



Written by [Raven Clabough](#) on April 25, 2012

MAP-21 Targets Gun Rights and More

The first of two specific attacks on gun ownership, on page 1323, states:

The Secretary [of Transportation] may modify, suspend, or terminate a special permit or approval if the Secretary determines that — (1) the person who was granted the special permit or approval has violated the special permit or approval or the regulations issued under this chapter in a manner that demonstrates that the person is not fit to conduct the activity authorized by the special permit or approval; or (2) the special permit or approval is unsafe.



The broad language found within this provision has raised concerns among those who believe the Secretary could use the interpretive powers defined here to revoke permits to transport guns and ammunition in all realms of transportation.

MAP-21's second attack on gun rights is subtle and involves several steps. It begins with a provision permitting the IRS to confiscate the passports of any persons believed to owe more than \$50,000 in taxes. In order for the government to enforce that mandate, those citizens would be placed in a national database as "prohibited persons," who would then be automatically flagged if they applied for a passport.

As [noted](#) by *The Examiner*:

This is the thing that has citizens' rights groups up in arms. The government already has "no fly" lists that prohibit certain persons from air travel. Critics say that the government could easily use such lists to deny Second Amendment rights to those who find themselves on the lists.

For example, those who are placed on the "no-fly list" are also added to another list, as potential domestic terrorists. Once on that list, those individuals are no longer allowed to have any guns. President Obama's former Chief of Staff, Rahm Emanuel, admitted as much when he stated, "If you are known as may be a possible terrorist, you cannot buy a handgun in America."

Defenders of the Constitution and the rights it protects are wary of the unnatural progression that can cause a tax delinquent individual to be added to databases created to monitor terrorists and then having this categorization be used as a pretext for infringing upon these persons' right the keep and bear arms — and all without due process.

It's worth noting that this has become a routine occurrence.

Sponsored by Senators Barbara Boxer (D-Calif.), Max Baucus (D-Mont.), James Inhofe (R-Okla.), and David Vitter (R-La), MAP-21 includes a variety of other provisions that inspire fear in liberty-minded individuals.



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Section 31406 of S. 1813 calls for “Mandatory Event Data Recorders” (or so-called black boxes) to be installed in new vehicles and mandates penalties for individuals who fail to comply.

“Not later than 180 days after the date of enactment of this Act, the Secretary shall revise part 563 of title 49, Code of Federal Regulations, to require, beginning with model year 2015, that new passenger motor vehicles sold in the United States be equipped with an event data recorder that meets the requirements under that part,” states the bill.

But some contend that the presence of the presence of the black boxes can be a slippery slope, permitting the government to have total access to one's transportation habits and whereabouts. The National Motorists Association asserts that “there is no rational or scientific need nor justification to equip tens of millions of vehicles on a perpetual basis with black boxes.”

The company states:

While denials abound there is good reason to believe that the promotion of universal black box installation in new vehicles has more to do with regulatory, enforcement, judicial, and corporate economic interests; all at the expense of vehicle owners who are forced to pay for and retain this form of self-surveillance.

The NMA does not object to safety research that involves the use of black boxes, as long as the participants are informed and willing and they are allowed to opt out of research project without negative consequences. As noted, such research can be reliably conducted with thousands of willing participants, versus millions of uninformed conscripts.

In an April 19 interview on Fox News, Judge Andrew Napolitano addressed the unconstitutionality of the black box provision.

“Well it’s interesting that congress would try to do this because the police in the District of Columbia and Maryland did this not too long ago, where they put GPS devices in peoples cars without search warrants and the Supreme Court invalidated it,” explained Napolitano.

He continued, “ Saying it was an unlawful search, that quite frankly, it’s none of the governments business where the car is going and if the police want to know where the car is going, there has to be some evidence of criminality and they have to get a search warrant. And the Supreme Court didn’t make this up out of thin air, it’s in the constitution.”

Furthermore, “The police just can’t investigate whoever they want to on a whim, or follow whoever they want to because they like following the person, there has to be some evidence of wrong doing on the part of the person they’re following.”

The bill also includes a provision to develop technology to “detect drug-impaired” drivers and the development of testing for similar devices that measure alcohol concentration in the body while in the vehicle.

Critics point to the passport provision of the bill as entirely un-American. In an Investors.com editorial, the writer notes, “It is hard to imagine any law more reminiscent of the Soviet Union that America toppled, or its Eastern Bloc slave satellites.”

But according to Timothy Meyer, a constitutional law professor at the University of Georgia, such a provision would likely be upheld in court.

“Courts have upheld statutes calling for the revocation and denial of passports to those in arrears of



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child support payments," he explains. "In part, because the child support payments can be contested." Because there are already laws in place that limit a person's right to travel, Meyer contends that the bill is legal. The State Department screens passport applications for those who owe child support of more than \$2500. And the IRS will be holding some Americans tax refund checks if they have defaulted on their student loans, owe state or local taxes, or have unpaid child support.

Constitutional attorney Angel Reyes disagrees and believes the passport provision is an unconstitutional one.

"It takes away your right to enter or exit the country based upon a non-judicial IRS determination that you owe taxes," Reyes told [FOX Business](#). "It's a scary thought that our congressional representatives want to give the IRS the power to detain US citizens over taxes, which could very well be in dispute."



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