



Written by [Thomas R. Eddlem](#) on May 28, 2011

NRA Sells Out Second Amendment on Patriot Act

The NRA [published](#) information May 27 — the day after the vote — indicating that Rand Paul (R-Ky.) was right in warning that Patriot Act provisions threatened law-abiding gun owners. In fact, the NRA proved that Patriot Act surveillance of law-abiding gun owners as terrorists was already occurring.



The NRA sent at least two e-mails to Congress during the Patriot Act debate this week calling Rand Paul's amendment to exempt gun purchases from the provisions of the Patriot Act a "poorly drafted amendment" and stating that "the NRA could not support this." The Senate rejected the Paul amendment by an [85-10 vote](#) May 26. And the NRA e-mail, according to *Reason* magazine, [claimed](#):

There have been no reports of the current PATRIOT Act being abused with respect to firearms records, however supporters suggested a far-fetched scenario in which every firearms sales record in the country — tens or hundreds of millions of documents dating back to 1968 — could be sought. Again, we nor anyone else is aware of any case in which this authority has been used to abuse gun owners. (In fact, published reports indicate that few of these orders are ever sought for any reason.)

[Senate](#) leadership may have relied upon the NRA's advice, according to [Redstate.com](#), citing a letter from Senate Minority Whip Jon Kyl that echoed the NRA letter: "it is extremely unlikely that this authority will ever be used to harass lawful gun owners."

But on May 27, the very day after the [Paul Amendment vote](#), the NRA's own Institute for Legislative Analysis released a press release that proved Senator Paul's warnings prescient. The NRA/ILA [claimed](#):

Since the Bureau of Alcohol, Tobacco, Firearms and Explosives is responsible for enforcing federal gun laws, dealers and other federal firearm licensees typically contact that agency (or state or local police) when they encounter suspicious customers. So, it raised eyebrows when the FBI began circulating flyers in gun shops and ranges, encouraging owners of those businesses to report suspicious customers to "your local Joint Terrorism Task Force" instead. The flyers first appeared in Connecticut, with a revised version appearing more recently in Utah.

But the [flyers](#), which the NRA had received from gun shops and gun ranges in the Salt Lake City, Utah and New Haven, Connecticut, areas, contained demands that gun clubs and gun shops submit law-abiding gun owners information to the federal government. The flyers [demanded](#) that gun information be proffered up to the FBI's Terrorism Joint Task Force if a gun buyer had an "altered appearance from visit to visit (beard shaved off, hair color changed, etc.)" or "insists upon paying with cash" or had made "racist" or "extreme religious statements" or issued "vague or cryptic warnings."



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In short, if an American buys a gun and gets a haircut, dyes his gray hair, or shaves his beard, his gun records will be sent to the FBI's Joint Terrorist Task Force for a terrorism investigation. Other "suspicious" activities also raise questions: If a person says homosexuality is a sin, is that an extreme religious statement that would lead to the FBI investigating him as a terrorist? If a person is against affirmative action, is that a racist sentiment that fingers him as a terrorist?

The FBI flyer was clear that the fact that the gun buyer was an innocent, law-abiding citizen was no excuse for a gun shop not to send the gun records to the FBI: "Some of the activities, taken individually, could be innocent and must be examined by law enforcement professionals," the [flyer](#) demanded.

Investigating law-abiding gun owners as terrorists may be just what President Obama reportedly told Jim and Sarah Brady back on March 30. "I just want you to know that we are working on it," Brady [recalled](#) Obama telling the anti-Second Amendment activist organization. "We have to go through a few processes, but under the radar."

While the NRA did not say when it obtained information about the FBI/Joint Terrorism Task Force flyers sent to gun shops, the phrasing on the [press release](#) does suggest they possessed them before the Patriot Act vote: "The flyers first appeared in Connecticut, with a revised version appearing more recently in Utah."

By way of contrast, Gun Owners of America [enthusiastically supported](#) the Paul Amendment: "Without Paul's exemption, it is possible that the BATFE could go to a secret (FISA) court, and, in a one-party (ex parte) proceeding, obtain an order to produce every 4473 in the country, ostensibly because a 'terrorism investigation' requires it. If such an action were taken, the government would have a list of every gun buyer in the country going back decades."

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