



A Myopic Focus on Guns Won't Save Lives

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On Tuesday, President Barack Obama announced new executive actions to deal with the more than 30,000 annual U.S. gun deaths. During the speech, the president became emotional discussing the victims of the Sandy Hook shooting and other victims of gun violence. His tears drew plaudits from media outlets and gun control advocates. But strong feelings neither change law nor create effective public policy. As for content, Obama's remarks conflated the several major drivers of gun deaths, grossly misrepresented access to firearms via the Internet, and overstated the impacts of his proposals.

Nevertheless, The New Republic declared, "Obama Is Finally Changing the Debate on Guns." The Los Angeles Times celebrated, "With gun epidemic raging, Obama finally bypasses Congress." Yet, looking at the available details of the president's actions – and understanding his limits acting unilaterally – it is unclear that he necessarily changed much at all. And looking at the nationwide numbers, it is hardly apparent the nation is in the midst of a gun "epidemic." America can reduce its number of gun deaths, but this sort of executive action is unlikely to do it.

Perhaps the most useful part of Obama's actions is increasing the number of the FBI's background check staff. Providing background checks for gun purchases is sound policy and, as such, the FBI should have the resources it needs to conduct them competently. Demand for the checks has increased as gun purchases have spiked in response to the president's repeated calls for various gun control, so it is reasonable to hire more help in response.

As Case Western Reserve law professor Jonathan Adler noted, Obama's actions regarding Bureau of Alcohol, Tobacco, Firearms and Explosives regulations on those "engaged in the business" of selling firearms are likely either not new or illegal – and preliminary indications point to the former. Put simply, the president attempted to clarify the language of laws and regulations that already existed to determine who is considered to be a gun dealer, rather than a person who occasionally sells guns she privately owns, in the eyes of the federal government. This distinction is being sold as a strengthening of background checks because dealers are required to perform them, but it is unlikely that this action will significantly increase the number of people or organizations affected by the regulation.

The most troubling potential aspect to the president's proposals is the expansion of "mentally defective" proscriptions by state governments and the removal of certain federal medical privacy protections under Health Insurance Portability and Accountability Act. South Texas College of Law professor Josh Blackman wrote that the president's actions remove barriers for states that may aggressively add names to the "mentally defective" list, preventing those individuals from legally purchasing a firearm.

Of course, good policy should include preventing dangerous people from possessing firearms, but there is reason for concern that the definition of "mentally defective" may be applied too broadly and that such designations will lack due process protections that would allow law-abiding, non-dangerous people to appeal their inclusion on those lists. As my colleague David Kopel wrote, "The devil will be in the details."

Ironically, these policy debates obscure the underlying problems they are meant to alleviate: the gun deaths themselves. Contra the "epidemic" decried in the LA Times, the U.S. gun death rate is down 31 percent since 1993, and the homicide rate has been halved. Non-fatal gun victimization is down a whopping 76 percent since its peak in the mid-1990s. In a country with hundreds of millions of firearms, Americans have nevertheless become remarkably safer without stricter gun control laws.

About two-thirds of American gun deaths are suicides, which comprise roughly half of all American suicides. Strengthening background checks may be a good idea, but they are unlikely to stop law-abiding people who want to shoot themselves and will have no effect on the half of people who kill themselves by other means. Suicide prevention must be comprehensive, rather than simply focusing on gun regulations.

Cities like Baltimore, Chicago, Washington and Los Angeles, continue to suffer from inner-city gun violence in part fueled by the black market drug and gun trade. Tinkering with ATF regulations will not make these cities measurably safer. Ending the drug war combined with the expansion of educational and economic opportunity in the inner cities will do far more for reducing gun violence than marginal regulation adjustments.

America can reduce its gun deaths even more than it has over the past two decades. Policymakers would be wise to end their myopic focus on guns and think more broadly about solutions to the social problems that drive gun deaths.

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