



Written by [Warren Mass](#) on April 21, 2014

## New Yorkers Protest “Assault Weapon” Registration Law

April 15 was the deadline for residents of New York to register “assault weapons” that they owned before the passage of the state’s SAFE Act gun control law. But on the day of the deadline, pro-Second Amendment advocates, in an act of protest, gathered in downtown Buffalo to shred gun registration forms.



“They have been shredding the Constitution for years,” Russ Thompson, the leader of the April 15 rally was quoted by the *Buffalo News* as saying.

“You shred the Constitution, we’ll shred any form you want us to fill out. They can’t arrest a million people. What are they going to do?”

“Nobody is going to comply with this,” added Tim Swedenhjelm, identified by the *News* as a gun owner and a 30-year range safety officer from Springville. “We don’t call them ‘assault rifles’ because they’re not ‘assault rifles.’ Assault rifles are automatic weapons. These are not automatic weapons. When I hear politicians call them assault rifles, you know they don’t know what they’re talking about.”

As of April 5, only 3,000 to 5,000 New Yorkers had registered their guns, and defenders of the Second Amendment estimate that compliance will be less than 10 percent.

In Erie County, where Buffalo is located, Sheriff Timothy Howard said he will not force his deputies to enforce registration under the new law. “Theoretically, any law enforcement officer who encounters anyone with this type of gun at a minimum is supposed to record the serial number and the individual’s identity and report it to Albany,” Howard said, according to the *News*.

Asked if he would force his deputies to comply, Howard replied, “I don’t know. I am not encouraging them to do it. At the same time, their own consciences should be their guide. I am not forcing my conscience on them. That is a decision they should make.”

A reporter for WIVB News in Buffalo noted: The SAFE Act redefines an ‘assault weapon’ as almost any semi-automatic weapon with a ‘military-style feature,’ including a telescoping stock, long guns with a pistol grip, or the ability to hold a detachable magazine.”

The law also broadens definition of “assault weapon” from two identified features to one, including the above, as well as a thumbhole mount, bayonet mount, flash suppressor, or grenade launcher.

Since most of the distinguishing identifiers are largely cosmetic, we recall the old Volkswagen Karmann Ghia, which was basically a sports car body attached to a VW Beetle chassis. Though it looked like a sports car, it was still, underneath, a Volkswagen with a top speed of 75 miles per hour. Similarly, despite SAFE Act’s language, putting fancy grips on an ordinary rifle does not make it an “assault weapon.”

In a statement about the SAFE Act issued shortly after its passage, the New York State Sheriff’s Association (NYSSA) wrote:



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We believe that the new definition of assault weapons is too broad, and prevents the possession of many weapons that are legitimately used for hunting, target shooting and self defense. Classifying firearms as assault weapons because of one arbitrary feature effectively deprives people the right to possess firearms which have never before been designated as assault weapons. We are convinced that only law abiding gun owners will be affected by these new provisions, while criminals will still have and use whatever weapons they want.

Among the SAFE Act's most objectionable features is that it supposedly "grandfathers" the so-called assault weapons possessed before the act came into effect and allows their owners to keep them *providing they register them*. Those who fail to register their weapons could face a misdemeanor for failing to register them, or even a felony charge of illegal possession of an assault weapon. Momentum for the hastily enacted SAFE Act was driven largely by fears raised after the December 14, 2012 Sandy Hook Elementary School shooting in Newtown, Connecticut, and it was signed into law by Governor Andrew Cuomo on January 15, 2013.

Lisa Donovan, a spokeswoman for NY2A — New York 2nd Amendment Coalition was quoted by the *Buffalo News* as pointing out where registration might lead:

We believe the law is not just, it is not the government's business. Registration is confiscation. Once you register your gun, it is not really yours. We don't trust the State Senate and State Assembly that they are done with the SAFE Act. We feel there will be a SAFE Act II. That's why we are fighting so hard now.

There is, of course, ample historic precedent for gun registration leading to gun confiscation, often by totalitarian states intent on disarming the populace to inhibit resistance to their tyranny. In 1928, Germany passed the Law on Firearms and Ammunition, under which Germans were required to have permits to own or sell firearms. The 1938 German Weapons Act superseded the 1928 law, and citizens were still required to have a permit to buy or carry a firearm. The law restricted ownership of firearms to "persons whose trustworthiness is not in question and who can show a need for a [gun] permit." The law also prohibited Jews from owning firearms. Finding out which Jews (or others) had firearms was not too difficult, since the 1928 law required extensive police records on gun owners.

Other European countries also had laws requiring police to keep records of those who possessed firearms. When the Nazis took over Czechoslovakia and Poland in 1939, it was a simple matter to identify gun owners.

This pattern has been repeated time and time again, as totalitarians used registration lists compiled when guns were still legal to confiscate them when they consolidated their power.

That history was ignored by Leah Gunn Barrett, executive director of New Yorkers Against Gun Violence, who was quoted by the *Buffalo News*. "There's a lot of hyperbole and misinformation floating around. People who owned these weapons before Jan. 15, 2013, can keep them. All they need to do is register them. It is painless, easy and costs nothing," asserted Barrett.

"No guns are being taken away unless you fail to register your military-style assault weapon, if you happen to own one. If you register it, you can keep it."

Germans were undoubtedly fed the same promises in 1928.

Barrett also asserted that the "assault weapons" in question should be exclusively reserved for military use. "These weapons of war," she claimed, "have no place in our communities."



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As many defenders of the right to keep and bear arms have noted, the firearms that the state of New York wants to register — except for certain stylistic characteristics that have no bearing on their firepower — are no different from any other weapons. Attaching a telescoping stock or pistol grip on a rifle does not magically transform it into a “weapon of war.”

Even if a firearm did qualify as a “weapon of war,” however, that would have no bearing on its status as an arm protected by the Second Amendment. As we noted in a [recent article](#), the inspiration behind the adoption of that amendment was the experience of the American colonists just prior to their War of Independence. At the time the amendment was adopted in 1791, the battles of Lexington and Concord in 1775 were only 16 years in the past.

The British regulars that Paul Revere and William Dawes had warned of arrived in Concord under the command of Major John Pitcairn, who had been informed that cannon had been buried on the property behind Ephraim Jones’s tavern. Pitcairn ordered Jones at gunpoint to show where the guns were buried.

While Barrett thinks that a rifle with a pistol grip is a “weapon of war,” the colonists had real weapons of war — cannon — in their possession!

The colonists opposing the British confiscation of their arms fought under the designation of the Massachusetts militia, a group of able-bodied, freedom-loving men formed by order of the Massachusetts Provincial Congress (then an illegal government under British law) for the very purpose of defending the rights of the colonists (including the right to bear arms) against British tyranny.

It was militias such as these that the authors of the Second Amendment had in mind when they wrote: “A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”

Our Founders readily understood the connection between the right to keep and bear arms and the preservation (or security) of “a free state.” It is no coincidence that wherever this right has been destroyed, a free state was replaced with tyranny.

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