

## CLOSING THE TERROR GAP

- ❑ **WHAT IS THE TERROR GAP?** The FBI currently has no authority to block firearm and explosives sales to terror suspects. After 9/11, it makes no sense that the federal government can't stop gun and explosive 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, individuals on the terror watch lists are not among these prohibited purchasers.
- ❑ **EXAMPLES OF THE TERROR GAP:**
  - **Purchases documented by GAO report:** A 2010 Government Accountability Office (GAO) report shows that individuals on terror watch lists tried to buy guns and explosives 1,228 times during a six-year period (February 2004 – February 2010). On 1,119 occasions – 91 percent of attempts – the FBI was unable to block gun and explosive sales to suspected terrorists.<sup>1</sup>
  - **Use of guns in terrorist incidents:**
    - *Fort Hood shooting.* On November 5, 2009, 13 people were shot and killed and 30 others were wounded by Major Nidal Hasan, a man who had been under investigation by the FBI, suspected of having ties to terrorists. Hasan purchased his gun after the FBI had investigated his suspicious activities, but the FBI agents who ran the gun background check never communicated with the FBI agents who had investigated Hasan.
    - *Quantico plot:* On July 27, 2009, the FBI arrested seven terror suspects for conspiring to murder U.S. military personnel at the Marine Corps base in Quantico, Virginia. Over several years, they had amassed an arsenal of assault rifles and more than 26,000 rounds of ammunition. The ringleader, Daniel Patrick Boyd, was under investigation by the FBI Joint Terrorism Task Force, and in recent years, Boyd had traveled to the Middle East to meet with militants and plan various attacks.
    - *Little Rock shooting.* On June 1, 2009, Abdulhakim Mujahid Muhammad opened fire at a military recruiting station in Little Rock, killing one private and wounding another. At the time of the shooting, the FBI was investigating Muhammad after his arrest in Yemen with a fake Somali passport. He was charged with murder and 16 counts of terrorist acts.
    - *Fort Dix plot.* In 2007, six terror suspects were arrested for plotting to attack Fort Dix after trying to buy M-16s, AK-47s, and handguns from an FBI informant. One suspect pled guilty to providing firearms to illegal aliens. The other five were convicted of conspiracy to kill U.S. military personnel.
    - *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 from a licensed dealer in Florida, killing one tourist and wounding six before killing himself. A note in his pocket expressed hatred for the United States, Great Britain, Israel, and France.
    - *Halberstam murder.* On March 1, 1994, Rashid Baz shot and killed 16-year old Ari Halberstam on the Brooklyn Bridge. Baz had a machine gun, a 9 mm pistol, and a “street sweeper” shotgun.
    - *CIA Headquarters attack.* On January 25, 1993, Mir Aimal Kasi stopped at a red light near CIA Headquarters in Langley, Virginia. Shooting from point blank with an assault rifle he bought that month from a Chantilly, VA gun dealer, Kasi killed two CIA employees and wounded three others.
- ❑ **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, it would be a crime to possess guns.
    - DOJ could allow particular gun purchases to proceed to avoid tipping off the suspect.
  - The Obama Administration Department of Justice supports passage of **S.1317/H.R.2159**. During the Bush Administration, DOJ endorsed nearly identical bills introduced in 2007.

<sup>1</sup> United States Government Accountability Office, “Firearm and Explosives Background Checks Involving Terrorist Watch List Records,” no. GAO-10-703T (May 5, 2010), available at <http://www.gao.gov/new.items/d10703t.pdf>.