

**BRIEF ANALYSIS**

No. 294

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## Off Target with Gun Controls

In the emotional aftermath of recent school shootings, the Clinton Administration and Congress want to “do something” about these extremely rare events, even though preventing them is beyond the power of the federal government. The U.S. Senate passed S. 254, the Juvenile Accountability Act, last month and the House will consider similar legislation in June.

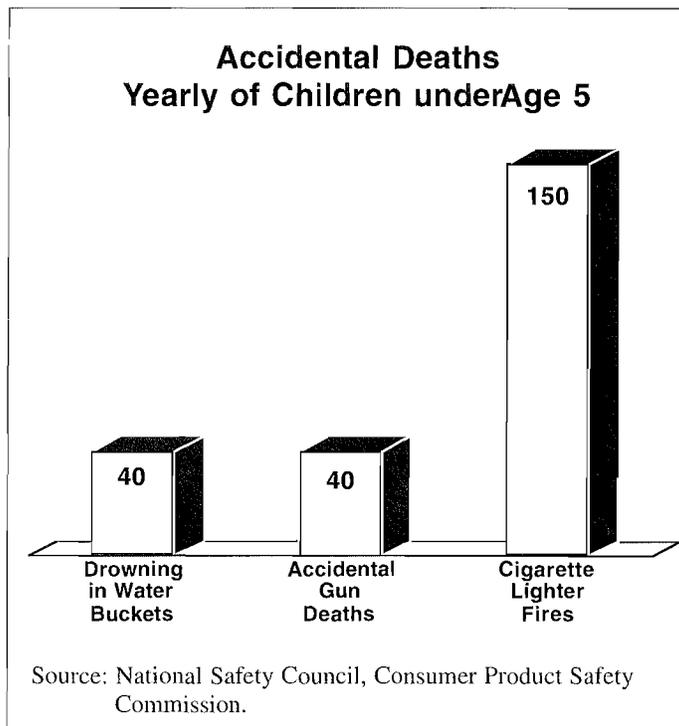
The 648-page Senate bill includes a range of provisions, among them new controls on firearms. However, none of the proposed rules would have prevented the massacre in Colorado or any other past school shooting, nor would they do anything to prevent future incidents. Here is a look at some of the provisions.

**Gun locks.** Most handguns are already sold with trigger or barrel locks. The new legislation would make the locks mandatory for new sales, modestly raising the price of some guns. But the federal government cannot require anyone to use such locks, and experts generally agree that they only protect children under age 7 even if the locks are used. Killers like Eric Harris and Dylan Klebold, the two perpetrators of the Columbine High School massacre, would have known how to remove any locks. Furthermore, Harris and Klebold did most of their killing with shotguns, which are not covered by the bill.

President Clinton and other politicians claim that locks will save lives, particularly those of young children, but this is improbable. As the figure shows, according to the National Safety Council, there were 40 accidental gun deaths of children under age 5 in 1996, certainly a real cost of gun ownership. Yet with 70 million to 80 million people owning an estimated 240 million guns, this is a remarkable safety record. The Consumer Product Safety Commission estimates that:

- Forty children under age 5 die annually from drowning in water buckets at home.
- One hundred fifty children under age 5 die from fires they start with cigarette lighters.

Mechanical locks diminish the effective value of guns because they require that a gun be unloaded, yet thousands of children are saved each year by adults who use loaded guns to defend themselves and their families against home intrusion.



Sophisticated “smart” locks—activated by a specific individual’s fingerprint or a smart ring with a computer chip—are not ready for the commercial market. Even if they were, they would add hundreds of dollars to gun prices, diminish the protective value of guns and put new guns beyond the reach of poor people, who are most subject to criminal attack.

**Gun shows.** Gun shows are not a serious source of guns for criminals.

■ A mid-1980s survey of convicted felons in 12 state prisons found that fewer than 1 percent obtained guns at gun shows.

■ A 1997 Justice Department study found that only

2 percent of crime guns had been obtained from gun shows, including purchases by so-called straw men (a federal felony since the Gun Control Act of 1968).

