**Gun Groups and Grabbers Find Common Ground on NICS Denial Prosecutions**

**By David Codrea**

“Few individuals denied firearms purchases are prosecuted and ATF should assess use of warning notices in lieu of prosecutions,” [a September report](https://www.gao.gov/assets/700/694290.pdf) from the U.S. Government Accountability Office states in a response to a request by Congress. Bottom line: 25.6 million National Instant Criminal Background Check System (NICS) checks were performed by the FBI in 2017, 181,000 attempted purchases were denied, ATF investigated 12,700 of those and referred 12 to the U.S. Attorney’s Office for prosecution as of July. And states handling their own background check systems are also reported to be falling down on the job, with some not even trying.

“It is a federal crime for people trying to obtain guns to make a false statement or furnish false or misrepresented identification that is intended to deceive people on the legality of the sale of the firearm,” [USA Today explained](https://www.usatoday.com/story/news/politics/2018/09/06/gun-laws-report-finds-few-rejected-during-background-checks-charged/1213216002/). “Violators face up to 10 years in prison and fines of up to $250,000.”

That mass roundups of the scofflaws haven’t begun has got gun-grabbers – and some gun groups – in a lather. Lost in much of the noise is economist and author John Lott’s contention that a [“high percentage” of “false positives”](https://www.nytimes.com/2018/02/12/opinion/politics/background-checks-gun-violence.html) wrongly deny purchases. Not that due process is a concern when there are guns to be “taken off the street”...

**The Brady Reversal**

“If it’s official DOJ policy to enforce existing gun laws, why isn’t the government following its own policy?” Avery Gardiner, Co-President of the Brady Campaign and Center to Prevent Gun Violence [asked indignantly](https://twitter.com/AveryWGardiner/status/1039714173909966851) on Twitter. She was promoting another bit of manufactured outrage in [The Washington Post](https://www.washingtonpost.com/politics/2018/09/11/lying-buy-gun-fear-not-feds/) that advised “Lying to buy a gun? Don’t worry about the feds.”

“More to the point, why does Brady claim credit for the opposite?” I replied, linking to [a press release](http://www.bradycampaign.org/press-room/brady-campaign-reports-3-million-gun-sales-blocked-by-background-checks-on-23rd) on their website claiming “3 million gun sales blocked by background checks on 23rd anniversary of Brady Bill signing.” What’s been “blocked” if the felons are still able to obtain guns “illegally” and why do they present their namesake edict as a giant success and then turn around and complain its apparently a failure?

I didn’t expect an answer (or get one). That’s the same treatment I got from Sarah Brady herself 20 years ago when [I attempted to ask her a question](https://waronguns.blogspot.com/2005/04/sarah-jane-n-me.html) at a media event held at a local park with my gun-grabbing “congressthing.” I wanted her to disclose the author of the “study” resulting in the Brady claim at the time that 100,000 felons had been denied guns due to the Brady Law, I asked her if she would reveal the source of her data, the statistical methods used to collect and tabulate it, and to publish it in entirety for peer scrutiny.

The only response I got was a plainclothes law enforcement official advising me questions were reserved for recognized press, I did not have legitimate credentials, and “what you are doing is not free speech.”

The thing is, the Bradys, and their comrades in citizen disarmament, were curiously silent when the same “revelations” about minimal prosecutions came up during the Obama administration (which was subsequently revealed to have [purged 500,000 fugitives](https://townhall.com/tipsheet/katiepavlich/2018/03/16/fbi-the-obama-administration-purged-500000-fugitives-from-the-gun-background-check-system-n2461438) from the gun background check system.)

“We don’t have the time or the resources to be going after these people,” former NRA President David Keene recalled [Eric Holder claiming](https://www.nationalreview.com/corner/nra-holder-said-he-lacked-resources-prosecute-most-those-who-tried-buy-gun-illegally/) about data showing that 77,000 people were flagged by NICS trying to illegally buy a firearm, but it only resulted 70 prosecutions.

It’s curious. You didn’t see the Bradys acting all outraged over government inaction then.

**Enforce existing “Intolerable Acts?”**

The people who have been complaining consistently are the NRA’s “leaders.” They’ve made “[enforce existing gun laws](https://www.ammoland.com/2016/10/enforce-existing-gun-laws-last-thing-rights-advocates-call/)” a mantra many gun owners repeat unthinkingly, as if ceding to the status quo of infringements will dissuade the totalitarian lobby from enacting any new citizen disarmament edicts.

