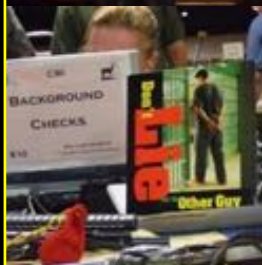


 I HAVE A DREAM



Inside Gun Shows

What Goes On When Everybody Thinks Nobody's Watching



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What Goes On
When Everybody Thinks
Nobody's Watching

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Preface

Gun shows are surrounded by controversy. On the one hand, they are important economic, social and cultural events with clear benefits for those who attend. On the other, they provide the most visible manifestation of a largely unregulated form of gun commerce and, partly for that reason, are an important source of guns used in criminal violence.

The intent of this report is to document the broad range of what actually takes place at gun shows, with an emphasis on activities that appear to pose problems for the public's health and safety. Its purpose is not to inflame, but to inform. The report embodies its author's belief that objective evidence is beneficial to clear thought and sound action on important public matters.

Inside Gun Shows reflects observations made at 78 gun shows in 19 states, most of them during 2005-2008. Structured data on a subset of these shows were published previously.¹ During a period of exploratory work focused on developing methods for data collection, it became evident that descriptive anecdotes and quantitative evidence would never be adequate to the task. A camera was added.

It was important here, as often in field research, to avoid a Hawthorne effect: change in what is being observed introduced by the process of observation itself. For that reason conversation was kept to a minimum; no attempts were made to induce the behaviors that are depicted; criminal activity, when observed, was not reported; the camera was kept hidden.

It was also important to minimize any risk to individual persons, even though the behaviors being documented were occurring at events that were open to the public. No audio recordings were made, except of the author's own notes. Faces in the photographs have been obscured. The project was approved by the university's Institutional Review Board.

Readers should be aware that the author has worked collaboratively for many years with the Bureau of Alcohol, Tobacco, Firearms and Explosives and the California Department of Justice. The Violence Prevention Research Program receives support from the National Institute of Justice for research on gun tracing data and from the California Department of Justice for work on firearm-related domestic violence. Material concerning those agencies appears in this report.

Reading the Report

The following comments on the report's organization may be helpful. Chapter 1 reviews existing research and other evidence on the structure of gun commerce generally, the sources of guns used in crime, and the place of gun shows in that broader context. Chapter 2 takes up the ordinary details of gun show operations and presents a photographic overview of a day at a gun show. Chapters 3 through 6 are largely photo-essays. Chapter 3 concerns undocumented and illegal gun commerce; its core is a series of photo-narratives of private party gun sales and of what appear to be illegal "straw" purchases of guns. Chapter 4 focuses on the weaponry and related merchandise available at gun shows. Chapters 5 and 6 deal briefly with cultural, political, and social aspects of these events, again emphasizing aspects that appear problematic. Chapter 7 assesses these observations and makes recommendations for intervention.

The following terminology is used. Gun sellers who have federal firearms licenses are referred to as *licensed retailers*, whether they are gun dealers or pawnbrokers. Private parties who sell guns without federal firearms licenses are of two types: *unlicensed vendors*, who rent table space and display their guns from a fixed location, and *individual attendees*, who may be at the show primarily as customers but have also brought guns to sell. The occasional attendee who is both an active seller and buyer of guns is a *gun trader*. Sales by unlicensed vendors and individual attendees are collectively referred to as *private party gun sales*.

For simplicity's sake, the term *assault weapon* will be used to describe semiautomatic, civilian versions of selective fire or fully automatic military firearms.

A Final Note

This report will be most useful if it is treated as an introduction to a complex and important subject. Readers are encouraged to take a weekend—even better, take several—and see for themselves.

References

1. Wintemute GJ. Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies. *Injury Prevention*. 2007;13:150-156.

Executive Summary

Gun shows are surrounded by controversy. On the one hand, they are important economic, social and cultural events with clear benefits for those who attend. On the other, they provide the most visible manifestation of a largely unregulated form of gun commerce and, partly for that reason, are an important source of guns used in criminal violence. The intent of this report is to document the broad range of what actually takes place at gun shows, with an emphasis on activities that appear to pose problems for the public's health and safety.

Inside Gun Shows combines a review of existing research with direct observations and photographic evidence. The data were gathered at 78 gun shows in 19 states, most of them occurring between 2005 and 2008. It was important to avoid a Hawthorne effect: change in what is being observed introduced by the process of observation itself. For that reason conversation was kept to a minimum; no attempts were made to induce the behaviors that are depicted; criminal activity, when observed, was not reported; the camera was kept hidden.

Gun Shows in Context

Americans owned between 220 and 280 million guns in 2004, including at least 86 million handguns. We account for less than 5% of the world's population but 35% to 50% of all firearms in civilian hands.

More than 360,000 violent crimes involving guns, including an estimated 11,512 homicides, were committed in the United States in 2007. American firearms now also figure prominently in crimes committed elsewhere, particularly in Canada and Mexico.

There is solid evidence, primarily from investigations of illegal gun trafficking, that gun shows are an important source of crime guns. But less than 2% of felons incarcerated for crimes involving guns acquired those guns themselves at gun shows. This poses a seeming paradox: How can gun shows be an important source of crime guns if criminals get their guns elsewhere?

America's Two Systems of Gun Commerce

Modern gun commerce operates under the terms of the Gun Control Act of 1968. Those engaged in the business of selling guns must obtain federal licenses and follow specified procedures. Private parties who claim not to sell guns as a business are exempt. As a result, the United States has two very different systems of gun commerce that operate in parallel. At gun shows, they can operate literally side by side.

In order to sell a gun to you, whether at a gun show or elsewhere, a licensed retailer such as a gun dealer or pawnbroker must see your identification. He must have you complete a lengthy Firearms Transaction Record on which you certify, under penalty of perjury, that you are buying the gun for yourself and that you are not prohibited from owning it. He must submit your identifying information for a background check and keep a record of your purchase.

But a private party, such as an unlicensed vendor or individual attendee at a gun show, can sell you that same gun—or as many guns as you want—and none of these federal safeguards will be in place. Private party gun sellers are not required to ask for your identification. They *cannot* initiate a background check. There are no forms for you to fill out, and no records need be kept.

Undocumented private party transactions account for as many as 40% of all gun sales. They are quick and convenient, and their anonymity will attract those who put privacy at a premium. But these same attributes make them the principal option for a felon or other prohibited person. The key is that it is only illegal for a seller to participate in a prohibited gun sale if he

knows or has reasonable cause to believe that he is doing so. The matter is easily finessed. As one gun seller said while contemplating a possibly illegal handgun sale, "Of course, if I don't ask, nobody knows."

Seventeen states regulate at least some sales by private parties. In 2008 alone, 9.9 million background checks were conducted under the provisions of federal or state law, 147,000 of which led to denials. Most of these denials resulted from prior convictions or indictments for serious crimes. It appears that denial of gun purchase significantly lowers the risk of committing violent and gun-related crimes among the persons who are directly affected. But the federal background check requirement has had little effect on overall rates of gun-related violent crime. One important reason for this is that its mandate applies only to gun sales by licensed retailers—just 60% of the market.

Where Crime Guns Come From

Licensed retailers are the leading *initial* source of crime guns. Of persons incarcerated for serious crimes involving guns, as many as 19% purchased their guns personally from a retail store or pawnshop. Others employ surrogate or “straw” purchasers to buy guns from licensed retailers on their behalf. But far and away, the leading *proximate* source of crime guns is the private sales market. More than 85% of recovered crime guns have gone through at least one private party transaction following their initial sale by a licensed retailer.

Gun Shows and Gun Commerce

Gun shows play a unique role in gun commerce, stemming from the fact that dozens to hundreds of gun sellers—licensed retailers, unlicensed vendors, and individual attendees—are present and competing with one another for business. Major gun shows can usefully be considered the big-box retailers of gun commerce. Larger retailers can stock a wide range of products and maximize their sales volume at the expense of profit per item sold; small vendors may specialize. The sheer quantity of weapons for sale at any one time can be eye-opening. At a show with 200 gun vendors, an attendee walking the aisles might have about 5,000 guns on display from which to choose.

Current evidence suggests that gun shows account for 4%

to 9% of all gun sales. Perhaps two-thirds of sales at gun shows are made by licensed retailers. The same absence of regulation that characterizes private party gun sales generally is also true at gun shows. Some unlicensed vendors advertise their unregulated status; at one show, a vendor posted this sign: “No background checks required; we only need to know where you live and how old you are.”

Gun Shows and Crime Guns

The best available data on gun shows as a source of crime guns come from investigations of illegal gun trafficking by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Of 1,530 such investigations during the late 1990s, 212 (13.9%) involved gun shows and flea markets. These cases accounted for 25,862 guns—30.7% of all the guns in the study. Individual cases involved as many as 10,000 guns. Gun shows are now frequently identified as the source of guns exported to Mexico, Canada, and elsewhere.

Much of the concern about gun shows and crime guns focuses on private party gun sales. Licensed retailers are implicated, too. Results of trafficking investigations suggest that two-thirds of crime guns obtained at gun shows are sold by licensed retailers. Among gun dealers, those who sell at gun shows are more likely to have crime guns traced to them than are those who do not.

Federal and State Policy on Gun Shows

There is no federal regulation of gun shows *per se*. Existing law sets the terms for legal gun sales by licensed retailers and private parties, whether at a gun show or elsewhere. Eight states regulate gun shows, but the nature and scope of those regulations vary widely.

Law Enforcement at Gun Shows

ATF has had no proactive program of gun show enforcement. Instead, its investigations traditionally have been reactive, originating in information developed from complaints or patterns in gun sales or tracing data. From 2004 to 2006, gun show operations accounted for 3.2% of all trafficking investigations initiated

by ATF and affected 3.3% of the gun shows estimated to have occurred during those years. The limitations on ATF's enforcement activities stem in large part from a lack of resources.

The California Department of Justice has teams of experienced special agents at "every single major gun show" in the state—and most of the smaller shows as well—according to agency officials interviewed for this report.

Preliminary Inferences

Though the relationships between gun shows, gun commerce generally, and gun violence are complex, the available evidence suggests the following:

The proportion of all gun sales nationwide that occurs at gun shows is relatively small;

Most sales at gun shows involve licensed retailers;

Private party sales at gun shows account for a relatively small percentage of gun sales in the United States;

Licensed retailers are probably the primary source of crime guns acquired at gun shows.

How Gun Shows Work

Based on listings provided by promoters, there were an estimated 2,773 gun shows in the U.S. in 2007. Most are general-purpose events, open to the public and held at publicly-owned facilities. They can vary greatly in size, from fewer than 100 display tables available for rental to 2,000 or more.

Promoters are the hub of the industry. The most active put on dozens of shows each year across entire regions of the country. Large licensed retailers anchor gun shows the way department stores anchor shopping malls. These "gun stores in a truck" can have more than 1,000 guns of all types on display. Small retailers, who compete more directly against unlicensed vendors, are put at a disadvantage by the paperwork and background check requirements. It is not uncommon to observe a potential buyer negotiate the purchase of a gun, only to break off and walk away on learning that the seller is a licensed retailer.

Buying and Selling

Sales are most brisk at large licensed retailers. Gun shows are studded with “Private Sale” signs that convey to all this message: No paperwork, no background check, no waiting period, no recordkeeping. Again, private party gun sales are generally legal transactions under federal law and the laws of most states—at least from the seller’s point of view.

If private party sales may provide guns for criminal use, straw purchases are designed to do so. They are felonies under federal law but are a major source of crime guns nonetheless. The openness and sense of impunity with which straw purchases were sometimes conducted was striking. Some retailers are “hotspots” where multiple straw purchases can be observed. On two occasions, retailers identified straw purchases in progress and aborted them.

What’s for Sale

All types of guns are available at gun shows, but assault weapons, particularly civilian versions of AR and AK rifles, seem to figure more prominently at gun shows than in gun commerce generally. Semiautomatic pistols based on AR and AK rifle designs are widely available as well. They accept the same high-capacity magazines and fire the same ammunition that the rifles use. Rifles in .50 BMG caliber are routinely for sale at larger events, often from several licensed retailers and occasionally from private parties.

Large gun shows will frequently have one or more licensed retailers selling automatic weapons (typically submachine guns) and other devices regulated by the National Firearms Act. Finished receivers, typically for AR and AK rifles, are common and inexpensive. Unfinished AR and AK receivers, from which a knowledgeable person can construct an untraceable gun, are available but not common.

Most vendors at general-purpose gun shows do not sell guns. Ammunition, parts and accessories, ammunition magazines, body armor, knives, and books on related topics are routinely on display. Ammunition is sold in bulk; vendors supply carts so that customers can transport several thousand rounds at a time to their vehicles. Armor-piercing and incendiary ammunition, including .50 BMG cartridges, can sometimes be purchased for less than \$2 per round.

Culture

The demographic homogeneity at some shows, particularly in the Midwest, is remarkable. Well under 10 percent of those present are other than white males, and most of these men appear to be well over 50 years of age. In other parts of the country the overall population is much more diverse, but older white men account for a large majority of gun sellers nearly everywhere.

Three aspects of the social environment at gun shows seem to have significant potential to contribute to firearm violence. These concern 1) promoting objectification and violence in relationships between men and women, 2) facilitating children's access to firearms, and 3) endorsing violence as a tool for problem-solving.

Politics

Conservative candidates for public office see gun shows as a way to connect with a motivated constituency. Issue-oriented politics is always present, but most of the time does not deal primarily with guns. Instead, Cold War leftovers like the John Birch Society are joined by organizations that promote closing the borders and not paying taxes.

