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GUN CONTROL IS DEAD

Gun laws are way down the new Administration's list of priorities

By Julius (Jay) Wachtel. One hates to say so, but perhaps the silliest reaction to the outcome of the Presidential election came from the gun control community. In a [breathless communiqué](#), the Brady Campaign to Prevent Gun Violence characterized President-elect Obama's [slim margin](#) in the popular vote (52.5 to 46.2 percent for McCain, with the balance for third party candidates) as a stunning defeat for the NRA's forces of evil. That view was quickly endorsed by the peculiarly named "[Freedom States Alliance](#)," which boasted that voters demanding "sensible solutions" had "shot down" the NRA's "radical agenda."

Sure, many of the NRA's favorite candidates lost. Anyone old enough to vote knows that gun crazies favor candidates who vehemently oppose gun regulation, and these often turn out to be Republicans. But let's face it: guns had nothing to do with an election whose outcome was preordained by the financial meltdown.

When an economic disaster the likes of which we haven't seen since the Great Depression yields such a pitifully slim victory, it's powerful evidence that the electorate remains deeply conservative. Don't buy it? Go to the New York Times' [electoral map](#) and slide the pointer from '92 to '04. Notice how red things were getting. Four years later, in that bastion of liberalism known as California, the same voters who helped shift things blue also amended their State Constitution to prohibit gay marriage.

Really, folks, if it wasn't for the rotten economy we'd be setting up an oxygen tent in the White House and practicing how to say "gosh darn it!"

Still not convinced? According to the Gallup poll a majority of Americans are satisfied with [gun laws](#) as they are, oppose making handguns illegal, and feel that guns make homes safer. They also support [restricting abortion](#), "overwhelmingly oppose efforts to make it easier for [illegal immigrants](#) to become citizens" and are against making marriage between [same-sex partners](#) legal. Asked to name [ten priorities](#), they rank Iraq, terrorism and the economy as the top three. Immigration comes in fifth; morality, eighth. Gun violence may be of concern to the good burghers of [Pittsburgh](#), [Chicago](#) and [Cincinnati](#), but nationally it's not even on the charts.

If the silliest response to the election was the anti-gunners', the second most exaggerated came from -- you guessed it -- the dark side. Only weeks after the Supreme Court upheld an individual right to possess firearms the [NRA was already pouting](#) about the President-elect's intentions to "ban guns and drive law-abiding firearm manufacturers and dealers out of business."

Just what *are* his heart-stopping [recommendations](#)?

- Tiahrt Amendment. Imposed in 2003 to put an end to lawsuits against the gun industry, Tiahrt denies plaintiffs the ATF records they need to prove that manufacturers and distributors have been recklessly marketing their wares. (Tiahrt was followed in 2005 by the "Protection of Lawful Commerce in Firearms Act," which prohibits lawsuits against gun makers and distributors for gun misuse.) To make sure that it's not circumvented, Tiahrt also keeps police from obtaining information about gun sources outside their geographical area, thus shielding traffickers from detection and prosecution.
- Gun-show loophole. Persons who buy firearms from licensed dealers at gun shows must submit to a criminal records check. Those who buy them from private parties need not. Closing the loophole would make all buyers subject to screening.

How this would "ban guns" is hard to understand. Other than prohibiting residents of one State from selling guns to residents of another, the Federal government doesn't regulate private gun transactions. In most States (but not California, where private gun sales are illegal) one can go to a gun show and buy as many guns as they wish from private parties, with no need to present any identification whatsoever.

Advocates claim that closing the "loophole" would keep felons, juveniles and adjudicated mental defectives from acquiring guns. Sadly, it would probably have little effect, as all that a prohibited buyer would have to do is bring along a qualified friend. Street gun peddlers love to buy from private sellers at gun shows because they can remain anonymous and the weapons can't be traced. These far more significant "loopholes" wouldn't be addressed by forcing everyone to submit to records checks, as these must by law be purged once a sale is completed.

- Assault weapons ban. President-elect Obama's final recommendation would reinstate the ban that expired in 2004. Signed into law ten years earlier, it prohibited the sale of enumerated semi-automatic firearms such as the Colt AR-

15, as well as other weapons with two or more of certain features, such as a pistol grip, a bayonet mount and a flash suppressor. External magazines with a capacity greater than ten rounds were also outlawed.

So what happened? Manufacturers yawned. Colt stripped the AR-15 of its flash suppressor, renamed it the “Sporter” and went right back to business. Characteristics that really *do* affect lethality -- caliber, muzzle velocity, cyclic rate, accuracy at range -- were never addressed by the ban. Reinstating it hardly seems worth the bother.

In this badly divided nation firearms have been a surrogate in a culture war that’s replayed every four years. When President-elect Obama criticized our tendency to “cling” to guns and religion he got it perfectly right. It was an amazingly insightful and honest comment that he will never repeat in public, and which he will never, ever try to express through meaningful gun control legislation.