

ANTI-GUN BILLIONAIRES **MICHAEL BLOOMBERG**
AND **GEORGE SOROS** AIM TO TAKE A HUGE BITE
OUT OF THE SECOND AMENDMENT.

WILL GUN SHOWS BECOME EXTINCT?



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Constitution.”**



by DAVE KOPEL

UN SHOWS ARE ONCE AGAIN under attack. And this time, the attackers have a nearly limitless war chest with which to press the battle.

Funding and leading the attack is Mayor Michael Bloomberg, the billionaire mayor of New York City. This spring, Bloomberg launched a national advertising campaign against gun shows, with full-page newspaper ads demanding that senators co-sponsor the anti-gun show bill, s. 843. The lead sponsor of that bill is Sen. Frank Lautenberg, D-N.J.

Why target gun shows?

Second Amendment Tradition

The first reason is that the gun prohibition lobbies, aided by the media, have convinced many Americans that there is such a thing as a “gun-show loophole.” In truth, the laws concerning the sale of guns at gun shows are exactly the same as for the sale of guns anywhere else, but gun-banners won’t tell you that.

The second reason was expressed by Alameda County, Calif., Supervisor Mary King, who sponsored the ordinance that now prohibits gun shows on Alameda County property. She said that gun shows “provide a place for people to display guns for worship as deities for the collectors who treat them as icons of patriotism.” King complained that her previous efforts to ban gun shows have “gotten the runaround from spineless people hiding behind the Constitution.”

Of course, only in the twisted imaginations of bigots like King do people “worship” guns “as deities.” But it is true that gun shows are often patriotic gatherings, where people who love our country and our Constitution buy and sell collectible guns, books and historical memorabilia.

At gun shows, pro-Second Amendment organizations have a unique opportunity to distribute

literature to gun owners—informing them about national and local legislative action, and explaining how citizens can share their pro-rights views with their elected officials.

Gun shows provide the single most important, inexpensive way for grassroots pro-rights groups to communicate with the many gun owners who are not members of a group. Destroying gun shows would significantly weaken the influence of grassroots organizations.

From the viewpoints of Michael Bloomberg and fellow gun-hating billionaire George Soros, who fund the anti-gun lobbies, that result would be quite desirable. These power-hungry globalists are constantly pushing for laws to muzzle the National Rifle Association and other activist groups. Meanwhile, these ultra-rich gun-banners enjoy unlimited ability to buy media and influence elections, thanks to self-serving loopholes they put into their laws restricting the political speech of ordinary people.

Gutting Gun Shows

So how does Bloomberg’s gun bill threaten gun shows? Simple: It gives an unelected federal bureaucrat the unilateral power to tax and regulate them out of existence.

Based on the Bloomberg advertising campaign, a naïve newspaper reader might think that s. 843 is only about

background checks at gun shows. (More on that topic below.) But in fact, three-quarters of the bill has nothing to do with background checks.

For example, gun show promoters do not sell guns. The promoters simply operate the shows, renting table space to the people who do sell guns.

Yet the Bloomberg/Lautenberg s. 843 would give the U.S. attorney general unlimited power to impose fees on gun show operators. An anti-gun attorney general—such as current Attorney General Eric Holder—could simply make the fees so exorbitant that nobody could operate a gun show at a profit.

s. 843 would also give the attorney general unlimited power to impose regulations on gun show promoters. Again, these regulations could intentionally be made so onerous, time-consuming and complex that many gun shows would be driven completely out of business.

Further, s. 843 would require every gun show operator to be registered with the federal government. The attorney general could require that lengthy registration forms be filled out each time the promoter wants to host a gun show. If the attorney general intentionally delayed processing registration forms, the promoter would be, at best, in legal limbo as to whether going forward with the scheduled gun show is a “crime” or not.

s. 843 would also allow repetitive, no-cause inspections of promoter records. For BATFE agents in the mood to harass a particular promoter, this means that a promoter could be inspected every month, every week or even every day if desired. In practice, the inspections could cripple the promoter’s business, since almost all promoters are small businesses with few employees. At least one employee would have to be taken away from business operations every time the inspectors show up. Frequent inspections—with no requirement that the inspection be part of a bona fide criminal investigation—could make it difficult, or even impossible, for the promoter to conduct normal business.

What about a licensed firearms dealer who never sets foot inside a gun show,



but conducts all his sales from his store? The bill would hugely increase various prison terms that can be imposed on licensed dealers for simple paperwork violations. Obviously this onerous provision has absolutely nothing to do with gun shows. Rather, it is just an attempt to pass non-related legislation under the guise of “fixing” gun shows.

No Gun Show Loophole

Back to the so-called “gun-show loophole.” In a nutshell, it just doesn’t exist.

