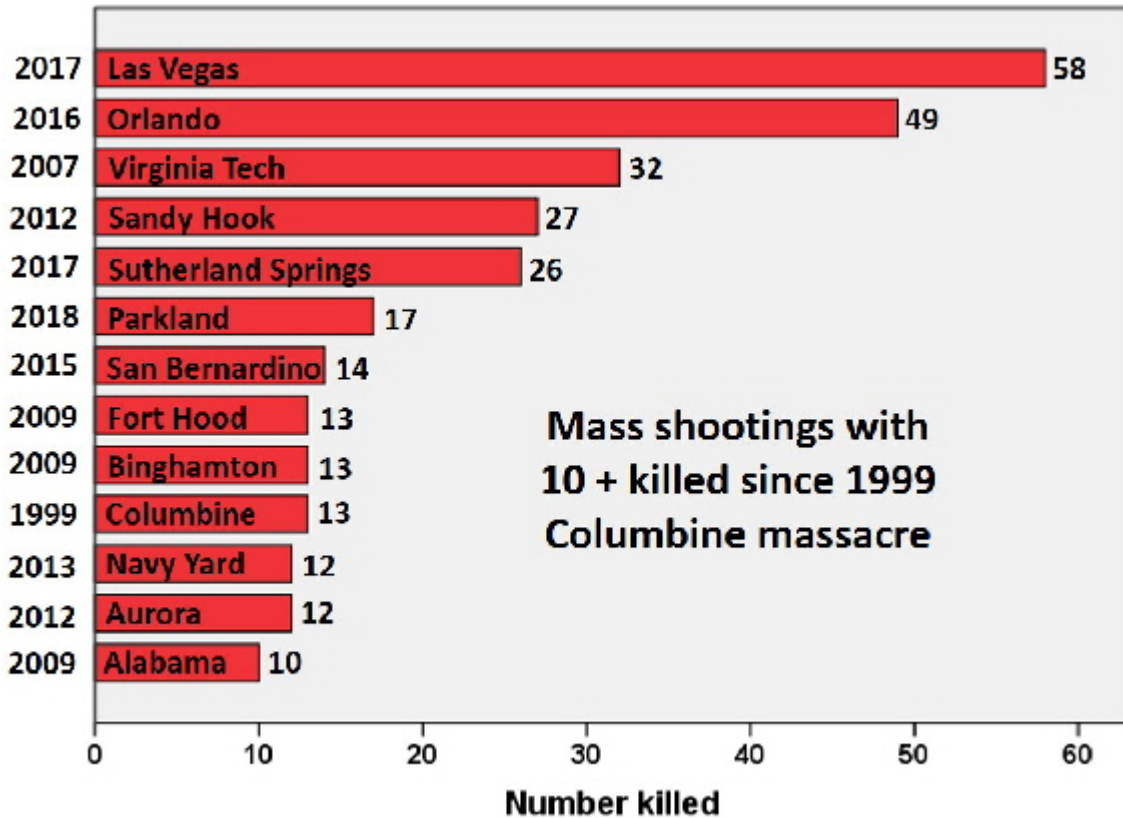


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## BAN THE DAMNED THINGS!

*There's no "regulating" the threat posed by highly lethal firearms*



By Julius (Jay) Wachtel. "We could not have been more prepared for this situation, which is what makes it so frustrating." Broward County high school teacher Melissa Falkowski's [despairing words](#) aptly convey the consequences of allowing highly lethal firearms to proliferate in civilian hands. With seventeen presently confirmed dead, the toll of the [Valentine's Day massacre at Marjory Stoneman Douglas High School](#) in Parkland, Florida, [exceeds that](#) of the Columbine high school shooting, where twelve died, but is considerably fewer than the twenty-seven who fell at Sandy Hook Elementary. And if we include non-school shootings, far less than the fifty-eight recently murdered in Las Vegas.

Skim through the "Gun Control" section of this blog. Check out some of the posts linked below. It's not that America didn't anticipate what would most certainly happen again, nor, however futilely, try to get ready. [Falkowski said](#) that her school trained for

such an event. “Broward County Schools has prepared us for this situation and still to have so many casualties, at least for me, it’s very emotional. Because I feel today like our government, our country has failed us and failed our kids and didn’t keep us safe.” When she and her students realized that this was no drill and that an “active shooter” was really about, simply following protocol (i.e., locking the classroom door and being quiet) clearly didn’t suffice. Improvising the best they could, the teacher and her nineteen frightened students huddled in a closet and nervously awaited SWAT.

Nikolas Cruz, the nineteen-year old shooter, [had been a troubled teen](#). His erratic behavior led to numerous run-ins with peers, teachers and neighbors and to home visits by police. In 2016 Cruz [posted online images of fresh, self-inflicted cuts](#) on his arms and indicated that he planned to buy a gun. That led to a preemptory investigation by a Florida state agency, which ultimately accepted a mental health counselor’s conclusion that Cruz “was not at risk to harm himself or others.” But Cruz’s behavior didn’t improve and he was expelled from Stoneman Douglas. It’s now evident that he was the “Nikolas Cruz” [who posted](#) “Im going to be a professional school shooter” on a YouTube channel last fall.

