

## **Right to Keep and Bear Arms**

It is now a new year and as of this writing we still don't know who has won the Presidency of the U.S. Donald Trump's record on the Second Amendment was demonstrated in the last four years. But what would a Biden presidency portend for us?

### **Kamala Harris on Guns (Biden's Pick for Vice President!)**

by S.H. Blannelberry on August 11, 2020

Joe Biden has picked Kamala Harris as his 2020 running mate.

Now that she could potentially be the next vice president — heck, maybe even the next POTUS! — Let's take a look at her views on guns.

Before she was beat out by Mr. Biden and was actively pursuing the Democratic nomination, she published on her website, KamalaHarris.org, five key policy measures that she would implement via “executive action” if “Congress fails to send comprehensive gun safety legislation” to the president's desk within the first 100 days of the new regime.

Mandate near-universal background checks by requiring anyone who sells five or more guns a year to conduct background checks on all gun sales.

Revoke the licenses of gun manufacturers who break the law (including negligence laws and unfair trade practices) and take them to court if need be.

Reverse Trump's dangerous change to prohibited persons guidelines which has allowed thousands of fugitives with outstanding arrest warrants to buy guns.

Close the “boyfriend loophole” to prevent dating partners convicted of domestic violence from purchasing guns.

Ban AR-15-style assault weapons from being imported into the United States.

As a caveat, she also promised to reinstitute the Clinton-era “assault weapons” ban, prohibit “high capacity magazines” and open up gun dealers and manufacturers to frivolous lawsuits by rescinding the PLCCA.

Given all this, it’s rather obvious why the Bloomberg-funded Everytown for Gun Safety was overjoyed when Biden put Harris on the ticket.

“Vice President Biden and Senator Harris will be the strongest gun safety ticket in American history, which speaks volumes about how quickly the political calculus has shifted away from the gun lobby and toward common-sense gun laws,” said John Feinblatt, president of Everytown for Gun Safety in a press release obtained by GunsAmerica.

Shannon Watts, the founder of Moms Demand Action, a grassroots arm of Everytown, echoed the cheer.

“Vice President Biden and Senator Harris are poised to make history this November,” said Shannon Watts, founder of Moms Demand Action. “There is no doubt this will be the strongest gun safety ticket ever, and when we elect Vice President Biden as president and Senator Harris as his vice president, Americans will be safer.”

Instituting sweeping gun-control reform via executive fiat, vis a vis Canada and New Zealand, is the Kamala Harris way. That’s what we have to look forward to if Biden and Harris win.

Make no mistake about it — they are coming for our guns. Saying that is not fear porn. It’s fact! And it is written plain as day for all to see.

<https://www.gunsamerica.com/digest/kamala-harris-on-guns-bidens-pick-for-vice-president/>

### **Gun Grabbers Demand Unprecedented “Executive Actions”**

Ammoland Inc. Posted on November 23, 2020 by AmmoLand Editor Jim Grant

U.S.A. -(AmmoLand.com)- Although the outcome of the presidential election has yet to be certified – and with recounts, lawsuits, and

investigations ongoing – gun control advocates are wasting no time cozying up to Joe Biden, and demanding his “executive action” to restrict access to firearms.

A recent article in Michael Bloomberg’s gun control propaganda arm, The Trace, detailed what it called “7 Ways Biden Could Go It Alone on Gun Violence Prevention.” The article noted that the would-be president’s own website states, “Joe Biden ... knows how to make progress on reducing gun violence using executive action.”

“Executive action” in this case means legally-binding steps the president asserts he can take without Congress actually enacting or amending specific laws.

Of course, it’s the constitutional duty of the president to “take Care that the Laws be faithfully executed.” But that merely begs the question of what is a legitimately “faithful” interpretation of the law.

One possible clue that an interpretation of the law is not faithful is when the executive branch suddenly finds a completely novel, and notably expansive, reach to a law that has been on the books for many years. This clue is even stronger when the impacts of this reinterpretation would be felt mainly by the executive’s political opposition. Judged by these standards, the gun grabbers are clearly goading Biden to act as a monarch instituting decrees out of whole cloth, and not merely as an administrator of existing rules.

After all, then Vice-President Biden was supposedly the point man for the gun control push Barack Obama launched during his second term. Obama has made a point of repeatedly emphasizing how the lack of “progress” on gun control was the most frustrating and anger-inducing aspect of his presidency. The Obama-Biden administration spent years searching for ways to unilaterally clamp down on Americans’ access to firearms. Now, however, gun controllers are suggesting that even more, and more dramatic, executive actions against firearms and their owners were somehow left on the table as lawful options.

The Trace article linked to a letter from a coalition of gun control groups suggesting various ways the “Biden-Harris Transition Team” could supposedly use executive authority to diminish the right to keep and bear arms.

Among the dozens of proposals were some that are largely symbolic and unlikely to do much of anything. But others would effectively change longstanding principles of law and even criminalize the possession of firearms that law-abiding Americans currently obtain and own legally.

Obama, for example, was heavily pressured to pursue “universal background checks” by making casual, infrequent sales of firearms subject to a federal firearms dealer’s license. Yet that was a bridge too far even for the Obama ATF. The agency instead released “guidance” on the issue that did not establish the specific numerical trigger for licensing gun controllers had demanded, instead of focusing on the “specific facts and circumstances of [the seller’s] activities.”

