



Written by [Bob Adelman](#) on March 3, 2017

Trump Protects Gun Rights of Social Security Beneficiaries

President Donald Trump kept another of his campaign promises on Tuesday [by signing into law House Joint Resolution 40](#), rejecting a final rule submitted by the Social Security Administration. That rule would have infringe upon precious rights protected by the Second and Fifth Amendments to the Constitution. The White House explained the dangers of the SSA rule had it been implemented:



[It] would [have] allowed SSA to provide records on certain individuals who receive Disability Insurance benefits ... to the Attorney General for inclusion in the National Instant Criminal Background Check System. The rule would prevent some [75,000] Americans with disabilities from purchasing or possessing firearms based on their decision to seek Social Security benefits. Applications of this rule [would] endanger Second Amendment rights of law-abiding citizens.

The New American has been following this gradual abrogation of rights from the moment then-President Obama proposed them late in 2015. Dutifully, the SSA drew up preliminary rules, opened them to public comment, received an estimated 60,000 responses (mostly negative) from the citizenry, ignored those responses, and proceeded to publish the final rules in December of last year.

Trump vowed, if elected president, to repeal that rule, along with many others that would likely have been imposed, and probably strengthened, if his opponent had won November's election.

The New American has pointed out in more detail the dangers of the new rule, if it had been implemented:

Under the proposed rule, we [SSA bureaucrats] would identify, on a prospective basis, individuals who received Disability Insurance Benefits under Title II of the Social Security Act ... or Supplemental Security Income (SSI) payments under Title XVI of the Act.

And just how would identification take place, exactly? On Page 19 the question is answered in part:

If we have information that the beneficiary has a mental or physical impairment that prevents him or her from managing or directing the management of benefits, we will develop the issue of capability.

And what is this "issue of capability"? That is found in a footnote at the bottom of page 19, referring one to the rules by which said SSA bureaucrat determines whether said beneficiary is capable of handling his or her own affairs, or not:

Does the individual have difficulty answering questions, getting the evidence or information necessary to pursue the claim, or understanding explanations and reporting instructions?

If so, do you think this difficulty indicates the beneficiary cannot manage or direct the management of [his or her] funds?



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Once that determination is made by a nameless, faceless, unaccountable bureaucrat buried deep inside the walls of the SSA, precious rights guaranteed under the Constitution disappear.

The final rule is estimated to impact negatively 75,000 people every year. But what's to keep the SSA from expanding its rule to include everyone receiving any benefits (not just Disability or SSI) through a "representative payee" — i.e., bookkeeper, associate, family member — or expanding the definition of mental illness to include anyone who disagrees with the rule?

Not only is the right to due process, guaranteed under the Fifth Amendment, abrogated, but such a rule is infinitely expandable, as noted by Larry Pratt, executive director emeritus of Gun Owners of America (GOA): "The SSI gun ban would have been the inevitable precursor for gun bans for Social Security old age, Medicare, Medicaid, and ObamaCare recipients."

But the landscape has changed. The SSI "gun ban" is history, and it's time to move on, to take advantage of that change and the momentum now favoring liberty. Wrote Pratt:

We hope and expect that Trump will overturn Obama's executive actions by doing the following:

Withdrawing the U.S. from the UN Arms Trade Treaty and the UN Small Arms Treaty;

Overturning the State Department's "Gunsmith Ban";

Declaring, by executive action, that "safety-free" school zones are unconstitutional — and that parents and teachers should have the right to defend our kids, rather than leaving them as helpless "sitting ducks";

Obliterate Obama's illegal NFA [National Firearms Act] regulations which make it effectively impossible for many in New York, California and other places to obtain a Class III license;

Withdrawing the U.S. from suits seeking to uphold unconstitutional federal and state gun bans and gun restrictions, and

Repealing the succession of gun and ammo import bans — going all the way to George H.W. Bush's semi-auto import ban.

In addition, wrote Pratt, "We are also working with Congress to pass pro-gun legislation, and send it to Trump's desk, so that he can 1) defund states that impose semi-auto bans or maintain gun registries; 2) repeal restrictions on interstate firearms sales; 3) repeal the Hughes Amendment [a prohibition on the civilian possession of any fully-automatic firearm manufactured after May 19, 1986]; and much, much more."

May the date — Tuesday, February 28 — the day that President Donald Trump restored rights protected by the Second and Fifth Amendments, be etched into the history of the restoration of liberty in the American Republic.

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [LightFromTheRight.com](#), primarily on economics and politics. He can be reached at badelman@thenewamerican.com.

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