

Gun Control: A National Debate

The issue of gun control is one that is heavily debated right now and is a source of much contention. In the wake of recent mass shootings, such as the ones in Aurora, Colorado and Newtown, Connecticut, much discussion has ensued in relation to what can be done to prevent atrocities like this from occurring again. Many ideas have been proposed so far; President Obama and Vice President Joe Biden have been lobbying for a new assault weapons ban, similar to the one enacted in 1994, which is much maligned by many politicians and most notably, the NRA. Obama has also proposed a list of 23 executive actions that he plans to take in order to ensure that it is much more difficult for dangerous individuals to acquire guns. Politicians are throwing around phrases like “national gun registry,” “gun show loophole,” and “background checks,” but they rarely discuss the details of these issues and some of the laws now in effect are ridiculous almost to the point of hilarity. Personally, I believe that the simplest things our government can do to help alleviate the issues of gun violence come in the realm of background checks and the regulatory powers of the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives). I firmly believe that through the implementation of more stringent and more effective background checks and increasing the power of the ATF, many of the gun control issues that we are currently wrestling with can be solved.

Background checks in relation to the selling and purchasing of firearms is an issue that should be rather straightforward and common sense, but somehow, we’ve still managed to mess it up. Currently, when you buy a gun from a licensed gun dealer, you have to go through a background check by the FBI-run NICS (National Instant Criminal Background Check System). This background check ensures that you are legally permitted to own a gun. Factors that can disqualify you from ownership are issues like a severe criminal record or a history of mental illnesses. Initially, this sounds like a great system, and it would be, provided there weren’t so many issues with it. The current set-up of the NICS allows multitudes of people to slip through the cracks of background checks and obtain guns when they should

be barred from doing so. Much of this is due to the incompleteness of the NICS records in regards to mental health and drug use issues. In fact, both the Tucson, Arizona and Virginia Tech shooters both obtained guns when they should have been barred from doing so. In the case of the Tucson shooter, Jared Loughner had a history of drug use that had already gotten him discharged from the US Army. Had information about Loughner's drug abuse problems been reported to the NICS, it would have disqualified him from buying a gun. Loughner's drug problems were not reported, however, and this allowed him to pass a background check and legally buy guns that he eventually used to kill six people and injure thirteen others. The VA Tech shooter, Seung-Hui Cho, was legally allowed to buy guns even though he had a long history of mental illness. These illnesses were never reported to the FBI and were therefore never input into the NICS. Cho went on to commit the largest mass murder by a single gunman in United States history, killing 32 and wounding 17 others. Horrors like this could easily be avoided by having up-to-date records in the NICS, but due to severe underfunding, lack of oversight, and lax penalties for states who don't submit updated records, the NICS records are sadly lacking.

Underfunding is probably the biggest obstacle combatting the effectiveness of the NICS. Between the Fiscal years of 2009 and 2011, Congress has only supplied 5.3% of the funds that they originally allocated to the NICS. (An Updated Background Check System Will Help Prevent Gun Violence, 2012) These funds were supposed to cover the costs for states to collect records and supply the results to the NICS. The result is that states simply don't do it, especially with government funding already being tight. This segues nicely into the issue of lax penalties for noncompliance. States decide that they can afford to ignore the regulations and not send updated records, partially because they aren't being heavily punished for complying. Currently, states that do not comply with the NICS Improvement Act's regulations requiring the submissions of updated records are only subject to a 3-5% deduction in their Department of Justice grants. (An Updated Background Check System Will Help Prevent Gun Violence, 2012) These budget cuts amount to very little and only sum to about \$15 million of fines nationwide.

In addition to underfunding and lax penalties, lack of oversight is a third major issue impeding effective aggregation of criminal and medical records. Currently, although states are technically required to submit updated records to the Department of Justice at least every three months, there is no government agency charged with making sure that they're actually doing so. For example, only three federal agencies have submitted any records regarding drug use to the FBI (An Updated Background Check System Will Help Prevent Gun Violence, 2012). With a background check system this incomplete and inept, how can we possibly expect it to be effective in ensuring that guns don't fall into the wrong hands? The system is clearly broken, and the repercussions of the NICS's failure have been felt by anyone affected by shootings that could have been averted with more effective background checks.

Another term that is commonly used when discussing background checks with relation to gun control is the "gun show loophole." The aforementioned "gun show loophole" is a provision that currently allows some sellers at gun shows to sell guns without requiring background checks or some sort of identification. Provisions like this one completely undermine the background check system. A dealer shouldn't be exempt from complying with ATF regulations simply because they aren't "engaged in the business of buying and selling firearms." Why should one dealer not have to conduct background checks when all of the surrounding dealers are doing so? It's just ridiculous. Statistics have shown that criminals who know they can't pass a background check realize that they can buy guns without getting checked at gun shows, and they do so. The ATF has reported that about 30% of the guns involved in their criminal trafficking investigations have been tied to unlicensed sellers at gun shows. (An Updated Background Check System Will Help Prevent Gun Violence, 2012)The story of Colin Goddard is one that illustrates well the issues with the gun show loophole and how easy it makes buying guns. Colin Goddard is a survivor of the Virginia Tech shooting. After recovering from the three bullet wounds that he received during the shooting, he dedicated himself to advocating for reform of the background check system and is now the assistant director for federal legislation at the Brady Center to Prevent Gun

