



**Another furious gun-banner jumps on the book publishing bandwagon. And as usual, the truth takes a beating.**

## ANTI-GUN & ANGRY, TOO

**W**HY ARE SO MANY gun-control activists so angry? If you read *One Nation Under Guns: an Essay on an American Epidemic*, you will understand.

Author Arnie Grossman is co-founder of SAFE (Sane Alternatives to the Firearms Epidemic), Colorado's leading gun-control group. Grossman is a good writer, and very personable. Yet the tone of his book is one of outrage and fury. He approvingly quotes Sarah Brady that the members of Congress who do not vote her way consist of the "cowardly lions and the ones without a brain."

Quite clearly Grossman has gotten almost all of his information from the national anti-gun groups, mainly the Brady Campaign.

As a result, an enormous amount of *One Nation* is factually wrong. For example, Grossman is obsessed with the terrifying .50-caliber machine gun; he claims, "The weapon can be bought at most gun shows."

To the contrary, it is impossible to buy any machine gun at a gun show. Pursuant to the National Firearms Act of 1934, the purchase of a machine gun requires a months-long process involving a background check, letter of authorization from local law enforcement (known as Form 4), fingerprinting, registration of the owner and the gun with the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) and a \$200 tax.

In 1986, Congress outlawed the sale of new machine guns (manufactured after May 19, 1986) to anyone except law enforcement and the military. 18 US Code § 922(o).

Accordingly, it would be impossible to complete the transaction for any machine gun at a gun show.

Moreover, the only .50-caliber machine guns that an ordinary citizen can buy are World War II antiques. They are rare, and would likely cost a collector more than \$20,000. The claim that they are on sale "at most gun shows" is beyond preposterous.

Another product that Grossman believes can be purchased at gun shows is a conversion kit, by which a self-loading firearm can be converted to fully automatic.

Actually, federal law mandates that the purchase of such a conversion kit is subject to precisely the same restrictions as a machine gun itself. 26 USC § 5845(b) ("The term 'machinegun' ... shall also include ... any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.")

In 1986, Congress passed the Firearm Owners' Protection Act (FOPA) to stop abusive enforcement of the federal gun-control law. Grossman asserts in the book that the FOPA prohibits the Bureau of Alcohol, Tobacco, Firearms and Explosives from investigating criminal activities by a dealer more than once a year. "Imagine any other public safety agency being told it can only investigate a business suspected of illegal and dangerous activity once a year," he fumes.

Again, if Grossman had read the law—rather than relying on propaganda from the gun prohibition lobby—he would not be so worried.

The one-per-year limit applies

**Quite clearly Grossman has gotten almost all of his information from the national anti-gun groups, mainly the Brady Campaign.**

only to random investigations involving no probable cause or suspicion. There is no limit on the number of audits that may be conducted pursuant to a genuine criminal investigation. 18 USC § 923(g)(1)(B) (Inspections "at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee; or (iii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.") (Emphasis added.)

Foremost among Grossman's *bête*

*noires* is the new law that he believes was named the "Gun Industry Immunity Bill" (38). The actual name is the Protection of Lawful Commerce in Firearms Act (PLCFA) that was enacted in 2005.

According to Grossman, the new law makes the firearm business "the only industry in America to enjoy blanket immunity from prosecution and accountability, even when its members knowingly furnish illegal gun traffickers with weapons destined for criminals and terrorists."

Grossman does not realize that the new law's restriction on lawsuits specifically allows lawsuits against any defendant that has violated the law. Far from providing blanket immunity, the PLCFA also allows for lawsuits for defective products, negligence *per se*, negligent entrustment and breach of contract and warranty.

Despite Grossman's intimation, the PLCFA in no way changes the federal law that furnishing guns to criminals or terrorists is a major federal felony. 18 USC §§ 922(d), 924(a)(2), 924(h).

As a credulous believer of everything the Brady Campaign tells him, Grossman also believes many things about the National Rifle Association that simply are not true.

He quotes Michael Barnes, then head of the Brady Campaign: "The NRA has become an arm of the Republican Party."

He swallows whole the notion that the NRA is an arm of the Republican Party. That must sound very strange to the Republicans who have been defeated by NRA-endorsed pro-gun Democrats such as Wyoming Gov. Dave Freudenthal, New Mexico Gov. Bill Richardson, Oklahoma Gov. Brad Henry and Nebraska Gov. and Sen. Ben Nelson.

