



Written by [Thomas R. Eddlem](#) on June 28, 2011

Does the NRA Support Gun Owners?

"We have proposed two amendments that we will have votes on today. One of them concerns the Second Amendment. I think it's very important that we protect the rights of gun owners in our country, not only for hunting, but for self-protection. And that the records of those in our country who own guns should be secret." — Senator Rand Paul, speech before the U.S. Senate, May 26, 2011



You would think that the National Rifle Association, the NRA, would naturally back the Rand Paul amendment on exempting firearms records searches under the Patriot Act. But you would be wrong. The NRA criticized Senator Paul's amendment to exempt gun purchases from search provisions of the Patriot Act in e-mails to Congress while apparently sitting on important information showing the need for Paul's amendment. And it continues to defend its opposition to the Paul Amendment after *The New American* [published information](#) about that betrayal of Second Amendment principles. The information the NRA was apparently sitting on shows that the FBI and the federal government's Joint Terrorism Task Force have already begun trolling the records of law-abiding gun owners, using the excuse of terrorism surveillance.

The NRA had received FBI/Joint Task Force [flyers](#) from gun shops and gun ranges in the Salt Lake City, Utah, and New Haven, Connecticut, areas, containing demands that gun clubs and gun shops submit law-abiding gun owners information to the federal government. The flyers [demanded](#) that gun information be proffered up to the FBI's Terrorism Joint Task Force if a gun buyer had an "altered appearance from visit to visit (beard shaved off, hair color changed, etc.)" or "insists upon paying with cash" or had made "racist" or "extreme religious statements" or issued "vague or cryptic warnings."

In short, if an American buys a gun and gets a haircut, dyes his gray hair, or shaves his beard, his gun records will be sent to the FBI's Joint Terrorist Task Force for a terrorism investigation. Other "suspicious" activities also raise questions: If a person says homosexuality is a sin, is that an extreme religious statement that would lead to the FBI investigating him as a terrorist? If a person is against affirmative action, is that a racist sentiment that fingers him as a terrorist?



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{youtube width="500" height="297"}GOL7H77xlKU{/youtube}

The FBI flyer clearly [stated](#) that just because the gun buyer was an innocent, law-abiding citizen was no excuse for a gun shop not to send the gun records to the FBI: "Some of the activities, taken individually, could be innocent and must be examined by law enforcement professionals," the flyer demanded.

To this day, the NRA seems [untroubled](#) by such flyers demanding that gun shops give the FBI records on lawful gun owners, and in fact seems to support them. "We have reported previously about the FBI circulating flyers to FFLs asking them to voluntarily report 'suspicious' activity. The Paul Amendment, however, would have had a significant chilling effect on these voluntary efforts," the NRA reported May 28. Of course, a "chilling" effect is just what gun owners would seek. You would think that the NRA would oppose efforts for the FBI or any other federal agency to permanently store law-abiding gun owners' information. Doing so is de facto gun registration, which has historically been a prelude to gun confiscation.

But the NRA excused this betrayal of the spirit of the Second Amendment by [claiming](#) that it would end up "forcing the FBI to use more intrusive means to get the same information. For example, U.S. Attorneys would simply demand records through grand jury subpoenas, which require no judicial approval before issuance."

Of course, a grand jury subpoena is judicial approval. In fact, it's probably a higher standard than getting a judge's warrant. It means that the 23 average citizens in the grand jury agree that it's needed for a criminal indictment. The NRA [explanation](#) goes on:

By simply characterizing its activities as a "criminal investigation," it would enter a licensee's premises and demand these records without "reasonable cause or warrant" — in other words, without judicial oversight of any kind, and without any of the procedural limits imposed by the PATRIOT Act.

It's true that the [McClure-Volkmer Gun Control Act of 1968](#) unconstitutionally allows warrantless searches and seizures of firearms from DEALERS, but not searches and seizures of records from gun clubs or private gun owners. As Gun Owners of America [explains](#):

McClure-Volkmer required a bona fide criminal investigation. Following the defeat of the Paul amendment, the FBI/ATF can ask for permission to seize 4473's [gun records] merely because they are "relevant" to its fishing expedition.

In other words, the legal standard for seizing evidence under the Patriot Act is lower, and it allows a broader search net to be thrown. In fact, warrantless searches are so broad under the Patriot Act that First Amendment defenders required a specific protection be inserted into the bill. Subpoenas issued as part of the Patriot Act under [Title 50, Section 1861 of the U.S. Code](#) are at least prohibited from targeting someone only for exercising his rights to freedom of speech and press. The provision allows searches, but only if "such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States." But no comparable protection is enumerated to protect gun owners under the same title and section of the law, whose activities are protected by the Second Amendment to the U.S. Constitution. The Paul amendment would have done just that, but it was defeated by an [85-10 vote](#) May 26.

The NRA published the flyer information on May 27 — the day after the vote. This information indicates that Rand Paul (R-Ky.) was right in warning that Patriot Act provisions threatened law-abiding gun owners. In fact, the NRA proved that Patriot Act surveillance of law-abiding gun owners as terrorists



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was already occurring.

Investigating law-abiding gun owners as terrorists may be just what President Obama [reportedly told](#) Jim and Sarah Brady back on March 30. "I just want you to know that we are working on it," Brady recalled Obama telling the anti-Second Amendment activist organization. "We have to go through a few processes, but under the radar."

Moreover, the U.S. Justice Department [report](#) — *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* — also noted:

Many rightwing extremist groups perceive recent gun control legislation as a threat to their right to bear arms and in response have increased weapons and ammunition stockpiling, as well as renewed participation in paramilitary training exercises. Such activity, combined with a heightened level of extremist paranoia, has the potential to facilitate criminal activity and violence.

The federal government is clearly out to "get" gun owners. and sees gun owners as potential terrorists. So why is the NRA so quick to let the federal government have another way to get around the Fourth Amendment requirements to have a warrant and probable cause for a search? Don't they know that if Congress gets in the habit of violating one part of the Constitution, the Second Amendment might be next?



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