



## Crime & Punishment

James Alan Fox on criminal behavior and the justice system

# Obama hasn't followed through on one promise – gun control

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Earlier this month, I was interviewed by a reporter from Politico regarding Barack Obama's recent White House chat with John Walsh of *America's Most Wanted*. During their tet-a-tet video-op, the President endorsed the notion of expanding the federal DNA data base to include biological samples from all persons arrested, regardless of offense and regardless of subsequent findings of guilt or innocence.

As an aside, I expressed my disappointment that the President had not followed through with his own campaign pledge to repeal restrictions on another important federal data base--one which traces guns connected to criminal activity back their first retail sale.

Gun tracing records, collected and maintained by the Bureau of Alcohol, Tobacco and Firearms (ATF), tend to implicate certain licensed firearms dealers as common source points in supply chains for trafficking in illegal guns. Several analyses of ATF data, including my own, have shown that 1% of licensed gun dealers are linked to a majority of firearms recovered from criminal enterprises. While most of these traces may have involved legitimate transactions, ATF investigations have uncovered thousands of federal law violations by these dealers.

Despite the utility of this type of information, Rep. Todd Tiahrt (R-Kan.) who just so happens to be a recipient of significant NRA support, quietly slipped into a 2003 appropriations bill an amendment that suddenly and significantly limited access to these data by both law enforcement and other concerned groups. No longer was it possible to identify so-called "rogue dealers," whose frequent connection to guns subsequently used in crimes would potentially expose shoddy practices. Apparently, to Rep. Tiahrt and his gun-friendly friends, such analyses threatened the sanctity of the Second Amendment, if not our entire system of free enterprise.

Imagine if it were shown that less than 1% of retail liquor stores were responsible for a majority of alcohol sales linked to underage drinking. How long would it take before these proprietors had their licenses revoked? Apparently, the same can't be said for firearms.

Since 2003, the Tiahrt Amendment has been reaffirmed as tag-along to unrelated Congressional legislation. In 2009, as part of his first budget proposal, President Obama modified Tiahrt, dropping one restriction pertaining to inter-jurisdictional sharing of gun tracing data among police departments, but adding language that explicitly prohibits public disclosure of any trace-related information.

This maneuver was hardly true to the unequivocally anti-Tiahrt posture outlined in his campaign platform: "As president, Barack Obama would repeal the Tiahrt Amendment and give police officers across the nation the tools they need to solve gun crimes and fight the illegal arms trade." No wonder that the Brady Center to Prevent Gun Violence recently graded the President's performance on gun-related matters with a big fat "F."

The movement way from effective gun enforcement goes well beyond just protecting trace data from public scrutiny. For example, the Tiarht Amendment prevents ATF from requiring licensed dealers to maintain inventories that would identify stolen or lost guns, which often reflect off-the-books diversion of firearms to underground markets. At the tragic extreme, the assault rifle used by the D.C. snipers during their 2002 shooting spree was discovered, after ATF investigation, to have been one of 238 firearms "lost" by a Tacoma, Washington gun shop.

Some may say that the gun issue is just not that important right now, especially compared with economic recovery or health care reform. After all, homicide rates in the United States stand at a 30-year low. Why all the fuss about gun tracing data, the gun show loophole, ballistic fingerprinting, trigger locks, just to name a few?

Hidden within the relative calm of low crime rates, however, is a disturbing increase in the role of firearms in violent crime, especially homicide. As shown in the figure below, the percentage of felony-related homicides (those stemming from robbery and other serious offenses) continues to inch upward, now at an all-time high of nearly 75%. So whatever the crime rate, it is time for this Administration and this Congress to take bold, but reasonable steps toward sensible gun regulation and enforcement, despite the formidable pressure from the gun lobby.

Importantly, this is not a call for dismantling the Second Amendment or for infringing on the rights of legitimate gun owners. It is, however, a move toward exposing and disrupting the illegal gun market. Who besides common criminals and those aiding them in securing deadly weapons would be opposed to that?

### Felony-related homicides with a gun

