



Written by [Bob Adelman](#) on January 31, 2017

NRA Moving from Defense to Offense

For eight long years the National Rifle Association (NRA) has, along with similar groups such as the Gun Owners of America (GOA), the Second Amendment Foundation (SAF), and the National Association for Gun Rights (NAGR), largely been playing defense. The anti-gun executive orders spewing from the pen of former President Barack Obama, the anti-gun media seizing upon opportunities to promote its agenda thanks to crazed killers committing atrocities, the push to ratify the UN small arms treaty, and more have kept pro-Second Amendment groups such as these back on their heels.



No longer. Jennifer Baker, the NRA's national spokeswoman, [told *The Hill* on Monday](#): "For the first time in almost a decade, the NRA is shifting from a defensive stance to a pro-active stance. Now, we have a pro-Second Amendment Congress and a pro-Second Amendment president who will sign pro-Second Amendment legislation. That's a huge shift."

Even former Arizona Democrat Representative Gabrielle "Gabby" Giffords, head of the anti-Second Amendment group Americans for Responsible Solutions, sees what's coming. In speaking to her supporters on Monday, Giffords said, "The gun lobby was one of the first to support Donald Trump, and now that he won and their friends control Congress, they are going to expect a return on that investment."

The NRA's investment was \$30 million in the last election, and their expectations are substantial. Near the top of the list is the repeal of the Gun-Free Zones Act of 1996, which prohibits possession of firearms within 1,000 feet of schools.

They seek passage of the Veterans 2nd Amendment Protection Act, which would protect veterans from having their Second Amendment-protected rights removed by the VA arbitrarily deeming them "mentally defective" without a court hearing and putting their names into the NICS (National Instant Criminal Background Check System). The NRA will work to repeal similar administrative law changes that the Social Security Administration just finalized in December.

It will work for passage of the Hearing Protection Act to allow hunters to use silencers. That act was proposed by Representative Jeff Duncan (R-S.C.), who explained, "The hunter needs to be able to hear a deer walking in the woods, or a turkey gobbling. You can't always wear headphones or earplugs when you're hunting."

The NRA and other pro-Second Amendment groups are already anticipating Trump's nomination of a justice to the Supreme Court to replace Antonin Scalia who will be equally supportive and friendly to gun rights. The NRA and its supporters will assist senators in understanding their position during confirmation hearings.



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Perhaps the biggest push will be for national reciprocity — a federal law that would require every state to recognize every other state’s concealed weapons licenses, much like automobile driver’s licenses. Such a law would allow those carrying concealed to do so in every state without worrying about violating local laws.

It should be noted that a national reciprocity law raises significant constitutional concerns, and is opposed by scholars such as Erwin Chemerinsky, dean of the University of California Irvine’s School of Law, and UCLA professor Eugene Volokh. Both men contend that Congress doesn’t have the constitutional authority to force states to recognize concealed-carry permits issued by other states.

Such concerns, however, are balanced by conclusions reached by Adjunct History Professor Clayton Cramer of the College of Western Idaho. In his paper “Congressional Authority to Pass Concealed Carry Reciprocity Legislation” he reviews not only constitutional limits on federal power but also how often those limits have been breached. He notes that “since *McDonald v. Chicago*, the Supreme Court has recognized that the Fourteenth Amendment’s Due Process clause extends the Second Amendment to the states.” He notes further that “laws prohibiting concealed carrying of firearms certainly violate the Second Amendment ... [and] are certainly prohibited State laws and State acts.”

He adds that “the [Supreme] Court has repeatedly recognized a right to travel [and] to enjoy the benefits of living in the state of one’s choosing.” There’s interstate commerce, too, says Cramer: “The [Supreme] Court has long recognized that interstate commerce is within the regulatory authority of Congress, including pre-emption of state laws.”

And, finally, notes Clayton, “States’ rights objections to requiring recognition might have been persuasive in 1950, but a lot of sludge has flowed under that bridge in the meantime: Racial segregation laws; miscegenation bans; contraceptive bans; abortion bans; sodomy bans; same-sex marriage bans; and doubtless hundreds of others that do not immediately come to mind that all involve pre-emption of state and local laws. Opponents of national concealed carry reciprocity will either have to repudiate that substantial list of abrogation of states’ rights, or come up with some very clever way to distinguish them from pre-emption of state laws concerning concealed carry.”

This “to-do” list of the NRA and other gun-rights groups is far from exhaustive. But it’s part of the return on their \$30-million-plus investment that they are expecting to see.

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