Perhaps the most disturbing political activity at gun shows, because of its content and high prevalence, concerns identity politics. Support for the Confederacy extends to calls for a continued war of secession and to overt racism. Neo-Confederacy groups rent table space and recruit new members. Ku Klux Klan merchandise was observed several times. New Nazi materials (as distinct from memorabilia) are very common; one regular seller at shows in Arizona is a nationally-recognized promoter of neo-Nazism. *The Turner Diaries* is everywhere, and *Mein Kampf* can be found next to *More Guns, Less Crime*.

Interventions

Broadly speaking, the possibilities for intervention involve expanded enforcement of existing laws, new public policies, and voluntary action.

ATF's enforcement operations currently impact less than

5% of gun shows; this is far too few. Its activities to date have generally received widespread support from the gun show industry and the National Rifle Association. Ideally, there would be an enforcement operation at every major general-purpose event. California's experience demonstrates that such a program is feasible. ATF should be free and expected to work proactively, developing its own intelligence on illegal activity generally at gun shows and mounting enforcement operations based on that intelligence.

The best-known public policy initiative is the proposal that all private party sales at gun shows be subject to the same background check and recordkeeping requirements that exist for sales by licensed retailers. The evidence suggests that there are two real difficulties with closing the gun show loophole, as this initiative is named, if no other action is taken. Regulating private party sales just at gun shows will not end the problems associated with these anonymous and undocumented transactions. Most of them occur elsewhere already, and others would likely be displaced by restrictions that applied to gun shows only. Second, regulating private party sales will not render gun shows unimportant as sources of trafficked crime guns; the best evidence is that most of those guns are sold by licensed retailers.

It would be preferable to regulate private party gun sales generally. This broader approach would more effectively prevent prohibited persons from acquiring guns, thereby preventing violent crime. It would also help solve crimes after they are committed. There are costs, but these are mainly due to the inconvenience created by the paperwork and background check.

In 2008, 83% of self-reported gun owners and 87% of the general public supported a requirement that all gun sales, not just those at gun shows, be subject to background checks. Professionals with a direct stake in preventing gun violence, such as the International Association of Chiefs of Police, also support such a policy.

Voluntary action seems to be a promising strategy, though it has never been implemented in a systematic manner. Current enforcement practices rely on voluntary reporting. Little goes on at a gun show that is not observed by those nearby, and some licensed retailers and unlicensed vendors are clearly concerned by what they observe. An expanded enforcement program could include an early-warning network comprising licensed retailers and others.

Similarly, it is clear that ordinary citizens can acquire the skills needed to identify illegal activity at gun shows. These are public events, and there is nothing to prevent interested persons from doing for gun shows what Neighborhood Watch does for entire communities.

Gun Shows In Context

1

The United States and Gun Violence

Americans owned between 220 and 280 million guns in 2004, including at least 86 million handguns.¹ Millions of guns are added to that total each year. Just ten years earlier, America's gun stockpile was estimated to hold 192 million weapons.² As of 2004, some 38% of households and 26% of all adults had at least one gun; 41% of gun-owning households, and 48% of individual gun owners, had four guns or more.¹

More than 360,000 violent crimes involving guns, including an estimated 11,512 homicides, were committed in the United States in 2007.^{3,4} After dropping steadily through much of the 1990s,⁵ rates of gun-related and other violent crimes have changed little in recent years and have risen rapidly in some areas.^{6,7} Preliminary data for 2008⁸ and early 2009⁹ suggest a downward trend, which would be very good news, but rates of gun-related violence remain unacceptably high.

American Exceptionalism

America's rates of gun ownership are unique. We account



Assault rifles for sale, Dayton, Ohio.

for less than 5% of the world's population but 35% to 50% of all firearms in civilian hands.¹⁰ Not surprisingly, death rates from gun violence are far higher in the United States than in other high-income countries.^{11, 12}

But America is not a uniquely violent society. As Franklin Zimring and Gordon Hawkins demonstrated some years ago,¹³ our rates of violent crime do not exceed those of other high-income countries—though they are above average. It is our rate of death from violent crime that is unique, and this high mortality rate results from our unique propensity to use firearms to commit violent crimes.

Mexico and Canada pose very different images when it comes to violent crime. [They] have one thing in common when it comes to armed violence—the underground gun market in the United States, which is a major source of supply to criminals and gangs in both nations...The USA represents a low-cost supplier of guns both because of lax regulations and of the great number of guns already circulating in private hands.¹⁵

There is "no reason why [Mexican] drug cartels would go through the difficulty of acquiring a gun somewhere else in the world and transporting it to Mexico when it is so easy for them to do so from the United States."

—U.S. and Mexican government and law enforcement officials interviewed by the Government Accountability Office for its study of cross-border gun trafficking.¹⁷

Exporting Crime Guns

Sadly, American firearms now also figure prominently in crimes committed elsewhere. Most crime guns that are recovered by law enforcement agencies in major Canadian cities, and for which a point of origin can be established, are imported illegally from the United States.^{14, 15} The problem has become particularly acute in Mexico, where drug-related gun violence has become so prevalent that the United States Joint Forces Command has warned of a possible "rapid and sudden collapse" with "serious implications for [US] homeland security."¹⁶ By April 2008, Mexican drug trafficking organizations had established a presence in at least 46 U.S. states.¹⁷ Of crime guns recovered in Mexico since 2006 for which the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has established a chain of ownership, more than 90% come across the border from the United States, and nearly 70% are American-made.^{17, 18}

Gun Shows and Gun Violence: An Introductory Case

At lunchtime on April 20, 1999, high schoolers Eric Harris and Dylan Klebold shot and killed 12 fellow students and a teacher at Columbine High School in Littleton, Colorado, and wounded 23 others. After exchanging fire with the police, they shot themselves.

All four guns used in the massacre were purchased at local gun shows, but none of them by Harris and Klebold.¹⁹ Three guns—two Savage shotguns and a Hi-Point 9mm carbine—were bought for them by an 18-year-old friend, Robyn Anderson, at a Tanner Gun Show near Denver the previous December. An-

erson bought the guns from private parties rather than from licensed gun retailers. “While we were walking around [the show],” she would later testify, “Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.”²⁰ Anderson stressed that “[a]ll I had to do was show my driver’s license to prove I was 18. I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit to any kind of check at all.”²¹

Just the day before, in fact, Harris and Klebold had tried to buy guns themselves at the show. The boys were 17 years old at the time. No one who would sell to them, but they were told that they could buy the guns if they brought someone with them who was at least 18 years old. Anderson believed it should have been obvious that she was buying the guns for Harris and Klebold; though she was making the payment, “they were handling the guns and asking the questions.”²²

The fourth gun, a semiautomatic TEC-DC9 assault pistol, was bought at a Tanner Gun Show in August 1998 by Mark Manes—again from a private party, not a licensed retailer—and sold to Harris and Klebold the following January.¹⁹ Because the TEC-DC9 is a handgun, Manes was charged with providing a firearm to a minor (Harris and Klebold were still 17 when they bought the gun). Anderson’s rifle and shotgun purchases broke no federal or state laws, and she was not charged with any crime. J. D. Tanner, promoter of the shows, had this to say about her gun purchases: “All I can say is apparently it was all done legally. That makes me have a good feeling.”²³

The first Tanner Gun Show held after the massacre took place the weekend of June 5 and 6; Tanner had canceled a show scheduled for the weekend after the shootings. On June 6, Corey Tucker, age 18, and David Winkler, age 17, used \$600 in cash provided by the Colorado Coalition Against Gun Violence to buy a TEC-9 pistol similar to the gun used by Harris and Klebold. They believed they were buying from a private party—there was apparently no evidence to the contrary—and their intent was to demonstrate how easily this could be done. “He didn’t ask me my name or my age,” Tucker said at a news conference the following week, and there was no identification check.²⁴ But the seller had been interviewed at the show on June 5 by *Denver Post* reporter David Olinger, who was writing a story on the

*While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.*²⁰

*All I had to do was show my driver’s license to prove I was 18. I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit to any kind of check at all.*²¹

—Robyn Anderson, on buying three of the guns used in the Columbine High School shootings

All I can say is apparently it was all done legally. That makes me have a good feeling.

*—J. D. Tanner of Tanner Gun Shows*²³

resumption of the Tanner shows. He was Terry Kern, a licensed gun retailer and gun store owner. When Olinger contacted him following Tucker and Winkler's news conference, Kern confirmed that he had sold the gun. But when told that his failure to document the sale or perform any identification check had become public knowledge, "Kern changed his account. The sale 'didn't have anything to do with me,' he said."²⁴

The sale was investigated by the Bureau of Alcohol, Tobacco and Firearms (ATF) and determined to have been illegal. Kern surrendered his firearms license.²⁵

Promoter J. D. Tanner himself sells guns at Tanner Gun Shows as an unlicensed vendor. A year after the massacre in Littleton, the prospective buyer of a handgun asked him, "You have to do a background check on this?" "No," he replied, "there's no law says I have to."²⁶

A Paradox

The events surrounding the Columbine massacre exemplify many of the difficult problems posed by gun shows. Prohibited persons are able to acquire guns by using others as their agents. Guns can be sold anonymously, without background checks or records. Sellers, including licensed retailers, can be corrupt.

There is solid evidence that gun shows are an important source of crime guns, which we will review later in the chapter. The best of that evidence comes from ATF investigations of illegal gun trafficking—the organized procurement of guns for criminal use.²⁷⁻²⁹

But two highly-regarded surveys conducted under the auspices of the U.S. Bureau of Justice Statistics have found that less than 2% of felons incarcerated for crimes involving guns acquired those guns themselves at gun shows.^{30, 31} This poses a seeming paradox: How can gun shows be an important source of crime guns if criminals get their guns elsewhere? To clarify this, we need to take a step back and examine American gun commerce generally and the role gun shows play in that larger enterprise.

America's Two Systems of Gun Commerce

Modern gun commerce operates under the terms of the oft-amended Gun Control Act of 1968 (GCA), which is enforced by ATF. Congress drew on its authority to regulate interstate commerce in drafting GCA as it had with GCA's predecessor, the Federal Firearms Act of 1938.³² Those "engaged in the business" of selling guns, as the law terms it, were required to obtain federal licenses and to buy and sell guns following specified procedures. Private parties who sold guns infrequently and not in the course of business were exempted, however. As a result, the United States has two very different systems of gun commerce that operate in parallel. At gun shows, they can operate literally side by side.

In 1995, Philip Cook and colleagues published a study that has done much to shape and clarify our understanding of how gun commerce operates.³³ By convention, the two systems mentioned above are referred to as the *primary market* and the *secondary market* for guns. The primary market comprises all transfers of guns by federally licensed firearms retailers such as gun dealers and pawnbrokers. These transfers may be of new or used guns.

The secondary market consists of transfers involving unlicensed sellers, such as the unlicensed vendors and individual attendees at gun shows.^{33, 34} This secondary gun market is much larger than is commonly thought. According to the Police Foundation's National Survey of Private Ownership of Firearms, it accounted for approximately 40% of all gun acquisitions in the mid-1990s.^{2, 33} Thirty years earlier, at the time Congress was debating the Gun Control Act, an estimated 34% of all gun acquisitions occurred through the private party transfers that were exempted from the terms of the Act.³⁵

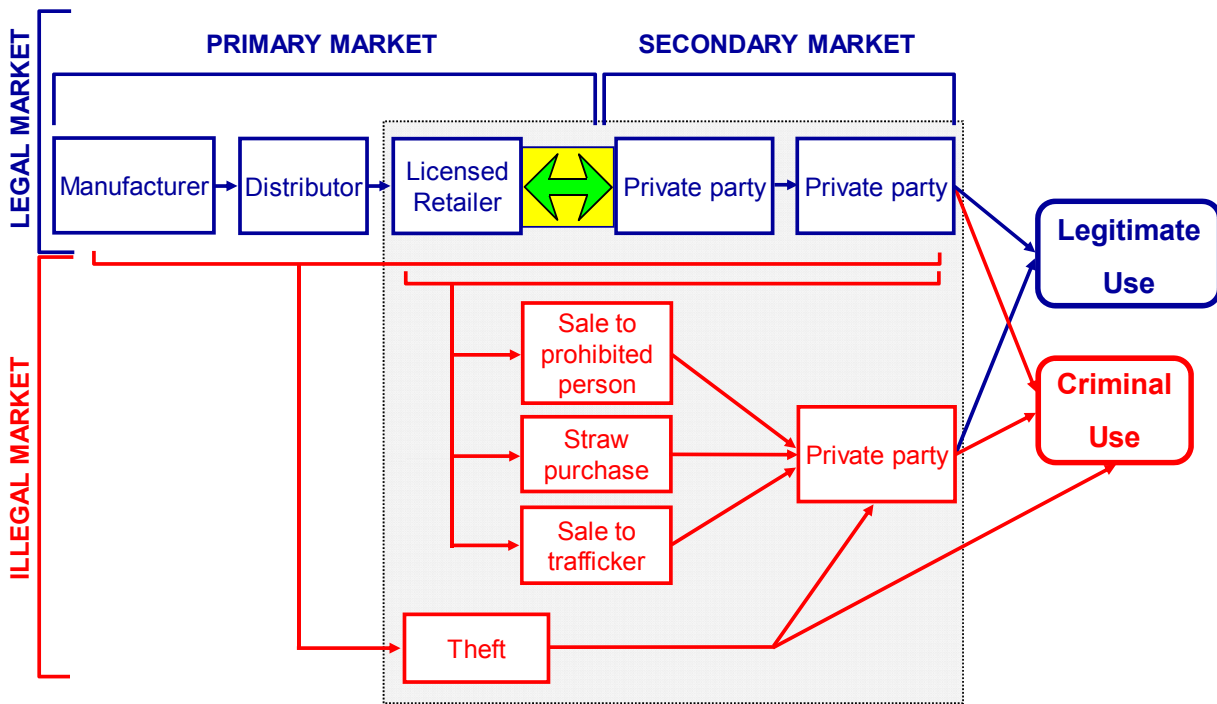
As with other commodities, there is a *legal market* and an *illegal market* for guns. The movement of guns from the legal to the illegal market is the illegal market's chief source of supply. Gun trafficking is the intentional diversion of guns from the legal to the illegal market.

