nra_misfires_against_obama.html)

## 1. NRA Misfires against Obama

*"Now I learn that Barack Obama supports a huge new tax on my guns and ammo."*  
--Karl Rusch, National Rifle Association "Hunter" video, September 22, 2008.

The National Rifle Association has opened fire on Barack Obama for allegedly supporting a "huge new tax" on gun owners. The charge is contained in a series of new TV ads attacking the Democratic presidential candidate for his "anti-gun" stance. While it is clear that Obama is no friend of the NRA, the tax hike charge rests on very flimsy evidence. There are other problems with the ads as well.

### a. The Facts

The NRA video shows a Virginia hunter and Iraq war veteran, Karl Rusch, complaining about the high cost of gas and accusing Obama of planning a "huge new tax" on "guns and ammo." "Where is this guy from?" Rusch asks. "He's probably never been hunting a day in his life."

The video cites a decade-old clip from a Chicago newspaper to support its claim that Obama favors a huge new gun tax. The December 13, 1999 article in the Chicago Defender said that the then Illinois state senator supported a "500 percent" increase in the federal tax on the sale of "weapons he says are most commonly used in firearm deaths."

It is unclear from the article exactly what weapons would have been covered by the proposed tax. Most of the article deals with proposals by Obama to "increase the penalties on gun runners who are flooding Chicago's streets with illegal weapons." Even if Obama did support a big tax increase on the sale of certain types of assault weapons back in 1999, that is hardly evidence that he will move as president to tax the "guns and ammo" most commonly used by hunters like Rusch.

The NRA video also accuses Obama of voting "to ban virtually all deer hunting ammunition" and supporting "a ban on shotguns and rifles most of us use for hunting." The deer hunting claim is based on Obama's support for an unsuccessful Senate amendment by Sen. Ted Kennedy (D-Mass.) that would have expanded the definition of "armor-piercing" ammunition. The shotgun claim refers to semi-automatic rifles and pistols covered by the assault weapons ban, which expired in March 2004.

Contrary to Rusch's claim, the Kennedy proposal of July 2005, SA 1615, was not aimed at "virtually all deer hunting ammunition." Instead, it would have authorized the attorney general to define types of illegal ammunition capable of penetrating body armor

commonly used by law enforcement officials. During the Senate debate, Kennedy said that his amendment would "not apply to ammunition that is now routinely used in hunting rifles," a point contested by the NRA.

Rusch did not respond to a telephone message left with his wife requesting comment.

**b. The Pinocchio Test**

While it is true that Obama favors tighter gun laws, it is a huge stretch to argue that he wants to take away the guns and ammunition most commonly used by hunters. The claim that he favors "a huge new tax on guns and ammo" rests on a confusingly worded 9-year-old newspaper article that has little relevance for Obama's platform as a presidential candidate. The NRA misfires on this one.



<http://blog.washingtonpost.com/fact-checker/2007/09/about-the-fact-checker.html#pinocchio>

Significant factual error and/or obvious contradictions.

[http://www.factcheck.org/elections-2008/nra\\_targets\\_obama.html](http://www.factcheck.org/elections-2008/nra_targets_obama.html)

NRA Targets Obama

September 22, 2008

It falsely claims in mailers and TV ads that Obama plans to ban handguns, hunting ammo and use of a gun for home defense.

Summary

A National Rifle Association advertising campaign distorts Obama's position on gun control beyond recognition.

The NRA is circulating printed material and running TV ads making unsubstantiated claims that Obama plans to ban use of firearms for home defense, ban possession and manufacture of handguns, close 90 percent of gun shops and ban hunting ammunition.

Much of what the NRA passes off as Obama's "10 Point Plan to 'Change' the Second Amendment" is actually contrary to what he has said throughout his campaign: that he "respects the constitutional rights of Americans to bear arms" and "will protect the rights of hunters and other law-abiding Americans to purchase, own, transport, and use guns."

The NRA, however, simply dismisses Obama's stated position as "rhetoric" and substitutes its own interpretation of his record as a secret "plan." Said an NRA spokesman: "We believe our facts."

Perhaps so, but believing something doesn't make it so. And we find the NRA has cherry-picked, twisted and misrepresented Obama's record to come up with a bogus "plan."