



Written by [Raven Clabough](#) on April 19, 2011

Second Amendment Rights Once Again at Risk

Americans continue to watch their Second Amendment rights diminish, this time as the Bureau of Alcohol, Tobacco, Firearms, and Explosives (still known as ATF) launches a campaign to change the definition of "shotgun." According to the blog *Beregond's Bar*, a recently released study by the Bureau will ultimately make shotguns illegal, and may also have negative implications for all guns.



The ATF states that the purpose of the study is to "establish criteria that the Bureau of Alcohol, Tobacco, Firearms, and Explosives will use to determine the importability of certain shotguns under the provisions of the Gun Control Act of 1968 (GCA) ...[which] generally [prohibit] the importation of firearms into the United States."

The study focuses specifically on the sporting purposes of shotguns, just as the ATF 1998 survey provided guidelines for determining the sporting purposes of rifles.

Beregond's Bar [notes](#), "Sporting is one of the three main thrusts of gun control efforts in America. The other two are racism and those who openly advocate complete bans except for military and police."

Providing background on how sporting criteria is often utilized to advance gun control, *Beregond's Bar* explains:

Sporting use was how the original distinction was made about what weapons would be subject to a special tax in the National Firearms Act (NFA) in 1934, and again in Title II of the Gun Control Act of 1968. The congressional power to tax was used selectively to make ownership of weapons the government didn't like burdensome and expensive. This was gun control via the back door, as even the ATF admits. As would become the pattern, politicians found that actually dealing with crime and criminals was difficult and expensive. Blaming guns and passing a law to look like they were doing something about it was much simpler.

Declaring that activities that were "generally recognized" as legitimate "sporting purposes in previous studies are not necessarily the same as those activities that are generally recognized as sporting purposes in the modern era," the study outlines a number of features of shotguns wherein "sporting use" cannot apply, many of which are common in hunting and self-defense:

- Folding, telescoping, or collapsible stocks;
- bayonet lugs;
- flash suppressors;
- magazines over 5 rounds, or a drum magazine;



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- grenade-launcher mounts;
- integrated rail systems (other than on top of the receiver or barrel);
- light enhancing devices;
- excessive weight (greater than 10 pounds for 12 gauge or smaller);
- excessive bulk (greater than 3 inches in width and/or greater than 4 inches in depth);
- forward pistol grips or other protruding parts designed or used for gripping the shotgun with the shooter's extended hand.

The study concludes that there should be a "limited exception to the general prohibition on the importation of firearms without placing any undue or unnecessary Federal restrictions of burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms." Though the ATF contends that its determinations will have no impact on "true sporting shotguns," it admits that they will "certainly prevent the importation of certain shotguns."

The study also recommends that "sporting determinations for shotguns not specifically addressed by this study be reviewed by a panel pursuant to ATF orders, policies and procedures, as appropriate."

According to *Beregon's Bar*, however, the intentions are far more sinister than the study purports: "The Obama administration is seeking once again to do via regulation what they would never be able to do via legislation."

Beregon's Bar [notes](#) that while there are a number of objections to be raised over the study, including its method of determining "true sporting shotguns," the greatest objection is how the criteria measure up to the Constitution:

But there is a far more basic objection that must be raised to this new attempt at regulatory gun ban — Nowhere in the constitution of the United States is there anything about a "sporting purpose." The second amendment says:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Like all rights of Americans, the rights exist because you are a person. The Constitution is a contract we have with the central government to protect those rights against all enemies, foreign and domestic. One of the enumerated rights is the right to keep and bear arms. Nary a "sporting purpose" in sight in the entire document. So where did it come from?

A sporting requirement certainly seemed to be the last thing on the mind of George Mason, co-author of the Second Amendment, who observed, "I ask, Sir, what is the militia? It is the whole people. To disarm the people is the best way and most effectual way to enslave them."

While Second Amendment rights are already at risk from this study, as shotguns may be banned as a result of its determinations, *Beregon's Bar* [contends](#) that the "sporting use" definition found in the study could eventually be applied to all guns:

One factor that jumps out from the current ATF study is that it differs from the Clinton gun ban in a critical way. The Clinton ban looked at [a gun] and said if it could accept a high capacity magazine and had any 2 other characteristics then it was banned. Thus you could have a magazine and a pistol grip, or a magazine and night sights, and still be legal. Few people missed



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having a bayonet lug, and grenade launchers and grenades had essentially been banned from civilian hands since the NFA became law in 1934. The current study says that if any ONE item is on a list, including a magazine that holds more than five rounds or a place to attach a flashlight so you can see the burglar in your home, then the gun is banned.

So the problem doesn't end with shotguns.

It seems that proponents of gun control lack a fundamental understanding of the Second Amendment and the dignity it provides the American people as it affirms their last line of defense against tyranny. George Washington emphasized the importance of firearms and their assurance of liberty when he said, "Firearms stand next in importance to the constitution itself. They are the American people's liberty teeth and keystone under independence ... from the hour the Pilgrims landed to the present day, events, occurrences and tendencies prove that to ensure peace security and happiness, the rifle and pistol are equally indispensable ... the very atmosphere of firearms anywhere restrains evil interference — they deserve a place of honor with all that's good."

The variety of "acceptable" firearms, however, continues to decline via federal government regulation.

Photo: The Lexington Militiaman statue.



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