Finally, in considering how guns become available for use in crime, it is useful to consider *point sources* and *diffuse sources* of those guns.³⁴ Point sources are the venues linked to many known crime guns, usually licensed retailers. Diffuse sources are the many small-volume transactions between individuals that are

dispersed in time and place, such as transfers of single guns between acquaintances or fellow gang members. Point sources provide the most readily identifiable targets for prevention activity, but diffuse sources, taken together, are the leading proximate source of crime guns.

An overview of America’s gun markets is in Figure 1-1.

Figure 1-1. An overview of gun commerce in the United States. Activities within the shaded area occur at gun shows.



Gun manufacturers typically sell their products to distributors, who in turn sell them to federally licensed retailers such as gun dealers or pawnbrokers. Sales by manufacturers, distributors, and retailers make up the primary gun market. After its first sale by a licensed retailer to a private party, a gun may experience many subsequent sales or other changes of possession between private parties (through trades, for example). These transactions make up the secondary gun market. A private party may also sell his gun to a licensed retailer; most retailers sell both new and used guns. Guns enter the illegal market predominantly through sales to prohibited persons, straw purchasing and other trafficking operations, and theft. As with the legal market, guns in the illegal market may undergo many subsequent transfers of ownership. The shaded area of the figure identifies transactions that occur at gun shows.

Modified from Wintemute GJ. Where guns come from: the gun industry and gun commerce. *The Future of Children* 2002;12 (2):55-71.

Regulating Gun Sellers

Federal Policy

In order to sell a gun to you, whether at a gun show or elsewhere, a federally licensed retailer such as a gun dealer or pawnbroker must see your identification. He must have you complete a lengthy Firearms Transaction Record on which you certify, under penalty of perjury, that you are buying the gun for yourself and that you are not prohibited from owning it. He must submit your identifying information to the National Instant Criminal Background Check System (NICS) administered by the Federal Bureau of Investigation.

Staff at NICS perform a background check on you, comparing your information to the records in a centralized archive of criminal histories and other databases to verify your eligibility to purchase firearms. In over 90% of cases this background check is completed within minutes,³⁶ but if important information is missing you may have to wait up to three business days to get your gun. (In 17 states, the background check can be waived for holders of permits to carry concealed weapons.)

The retailer must keep a permanent record of your purchase. If you buy more than one handgun from him within five business days, the retailer must file a special report with ATF. (This requirement does not apply to purchases of rifles or shotguns.)

These procedural safeguards are intended to ensure that you are who you say you are, that you and not someone else will be the actual owner of the gun, and that you are not prohibited from owning it. They also establish a paper trail that will help law enforcement authorities link the gun to you if it is used in a crime later.

But a private party, such as an unlicensed vendor or individual attendee at a gun show, can sell you that same gun—or as many guns as you want—and none of these federal safeguards will be in place. Private party gun sellers are not required to ask for your identification. They *cannot* initiate a background check, except in Delaware, Nevada, and Oregon, where they may do so voluntarily. There are no forms for you to fill out, and no records need be kept.

Again, the provisions of the Gun Control Act regulating gun sales apply only to those who are engaged in the business of



Attendee with several guns for sale, Houston, Texas.

There is no limit to the amount of guns that a private collector can have. Some have 10, some have 1,000. If I go to a gun show and state that this is my private collection, I am not required by law to ask you for identification, ask you to fill out any paperwork, or conduct a background check. It is simply cash and carry.

—Tom Mangan, Special Agent, ATF, Phoenix, Arizona.³⁹

Unfortunately, the effect of the 1986 amendments has often been to frustrate the prosecution of unlicensed dealers masquerading as collectors or hobbyists but who are really trafficking firearms to felons or other prohibited persons.

—ATF gun show study, 1999.³⁷

selling guns. As originally enacted, GCA established that standard but did not define it. ATF considered the sale of five or more firearms annually to signify engagement in the business,³⁴ and federal courts upheld convictions for selling guns without a license in cases involving as few as six firearms.³⁷

Any clear understanding of what “engaged in the business” might mean was abolished by the 1986 Firearm Owners Protection Act (FOPA). The new law ambiguously defined a person as “engaged in the business” who “devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.”³⁸ Muddying the waters further, FOPA defined “with the principal objective of livelihood and profit” to mean “that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.”³⁸ It specifically excluded from its definition of engagement in the business a person who makes “occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.”^{28, 38}

The practical result was to make it much more difficult to set an upper limit to the frequency of buying and selling guns that did not require a license and compliance with the procedural safeguards described above. Today, private parties sometimes sell large numbers of new and used firearms while claiming hobbyist status and exemption from the requirements imposed on licensed retailers.²⁸ ATF put it this way in an important study of gun shows in 1999: “Unfortunately, the effect of the 1986 amendments has often been to frustrate the prosecution of unlicensed dealers masquerading as collectors or hobbyists but who are really trafficking firearms to felons or other prohibited persons.”³⁷

State Policy

In 33 states, statutes regulating gun sales do not go beyond the ambiguous standards set by Congress. But 17 states regulate at least some sales by unlicensed private parties. Some require that these transactions be routed through a licensed retailer; such transactions are subject to the same procedural safeguards that apply to the licensed retailer’s own sales. Other states re-

quire that purchasers obtain a permit or undergo a background check through a law enforcement agency.⁴⁰ Of these 17 states, six regulate all private party gun sales and nine more regulate all private party sales of handguns. Two states, Colorado and Oregon, regulate all private party sales at gun shows only. (See Table 1-1.)

Table 1-1. State regulation of private party gun sales*

* In the remaining 33 states, private party gun sales are not regulated.

State	Handgun Sales		Long Gun Sales	
	All Sales	Gun Shows Only	All Sales	Gun Shows Only
California	●		●	
Colorado		●		●
Connecticut	●			●
Hawaii	●		●	
Illinois	●		●	
Iowa	●			
Maryland	●			
Massachusetts	●		●	
Michigan	●			
Missouri	●			
Nebraska	●			
New Jersey	●		●	
New York	●			●
North Carolina	●			
Oregon		●		●
Pennsylvania	●			
Rhode Island	●		●	

From *Survey of State Procedures Related to Firearm Sales, 2005*. Washington, DC: Bureau of Justice Statistics; 2006. See Table 6, p 77.

Regulating Gun Buyers

Federal Policy

Federal statutes prohibit several categories of persons from purchasing or otherwise acquiring firearms, whether from a licensed retailer or a private party, and from possessing firearms at any time.⁴⁰ (See Table 1-2.) Most of the prohibitions arise from criminal convictions. These were expanded to include convictions for misdemeanor crimes of domestic violence in 1996. Convictions for other violent and firearm-related misdemeanors, such as battery and brandishing a firearm, do not prohibit firearm ownership under federal law. A federal prohibition is permanent unless it arises from a domestic violence restraining order, in which case it exists only as long as the restraining order remains in effect.

Persons less than 21 years of age may not purchase handguns from licensed retailers, but persons ages 18 to 20 may purchase handguns from private parties. Those less than 18 years of age cannot purchase long guns (rifles and shotguns).⁴⁰

Table 1-2. Categories of persons who are generally prohibited from purchasing or possessing firearms under federal law

A person is prohibited who:	
•	Is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year
•	Is a fugitive from justice
•	Is an unlawful user of or addicted to any controlled substance
•	Has been adjudicated as a mental defective or has been committed to any mental institution
•	Who, being an alien, is illegally or unlawfully in the United States or has been admitted to the United States under a nonimmigrant visa
•	Who has been discharged from the Armed Forces under dishonorable conditions
•	Who, having been a citizen of the United States, has renounced his citizenship
•	Is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person
•	Has been convicted in any court of a misdemeanor crime of domestic violence

From *United States Code*, Title 18, Section 922(d).

Federal law also makes it a felony to purchase a firearm from a licensed retailer for another person while representing oneself to be the intended owner of that firearm. Such transactions are known as surrogate or “straw” purchases. Although illegal, such purchases are common and are an important source of guns for prohibited persons. Straw purchases will be discussed in more detail later in the chapter and in Chapter 3.

State Policy

Many states have broadened the federal criteria for prohibiting the purchase and possession of firearms. Details for each state are available in the regularly-updated *Survey of State Procedures Related to Firearm Sales*, compiled by the Justice Department’s Bureau of Justice Statistics and available at <http://www.ojp.usdoj.gov/bjs/>. In California, for example, persons convicted of most violent misdemeanors are prohibited from possessing firearms for 10 years following their convictions.

California, Maryland, Virginia, and New Jersey also prohibit individuals from purchasing more than one handgun in any 30-day period. Because California has a centralized record of handgun purchases, this prohibition applies statewide, not just to multiple purchases from an individual retailer. Private party sales are exempted, however.

Screening and Denial

Since March 1, 1994, the Brady Handgun Violence Prevention Act has required background checks on persons purchasing firearms from federally licensed firearm retailers. Federal and state agencies have conducted 97,080,000 Brady Act background checks as of December 2008. The checks have resulted in 1,778,000 denials, for a denial rate of 1.8%.⁴¹

In 2008 alone, 9,901,000 background checks were conducted, 147,000 of which led to denials (a denial rate of 1.5%). A large majority of these denials resulted from the fact that the prospective purchasers had been convicted of, or were under indictment for, serious crimes. (See Table 1-3).

Prior to the Brady Act, in 32 states no background check was required to verify purchasers’ statements that they were not prohibited persons. The 18 other states had enacted background check requirements of their own, sometimes many years earlier.⁴²

Okay, I want it, but I just bought a gun June 2. I’ll have to wait.

—An attendee making a deposit on a Walther pistol on June 6, in Orange County, California.

Because of the state’s prohibition on the purchase of more than one handgun within 30 days, he will not be able to purchase the gun until July.

Vendor: It’s my understanding that if you’ve got a conviction, you can’t buy guns forever.

Attendee: That’s right. You don’t ever want to hit the old lady, ‘cause then you’re through.

—Advice given to a man shopping for parts for an AR rifle, Las Vegas, Nevada.

When the Brady Act first took effect, states where no background checks had previously been required found that as many as 9.4% of persons who sought to purchase firearms from licensed retailers, and who had just certified under penalty of perjury that they were eligible to own guns, were in fact prohibited from owning them.⁴³

Table 1-3. Reasons for denial of firearm transfer application in 2008

Reason for Denial	Agency Type	
	Federal (%)	State (%)
Felony indictment/conviction	55.9	45.7
State law prohibition	6.8	10.5
Domestic violence		
Misdemeanor conviction	7.3	9.9
Restraining order	4.1	4.0
Fugitive	13.4	8.6
Illegal alien	1.4	0.5
Mental illness or disability	1.1	3.7
Drug user/addict	9.5	3.1
Other	0.6	13.9
Total	100	100

From *Background Checks for Firearm Transfers, 2008—Statistical Tables*. Washington, DC: Bureau of Justice Statistics, 2008. See Table 4. Results for local agencies are omitted.

Does Denial Work?

The goal of screening and denial programs is to prevent gun-related violence by preventing persons thought to be at high risk of committing such violence from acquiring guns. There are no systematic data on the intermediate question: How often do people who are denied the purchase of a gun from a licensed retailer go on to acquire a gun from some other source? There are, however, several studies that collectively describe the effect of these programs on violent crime.

It appears that denial of gun purchase significantly lowers the risk of committing violent and gun-related crimes among the persons who are directly affected. The best example of this effect

comes from California, which in 1991 expanded its criteria for a prohibition on gun ownership to include prior convictions for almost all violent misdemeanors. There was a 23% drop in crimes involving guns or violence among those whose gun purchases were denied under the new policy in the year after it took effect, as compared to a group of violent misdemeanants who legally purchased handguns under the previous policy.⁴⁴ For persons ages 21 to 24, among whom absolute rates of violent criminal activity were highest, the decrease was 27%. There was no difference for crimes involving neither guns nor violence. This specificity of effect supports the inference that the observed results were produced by the change in policy rather than some other factor.

Similarly, denial based on a felony conviction appears to result in a decrease in risk for crimes involving guns or violence of 20% to 25%.⁴⁵ This is a sizeable effect. Its importance is reinforced by a new research finding concerning risk for new criminal activity among persons who have previously been arrested for serious crimes.⁴⁶ As much as 20 years may need to pass before their risk of re-arrest falls enough to approximate the risk of first arrest among persons their age who have no prior arrest record. Policies intended to reduce that elevated risk for new criminal activity appear to be well-advised.

However, the federal screening and denial program put in place by the Brady Act may have had little effect on population-wide rates of gun-related violent crime. Careful researchers studying rates of gun homicide determined that while a decrease occurred in states where Brady led to the institution of screening and denial for the first time, that decrease also occurred in states where similar programs had been in place all along.⁴² They found no effect on rates of gun homicide that could be attributed to the Brady Act itself.

