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SHOULD GUN OWNERS HAVE A WAITING PERIOD BEFORE PURCHASING A GUN?



PRO Assemblymember Sheila Kuehl

In the past several years, the California Legislature has enacted a number of bills establishing modest and sensible gun regulations. Guns are dangerous. Guns have monetary value. Guns are lethal and concealable. Several reasons exist for reasonable limits on the use of guns and that is why I favor further enactment of legislation related to regulation, licensing of those who are planning to use guns, and waiting periods before guns may be transferred from a seller to a buyer.

Let me begin by addressing waiting periods. Guns should not be impulse buys. A responsible gun owner will plan in advance to invest in a firearm. In the few days required by a sensible waiting period law, law enforcement can screen out a prospective gun owner who is a career criminal or mentally unstable, whether they are buying the gun at a store or at a gun show. This kind of wait makes a big difference to the public and to our safety. A gun should never be acquired in the heat of passion. I can't imagine a single legal purpose for owning a gun that could be thwarted by a sensible waiting period.

In the same way, I think it's important to distance ourselves from levered rhetoric in considering the registration of guns. Law enforcement reasonably needs to know which guns belong with which legal owners. We register cars for a number of reasons: to find them again in case of theft and, should they be involved in the commission of a crime, to trace them to their last legal owner as a means to connect the car to the perpetrators of the crime. Public safety will be served by registration.

Finally, I am also a strong advocate of licensing the users of guns. This is a pure safety issue. We license car owners for the same reason that we should license gun owners: potentially dangerous equipment should only be operated by people who have demonstrated their ability to handle the tasks involved.

It's clear to all of us that while the issues involved in gun ownership touch on deep moral and ideological questions about the nature of our society, about safety and freedom and fear, the practicalities for responsible gun ownership and control are not, in my opinion, all that complex. It is reasonable for a society to require that gun purchases be preceded by background checks on the gun buyer to verify the buyer's competency and legal history. It is reasonable that we are aware of the owner of guns, just as we know the owner of a car. It is reasonable to require that gun operators are trained and licensed. Many gun owners, along with people who would never buy a gun, can and do support these policies.

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CON Chuck Michel

Even before Congress approved the Brady Bill in 1993, laws delaying handgun purchases (imposed in 24 states) were already known to have no effect on crime. During 1992, the most recent year of data available when the Brady Bill was passed, California, the state with the most restrictive waiting period law (15 days on all firearm sales, retail and private) had total violent crime and murder rates 58% and 44% higher, respectively, than the rates for the rest of the country. Among U.S. cities, Los Angeles had the third highest number of violent crimes (83,704), including the second highest number of murders (1,076). Blame gangs and drugs.

Both the Department of Justice and Sarah Brady, Chair of Handgun Control, Inc. (HCI), have admitted that a waiting period "is not a panacea. It's not going to stop crimes of passion or drug related crime." HCI has attempted to justify the law on the basis of handgun purchase denials alone, not on the number of prevented crimes, whether "crimes of passion" or otherwise.

In June 1998, the Bureau of Justice Statistics released a report on firearm transactions nationwide, indicating that 69,000 handgun purchase denials had occurred nationwide in 1997. The figure was for the entire country, though only 19 states remain subject to the Act's five day waiting period. And the figure was for all denials, not only those due to criminal records and arrest warrants. Nevertheless, President Clinton immediately claimed that the Brady Act stops "hundreds of thousands of felons, fugitives, and stalkers from buying handguns every year."

Within days, the Indianapolis Star/News reported that BJS had overstated by more than 1,300% the number of handgun purchases that were blocked in Indiana in 1997. The Wall Street Journal took the President to task, writing that "The Clinton administration is lauding the Brady Handgun Violence Prevention Act of 1993 -- but its claims about the law's effects are bogus." Gun-control laws, like all laws governing private conduct, ultimately rest on the trustworthiness of our political leaders. Every lie or deception that government officials use to justify these laws undermines their legitimacy. The Clinton administration's record on the Brady Act seems custom-made to maximize citizens' distrust of Washington.

Only 7% of armed career criminals obtain firearms from licensed gun shops. Waiting periods do not cut off to prohibited purchasers all avenues to handguns. And 85% of police chiefs believe that the Brady Act waiting period has not stopped criminals from obtaining handguns. Even anti-gun researcher David McDowell concluded that "waiting periods have no influence on either gun homicides or gun suicides." Likewise, the General Accounting Office studied the Brady waiting period and concluded "Brady may not directly result in measurable reductions of gun-related crimes."

Unlike waiting periods, an "Instant Check" of a gun buyer's background usually lasts a matter of minutes. Thus, when a person prohibited from possessing firearm attempts to buy a firearm, he is identified by police while on the premises. A law-abiding citizen, however, can exercise the right to purchase firearms without delay on an issue always of principle and sometimes of life and death.

Victim disarmament groups oppose the use of firearms for protection and really want waiting periods to complicate the process of buying a gun and therefore dissuade some people from buying one. Instant Check enables a person who needs a gun for protection to acquire one quickly, saving lives.

For citations and further information visit
www.nraa.org/research/19990728_WaitingPeriods_001.html

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