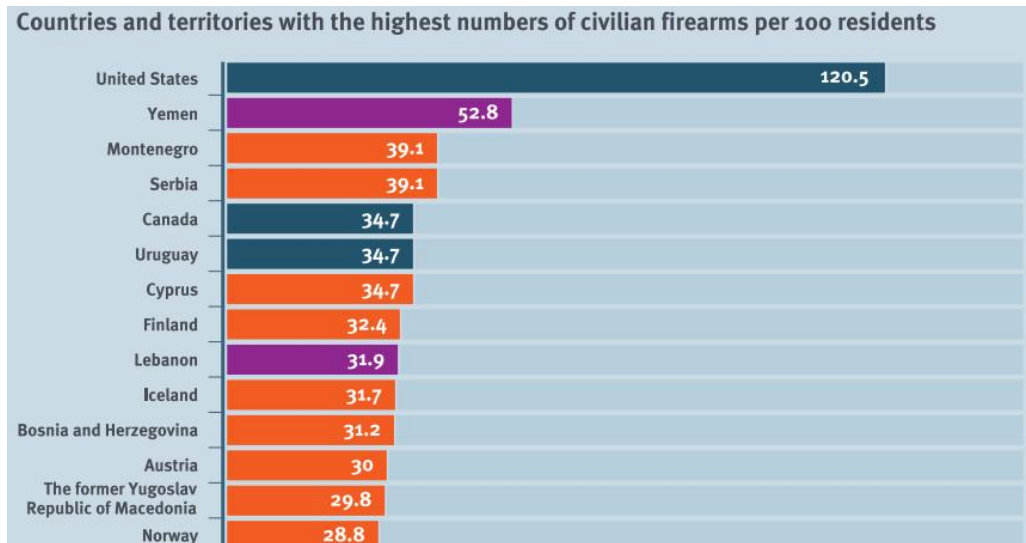


The Giant Plot Hole in United States Gun Policy, Explained

By: Rebecca Bogdanovic | February 5, 2021



American far outpaces other nations on terms of gun ownership.

Somewhere in a small, cramped office space in Martinsburg, West Virginia, is a conglomerate of individuals who essentially spend each workday piecing together which American citizen owns which firearm. Day in and day out, the staff at the National Tracing Center allocates their time to answering urgent emails from law enforcement personnel and attempting to connect the dots between America's most odious gun crimes. Although an undeniably unfortunate task, it sounds relatively straightforward, right? When in doubt, can't staff members just consult the national registration records? Wrong.

Today in the United States, there are millions of gun owners throughout the country. The data regarding who owns which firearm is all listed on gigantic stacks of paper littered throughout the massive warehouse at the [National Tracing Center](#). Why you might ask? Because thanks to the National Rifle Association, absolutely no centralized computer data regarding firearm registration is allowed. In short, agents at the NTC live a pretty stressful existence.

The harsh reality is that there is no national database for gun registration in the United States. Say that someone commits a crime, a really serious one like open firing into a convenience store, and the police need to figure out where the gun came from, who owned it, and who sold it. Well, because of the way that American gun policy works and because one of the nation's largest and most powerful lobbies, the NRA, it might take days to ascertain this information. Needless to say, gun registration information is extremely important data to figuring out why the attack occurred and how it can be prevented in the future. [According to GQ](#), NTC agents run approximately 1,500 traces a day and up to 370,000 a year, all manually and without the help of even a small, desktop computer.

So how did we get here? Why don't we have a national database of guns?

The story quite literally begins with the signing of the United States Constitution in the late 1700's. Back then, the government encouraged citizens to own firearms because of laws like the [Militia Act of 1792](#), which required that men 18 and older had to enlist for their state army. Citizens needed to own a proper rifle just in case their service was called upon. In regards to the context of the era, the second amendment made perfect sense considering the probability of being drafted to defend the newly emergent country. Oh, and the fact that as people moved west in an attempt to proliferate Manifest Destiny, there was a relatively high chance that a bear might try to attack the family, so it actually might be a good idea to be armed....

For about two hundred years, the issue was more or less left alone by the federal government. Then in the tail end of the civil rights era, the 1968 Gun Control Act was created. Signed into existence by Lyndon B. Johnson, the act created the Federal Firearms License System, or in other words a document called [Federal Form 4437 which provides](#) information such as the buyer's name, address, height, weight, and in some cases, social security number (this is an optional clause). The main flaws with the Gun Control Act, however, include:

- **Form 4437 is kept at the store where the gun is sold and is only required to be saved for 20 years.**
 - So when law enforcement is frantically trying to gather intel on a weapon that was used for a large crime, it is very likely that they are going to come across records from a gun store that went out of business 15 years ago.
- **It is illegal for the information on form 4437 to be digitized in any capacity.**
 - This is why there is no centralized database for gun registration.
- **People can still buy, sell, and trade guns “under the table” without any kind of governmental tracking in place.**
 - Once again, even if staff at the NTC is able to find Form 4437, there's a very good chance that the person who used the gun in the shooting is not the same individual whose name appears on the binding legal document.

In LBJ's eyes, the Gun Control Act was an inferior piece of legislation because of the lack of a centralized national registry. In the eyes of the NRA, however, the act was a national travesty that infringed upon basic, constitutional rights.

What exactly happens when a crime is committed?

So let's walk through the entire process. When a mass shooting is committed, the first thing that happens is that the police will contact the [National Tracing Center and ask for information on the gun](#). In reality, it's kind of a tossup as to what kind of data the NTC will have. Sometimes they'll happen to be in possession of Form 4437, but that is not super likely considering that retailers only turn these records over to the NTC once in a blue moon. In the absence of 4437, NTC agents will try to identify the gun model, and from there call the manufacturer, and from there call the retailer, who hopefully will have sold the gun less than twenty years ago and will still be in possession of

Form 4437. Although useful, 4437 might not even give the full story, because the rifle may have been stolen, traded under the table, or simply given away to someone other than the original purchaser.

