

COMMON-SENSE PROPOSAL:
CLOSING THE TERROR GAP IN GUN BACKGROUND CHECKS

- ❑ **WHAT IS THE TERROR GAP?** The FBI currently has no authority to block firearm sales to terror suspects. After 9/11, it makes no sense that the federal government can't stop gun sales to some of the same people it thinks are too dangerous to get on a plane.
 - **A glaring gap in federal background checks:** Right now federal law prohibits nine categories of dangerous persons from purchasing or possessing firearms. Remarkably, persons on the terror watch lists are not among these prohibited purchasers.
- ❑ **EXAMPLES OF THE TERROR GAP:**
 - **Purchases documented by GAO report:** A report released by the Government Accountability Office (GAO) in 2009 documents gun purchases by terrorist suspects.
 - This report indicated people on the terrorist watch list tried to buy guns and explosives 963 times and succeeded 865 times during a five-year period (February 2004 – February 2005), meaning that in 90 percent of attempts, the government was unable to prevent gun and explosive sales to suspected terrorists.¹
 - **Use of guns in terrorist incidents:**
 - *Halberstam murder.* On March 1, 1994, Rashid Baz shot and killed 16-year old Ari Halberstam on an on-ramp to the Brooklyn Bridge. Baz was armed with a machine gun, a 9 mm pistol, and a “street sweeper” shotgun.
 - *Kahane murder.* On November 5, 1990 in a Manhattan hotel, El Sayed A. Nosair assassinated Rabbi Meir Kahane with a .357 revolver. Nosair was linked to the perpetrators of the 1993 World Trade Center bombing.
 - *Empire State Building murders.* On February 23, 1997, Ali Abu Kamal opened fire on the observation deck of the Empire State Building with a handgun purchased in Florida, killing one tourist and wounding six before killing himself. A note found in his pocket expressed hatred for the United States, Great Britain, Israel, and France.
 - *Fort Dix plot.* In 2007, six terror suspects were arrested for plotting an attack on Fort Dix after trying to buy M-16s, AK-47s, and handguns from a government informant. One of the six suspects pleaded guilty in October 2007 to providing firearms to illegal aliens. In December 2008, the other five of the six suspects were convicted of conspiracy to kill U.S. military personnel.
 - *Little Rock shooting.* On June 1, 2009, Abdulhakim Mujahid Muhammad opened fire at an Army-Navy recruiting station in Little Rock, killing one private and wounding another. Police found an SKS semiautomatic rifle, a .22-caliber rifle, and a .380-caliber semiautomatic handgun in Muhammad's truck. At the time of the shooting, Muhammad was under FBI investigation after he was arrested in Yemen with a fake Somali passport. Muhammad was charged with murder and 16 counts of terrorist acts.
- ❑ **SOLUTIONS:** Bills to close the terror gap are pending in Congress.
 - Senator Frank Lautenberg (D-NJ) and Rep. Peter King (R-NY) introduced **S. 1317/H.R. 2159**, which gives DOJ discretion, subject to judicial review, to block sales to terror suspects.
 - Once DOJ made such a determination, the terror suspect would fail background checks, meaning they could not purchase guns or explosives or hold a license to sell them.
 - If the terror suspect knew about the determination, they could not possess guns.
 - DOJ could allow particular gun purchases to proceed to avoid tipping off the suspect.
 - In 2007, DOJ supported **S.1237 / H.R.2074**. These bills are nearly identical to **S.1317/H.R. 2159**, which were introduced in the 111th Congress.

¹ United States Government Accountability Office, “Firearm and Explosives Background Checks Involving Terrorist Watch List Records,” no. GAO-09-125R (May 21, 2009), available at <http://www.gao.gov/new.items/d09125r.pdf>.