Still, Cruz’s life wasn’t completely disorganized. A family had taken him in, he was attending GED classes and worked at a dollar store. This job was the likely source of funds for the AR-15 rifle he used in the massacre, [which he legally purchased](#) in 2017 at “Sunrise Tactical Supply,” a Coral Springs gun store. (Yes, eighteen year-olds can buy rifles. But not a handgun!)

Federal law prohibits acquisition or possession of firearms by anyone “who has been adjudicated as a mental defective or who has been committed to a mental institution” (18 USC 922[g][4]). Florida state law is roughly equivalent, but has elaborate safeguards apparently intended to assure its provisions are narrowly construed (790.065[2][a][4] et seq.) However, Cruz had never been formally adjudicated mentally ill, so the options for dealing with him were severely limited. His online activity, while in retrospect deeply disturbing, would have been insufficient to detain Cruz; had he consented to an evaluation, it’s doubtful that a physician would have found him incompetent.

In January the FBI [got a hotline tip](#) that Cruz had expressed a “desire to kill people” in social media posts. It was ignored. Given all the crazy, violent stuff that happens each day, being a jerk, talking about guns and posting crazy stuff online probably isn’t enough. Consider the case of another mass killer, [Adam Lanza](#). In 2012 the unemployed, reclusive anorexic shot and killed his mother, then used her AR-15 style rifle to murder twenty children and six adults at Sandy Hook Elementary School, which he had once attended. According to [a detailed official account](#), Lanza was diagnosed with serious

mental problems as a teen. Unfortunately, he went mostly untreated. After the shootings, a woman with whom he connected online [said that he was obsessed with mass murderers](#) and profoundly depressed.

Had Lanza been brought to police attention, what could have officers done? Without his cooperation, very little. [Connecticut law](#) prohibits those with voluntary (rather than only court-compelled) admissions for a “psychiatric disability” from purchasing firearms. However, Lanza had never been hospitalized for mental treatment and there was little to suggest that he posed an imminent threat. Anyway, he didn’t need to buy guns: he used his mother’s.

Other mass shooters were even less likely to gain official attention. Consider Stephen Paddock, the high-stakes Las Vegas gambler who committed [the worst gun massacre in American history](#). What seems most unusual about the tragedy is Paddock’s apparent normalcy and lack of motive. Some clues about his behavior have come to light. Paddock, who reportedly wagered [as much as one million dollars a night](#), was supposedly suffering from [“bouts of depression”](#) caused by heavy losses. An autopsy revealed the presence of [components of Valium](#), a potentially aggression-inducing drug that Paddock had been using to fight anxiety. Voluntarily taking Valium [would not have restricted his firearms rights](#) under either Federal or Nevada state law. So buy guns he did.

To drive the dilemma home scan the Wikipedia entries for other mass killers, say, [Omar Mateen](#), who gunned down forty-nine persons and wounded fifty-eight at an Orlando nightclub, and [Syed Farook and Tashfeen Malik](#), the married couple who murdered fourteen at an employee get-together in San Bernardino, Calif. Based on what was then known, none seemed sufficiently “crazy” to gain attention, let alone involuntarily commit. It’s only when we peer through the retrospective lens that the warts come out. Bottom line: mass killers can easily blend into the background and slip through whatever filters society puts up.

What can be done? Eight years ago, in [“Say Something,”](#) we suggested that speaking out can help prevent the slaughter of family members and co-workers by angry men:

With more people having and carrying more guns you and I and our families are at increasing risk of being shot by someone who may suddenly go berserk. Counting on armed citizens to come to the rescue is delusional – in fact, they’re part of the problem. So here’s an idea. Let’s use the White House as a bully pulpit for a national campaign to remind everyone – gun owners, their friends, family members and co-workers – that guns and anger are a lethal combination. “Friends don’t let [angry] friends pack guns.” “If your [angry] friend has a gun,

say something.” Take out ads in print and on TV, put up billboards, place posters at gun stores and firing ranges. It’s something worth considering.

More recently, “[A Stitch in Time](#)” suggested that police officers are ideally placed to identify mentally ill persons who may turn violent and refer them for help, voluntary or not, before the next crisis costs someone’s life:

First, there must be a process for filtering out persons who most need special attention....This would at a minimum include a substantial history of contacts and...input from field officers, who are in the best position to decide whether...the admittedly subjective threshold of dangerousness has been breached.

By all means encourage citizens to “say something.” Had officers contacted and admonished Lanza, it’s possible that he would not have carried through with his plot, at least not then. Police, though, are usually busy on other things. They may also be reluctant to stir things up, particularly when their authority is limited. And as we suggested above, many mass killers seem less likely than deranged, impulsively violent persons to act in ways that draw attention.

Moving away from the *whom*, let’s concentrate on the *what*. Each of the above-mentioned massacres was perpetrated with variants of the Colt AR-15 rifle: a Smith & Wesson M&P15 .223 caliber for Cruz; a Bushmaster XM-15 .223 caliber for Lanza; an arsenal of AR-types in .223 caliber and .308 caliber for Stephen Paddock; a SIG Sauer .223 caliber for Omar Mateen; and for Syed Farook and Tashfeen Malik, two .223 caliber AR-15 variants: a DPMS Panther Arms A15 .and a Smith & Wesson M&P15.

