



GUN OWNERS OF AMERICA

To: Bureau of Alcohol, Tobacco, Firearms and Explosives

From: Larry Pratt, Executive Director of Gun Owners of America (GOA)

Re: Comments by GOA on the ATF Study on the Importability of Certain Shotguns

Date: April 5, 2011

On behalf of over 300,000 law-abiding gun owners, I am writing to contest, in the strongest terms, the intellectually dishonest, anti-gun "Study on the Importation of Certain Shotguns."

If anyone was under the impression that the Obama administration was not only hostile to the Second Amendment, but also eager to attack hunters and sportsmen, this ATF "study" will only encourage that notion.

Specifically, the study "finds" that "certain shotgun features are not particularly suitable or readily adaptable for sporting purposes," including:

- folding, telescoping or collapsible stocks
- bayonet lugs
- flash suppressors
- magazines over 5 rounds, or a drum magazine
- grenade-launcher mounts
- integrated rail systems
- light-enhancing devices
- excessive weight
- excessive bulk
- forward pistol grips or other protruding parts designed or used for gripping the shotgun with the shooter's extended hand.

All of this leads us to the question: What does the ATF think these firearms are used for? Does the agency think these guns are primarily used in street crime ... or does it realize that these guns are commonly owned by gun owners who keep and use them for defensive purposes?

This sudden “discovery” of these supposedly “non-sporting” features reflects the arbitrariness that has characterized the ATF over the years. This is consistent with the agency’s refusal to publish a manual that defines what is and is not a gun. This refusal to do that allows the ATF to convict innocent people and hammer designers.

The agency argues that these firearms are intended for military or law enforcement use, but in the hands of civilians legally in possession of them, they are being used to shoot al Qaeda or apprehend criminals.

The working group could reach its crazy conclusion only by prejudging the outcome with its establishment of a “burden of proof”—in particular, the assumption that “Congress intended a narrow interpretation of sporting purpose.”

Using this construct, the ATF has, in the past, banned the importation of firearms which had sporting purposes, such as police or military-style practical shooting competitions. And it now proposes to go after shotguns, even though millions of Americans currently rely on these firearms for defensive purposes.

Now let me make this clear: Gun Owners of America believes that it is unconstitutional to ban the importation of non-sporting purpose firearms. Not only that, the sporting purpose provision in federal law is all the more offensive because Senator Thomas Dodd, who authored the provision in the 1968 Gun Control Act, got the idea for this from the 1938 Nazi Weapons Law—a fact that has been well-documented by the Library of Congress.

This said, even using the agency’s unconstitutional standard, it is hard to see why any shotgun would not be regarded as a “sporting purpose” firearm, particularly on the basis of an attribute which is purely or mainly cosmetic in nature.

GOA has helped to draft and pass much gun-related legislation over the years, and we understand the effort of partisans on both sides to scramble to “clarify” the legislative record in their favor on the eve of passage of an important piece of legislation.

Hence, we have no doubt the ATF can dredge up a quote from an anti-gun liberal legislator seeking to narrow the definition of “sporting purpose.”

If the agency believes that Congress does not view shotguns as the quintessential sporting weapon, however, it may want to look at, for example, 18 U.S.C. 922(b)(3)(A), which,

recognizing the use of shotguns in sporting activities, specifically exempts rifles and shotguns from the prohibition on sales to a person who is not a resident of the state where a licensee does business.

Finally, in order to reach the conclusion that large numbers of shotguns could not be imported under the “sporting purposes” exception, the working group actively ignored the large number of Americans who engage in practical shooting competitions—and the even larger number who pursue this sport informally.

The study admits that organizations involved in some way in the formal pursuit of practical shooting claim 171,000 members. These include the United States Practical Shooting Association, the Amateur Trapshooting Association, the National Skeet Shooting Association, the National Sporting Clays Association, and the single Action Shooting Society.

The working group dismisses out of hand this broad contingent of sport shooters for the sole reason that an examination of this issue would cast into doubt the legality of import bans ATF has imposed on rifles and handguns. This conclusion seems to suggest that, if the ATF ignores its violations of the law, the law doesn’t exist—a conclusion which goes a long way to explain ATF’s illegal activities in pursuing Project Gunrunner.

In connection with the continuing resolution, the debt limit, and the fiscal year 2012 budget, Gun Owners of America is pushing to shrink or shut down the ATF and its illegal activities. This unlawful proposal puts yet another round in our chamber.