During the 2006 election, the only two realistic Republican hopes of defeating Democratic U.S. House incumbents were in Georgia. There, the NRA-endorsed, A-rated incumbent

Democrats, Jim Marshall and Sanford Bishop, blanketed the airwaves with advertisements touting their pro-Second Amendment voting records. Both of them narrowly won re-election.

*One Nation* is also certain the people who support the Second Amendment must be enemies of some other causes that folks like Grossman care about.

"There is a clear link between people who are passionate about denying women the right to make reproductive choices and homosexuals the right to live in marital harmony while, equally passionately, defending the right of virtually anyone to own and use firearms," Grossman asserts.

Actually, there is no such link; pro-Second Amendment advocates can be found all over the spectrum on abortion rights and gay rights issues.

On the abortion issue, Grossman, who is from Colorado, perhaps has forgotten Colorado's own Gale Norton, who served two terms as Colorado attorney general, and then served five years as secretary of the Interior. She is staunchly pro-gun and has delivered the keynote address at the NRA annual convention. She is also staunchly pro-choice on abortion.

As for the "clear link" on gay issues, Grossman might consider Senate Majority Leader Harry Reid—who, as minority leader, worked hard to help pass the Protection of Lawful Commerce in Firearms Act. As minority leader, Sen. Reid also led opposition to the proposed constitutional amendment to ban gay marriage.

And then there's Pink Pistols, the grassroots pro-gun organization for gays, lesbians and their allies. Pink Pistols has 35 chapters nationwide, and just opened its first Canadian chapter. Their motto is, "Armed Gays Don't Get Bashed."

Can you find Second Amendment supporters who disagree with

Grossman on the abortion and gay rights issues? Certainly. That is because Second Amendment supporters are very diverse.

Grossman also mischaracterizes firearm laws regarding “straw purchases,” which involve a person who can legally buy a gun acting as a surrogate buyer for a person who is prohibited from possessing guns (such as a convicted felon). The fact is, such purchases were made a crime by FOPA in 1986.

The National Shooting Sports Foundation (NSSF) is the trade association of the firearm business. In conjunction with the BATFE, the NSSF runs a program called “Don’t Lie for the Other Guy.” The program trains firearm dealers on how to detect potential straw purchasers and how to ask questions to uncover attempted purchases. The program also supplies in-store materials to inform customers about the straw purchase law and to deter straw purchase attempts.

Perhaps the single most mean-spirited passage in *One Nation* is Grossman’s sneer that “Don’t Lie for the Other Guy” is merely “lip service.”

Grossman never informs readers (perhaps because he himself does not know) that “Don’t Lie” is a *joint program* of the NSSF and the BATFE. “Don’t Lie” also partners with U.S. attorneys in the relevant jurisdictions.

“Don’t Lie” is part of Project Safe Neighborhoods, a public-private partnership led by the Department of Justice, along with the National District Attorneys Association and other law enforcement organizations. “Don’t Lie” is partially supported by a grant from the United States Department of Justice, Bureau of Justice Assistance.

At a Jan. 26, 2006, press conference, the BATFE director said that NSSF is one of “our partners in the fight to keep guns out of

the hands of criminals.” He said that “Don’t Lie for the Other Guy” was a “vital” program that was “an important tool” for BATFE.

Additionally, in *One Nation* Grossman relies on Sarah Brady for a political history of the gun-control movement, but she turns out to be an unreliable source.

Regarding the history of the Reagan presidency and the NRA, Brady states: “Luckily, Reagan didn’t follow through and help them.”

Actually, President Reagan was the first sitting president to address the NRA Annual Meetings, in Phoenix in 1983. His speech extolled the NRA, reeled off a list of the pro-NRA reforms in gun laws that he had already implemented and promised to help enact the NRA’s flagship bill:

“You know, I’ve always felt a special bond with the members of your group. You live by Lincoln’s words, ‘Important principles may and must be inflexible.’ Your philosophy puts its trust in people. So, you insist on individuals being held responsible for their actions. The NRA believes that America’s laws were made to be obeyed and that our constitutional liberties are just as important today as 200 years ago.

“No group does more to promote gun safety and respect for the laws of this land than the NRA, and I thank you.