Substitute “Intolerable Acts” for “gun laws” and see how much amplification that gets from members and supporters. Instead, we got “bipartisan” kabuki.

“Charlton Heston, legendary actor and President of the National Rifle Association, lowered his voice in that familiar baritone and dared criminals to ‘make my day,’ NRA proudly declared in [a 1999 press release](https://web.archive.org/web/19990418033105/http%3A/www.nrawinningteam.com/makemy.html). "Heston, along with NRA Executive Vice President Wayne LaPierre and James J. Baker, Executive Director of NRA's Institute for Legislative Action, stood with Philadelphia Mayor Ed Rendell and Senators Arlen Specter and Rick Santorum in launching Project Exile, an aggressive effort to fully enforce existing federal gun laws to remove violent armed felons from Philadelphia's streets. And the NRA officials brought more than lip service to the city -- they brought NRA's checkbook and the full support of one of the nation's toughest lobby groups.”

Left unsaid is that within a few short years of launching the program, Philadelphia authorities were [pleading to the public](https://web.archive.org/web/20050804074515/http%3A/kyw.com/news/local_story_074120610.html) for help to stop a rash of murders that were beyond their control. As for the Project Exile “success story,” with Richmond being touted as the model to apply everywhere (in Everytown?), Staunton’s The News Leader showed [things didn’t quite work out as promised](https://waronguns.blogspot.com/2005/03/world-of-yesterday-and-today.html):

*"In the final hours of 2004, Richmond topped its 2003 murder rate by one, securing its distinction as one of the nation's most dangerous cities. The city's final homicide of the year \_ called in to police around 8 p.m. New Year's Eve was number 95, surpassing the previous year's 94. In 2002, there were 83 and in 2001, 69. Murders in the United States dropped by nearly 6 percent in the first half of 2004 after rising for four straight years, the FBI reported. Numbers from the second half of 2004 have not been compiled. Richmond had the country's fourth highest murder rate in 2003 and was ranked the nation's ninth most dangerous city overall in 2004-- beating out Miami and Compton, Calif. Richmond is the sixth most dangerous when compared to other cities with populations of 100,000 to 499,999."*

**Dissension in the ranks**

Not everyone was on board with the program, and for reasons other than “effectiveness.”

“The current NRA management’s ‘Project Exile’ program demands ‘zero tolerance’ enforcement of all existing federal gun laws,” a coalition of advocates felt compelled to warn gun owners 20 years ago [at KeepAndBearArms.com](http://keepandbeararms.com/information/XcIBViewItem.asp?ID=720). “But most—if not all—of these laws are unconstitutional violations of the Second Amendment.

“[T]hese laws can be—and will be—used against any citizen who breaks them,” the coalition warned. “‘Project Exile’ demands enforcement, with Zero Tolerance and minimum 5-year prison terms, of current federal laws enforceable against any American man or woman...”

Think of all the “gun laws” where you could have your life destroyed simply for exercising what you know is your right, but for which sadistic totalitarian wannabes will be happy to declare you a felon if they catch you “violating” their disarmament edicts. Those are “existing gun laws.”

**So what do we do about the felons?**

Unfortunately, they include guys like [Gregory L. Reyes](https://www.ammoland.com/2017/08/lawsuit-could-set-precedent-on-restoring-gun-owner-rights-for-non-violent-felons/), who was convicted in 2010 for securities fraud and is suing to get the feds to recognize his right to keep and bear arms. They also include dangerous reptiles, the kind for which there is no guarantee of safety outside of keeping them the hell away from their potential victim pool.

That’s the answer right there. The answer isn’t in releasing known dangers back onto the streets and then demanding the government ignore the Second Amendment and usurp powers nowhere delegated to it. It never will be.

It’s like life in the Bizarro World when NRA, “gun activists” and “Republican lawmakers” are out there urging everyone to enforce the gun grabs, complaining when government doesn’t do it enough, and applauding when the pace is picked up. For “law and order” gun owners egging them on, poet John Donne’s “Send not for whom the bell tolls” comes to mind.

So we get statist poltroons like the dozen Republican California State Senators who demanded to know why then-Attorney General Kamala Harris was so [slow confiscating firearms](http://humanevents.com/2015/03/25/off-target-california-gop-embraces-gun-banning/?utm_source=hedaily&utm_medium=email&utm_campaign=nl) from a “prohibited persons” list cross-referenced with the state’s gun registry.

If there’s a mantra our “gun rights leaders” and politicians seeking our support ought to be parroting, it’s this:

Repeal existing gun laws.

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