

# The President's Gun Package: Protecting Rights, Calling for Responsibility

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President Obama's newly announced gun package respects Second Amendment rights, and it puts the emphasis where it belongs: on keeping guns out of the wrong hands. Gun rights don't extend to terrorists, criminals, and the severely mentally ill, and they don't apply to weapons designed for the battlefield. The President's plan closes dangerous loopholes in the law and gives law enforcement new tools for cracking down on illegal gun trafficking.

This pragmatic, targeted set of proposals omits many of the ideas from the past that have been most actively opposed by gun enthusiasts, such as federal licensing and registration, one-gun-a-month limits, and waiting periods. The President's package carries not a whiff of gun confiscation, and it is a plan that the vast majority of gun owners will support.

Roughly forty percent of the nation's households have a gun in the home. The right to bear arms is enshrined in the Second Amendment of the Constitution, though the *Heller* case clearly shows that it allows for reasonable restrictions. And the National Rifle Association is a formidable lobbying organization with a large membership, particularly in rural areas.

But there are about 100 million gun owners and only 4 million NRA members. Most gun owners are steadfastly responsible with their firearms. And they want safe communities, safe schools, and safe children as much as non-gun owners.

The President's package is the opening move in what we hope is a successful effort to strengthen our gun laws while preserving gun rights. We believe the Obama gun proposals would have a meaningful impact on crime while having virtually no impact on the average gun owner. Below is our

assessment of the major pieces of the President's package and some ideas on how to communicate support for his plan to those who own firearms for collection, protection, or sport.

## **Universal Background Checks**

- **Obama Proposal:** Under current law, any person buying a gun from a licensed firearms dealer must undergo a background check. But gun sales by those not who are not “in the business” of selling guns (defined narrowly), or sales between individuals (even if they are strangers), are not covered under federal law, and no check is required. The Obama proposal would require all firearms sales to be conducted with a background check, including sales at gun shows. Exceptions would be allowed for certain sales, such as those between family members.
- **Helpful Fact:** Last year, the National Instant Check System (NICS) conducted more than 14 million background checks and completed better than 90% within minutes.
- **Speaking to Gun Owners:** Anyone buying a gun, whether they are at a gun show or buying it through a newspaper ad, should have the same background check that we all went through when we bought our firearms at gun stores. It's quick, it's easy, and it's very effective.

## **Assault Weapons and Clips Ban**

- **Obama Proposal:** In 1994, President Clinton signed a law banning the manufacture and importation of 19 specific semi-automatic assault rifles, along with copycats based on a series of design features (like a folding stock, a detachable clip, or a bayonet mount). That law expired in 2004. The Obama proposal would reinstate the ban, asks Congress to better eliminate copycat weapons, and would also ban high-capacity clips—those that could hold more than 10 rounds.

- **Helpful Fact:** In 2004, nearly every national police organization, as well as hundreds of local police chiefs and sheriffs, called for renewal of the assault weapons ban. And the Senate voted, with the help of 10 Republican Senators, to approve the ban as an amendment to a firearms industry immunity bill.
- **Speaking to Gun Owners:** I take a backseat to no one in support of Second Amendment rights, but that right doesn't apply to weapons designed for warfare. I don't want our police outgunned, and I don't see why anyone would need an assault rifle or a clip with 30 rounds in it. Hunters know that it's about the first round, not the seventeenth.

## **Gun Trafficking Statute**

- **Obama Proposal:** There is no gun trafficking statute in federal law. The Obama proposal would make gun trafficking a federal crime by cracking down on straw purchasing and increasing penalties for selling to criminals.
- **Helpful Facts:** In nine out of ten gun crimes, the person using the firearm is not the original purchaser of the firearm. In one of three, the crime was committed in a different state than from where the gun was first bought. The most common age of a gun criminal is 19, even though the legal age to purchase a handgun is 21. Taken together, these three facts are evidence that massive gun trafficking is funneling guns to criminals and others who are prohibited from purchasing firearms.
- **Speaking to Gun Owners:** I don't know a single gun owner who thinks it is fine to drive guns into a city and sell them to thugs out of the trunks of cars in dark alleys. That should be a crime, and it should be prosecuted.

## **Improving the Background Check System**

- **Obama Proposal:** The linchpin of our system to keep guns out of the wrong hands is the quality of the NICS (background check) database. Right now, NICS is missing millions of records for those who are ineligible to buy guns for reasons of mental illness, drug abuse, and domestic violence. The Obama proposal would order federal agencies to better supply records to the federal database, and encourage states to do so as well.
- **Helpful Fact:** For every 10,000 people who undergo a background check to purchase a gun, only 5 fail for reasons of mental health.
- **Speaking to Gun Owners:** No one has been more supportive of improving the instant check system than gun owners.

## Helping Law Enforcement

- **Obama Proposal:** Over the years, a series of quiet actions by Congress have tied the hands of law enforcement in seeking to go after the shadow market of secondary gun sales. For example, the Tiahrt Amendments make it difficult for law enforcement and researchers to obtain adequate data on guns recovered in crime. President Obama proposes to appoint an ATF director, repeal Tiahrt provisions that make us all collectively dumber on gun crime, and make it easier to trace used firearms recovered in crime.
- **Helpful Fact:** When a gun is recovered in a crime and traced by the FBI, the trace can only determine the first sale of the firearm by a federally licensed gun dealer. It doesn't say anything about the last sale of the gun. As a result, criminals often intentionally purchase used guns, which are difficult to trace.
- **Speaking to Gun Owners:** Gun owners are second to none in support of law enforcement. They want to untie the hands of the FBI, ATF, and police so that criminals are stopped and their own rights are protected.

## Conclusion

By the time you read this, the NRA will have called the President's package something like "the most anti-gun proposal in history" and will predict that gun confiscation is just around the corner. Histrionics is what they do.

In reality, this is a remarkably pragmatic package. Better and more prevalent background checks, a gun trafficking statute, and banning military weapons—the vast majority of gun owners would not be touched by any of these laws. And the package would accomplish what all gun owners want: less crime, not narrower rights.

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