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by The Lancaster Patriot Staff — August 1, 2023 in Lancaster News

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Reuben King's dairy farm in Leacock Township.



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Reuben King, a Lancaster County dairy farmer, was convicted by a federal jury in May for selling firearms without a license, despite there being no clear legal requirement that he needed a license to do so.

King, whose main business is dairy farming, collects and sells various long guns on the side. Federal law does not require sellers to acquire a license if they only "occasionally" sell firearms and their "principal motive" is not to make a profit.

The vagueness of the law was used by federal agents and prosecutors to indict and convict King, who could face up to five years in prison, a fine of up to \$250,000, or both. Sentencing is scheduled for Sept. 6.

The jury also said that King must forfeit nearly all of the 625 firearms seized by the government.

An undercover police officer bought five firearms from King between Oct. 24, 2019, and March 16,



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2020, in three separate transactions. According to court documents, the undercover officer saw, and filmed, an estimated 150 long arms marked with price tags and arrayed on tables in King's barn for sale.

None of the firearms were illegal to sell without a license.

Federal laws on selling firearms are notoriously vague. A resource published by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) states, "As a general rule, you will need a license if you repetitively buy and sell firearms with the principal motive of making a profit. In contrast, if you only make occasional sales of firearms from your personal collection, you do not need to be licensed."

The next paragraph of that document, however, notes that "courts have upheld convictions for dealing without a license when as few as two firearms were sold, or when only one or two transactions took place."

On June 11, 2020, ATF agents issued King a cease-and-desist letter. The vagueness of the letter matched the vagueness of the federal law. According to court documents, the letter stated that King's activity "appeared" to bring him within the definition of a firearms dealer, and that he could "possibly face prosecution."

Joshua Prince, King's attorney, told The Lancaster Patriot that an ATF agent testified that agents merely told King that he "may" need a license.

"Mr. King left the conversation [with ATF agents] believing that he didn't need [a license], because it



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was not his business,” Prince said. “He wasn’t in the business of selling firearms – they told him you had to be in the business. In his mind, he is a dairy farmer, that’s his business. And, as the testimony reflected, he didn’t keep track of sales, firearms, or values. He didn’t even know if he made a profit or not.”

King did sign the admonition to cease-and-desist, acknowledging receipt.

The use of acquiring a signature prior to indictment also played a part in the federal government’s case against another Lancaster County farmer, Amos Miller of Miller’s Organic Farm. Miller was targeted for processing and selling meat without federal inspection.

In both King and Miller’s case, no victims brought any charges against the Amish farmers. For both farmers, the charges were based on alleged failure to follow evolving government regulations.

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Prevented from serving his neighbor Reuben King, an Amish farmer, was targetted and convicted for loving freedom and serving his neighbor.

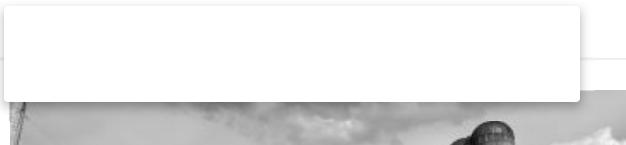
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Motion to Set Aside the Verdict

Prince filed a motion to set aside the verdict on June 7, based on the recent *en banc* decision rendered by the Third Circuit in *Range v. Attorney General of the U.S.*



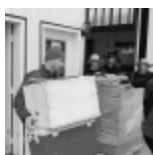
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In *Range*, the court ruled that Bryan Range, a Pennsylvania man, could not be barred from possessing a firearm, despite laws preventing felons from gun ownership, because “the Government did not carry its burden to provide a historical analogue to permanently disarm someone like Range, whether grounded in dangerousness or not.”

The court stated that they “are confident that a law passed in 1961 – some 170 years after the Second Amendment’s ratification and nearly a century after the Fourteenth Amendment’s ratification – falls well short of ‘longstanding’ for purposes of demarcating the scope of a constitutional right.”

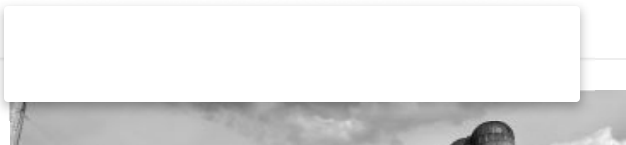
The court said the Government must show that “the Nation’s historical tradition of firearms regulation supports depriving Range of his Second Amendment right to possess a firearm.”

Judge Patty Shwartz, in a dissenting opinion in *Range*, said the court’s ruling “renders most, if not all, felon bans unconstitutional.”

Prince believes *Range* applies to King’s case because “the Nation’s historical tradition of firearms regulation” did not require licensure to sell firearms, and the first federal law regulating the sale of firearms did not appear until the 1930s.

In response to Prince’s motion to set aside the verdict, the government asked the court to deny the request.

“For King to prevail, he must show that his conduct in engaging in the business of selling firearms without a license was protected by the Second



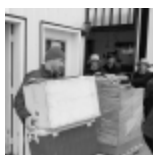
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Amendment,” the government response filed July 18 said. “As this Court previously held, he cannot do so.”

Prince then filed a Reply Brief in Support of His Motion to Set Aside, stating that the Second Amendment and the historical tradition of the U.S. support King’s freedom to buy and sell firearms without a license.

“In fact, not only does the Government fail to point to any analogous historical law regarding the licensing of individuals who desire to sell firearms, but their own examples are supportive of Mr. King’s position, as those law[s] reflect the ability of individuals to engage in the commercial sale of firearms without a license,” Prince wrote in his Reply Brief. “Thus, as there is no national historical tradition of the regulation of the commercial sale of firearms present until 1938 with the passage of the Federal Firearm Act...and the violations thereof at 18 U.S.C. §§ 922(a)(1)(A) and 924(a)(1)(D) are unconstitutional as violative of the Second Amendment.”

In that Reply Brief, Prince also quoted Justice Clarence Thomas’ concurring opinion in *Luis v. United States* (2015).

In that opinion, Thomas argued that constitutional rights, including the right to keep and bear arms, “implicitly protect those closely related acts necessary to their exercise.” Thomas referenced various court cases, noting that the right to obtain ammunition or firearms is unavoidably connected with the right to keep and bear arms, and regulation of those actions is unavoidably connected with the regulation of the right itself.



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"Without protection for these closely related rights, the Second Amendment would be toothless," Thomas wrote.

Prince told The Lancaster Patriot that he is hopeful that the court will "set aside the verdict and the forfeiture."

If the motion to set aside is denied and King is sentenced, Prince said he plans to appeal the case.

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live free or die

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AGREED!! 👍👍

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