



Written by [Joe Wolverton, II, J.D.](#) on October 31, 2016

Hillary Promises End to Violence Through Civilian Disarmament

With just days left before Americans will go to the polls to elect a new president, voters committed to continuing to live under the protections of personal liberty in the Constitution must examine positions taken by the candidates on key issues.

In this article, we'll look at Hillary Clinton's call for civilian disarmament and what Americans could do to prevent this policy from coming to pass, even if Clinton is sworn in as the 45th president of the United States.



On her campaign website, Clinton makes several unconstitutional promises that would have the effect of disarming millions of Americans and threatening the enjoyment of the right to keep and bear arms of millions more. Here's a sample from her list of presidential promises:

As president, Hillary will:

Expand background checks to more gun sales — including by closing the gun show and internet sales loopholes — and strengthen the background check system by getting rid of the so-called “Charleston Loophole.”

Take on the gun lobby by removing the industry's sweeping legal protection for illegal and irresponsible actions (which makes it almost impossible for people to hold them accountable), and revoking licenses from dealers who break the law.

Keep guns out of the hands of domestic abusers, other violent criminals, and the severely mentally ill by supporting laws that stop domestic abusers from buying and owning guns, making it a federal crime for someone to intentionally buy a gun for a person prohibited from owning one, and closing the loopholes that allow people suffering from severe mental illness to purchase and own guns. She will also support work to keep military-style weapons off our streets.

There are so many constitutionally repugnant statements in these three paragraphs.

First, there is no such thing as a gun show loophole. Here's the truth as explained by the libertarian-leaning Cato Institute:

If the voters learn the facts about gun shows, they will discover that there is no gun show loophole, no gun show crime problem and no reason to adopt federal legislation whose main effect would be to infringe on First and Second Amendment rights.

Despite what some media commentators have claimed, existing gun laws apply just as much to gun shows as they do to any other place where guns are sold. Since 1938, persons selling firearms have been required to obtain a federal firearms license. If a dealer sells a gun from a storefront, from a room in his home or from a table at a gun show, the rules are exactly the same: he can get authorization from the FBI for the sale only after the FBI runs its “instant” background check



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(which often takes days to complete). As a result, firearms are the most severely regulated consumer product in the United States — the only product for which FBI permission is required for every single sale.

Surely Clinton and her advisors are aware of this fact and that they are misrepresenting the situation to uninformed voters, thus their insistence on “closing the gun show loophole” becomes nothing less than another attempt to demand the surrender of natural rights in exchange for a “safer world.”

Next, with regard to the creation of “universal background checks,” here’s more from Cato:

Gun-control advocates often claim that 40 percent of annual firearms sales take place today without background checks. The *Washington Post* “fact-checker” has debunked that claim, giving it “Three Pinocchios.” The *Post* noted that the survey data used for the study on which the 40 percent claim is based are more than two decades old, which means they were collected prior to the National Instant Criminal Background Check System becoming operational in 1998. The survey only polled 251 people, and, upon asking whether their gun transfer involved a federally licensed dealer — that is, a federal firearms licensee (FFL) — gave respondents the choice of saying “probably” or “probably not” in addition to “yes” and “no.”

From that survey, the report concluded that 35.7 percent of acquisitions did not involve a background check. But “acquisitions” is a much broader category than “purchases,” which is the term used by advocates for gun control. Gifts and inheritances between family members or among close friends are acquisitions, but not purchases. When the *Post* asked researchers to correct for that distinction, the percentage of firearms purchased without a background check fell to between 14 and 22 percent. The *Post* subsequently conducted its own survey of Maryland residents, and found that 21 percent of respondents reported not having gone through a background check to purchase a firearm in the previous decade.

Even that 21 percent, which entails transactions between private, noncommercial sellers, is regulated by the federal law against giving a firearm to someone the transferor knows, or reasonably should know, is among the nine categories of prohibited persons under federal law (e.g., mentally impaired; convicted felons). The assertion that nearly half of the gun sales in America are unregulated is simply false. Federal law governs as many gun sales and transfers as is practically enforceable already.

Third, Clinton calls for the end to the “gun lobby’s” support of the firearm industry, specifically for the former’s legal counsel offered to the latter. This is a patent assault on the right of the accused to an attorney.

Here is an explanation on the importance of these impediments to tyranny written by the celebrated Montesquieu:

But in moderate governments, where the life of the meanest subject is deemed precious, no man is stripped of his honor or property until after a long inquiry; and no man is bereft of life till his very country has attacked him — an attack that is never made without leaving him all possible means of making his defence.

Hence it is that when a person renders himself absolute, he immediately thinks of reducing the number of laws. In a government thus constituted they are more affected with particular inconveniences than with the liberty of the subject, which is very little minded.



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In republics, it is plain that as many formalities at least are necessary as in monarchies. In both governments they increase in proportion to the value which is set on the honor, fortune, liberty, and life of the subject.

In republican governments, men are all equal; equal they are also in despotic governments: in the former, because they are everything; in the latter, because they are nothing.

In other words, despotic governments attempt to curtail the civil liberties of citizens, while republics would never make such a move against freedom, not even if the accused is a weapons manufacturer, Mrs. Clinton!

Finally, with regard to the depriving of the “mentally ill” of their right to keep and bear arms, Hillary Clinton demonstrates once again that her ultimate aim is not safety, but statism. She wants to continue the federal government’s consolidation of all political power and its assumption of the authority to give and take away rights according to a person’s willingness to bend the knee to the masters of the state.

There is no wiggle room in the Second Amendment; the federal government is expressly forbidden from infringing on the right to keep and bear arms. There is no exception for mental illness or for having published “anti-government” posts on the Internet.

Now, as Hillary Clinton promises to be an executive without consideration for any constitutional restraints on her power, states must come to the defense of the rights of the people, and many states are doing just that.

If, however, enough people vote to give the president power to rob their fellow citizens of their ability to resist tyranny, then all other liberties will be at the mercy of that same federal force, for a disarmed populace is a slave populace.



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