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Backdoor Attack on Second Amendment Through Credit Card Transactions

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Representative Jennifer Wexton (D-Va.) has devised another way to attack the rights of law-abiding gun owners: tracking their purchases of firearms using credit cards.



The core of her bill ([H.R. 5132, the Gun Violence Prevention Through Financial Intelligence Act](#)) seems, on the surface, innocuous enough:

To request information for financial institutions for the purpose of developing an advisory about the identification and reporting of suspicious activity ... relating to how homegrown violent extremists and perpetrators of domestic terrorism procure firearms ... for the purpose of carrying out “lone actor” or “lone wolf” acts of terror within the United States.

Said Wexton when introducing her bill:

Banks, credit card companies, and retailers have unique insight into the behavior and purchasing patterns that can help identify and prevent mass shootings. We know that financial intelligence can be an effective tool to combat gun violence in the same way it is for money laundering, human smuggling, and fentanyl trafficking.

Financial institutions have a legal obligation under the Bank Secrecy Act to have programs in place to detect and report suspicious financial activity, but they have to know what they are looking for, and FinCEN [the Financial Crimes Enforcement Network] can be a valuable partner. The red flags are there — someone just needs to be paying attention.

Red flags are, indeed, raised when looking at Wexton’s background. She is one of several liberal House Democrats who replaced conservative pro-gun Republicans in Virginia in the 2018 mid-term elections. Her campaign against a pro-Second Amendment incumbent was largely financed by Michael Bloomberg’s Everytown for Gun Safety. Her voting record in the House has earned her a rating of just 12 out of 100 in the Freedom Index — a measure of how closely her voting record hews to the limits of the U.S. Constitution, published by The John Birch Society.

The first question must be: Why would she want the government to have this sort of information? Terrorists generally don’t buy weaponry from retail gun stores using credit cards. And any “home-grown lone-wolf” planning an attack, once he learns that credit card issuers are likely to alert federal authorities, will use cash instead.

That leaves law-abiding gun owners as the primary target. And financial institutions such as banks and credit card companies would more than likely spread a wide net around anyone using credit to purchase firearms, just to be sure they don’t fall afoul of the feds’ new requirements if Wexton’s bill



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becomes law. Translation: Any gun owner making a purchase sufficiently large to arouse the suspicions of anonymous bureaucrats lurking in the Financial Crimes Enforcement Network (FinCEN) will be targeted.

An additional consequence — perhaps intended by anti-gun Wexton — could be that banks and credit card companies will refuse to allow gun owners to use credit cards to purchase firearms or their accessories altogether.

As pernicious as Wexton's bill is, it pales when compared to the infringements of personal privacy already taking place at FinCEN. Established in 1990 by order of the Secretary of the Treasury, it was made an agency of that department with passage of the PATRIOT Act after 911. The agency states that "the primary motive of criminals is financial gain, and they leave financial trails as they try to launder the proceeds of crimes or attempt to spend their ill-gotten profits."

Since September 2012, FinCEN regularly generates four reports that offend the Fourth Amendment, including its "Suspicious Activity Report." FinCEN shares that information with dozens of intelligence agencies including the Bureau of Alcohol, Tobacco and Firearms (ATF) and the IRS. FinCEN does not disclose how many of those "Suspicious Activity Reports" result in investigations, indictments, or convictions, and no studies exist on how many innocents are ensnared in that report for merely exercising their freedoms. But the information is available to federal investigations without regard to niceties such as the Fourth Amendment's protection against unreasonable searches.

What Wexton is doing is what politicians typically do when they don't feel constrained by either their oaths of office or the Constitution they swore to uphold and defend. In the present case, her bill is a perfidious back door attack on Second Amendment rights guaranteed in the very document she promised to defend.

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