10/8/2015  
84th KZGN News Talking Points Editorial  
By: Tom Wiknich

What new gun laws could be written to stop the types of school shootings we have seen lately?

It seems the anti-gunners, including our president, have again decided to make gun control the issue to try and stop these terrible school shootings. There are numerous rumors flying that the president is again going to use executive authority to try and circumvent the Congress. We’ll hold that discussion for when he actually tries it again.

Are there laws that can prevent these shootings? It was interesting to watch the news interview programs since the shooting. Everyone that was asked what law they would pass to stop this particular shooting had no answer. They just went on and on and said we just have to do something. This has got to stop. Or they would say a law needs to be passed that is already on the books. Many of these anti-gun people don’t even know all the laws that are already on the books.

Let’s dispel a couple rumored problems some voice about the current system. First about background checks--Be clear, every gun dealer, in every state, has to do a background check on every buyer of a gun. Again, every gun dealer, in every state, has to do background checks on gun purchasers. Next, the commonly referred to gun show loop hole for background checks. Again, every gun dealer, in every state, has to do a background check on every buyer of a gun, even at gun shows. The only exception of that law is concerning sales of guns by private parties. In California, sales by private parties to another private individual must be transferred through a licensed gun dealer, thereby insuring the buyer is getting a background check done. I’m not sure of every state’s laws, but most of them do allow private sales of guns to other private buyers without a background check. There is a federal law that if a person sells more than 10 guns per year as a private individual, they are required to get a license. For the gun show private sales, if the federal government enforced the law, many of these private sales could be reduced. Again, it’s the Feds not enforcing current law.

Now the meat of this discussion: what law could be passed? It really comes down to the area of mental stability to own a firearm. The problem with the background check system is the part where the buyer is asked if they have been adjudicated mentally incompetent. Adjudicated means a person was determined by the courts to not be mentally competent. It’s not about the question, and how the person answers it, it’s about the files kept by the FBI and in California by the DOJ. The problems we are having are people that have not been adjudicated, but people that have real mental issues are seeing doctors for treatments, but doctors do not report these cases to the FBI. If the files do not provide any information as to a person’s mental state, then it automatically passes as ok to transfer the gun. The problem is many doctors cite doctor patient privilege, in keeping their medical history confidential, so they don’t report problem patients to the FBI. Some states have different standards in reporting. The question everyone should be asking is should there be a law requiring doctors to report mentally unstable people to the FBI? Is you say yes there should be a reporting law, then you need to consider the criteria a doctor would use to decide when to report, and when not to report. Aside from the patient that goes on rants to the doctor saying they plan on going out and killing people, or doing harm to them, it’s not clear what doctors should report. Many times, a doctor may not have a clear indication that a person may be a danger to themselves or others. Ultimately, the whole process will fall onto the doctors. Even if a law attempts to set reporting standards, there will still be arbitrary decisions by doctors whether to report or not report a person.

Whatever law is determined to be right, it is up to Congress to pass such a law. It is not up the president using executive action to make up laws around congress. All responsible gun owners want these terrible shootings to stop. It isn’t always about guns. What about the school shooting that started by the shooter stabbing to death his 2 roommates, prior to going out and doing the school shooting? When a mentally unstable person makes up their mind to do harm, they will find a way. Whether it’s a knife, baseball bat, car, or a frying pan, there are many ways to kill. It has to do with mental condition. It’s not about guns. Yes, we need to figure a way to keep mentally unstable people from getting access to guns. That effort has to also start in homes where there are guns legally owned by others, that do not keep them away from unstable people. Parents need to keep guns away from unstable kids. We need to reform the doctor reposting system. That will not be easy.

In conclusion, yes, we have to figure a way to keep guns away from mentally unstable people. A truly unbiased group needs to be put together to draft a recommended solution. This group needs to include doctors, constitutional scholars, lawyers expert in patient rights and doctors rights.

I’m Tom Wiknich, and that’s what I think. I’d like to know what you think. If you have any comments about this editorial, or would like to discuss or recommend a topic, I’d like to hear from you. Please email them to info@kzgn.net.