



“... the right of the people to keep and bear Arms, shall not be infringed.”

## EXERCISING THE RIGHT

### Biden’s Gun Tax

Breitbart News reported on November 23 about some tax proposals from Joe Biden that might end up costing gun owners around \$34 billion in new taxes on firearms and ammunition they already own. Among Biden’s proposal is a \$200 tax for each AR-15 that a gun owner possesses, as well as on other guns that Democrats identify as “assault weapons,” and also a tax on gun owners of \$200 for every “high capacity” magazine in their collection. According to numbers provided by the National Shooting Sports Foundation, Americans own 434 million firearms, with around 20 million of them being so-called assault weapons. Running those numbers brings you to \$4 billion, and if you add the tax on the “high capacity” magazines, you’ll get another \$30 billion. These numbers are stunning, but they show the depths to which anti-gun politicians might sink if they can’t get the outright ban they’ve long sought and instead use these indirect measures. The anti-gun politicians might fail to ban your guns, but they could make the cost of owning them so prohibitively high that you voluntarily give them up because you can’t afford them any longer.

### 2020 Was a Record Year for Gun Sales

The DailyWire reported on November 5 that “more guns were purchased in 2020 than at any other point in American history, with Americans buying more than 16.5 million guns, 1.6 million more than they purchased in 2016, the last record year.” These numbers were driven in large part by the anxiety relating to the coronavirus and the lockdowns, as well as the societal unrest and riots that engulfed many cities across the country this year.

The DailyWire cited research done by Stephen Gutowski at the Washington Free Beacon, who wrote that the “National Shooting Sports Foundation, the gun industry’s trade group, also estimated nearly seven million people purchased a gun for the first time between January and October.... The record sales come during a year in which Americans have faced a

pandemic, economic downturn, prisoner releases, racial tension, and rioting. Those factors, as well as a contentious presidential election, have driven sales throughout the year, according to industry experts.”

Because it now looks like Joe Biden has a good chance to assume the presidency in 2021, we can expect gun sales to continue to soar. Biden and Kamala Harris were both very outspoken during their campaign about their plans to enact strict gun control. The Democrats might struggle to enact legislative changes due to their slim hold on the House and a Senate that may stay under Republican control, but that doesn’t mean that America won’t see any new gun-control measures under a Biden administration. After all, Biden can still use executive orders to unilaterally force through his anti-gun agenda despite the unconstitutionality of any such moves. Americans will most likely react to such anti-gun policies, or even the threat of such anti-gun policies, by rushing to buy what guns and ammo they can. It’s a good bet that just as we witnessed record gun sales under the Obama presidency, we can expect new records to be set during a Biden presidency.

### The Second Amendment Is Not a “Second-class Right”

Supreme Court Justice Samuel Alito gave an online lecture to the Federalist Society on November 12 that made national news because he spoke frankly about the challenges facing our country and, more importantly, our Constitution. The SCOTUSBlog wrote about Alito’s online presentation and explained that Alito touched on many subjects in his address and lamented the increasing intolerance being exhibited by the American Left. Alito mentioned the attacks on religious liberty and free speech, but it was his remarks on the Second Amendment that were most relevant to the readers of this column. Justice Alito complained that “the ultimate second-class right in the minds of some is the Second Amendment.” To drive home his point, Justice Alito discussed a recent case that challenged firearm restrictions

in New York City. When the case was up for consideration by the court, five Democratic senators filed a brief that criticized the court for its decision to take the case and even went so far as to threaten to “restructure” the court if they made the wrong ruling. The court voted to dismiss the case instead of making a ruling on the merits, and even though Alito stated that he was “not suggesting that the court’s decision was influenced by the senators’ threat,” he did state that he was “concerned that it might be viewed that way” by partisans who want to “bully” the court into going along with their far-left agenda. Alito bemoaned these tactics of intimidation from the Left and stated that the “senators’ brief was extraordinary.... It was an affront to the Constitution and the rule of law.”

*Reason Magazine* also covered Alito’s remarks on November 13 and wrote that Alito expressed concerns about the appearance created by the threats from the Democratic senators. “After receiving this warning ... the Court did exactly what the city and the senators wanted. It held that the case was moot, and it said nothing about the Second Amendment. Three of us protested, but to no avail.... I am concerned that the outcome might be viewed that way by the senators and others with thoughts of bullying the Court. This little episode, I’m afraid, may provide a foretaste of what the Supreme Court will face in the future, and therefore I don’t think it can simply be brushed aside.” Alito said. He added that the “Supreme Court was created by the Constitution, not by Congress. Under the Constitution, we exercise the judicial power of the United States. Congress has no right to interfere with that work any more than we have the right to legislate. Our obligation is to decide cases based on the law, period. And it is therefore wrong for anybody, including members of Congress, to try to influence our decisions by anything other than legal argumentation. That sort of thing has often happened in countries governed by power, not law.” Justice Alito is correct to call out these heavy-handed tactics because it seems as if the Democrats are only getting bolder in their attempts at suppressing dissent to their agenda by any means necessary. ■

— PATRICK KREY