Because this process is so convoluted and filled with so many twists and turns, it is no shock as to why it takes so long to figure out even the slightest bit of information. Needless to say, the process really impedes law enforcement and the justice system as a whole.

What is the NRA's big issue with tracking firearms?

The organization believes that it takes away intrinsic American liberties. In some cases, the NRA has even compared Federal Form 4437 to [WWII Germany](#), stating that the Nazis disarmed the Jewish people in the years leading up to the Holocaust. Essentially, the NRA is a demographic generally composed of individuals who hold a deep suspicion of the power of the federal government, and do not respond well to having them act in their daily lives. Many believe that if the feds can track who owns what gun, it will be easier to take them away. One popular NRA argument is actually "[less registration and licensing, less crime.](#)" arguing that by allowing people to simply own their guns and live their lives, less crime is committed. They enhance this argument by stating that in 2014, violent crime and murder fell to a record low.



A weapon recovered by the police from the siege of the capitol in early January 2021.

But so what if we can't track the guns. Tracking is not the same thing as preventing shootings from happening in the first place, right?

True, however there are deeper issues at play here. If we could track the guns, then perhaps the government could prevent similar things from happening or at least have useful statistics about the kinds of weapons most used in mass shootings, gun trade, and which retailers are selling the deadliest firearms. Or in the very least, the federal government could send the message that when you buy a gun, you are legally liable for every bullet it fires. Under the current system it can take

ages just to track down the shooters, which doesn't necessarily send the message that the federal government is on top of the problem.

Furthermore, being able to easily ascertain information about gun registration is critical to keeping innocent people out of the criminal justice system. As we've seen with racial injustice in this country, it is all too easy for the police to target an innocent bystander based on implicit bias because of the color of their skin. At the end of the day, having precise records and information about the firearms in this country can essentially, "help solve a murder case, or exonerate an innocent guy on death row, or as happens frequently, open unexpected investigative leads" ([GO](#)).

This is only a domestic issue...right?

Actually, the repercussions of America's lax gun control policy are international. This is a topic that is rarely spoken about in public discourse, because it is sometimes hard to see. Nonetheless, the United States' lenient system for tracking and accounting for our guns has grave consequences for not only the countries in our periphery, but for the states we become involved with during wartime.

In Mexico, the federal government has long complained about American gun retailers arming some of the nation's most dangerous criminals and drug cartel members. As stated by the [New York Times](#), "Drug gangs seek out guns in the United States because the gun



control laws are far tougher in Mexico." According to Mexican law, citizens have to get permission from the government before purchasing a firearm, and [the kinds of weapons they own](#) are severely limited. As we see in the United States however, basically anyone can purchase a rifle, and most times the weapon will not even be reported to the federal government. Instead, Form 4437 will sit at the retail shop until a crime is committed, in which time the feds will come calling to the National Tracing Center. Because of this relaxed system, individuals will take guns down to Mexico to sell on the black market, which in turn proliferates the cycle of gang and drug related violence that the country so deeply struggles with. This system is enhanced by the fact that border patrol agents rarely apply scrutiny to the cars heading south into Mexico, only the ones heading North into the United States. In sum, America's loose gun control policy and illicit trade contributes to the fact that **["90% of the weapons recovered in Mexico come from dealers north of the border."](#)**

Another aspect of the problem includes United States gun policy in countries we go to war with. Since the early 2000's, the Pentagon has sent a combined [1.45 million firearms](#) to security forces

in Iraq and Afghanistan. The problem with this, however, is that while many of the original owners of these guns did indeed have their country's best interest at heart, many others did not. From here, these weapons became part of a legal, yet deadly flow from the United States to "[arms and militias often compromised](#) by poor training, desertion, corruption, and human rights abuses." The major issue here is this: none of the weapons the Pentagon sent over to Iraq and Afghanistan were tracked in *any* capacity. **That is to say, there was no national database linking the serial numbers on the U.S. firearms, with the recipients in Iraqi and Afghani state militias.**

Sound familiar? The point is that the United States' nonchalant attitude when distributing, tracking, and preventing the illegal transport of firearms across state lines has grave implications for nations that are recovering from internal discord and civil conflict. Nothing demonstrates this better than the cases of Iraq, Mexico, and Afghanistan.

What can we do to change the current system?

Well first of all, we need to change the fact that there is no national database for firearms, which could start by raising awareness and educating people as to why this actually is. In other words, until doing research in a course about domestic gun policy, I was unaware of the fact that there is no centralized database. I suppose it seems logical that if President Biden has access to the nuclear codes, he would also have a MacBook Air filled with all the gun registration records since the beginning of time.

Second, there needs to be a shift in the conversation we are having about gun control. For all the talk about creating tighter restrictions and provisions for who can buy a gun in the first place, we also need to be bringing awareness to the lax system the United States currently has in place. In sum, the key to fixing American gun control policy is a conversation about tighter restrictions *coupled with* a conversation about creating a centralized database for those who already own guns. Although it would be impossible to track every single firearm in the United States, creating laws that tighten the 1968 Gun Control Act and make it illegal for individuals to trade or sell firearms without notifying the federal government, are crucial steps in the right direction.

Until the staff at the National Tracing Center in Martinsburg, West Virginia can use computers to locate and convict individuals, I'm afraid that we will be stuck in the same ineffective, antiquated system of tracing firearms and crime that we are currently trapped in today.

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