



Written by [Raven Clabough](#) on September 25, 2014

Gun Buyers Forced to Declare Race, Ethnicity

Privacy advocates are infuriated by changes to forms for firearm purchases that pose questions about the buyer's race and ethnicity. [Fox News reports](#), "Form 4473, required for an over-the-counter sale by a federally-licensed dealer, now asks first whether a buyer is Hispanic or Non-Hispanic, followed by a question delving into more detailed race-based information."



Much of the criticism is focused on the secrecy of the changes, as they were made in 2012 without warning or indication.

In a letter addressed to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Sen. Roy Blunt (R-Mo.) inquired as to why the information was being collected and whether the data had ever been used to restrict someone's ability to purchase a firearm. "What does that possibly have to do with whether you would pass the background check for a firearm or not?" Blunt asked.

The ATF responded to Blunt on Wednesday, saying it has been collecting the ethnicity and race data for the "purposes of identification in conjunction with the required background checks." The agency adds that it has been collecting race information since 1968, but has not maintained it in any database.

The agency claims that it needed to update its forms to comply with a standard set by the Office of Management and Budget (OMB) during the Clinton administration but did not indicate why it elected to make these changes in 2012, nearly a decade after they were supposed to take effect.

The OMB has defended requests for this data as a means to enforce civil rights laws by monitoring "equal access in housing, education, employment and other areas."

"OMB's race and ethnicity standards require agencies to ask both race and ethnicity in a specific manner (as done on [Form 4473]), and agencies may not ask for one without asking for the other," said Elizabeth Gosselin, a spokeswoman for the ATF.

But privacy advocates are not convinced that the ATF was obligated to comply. Laura Murphy, legislative affairs director at the American Civil Liberties Union, said, "There is nothing that supports the requirement that ATF collect race-based information. The OMB guidance merely describes what categories of race should look like if information is collected."

Likewise, private-practice firearms lawyer Evan Nappen said, "This issue concerns me deeply because, first, it's offensive, and secondly, there's no need for it. If there's no need for an amendment, then there's usually a political reason for the change. What this indicates is it was done for political reasons, not law enforcement reasons."

Gun dealers have said that the questions are confusing to some buyers, raising concerns as dealers can face significant penalties if the forms are completed incorrectly.

The *Washington Times* [elaborates](#),

The amendment is causing a headache for gun retailers, as each box needs to be checked off or else



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it's an ATF violation — severe enough for the government to shut a business down. Many times people skip over the Hispanic/Latino box and only check their race, or vice versa — both of which are federal errors that can be held against the dealer.

Rep. Diane Black (R-Tenn.) called the questions “highly intrusive” and “unnecessary” and has introduced a House bill that would ban the data from being collected.

The 4473 form that maintains the ethnicity and race data is supposed to remain in the possession of gun retailers, with the ATF allowed access only during the course of a criminal investigation or dealer audit. But according to gun rights groups, the ATF has violated that rule.

“We’ve been contacted by several dealers saying ATF is or has been making wholesale copies of their 4473 forms, and it’s just not legal,” said Erich Pratt, spokesman for Gun Owners of America. “If this is what they’re doing somewhat out in the open, what’s going on behind closed doors? Are these names and demographic information getting phoned [in and] punched into a government computer? Do they ever come out?”

What the federal government could potentially do with this data is the primary concern here. While merely collecting such data technically does not infringe upon someone’s right to keep and bear arms as protected by the Second Amendment, increased federal regulation of firearms retailers to the point of shutting them down for even small reporting errors is certainly a step in the wrong direction.

Photo of guns on display at a Colorado gun dealership: AP Images



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