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SILENCE ISN'T ALWAYS GOLDEN

A proposal to deregulate firearm silencers ignores the hazards of policing

By Julius (Jay) Wachtel. America is a nation of laws – and of a myriad of regulations that carry the force of law. But to plagiarize [Bob Dylan's famous aphorism](#), the times, they are *definitely* a-changin'. On February 24 President Trump signed an [executive order](#) that seeks to bring the fifty-volume [Code of Federal Regulations](#) to heel. Every Federal agency [has been tasked with searching for and destroying regulations](#) that may impinge on the economy, are “outdated, unnecessary, or ineffective,” or “rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility”:

We have begun a historic program to reduce the regulations that are crushing our economy -- crushing. And not only our economy, crushing our jobs, because companies can't hire. We're going to put the regulation industry out of work and out of business.

Of course, what to some may be a clear improvement may to others seem an abomination. Democrats are vigorously complaining about moves to banish or suspend rules that, for example, [require investment advisors to act in their clients' best interests](#), extend safeguards against pollution [to small waterways](#), and mandate that for-profit colleges [be held accountable](#) for their students' success in finding employment. (To see what's up in the deregulatory wars visit the Federal portal at [regulations.gov](#).)

In this badly polarized land, conflict is to be expected. What we didn't anticipate, though, was that in its zeal to implement the President's deregulatory vision a Federal law enforcement agency would suggest doing away with a real, long-standing law that helps cops stay alive.

On Sunday evening, July 9, New York State trooper Joel Davis [responded to a report of gunfire](#) at a rural residence. Trooper Davis parked his cruiser a distance away, radioed that he heard shots being fired and exited the vehicle. Moments later an active-duty Army NCO opened fire with a rifle. One round struck Trooper Davis to the side of the ballistic plate in his armored vest, piercing the garment and inflicting a fatal wound.

Other officers quickly arrived and subdued the gunman. They found the bodies of trooper Davis and of Walters' wife and also rendered aid to a woman who had suffered a non-life threatening gunshot wound.

Trooper Joel Davis, 36, is survived by a wife and three children.

Individuals with military training have been using rifles to kill cops with some regularity. On July 7, 2016 a 25-year old Army veteran ensconced himself in a Dallas office building and [opened fire with an AK-style rifle](#) on police monitoring a protest. By the time it was over five officers were shot dead and nine others and a civilian lay wounded. Two weeks later, on July 17, 2016 two Baton Rouge police officers and a sheriff's deputy [were gunned down](#) by a Marine Corps veteran armed with an AR-type rifle.

Actually, rifles can extend anyone's lethal reach. On October 8, 2016 a 26-year old ex-con [fired an AR-15 rifle through his home's front door](#), killing two Palm Springs, California police officers and wounding a third. They were there because of a "simple family disturbance." More recently, in "[A Lost Cause](#)" (see below) we discussed the recent notorious episode when a middle-aged madman with a rifle wounded four members of the House at a Congressional baseball practice.

That post, and the others linked below, remarked on the devastating wounding potential of long-gun ammunition and, as well, its ability to defeat ballistic garments commonly worn by police. Making things worse, rifles also enable skilled and not-so-skilled marksmen (so far, they've all been men) to do their dirty deeds from a distance.

Click [here](#) for the complete collection of gun control essays

Considering all this, why on Earth would my beloved ATF, which I proudly called "home" for twenty-three years, suggest that the Federal law that constrains the possession and transfer of silencers [ought to be repealed](#)?

According to [a reveal by the Washington Post](#) that's exactly what the agency's number two official, [Associate Deputy Director Ronald B. Turk](#) suggested in January. Here's an extract from his "not for public distribution" memo:

On average in the past 10 years, ATF has only recommended 44 defendants a year for prosecution on silencer-related violations; of those, only approximately 6 of the defendants had prior felony convictions. Moreover, consistent with this low

number of prosecution referrals, silencers are very rarely used in criminal shootings. Given the lack of criminality associated with silencers, it is reasonable to conclude that they should not be viewed as a threat to public safety necessitating NFA classification, and should be considered for reclassification under the [law].

Agent Turk's "White Paper" goes well beyond silencers. Among other things, it recommends that the Feds remove restrictions on the manufacture and retail sale of (believe it or not) armor-piercing rifle ammunition, which he also declares is "not associated with criminal use."

Of course, the reason why silencers and AP ammo seldom turn up in crimes may be precisely because legal restrictions have discouraged their use. Unlike AP ammo, silencers are in fact not "banned" [but may be purchased from specialist dealers](#) upon paying a \$200 transfer tax and submitting to a fingerprint check. (Incidentally, forget about the myth of building a silencer from instructions on the Internet. To be safe and effective firearms suppressors must be precisely designed and accurately machined from reliable stock. That's hardly a trivial task.)

Why would ordinary, law-abiding citizens bother with silencers in the first place? According to the NRA, [which wrote approvingly](#) of agent Turk's memo, it all boils down to [noise](#). Reducing a gun's sonic footprint greatly lessens the chance of damaging one's hearing and supposedly leads to "happier neighbors." Reducing recoil and flinching also promises greater first-shot accuracy, enhancing one's ability to defend against violent criminals and making hunting more "humane."

Naturally, silencers don't get to choose who's at the trigger. So their benefits should also accrue to bad boys and girls. Just imagine the dilemma that cops would face when fired on by a silencer-equipped sniper, and particularly in an urban setting, where the ambient din easily drowns out whatever sounds might escape suppression. How many officers would have to die before the threat could be located and neutralized?

It's not just about long guns. Until bodies start visibly piling up, how would anyone know that a shooter wielding a suppressed pistol is on the loose? Would you dial 9-1-1 if you heard "thuds" next door? How about from across the street? At what point would officers responding to a "routine" call realize that bullets were flying? When a windshield shattered? And forget about reaping the benefits of increasingly popular [gunfire-detection technology](#), such as what [alerted Fresno police to a mass shooting](#) on April 18.

But please don't judge an agency by one memo. This admittedly biased retiree fondly remembers a well-spent career chasing gun traffickers and has always taken pride in ATF's work. To avoid compromising former colleagues he avoided sharing this post in advance. But unless the times have indeed changed remarkably, he knows exactly what street-level agents think of that appalling "White Paper."

It's *not* flattering.