“We’re working closely with your leadership and congressional sponsors of firearms legislation, such as Senators McClure and Hatch and Congressman Volkmer. I look forward to signing a bill that truly protects the rights of law-abiding citizens, without diminishing the effectiveness of criminal law enforcement against the misuse of firearms.”

(The full speech is available at [www.davekopel.com/2A/Speech/Ronald-Reagan-speech-1983-NRA-Convention.htm](http://www.davekopel.com/2A/Speech/Ronald-Reagan-speech-1983-NRA-Convention.htm).)

President Reagan kept his promise,

and on May 19, 1986, he signed the Firearm Owners’ Protection Act, a far-reaching reform of federal firearm law. The law was sponsored by Idaho Republican Jim McClure and Missouri Democrat Harold Volkmer.

Brady also claims that the Brady Campaign has always taken the position on “assault weapons” that “only the new sales of such weapons and of those in production would be prohibited; previously sold weapons would not be affected.” To the contrary, Brady’s organization successfully lobbied for the enactment of a New York City “assault weapons” law that provided

**Grossman is very clear that the American national character is defective: “We haven’t grown up yet.”**

for the confiscation of previously sold, lawfully registered firearms.

*One Nation Under Guns* makes it very clear that the American national character is defective. Grossman twice quotes Brady: “We haven’t grown up yet.” He finds it very profound that his fellow Colorado anti-gun lobbyist Tom Mauser says the same thing.

Brady describes the United States as “a young and spoiled country.” In contrast, she recalls her first visit to Europe: “What a shock it was to get over there and find out how sophisticated everyone was.”

Sophisticated Europe has been the scene of numerous genocides in the last century, most recently in Bosnia, and every one of them

*Continued on page 62*

## Book Review

*from page 30*

was preceded by government confiscation of firearms from the victim population. When you remember that genocide is a form of homicide, it becomes clear that, for as long as records have been kept, the United States has been a much safer place than Europe.

The Brady Campaign has recently been claiming that it supports sporting uses of firearms, but *One Nation* raises some doubts about that: “Sarah Brady, of course, does not support attempts to get more and younger children hunting with guns.”

Grossman also denounces the National Rifle Association for opposing the confiscation of firearms from the victims of Hurricane Katrina. Parrotting the Brady line, he falsely claims that the NRA’s LaPierre has defended “those who would seize upon a natural disaster to commit armed mayhem, to intimidate citizens or to engage in looting at gunpoint.”

Grossman’s conflation of criminals and victims is the essence of the gun-control philosophy. The NRA never defended looting or mayhem. It did defend the right of law-abiding citizens in New Orleans and Jefferson parishes to keep their lawfully-owned firearms for defense against looting and mayhem, when the government was quite obviously unable to provide protection.

It was Grossman’s beloved Brady Campaign that paid lip service to opposing such confiscations, while fighting unsuccessfully against federal legislation to prevent such travesties. You can’t get much more extremist than that!

*One Nation* does, unintentionally, tell us a great deal about why the gun-control lobby has, in Brady’s words, “hit rock bottom.” So much of their case for



repressive gun laws is based on claims that are plainly false.

Yet many gun-control activists, including Grossman, credulously believe everything the Brady Campaign tells them. No wonder they are so angry.

Put yourself in the shoes of Grossman and other victims of the national gun prohibition lobby propaganda.

*You would believe that anyone, including a terrorist, can easily buy .50-caliber machine guns at gun shows, no questions asked, and that such guns are ubiquitous at gun shows.*

*You would believe that terrorists can, with no questions asked, buy machine gun conversion kits.*

*You would believe that even when a firearm dealer is suspected of selling guns to terrorists, he can only be investigated once a year; and that if he does knowingly sell guns to terrorists, the victims cannot even sue him.*

If you actually believed all these things, wouldn't you think that anyone who refused to close these terrorist loopholes must be brainless or cowardly?

Grossman, the readers of *One Nation* and many other gun-control activists have for years been thoroughly duped by the gun prohibition lobbies. So when you meet gun-control advocates in your neighborhood or at work, treat them with kindness, not hostility. A friendly approach may give you the opportunity to liberate them from some of the misconceptions that the anti-gun lobbies and their media allies, including Grossman, have created. ☞

*Dave Kopel debated Arnie Grossman on c-Span, in a program broadcast earlier this year. A replay of the debate, as well as a much longer essay on Grossman's book, are available at [www.davekopel.org](http://www.davekopel.org).*