

Posted 5/23/10

CLOSING THE “TERROR GAP”

Concerns about gun rights trump worries about terrorism



[Click here to link to video](#)

Moderator to panelists (at 17:50): *Should people on the no-fly watch list be able to purchase a gun? Mr. Campbell?*

Tom Campbell (pauses, then whimsically): *No!* (audience laughs)

Moderator: *Mr. DeVore?*

Chuck DeVore: *Yes, if they haven't been convicted of a felony.*

Moderator: *Ms. Fiorina?*

Carly Fiorina: *Yes.*

Tom Campbell (feigns shock): *Oh, my goodness!* (audience laughs)

By Julius (Jay) Wachtel. One would think that a five-term Republican congressman with an economics Ph.D and a Stanford law degree (he's currently a visiting professor at Chapman Law School) would know better than to push *that* button. Yet there was Tom Campbell, Senator Barbara Boxer's leading challenger, [advocating gun control](#). His competitors in the Republican primary, State Assemblyman [Chuck DeVore](#) and former HP chairperson [Carly Fiorina](#), could hardly contain their glee.

“It's all the Second Amendment, Tom,” snickered DeVore. “That's why Tom Campbell has kind of a poor rating from the National Rifle Association right there,” echoed Fiorina.

She wasn't exaggerating. According to an NRA spokesman [Campbell's last rating was an “F.”](#) You can't say it wasn't earned. While serving in the House (he left in 2000) Campbell supported both the assault weapons ban and a waiting period to buy guns, positions that probably played well in his leftie San Francisco Bay-area district but left the Grand Old Party cold.

Well, just how often *do* terrorists buy guns? A recent GAO report revealed that between 2004 and 2010 six-hundred fifty persons on the NCIC “known or suspected terrorist file” (it draws from terrorist watch lists) made 1,225 firearm transactions at licensed gun dealers, and three explosives transactions at licensed explosives dealers. Since records are automatically purged once a check is complete we can’t know if they really went through with a purchase, and if they did, how many guns changed hands. But there’s plenty of indication that many returned for seconds. About *two-thirds* of the putative buyers had their records checked on more than one occasion, *and six on ten or more*. In all, 1,119 transactions including the three explosives sales were approved, while 109 were denied for reasons such as a disqualifying criminal record.

How is it that a “known or suspected terrorist” can buy guns or explosives in the first place? Title 18, United States Code, section 922(g) bars felons, those under felony indictment, fugitives, unlawful drug users, persons adjudged of being mentally defective, and those convicted of domestic violence or under a restraining order from having guns. 18 USC 842i does the same for explosives. When the Gun Control Act of 1968 was enacted there was no such thing as a terrorist watch list, so “terrorists” are nowhere mentioned.

In their report the GAO suggested how the Attorney General could deny guns to suspected terrorists while assuring “accountability and civil liberties protections.” As one might expect, the NRA is having none of it. Calling such notions “anti-American,” the nation’s preeminent gun rights organization accused proponents of SB 1317 and H.R. 2159, which would implement the GAO’s recommendations, of using fear and what Senator Lindsay Graham (R-SC) disparagingly called “some list that is, at best, suspect” to strangle the Second Amendment.

Considering the GOP’s lack of concern about the civil rights of terrorism suspects (think “enhanced interrogation techniques”) their position on terrorists and guns reeks of contradiction. Yet the view of some anti-gunners seems equally opportunistic. In a website breathlessly entitled “Terror Gap,” Mayors Against Illegal Guns, the group co-chaired by New York City Mayor and ardent gun foe Michael Bloomberg, demands that Congress enact a law to prohibit persons on terrorist watch lists from buying guns and explosives: “We can’t afford another tragic event that leads to the loss of American lives because of this flawed and dangerous policy.”

But would a ban *really* keep us safer? For the answer look no further than to another Mayors Against Illegal Guns website, “Close the Loophole.” There you’ll find spine-tingling accounts of the ease with which anyone can go to a gun show, peruse tables where private citizens display dozens of firearms for sale from their “personal collections” and legally buy everything from .22 caliber pistols, to 7.62 mm.

assault rifles with high-capacity magazines, to cases of ammunition, and all without showing ID or going through any checks whatsoever!

Neither Federal law nor the laws of most States requires a criminal records check or any paperwork for gun transfers between private parties. With a “loophole” that big, one would think that no self-respecting terrorist would bother patronizing a licensed dealer. But private sellers capitalize on the anonymity they offer by charging considerable premiums. Their stock is also less ample, and much of it is used. For the best price and selection criminals and other unsavory characters often have straw buyers purchase guns directly from licensed dealers. Really, who’s to find out? Feds are prohibited from keeping a central registry of gun sales, while [18 USC 922t](#) mandates that completed record checks be purged.

In most states, until a firearm physically falls into the hands of police its existence is a cipher. That’s the concern addressed by yet another proposal to help close the “terror gap.” [Senate Bill 2820](#), introduced by Senator Frank Lautenberg (D-NJ), would give authorities a heads-up on suspicious gun purchases by preserving criminal record checks for ten years in the case of buyers on terrorist watch lists, and six months for others. Naturally, if a gun is privately sold or purchased from a dealer by a straw buyer, all bets are off. In any event, the bill is strongly opposed by the NRA so its chances of being enacted are nil.

More than four decades after the assassination of Robert F. Kennedy and the passage, that same year, of the pitifully weak Gun Control Act of 1968 (since hobbled even more) meaningful reform of the gun marketplace remains out of reach. Meanwhile the lethality and ubiquity of firearms has exponentially increased.

Terrorists and criminals: rest easy!