



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

GUNS AND GUN LAWS

Gun bill not anti-2nd Amendment

Posted by James Alan Fox, Crime and Punishment June 14, 2010 06:00 PM

Whenever I breathe even a word about guns in this space or other media outlets, I can usually expect a rapid-fire barrage of irate comments or e-mails from gun advocates. I'm surprised they can afford so much free time away from keeping their firearms collections well polished.

These attacks presume much about my position on gun control, often making some dismissive reference to my "ilk." Well, I'd like to clear the air of lingering gun smoke. A few bullet points may actually surprise those of my counter-ilk:

- Guns are not the root cause of our violent society. In fact, the U.S. non-gun homicide rate exceeds the overall homicide rate in virtually all our kindred nations, including Great Britain, Canada and Australia. That said, firearms do make violent attacks far more lethal.
- Sensible gun-crime prevention measures need not infringe upon the right of gun ownership for trustworthy citizens. The goal is not to deprive law-abiding

Americans of the ability to purchase and keep firearms, but to disrupt the flow of guns into the hands of impulsive, impatient and imprudent trigger-happy gang-bangers and other ruthless criminals who would abuse that right.

- Gun advocates are correct in suggesting that those who commit crimes involving firearms should be punished. But the usual complaint that we do not prosecute gun crimes is just false. Our prisons are full of offenders incarcerated for having committed violent crimes with firearms.

So let me put to rest the allegations that I would wish to disarm society completely. I respect the desire and support the right of the good citizens of the Commonwealth to own guns for sport, self-defense or just for show. At the same time, however, we must be aggressive in trying to curtail the illegal gun trade and in punishing crimes involving firearms.

This brings me to the encouraging news that the [Governor Patrick's gun bill](#)--H. 4102-- has been resuscitated. By an overwhelming 111-32 vote of the full House, the legislation was recommitted to the Joint Committee on the Judiciary for a proper polling of its membership. Hopefully, this time, the full committee membership will take a stand. Hopefully, this time, they can get it right--not just in terms of recording an accurate count of votes, but in giving the bill a strong recommendation for consideration and honest debate on both the House and the Senate floors.

The proposed legislation attempts to reduce the level of gun violence through supply-side and demand-side approaches--by controlling gun sales and resale's that would fuel the illegal gun market and by toughening the prosecution and punishment of gun crimes. Specifically, the bill's most notable components are as follows:

- Establishing a one gun per month limit on gun buying, with certain reasonable exemptions, reducing the problem of straw purchasing
- Requiring to record all private transfers of guns with a licensed gun dealer making it easier for law enforcement to investigate guns used in crimes
- Elevating misdemeanors committed with a gun up to a 10-year felony charge
- Subjecting those charges with gun crimes to possible pretrial detention

Of course, the one-gun-a-month cap on commerce has been a major point of contention for many citizens. Critics residing here in Massachusetts and elsewhere have been outspoken concerning what they see as an infringement on their right to buy and own as many guns as they wish, and are unconvinced that this provision will take anything more than a nibble out of crime, if that.

In a certain sense, these critics may be on target. Making it difficult for criminals (and non-criminals) to acquire guns more often than Massachusetts law would allow may simply force them to head north to neighboring states without these restrictions.

However, at least we can make it a bit more inconvenient and time consuming for those who distribute through the underground market. At the same time, we make an important statement, even if a symbolic gesture alone, of intolerance for gun trafficking.

In my first post on this topic earlier last week, I did indeed ask why anyone would legitimately need to buy guns in bulk or purchase more than one gun in a month's time. The clearest statement came from one gun owner who indicated that he might want to take advantage of a sale to stock up firearms. Sorry, but maybe you can ask for a rain

check for that extra guns, or put it on a month's lay-away. The interests of public safety come first.

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