Under longstanding federal law, anyone who is “engaged in the business” of selling firearms must have a federal firearms license. “Engaged in the business” means repetitive transactions for profit over a period of time.

If anyone engages in the business of selling firearms without having the required federal license, that person is already committing a serious federal felony. This is true regardless of whether those illegal sales take place from a pawnshop, the back of a truck or at a gun show.

Of course, people who are not engaged in the business of selling firearms cannot obtain federal firearms licenses even if they want to. For example, a person might occasionally sell a gun to a neighbor, a friend at work or a fellow member of a shooting club, but because the person is not “engaged in the business” he cannot obtain a license.

Federal firearms licensees (FFLS) must follow various federal regulations and paperwork laws. Thus, when the FFL sells a gun, the buyer must fill out a form specifying his or her name, address and so on, along with the serial number of the particular gun he or she is purchasing. The FFL keeps this form (Form 4473) and must make it available to law enforcement officials conducting bona fide criminal investigations.

Another requirement for FFLS is that for every sale, they must get approval from the National Instant Criminal

Background Check System (NICS). Under NICS, the FFL contacts the FBI (or a state counterpart) by telephone or by computer. A check is conducted to make sure that the buyer is not on the list of “prohibited persons” (such as persons with felony convictions) who are legally prohibited from owning guns.

Private citizens who sell guns are not required to obey the business regulations that the federal government has created for firearm businesses. So if two members of a hunting club swap deer rifles, they don’t have to conduct background checks on each other, or fill out 4473 forms.

At gun shows, the laws are precisely the same as everywhere else. The large majority of gun show sales are conducted by FFLS. At a weekend gun show, the FFLS have access to many more potential customers than they might see at a small store all week. When the FFLS sell at a gun show on a Saturday, they conduct the NICS checks, and collect the 4473 forms. It

works just like when they sell from their storefront on a Wednesday. So there is simply no “gun show loophole.”

Likewise, the rules for private citizens remain the same at a gun show as anywhere else. Suppose a man who owns seven guns rents a table one weekend to sell three of his guns to pay for his family’s summer vacation. This casual seller does not need to conduct a NICS check or collect 4473 forms. (In fact, by federal law, the FBI would not even allow him to access the NICS database.)

Of course any sale, anywhere, by anyone is subject to the law against selling a gun to a known criminal, or to a person whom the seller has good reason to believe will use the gun in a crime.

While federal law does not impose special restrictions on sales by ordinary, private citizens, some states do. For example, California almost entirely outlaws private firearm transfers, and requires that all transfers (even a gift to

a friend) be routed through an FFL.

Colorado and Oregon still allow private transfers in general. But at gun shows in Colorado or Oregon, the private seller must ask an FFL at the show to conduct a NICS check on the buyer. In Colorado, neither the FFL nor the seller are required to fill out extra paperwork or keep records on the sale once it has been approved.

National Gun Owner Registration

Eliminating all private firearm transfers is a longstanding objective of the anti-gun lobbies. They want to make sure that there are written records on every gun owner, and every gun. Repeatedly, NRA has blocked these efforts, and ensured that there is no national, centralized database of guns or gun owners.

The Lautenberg bill, however, takes major steps toward national gun registration. Under the bill, every person who sells a gun just once at a gun show—or even tries to sell a gun—can be put in a permanent federal database. s. 843 would mandate that the gun show promoter keep a record of that person, and would allow the federal government to collect those records.

So anyone who rented one table, even just one time to pay for his family’s summer vacation, could end up in a permanent federal database.

Besides capturing the names of the sellers, s. 843 also has a system for collecting data about the buyers. The bill would authorize additional regulations for mandatory reporting of all sales by anyone (including FFLS) at a gun show. This information could go far beyond the information in the 4473 forms. The extra information could include how often the seller used the gun, if the gun was ever used for self-defense, where the seller obtained the gun, what the buyer planned to do with the gun, how the buyer planned to store the gun and much more.

The bill says that the names of gun buyers are not supposed to be reported. But obviously once the centralized national registration system for guns is in place, Mayor Bloomberg and his proxies can be expected to



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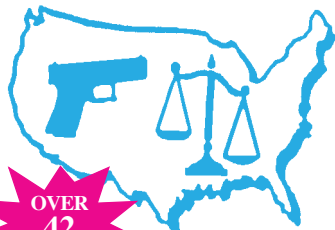
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start demanding the removal of this “loophole” about names.