Violence. In an attempt to show how important it is for Congress to close the gun show loophole, Goddard travelled across the country to a variety of gun shows in order to learn how easy it is to exploit the gun show loophole. Goddard recounts his experience with the gun show loophole in his speech to Congress:

Last summer, I travelled all over the country visiting gun shows in an attempt to expose the Gun Show Loophole. I passed right by all the licensed dealers responsibly conducting background checks and went right through the loophole over and over again. I went to shows in Texas, Ohio, Maine, Minnesota and right across the river in my home state of Virginia. I was amazed at how quick and easy it was getting my hands on just about any type of weapon I could imagine.

I bought, or watched a friend buy, 9 mm's, 22's, Tech-9's, and Mack-11's. I bought an AK-47 without showing any ID or going through any background check. I even bought the same type of gun that shot me. Each transaction took less than 5 minutes. And when I was done, either I, or the purchaser I went with, would turn all weapons over to the police. The sickening thing about what I did and the footage you just saw was that everything was completely legal under our current law.

This depicts just how easy it is for anybody to get a gun with complete anonymity if they want to. Any semi-intelligent person with a rudimentary knowledge of the US gun laws could realize this, go to a gun show, buy a gun completely anonymously, and proceed to kill with that weapon. In fact, one of the best examples of the dangers of allowing this gun show loophole to exist is the case of Eric Harris and Dylan Klebold, the Columbine shooters. Many of the guns they used in the shooting had been bought at the Tanner County Gun show-no background checks, no ID's, no questions asked. The reality is that if they had been required to show ID's, they wouldn't have been allowed to buy any of their handguns due to their age. To buy a handgun you must be at least 21 years old and as high school

seniors, they clearly were not of age. Klebold and Harris went on to kill 13 and injure 21 before both committing suicide. Critics say that requiring licenses and background checks would be too much of a hassle and too costly, but seven states already require checks for all private purchases and four others require them for all handgun purchases. (Gun Shows: The Purported Gun Show Loophole and State by State Regulation of Gun Shows) If these states can require background checks for all private purchases, why not the rest of the states? Your right to own a gun is NEVER more important or valuable than the lives lost in shootings that are enabled by failed background checks or the gun show loophole. Anybody who wants to buy a gun should be willing to expend a little more time and money to prevent further shootings.

Theoretically, even in the current system, we should be able to do a better job regulating both legal and illegal guns than we are currently doing. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is the government agency charged with the control and regulation of those products listed in their name. Sadly, the ATF is in shambles and has no real power due to NRA backed legislation that essentially keeps them from being able to effectively perform their job. The major issue in the ATF right now is that of manpower and leadership. In 2003, an NRA sponsored bill was passed that split the ATF from the Treasury and required all ATF director appointments to be confirmed by the Senate. Since this bill went into effect, there has not been a permanent ATF director. The Senate has not confirmed a single one of the appointments, including George W. Bush's nominee. The current acting ATF director, B. Todd Jones, commutes to Washington, D.C. from Minnesota, where he serves as a full-time District Attorney. Why on earth is the acting director of what is supposed to be a major regulatory agency only doing it as a part time job!? The lack of any real leadership or job security for directors in the ATF has kept them from being able to run the agency how it should to be run and they cannot gain the respect or cooperation of other politicians and government agencies. Also on the issue of manpower, the ATF is severely understaffed. The ATF has as many full time agents as the Phoenix Police Department.

(Flashback: How the NRA and Republicans Kneecapped the ATF, 2013) Let me repeat that, the government agency charged with regulating gun sales and ownership for THE ENTIRE COUNTRY has the same number of agents as a police department charged with policing ONE CITY. It's no wonder that the ATF can't get anything of any significance accomplished with so few agents and such sporadic leadership.

Persecution of the ATF goes all the way back to the Reagan Administration when President Reagan vowed to dismantle the ATF and then attempted to combine the ATF with the Secret Service. The most significant piece of legislation of that era that hindered the ATF's ability to perform its duty was the 1986 Firearms Owner Protection Act. There were many sections in this bill, including a machine gun ban, but the major issues were that it reduced the penalty for falsifying sales records from a felony to a misdemeanor, raised the threshold for prosecuting unlicensed dealers, prohibited a national gun registry and, most notably, prohibited the ATF from conducting more than one inspection per year of gun shops. The last portion of this bill meant that, once a dealer had passed inspection, they were in the clear for the next full year and could do essentially whatever they wanted without fear of repercussions. (Firearms Owner Protection Act) The NRA continually bashes the ATF and their inability to do their job, but the only thing they're doing in relation to the problem is making it even harder for the ATF. In last year's "Fast and Furious" Scandal, the ATF allowed almost 2,000 illegal guns to "walk" over the US-Mexican border as part of a gun tracing operation. The goal was to trace the illegal guns to the heads of the Mexican drug cartels. Unfortunately, the ATF lost the trace on these guns and 57 found their way into the hands of 20 hit men in Ciudad Juarez where they were used to gun down roughly 60 teens at a party. (Fast and Furious Scandal: New Details Emerge on How the U.S. Government Armed Mexican Drug Cartels, 2012) Naturally, the NRA and others demonized the ATF for not doing their job correctly and indirectly supplying guns to the cartels, but maybe if the ATF was allowed to run correctly and

efficiently, this tracing operation would have been a success. You can't purposely break the system, and then complain repeatedly about how the system isn't working.

