

In wake of the Arizona massacre, ban high-capacity magazines: This one should be simple

BY RICHARD ABORN TUESDAY, JANUARY 11TH 2011, 4:00 AM



James Palka

Emergency personnel carry out victims of the Tucson shooting that killed six and injured 14.

To New Yorkers, it is a tragedy that must sound eerily familiar: An individual lawfully purchases a semiautomatic weapon along with magazines (the sleeve that holds the bullets) that can carry far more bullets than any civilian could possibly ever use, steps into a crowded area and opens fire. Six are killed, another 19 injured, some with crippling injuries. Shots ring out so fast that there is nowhere to hide. The shooting only stops when the gunman is tackled as he tries to reload. It was December 1993. The 5:33 p.m. [Long Island Rail Road](#) train was pulling into the Merillon Avenue Station bringing commuters home when [Colin Ferguson](#) released his barrage of death.

Fast-forward to Saturday. [Jared Lee Loughner](#), armed with a semiautomatic weapon with a perfectly lawful 31-round magazine, allegedly kills six people, injures 14 more and is stopped only when he goes to reload. Tragically, in both cases, each gunman had so many bullets in his weapon that even before reloading he was able to do so much damage. Think about it - 31 bullets!

The day after the LIRR shooting, [President Bill Clinton](#) issued a forceful call for tighter controls over guns. Nine months later, Congress responded by banning the large-capacity magazine that Ferguson had used, limiting civilian ownership to 10 rounds and banning assault weapons.

Regrettably, however, the ban had a 10-year sunset provision. Unimaginably, in 2004, the Republican-led Congress under [President George W. Bush](#) permitted the ban to lapse - paving the way for Loughner to lawfully buy the magazines he used to gun down [Rep. Gabrielle Giffords \(D-Ariz.\)](#) and so many others.

It is wholly proper that much of the discussion in the aftermath of the shooting has focused on toning down the inflammatory rhetoric that now defines our political discourse. For far too long, heated personalized attacks have substituted for reasoned debate.

But it would be wrong not to take more specific steps quickly, especially when there are obvious changes that can be made.

Much of the recent debate around gun control has focused on assault weapons. Overshadowed has been the need to limit the firepower that civilians can carry. One is hard-pressed to find a reasonable argument justifying the need to carry 31 rounds of ammunition. There simply isn't one.

Nor could one find any constitutional impediment to banning these large magazines. Any reasonable reading of the recent [Supreme Court](#) cases involving the [Second Amendment](#) would not support the idea that Congress lacks the power to ban these high-volume magazines.

As always, the question is much more practical.

By what value will this new Congress want to be known? To shift the tenor of the debate to more reasoned ground would be significant and have lasting effect, but it would not be sufficient.

We often speak of the values by which we want to live and to be governed. The law is a reflection of those values. What value do we express when we permit any individual to lawfully purchase an unlimited number of magazines that can contain 31 rounds of ammunition? Do we really believe we need that many bullets for self-defense? Are we really safer when individuals carry so much firepower? Does the [United States](#) really believe it is helpless in the face of such atrocities?

I don't believe the answers to these questions are elusive. What will it take to get Congress to act?

Aborn, president of the Citizens Crime Commission, is the former president of the [Brady Center to Prevent Handgun Violence](#).

http://www.nydailynews.com/opinions/2011/01/11/2011-01-11_in_wake_of_the_arizona_massacre_ban_highcapacity_magazines_this_one_should_be_si.html