Several explanations have been proposed for these seemingly contradictory findings. One is that the federal criteria for prohibiting an individual from purchasing a gun are quite narrow. Most violent misdemeanors are not prohibiting offenses, for example. As a result, many high-risk persons are still able to purchase guns, and the number of persons denied may be too small for any beneficial effect on them as individuals to be reflected in overall crime rates.⁴⁷

Another, and probably the most important, is that the Brady Act's mandate applies only to gun sales by federally licensed retailers. The secondary market's private party gun

sales—accounting, again, for perhaps 40% of all gun transfers every year—are unaffected. A new evaluation of state-level regulations on gun sales provides evidence in support of this possibility. Gun trafficking, which facilitates firearm-related violent crime, appears to be significantly reduced in states that regulate private party sales of handguns.⁴⁸

Summing Up: Why Private Party Gun Sales Matter

Of course, if I don't ask, nobody knows.

— A seller contemplating the sale of a handgun to a possibly prohibited party, Reno, Nevada.

Three and a half out the door. I'm not a dealer so just pay cash for it and you're outta here.

— An unlicensed vendor selling a Ruger revolver, tagged at \$425, Waukesha, Wisconsin.

Private party gun sales are quick and convenient. Even a completely law-abiding gun purchaser might appreciate the absence of paperwork that characterizes private party sales. And their anonymity will attract those who put privacy at a premium.

But the same attributes of private party sales that make them convenient for legal gun buyers make them the principal option for a felon, fugitive, domestic violence offender, or other prohibited person. The key is that while it is always illegal for a prohibited person to buy a gun, it is only illegal to sell a gun to a prohibited person if the seller knows or has “reasonable cause to believe” that he is doing so.⁴⁹ Again, a private party seller *cannot* initiate a background check. He is under no obligation to inquire directly. The matter is easily finessed. As one gun seller said while contemplating a possibly illegal handgun sale, “Of course, if I don't ask, nobody knows.”

Where Crime Guns Come From

Licensed Retailers: The Primary Gun Market

In the early 1990s, the United States had more licensed gun retailers than gas stations.⁵⁰ More rigorous licensing and oversight policies led to a large decrease in licensed retailers by 2001.^{5, 34, 51} The sellers of one-third of crime guns traced in 1994 were out of business by 1998.⁵²

Licensed retailers remain an important source of crime guns, however.^{27, 28, 53-55} Of persons incarcerated during the 1990s for serious crimes involving guns, 12% to 19% of those in state prisons³¹ and 19% of those in federal prisons³⁰ purchased their guns personally from a retail store or pawnshop.

Others employ surrogate or “straw” purchasers to buy guns from licensed retailers on their behalf. In a typical straw purchase, the actual buyer determines which gun is to be bought

and provides the funds. The straw purchaser, acting as the buyer's agent, makes the purchase by falsely representing himself (or, frequently, herself) to be the actual buyer of the gun. The details can vary. For example, the actual buyer may make the selection at the time of purchase and transfer the funds to the straw purchaser in full view of the retailer. Alternatively, the straw purchaser may operate with a shopping list of desirable guns or communicate with the actual buyer by cell phone (sometimes sending pictures of the guns in question).⁵⁶ Straw purchasers may be compensated with cash, drugs, or other currency.

Criminal gang members may be particularly likely to use straw purchasers, even if they themselves are not prohibited persons, for the simple reason that it is unsafe for them to travel outside their territories to a licensed retailer's place of business.⁵⁷ Gun traffickers, needing to mask their gun purchases, may employ whole networks of straw purchasers. Straw purchases have emerged as a leading source of supply for Mexican drug trafficking organizations.

Consider, for example, the case of John Philip Hernandez of Houston.^{58, 59} Between June 2006 and June 2007, Hernandez spent nearly \$25,000 to buy 23 firearms, including 5.7mm FN Herstal Five-seveN "cop killer" pistols and 15 AR rifles, from Houston-area retailers. The guns were smuggled into Mexico, where several have since been used in homicides and other violent crimes—as soon as two months after Hernandez purchased them. Hernandez recruited others to buy guns for him; they purchased another approximately 80 guns. The larger operation of which Hernandez and his confederates were just one segment is believed to have shipped well over 300 guns across the border. Most of the 22 members of that operation remain at large.

When all this began, Hernandez was 24 years old. In April 2009, he was sentenced to 97 months in prison by a judge who held that the maximum term recommended by the U.S. Sentencing Guidelines was not a sufficient deterrent to others.

Straw purchasers are often the intimate partners of actual buyers. Women make up about 10% of gun owners overall,^{1, 2} but 18% of straw purchasers working with gun trafficking operations were the girlfriends or spouses of the traffickers.²⁷

A straw purchase is a felony under federal law for both the actual buyer and the straw purchaser—and for the retailer, if he sells the gun despite knowledge or reasonable cause for belief that a straw purchase is in progress. There is clear evidence from

If she's buying the gun, she's got to act like she's buying the gun. Come on up here.

—A licensed retailer in Las Vegas, Nevada, to two young men who are negotiating the purchase of a handgun and have just indicated that one of two women standing well behind them will be the purchaser. All four leave immediately.

criminal investigations that straw purchases are nonetheless an important source of crime guns.^{27, 55} In a 1993 survey, 32% of student-age correctional inmates and, perhaps even more surprisingly, 18% of inner city high school students had asked someone to purchase a gun for them from a retail outlet.^{60, 61} More recently, 53% of licensed retailers telephoned by a sham prospective purchaser indicated that they would sell a handgun to that person because his or her intimate partner “needs it.”

The question arises: Why risk a straw purchase from a licensed retailer when private party gun sales offer a convenient and anonymous, if still illegal, alternative? The answer may be in part that licensed retailers have larger inventories than private party sellers do⁶³ and in particular are more likely to stock new assault rifles and similar weapons sought after by criminal users. Buying a new gun also avoids the risk of being linked through the gun to prior crimes in which it was used. This proposition would be unconvincing if the risk of apprehension during a straw purchase were high, but it is not.⁶³

Tracing Crime Guns

An individual licensed retailer’s importance as a source of crime guns is estimated by determining the number of recovered crime guns sold by that retailer. Linking crime guns to their points of sale is accomplished by a procedure called gun tracing, which ordinarily reconstructs the chain of ownership of a gun from its manufacturer to its first retail purchaser. Gun traces are conducted by ATF in response to requests from law enforcement agencies all over the world, and annual reports on traced guns for each state in the U.S. are provided by ATF at its web site: http://www.atf.gov/firearms/trace_data/index.htm. In 2005, ATF received more than 260,000 requests for gun traces.⁶⁴

Some retailers sell more crime guns than others do. In 1998, of 83,272 licensed retailers nationwide, just 1,020 (1.2%) accounted for 57.4% of all traced guns.⁶⁵ At that time, many licensed retailers sold few guns or none at all, however. In a later California study of 421 retailers who sold at least 100 handguns a year, just 10 retailers (2.4%) accounted for 29.2% of all handguns sold by the entire group that were traced after use in a violent or firearm-related crime.⁶⁶

The National Rifle Association has suggested that the number of traced guns linked to an individual retailer reflects on-



**PRIVATE SALES
SEE KEVIN.**

—Multiple signs at this licensed retailer specializing in custom-assembled AR and AK rifles. The signs were seen at a show in Reno, Nevada, but not at subsequent shows in Las Vegas, Nevada; Phoenix, Arizona; or San Francisco, California. The photograph was taken in San Francisco.

ly that retailer’s sales volume.⁶⁷ This is not the case. Some licensed retailers are linked to crime guns not just frequently, but *disproportionately*: more frequently than would be expected from the overall number of guns they sell. In the California study cited above, the 11.2% of retailers who had disproportionate sales of crime guns accounted for 46.1% of handguns linked to violent or firearm-related crimes.⁶⁶

Perhaps of greatest concern, some licensed retailers are corrupt. Such retailers are the immediate source of nearly half of all guns that are trafficked—diverted intentionally into illegal gun commerce.²⁷ They account for two-thirds of trafficked guns coming from gun shows.²⁸

Private Parties: The Secondary Gun Market

Far and away, the leading proximate source of crime guns is the secondary gun market. More than 85% of the recovered crime guns traced by ATF are in the possession of someone other than their first retail purchaser when the crime is committed; the percentage is even higher for guns recovered from juveniles and youth.⁶⁸⁻⁷⁰ These guns have gone through at least one private party gun sale (or some other type of private party transfer of possession, such as a trade). Correspondingly, the great majority of persons who have committed violent crimes with guns report that they acquired their guns through a private party transaction.³¹ (See Table 1-4.)

At least two of the reasons for this are clear. As discussed, private party gun sales offer anonymity and are available to those who would be prohibited from buying from licensed retailers. Accessibility is also important. Licensed retailers can be few and far between, at least in some large cities. There are an estimated 57 million adult gun owners in the United States,¹ any one of whom can become a private party gun seller.

The lack of documentation for private party gun sales creates missing links in the chain connecting the first retail purchaser and the criminal from whom the gun has been recovered. Finding those missing links can be impossible, or at best very expensive. In states that require records to be kept for all gun sales, however, investigators seek to identify the most recent purchaser of a crime gun, not just the first.⁷⁰ This is of real practical value; it can convert a crime gun whose first retail purchase was in another state several years earlier into a gun sold just weeks before the

Gun shows, flea markets, hotel rooms, just about anywhere. He’s not asking for any identification, he’s not asking to have somebody have a record check being done, so he’ll sell to anybody for a price.

— ATF agent Thomas Stankiewicz describing Kurt Radovich, accused of gun trafficking in Pennsylvania in 2008. More than 500 guns and thousands of rounds of ammunition were taken from Radovich’s home at the time of his arrest.⁷¹

I don’t fill out any paperwork or anything.

—An unlicensed vendor in San Antonio, Texas, buying a Smith & Wesson .357 revolver for \$350 from an attendee at the show. The vendor has about 60 guns for sale, including at least 5 AK rifles.

crime, just miles from the crime scene. The same information can be critically important in identifying gun trafficking networks and in linking one crime to another. Examples are in Table 1-5.

Table 1-4. Sources of guns used in crime by state prison inmates

Summary of example cases:

Source	Percentage	
	1997	1991
Purchased or traded from retail outlet	13.9	20.8
Retail store, pawnshop	12.1	18.9
Flea market, gun show	1.7	1.9
Family or friend	39.6	33.8
Purchased or traded	12.8	13.5
Rented or borrowed	18.5	10.1
Other	8.3	10.2
Street, illegal source	39.2	40.8
Theft, burglary	9.9	10.5
Drug dealer, off street	20.8	22.5
Fence, black market	8.4	7.8
Other	7.4	4.6

From Harlow CW. *Firearm use by offenders*. Washington, DC: Bureau of Justice Statistics; 2001.

Table 1-5. Results of standard ATF traces and traces incorporating additional sales records for handguns recovered from young people in California and traced in 1999

Gun	Date of Recovery by Law Enforcement	ATF Sale Date	ATF Time from Sale to Recovery	California Sale Date	California Time from Sale to Recovery
GLC 23, .40	03/06/99	Unknown	Unknown	06/08/96	2.7 y
				05/22/98	288 d
				06/13/98	266 d
SW 910, 9mm	02/01/99	02/28/96	2.9 y	02/28/96	2.9 y
				09/20/98	135 d
SW Sigma, 9mm	09/28/99	04/28/95	4.4 y	03/19/97	2.5 y
				06/25/99	95 d
GLC 19, 9mm	12/22/98	04/21/98	245 d	12/01/98	22 d
CLT .25	02/17/99	Unknown	Unknown	12/19/98	62 d

In Case 1, a Glock Model 23, .40 caliber semiautomatic pistol was recovered on March 6, 1999 in Los Angeles. The standard trace identified the retailer who first sold the gun, but the date of purchase and, therefore, time to crime were unknown. California sales records identified three transactions, the last of which occurred less than a year before the gun’s recovery.

In Case 2, a Smith and Wesson Model 910, 9mm semiautomatic pistol was recovered February 1, 1999. Both the standard trace and the sales records identified a first sale in February, 1996, but the sales records included a subsequent transfer just over four months prior to the gun’s recovery.

From Wintemute GJ. The life cycle of crime guns: a description based on guns recovered from young people in California. *Annals of Emergency Medicine* 2004;43:733-742.

(Y denotes years; d denotes days.)

Gun Shows and Gun Commerce

Since the adoption of the Firearm Owner’s Protection Act in 1986, federal law has permitted licensed retailers to sell guns of any type at gun shows in their home states. They can sell long guns at shows elsewhere.³⁴ Prior to 1984, retailers could sell only at the premises listed on their license; from 1984 to 1986, they were allowed to conduct business at gun shows under a new ATF regulation.⁷² By creating an ambiguous definition of the term

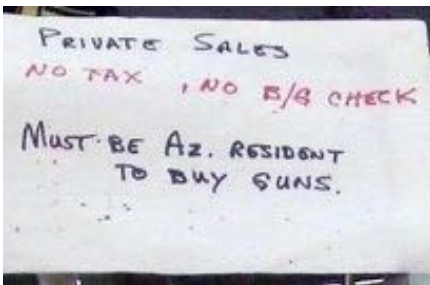
“engaged in the business,” FOPA also expanded opportunities for private parties to buy and sell guns regularly while claiming to be indulging a hobby.

Although systematic data are lacking, the result appears to have been a rapid increase in both the number and size of gun shows during the 1980s and 1990s. An informal survey in 1996 by the Violence Policy Center yielded the following impressions, among others.⁷² From a regional ATF official: “Several out of my eight supervisors said we definitely had an increase of more than 50 percent in the last 10 years.” From David Cook, show organizer for the North Texas Gun Club, a promoter of large gun shows in Dallas: “They’ve become more popular. I remember the days when there was a show only once every three months. Now you can go to one just about every weekend.”

