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Infringing on Gun Rights Again

Hidden in the new omnibus spending bill is an amendment that will take away the right to buy a gun for more than four million elderly Americans.

From the print edition of The New American

The 27 words of the Second Amendment to the U.S. Constitution are again under attack by a federal government that despises that brief sentence in our Bill of Rights. The newest assault on gun rights is a poison pill slipped into the recently enacted “omnibus” budget bill. It restricts the gun-ownership rights of up to 10 percent of persons over age 65, or more than four million elders, using a pretext that “financial incompetence” should curtail a person’s right to carry a firearm.



Credit anti-liberty strategists for this coup. They organized the recent and very visible “March for Our Lives,” which used children as props to generate emotionally wrought pleas to ban guns. At the same time, they also quietly effected the inclusion of a measure to take away guns from the elderly in the massive “omnibus” appropriations bill.

Are Older Gun Owners Dangerous?

According to a National Firearms Survey, more than 25 percent of Americans age 65 and older own guns, which translates to more than 17 million people. But does advancing age or onset of dementia require the government to step in and deprive these elders of their right to own a firearm?

When was the last time you heard of a mass-murderer over the age of 65? None of the notorious public-shooting events of the last few years were done by elderly persons. The median age of a mass shooter, according to one report, is 34, with very few over 50. So why would our enlightened lawmakers focus their anti-gun power against those who are least likely to criminally misuse a gun?

Duke University published a study of approximately 82,000 people diagnosed with serious mental illnesses in Florida between 2002 and 2011. It found that persons with serious mental-health disorders did not misuse guns any more than the general adult population. Thus, people with mental illnesses are no more dangerous to others when they have equal access to guns.

The Background-check System

Congress established the FBI’s National Instant Criminal Background Check System (NICS) as part of the Brady Handgun Violence Prevention Act of 1993. Whenever a person wants to buy a gun from a federally licensed firearm dealer, that dealer has to run a background check to determine if the



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customer shows up in a federal database as a felon or with some other disqualifying characteristic. Private sellers do not have to run background checks, a source of endless irritation for gun-control advocates.

Any information that could disqualify a citizen from purchasing a firearm ends up in the FBI's NICS database via reporting by the 37 states that have laws requiring such reporting, and from several federal agencies such as the Department of Defense, the Veterans Administration, and the Social Security Administration.

When a gun dealer submits a prospective gun buyer's name to the NICS system, it will spew out one of three results:

- *Proceed*: The customer may buy the firearm.
- *Delayed*: The bureaucracy cannot make a clear conclusion about the customer, owing to a common last name or a garbled Social Security number that matches one of a known bad guy.
- *Denied*: The FBI will not allow the person to buy a gun. About five percent of applicants are denied.

Ten categories of people automatically earn a "denied" designation when the dealer runs a check. The list includes felons, fugitives from justice, convicted drug users, mentally ill persons, illegal immigrants, persons dishonorably discharged from the U.S. Armed Forces, those who have renounced U.S. citizenship, domestic abusers and persons with domestic-abuse restraining orders, and anyone charged with a crime with a potential prison sentence of a year or more, regardless if there has been a conviction.

While many people are fine with gun-ownership limitations put in place by the list, especially those affecting convicted felons or domestic abusers, some of the disqualifying criteria are not what they seem to be on the surface. For example, the "mentally ill persons" category is the one used to exclude many of the elderly from buying guns under the new omnibus spending bill, that may be applied simply because the person needs help working out personal finances. Most persons with domestic restraining orders have never actually committed a violent act, but have been found civilly liable under a low standard of proof after a person claims "fear." And "fugitives from justice" can literally mean persons who have not paid speeding tickets. And many crimes that can carry a sentence of a year have no connection to violence whatsoever, such as writing a bad check. In many instances, the people deprived of having guns have done nothing wrong, let alone something violent.

The criteria to make the list shows one reason why a national background check of potential gun purchasers does not stop crime in any significant numbers. Law-abiding persons do not use guns to commit crimes, so background checks are unneeded for them. Criminals could not care less whether they get weapons legally, so background checks do nothing meaningful to stop them from obtaining guns. Further, since murderers already get the death penalty or life in prison without parole, an additional year for the gun violation is likely no deterrent.

Photo: AP Images

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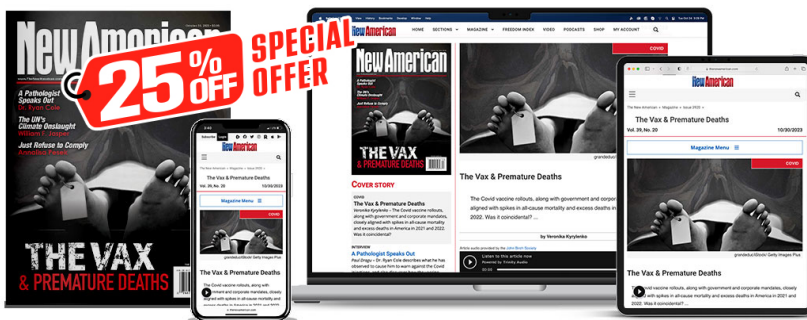
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