

## Devil is in the details for gun laws

By: Trevor Burrus – April 8, 2013

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A number of competing gun-control proposals are being prepared in the Senate. While there are a few sensible provisions on the table, we should not be too optimistic any of the bills will do much to prevent tragedies like Newtown, nor lower the rate of gun violence in America.

Any serious proposal for reducing gun violence must focus on the people who commit gun crimes and why, rather than on the guns used in the crimes.

Supporters of common-sense controls should continue to resist, and even filibuster, pointless and counterproductive proposals such as the so-called assault weapons ban, high-capacity magazine bans, and universal background checks.

Proposals to beef-up penalties for straw purchasers and provide more mental health information in the National Instant Criminal Background Check System (NICS) have merit. But school safety measures should be left to the states, as a matter of both good representative government and of constitutionality.

The ineffectiveness of the “assault weapons” ban has been proven by the U.S. government's own studies. The Department of Justice's comprehensive survey of the 1994-2004 ban concluded that it had essentially no effect on gun violence and, if it were renewed, the effects would be “small at best and perhaps too small for reliable measurement.”

Still, many Democrats are irrationally fixated on what are arguably the most responsibly used guns in the country. They maliciously libel the millions of responsible owners as having a weapon only good for “spraying death.”

This is politically unwise. Hyperbolic rhetoric will only harm Democrats' chances to pass any reforms. Pushing for a proven-ineffective gun law makes Republicans uneasy because such laws are often touted as “a start.”

A proposal being authored by U.S. Sen. Charles Grassley appears likely to boost penalties for “straw purchasers” — those who purchase a gun on behalf of someone who would not pass a background check. That may indeed keep guns out of some bad hands; many criminals obtain guns that way. But straw purchasing has been a federal felony for

decades. Mental health professionals should not be required to report anyone about whom they feel a vague sense of unease; this would dissuade many people from seeking help — including potential mass shooters most in need. There must be means for individuals categorized as mentally unstable to challenge that designation.

Finally, any federal legislation must resist the temptation to mandate blanket school-safety measures. The Constitution grants the federal government no such authority. It may be possible to bridge the great divide in Washington with sensible gun laws. Democrats must stop pursuing ineffective laws. Republicans must confront the problems of how guns get in the wrong hands.

Unfortunately, policies that do more to contribute to gun violence, such as the failed drug war, are not on the table. Nevertheless, compromise may be possible.