Today, gun shows continue to play a unique role in gun commerce, stemming from the fact that dozens to hundreds of gun sellers—licensed retailers, unlicensed vendors, and individual attendees—are present and competing with one another for business. Licensed retailers rent table space from the shows’ promoters and display their inventory from a fixed location, but unlicensed vendors do this as well. ATF, based on interviews with promoters, estimates that 25% to 50% of all gun sellers at gun shows who rent table space are unlicensed vendors.³⁷ A separate study, based on observations at gun shows, raises this estimate to 70%.⁶³ (The reasons for the discrepancy will be discussed later.)

The same absence of regulation that characterizes private party gun sales generally is also true of sales by unlicensed vendors at gun shows. Some advertise their unregulated status; at one show, an unlicensed vendor posted this sign: “No background checks required; we only need to know where you live and how old you are.”³⁷ It is of great concern that some unlicensed vendors are likely to be “corrupt licensed gun dealers who were squeezed out of the primary market by recent...ATF efforts to make it more difficult to obtain and renew a federal firearms license.”²⁸

Individual attendees who have brought guns to sell probably outnumber licensed retailers and unlicensed vendors put together. Some are active traders, both buying and selling guns.



Signs posted by unlicensed vendors, Tucson and Phoenix, Arizona

Economies of Scale

Major gun shows can usefully be considered the big-box retailers of gun commerce. Some individual licensed retailers at these shows are as large and well-staffed as a good-sized gun store. When dozens or hundreds of gun sellers are together in the same place along with thousands of potential customers, collective effects become important. Competition allows for multiple business strategies to be successful. Larger retailers can stock a wide range of products and maximize their sales volume at the expense of profit per item sold; small vendors may specialize to achieve excellence in a niche market. As a result, these gun shows offer their customers a breadth and depth of weaponry to choose from that can be found nowhere else, at prices that are as low as the market will bear.

This effect may not be particularly important for conventional handguns and long guns—the core of the inventory of a typical gun dealer or pawnshop. On the other hand, a customer might need to visit several retailers scattered across a metropolitan area in order to inspect a single .50 BMG rifle or one of the new semiautomatic pistols based on AR or AK rifle designs (more on these in Chapter 4). At a large gun show, however, he is likely to find at least half a dozen licensed retailers with several of these weapons to sell. Simply by walking back and forth between them he can comparison shop and negotiate a low selling price. Not uncommonly, he can buy them anonymously from an unlicensed vendor or another attendee.

The sheer quantity of weapons for sale at any one time, whether arrayed on tables or carried by attendees, can be eye-opening. A reasonable working estimate of the number of guns per seller renting table space is 25. (In a prior study, the median number of guns per seller was 22 in California and 26 in other states.⁶³) At the low end are unlicensed vendors who have just one or two guns on display and are mostly selling something else. At the other extreme, Shoot Straight Sports (see Chapter 2) had an estimated 1,354 guns laid out at a show in Orlando, Florida; some of these were atop stacks of boxes holding additional guns.

At a show with 200 gun vendors, then, an attendee walking the aisles might have about 5,000 guns on display to choose from at any one time. This does not include guns still in their boxes or carried by other attendees.

Gun Shows and Crime Guns

See that guy over there? He's at every show. And he sells some of the same guns I do, only he charges more. Now why do you think some people are willing to pay more at his table than mine? Because he doesn't have to run them through a background check.

—Licensed retailer Merlin Scales at a 2008 gun show in Norfolk, Virginia, describing a nearby unlicensed seller.⁷³

Seller: I'm not really supposed to sell handguns to...non-Vermont residents.

Buyer: I was just hoping I'd be able to find somebody up here and let money do the talking, you know?

Seller: Well, you know the old Italian saying: make me an offer I can't refuse. You know what I mean? Then we can do something illegal.

Buyer: I'm willing to do \$2,500 cash.

Seller: Twenty-five hundred cash, that's tempting. I was figuring around the same thing. You got that kind of money?

Buyer: I'll go do what I gotta do.

—Conversation between an unlicensed vendor and a reporter, posing as a gun buyer, at a gun show in Vermont in 2008 or late 2007. The reporter is from Massachusetts. It is illegal for the vendor to sell a handgun to a buyer from another state.⁷⁴

Much of the concern about gun shows as a source of crime guns focuses on private party gun sales, since no background checks are conducted and no records are kept.^{28, 37, 63} ATF emphasizes that “[u]nder current law, large numbers of firearms at these public markets are sold anonymously... there is virtually no way to trace them.” As a result, “too often the shows provide a ready supply of firearms to prohibited persons, gangs, violent criminals, and illegal firearms traffickers.”³⁷ A 2009 Government Accountability Office report identified both the lack of background checks and the lack of records for private party gun purchases, including specifically those at gun shows, as “key challenges” to efforts to interdict gun trafficking across the border to criminal organizations in Mexico.¹⁷

Licensed retailers have not been silent. “Many Federal firearms licensees,” ATF notes, “have complained to ATF about the conduct of non-licensees at gun shows.”³⁷ At ATF briefings for licensed retailers attended by the author, licensees have reported flagrantly illegal activity by vendors and private party sellers.

Perhaps the most vocal of these licensed retailers was the late Bill Bridgewater, head of the National Association of Stocking Gun Dealers. In 1993 he wrote to the House Judiciary Committee’s Subcommittee on Crime and Criminal Justice:

The BATF has established rules and regulations for these things they call “gun shows.” The opportunity for the black marketers is that the BATF doesn’t enforce those regulations and there isn’t anyone else to do so. Consequently, there are literally hundreds of “gun shows” scattered around the country where you may rent tables, display your wares, sell what you please to whomever you please and once again the sale that is made with no records, no questions and no papers, earns the highest sales price... There are wide open “gun shows” the length and breadth of the United States, wherein anyone may do as he chooses, including buy firearms for children.^{72, pp 17-18}

But licensed retailers themselves are implicated; there is evidence that among gun dealers, at least, those who sell at gun shows are more likely to have crime guns traced to them than are

those who do not. ATF's 1998 Operation Snapshot, which compiled data on random samples of 382 gun dealers and 370 pawnbrokers, found that 30% of dealers with gun show sales, but 22% of all dealers, had previously had a crime gun traced to them. For pawnbrokers the difference was in the opposite direction; 36% of those with sales at gun shows, but 44% overall, had prior gun traces.⁷⁵ And in California, where both gun shows themselves and gun commerce generally are regulated, sales at gun shows are not a risk factor among licensed retailers for disproportionate sales of crime guns.⁶⁶

The best available data on gun shows as a source of crime guns come from ATF investigations of illegal gun trafficking.²⁷⁻²⁹ Example cases are given in Table 1-6.

In 2000, ATF published a detailed study of 1,530 such investigations initiated from July 1996 through December 1998, of which 212 (13.9%) involved gun shows and flea markets.²⁷ These cases accounted for 25,862 guns—30.7% of all the guns in the study.²⁷ Half the cases involved 40 guns or more. Nearly half (46%) involved felons either buying or selling guns at the shows. In more than a third, one or more of the involved guns were known to have been used in subsequent crimes, including homicide, assault, robbery, and drug offenses.³⁷

A follow-up study of 314 gun show investigations found that individual cases involved as many as 10,000 guns.²⁸ Trafficking at gun shows accounted for 9.9% of all firearms in cases linked to juveniles and youth.⁵⁴

ATF trafficking investigations also suggest that corrupt licensed retailers may preferentially do business at gun shows, as oversight is less stringent.^{27, 28} Nearly 20% of investigations concerning gun shows involved FFLs selling firearms without conducting background checks or retaining records.³⁷

Gun Show Exports

Gun shows are now frequently identified as the source of guns exported to Mexico,^{17, 58, 76} Canada,⁷⁷ and elsewhere. A lack of information, most importantly the absence of records for private party sales, has made it impossible to quantify the extent of the problem.¹⁷ Sales by licensed retailers and by private parties are both involved.

Table 1-6. Examples of gun trafficking cases involving gun shows

I use my discretion. Most people who come to the shows, you see them a lot. You know who's "right" and who's "wrong." I don't have to, but I ask everybody to see their driver's license, and if they're not "right," they usually move on at that point.

—Unlicensed vendor Jim Caton at a 2008 gun show in Norfolk, Virginia.⁷³

They send over a scout on Saturday to see if there's anything they want. Then they show up on Sunday with a big wad of money and somebody who's got a clean record, who's legal to buy.

—A seller of trigger activators— devices that increase the rate of fire of semi-automatic guns—on how Mexican gangs acquire guns at gun shows, Tucson, Arizona.⁷⁶

When somebody walks in and says, "I need eight of these," it becomes apparent what's happening.

—A licensed retailer in Tucson, Arizona. As reported by the New York Times, "[o]n May 18, 2008, a man bought two military-style rifles from him at a gun show on the Arizona State Fairgrounds. Two days later, the man showed up at the dealer's home with a friend and bought eight more rifles for more than \$5,000 cash. Despite the dealer's help [to law enforcement], members of the ring managed to smuggle at least 112 weapons, bought at a half dozen locations, into Mexico before they were arrested in February [2009]."⁵⁸

Year	Case Description
1993	A licensed retailer in Tennessee “purchased more than 7,000 firearms, altered the serial numbers, and resold them to two unlicensed [vendors] who...sold the firearms at gun shows and flea markets.” The licensed retailer was sentenced to 15 months in prison and the unlicensed vendors to 21 and 25 months, respectively. ³⁷
1995	A convicted felon in Michigan “used a false police identification to buy handguns at gun shows and resold them for profit.” The guns included 16 new, inexpensive, 9mm and .380 semiautomatic pistols. The subject was sentenced to 27 months in prison. ³⁷
1996	An unlicensed vendor who was a convicted felon operated a network of straw purchasers and had trafficked more than 1,000 guns, some acquired at gun shows. He “offered to sell agents an unlimited number of firearms, including fully automatic weapons and silencers.” One gun “was recovered from the scene of a shootout in which two Mexican military officials were killed by drug traffickers.” Another was recovered from the apartment of a Mexican drug czar. The trafficker was eventually sentenced to 78 months in prison; two licensed retailers who collaborated with him received probation. ²⁷
2004	Dorian Bennett Carr, Jr., and Alvin Eugene Edwards were indicted for operating a straw purchasing ring that acquired approximately 240 new semiautomatic pistols from licensed retailers at Oklahoma gun shows and gun stores in six months. The guns were trafficked to Baltimore. Seven alleged straw purchasers were also indicted. ⁸¹
2006	“Operation Flea Collar” began as an investigation of two traffickers who purchased firearms from a licensed retailer in Alabama and sold them at gun shows and flea markets there. The investigation grew to involve thousands of firearms recovered from at least 12 states; gangs routinely sent buyers to Alabama to purchase the guns in bulk. Twelve guns were linked to homicides. Eighteen persons were arrested and convicted, and 556 firearms, including a Streetsweeper shotgun, were seized. ^{82, 83}
2006	Between 1994 and 2001, unlicensed vendor Richard Clausen bought and resold 300-400 firearms at gun shows and swap meets in Arizona. Clausen bought the guns from licensed retailers; the guns were sometimes resold, without background checks or records, within days. Clausen was sentenced to 27 months in prison. The judge said this of Clausen’s conduct: “It was like spreading poison in the public water supply.” ⁸⁴

Year	Case Description
2006	Mark Andrew Nelson of Ohio pleaded guilty to operating a straw purchasing ring that acquired guns from licensed retailers for him to sell at area gun shows and directly to prohibited persons. The straw purchasers, who also pleaded guilty, were members of his family: Phaedra Ann Nelson, his wife (173 guns); Ricky Frank Nelson, his brother (83 guns); and James Robert Crook, his father-in-law (71 guns). Licensed retailer Robert L. Cook pleaded guilty of selling a firearm to a prohibited person. ⁸⁵
2008	In October, 2005, Antrinna Collins purchased 3 semi-automatic pistols and 3 AK-47 rifles at the Cuyahoga County gun show in Ohio. One of the pistols was used by a convicted felon in a shooting 27 days later. On at least 3 occasions, guns she purchased were found in the possession of convicted felons. She was sentenced to 4 years in prison. ⁸⁶
2008	During 2006-2007, Ernesto Olvera-Garza directed a trafficking network in San Antonio, Texas that specialized in “high-powered, high-capacity handguns and assault rifles” ⁸⁷ acquired at gun shows and elsewhere. At least 9 straw purchasers were involved. ⁸⁸ A woman who straw purchased a gun for him at a San Antonio gun show testified that, when she delivered the gun to him in the parking lot, he showed her 10 more guns that other straw purchasers had bought. ⁸⁹ Garza’s operation smuggled at least 50 guns into Mexico, one of which was used in a gunfight that killed two Mexican soldiers. He was sentenced to 12 years in prison. ⁹⁰
2008	During 2007-2008, Jonatan Lopez-Gutierrez and John Avelar operated a straw-purchasing ring in El Paso, Texas, that bought more than 90 firearms from licensed retailers at gun shows and elsewhere. The guns were smuggled into Mexico. Twenty-four guns were seized, including .50-caliber and .308-caliber sniper rifles and AR-15 rifles. The men were sentenced to 48 and 37 months in prison, respectively. ⁹¹
2009	Marvin Acevedo, a 35-year-old Guatemalan linked to a narcotics cartel in that country, is sentenced to four years in prison in February. He had purchased “more than ten” FN Five-sevenN pistols and several thousand rounds of ammunition at gun shows and gun stores in North Texas and elsewhere. ⁹²

I have had people that failed background checks, and yet they are carrying guns out of here that they bought from someone else.

