

Some Democrats Have Decided Not to Touch Sensitive Issues like the “Gun Show Loophole”

Others don’t have enough support for their proposals to gather momentum

Georgina Olson

Excelsior

October 26, 2010

In October alone, 220 gun shows were held in the United States; and more than 2,000 were held throughout the year. It’s easy for Mexican drug dealers to get guns: they just pay the money and choose from among a variety of pistols, submachine guns, and grenade-launchers. Civilians who sell their gun “collections” in gun shows do not have to conduct a criminal background check on the buyers as licensed gun stores are required to do. In fact, their signs announce that fact: “Buy here. We don’t do background checks.”

The extreme ease with which guns can be bought in gun shows has been called “the gun show loophole,” and there are no indications that the problem can be fixed in the short term. Though one group of Democratic legislators has tried for three years to require background checks at these sites, they have not been successful. Neither have they been able to ensure that the list of the most dangerous criminals and terrorists in the world—those who are not allowed to get on an airplane in the United States—will be on the list of people banned from purchasing weapons in the United States.

The situation is even more serious than that, because the bills that have made progress in the legislature are those that actually make it easier to build arsenals, putting society at risk. One recent law, for instance, makes it possible to carry weapons in national parks.

Bills that try to restrict gun sales don’t advance, not even now at a time when there is a democratic majority in the U.S. Congress. What would happen with a Republican majority, with members who have historically voted in favor of the liberalization of gun sales?

Beyond political parties, a third actor is pushing for more freedom to acquire guns. That’s the National Rifle Association (NRA).

Carolyn McCarthy, a Democratic lawmaker who has been trying for three years to correct the problem of the indiscriminate sale of guns at gun shows, explains the situation:

“The obstacles, unfortunately, are trying to get through the committees (in Congress) and the NRA. Anything that has to do with reducing gun violence in this country, the NRA immediately discounts it. That is too bad, because we are seeing a lot more illegal guns coming into our cities and suburban areas, and also we are seeing them on the borders. There, they are being bought by the Mexican cartels that are killing a lot of Mexican citizens.”

So, when McCarthy and Republican congressman Mike Castle from Delaware presented the initiative to correct the gun show loophole with the support of another 100 congresspeople, they found themselves up against the NRA.

According to one Democratic congressional aide, in December of 2009, Republican Frank Lutz conducted a survey of NRA members—in general, gun owners and people who hunt—asking them if they agreed that background checks should be done at gun shows, and 69% of them answered that the checks should be conducted.

According to the aide, the survey demonstrates that while two-thirds of all NRA members agree that background checks should be done at gun shows, the NRA leadership will not support such a policy, which tells him that gun owners are not well represented by the organization, since it appears to represent the interests of gun makers rather than those of gun owners.

Congresswoman McCarthy has also been fighting another absurd situation that occurs when a federally licensed gun store loses its license. “The gun store is [then] allowed to sell their guns without any background check, because they have technically have lost their federal license, but they are allowed to sell their inventory. Where do they think those guns are going to go?” the lawmaker asked.

McCarthy has also supported a proposal in Congress known as the “No Fly, No Buy” rule which proposed that the terrorist suspects who are not allowed to board a plane in the United States should also be on the list of people who cannot purchase firearms. Currently terrorists are not on the list of people who cannot buy guns.

Kristen Rand, Director of Legal Affairs at the Violence Policy Center (VPC) explained that in the last congress, Democratic Senator Diane Feinstein and Virginia representative Jim Moran presented proposals to include assault weapons like Barret 50s and AK-47s in the National Firearms Act in order to place more stringent requirements on the purchase of these weapons. But they were not successful.

“If there were an incident, a high profile incident, within the United States with the Barret, then we would probably be able to get something done, but aside from that, I don’t see any immediate hope in the near future to do that” said Rand.

The NRA resists these kinds of bills to change legislation. It has a huge team of people working throughout the entire country, and any time any congressperson tries to pass a law restricting the purchase of guns, the NRA makes sure that their members write letters to their congressmen asking them not to support the bill, because it restricts “their legitimate right to have and bear arms.”

“That is the battle that many of us are in—trying to reduce gun violence. And the frustration here goes to the point that now the NRA, over the last two years, anything they want to get passed, they use a legislation called a ‘re-committal,’ meaning that they can get a proposal passed through any committee. So they might get a bill on guns through the Natural Resources Committee,” she explained.

In fact, NRA lobbyists in Congress were able to get Republican representatives to present a bill in the House Committee on Natural Resources to make it legal to carry guns in the national parks. “And they did it. And you know, [parks] are one of the areas where you don’t particularly want to have guns. But their reasoning would be, ‘well suppose if a bear attacks me.’”

“Now is not the time”

Another Democratic congressional aide also spoke frankly about another phenomenon. “Even now, when we have a Democratic majority in Congress,” he said in an interview one and a half months before the congressional elections, “there are many Democrats who are close to the NRA who come from states where guns are an important part of the culture. Let’s say you’re a Democrat from Texas. You want to have a good rating with the NRA. You want to support everything they support. You don’t want an opponent saying, ‘he has a 10 percent rating with the NRA. He doesn’t care about gun ownership right.’”

The aide described the way many Democrats see the issue of guns: “It’s like the third rail. If you touch it, you die.” That’s how dangerous it is to make efforts to restrict guns in Congress. One week away from the legislative elections in the United States, the Democrats have decided “not to electrocute themselves,” politically speaking.

Democrats’ show remarkable discipline in not touching the issue

Early in the administration of President Barack Obama, Attorney General Eric Holder, a Democrat, decided to make a statement saying that the United States should reestablish the ban on assault weapons, which was in effect from 1994 to 2004. “Diane Feinstein, who has been one of the best advocates for assault weapons told him that she would decide when to do it, that it was a political matter,” Tom Díaz, a researcher for the Violence Policy Center, said. That put Eric Holder “back in his box, so to speak,” he said.

Díaz said that when he speaks with Democratic and Republican legislators and tells them about the thousands of U.S. citizens who die each year from gunshot wounds—more than 30,000 according to the National Center for Health Statistics of the United States—and the urgency of passing laws to stop this, the answer he always receives is: “Show me where the votes are and then we’ll legislate on the issue.”

For her part, Rand commented, “It is too sad that in America, gun violence is treated like the weather, like you can’t do anything about it. And also because we had such horrific incidents as the Columbine massacre and Virginia Tech. So each time we have something terrible like that, the bar gets higher as to what shocks people and results in some sort of action.”

Congresswoman McCarthy says: “We have too many weapons in the country.” She emphasizes that the fact that it is so easy to obtain guns is harming Mexico. “Some of my opponents are saying I have not done anything on gun violence. To be very honest with you, I can’t get anything done. But that does not mean I cannot raise my voice about it... Maybe that is my small

way to say someone is watching it, and someone keeps trying for it. I'm not giving up on it," she said.

At the end of the interview, McCarthy is pensive and says slowly, "It's sad. You would think that this country would mature a little bit better than that. As far as statistics go anywhere in the world, it's not as bad as it is here... And I don't think that is a very proud record to have. We are supposed to be a civilized nation."