

An Assault Rifle Education

Hillary's ban wouldn't work any better than her husband's did.

Wall Street Journal; June 16, 2016

In the wake of the Orlando terrorist massacre, [Hillary Clinton](#) and other Democrats have called for reinstating Bill Clinton's ban on "assault weapons." If her version works as well as her husband's did, the terrorists will have won.

From 1994 to 2002 Congress barred the sale of 18 types of rifles and shotguns that had "military style" attributes. This definition was purely political because the difference between a regular rifle and what Washington calls an assault weapon is mostly cosmetic.

This is one reason the ban had a negligible impact on gun crime. So-called assault rifles accounted for about 2% of gun crimes prior to the ban, and the percentage of murders committed with rifles today (2% in 2014) is less than the 3% in the last year of the ban. Overall gun crime fell after 1994, though numerous studies, including one commissioned by the Department of Justice, attribute this to better background checks and other measures. The studies found no link to the ban and reduced crime.

The rifle ban also didn't matter when it ended. The gun homicide rate remains about half (3.8 deaths per 100,000 people) of what it was prior to the seven deaths per 100,000 in the early 1990s. The media this week are full of stories about gun-death rates, without bothering to note that most of the surge is occurring in cities like Chicago that have the strictest gun laws. Heather Mac Donald nearby has a better explanation for the crime resurgence.

As for stopping terrorism, California is among the states that continued to ban assault weapons after the federal version expired. But that didn't stop the San Bernardino killers, who used modified rifles that violated the law. France's strict gun laws also didn't stop the Paris assailants.

There are some 350 million guns in America, including as many as 10 million AR-15 rifles like the one used in Orlando. If Democrats want a ban to have any chance of working, they will have to vote for and enforce a nationwide program of confiscation. The ban Democrats are pushing would be meaningless.

What has reduced gun deaths are better background checks, but Democrats are now politicizing this success. They are insisting that anyone whose name appears on the FBI's terror watch list should be banned from buying guns. But we know that names are mistakenly on the list. The GOP alternative would alert Justice if someone on the list tries to buy a gun, triggering a special court proceeding and 72-hour investigation. Democrats say that's not enough, no doubt because it doesn't provide the gun-control wedge issue they want.

By the way, how about enforcing existing law? Handguns account for more than 80% of gun crime, and the primary way felons obtain firearms is through "straw purchasing"—that is, using friends or relatives without criminal records to buy the guns for them. The Justice Department prefers not to prosecute straw purchasers on grounds that they aren't the main problem. But surely the deterrent signal would get around if Justice began to prosecute some of these gun gophers.

We're sorry to have to devote space to this remedial gun-control education, but most of the press corps takes this assault-weapon ban seriously. No one else should.

<http://www.wsj.com/articles/an-assault-rifle-education-1466033212?cb=logged0.2313313172459205>

The problem with banning guns for people on the no-fly list

Washington Post; By [Philip Bump](#) June 13, 2016

Update, June 13: During a speech on Monday, Hillary Clinton [reiterated](#) her suggestion that people included on the government's no-fly list should not be allowed to buy firearms. This article originally ran in December, when the idea of barring gun sales to people on the no-fly list was first proposed.

I made a joke on Twitter on Sunday night, which, as is the case with all Twitter jokes, was a mistake.

It came after President Obama's Oval Office address, during which he advocated for excluding people on the government's no-fly list from buying weapons. The joke was this:



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HOW TO BAN GUNS

Step 1: People on no-fly list can't buy guns.
Step 2: Everyone goes on no-fly list.

8:25 PM - 6 Dec 2015

371 479

The point of the joke -- which I very quickly realized was lost on some, making it a bad joke -- was that the no-fly list is a secret list that uses secret criteria to determine who finds a home on it. So if you link banning guns to the no-fly list, the scenario presented is completely feasible: The government could theoretically add anyone it wants to the no-fly list, even broad categories of people, and thereby prevent them from owning a gun.

