

by Gun Owners of America

In May, Rep. Henry Hyde (R-IL) introduced H.R. 1710, the "Comprehensive Antiterrorism Act of 1995." The House Judiciary Committee passed the bill out of committee in June, but failed to remove the many troublesome provisions in the bill:

Seriously Problematic Provisions

1. A Hyde amendment added in committee markup would create a dangerously new and expansive definition of "terrorism." At its core, the amendment would define a "terrorist" to include any person who uses a "firearm [for non-pecuniary purposes] with the intent to [indirectly] endanger the safety of [an] individual or to [indirectly] cause substantial damage to property."

To begin with, as Congressman Bob Barr of Georgia has pointed out, "[e]very crime in the country involving a gun...other than a simple robbery -- now becomes a federal offense and ... a terrorist act." Furthermore, this new definition of terrorism extends to otherwise law-abiding citizens who are subsequently found to have exceeded the permissible limits of self-defense. Finally, although the amendment requires that the "terrorist" cause "substantial damage to property," it does not require that he cause damage to substantial property. Hence, the complete destruction of a stop sign by use of a firearm could come within the ambit of the definition.

2. Section 204 of the bill, as introduced, would impose a mandatory minimum prison sentence on any person who transferred a firearm "having reasonable cause to believe" that the firearm would be used in a crime of violence. (The term "crime of violence" is defined very broadly, to include threatening to use force against property.)

This section is a loaded gun, pointed at the head of the American firearms industry. Currently, the dealer, manufacturer, or seller must "know" that the firearm he is transferring will be used in a crime of violence in order to invoke criminal liability. If he does not "know" that what he is doing is wrong, he is not guilty. But the new definition would allow a prosecutor and court to analyze any sale of any firearm which was subsequently used in a crime to determine what the manufacturer, dealer, or seller "should have known." In the hands of a "Janet Reno," there is even a possibility that a manufacturer could be prosecuted for selling a type of firearm "having reasonable cause to believe" that the characteristics of that type make it more likely to be used

in a crime of violence.

Highly Problematic Provisions

1. Section 104: FEDERALIZATION OF STATE LAW: At its core, this section would federalize any crime which used "the mail, or any facility utilized in interstate commerce" to "commit any assault resulting in serious bodily injury" or "damag[e] any ... real or personal property." Threatening to engage in either of these acts would be punishable by up to ten years imprisonment. The offense would have to "transcend national boundaries" and constitute an act of "terrorism." But, as we have seen, terrorism is now defined as the use of a firearm to endanger people or damage property.

Hence, a woman who came back from a European vacation to find that her neighbor's dog had torn up her flower garden could find herself faced with ten years imprisonment for threatening to shoot the dog.

2. SECTION 105: FEDERALIZATION OF A BROAD RANGE OF PROPERTY OFFENSES: At its core, this section would punish, with up to 25 years in prison, any person who, "within the jurisdiction of the United States, conspires with one or more persons, ... to injury or destroy specific property situated within a foreign country and belonging to a foreign government..." Once again, the aim is admirable, but the language is poorly drafted and overly broad. In theory, for instance, this would penalize, with 25 years imprisonment, someone who conspired to commit a Michael Fay-type crime of stealing a stop sign belonging to a foreign government.

3. SECTION 309: ROVING WIRETAPS: This section would allow a person to be wiretapped if he were visited by another person under investigation, even if he had no reason to believe that the visitor was a suspect.

4. SECTION 611: "TERRORIST ORGANIZATIONS": This section would give the president broad powers to declare a foreign organization a "terrorist organization" and would give the president discretion to determine that an alien is a "representative of a terrorist organization."

Very Objectionable Provisions

1. SECTION 101: SPECIAL STATUS FOR FORMER GOVERNMENT OFFICIALS: This section

H.R. 1710 -- An Assault on Freedom - Gun Owners of America

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Tuesday, 01 August 1995 00:00

would create a life-long federally protected status for some government officials. At some point, the federal interest should yield to the primacy of state police powers.

2. SECTION 107: LIFE SENTENCES FOR FRIVOLOUS BOMB THREATS: This section would impose a life sentence for "threatening" to use a weapon of mass destruction, no matter how serious or frivolous the threat.

3. SECTION 110: REPLACEMENT OF STATE JURISDICTION OVER MARITIME OFFENSES: This section would remove language limiting federal jurisdiction in cases in which an act takes place within the maritime jurisdiction of the United States, but is also a crime in the state in which the activity takes place.

4. SECTION 305: TAGGANTS: This section would create a study of taggants, together with a study of whether to regulate precursor chemicals.

5. SECTION 701: MONEY: This section would authorize "such sums as are necessary" to implement the provisions of this act.

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