

Bill would eliminate illegal ATF database of gun sales

[Jazz Shaw](#) Mar 14, 2022 9:44 AM ET



(AP Photo/Elaine Thompson)

Last month [we looked at](#) the story of how the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF, which I've always argued would be a better name for a chain of drive-through stores) had been quietly amassing a database of nearly a billion records of legal firearm purchases by American citizens. A recent proposal from the Biden administration would make the system even more intrusive, preventing gun stores from destroying records after twenty years as they are presently allowed to do. That would mean that records of every legal gun sale would eventually wind up in the database. But a new bill introduced by Congressman Michael Cloud of Texas [would move the system in the other direction](#), allowing gun stores to always be able to

destroy their records rather than turning them over to the ATF when the store closes.

A bill circulating through Congress would stop the Biden administration from stockpiling records on American gun owners by altering federal law to allow firearm dealers to destroy sales records.

The bill, a copy of which was obtained by the *Washington Free Beacon*, is a response to the *Free Beacon's* January report detailing how the Biden administration's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has amassed nearly one billion records detailing American citizens' firearm purchases, a figure that is far higher than Congress and the public has been aware of.

Rep. Michael Cloud (R., Texas), a chief critic of the ATF's gun database, is spearheading the legislation, which is likely to garner support from a wide range of Republican lawmakers but few Democrats in the House.

As a reminder, longstanding federal statutes bar the federal government from maintaining a database of gun owners. The ATF responds to that charge by saying they don't maintain a database of gun owners, but that the database is intended to help law enforcement solve gun crimes. But without knowing the names of all the purchasers, the information would be of little use to the police, so that defense seems laughable.

The bill would force the ATF to destroy all of their records in the database within 90 days of the bill's passage and report back to Congress the number of records that were destroyed. The bill would also allow licensed gun shops to destroy the records they currently hold. Of course, despite the fact that the current system acts as a way for the ATF to get around federal laws and maintain such a database, few (if any) Democrats are expected to endorse it. And since Joe Biden is already trying to expand the scope of the database

rather than eliminating it, he would obviously be unlikely to sign the bill even if it passed.

I'm still somewhat on the fence about this issue, at least in part. In general terms, any tools that facilitate the ability of law enforcement to identify and capture those who commit violent crimes should be welcomed, but I'm not sure how useful this database actually is in that regard. FBI records regarding crime statistics have consistently shown that only a tiny sliver of all gun crimes are committed by individuals who legally purchased and registered the weapon themselves. And in the event that the police identify a gun used in a crime that falls into this category, the registration of the gun is already on file in pretty much every state, so they should be able to identify the owner quickly enough without this database.

The vast majority of gun crimes are committed by people who purchase their weapons on the black market. In those cases, the database would be of no help if the weapon had already passed from the possession of the original buyer, either by it being stolen, lost, or legally sold. Knowing the name of the original purchaser wouldn't get the cops any closer to cracking the case unless the owner had illegally sold it to a criminal. I suppose the one exception would be cases where the database could be used to identify "gray market" sellers, but does that happen often enough to justify violating the federal law against allowing the federal government to establish such a database?

As I said, all of this information is likely moot for the moment, as long as Democrats control the White House and both Majority offices in Congress. But if things go particularly bad for them in the midterms, this is an issue the GOP should probably revisit next year.