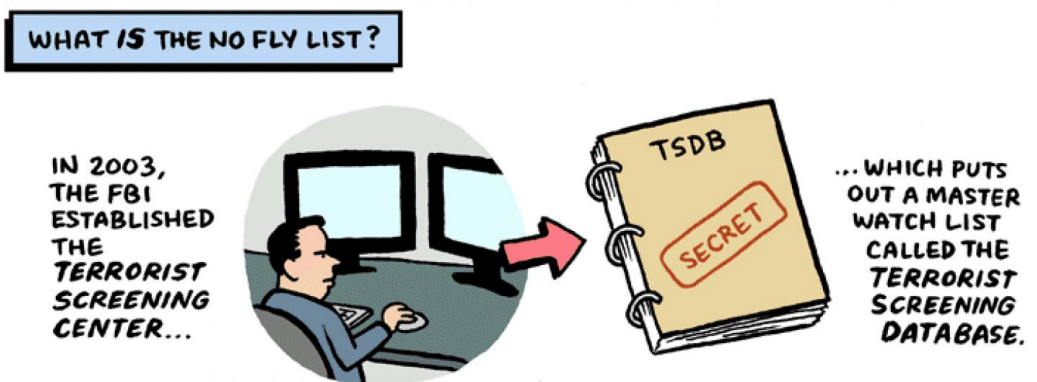
Tim Sparapani is now principal of [SPQR Strategies](#) but was formerly senior legislative counsel for the American Civil Liberties Union. In that role, he became intimately familiar with the use of the no-fly list -- or, anyway, as familiar as someone from outside of the government can be. Armed with that knowledge, he explained why using it as the basis for much of anything was iffy, much less banning gun purchases.

"The problem with any kind of watch list," Sparapani said, "is that it's always going to be both under- and over-inclusive. It suffers on both accounts. It causes so many problems that it really leads us to question the worth of having a list like this."

An example of under-reporting was easy to come by: The shooters in San Bernardino. It's not clear that there was a way to definitively identify the married couple as being a public risk ahead of time, but it is clear that they weren't identified as such. There will always be people who are not identified in advance, making the list necessarily incomplete.

The San Bernardino attack also demonstrated the risk of over-inclusion. At least [one news outlet](#) confused the male shooter -- Syed Rizwan Farook -- with his brother, Syed Raheel Farook. "They have the same name except for the middle name," Sparapani pointed out, meaning that including a "Syed Farook" on the list might block either from flying. (The shooter's brother is a [decorated Navy veteran](#).) There's also the challenge of converting Arabic names into English writing. Consider the former leader of Libya, Muammar Gaddafi. Or Qaddafi. Or Gadhafi. Do you put all three names on the list? Get the letters wrong, and some people will be banned who shouldn't be.

"What it does is makes us feel better, without providing us additional and necessary safety," Sparapani argued.



THE CRITERIA FOR INCLUSION ON THE TSDB ARE A BIT MURKY:

"A suspected terrorist is an individual who is reasonably suspected to be, or have been, engaged in conduct constituting, in preparation for, in aid of, or related to terrorism and terrorist activities based on articulable and reasonable suspicion."

YOUR HIGH SCHOOL ENGLISH TEACHER WOULD NOT APPROVE

From an illustrated guide to the no-fly list by the [ACLU](#).

There are a lot of other concerns about how the list is developed, as well. A lawsuit initiated by the ACLU [resulted](#) in the government acquiescing to telling people when they are on the list itself. But, as the organization notes, this still fails to offer those included "meaningful notice, evidence and a hearing." Particularly when applied to the ability to own a firearm, many would argue that the no-fly list is a violation of the [5th](#)

[Amendment](#), which guarantees the right to due process before people are deprived of life, liberty or property. During the ACLU's lawsuit, the government admitted that [people are added to the list speculatively](#), before they've actually done anything wrong. What's more, the Guardian [reported](#) in 2014 that the list might be used by law enforcement as a pressure point against possible informants.