—Licensed retailer Bruce A. Schluderman, at a gun show in Pharr, Texas.⁵⁸

Referring to the widely-reported increase in gun trafficking from this country to Mexico, ATF’s Assistant Director for

Field Operations, William Hoover, emphasized the importance of “a readily accessible source of firearms and ammunition originating in mostly the secondary market such as gun shows, flea markets and private sales.”⁷⁸ Canada’s Criminal Intelligence Service, in its 2005 annual report on organized crime, referred to unregulated gun shows in the United States as a “serious threat.”⁷⁹ And in 2003, the Congressional Research Service suggested that gun shows may be an attractive source of firearms for foreign terrorists.⁸⁰

Federal and State Policy on Gun Shows

Federal Policy

There is no federal regulation of gun shows *per se*. Existing law sets the terms for legal gun sales by licensed retailers and private parties, whether at a gun show or elsewhere. ATF regulations define gun shows and specify that the business procedures licensed retailers are required to follow at their usual premises apply at gun shows as well. Figure 1-2 reproduces an ATF circular outlining “activities permitted at bona fide gun shows.”

State Policy

Eight states regulate gun shows, but the nature and scope of those regulations vary widely.^{40, 93} California “requires a show organizer to obtain a Certificate of Eligibility from the Department of Justice, provide local law enforcement with a list of the show’s sellers, and exclude minors unless they are accompanied at all times by a parent or guardian.”⁴⁰ Details for each state are in Table 1-7.

Table 1-7. Summary of state statutes regulating gun shows

State	Key Provisions of Statutes
California	Promoters must obtain a certificate of eligibility; provide a list of licensed retailers who will be attending, and of all vendors if requested; provide an approved security plan; and maintain liability insurance. Vendors must execute written contracts, certify that they will not display prohibited items and will process all gun sales through licensed retailers, and provide a list of all employees in attendance. All firearms brought by attendees must be tagged with the possessor's name, signature, and identifying information. Persons under 18 years of age are not admitted unless accompanied by a parent or legal guardian. (Other requirements have been omitted; see CA Penal Code Sections 12070-12071.4.)
Colorado	Records must be kept of all firearm transfers at gun shows, including private party transfers, by licensed retailers. (A licensed retailer must initiate a background check for private party transfers at gun shows.)
Connecticut	Promoters must provide 30 days' advance notice of gun shows to law enforcement. (The Department of Public Safety must conduct a background check for private party transfers at gun shows, which is requested by the seller.)
Illinois	Records must be kept of all firearm transfers at gun shows by gun sellers, including private party sellers, for 10 years. The record must include the buyer's Firearm Owner Identification Card number. (The Department of State Police must conduct a background check for private party transfers at gun shows, which is requested by the seller.)
Maryland	Private party sellers of handguns and assault weapons at gun shows must obtain a temporary transfer permit for each show they attend, but only if they sell "from a table or fixed display." The permit requires a background check, and an individual may only be issued five permits per year.
New York	Promoters must post signs and provide written notification to vendors that all firearm sales require background checks initiated by licensed retailers and must identify a retailer who will initiate checks for private party sales. The retailer must retain records of sales at gun shows for 10 years.
Oregon	Promoters must post signs stating the requirement for a background check prior to the sale of any firearm at a gun show and must provide forms for requesting background checks. Records must be kept of all firearm transfers at gun shows by gun sellers, including private party sellers, for 5 years. (The Department of State Police must conduct a background check for private party transfers at gun shows, which is requested by the seller.)
Virginia	Promoters must provide 30 days' advance notice of gun shows to law enforcement and provide a list of all vendors within five days following the show. There is an exemption for "shows held in any town with a population of not less than 1,995 and not more than 2,010, according to the 1990 United States census."

Adapted in part from *Regulating guns in America: an evaluation and comparative analysis of federal, state and selected local gun laws*. San Francisco, CA: Legal Community Against Violence, 2008.

Law Enforcement at Gun Shows

Figure 1-2 ATF circular outlining procedures to be followed at gun shows

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Important Notice to Dealers and Other Participants at this Gun Show



This **NOTICE** applies to activities permitted at bona fide gun shows, as defined in Title 27 of the Code of Federal Regulations, Section 478.100. Federal firearms licensees ("FFLs" or "Dealers") may only sell firearms at gun shows within the State in which their licensed premises is located.

DEALERS LICENSED IN THIS STATE

- **MUST** display license.
- **MUST** comply with all recordkeeping requirements of ATF regulations concerning acquisitions and dispositions of firearms, including the recording of the place of sale.
- **MAY** dispose of handguns to residents of this State only, provided that the purchaser is at least 21 years of age and all provisions of the Brady law are met.
- **MAY** dispose of long guns to residents of any State, provided that the purchaser is at least 18 years of age, the laws of both States are complied with, and all provisions of the Brady law are met.
- **MAY** dispose of firearms to any FFL.
- **MAY** acquire firearms from any FFL licensed in the State and from any non-licensed individual.
- **MAY** take orders of any firearm from a non-licensee and ship the same to a licensee in the purchaser's State of residence from whom the purchaser can then take possession after the provisions of the Brady law are met.

DEALERS NOT LICENSED IN THIS STATE

- **MUST** display license.
- **MUST** comply with all ATF recordkeeping requirements concerning the acquisition of firearms.
- **MAY** acquire firearms from any FFL licensed in this State and from any non-licensed individual.
- **MAY** make a sale and deliver curio or relic firearms to any other FFL licensed in any State as long as the laws of both States are complied.
- **MAY** ship curio or relic firearms from this show to any other FFL.
- **MAY** display and take orders.

NON-LICENSED RESIDENTS OF THIS STATE

- **MAY** acquire long guns or handguns from FFLs licensed in this State, provided all provisions of the Brady law are met.
- **MAY** dispose of personal firearms to any FFL.
- **MAY** acquire from and dispose of personal firearms to non-licensed residents of the State. However, non-licensed individuals may not be engaged in the business of dealing in firearms without a Federal firearms license.
- **CANNOT** acquire from or dispose of firearms to non-licensed residents of any other State.
- **CANNOT** ship in interstate commerce, except to themselves or an FFL, a firearm that has otherwise been lawfully acquired; must, when shipping to themselves, declare the firearm to the commercial or contract carrier.

NON-LICENSED RESIDENTS FROM ANOTHER STATE

- **MAY** dispose of firearms to any FFL.
- **MAY** acquire long guns only from FFLs licensed in the State, provided the laws of both States are complied with and all provisions of the Brady law are met.
- **MAY** order firearms from any FFL and have them shipped from the show to an FFL in their State of residence by a commercial or contract carrier in accordance with State and Federal law.
- **CANNOT** acquire handguns.
- **CANNOT** acquire from or dispose of firearms to non-licensed individuals.

ATF has had no proactive program of gun show enforcement.⁹⁴ Instead, its investigations traditionally have been reactive, originating in information developed from complaints or, more recently, patterns developed in gun tracing data or reports of multiple handgun sales. For example, of the 314 ATF trafficking investigations involving gun shows in the late 1990s, over 40% began with complaints or tips from informants (including 9% from FFLs or show promoters), and another 23% arose from analysis of trace and multiple sales records. Only 14% arose from “prior ATF attention to gun shows.”²⁸

From 2004 to 2006, gun show operations accounted for 3.2% of all trafficking investigations initiated by ATF and affected 3.3% of the gun shows estimated by the Department of Justice to have occurred during those years.⁹⁴ During those years ATF conducted 202 investigative operations at 195 gun shows, resulting in 121 arrests (with at least 83 convictions) and the seizure of 5,345 firearms.⁹⁴ Of the 202 operations, 156 (77%) focused on specific individuals who were suspected of gun trafficking; only 46 (23%) addressed “general illegal activity related to firearms trafficking occurring at gun shows.”^{94, p 25} Examples of operations directed at firearms trafficking generally at gun shows are in Table 1-8. These have been covert operations, conducted in some cases without the knowledge of the shows’ promoters. ATF’s operations at a series of gun shows in Richmond will be discussed in Chapter 7.

Gun show operations are also part of ATF’s recently established Project Gunrunner, intended to disrupt the flow of guns from the United States into Mexico for use by drug trafficking organizations. The project’s gun show component targets “widespread international trafficking by individuals and gangs that cross the U.S. border carrying drugs and then return to Mexico carrying guns that they obtained through straw purchases at gun shows in the southwestern states.”^{94, p 25} No separate data have been published on Gunrunner’s impact on gun shows. Altogether, from its onset in 2004 through mid-February of 2009, Gunrunner “has referred for prosecution 795 cases involving 1,658 defendants; those cases include 382 firearms trafficking cases involving 1,035 defendants and an estimated 12,835 guns.”¹⁸

The limitations on ATF’s enforcement activities stem in large part from a lack of resources. For a sense of how serious a

*Alcohol, Tobacco, Firearms
should be a convenience store,
not a government agency.*

*—T-shirt worn by an attendee,
Phoenix, Arizona.*

problem the under-resourcing of ATF has been, consider the border states of the Southwest. ATF estimated in 2008 that there were 6,647 licensed retailers in the area, while their workforce comprised just 100 special agents and 35 industry operations investigators. Nationwide, ATF at that time employed only about 2,500 investigators and 750 special agents.⁷⁸ When asked by a reporter in 2007 about the possibility of routine patrols at gun shows, William Newell, the head of ATF’s office in Phoenix, responded simply, “We don’t have enough agents to do that.”⁹⁵

Table 1-8. Examples of ATF enforcement operations at gun shows targeting general firearms trafficking, by ATF field division

Year	Field Division	Description of Operation
2006	Columbus, OH	Investigations were conducted at 3 gun shows in Cleveland based on intelligence “many of the guns recovered in high-crime areas of the city had been purchased at local gun shows” and that others were trafficked to other states and to Canada. The operations resulted in the seizure of 5 guns, 1 indictment, and 2 pending indictments.
2005-2006	Houston, TX	Operations were undertaken at 2 shows in Pharr, a suburb of McAllen on the border with Mexico. Four Mexican nationals were arrested. Three had purchased 14 firearms and 3,000 rounds of ammunition; the fourth had coordinated the straw purchases of 10 “high-priced” firearms.
2004-2006	New Orleans, LA	Gun shows in Kenner, a suburb of New Orleans, were identified through a review of tracing records as “a source used by local gang members and other criminals” for guns acquired through straw purchases or private party transfers. Operations resulted in 12 arrests, 6 convictions, and the seizure of 4 guns.
2004-2006	Phoenix, AZ	Gun shows in the Southwest “attracted large numbers of gang members from Mexico and California” who “bought large quantities of assault weapons. Operations at 8 shows in Phoenix, Yuma, and Tucson, AZ, and in Albuquerque, NM resulted in 13 arrests, 3 convictions, and the seizure of 193 guns.
2004-2005	San Francisco, CA	Gun shows in Reno are “a gateway for illegal firearms trafficking into California.” In undercover operations at 6 shows, ATF agents identified illegal sales to out-of-state residents, illegal off-paper sales, and cases of dealing in firearms without a license. The operations resulted in 14 arrests and 11 convictions; 1000 firearms were purchased or seized.

Adapted from *The Bureau of Alcohol, Tobacco, Firearms and Explosives' investigative operations at gun shows*. Washington, DC: Office of the Inspector General, US Department of Justice. 2007. The report was published not long after the operations were conducted. Outcomes for criminal cases arising from the investigations were not always available, and additional filings were expected.

Public Education

ATF occasionally sets up educational displays at gun shows; staff answer questions and distribute materials covering gun laws and purchase procedures. In collaboration with ATF, the National Shooting Sports Foundation administers a public education program, “Don’t Lie for the Other Guy,” intended to prevent straw purchases.⁹⁶ Begun in 2000, the program is now operational in approximately 15 states or metropolitan areas selected by ATF. Don’t Lie is not specific to gun shows; it offers training and display materials to all licensed retailers in the targeted areas. The materials stress the fine (up to \$250,000) and long prison term (up to ten years) that await a convicted straw purchaser.

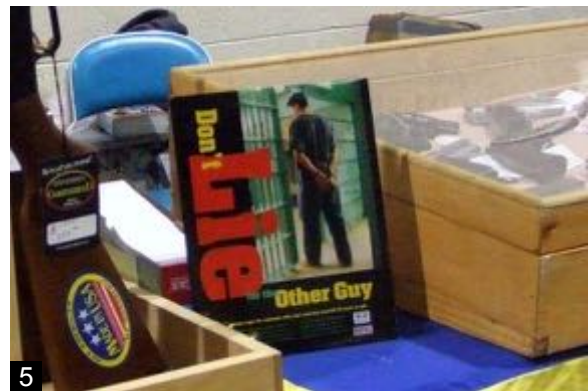
These educational efforts, like ATF’s operations generally, receive a mixed reception at gun shows (see pages 1-32, 1-33).

Other Federal Efforts

United States Immigration and Customs Enforcement (ICE), now the primary investigative agency of the Department of Homeland Security, has targeted cross-border gun trafficking generally since 2005, if not earlier. Fifteen multi-agency Border Enforcement Security Task Forces have seized more than 2,000 weapons and made high-profile arrests of traffickers.⁹⁷ An apparently separate partnership with other agencies and the government of Mexico, Operation Armas Cruzadas, has recovered more than 1,400 firearms and 120,000 rounds of ammunition. No results specific to operations at gun shows are available.

