**What Is the Charleston Loophole in Gun Control?**

Gun control has been a hotly debated topic in the United States for decades and has been addressed during recent election cycles. Charleston Loophole is a flaw in the federal system laws that the gun ownership background check allows gun sales to proceed after three days even if the background check has not been finalized. The loophole generally refers to an aspect of the federal system statute that allows gun sales to proceed if a background check is delayed. The aspect of federal gun legislation that pertains to the Charleston Loophole is discussed in this paper. The Charleston Loophole in the current federal gun control law threatens to increase the number of crimes by allowing the purchase of guns to proceed if the background check takes longer than three business days.

**The Flaw in Law**

Gun control deals with the classification of certain weapons which can be legally purchased. This loophole allows individuals to purchase semi-automatic firearms without background checks and ammunition without restrictions. The abuse loophole arises from an interpretation of the 1968 Gun Control Act, which bars domestic firearms sales but does not include interstate or foreign commerce (Carney, 2017). According to the 1968 law, all sales must be processed through a licensed dealer. Licensed dealers must perform background checks on every sale, but it is also illegal for licensed dealers to sell guns within the first three days of any given transaction. The loophole essentially allows gun sales that are not subject to background checks, and it is not illegal for them to be purchased. These transactions would be eligible for the three-day delayed delivery period and would not require a background check. The loophole allowed individuals to buy and possess firearms without a federal record being created, making it easy for buyers to move guns across state lines. The Charleston Loophole was debated in the wake of the December 2015 shooting at a church in Charleston, South Carolina (Menezes & Oestreicher, 2021). The law that laid out this loophole was passed by Congress in 1968 and signed into law by President Lyndon Johnson. In addition, all sales had to be processed through a licensed dealer, and all gun sales were subject to federal background checks for all potential buyers. This system caused a lengthy delay for many gun purchases, contributing greatly to America's high firearms death rate.

**Advocacy**

Gun control advocates gun background checks as a vital way to reduce the high rate of guns in the hands of criminals, even though they meet opposition from many state legislators. The 1968 Gun Control Act created a loophole through which certain firearms could be purchased without a background check (Jacobs & Haberman, 2017). This option allowed criminals to purchase firearms easily and illegally transfer them across state lines. Research shows that states that do not have universal background checks legislations export crime guns across state lines at 30% higher than those with such legislation (Andrade et al., 2020). With more guns coming into circulation, violent crimes increased as well. The Charleston Loophole has been a topic of much public debate, with many Americans demanding that Congress passes new legislation to correct the issue. Advocates for stricter gun control laws are attempting to put forward new laws that would impose additional checks on all firearm sales.

With recent shootings gaining headline status and constant media coverage, opponents have assailed efforts to move forward with new gun control laws in America. Gun control advocates have started calling for a new version of the Charleston loophole, through which all guns must have background checks. Opponents assert that these laws would only hurt law-abiding citizens looking to purchase firearms. They argue that criminals prohibited from possessing guns will find other ways of getting their hands on them. Further, they argue that felony laws and the incarceration of felons should be used to prevent guns from ending up in the hands of criminals (Fischer, 2018). To address this loophole, states have begun implementing stricter firearm laws that require dealers to make background checks before selling any gun or ammunition. The debate over whether these new state laws effectively reduce crime has created tension between those who believe they protect their communities and those who feel that they limit their freedom to bear arms as guaranteed by the Constitution.

**Conclusion**

The Charleston Loophole in the current federal gun control law threatens to increase the number of crimes by allowing the purchase of guns to proceed if the background check takes longer than three business days. Gun control is one of the most prominent issues that many states are discussing due to recent shootings and other firearms-related incidents. The Charleston Loophole has been a source of debate over the years, and it continues to be an issue that is being debated today. While it's well known that gun control advocates see gun background checks as an important way to reduce the high rate of guns in the hands of criminals, opponents have assailed efforts to move forward with new gun control laws in America. There have been several mass shootings recently, and many Americans believe it is time for Congress to act on gun control legislation to prevent future tragedies.

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