

Posted 11/16/08

LONG LIVE GUN CONTROL

Combatting gun trafficking and tightening dealer oversight are key



By *Julius (Jay) Wachtel*. “He’s a gun snatcher. He wants to take our guns from us and create a socialist society policed by his own police force.” Standing in front of a wall bristling with assault weapons, that’s how Texas gun-store owner [Jim Pruett](#) described the reign of terror that President-elect Obama intends to unleash on unsuspecting Americans. What he didn’t explain, perhaps because the reporter forgot to ask, was exactly how the new Prez and his liberal posse would get police and the military (last I checked, they seemed pretty, um, *conservative*) to abandon our land, from sea to shining sea, to a bunch of Commies.

Maybe Jim didn’t really mean it. Click on his [website](#) and you’ll see right away that his gun store is an “anti-terrorist,” not anti-Government headquarters. Those [assault rifles](#) are for use against evildoers only!

Beefy all-American muchachos aren’t the only ones plunking down their hard-earned bucks for a [.50 caliber Smith & Wesson revolver](#) or a [Bushmaster Modular Carbine](#). Thanks to the avarice/misguided patriotism (you pick) of the American firearms industry, and the ignorance/ spinelessness/misguided patriotism (you pick) of Federal, State and local lawmakers, ordinary gangsters are now better armed than cops. And the threat isn’t just from “real” criminals. Last year’s spate of [school massacres](#) demonstrated that demented citizens have frightfully powerful and accurate weapons at their disposal as well.

Where do crime guns come from? [Nearly all are bought in retail stores](#). And despite the ridiculous assertions of gun fanatics and their fellow-travelers, [most aren’t stolen](#). Weapons purchased by straw buyers and gun traffickers often wind up on the

streets quickly. Others lay around for years and pass through many hands before being misused.

Buying a gun from a licensed dealer is ridiculously easy. Federal law imposes few requirements. Long-gun buyers must be 18; handgun buyers, 21. They can't be convicted felons. And that's about it. Other than for a few States like California that impose a waiting period or restrict handgun sales to one per month, it's possible to leave with an armful of weapons within minutes.

What about those who can't legally buy firearms or want to remain invisible? All that's necessary to defeat the feeble system is to get a "straw buyer" to belly up to the counter. That's how a [gun recently used to murder a Philadelphia cop](#) wound up on the street. One can also circumvent gun stores altogether. As we pointed out [last week](#) gun transactions between private individuals are mostly unregulated, so it's easy to go to a gun show and buy one gun or a carload *without showing any ID at all*. Worse, since private parties aren't required to keep records, guns bought that way can't be traced.

With [forty percent](#) of American households owning at least one firearm, an estimated two-hundred million in circulation, and a [Supreme Court](#) on the pro-gun side, it's probably unrealistic to consider tough new restrictions on ownership. But if we feel compelled to do something, here are a few ideas:

- *Outlaw exceedingly lethal firearms.* Assault weapon bans focus on superficial features like the presence of a flash suppressor or hand grip but ignore the real issue: lethality. We must move beyond "feel-good" laws to address characteristics such as projectile ballistics, cyclic rate and accuracy at range. Commonly worn police vests can't defeat high-velocity rounds such as the .30-06, so setting limits strictly on penetration would probably rule out most hunting rifles and all handguns from the .357 on up. It may be possible to develop a point system that could address particularly lethal combinations, such as rapid-firing, semi-automatic shoulder weapons that chamber high-velocity cartridges.
- *Combat interstate gun trafficking.* Unlicensed street peddlers and gangsters from strong-law States like to stock up at [gun shows](#) in nearby, weak-law jurisdictions. Arizona, Nevada and Texas are gateways for guns to California, while Georgia, Florida and Virginia provide the same unwelcome service for New York. One could ban sales at gun shows altogether (the best idea.) If not, the illicit flow can be stemmed by requiring that all transactions at gun shows go through a licensed dealer. That would help assure that buyers are properly identified, their qualifications are checked, and sales records are kept so that

recovered guns can be successfully traced.

Gun shows aren't the only problem. Traffickers from States with quantity limits (such as California's one-handgun-a-month) frequently [travel to States](#) that lack restrictions, where they use local straw buyers to acquire guns from dealers. That's a problem that can only be addressed by instituting national purchase limits, and not just on handguns.

- *Combat in-State trafficking.* There is no such thing as Federal gun registration, and there will never be. By law gun sales records are not centralized, making gun tracing a cumbersome process that requires successive contacts with manufacturers, distributors and dealers. Failed traces, particularly for guns more than a few years old, are common.

Fortunately, States are free to set up their own registration systems. Every State should require that all gun transfers, including those between private parties, go through a dealer and be perpetually recorded on a centralized database. To discourage straw purchase every gun recovered by police should be traced and its most recent purchaser contacted. To discourage street gun dealing strict limits on the number of weapons one can buy should be imposed. False claims of theft by straw buyers and unlicensed street peddlers can be minimized by requiring gun owners to immediately report stolen firearms to police.

- *Redirect ATF towards its regulatory responsibilities.* ATF is the only Federal agency charged with regulating gun dealers and combating gun trafficking. Yet thanks to political pressures most of its law enforcement resources are directed towards other ends. Great effort is expended at "adopting" felon-with-a-gun and armed drug dealer cases from local police for prosecution in Federal court. This distracts agents from breaking up trafficking rings, probing suspicious activities at gun shows and monitoring licensed dealers for signs of corruption.

Politics have paralyzed ATF's oversight role. For proof look no further than the saga of the agency's leader, [Michael J. Sullivan](#). Thanks to rabid opposition from the NRA and the gun industry, which accuse him of being an overzealous regulator, [Sullivan remains an "Acting Director,"](#) unconfirmed more than two years into his appointment. Other than for a per diem allowance, his only pay is from his "real" job as United States Attorney for the District of Massachusetts.

Anyone who thinks that the President-elect will have a substantial impact on guns and violence is dreaming. As the expiration of the Federal assault weapons ban

demonstrates, powerful political forces on both sides of Congress are committed to making guns as easy to buy as candy. States and municipalities that try to fill the gap face the Supreme Court's [Heller](#) decision, which enshrined gun possession as an individual right. Our only hope is that under a new Administration ATF will find the courage to enforce the laws and regulations that exist.