But wait: didn’t the Federal Assault Weapons ban put highly lethal weapons out of circulation? What if it was renewed? No. So, why? In “[A Ban in Name Only](#)” we pointed out that the law, which limited magazine capacity to ten rounds and prohibited external baubles such as flash suppressors, ignored what *really* matters. What makes “assault weapons” lethal is portability, lack of recoil, accuracy at range, rapid-fire capability, and, most importantly, their fearsome ballistics. Projectiles fired by such weapons penetrate body armor and create “temporary wound cavities” more than a dozen times the bullet diameter (from Vincent Di Maio, *Gunshot Wounds*, click [here](#) and [here](#)).

America’s cops [face that threat](#) each day. Ballistic vests normally worn on patrol are no match for powerful projectiles such as the .223, .308 and 7.62 (the caliber of the AK-47 variant that [James T. Hodgkinson](#) used to shoot up a Congressional baseball practice last June.) Just how deadly are these rounds? According to the FBI, [88 officers were feloniously killed with rifles](#) between 2006-2015. The top three calibers responsible were 7.62 (27 deaths), .223 (25 deaths), and 30-06 (6 deaths.) Nineteen of these deaths

were caused by [rounds that penetrated body armor](#): three officers fell to the .223 caliber, three to .308, and six to the 7.62. It's no surprise that American police have taken to using armored cars.

England also has a strong gun and hunting culture. But that's where the resemblance ends. After the [1987 Hungerford massacre](#), where a 27-year old man gunned down sixteen persons with a handgun and two rifles, Britain banned all semi-automatic rifles beyond .22 rimfire. A subsequent mass shooting led to a virtual handgun ban. Now mostly limited to bolt-action hunting rifles, ordinary Britons have carried on chins-up, that is to say, superbly.

In contrast, when America felt pressed by a series of massacres, it passed a make-believe ban (enacted in 1994, it expired in 2004, and hardly anyone noticed.) [Seven States and D.C.](#) have come forward with supposedly more stringent laws. They mostly follow the [California model](#), which prohibits specifically named semi-automatic rifles, including the original Colt AR-15 and its replacement, the "Sporter", and requires that those with [certain external features](#) such as a handgrip have fixed magazines that can accept no more than ten rounds.

At the risk of redundancy, we'll point out that as far as lethality goes, these additional "restrictions" are meaningless. Farook and Malik, for example, perpetrated the San Bernardino, Calif. massacre with a pair of California-legal AR-15 clones. (News accounts, summarized in a [Wikipedia entry](#), detail how the couple easily modified the weapons to increase their ammunition capacity and facilitate reloading.)

In "[Massacre Control](#)" and earlier posts we suggested that a point system could be used to score lethality-related characteristics such as ammunition capacity, cyclic rate, accuracy at range, and, most importantly, ballistics. Guns whose total exceeds a certain threshold would be banned. Unfortunately, as California's breast-thumping "tightening" of gun laws demonstrates, there is simply no appetite for seriously addressing lethality, nor its most crucial element: ballistics.

O.K., we can't make guns significantly less lethal. What about restricting their acquisition? On first glance, purchase laws seem like a great idea. But Sutherland Springs, Texas shooter [Devin Kelley](#), who had a [disqualifying military court-martial conviction](#) for spousal abuse, bought the .223 rifle he would use to murder twenty-six parishioners in a store. How could that happen? Well, because of an oversight, military authorities never passed on the fact of his conviction to the FBI. In any event, most mass killers aren't felons. Or adjudicated mental defectives. Or subject to a [gun-violence restraining order](#), an approach that some States have adopted. Many, including Cruz, Paddock and Mateen, [bought their firearms at gun stores](#).

Then again, it's hardly necessary to belly up to a counter. Farook and Malik got their .223's from a friend who bought them at a store. Lanza used his mother's guns. As discussed in past posts (see, for example, "[Where Do They Come From?](#)") there are so many avenues to gun acquisition – family and friends, illegal “street” dealers, gun shows, the Internet – that getting a gun requires hardly any effort. Had the gun dealer turned Kelley away he could have easily gone to a gun show – Texas has them regularly – and picked up several rifles from a private party without as much as showing I.D.

Bottom line: as long as lethal semi-automatic rifles continue to be produced, sold and traded, half-hearted “bans” won't work. That's why England took its big step, banning all beyond .22 rimfire. And why we must follow.

*Must?* Did you say, *must?* Shouldn't we first consider things in an objective forum? For sure. After cranking out "[Massacre Control](#)" (incidentally, his 300th. post) your blogger contacted the heads of university criminal justice programs around the country, urging them to stage a symposium that would examine the issue objectively. So far, all have passed.

Really, in this gun-besotted land, where the forces of selfishness and “me-ism” prevail, only one thing seems likely. Another massacre. And another. And another. And another. And another. And another. And another....