Stopping Gun Sales Nationwide

There's another poison pill in the bill most haven't heard about—a subterfuge allowing the federal government to halt all firearm sales throughout the United States. When the national instant check system was created, Congress specified that if NICS stopped functioning, then licensed dealers could sell guns without the need to conduct NICS checks. Without this provision, an anti-gun administration could just take NICS off-line frequently (perhaps under the pretext of maintenance) and thereby shut down gun sales nationally—even on a busy weekend during hunting season in the fall, when firearm sales peak. The bill would remove this protection, thereby allowing NICS dysfunction to create a national ban on firearm sales.

Something like this already happened May 1 in Colorado. The instant check in Colorado is conducted by the Colorado Bureau of Investigation (CBI). At about 1 p.m., the CBI announced that it was too busy conducting other checks for law enforcement, so it refused to process requests for background checks from a gun show in progress. As a result, all firearm sales were immediately halted. Obviously, such a halt on a national level for any length of time would be devastating to gun sellers and buyers.

According to the gun prohibition lobbies, special new laws against gun shows are necessary because gun shows are “shopping bazaars for criminals.” For example, Arnie Grossman, head of the Colorado affiliate of the Brady Campaign, told *The Denver Post*, “Most guns used for criminal purposes are purchased at gun shows.”

That's not true, according to federal government data and other sources. The 2001 federal Bureau of Justice Statistics (BJS) report “Firearms Use by Offenders” found that only about 1 percent of U.S. crime guns come from gun shows, and 0.7 percent came from flea markets. The BJS study was

based on personal interviews with 18,000 prison inmates in 1997, and was the largest such study ever conducted by the federal government.

The 1.7 percent from gun shows and flea markets was tiny compared to where the vast majority of criminal guns came from—“friends or family” or “got on the street/illegal source.”

The BJS report was entirely consistent with previous federal studies. A June 2000 federal study, “Federal Firearms Offenders, 1992-98,” found only 1.7 percent of federal prison inmates obtain their gun from a gun show (plus 1.5 percent from a flea market).

Similarly, a National Institute of Justice (NIJ) report, released in December 1997, showed less than 2 percent of criminal guns come from gun shows (“Homicide in Eight U.S. Cities,” p. 99).

All these findings are consistent with a mid-1980s study for the NIJ, which investigated the gun purchase and use habits of convicted felons in 12 state prisons. The study (later published as the book “Armed and Considered Dangerous”) found that gun shows were such a minor source of criminal gun acquisition that they were not even worth reporting as a separate figure.

At the November 1999 meeting of the American Society of Criminology, a Michigan State University study of youthful offenders in Michigan reported that only 3 percent of the youths in the study acquired their last handgun from a gun show. (Sean Varano, Tracy O'Connell, Todd Bietzel, Timothy Bynum, “Patterns in Gun Acquisition and Use by Incarcerated Youthful Offenders in Michigan.”)

Professors Mark G. Duggan, Randi Hjalmarsson and Brian Jacob conducted a gun show study for the National Bureau of Economic Research: “The Effect of Gun Shows on Gun-Related Deaths: Evidence from California and Texas” (2008). The authors found no evidence that holding a gun show contributed to increased homicide or suicide in the four weeks following a gun show.

Notably, the result was the same for Texas as for California. California has Bloomberg-style restrictions on gun

shows, while Texas does not. Yet the authors found no indication that California's law improved public safety.

All of this research, which is easily available to the public via the Internet, puts the lie to the "shopping bazaar for criminals" statements made by gun-banners. Yet that doesn't stop them, or their allies in the "mainstream" media, from continuing to publish this misinformation.


Pushing The Poison Bill

Already the Lautenberg bill has 16 Senate co-sponsors—almost a third of the votes necessary to pass the bill. The big-dollar advertising campaign behind the bill is a sign that gun shows will continue to be a priority target for the gun prohibition movement.

Back in 1999, I wrote an article, "Gun Shows under Attack," for *The American Guardian*—the predecessor magazine of *America's 1st Freedom*. Al Gore used that article in television commercials during his presidential campaign; the commercials showed a picture of the article, while the voiceover bragged that Gore was "standing up to the gun lobby."

As it turned out, Gore did himself no favor by informing the American people that he liked attacking gun shows. If not for dedicated grassroots NRA volunteers, Gore would likely have won the election, and after Sept. 11, 2001, President Gore would certainly have been able to ram severe restrictions on gun shows—and much more—through Congress.

A decade later, gun shows are once again a focus of those who abhor your Second Amendment Right to Keep and Bear Arms. As groups like the Brady Campaign are losing what little volunteer base they once had, the center of strength for the gun prohibition movement is now billionaires like Bloomberg and Soros.

Each of them alone has far more financial resources than the National Rifle Association. With the cooperation of a compliant media, they may be the most dangerous threat that the Second Amendment has ever faced. 



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