The list is itself almost necessarily a slippery slope. "There's very little incentive for any particular government official to narrow the list," Sparapani said. "It's much easier to put more and more names on it." The overlap of politics and terror fears makes officials err on the side of caution. "If the list really does need to be in the hundreds of thousands" -- as it appears to be -- "we've got much bigger problems than if people should be able to get on airplanes," he said.

And then, of course, there's the other question.

"Who are these people who are so dangerous that we can't let them on planes, but we haven't gone out and arrested them?" Sparapani asked. "At what point do we actually take action against them if they're under what we think of as passive surveillance? ... If they're too dangerous to be put on a plane but not too dangerous for us to arrest them, what exactly is this list about?"

Asked another way: Who is too dangerous to be on a plane but not dangerous enough to walk around in public -- and should that person be denied the right to own a firearm because they land somewhere in that gray space? President Obama's goal was not really to keep the guns out of the hands of possible terrorists, in part because the overlap of the no-fly list and possible terrorists looks more like a Venn diagram than a circle. It was, instead, part of his effort to limit the availability of guns in general, using the no-fly list as a tool.

Which could almost be funny if you took that idea to its extreme.

<https://www.washingtonpost.com/news/the-fix/wp/2015/12/07/the-no-fly-list-is-a-terrible-tool-for-gun-control-in-part-because-it-is-a-terrible-tool/>

Fact checking three Democratic claims on assault weapons and guns

Washington Post; By Glenn Kessler; June 17, 2016

“What we know is that in States that have imposed those reasonable limitations, there are less gun crimes. There are less homicides.”

— Sen. Chris Murphy (D-Conn.), speaking on the Senate floor, June 15

Readers have asked for fact checks of some of the gun rhetoric used by Democrats in the wake of the mass shooting in Orlando. In one case, we have already delved into this material, but other claims are new. So, let's take a look, starting with Murphy's statement.

The Facts

Murphy's staff said he was referring to [a chart that appeared in the National Journal](#) in 2015. As it turns out, we had carefully checked this chart when President Obama made a similar but more carefully phrased claim about “gun deaths.” Note that Murphy referred to “homicides” and “gun crimes.”

[President Obama earned Two Pinocchios](#). Readers can check [the full fact check](#), but in summary, we noted that most gun deaths — more than 60 percent in 2013 — are actually suicides.

The data used in the National Journal chart calculates the number of gun-related deaths per 100,000 people by including all gun deaths, including homicides, suicides, accidental gun deaths and legal intervention involving firearms. We removed suicides from the totals and reran the numbers — and in some cases, it made a huge difference.

Alaska, ranked 50th on the National Journal list, moved up to 25th place. Utah, 31st on the list, jumped to 8th place. Hawaii remains in 1st place, but the top six now include Vermont, New Hampshire, South Dakota, Iowa and Maine. Indeed, half of the 10 states with the lowest gun-death rates turn out to be states with less-restrictive gun laws.

Meanwhile, Maryland — a more urban state — fell from 15th place to 45th, even though it has very tough gun laws. Illinois dropped from 11th place to 38th, and New York fell from 3rd to 15th.

Moreover, the counting of gun laws is certainly open to interpretation, so that also affects the outcome. It's not enough to count laws to figure out the reasons gun deaths are lower in one state than another. One would need to specifically determine whether certain laws had an effect, over time, on the gun-death rate in a state.

There is some evidence this could be the case. Researchers at Johns Hopkins University in 2015 [reported](#) that data suggested that a 1995 Connecticut law requiring a permit or

license, contingent on passing a background check and taking a gun-safety training course, led to a 40 percent decline in the homicide rate — whereas the researchers found a repeal of a similar law in Missouri led to an increase in the homicide rate.

But Murphy, in his statement, is extrapolating across the county—and not being as careful as Obama was with his language. He also stated it as an accepted fact — “what we know” — when the evidence is not so clear-cut. So, in this instance, Murphy's claim is worthy of Three Pinocchios because he specifically referred to homicides, rather gun deaths.

Three Pinocchios



<https://www.washingtonpost.com/news/fact-checker/wp/2016/06/17/fact-checking-three-democratic-claims-on-assault-rifles-and-guns/>