

## The .44-Caliber Loophole

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Although he lived in a state with one of the toughest gun control laws in the nation, David R. Berkowitz, the accused Son of Sam killer, had little difficulty assembling an arsenal of weapons. When captured he had a pistol, a semi-automatic rifle, a shotgun, and another disassembled rifle: quite an array of firepower to be in the hands of one willing to plead insanity.

Mr. Berkowitz could not legally have bought his .44-caliber Charter Arms pistol in New York. To get a permit for such a gun here, he would have to demonstrate a particular need. The New York police are properly stingy about granting such permits. So he turned elsewhere—to Houston, a city considered “wide open” on guns, with one of the highest handgun murder rates in the nation. Even there, he could not legally buy the gun himself; under Federal law, arms dealers cannot sell to someone from another state. But there was an easy way around that. He reportedly had a former Army buddy buy the gun for him. Federal law prohibits such transfers to persons from another state. But it is quite likely that the acquaintance had no idea it was illegal to pass the gun on. In any case, he did so and even New York’s strict pistol control law was circumvented.

The accused murderer was able to buy a second gun in New York City, a stubby .45-caliber semi-automatic

rifle which can fire 30 bullets in rapid order. He told police he planned to use it to mow down patrons at a Long Island discothèque. This purchase was apparently legal; the city’s regulations for buying rifles are less stringent than for hand guns and he met them.

The Administration is currently considering legislation to close some of the loopholes that enabled Mr. Berkowitz to obtain the alleged murder weapon. The bill proposed by the Justice Department would ban the manufacture, assembly and sale of relatively cheap, easily concealed handguns such as the .44-caliber pistol. It would also tighten up on gun transfers between individuals by requiring that they be carried out through licensed dealers. The dealers would keep records of the transfers—thus making it easier for police to track down murder suspects. To further discourage criminal transfers, the bill would make individuals like Mr. Berkowitz’s Army buddy legally liable for crimes committed with a gun that they transferred illegally.

We urge Mr. Carter, who ringingly endorsed handgun controls during his election campaign, to give the bill favorable consideration, perhaps even strengthen it. No law can guarantee protection against another Son of Sam. But if we can make access to guns a bit harder, our cities may become a bit safer.

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