

Real Solutions for Curtailing Gun Violence

Toughen penalties for theft of firearms, and seriously enforce illegal-possession and straw-purchase laws.

By John Carlson

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A visitor to the South Florida Gun Show in Miami, Fla. on Feb. 17.

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The most predictable fallout from last week's school shooting in Florida is the impassioned reactions from both sides of the gun divide, which guarantee nothing will change. Gun-control supporters demonize firearms and Second Amendment supporters, blaming the National Rifle Association for mass murder. Conservatives see their critics as caring little about the Constitution and knowing next to nothing about firearms.

But people of good faith can find common ground and help reduce gun violence in the U.S.

Let's begin with a statistic: The number of guns in America rose nearly 50% between 1993 and 2013. During the same period, gun homicides fell by nearly 50%. The notion that more guns mean more crime is simplistic and false.

Yet we still see frightening outbursts of armed violence—whether sudden, as in 17 dead within minutes at Marjory Stoneman Douglas High School, or in slow motion, as in 20 dead during January in Chicago—an improvement from last year.

A University of Chicago study found that only 3% of Windy City gun crimes were committed with legally purchased guns. A federal study in 2004 put the percentage of gun crimes committed with legal guns at 11%. By and large the problem isn't guns—it's that people who shouldn't have them are getting them and using them.

As for mass shootings, almost all of them have involved mentally ill young men. Some used pistols, some used rifles, some had both—but as with street crime, people who shouldn't have weapons got them.

So, what to do? Here are three suggestions.

First, to reduce street violence, dramatically increase penalties for stealing a firearm. According to FBI statistics, in the four years from 2012-15, 1.2 million guns were stolen from people, and another 22,000 were stolen from gun stores. Criminals respond to incentives like everybody else. A mandatory four-year prison term for illegally possessing a firearm, and a six-year term per gun for selling stolen firearms, would, if seriously enforced, escalate the risk of the crime past the point of anticipated benefits. Sentences should be so severe that a burglar would *avoid* taking the victim's guns rather than face the consequences of being caught with them. Similarly harsh sentences should apply to felons carrying firearms. We don't need a war on guns, but we do need a war on illegal guns. This will save more lives than any other single policy change.

Second, enforce the law against straw purchases of handguns. A straw purchase happens when someone who is legally allowed to buy a gun walks into a store, completes the required paperwork, takes possession of the firearm—and then gives it or sells it to someone who isn't allowed to own one. Federal law makes it a crime punishable by up to 10 years in prison and a \$250,000 fine.

But those laws are rarely enforced. In the eyes of the federal government (and straw purchasers) it's a low priority. If that changed, illegal guns from straw purchases would start to dry up. This requires no change in laws, only priorities. The president and attorney general could make it happen immediately.

Third, find practical, legal ways of preventing seriously mentally ill people from acquiring firearms. Nikolas Cruz, the confessed killer of 17 in Florida last week, had been investigated by Florida's child-protective agency in late 2016 after cutting himself in an online video. He stated he was going out to buy a gun (which he did). The investigating agency "found him stable enough not to be hospitalized."

Two months later, Mr. Cruz, a chronic troublemaker who had been repeatedly suspended from school, was referred for a "threat assessment." Records show he attended half a dozen schools, including one for students with emotional problems. The FBI received a tip from someone who knew Mr. Cruz, cited concerns about his behavior and guns, and expressed concerns he could attack a school. The FBI has confirmed that it did not follow protocol in handling the reports.

Nor did it follow up on a tip from a YouTube blogger after Mr. Cruz left a comment declaring: “Im [sic] going to be a professional school shooter.” The local sheriff said his office had received more than 20 calls about Mr. Cruz. Police had been called out to his house more than three dozen times.

And he was able to buy a gun.

Pre-emptively denying someone a constitutional right requires navigating a social, legal and political minefield. It is a tough job that needs to be done. The president should announce a task force to make clear recommendations to Congress on where that line should be drawn. Attempts to deny some Social Security Disability recipients gun rights recently ran afoul not only of Congress and the president, but also the American Civil Liberties Union and a host of disability-rights groups as well. But conservatives and liberals can agree that someone like Nikolas Cruz shouldn’t be allowed to legally buy a gun.

All Americans want less gun violence. The way to get there is to keep guns away from people who have no business owning them, and punishing them when they do obtain or possess guns illegally.

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