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HALF-HEARTED MEASURES ARE NO SOLUTION

Legislative proposals ignore fundamental issues

By Julius (Jay) Wachtel. Prompted by a series of gun massacres, most recently of schoolchildren, the Senate swung into action. Bills were proposed to expand background checks to all gun transfers (not just those at a dealer), to make it a felony to buy firearms from a licensed dealer on behalf of someone else, and to buy guns from a non-licensee on behalf of someone who is prohibited from having guns.

Alas, not a single Federal legislative proposal made it out of committee. Still, there has been some good news. On June 16, 2014 the Supreme Court held (5-4) that when someone certifies on the Federal purchase form that they are buying a gun for themselves, when in fact they're acting as a "straw buyer" for someone else, they can be prosecuted for lying, even if the intended recipient can legally buy guns ([Abramski v. U.S.](#)) This decision resolves a long-standing conflict between Circuits that hampered prosecutions of straw buyers.

Of course, this ruling does nothing to help detect straw purchases in the first place. That usually happens only after guns have been misused, recovered and traced. By then the damage has been done. There are very few real impediments against illicit purchase and resale. Federal law does not impose limits on purchase quantity or frequency. It is also mum about private sales. A few states have stepped forward. Years ago California limited handgun purchases by private parties from licensed dealers to one a month. Private gun transfers were also outlawed. Persons who want a gun for their own use must get one from a licensed dealer. Those who wish to sell a gun must process the transaction through a dealer. Unfortunately, California acted alone, and most other states and the Federal government continue to allow private parties to buy as many guns as they wish and to trade guns unhindered by record checks or paperwork.

Placing limits on gun purchases, outlawing private gun transactions and extending background checks are good ideas. But guns are so easy to get and pass on that such measures can only have limited effect. It's not just about keeping guns from criminals. For most of us the greatest threat is from someone, often an intimate, who might go berserk and decide to settle a grievance with violence.

Making matters worse, gun manufacturers have been churning out ever more lethal hardware. The .38 specials and .22 rifles of the 1950's have been supplanted by pistols and rifles with muzzle energies and velocities so extreme that they readily penetrate ballistic garments commonly worn by police. Meanwhile assault weapon laws and other half-hearted responses have focused on external characteristics such as handgrips and flash suppressors, or on minor impediments to rapid-fire capability such as limiting magazine capacities to ten rounds.

To address the threats posed by firearms trafficking and gun misuse we must regulate at the fundamentals. That means tightly controlling gun transfers and placing strict limits on weapon ballistics and rapid-fire capability. Of course, any substantial moves in these directions would

face strong resistance from gun makers and the firearms lobby. That's why we've arrived at the point – unique in the industrialized world – where it seems that the only way to protect America's children is by arming their teachers. That's not the country most of us would wish for, but as increasingly lethal firearms continue to flood our communities, it's the one we'll inevitably get.