



Written by [Bob Adelman](#) on January 1, 2016

Obama to Announce New Gun Controls by Executive Order Next Week

With time running out for his presidency, President Obama [is hurrying to issue another executive order](#) further infringing on Americans' Second Amendment-guaranteed rights.

It's taken longer than expected, as the Obama administration and its friends in the gun-control movement have had to work around existing law and find areas where they can impose those additional restrictions without having to go to Congress for approval. As White House spokesman Eric Schultz explained, "It's complicated. That's why it's taken some time for our policy folks, our lawyers and our experts to work through this and see what's possible." He added, "That is why [the president] has asked his team to scrub existing legal authorities to see if there's any additional action we can take administratively."



In other words, constitutional restrictions and limitations aren't to be enforced but are instead to be circumvented in order to advance the president's unconstitutional gun-control agenda. Put simply, Obama's oath of office means nothing when it conflicts with that agenda.

According to *Politico*, the president's announcement, expected next week, will contain at least two additional infringements: requiring stolen guns to be reported to the ATF, and broadening the definition of who must have a federal license (Federal Firearms License or FFL) to sell firearms.

It's the second infringement that's going to cause the most heartburn among law-abiding gun owners. Present law requires all citizens who are "engaged in the business" of selling guns with the "principal objective of livelihood and profit" to pay a fee, complete a rigorous and invasive application that includes a photograph and fingerprints, and undergo background checks in order to do so.

But the president's lawyers have decided that "engaged in the business" is far too broad, and so Obama will likely announce next week that anyone selling more than 25 guns in a year — or selling a gun in its original packaging, or hoarding more than a certain number of firearms, or selling a gun within 30 days of original purchase — will have to obtain an FFL. After the government has granted its approval, the new licensee would then be required to do a background check on every person he sells a gun to. In addition he'll be forced to undergo audits from ATF agents dropping in unannounced to check his paperwork.

There are so many problems with this proposed requirement that one scarcely knows where to begin. Aside from it being another infringement of a right guaranteed under the Second Amendment, who



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would line up, raise their hand, and plead with the ATF for permission to buy and sell firearms?

There are other problems. The ATF would be the agency in charge of doing the administrative work for an estimated 100,000 new gun dealers who would be forced to turn their hobby into a business. As Lawrence Keane, general counsel for the National Shooting Sports Foundation (NSSF), put it,

[Obama's new expected executive order] will create an administrative problem for the ATF in the sense that their budget does not provide for them to handle some huge increase in the volume of FFLs.

If the ATF now has to manage [another] 100,000 individuals [currently the ATF is tracking about 130,000 FFLs], or whatever the number is, who have to get a license, that's going to divert resources that the ATF needs to be servicing the industry, and it takes money away from ATF's ability to do its law enforcement duties.

That, of course isn't really a problem. All the ATF has to do is plead with Congress for more money for its increased duties, as the IRS did when Congress granted that agency some \$200 million in new funds.

If Obama issues this executive order next week, the real problem would be that, despite bogus claims to the contrary (such as the claim that increasing the number of background checks will hamper criminals in their ability to obtain weapons), if he can set the minimum at 25 gun sales per year, why not 20, or 10, or one? That would require that every gun owner in the country have an FFL.

This is the real goal, after all: finding out who has the guns and where they are, so that when the time comes — a national emergency of some kind, perhaps? — government agents will be able to confiscate them.

Senator Rand Paul, who sees the real danger of such an executive order, has introduced a bill in the Senate to turn such EOs into merely "advisories" instead of "orders." Whether that bill gets any purchase in a Congress increasingly focused on the upcoming elections in November remains to be seen.

In the meantime, turning gun hobbyists into criminals (if they don't request and receive the ATF's permission to continue their hobby) will only drive the private sale and purchase of firearms further underground. For when there is a demand, there will always be a supply — another of those simple economic rules that the Obama administration refuses to recognize.

Photo of President Obama: AP Images

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