



Written by [Joe Wolverton, II, J.D.](#) on June 8, 2015

Published in the June 8, 2015 issue of [the New American](#) magazine. Vol. 31, No. 11

Inside Track

NRA Promotes Federal Firearms Regulations

One self-described Second Amendment advocacy group claims that opposition to a gun control nullification bill currently being considered by the North Carolina legislature is coming from an unlikely source: sheriffs.

The National Rifle Association-Institute for Legislative Action (NRA-ILA) reported on May 6 that the North Carolina Sheriff's Association (NCSA) is trying to scuttle House Bill 562 because of a provision in the measure that would repeal "the requirement that law-abiding citizens must obtain permission from their local sheriff before acquiring a handgun."



It is sad that sheriffs — the counties' highest elected constitutional officers — would stand between North Carolinians and their natural right to keep and bear arms, especially when that stance places the lawmen in direct defiance of if not the letter then the spirit of the Second Amendment to the Constitution.

The Second Amendment explicitly forbids the federal government from infringing on the right to keep and bear arms. The Constitution is not created as a check on state power (for the most part), so while state regulations of gun ownership may not be specifically prohibited by the Constitution, having state tyrants take away essential liberties is no more preferable than having them taken by tyrants in Washington, D.C.

But perhaps there is more to the story than the NRA-ILA lets on. One hint that maybe the sheriffs in North Carolina aren't quite as constitutionally challenged as the NRA suggests is the latter's indirect support for federal firearms control.

In the story reporting on the NCSA's opposition to HB 562, the NRA-ILA distinguishes the North Carolina process of approving gun purchase from the one preferred by the NRA:

This antiquated and inefficient system has been in place for nearly a century and was enacted long before the age of computers and computerized records. Unfortunately, the NCSA has determined it would like to continue to use discretion to deny permits to purchase handguns, rather than simply use the National Instant Criminal Background Check System (NICS) utilized by the majority of other states.

This background check system is despised by gun rights advocates. It was mandated by the Brady Handgun Violence Prevention Act ("the Brady Bill") and was instituted by the FBI in 1998.

Under this scheme, after a prospective firearms purchaser completes a federally approved form (or



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application), the [Federal Firearms Licensee](#) (gun seller) initiates the background check by phone or computer. Most checks are determined within minutes, but the FBI has up to three business days to make a determination.

In other words, while the NRA criticizes the North Carolina Sheriff's Association for blocking the state bill that would end their current gun purchase approval system, the group has no problem perpetuating the federally mandated system.

Given the fact that any federal restriction on the right to keep and bear arms is explicitly forbidden by the Second Amendment, the NRA's position on this issue seems to contradict the organization's claim that it exists in order to preserve "the right of all law-abiding individuals in the legislative, political, and legal arenas, to purchase, possess and use firearms for legitimate purposes as guaranteed by the Second Amendment to the U.S. Constitution."

Admittedly, as explained above, while state usurpation of the power to approve or disapprove gun purchases is not acceptable, the seizure of that same authority by the federal government is even less so and is directly denied by the Constitution.

Perhaps a combination of tactics would be the best way to solve the problem. First, the North Carolina legislature should pass House Bill 886, which would forbid the enforcement of any federal regulation aimed at unconstitutionally abridging the right to keep and bear arms as protected by the Second Amendment.

Next, members of the NRA truly committed to protecting, preserving, and defending the Second Amendment should encourage that organization to stop supporting federal restrictions on firearms ownership, in direct defiance of their own mission statement.

Finally, all lawmakers in every state should work to completely restore the right to own a gun, a right whose value was described accurately by Joseph Story in 1833:

The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them.

Or, in other words: the Constitution, every issue, every time, no exceptions.



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