Criminals usually obtain guns through black market deals and theft.

Nor are gun shows a loophole for illegal gun sales. The same laws apply at gun shows as in all other gun transactions. Most vendors at gun shows are federally licensed dealers who must perform the same national instant background check and obey the same federal, state and local rules as when they sell in their stores. The background check requirement was never intended to apply to private individuals who display and sell a gun,

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whether such private swaps occur at a gun show or elsewhere.

However, the Frank Lautenberg amendment, Sec. 1635 of the Senate bill, imposes new controls on gun show promoters and anyone involved in a show-related deal. This was approved by a 51-50 Senate vote when Vice President Gore broke a tie. The amendment criminalizes otherwise noncriminal behavior. Even a visitor to a gun show who merely offers to sell a gun to another visitor is defined as a “vendor” whose subsequent private trade must be routed through a licensed dealer and registered or else be subjected to harsh new sanctions. Private trades among law-abiding citizens that involve no criminal harm and no criminal intent — the usual standards for criminality — become criminal.

The Lautenberg amendment erodes privacy in gun ownership and trading. California has already banned all private gun sales. Sales there must now be routed through a licensed gun dealer, involving a fee paid for the background check, a two-week waiting period and registration of the sale with the California Department of Justice. National registration is the real Lautenberg aim. As the late Pete Shields, founder of today’s Handgun Control Inc. led by Sarah Brady, said, “The first problem is to slow down the number of handguns being produced and sold in this country. The second problem is to get handguns registered. The final problem is to make possession of all handguns...totally illegal.” President Clinton has said he favors national registration of guns but that he does not think Congress would approve such a step.

**Waiting periods.** A three-day waiting period would not have stopped the Colorado tragedy, which was planned more than a year in advance. While a waiting period might cool off some people and prevent them from resorting to violence, those being stalked or threatened might be prevented from promptly obtaining a gun to defend themselves. In the only research done on this issue, economist John Lott found that the Brady Law’s five-day waiting period had no detectable effect on murders and robberies but increased rapes and aggravated assaults by a few percent. Apparently, the net effect of waiting periods is to make citizens more vulnerable to criminals.

**Explosive materials.** In addition to gun restrictions, the Senate bill provides for background checks for purchasers of bomb-making materials. This too would have no effect on crime, since so few items would be covered and so many common items can be used to make bombs. No one seriously proposes to include fertilizer, used to make the bomb that killed 168 in Oklahoma City, or propane tanks, used in Colorado, in new restrictions. A ban on bomb-making instructions on the Internet (but not in chemistry books?) would trigger an interesting First Amendment test.

The regulations on explosive materials illustrate that there is no logical stopping point to prevention. If guns are banned, as attorney and author Jeffrey Snyder points out, then police will wage war to stop the resulting black market, and criminality will expand to “background checks on purchasers of metalworking tools at Sears.”

**Age limits.** Nearly everything juveniles do with guns is already against the law. But there are always new things to outlaw. Under federal law, 21 is the minimum age to purchase a handgun, but age 18 is the minimum for possession. The Clinton administration wants to ban handgun possessions by anyone under 21, therefore banning legitimate uses of handguns by persons under age 21, including self defense.

It is already illegal for gang members to carry guns. Young people suffer high victimization rates for murder, rape, robbery and aggravated assault. John Lott’s research shows that laws allowing those between 18 and 21 years of age to carry a concealed handgun are no less effective in reducing violent crime than those confined to citizens over age 21.

**Ban on the import of large-capacity ammunition clips.** This is another insubstantial, symbolic measure against violent crime, intended to demonize an inanimate object and further infringe on the Second Amendment right to keep and bear arms.

**Conclusion.** When pollsters ask the public what should be done about violent crime, only 4 percent volunteer the answer “more gun controls.” Maybe the public knows more than the politicians.

*This Brief Analysis was prepared by Senior Fellow Morgan O. Reynolds, director of the Criminal Justice Center of the National Center for Policy Analysis.*