A June 2009 review by the Government Accountability Office of efforts to combat gun trafficking into Mexico criticized both ATF and ICE for a failure to “consistently and effectively coordinate their efforts,” which “has resulted in some instances of duplicate initiatives and confusion during operations.”¹⁷ By the end of the month, the agencies had signed an agreement intended to clarify their areas of responsibility and facilitate collaborative work.⁹⁸

State-Level Enforcement



ATF and Its “Don’t Lie” Campaign

ATF rents table space at gun shows (1-3). This is not common, and it is a lonely job. The emphasis is on their “Don’t Lie” campaign to deter straw purchases. Some licensed retailers display Don’t Lie materials prominently; purchasers cannot help but see them. (In the straw purchase on pages 3-58 and 3-59, four piles of cash were counted out on a Don’t Lie counter mat.) Some view ATF’s work with hostility. Manifestations include displaying Firearms Transaction Records beside a Nazi flag (10) and throwing Don’t Lie postcards on the ground (11,12). The photographs were taken in Orlando, FL (1,3,10); Atlanta, GA (2); Dayton, OH (4); Reno, NV (5); Dallas, TX (6); Richmond, VA (7,9); and Phoenix, AZ (8,11,12).



WARNING. Undercover law enforcement officers are actively working at this show. Do not under any circumstances allow yourself to sell a firearm without conducting the sale through a licensed dealer.

—Sign posted at a licensed retailer acting as a transfer station for private party gun sales, Orange County, California.

The California Department of Justice has conducted systematic law enforcement operations at gun shows at least since 2001. Its Gun Show Enforcement Program (GSEP), which is supported by allocations from the state’s general funds, was mandated by the legislature as part of a larger effort to regulate gun shows. Teams of experienced special agents, working undercover, are at “every single major gun show” in the state—and most of the smaller shows as well—according to agency officials interviewed for this report. Individual operations are sometimes collaborative efforts involving local law enforcement, agencies from other states (particularly Arizona and Nevada), and ATF. A continuing series of joint operations involving gun shows in Reno, for example, was initiated at the request of chiefs of police in the San Francisco Bay Area after it became clear that the shows were important sources of guns used in crimes in Bay Area cities. As measured by gun recoveries, investigative operations generally have been “very lucrative” and have “put a dent” in gun trafficking. Individual cases have involved dozens of guns.

GSEP agents work closely with promoters, both as enforcers of the law and as educators. Promoters “assume we’re always there and know we’re not an absentee landlord,” said agency officials. The program makes active use of the materials that gun show promoters must provide in advance of each event: a security plan and a list of all those who are renting table space to sell guns, among others. The administrative requirements of the law have teeth; a promoter who does not meet them faces the loss of his license.

The program appears to have undergone an important transition. After some initial resistance, many promoters and individual retailers have become quite supportive. With them, at least, program operations have entered what might be considered a maintenance phase. Agency officials report “a sizeable amount” of self-policing and stress the importance of ethical promoters and retailers as sources of leads on criminal activity.

Some Additional Data and Preliminary Inferences

As the discussion to this point hopefully establishes, the role that gun shows play in gun commerce and gun violence cannot be described simply. As the events of the Columbine massacre and many gun trafficking cases demonstrate, gun shows may be particularly important as an indirect source of crime

guns—they supply guns to intermediaries who in turn supply active criminals. This point has been most clearly made by Anthony Braga and David Kennedy, two leading experts in the field:

Assessing any problem presented by gun shows is a difficult analytic task. While an important question is *whether prohibited persons personally buy firearms at gun shows*, which might be answered by surveys, an equally important one is *whether gun shows are sources of firearms that are trafficked to prohibited persons by straw purchasers, street dealers, and the like*. However, this question cannot be answered by surveys.^{28, p 11} [Italics in original.]

At the same time, the available evidence suggests the following interim conclusions, which are worth considering as additional evidence accumulates.

The proportion of all gun sales nationwide that occurs at gun shows is relatively small.

The best published information we have on where guns come from is in the Police Foundation's 1996 National Survey on Private Ownership of Firearms (NSPOF). In that survey, gun owners were asked a series of questions about the most recent gun they had acquired, including where they had acquired it. Four percent of the guns had been acquired at gun shows; the survey did not ask these gun buyers if they had made their purchases from licensed retailers or private parties.² Unpublished data from a second nationwide survey¹ yield a similar result; of 566 gun owners, 9% acquired their most recent guns at a gun show.

Such estimates do not come from surveys alone. California's records of handgun sales identify transactions occurring at gun shows. For the 10 years 1998 through 2007, the archive contains records for more than 1.8 million transactions. Of these, 2.7% were recorded as occurring at gun shows. This figure would include both direct sales by licensed retailers and private party sales that were processed by licensed retailers, as required by state law.

Survey results can be imprecise, particularly for infrequent events as appears to be the case here. Clearly, a gun most

recently purchased by a survey respondent at a location other than a gun show may have passed through a gun show earlier in its lifetime. And it is entirely possible that some gun show sales in the California records were not identified as such. That said, all the available estimates support the general statement that gun shows account for a relatively small proportion of overall gun commerce.

Most sales at gun shows involve licensed retailers.

ATF estimates that 50% to 75% of gun sellers who rent table space at gun shows are licensed retailers.³⁷ Our prior study⁶³ yielded an estimate of only 30%, but this was based on observational data and almost certainly an underestimate. Many licensed retailers at gun shows do not identify themselves as such—at least not until consummating a gun sale—though they are required to do so. The largest and most active vendors at gun shows are almost always licensed retailers.

Given that licensed retailers probably make up a majority of vendors who rent table space, and that they account for essentially all the largest and most active vendors, it is likely that they account for most sales at gun shows. Even allowing for sales by individual attendees who have not rented table space, it is reasonable to estimate that perhaps two-thirds of gun sales are made by licensed retailers. There are, unfortunately, no published data on this point.

Private party sales at gun shows account for a relatively small percentage of gun sales in the United States.

Taken together, three estimates—that 40% of all gun sales are private party transactions, that 4% to 9% of all gun sales occur at gun shows, and that two thirds of gun show sales are made by licensed retailers—allow for the rough approximations in Table 1-9 of the importance of private party gun sales at gun shows to gun commerce generally. If the 4% estimate is used, then of 1,000 hypothetical gun sales overall, 13 would be private party sales occurring at gun shows. These 13 guns account for 3.3% of private party gun sales and 1.3% of gun sales overall. Using the 9% estimate, 30 of every 1,000 hypothetical gun sales would be private party sales at gun shows. These 30 guns account for 7.5%

of private party gun sales and 3% of gun sales overall.

Table 1-9. Allocation of 1000 hypothetical gun sales between licensed retailers and private party gun sellers, and between gun shows and other venues

a. Assuming that 4% of all gun sales occur at gun shows

Venue	Private Party	Licensed Retailer	Total
Gun Show	13	27	40
Other	387	573	960
Total	400	600	1,000

b. Assuming that 9% of all gun sales occur at gun shows.

Venue	Private Party	Licensed Retailer	Total
Gun Show	30	60	90
Other	370	540	910
Total	400	600	1,000

Licensed retailers are probably the primary source of crime guns acquired at gun shows.

The one peer-reviewed study of gun shows as sources of crime guns, discussed previously, developed data from 314 ATF investigations of gun trafficking at gun shows.²⁸ Nearly 55,000 guns were involved. While an unlicensed seller was the main subject in most of the investigations (54.1%), two thirds of the trafficked guns were linked to investigations in which the main suspect was (or had been) a licensed retailer. These retailer cases involved an average of 452 guns apiece and 33,445 guns in total; those centered on unlicensed sellers involved an average of 112 guns each and 15,551 guns altogether. Licensed retailers are able to buy guns in large quantities, and an increase in the number of guns linked to trafficking investigations when licensed retailers are involved is not unique to gun shows.²⁷

These data are not the whole story, however. First, trafficking operations that do not involve licensed retailers might be less likely to be brought to ATF’s attention and trigger an investigation, precisely because they are smaller than operations in

which retailers participate. This could lead an assessment based just on trafficking investigations to underestimate the importance of private-party trafficking.

Complicating this is the fact that ATF, because of limitations in the data it is allowed to collect, is not able to provide an estimate other than from those trafficking investigations of the number of trafficked guns that are obtained at gun shows, whether from licensed retailers or private parties.¹⁷ Records of trafficking investigations cannot possibly capture all the guns acquired at gun shows with criminal intent—recall that ATF enforcement operations affect a very small percentage of gun shows. This means that the best available evidence we have on the role of gun shows as a source of crime guns probably underestimates their importance.

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How Gun Shows Work

2

What Is a Gun Show, Exactly?

Gun shows are defined in the U.S. Code of Federal Regulations as “function[s] sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.”¹

This narrow definition excludes other marketplace events where firearms may be readily available, such as swap meets and flea markets, since they would likely not be sponsored by an organization of the types described and since a broad range of products are for sale. It also excludes the virtual market places created by newspaper classified ads and the Internet. California relies on the federal definition. But other states have enacted more specific definitions as they acted to regulate gun shows themselves or gun sales at gun shows but not elsewhere (Table 2-1).



In the parking lot of a gun show in Pharr, Texas.

Table 2-1. State definitions of gun shows

State	Definition
California	[A]s defined in Section 448.100 of Title 27 of the Code of Federal Regulations. [Penal Code Sec 12071]
Colorado	[T]he entire premises provided for an event or function, including but not limited to parking areas for the event or function, that is sponsored to facilitate, in whole or in part, the purchase, sale, offer for sale, or collection of firearms at which: (a) twenty-five or more firearms are offered or exhibited for sale, transfer, or exchange; or (b) not less than three gun show vendors exhibit, sell, offer for sale, transfer, or exchange firearms. [Revised statutes 12-26.1-106]
Connecticut	[A]ny event (A) at which fifty or more firearms are offered or exhibited for sale, transfer or exchange to the public and (B) at which two or more persons are exhibiting one or more firearms for sale, transfer or exchange to the public. [General Statutes Sec 29-37g]
Illinois	[A]n event or function: (1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or (2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms. [Compiled Statutes Ch 430 Sec 65/1.1]
Maryland	[A]ny organized gathering open to the public at which any firearm is displayed. [Public Safety Code Sec 5-130(a)]
New York	[A]n event sponsored, whether for profit or not, by an individual, national, state or local organization, association or other entity devoted to the collection, competitive use, sporting use, or any other legal use of firearms, rifles or shotguns, or an event at which (a) twenty percent or more of the total number of exhibitors are firearm exhibitors or (b) ten or more firearm exhibitors are participating or (c) a total of twenty-five or more pistols or revolvers are offered for sale or transfer or (d) a total of fifty or more firearms, rifles or shotguns are offered for sale or transfer. [General Business Law Sec 895]
Oregon	[A]n event at which more than 25 firearms are on site and available for transfer. [Revised Statutes Sec 166.432]
Virginia	[A]ny gathering or exhibition, open to the public, not occurring on the permanent premises of a dealer in firearms, conducted principally for the purposes of exchanging, selling or trading firearms. [Code Sec 54.1-4200]

Prepared with assistance from *Regulating Guns in America*. San Francisco, CA: Legal Community Against Violence; 2008.

How Many Are There?

At the high end, the President of the National Association of Arms Shows estimates that there might be 5,200 shows a year, but this appears to be based only on his “professional judgment”^{2, p18} that there are perhaps 100 shows each weekend. Based on a count of listings in the *Gun Show Calendar*, ATF estimated that there were 4,442 events in 1998.³ By the middle of this decade, and apparently relying on that same source, ATF estimated that the number had dropped to about 2,000.²

There are two competing published registries of gun shows, the *Gun • Knife Show Calendar* (published four times a year) and *The Big Show Journal* (published every other month). Shows are listed beginning several months in advance. Both sources include listings only for shows that are brought to their attention by promoters, and neither is complete. While it is obviously to a promoter’s advantage to have his show listed, it may be that there are events that appear in neither registry.

For this study, we combined listings from both sources for 2007. On that basis, we estimate that there were 2,377 gun shows in the United States that year. This estimate is limited to events devoted primarily to guns. Data for individual states are presented in Table 2-2.

Table 2-2. Gun shows in 2007, by state

State	Count	Percentage
Alabama	37	1.6
Arizona	59	2.5
Arkansas	36	1.5
California	92	3.9
Colorado	44	1.9
Connecticut	11	0.5
Delaware	1	0.0
Florida	142	6.0
Georgia	63	2.7
Hawaii	2	0.1
Idaho	18	0.8
Illinois	75	3.2
Indiana	85	3.6
Iowa	38	1.6
Kansas	21	0.9
Kentucky	36	1.5
Louisiana	50	2.1
Maine	4	0.2
Maryland	26	1.1
Massachusetts	12	0.5
Michigan	98	4.1
Minnesota	47	2.0
Mississippi	30	1.3
Missouri	65	2.7
Montana	44	1.9
Nebraska	11	0.5
Nevada	32	1.3
New Hampshire	7	0.3
New Jersey	9	0.4
New Mexico	15	0.6
New York	54	2.3
North Carolina	82	3.4
North Dakota	5	0.2
Ohio	120	5.0
Oklahoma	47	2.0
Oregon	50	2.1
Pennsylvania	126	5.3
South Carolina	29	1.2
South Dakota	15	0.6
Tennessee	61	2.6
Texas	245	10.3
Utah	7	0.3
Vermont	10	0.4
Virginia	83	3.5
Washington	56	2.4
West Virginia	42	1.8
Wisconsin	104	4.4
Wyoming	31	1.3
Total	2,377	100.0

These figures were compiled by reviewing listings in the *Gun-Knife Show Calendar* and *The Big Show Journal* for 2007. No listings were identified for Alaska or Rhode Island.