The gun control coalition, however, hopes Biden will be more aggressive, urging him to “[f]urther clarify which gun sellers must obtain a federal firearms license from ATF.”

Their letter additionally calls for an outright ban on “ghost guns.” While it doesn’t explain or define this term, it is frequently used by the media and other gun control advocates to describe unserialized firearms, including those that Americans make for their own lawful use. Any attempt to ban such homemade firearms, which have been a lawful aspect of American gun culture since before the nation’s founding, would be a clear overreach.

The Trace article goes even further, urging Biden to instruct ATF to reclassify popular firearms currently owned by millions of Americans as regulated under the National Firearms Act, which requires special government permission and taxation for making, transfer, and possession. This suggestion was based, in turn, on a proposal by the leftist Center for American Progress. The guns mentioned include braced pistols and shotguns with bird’s head-style grips like the Mossberg Shockwave or the Remington TAC-14.

Should such reclassification occur, these millions of gun owners would suddenly be in felony possession of firearms they had previously obtained legally and in good faith. While it's possible an "amnesty" could be declared – perhaps allowing the owners to register and obtain tax stamps for their guns or even just to surrender them without prosecution – there's no guarantee this would be the case. Yet even the best-case scenario would still have the gun owners declaring themselves as such to a hostile and disapproving federal government and paying a \$200 tax for each newly-classified firearm.

Should any of these scenarios come to pass, persecuted gun owners would have nowhere to turn but the courts. Fortunately, as the NRA has noted repeatedly, one of President Trump's most enduring legacies has been his progress in reshaping the federal judiciary with appointees who are dedicated to the rule of law and the original meaning of the U.S. Constitution.

Whether this backstop will curb the gun-grabbing ambitions of a possible Biden-Harris administration remains to be seen. But as The Trace article makes clear, their supporters and funders in the gun-ban lobby remain as insistent and unhinged as ever.

<https://www.nraila.org/articles/20201123/gun-grabbers-demand-unprecedented-executive-actions>

### **Biden Aide Promises "Big, Bold" Executive Actions On Guns**

Posted at 2:00 pm on December 9, 2020 by Cam Edwards

At the moment, the prospects of Joe Biden's sweeping gun and magazine ban getting through a divided Congress appear to be dim, but a top transition official is telling his supporters that the Democrat will move quickly to enact "make big, bold changes through executive action" if he's inaugurated in January.

The Washington Examiner reports's Paul Bedard that Stef Feldman, the national policy director of Biden's presidential campaign, brought up the

issue of executive actions on guns during an online briefing with Georgetown University's Institute of Politics and Public Service.

It is expected that Biden will use executive orders, especially if the Democrats don't win both Georgia special Senate elections. Even with those, however, it would be a split chamber — making it difficult for him to push through liberal elements of his agenda, including gun control.

The mention of guns in his initial executive actions is already sparking concern in the industry, which is readying an aggressive lobbying campaign. "I'm going to be pretty busy," said one top gun lobbyist.

What actions could Biden take? As we discussed with Alan Gottlieb of the Second Amendment Foundation on Tuesdays' Bearing Arms' Cam & Co, a ban on the importation of semi-automatic rifles is one of the first moves that Biden could make, but Gottlieb says he's also concerned that Biden could try to ban the importation of ammunition and ammunition components as well.

The Gun Control Act of 1968 prohibits the importation of ammunition unless it's "of a type generally recognized as particularly suitable for or readily adaptable to 'sporting purposes'" and the ATF has already used the "sporting purposes" test to ban the importation of some semi-automatic firearms since the 1980s. Biden could not only use executive actions to block so-called assault weapons from being imported into the country, but could ban the importation of common calibers of center-fire rifle ammunition as well, making it even harder for gun owners to acquire already scarce ammo.

What about domestically manufactured modern sporting rifles? Is there any way for Biden to ban guns like the AR-15 without legislation? According to the National Shooting Sports Foundation's Larry Keane, his transition team is already weighing their options.

"Right now, there's no legal way that I'm aware of where you could deny the right if they had legally purchased them," Biden told CNN of his

confiscation plans. “But we can, in fact, make a major effort to get them off the street and out of the possession of people.”

That was 2019. Today, he’s looking for the loopholes. One way Biden’s trying to achieve his agenda is by reclassifying the MSR to fall under the 1934 National Firearms Act so the more than century-old technology would be treated in the same fashion as short-barrel rifles and machine guns. That would require owners to be put on federal lists, submit fingerprints, photos, inform chief law enforcement officers, endure duplicitous background checks, wait more than nine months for approval and pay a \$200 tax for the privilege to continue to own what they already legally purchased.

Biden banning the most commonly sold center-fire rifle in the country via executive action would certainly count as a “big, bold move,” but you’d quickly see equally big and bold challenges to his edict in state legislatures, Congress, and the courts, as well as widespread non-compliance on the part of gun owners. If Biden wants to pick that fight he better understand that there are tens of millions of Americans who aren’t going to voluntarily give up the guns in their possession or pay the federal government hundreds of dollars per gun or magazine for the “privilege” of keeping what they already own. Joe Biden’s been claiming he wants to be a unifying president, but there’s no faster way to deepen the divide in this country than by targeting our Second Amendment rights, and it sounds like that’s exactly what Joe Biden plans to do.

<https://bearingarms.com/come/2020/12/09/biden-aide-big-bold-actions-guns/>

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