

Head to Head: Should Congress now reinstate the 1994 ban on assault weapons?

Sacramento Bee PUBLISHED WEDNESDAY, JAN. 12, 2011

<http://www.sacbee.com/2011/01/12/v-print/3317371/head-to-head-should-congress-now.html>

THE ISSUE: Jared Lee Loughner was arrested Saturday in Arizona, accused of killing six and wounding 13 others, including U.S. Rep. Gabrielle Giffords, D-Ariz., his apparent target. He used a semiautomatic pistol with a high-capacity magazine holding 30 bullets. A 1994-2004 federal law banned high-capacity magazines holding more than 10 rounds for semiautomatic weapons.

Should Congress now reinstate the 1994 ban on assault weapons?

Pia Lopez: Yes

(Pia Lopez is an editorial writer at The Bee.)

We're in an odd period in American history.

We have members of Congress, such as Rep. Michele Bachmann, R-Minn., wanting people "armed and dangerous" in opposing legislation.

We have former vice presidential candidate Sarah Palin using a map targeting 20 members of Congress with images of cross hairs.

We have radio talk show host Joyce Kaufman telling people at a tea party rally in south Florida, "if ballots don't work, bullets will."

We have people openly carrying AK-47s and semiautomatic pistols to town hall meetings and political rallies. We have an Arizona candidate for Congress issuing an invitation to fundraisers that read: "Help remove Gabrielle Giffords from office. Shoot a fully automatic M16 with Jesse Kelly."

Did any of this cause young Loughner to open fire on Congresswoman Giffords and others? We may never know. I think Ben and I agree, however, that such rhetoric creates an atmosphere that makes such horror much more possible. But we do know this. If Loughner did not have a military-style high-capacity gun clip that enabled him to fire 30 rounds in rapid succession before having to reload, we'd have fewer casualties. These high-capacity magazines are designed to kill a lot of people – and quickly. They should be banned – as they were, for a time.

In 1994, Congress passed and the president signed the federal "Violent Crime Control and Law Enforcement Act," also known as the "assault weapons ban." It banned magazines holding more than 10 rounds for semiautomatic weapons. An unfortunate concession, due to NRA lobbying, grandfathered in clips manufactured before September 1994. When the 10-year law sunset in September 2004, Congress failed to renew it. The high-capacity magazine that Loughner used on Saturday was manufactured and sold legally. It shouldn't be.

It is time to reinstate the 1994 ban – without the NRA loophole. Simply ban the possession, manufacture, use or importation of weapons and ammunition clips that can hold more than 10 rounds. Six states and the District of Columbia currently ban the sale of high-capacity gun magazines, California among them. The others are Hawaii, Maryland, Massachusetts, New Jersey and New York.

There is no reason – except to mow down a lot of people at once – to have a gun loaded with 30 bullets in a clip that allows rapid firing without reloading.

A ban would not stop a deranged individual intent on shooting a member of Congress – but it could prevent large-scale death and injury.

And, among rational actors, it is time to move away from political rhetoric relying on war metaphors that encourage people to think of eliminating enemies.

Ben Boychuk: No

(Ben Boychuk is a fellow of the Claremont Institute's Golden State Center for State and Local Government.)

It's usually a bad idea to make sweeping policy changes based on the actions of a deranged man. Yet Democrats and Republicans in Congress are tripping over themselves to place elaborate new restrictions on otherwise law-abiding citizens in the vain hope of stopping the next Jared Lee Loughner.

Rep. Bob Brady, D-Pa., is planning to introduce a bill to make it a federal crime to use "language or symbols" that could be interpreted as inciting violence against a member of Congress. Not to be outdone, Rep. Peter King, R-N.Y., would make it illegal to bring a gun within 1,000 feet of a government official.

They never learn. Whether it's a new law aimed at restricting symbolic speech or an old law banning certain types of weapons, the remedies are all wrong. Pia admits as much when she concedes that banning large-capacity magazines would not stop a deranged individual intent on shooting a member of Congress.

I agree. So why aren't we discussing how to craft laws that ensure those deranged individuals are given the treatment they need?

Fact is, the old assault weapons ban had a negligible effect, not because the law contained too many loopholes but rather because the problem was negligible. Backers of the ban liked to claim, for example, that Uzis and AK-47s were the weapons of choice of criminals. On TV maybe. In reality, as a California attorney general report revealed before the 1994 ban went into effect, assault weapons accounted for just 1.3 percent of guns involved in violent crime.

Almost all of the high-profile shooting sprees of the past two decades have had one thing in common, apart from the fact that the perpetrators all used scary weapons that somebody thinks should be banned. From Patrick Purdy in Stockton to Seung-Hui Cho at Virginia Tech to Jared Loughner in Tucson, every one of those killers was mentally ill.

Gun-control proponents often fall prey to a form of the "if only" fallacy. If only Loughner hadn't been able to buy that large-capacity magazine, this tragedy could have been averted. Maybe, maybe not. No doubt when all the large-capacity magazines are banned, and the next atrocity darkens the national landscape, people will say, "If only the killer hadn't been able to buy such powerful ammunition ... "

I won't say that if only we had better laws for involuntary treatment of the mentally ill, this tragedy could have been averted. But banning assault weapons is much easier than pre-empting dangerous, deranged people from using them.