



Will the Patriot Act Target Gun Owners?

As has been the case with the prolific abuse of “National Security Letters” from the FBI, the John Doe provision is tailor-made for wide and wild spying on Americans. Moreover, the provision specifically allows the FBI to target gun owners and to see what books library patrons are reading, specifying in the law that the FBI may issue subpoenas “requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, tax return records, educational records, or medical records containing information that would identify a person.”



Subpoenas issued as part of the Patriot Act under Title 50, Section 1861 of the U.S. Code are at least prohibited from targeting someone only for exercising his rights to freedom of speech and press. The provision allows searches, but only if “such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.” But no comparable protection is enumerated to protect gun owners under the same title and section of the law, whose activities are protected by the Second Amendment to the U.S. Constitution.

The insidious part of the bill is that these proceedings for subpoenas and seizures under the Patriot Act are conducted *ex parte*, meaning that the targeted person whose information and possessions are being secretly seized has no chance to argue that the investigation is mistaken. Moreover, they may never know that the government has seized their data or property.

While there’s nothing in the Patriot Act that specifically targets the Second Amendment, the Obama administration’s Department of Homeland Security did release a report in April 2009 claiming that “[DHS’ Office of Intelligence and Analysis] assesses that rightwing extremists will attempt to recruit and radicalize returning veterans in order to exploit their skills and knowledge derived from military training and combat. These skills and knowledge have the potential to boost the capabilities of extremists — including lone wolves or small terrorist cells — to carry out violence.”

Moreover, the report — *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* — also noted:

Many rightwing extremist groups perceive recent gun control legislation as a threat to their right to bear arms and in response have increased weapons and ammunition stockpiling, as well as renewed participation in paramilitary training exercises. Such activity, combined with a heightened level of extremist paranoia, has the potential to facilitate criminal activity and violence.

While a broad-based attempt to attack gun rights protected by the Second Amendment through search and seizure provisions of the Patriot Act is far-fetched at this time, the Obama administration has identified gun ownership as a threat, using Patriot Act-like language. And a “threat” is all that the gun-grabbers have traditionally needed to justify an attack on the right to keep and bear arms. All that’s



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needed is a sufficiently motivated and “innovative” investigator to get the ball rolling.

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