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### June 22, 2016: Purposeful Obfuscation on Gun Control

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Title: Purposeful Obfuscation on Gun Control

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6/22/2016--Oh, give me a break. I don't usually write on gun control issues--and almost never to take the Party line against the pro-gun side, but the latest Republican proposal on guns is really too much. That proposal, written about today by Ramesh Ponnuru in the Post-Gazette, is that if someone on the terrorist watch list tries to buy a gun, the government has 72 hours to go to a judge with "probable cause" that the person is involved in terrorist plotting (that last phrase is from Ponnuru, but the "probable cause" part is in the bill.) If probable cause is found, the judge bars the sale. This is a joke for quite technical reasons that most Americans will not know but the authors of this absurdity do know. The standard for arrest is probable cause. Therefore, if the government has probable cause to believe anyone is involved in criminal activity, the government already has the power to arrest and charge them, often holding them in jail until the case is heard, in the case of terrorist related charges. So this proposal is literally absurd. Its only purpose is to give Republican legislators something they can vote that sounds good. Ponnuru calls it more respectful of civil liberties and more realistic about errors on the watch list. Maybe Ponnuru just does not understand how the legal system works. But I assure you, the government would never need to act under this proposal if it became law. The government already arrests such persons. The good idea is the one I mentioned in my last entry and which would happen anyway if someone were not permitted to buy guns. The government should have to satisfy some level of scrutiny since the no-fly list is quite overbroad and inaccurate. You would know the Republicans were serious if the proposal were to force the government to satisfy reasonable suspicion, for example. But probable cause--no. That level of scrutiny is all you need for an arrest.