

## A Not-So-Modest Proposal: "Universal" Background Checks

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The latest bandwagon from the gun-control crowd, for several years now, has been for "common sense gun safety laws", and specifically for "universal" background checks on all gun sales. We note, here, that I categorically refuse to refer to these people as "gun safety" organizations. The NRA is a gun-safety group. None of the control groups has ever, to my knowledge, taught a single gun-safety class.

Most of the "UBC" laws that have been passed recently, require that all private sales be brokered by a Federal Firearms Licensee, or FFL, or in other words a gun dealer. This involves the buyer and seller locating an FFL who will do the transaction; taking the gun to the shop; the FFL checking it temporarily into his inventory (the Bound Book), and then transferring to the buyer with attendant [ATF Form 4473](#) and call to the National Instant Check System (NICS). This, by the way, is already the practice for any interstate sales over the Internet – Buyer pays seller, seller ships to FFL near buyer, buyer goes to FFL and does the 4473, and pays transfer fee to FFL.

The rub is that this is not cheap. FFLs who want transfer business do compete, which keeps prices in the \$35 to \$50 range. If a gun is available on the Internet for \$100 less than locally, this is a reasonable deal. When you have mandates or monopolies, though, the FFL will charge all that the market will bear. For instance, there is ONE FFL in the District of Columbia. He doesn't actually like to do transfers, and charges (last time I checked) \$125 per transaction. Add in the bureaucratic fees involved in DC, and you can spend more on acquiring a gun legally, than you did on the gun itself.

In addition, the 4473 has to be kept by the FFL for as long as he's in business. When he goes out of business, the forms get bundled up, and the ATF keeps them in a warehouse. This creates a de facto registry of gun purchases. There have been documented cases of police, investigating a shooting, looking up anyone who had recently bought the suspected model of firearm. They then harass the buyers, demanding that they "voluntarily" submit their guns for testing. Some states have out-and-out registration as well. During the Mohammed / Malvo mayhem, several thousand Maryland AR15 owners were harassed. And, of course, CA, NJ, NY, and other states have used registration lists to round up guns that were retroactively banned.

So, you want "universal background checks"? Here's what I would support. They have to:

- Be free. The current NICS check is, if you use the Federal system. States with their own, pre-Brady, checks, charge \$2 or so.
- Be instant. A computer lookup takes five minutes, max. Bureaucracy that prolongs the process is not acceptable.
- Guarantee gun-owner anonymity. Make it impossible for the check system to keep records of who bought what.
- Omit the particulars of what firearm is bought, or how many firearms, from any records.
- Provide the seller with immunity for any acts committed by the buyer, based on the fact that the buyer passed the check.

Here's my proposed process and system setup:

Create a NICS website, accessible to the public. Currently, the only access is by phone, from an FFL. Set the website up so that the buyer can log in, and provide enough information to identify himself. At this point, note that the buyer is checking his own background. The website connects to back-end software that generates and stores unique key numbers, similar to software product keys.

The process:

- Buyer wants a gun. He finds a seller who has one.
- Buyer gets online, goes to NICS site, and convinces NICS via data input (name, address, physical description, DOB, etcetera) that he's himself. Clicks a "Check Me" button.
- If delayed or denied, NICS informs the buyer, along with advice on how to appeal erroneous prohibitions.
- If approved, NICS produces and emails, and/or provides for printout, an approval key good for 30 days from printout. This output would include the approval key, and identifying information about the buyer sufficient for the seller to verify it's him, with proper ID. Also includes an 800 number to call the check system.
- The system strips away all identifying information from the key, and shuffles it off into a database that contains valid keys, along with an expiration-date code.
- Seller and buyer meet up. Buyer produces the printout, or email on his phone, or what have you. Seller compares buyer's photo ID to printout, calls the 800 number, and relays the key to NICS. NICS verifies the key, all is good.

This accomplishes the goal of "universal background checks" set by the controllers, without unduly penalizing gun owners, buyers, and sellers.