



THE INSTANT BACKGROUND CHECK FOR GUN PURCHASERS

A Boon For New Identity Seekers

by Trent Sands

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The Brady handgun law was passed to make it more difficult for people the government deems undesirable to obtain guns and other firearms. When the law was passed in the early 1990s, it mandated that a background check be performed on everyone who attempts to purchase a handgun. Certain classes of people are ineligible to obtain weapons, such as convicted felons or dishonorably discharged veterans of the military.

The law was difficult to implement because no real-time way of checking for criminal records existed. The purchaser would fill out a form at the gun store with his personal particulars, and then be told to return a few days later for the results. The gun dealer would send the form to the local police or sheriff department, who would then perform a background check. Part of the Brady gun law was the requirement that an instant background check system would have to be developed by the federal government to replace the waiting period required under the old system. The instant check system in place now replaces the old waiting period.

The instant check system relies on the creation of a new database and a link to an existing computer file of criminal record information. To understand how the system works, we need to see just who is prohibited from purchasing guns under the law. The following categories of individuals are deemed ineligible to purchase weapons:

- Convicted felons
- People convicted of domestic assault or abuse
- Dishonorably discharged veterans from the military
- Illegal immigrants
- People under indictment for felony charges
- The mentally ill or insane
- People with outstanding misdemeanor or felony warrants

As we can see, this is quite a list of people, encompassing millions of individuals. The FBI maintains on the National Crime Information computer, a database known as the Interstate Identification Index, or Triple I for short. Triple I is supposed to be a comprehensive file of all serious criminal-record data on everyone who has ever been charged with a crime in the United States.

Triple I is comprised of arrests and conviction data from the federal judicial system, along with similar records from all fifty states. At regular intervals, all states furnish criminal-conviction data to the FBI for inclusion in the database. Arrest-warrant information is maintained on the Wanted Persons Index on the system. Whenever a local police department issues an arrest warrant for a serious misdemeanor or felony, officers immediately enter this information into the FBI database. This way if the suspect is pulled over out of state, the warrant will show up.

The instant check system required the FBI to increase the NCI computer's ability to accept the thousands of additional queries that will be made to these files under the instant check system. The new files that must be created are more problematical.

Consider the file of all those who were discharged with shame from the military. The FBI went to the Pentagon and asked them to search their records for the names and personal identifiers of all those individuals who were dishonorably discharged from the service but are likely to still be living. Some cutoff year, say 1940, would have been used, and the painstaking task of consulting millions of records would have begun.

Each individual would be identified by his or her full name, birth date, race and sex. This information would be placed into a file. A similar task would be done by the Immigration Service to compile a list of those people who are known illegal aliens. The most difficult file to be created would be that of mentally ill and insane individuals. A few individuals who are in long-term mental facilities might be readily identified, but what about someone who is placed in a mental hospital for 72 hours of observation? There is no effective way to maintain an accurate database of these people.

The other real danger of creating these new databases with their millions of names is that human error will become part of the process. A wrongly entered birth date or misspelled name could cause someone to be denied their right to purchase a gun in a timely fashion.

So how does this new system help new identity seekers? One problem an identity changer faces is the possibility that the new identity has a criminal record or other negative baggage associated with it. This is especially true in the case where the new identity seeker has created an identity based on the birth certificate of a child who died early in life. Someone else might have already appropriated this identity and created criminal records, etc., under that name. A much smaller chance exists that a totally fabricated new identity might match up with a real person who has run afoul of the law. The new instant check system allows the new identity seeker to determine this fact outright, with no risk.

The new identity seeker would go to a gun store with a piece of false identification in the name of the identity he wishes to assume. High quality fake drivers licenses and state identification cards are readily available from numerous sources on the internet. The gun dealer will fill out a form noting the ID number, name, birth date, sex, and race.

The gun dealer will call a toll-free number, and provide the name, birth date, sex, and race of the purchaser. The background check clerk will run these identifiers against the prohibited persons file, the Triple I database, and the Wanted Persons Index. If all of these checks come back negative, meaning no match was found, the gun dealer will be issued a unique transaction number which he writes on the form.

In one instant, the new identity seeker has done a nationwide search of the Wanted Persons Index and the Triple I Index. These are two indexes that the FBI has never wanted the public to have access to, but that is what the backwards logic of the Brady law now allows. If the sale is denied, the new identity

seeker simply walks away.

So now the FBI and the Justice Department have become the single greatest friend of the new identity seeker. In an attempt to increase the regulations on the sale of firearms, they have inadvertently opened the door wide to those who want to make sure that their new identities are "clean" before they use them. Bravo to the FBI!

Trent Sands is an authority on identification and false identification. His latest book is ***Fake ID by Mail and Modem.***

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