A recent New York Times article details the issues caused for the ATF by not having a national gun registry. It talks about how, in crime shows on TV, a police department or FBI can simply type the serial number of a gun into a database and immediately find out who owns it. This is simply not how it actually goes in the current system. Most of the time, when the ATF wants to identify the owner of a suspect gun, they have to call the manufacturer, wholesaler and dealers to find out who bought the gun. A large portion of the time they have to manually go through boxes and boxes of files in a warehouse of records from companies who have since closed. In an age where average citizens can find out almost anything they want in minutes on the internet, the ATF, a federal agency with arguably one of the more important law enforcement duties, has to manually go through lengthy and archaic methods in an attempt to perform a duty that they are continually being blocked from performing.

If there is to be any hope of decreasing the amount of gun violence in the country, one of the first steps needed is for the regulations governing the ATF to be reviewed in order to allow them to do their job effectively and efficiently. Additionally, the background check system needs to be improved and expanded. Doing one little thing here and there is not going to get the job done effectively. We need a comprehensive reform of all aspects of gun control and we need to do it without the influence of interest groups such as the NRA. If the NRA continues to be allowed to dictate what kind of gun laws are passed, there will never be any change from the current system, and the current system is clearly not working correctly. The lives of those lost to gun violence are not a price that people should be willing to pay in exchange for keeping their guns. The safety of everyone in the United States should be paramount and the peoples' right to own guns should come secondary to that and those who believe otherwise don't deserve the right to own a gun.

Bibliography

"An Updated Background Check System Will Help Prevent Gun Violence." *Gale Opposing Viewpoints in Context* (2012): n.pag. *Gale Opposing Viewpoints in Context*. Web. 5 Apr 2013.

<http://ic.galegroup.com/ic/ovic/ViewpointsDetailsPage/ViewpointsDetailsWindow?failOverType=&query=&prodId=OVIC&windowstate=normal&contentModules=&mode=view&displayGroupName=Viewpoints&limiter=&currPage=&disableHighlighting=false&displayGroups=&sortBy=&source=&search_within_results=&action=e&catId=&activityType=&scanId=&documentId=GALE|EJ3010015251>.

Garrett, Ben. "Gun Shows: The Purported Gun Show Loophole and State-By-State Regulation of Guns Shows." *About.com*. About.com. Web. 5 Apr 2013.

<<http://civilliberty.about.com/od/guncontrol/a/Gun-Shows.html>>.

Goode, Erica, and Sheryl Stolberg. "Legal Curbs Said to Hamper ATF in Gun Inquiries." *New York Times* 25

December 2012, n. pag. Print. <<http://www.nytimes.com/2012/12/26/us>

Murphy , Tim. "Flashback: How the Republicans and the NRA Kneecapped the ATF." *Mother Jones*.

(2013): n. page. Web. 5 Apr. 2013. <<http://www.motherjones.com/politics/2013/01/atf-obama-gun-reform-control-alcohol-tobacco-firearms>>.

Reyes , Gerardo, and Santiago Wills . "Fast and Furious Scandal: New Details Emerge on How the U.S.

Government Armed Mexican Drug Cartels ." *ABC News Univision*. ABC News Univision, 30 Sep 2012. Web. 5 Apr 2013. <http://abcnews.go.com/ABC_Univision/News/fast-furious-scandal-details-emerge-us-government-armed/story?id=17352694

Sewer, Adam. "Obama Announces 23 Executive Actions to Limit Guns Violence." *Mother Jones*. (2013):

n. page. Web. 5 Apr. 2013. <<http://www.motherjones.com/mojo/2013/01/white-house-guns-action-executive-orders-legislation>>.

"The Background Check System Is Ineffective in Preventing Gun Violence." *Gale Opposing Viewpoints in*

Context (2012): n.pag. *Gale Opposing Viewpoints in Context*. Web. 5 Apr 2013.

<http://ic.galegroup.com/ic/ovic/ViewpointsDetailsPage/ViewpointsDetailsWindow?failOverType=&query=&prodId=OVIC&windowstate=normal&contentModules=&mode=view&displayGroupName=Viewpoints&limiter=&currPage=&disableHighlighting=false&displayGroups=&sortBy=&source=&search_within_results=&action=e&catId=&activityType=&scanId=&documentId=GALE|EJ3010015251>.

urce=&search_within_results=&action=e&catId=&activityType=&scanId=&documentId=GALE|EJ
3010015250>.

Wikipedia contributors. "Firearm Owners Protection Act." *Wikipedia, The Free Encyclopedia*. 23 Feb
2013. <http://en.wikipedia.org/wiki/Firearm_Owners_Protection_Act>.