

What the gun lobby ideologues want is what the NRA argued to the Supreme Court in its *amicus* brief in *Perpich*, <http://www.potowmack.org/perp1990.pdf>: the right to maintain the militia as the “armed populace at large,” a collection of sovereign individuals who made a treaty not a government. The one point of policy the “armed populace at large” cannot accommodate is accountability to governing authority, accountability to the very legitimacy of a governing authority. Accountability means specifically registration. Registration to gun lobby ideologues means any list of gun owners maintained by a government official. That is the only point of policy the National Rifle Association cares about and works hardest to prevent. See below. Judge Silberman in the *Parker* case (released from the DC Court of Appeals in March, 2001 <http://www.potowmack.org/park2007>), arrive at the conclusion that we can have “registration . . . for militia service if called up.” The courts have left open the possibility that we can have conscription when public necessity demands it. That conclusion was a devastating defeat for the gun lobby’s core doctrine. Nothing is subsequent Supreme Court gun rights cases overturns Judge Silberman conclusion. We do not have the political leadership to exploit the devastating defeat.

That was an *amicus* brief. The Supreme Court ignored the point. The NRA as never made the argument in challenge to an enacted law. The right sought is a right that can never be had under any viable concept of constitutional government. The ultimate “just power” of any state is the “just power” of conscription when public necessity demands it. Federal judges are under oath of public office. The Constitution is still a frame of government.

If the gun controllers cannot deal with what the gun lobby really wants, they are not just wasting their foolish time but their efforts are counterproductive. The gun lobby cannot win the right it wants in court they have to have it by defeating legislation where the terms of engagement are demagoguery.

Opinion: NRA-style enforcement

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### **NRA-style enforcement**

**Under a new law, Florida's police officers are prohibited from keeping records of firearm ownership. That's not as easy as it sounds.**

A Times Editorial  
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In Florida, law enforcement agents might mine your bank records, movie rentals, book purchases, drug prescriptions. They might stop your car for a random road check, ask for identification based on your nationality or possibly race. But if they keep a record of your gun, they may be headed to the slammer.

Call it policing, NRA style, and understand why the police might be perplexed.

Across the state, police chiefs and sheriffs are trying to figure out how to comply with a new state law that prohibits them from keeping "any list, record or registry of privately owned firearms or . . . the owners of those firearms." And unlike most record-keeping edicts, this one leaves nothing to chance. Individual violators can be charged with a third-degree felony and agencies can be fined \$5-million.

The law, presumably written with objective of securing campaign contributions from the NRA, may or not cause cold-blooded killers to escape undetected. But it surely is creating a sizeable headache for law enforcement agencies. Destroy pawnshop records of guns that might have been stolen or used in a crime. Yes, within 60 days, which amounts to an investigative statute of limitations. Then again, maybe paper records can be kept longer, which amounts to an investigative reunion with Andy Griffith. What about reports in which the officer notes a person has a gun? Wouldn't that information seem relevant the next time an officer is called to a domestic dispute at the same residence?

"It's a mess," said Sherman Smith, the legal adviser for St. Petersburg police. "This has really got me flummoxed."

Lawmakers owe it to law enforcement to provide clearer guidelines than are currently in the law, but that precision was never really the goal here. In the same law banning gun lists, legislators finally announce concern about the way some citizens are profiled by law enforcement. Forget black or Arab males. Gun records, according to the legislative preamble, are "an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearm

**This time, lawmakers will harass police instead.**

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