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Common sense patches for gaping gun-sale loopholes

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RICHMOND -- Rayvon Jamison was a chubby-cheeked 9-month-old, wheeling his powder-blue walker around his grandmother's Bronx tenement apartment, on the day he died - July 30, 1990.

Seven brass bullets, intended for Rayvon's uncle, pierced the steel-plated door. None hit their target; three struck Rayvon.

The Taurus 9 mm semiautomatic pistol that killed the baby had been purchased 11 days earlier in Petersburg by Gary R. Gee. According to police, Gee had just been released from a mental ward at Central State Hospital when he sashayed over to Dance's Sporting Goods and bought the gun.

Most likely, someone paid him to make a straw purchase and then sped the weapon up I-95 to New York, where a \$300 handgun could bring \$1,200 on the streets. The background check did not eliminate Gee because he was not a felon, merely a recently institutionalized mental patient.

Rayvon came to mind last month when another Virginian with a history of mental unbalance, unencumbered by Virginia law, purchased two high-powered guns and wasted 33 lives at Virginia Tech, including his own.

In an open society where guns are as plentiful as soda bottles, I've come to believe we will never contain all the havoc they sow. It would be fine with me if they all disappeared tomorrow; that won't happen, in part because the gun lobby can make good on its political threats, and in part because there's truth to the ditty that if you take away the guns of law-abiding citizens, only the non-law-abiding will have guns.

But that doesn't justify total capitulation on sensible gun controls. Even halfway measures can sometime save a life.

Take the one-gun-a-month purchase limit enacted by Virginia in 1993. Every time some legislator suggests repealing that law, I wish he could have tagged along 15 years ago when I visited the Big Apple and talked with police officers and families who'd lost loved ones to guns sold in Virginia.

At the time, folks with a legitimate Virginia address who made it through a porous background check could load up the trunk with weapons, then barter them for enormous profit in New York's highly regulated gun market. "The gun laws they have in Virginia are hurting people, are killing people behind the backs of Virginians," Eva Jamison, Rayvon's aunt, told me as she clutched his photo.

"I've met a lot of Virginians who are very fine, responsible people," said Thomas Barrett, an Irish-American teacher-turned-cop who had recently arrested a man trying to sell 13 Virginia-bought guns on a sidewalk in Harlem. "But the laws themselves, and maybe a few politicians, are responsible for a lot of deaths on the street up here."

Scores of New York officials will tell you that Virginia's decision to limit sales stemmed the flow and reduced gun deaths. Another common-sense law, one that needs updating, not just in Virginia but nationally, is the instant background check that precedes gun sales by licensed dealers.

That first-in-the-nation law emerged in 1989 after Willie H. Womack Jr. walked into Kimnach Ford on Virginia Beach Boulevard in Norfolk and, using a legally purchased SKS Chinese military assault rifle, fired off 90 shots in a matter of minutes. Womack, who had a history of mental problems, wounded his boss and a co-worker and later killed himself with a different gun.

Then-Sen. Moody E. "Sonny" Stallings was appalled. To prove to himself how easily a military weapon manufactured to kill people could be bought, he took his two little girls to a local gun dealer one Sunday afternoon and came out within minutes with his personal AK-47. He simply signed a couple of forms, Stallings recalled last week, "no questions asked."

When the General Assembly rolled around that winter, Stallings endorsed a three-day waiting period for gun purchases from licensed dealers to allow a police background check. The NRA countered with a proposal for an automated instant background check. Former Del. Richard Cranwell, D-Roanoke, brokered the deal, and an institution was born.

Stallings lost the election two years later, in part, no doubt, due to a gun-owners' backlash. Still, his legacy lives on. Since then, many other states have embraced instant records checks.

Over the next several years, Virginia expanded the number and types of people reported to state and federal databases. Some individuals with a history of serious mental illness now qualify, as do those with a documented history of spousal or domestic abuse.

The disaster at Virginia Tech highlights how easily loopholes can limit the effectiveness of the background checks, however. The killer, Seung-Hui Cho, didn't turn up in the registry barring gun purchases, even though a special justice had ruled him a danger to himself. That's because he was ordered to outpatient treatment, not a facility.

By federal law, Cho should not have been able to buy a gun in either case. Gov. Tim Kaine has since closed the gap by executive order.

Now, state and federal leaders ought to take several more sensible steps. The state needs to review its entire reporting mechanism to make sure other gaps don't exist, particularly involving domestic abuse and restraining orders.

Second, Virginia congressmen ought to embrace a House bill that would press more uniform standards nationwide for reporting to the National Instant Criminal Background Check System (NICS). One appalling discovery in the wake of Virginia Tech is the fact that 38 states report no mental-health information at all to the federal database.

Then, leaders need to take a long, hard look at a huge category of gun purchasers who never have to undergo a background check, those who buy from private individuals rather than licensed dealers. By some estimates, private sales account for as much as 40 percent of gun sales. That's an intolerable gap.

So long as Second Amendment enthusiasts fight gun registration, an assault weapons ban, waiting periods and similarly intrusive laws, the least they can do is work to devise a comprehensive background checking system.

In the post-Columbine world, school officials have become much more adept at intervening in bullying and paying attention to disaffected children.

In post-Virginia Tech America, we can do much more to keep dangerous weapons out of dangerous hands.

Can we end all gun violence? No. But we deceive ourselves, and betray a long line of victims, if we feign helplessness despite evidence that sensible laws can contain some of the carnage.

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