Structure and Function

There are two main types of gun shows. The most common are general-purpose events: open to the public, usually organized by promoters whose primary business is running gun shows, and having a wide variety of new and used firearms available. These are the subject of this report. Other shows are largely or strictly for collectors. These events may be open only to members of a club, and the firearms on display may be antiques. Some general-purpose shows have areas where most of the gun sellers are collectors of antique guns.

In all cases, guns are not the only merchandise available. It is probably the case that most vendors, except perhaps at collectors' shows, are selling something else. These offerings range from the clearly gun-related (parts, ammunition, repair manuals) to merchandise that might be found at any other marketplace event (jewelry, glassware, food).

Gun shows are held on weekends, sometimes including Fridays. Licensed retailers and unlicensed vendors rent table space, generally at \$40-\$80 per table. Attendees generally pay between \$5 and \$12 to enter. While all shows allow free same-day returns, some require a separate admission fee for each day of the show. More commonly, a single admission fee allows entry for the entire event or a weekend pass is available at a discounted rate.

The shows are most often held at publicly-owned facilities such as fairgrounds and convention centers; some are held at private halls and hotels (the latter is particularly common for collectors' shows). In one multistate study of large general-purpose gun shows in or near large cities, 23 of 28 events were held in public places.⁵

They can vary greatly in size. The most common way of measuring this is by the number of tables advertised in advance as available for rental, which can range from fewer than 100 to 2,000 or more. The largest shows are the big-box retailers of gun commerce; they can have several hundred gun vendors who have rented table space and can draw 15,000 attendees over the course of a weekend.² As a practical matter, the smallest shows might have fewer than ten licensed retailers or unlicensed vendors selling guns from tables and no more than 50 attendees at any one time. Table 2-3 contains more detail. It is based on data collected from shows in major cities in California, where gun shows and

The shows are so crowded we can't get people in.

—Florida gun show promoter Victor Bean.⁴

gun commerce are regulated, and four states—Arizona, Nevada, Texas, and Florida—that do not regulate gun shows or gun commerce and are important sources of guns used in crime in California and elsewhere.⁵

Table 2-3. Size of gun shows in California and four comparison states (Arizona, Nevada, Texas, Florida), based on a sample of 28 shows studied in 2005-2006

Group*	California (n=9)		Other states (n=19)	
	Median	Range	Median	Range
Vendors of any type [†]	207	71-383	253	40-843
Gun sellers [‡]	33	18-59	52	16-273
Attendees	605	150-1172	955	38-3981

* The numbers for vendors of any type and for attendees are estimates; the numbers for gun sellers are counts. For attendees, the estimate is of the number of persons on site at the time the data were collected. See the original publication for further detail.⁵

† Includes all vendors who have rented table space.

‡ Includes licensed retailers and unlicensed vendors who have rented table space.

From: Wintemute GJ. Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies. *Injury Prevention*. 2007;13:150-156.

Gun shows are recurrent events. A promoter will organize a show at the same facility at regular intervals—monthly, for Austin and San Antonio, Texas, but more commonly every three to four months. The schedule is published well in advance. Those who rent table space are able to reserve the same location within the show over and over, so that repeat customers can find them easily. One unlicensed vendor in Indianapolis with more than 50 new and recently-manufactured handguns on display and an array of flashing lights to mark his location laughed aloud about this as he told a prospective buyer that “we’re right here, in the same place, at every show.” The irony that amused them both lay in the fact that seconds earlier, when the customer had asked if there would be paperwork, he had responded, “Oh, no. We’re private collectors.”

We’re right here, in the same place, at every show.

—An unlicensed vendor to a customer, both of them laughing. The irony that amused them lay in the fact that seconds earlier, when the customer had asked if there would be paperwork, he had responded, “Oh, no. We’re private collectors.” He had more than 50 handguns on display and an array of flashing lights to mark his location. Indianapolis, Indiana

The Gun Show Industry

Promoters

Promoters are the hub of the gun show industry. Some are primarily commercial enterprises that do little, if anything, other than organize gun shows. The most active of these put on dozens of shows each year across entire regions of the country. Other prominent organizations hold large numbers of shows across a smaller geographic area. Examples are in Table 2-4.

Still others organize relatively few shows that are among the largest in the country. One good example is World Class Gun Shows of Oklahoma City, organizer of the Indy 1500 Gun and Knife Show (named for the number of tables available), held five times during 2007 in Indianapolis. Some of these few-but-large-show promoters are collectors' organizations. Examples include the Dallas Arms Collectors Association, with five 1800-table shows a year, and the Houston Gun Collectors Association, with three 1500-table shows.

Perhaps the single most prominent commercial promoter, though not the largest, is Utah-based Crossroads of the West Gun Shows, with nearly 50 shows in 2009 in five Western states. According to a press report, Crossroads sold nearly 500,000 tickets to its shows in 2006.⁶ Founder and owner Bob Templeton is also the president of the National Association of Arms Shows, the industry's trade group. It is a family enterprise; Templeton started Crossroads with his wife Lynn,⁶ and at a Utah show in 2007 his daughter, Tracy Olcott, was at work processing Colorado's required background checks for gun purchasers.⁷

Members of the Bean family operate four related promotion companies with shows across the South:

- Great Southern Gun and Knife Shows, active in Louisiana, Mississippi, and Alabama, run by Ernie and Helen Bean;
- Southern Classic Gun and Knife Shows and its sister firm Florida Gun Shows, both active principally in Florida and run by Ernie and Helen's son Victor;
- High Caliber Gun and Knife Shows, active in Texas, run by Victor's brother Todd;

- Classic Arms Productions, active in Texas, Mississippi, and Louisiana, run by Victor and Todd's sister Sondra Bean-Hewett.

According to their web sites, the companies collectively sponsor over 100 shows a year.

A recent article⁴ on Victor Bean's operations summarizes the business of operating a gun show:

TRADING RULES

*No trading near entrance
No trading in parking lot
Buyer/seller proper ID required
No out of state sales
Must be 21 to buy handguns
Must be 18 to buy long guns
No illegal transactions
No trafficking
No displaying on floor
No blocking the exhibitors table*

—Sign just inside the entrance to a gun show, Dayton, Ohio. The rules notwithstanding, many private party sales occurred with no identification check.

Bean and one full-time employee rent the venue. A team of temps helps set up the tables, and Bean hires 24-hour security. The business has given him some clout: His e-mail list tops more than 100,000 names, making him and his shows a sought-after stop for politicians.

Bean knows the business inside-out. His target demographic is 25- to 54-year-old males. TV ads pull best but cost the most. Newspaper ads pull the best per dollar. Insurance has risen to \$41,000 a year from \$6,000 a decade ago.

Orlando is Bean's largest show, which he runs under the Florida Gun Show name. That show features 600 vendor tables; an average of 6,000 potential customers pay to attend. At \$9 a ticket for visitors and \$85 a table from vendors, Orlando brings in about \$100,000—against Bean's average expense of \$60,000 to \$70,000 per show.

Table 2-4. Gun show promoters organizing 20 or more events in 2007

Promoter	Headquarters in 2009	Shows in 2007	
		States	Estimated Number
RK Shows	Manchester, IA	AR, AZ, GA, IA, KS, KY, MO, NE, NY, OK, TN, TX	132
C & E Gun Shows	Blacksburg, VA	IN, NC, SC, VA	49
Collectors West—Rose City Gun Collectors	Portland, OR	OR, WA	47
Sports Shows Promotions	Mason, MI	MI	44
Crossroads of the West Gun Shows	Kaysville, UT	AZ, CA, CO, NV, UT	42
Appalachian Promotions	Carlisle, PA	MD, PA	41
Saxet Gun Shows	Corpus Christi, TX	TX	37
Eastman Gun Shows	Fitzgerald, GA	GA	35
G & S Promotions	Red Oak, OK	AR, AZ, FL, OK, TX	35
Goodman's Gun and Knife Shows	Mt Washington, KY	OH, TN	35
Bob & Rocco Shows	Janesville, WI	WI	34
Showmasters Gun Shows	Blacksburg, VA	IN, NC, VA, WV	35
Sports Connection	Park City, MT	ID, MT, WA, WY	33
Wasatch Gun Shows	Salt Lake City, UT	CO, WY	33
Southern Classic Gun and Knife Shows	Orlando, FL	FL	30
Tri-State Gun & Knife Collectors	Seymour, IN	IN, KY, OH, MS	29
Old Dominion Shows	Woodlawn, VA	VA, WV	28
Suncoast Gun Shows	Twinsburg, OH	FL	28
Central Indiana Gun Shows	Centerville, IN	IN, KY	27
S & D Show Promotions	Merritt, NC	NC	27
High Caliber Gun & Knife Shows	Alvin, TX	TX	26
Sport Show Specialists	Melbourne, FL	FL	25
Gibraltar Trade Center	Taylor, MI	MI	24
Classic Arms Productions	Mandeville, LA	LA, MS, TX	23
Niagara Frontier Gun Collectors	Frewsburg, NY	NY, OH, PA	23
Silver Spur Trade Shows	Ralls, TX	NM, TX	23
Land of the Sky Gun Shows	Monroe, GA	GA, NC, SC, TN	22
Ohio Shows	Vienna, OH	OH	22
Washington Arms Collectors	Renton, WA	WA	22
Crocodile Productions	Blaine, MN	MN	20
Wild Weasel Productions	Fredericksburg, TX	TX	20

Licensed Retailers

Large [licensed retailers] can sell 500 to 600 guns a show.

—Florida gun show promoter Bill Page.⁴

Large licensed retailers anchor gun shows the way department stores anchor shopping malls. These “gun stores in a truck” can have more than 1,000 new and used guns of all types on display. They have table space set aside for completing Firearms Transaction Records and processing background checks, sometimes with space for ten or more purchasers at once. They stay competitive through the breadth and depth of their inventory and their ability to keep prices low by increasing sales volume.

But even the biggest shows cannot accommodate many of these large-scale operations. Licensed retailers with 100 or fewer guns on display are much more common. Some of these specialize—in machine guns or assault weapons, for example—but most simply offer a selection that is wider than it is deep.

As discussed in Chapter 1, ATF estimates that 50% to 75% of gun sellers who rent table space are licensed retailers.³ Only about 30% are recognizable as such by an observer at a gun show, however.⁵ The difference in these estimates highlights a problematic aspect of gun selling at these events.

Licensed retailers are required to post a copy of their licenses⁸ and other signs relating to federal laws on gun selling. For the anchor retailers, compliance is a matter of no consequence; their status as a license-holder is obvious to all. But for small retailers who are competing more directly against unlicensed vendors, posting their licenses puts them at a competitive disadvantage. Even the most law-abiding of prospective gun purchasers may choose to buy from an unlicensed vendor, rather than a licensee, simply for the sake of convenience—no paperwork, no waiting for a background check. For those who are intent on purchasing a gun without documentation, whether because their purchase is for a criminal purpose or for some other reason, the licensed retailer is not an option.

As a result, in the words of an ATF area supervisor in the 1990s, “[t]he biggest problem we’ve seen is that many dealers don’t post their licenses. It’s hard to tell who’s a dealer and who’s not.”^{9, p19} Instead, they keep the license and forms hidden nearby, often under the display table, for use when needed.

In 1993, investigative reporter David Olinger recounted this conversation at a Tampa gun show with licensed retailer Harry Eberg:

“I fight it all the time. At every gun show, people walk up

I fight it all the time. At every gun show, people walk up and ask, “Are you a dealer?” [If you are,] they won’t deal with you. [If not,] there are no receipts, no anything. Just the money changes hands. It’s kind of frustrating...you lose out. No one wants to deal with the [Florida background check] charge. No one wants to deal with the paperwork. No one wants to wait.

—Licensed retailer Harry Eberg, Tampa, Florida.¹⁰

and ask, ‘Are you a dealer?’” Eberg said. If you are, “they won’t deal with you,” he said, and if not, “there are no receipts, no anything. Just the money changes hands. It’s kind of frustrating... you lose out. No one wants to deal with the [Florida background check] charge. No one wants to deal with the paperwork. No one wants to wait.”¹⁰

It is not uncommon to observe a potential buyer negotiate the purchase of a gun, only to break off and walk away on learning that the seller is a licensed retailer.

Collectors

Legitimate collectors are a special case. At least a few are present at general-purpose gun shows, and other shows are organized primarily for them. As they are not problematic from the point of view of this report, they will be discussed only briefly.

Collectors typically buy and sell weapons that are classified by ATF as curios and relics. By definition, these firearms “were manufactured at least 50 years prior to the current date,” or “are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest,” or “derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.”¹¹

A collector may be licensed, but is not required to be. The license serves principally to allow him to buy curios and relics from sellers in other states in order to improve his collection. With respect to any other firearms, a licensed collector’s status is the same as that of any other unlicensed person. To engage in the business of buying and selling guns, even curios and relics, he must become a licensed retailer.

Unlicensed Vendors

Unlicensed persons who rent table space and sell guns from a fixed location account for a large proportion of persons involved in the gun show industry, even though they are not “engaged in the business.” They were discussed more fully in Chapter 1 and will be again in Chapter 3. They are not collectors exhibiting curios and relics. They deal in modern firearms of all types, often sold new and in their original packaging (“new in the



A police officer returns to his vehicle with an SKS rifle and other items he has apparently just purchased while a line of some 200 people waits to enter, Tampa, Florida.

box” is the term of art), and frequently have dozens of guns on display.

Sellers of Merchandise Other Than Guns

Some of these vendors, particularly those selling ammunition and gun parts, are large-scale, regional operations with displays at gun shows in several cities on the same weekend. Further detail on other products routinely available at gun shows is in Chapter 4.

A Traveling Circus

Even major promoters may not have more than one event taking place on any given weekend. One reason for this is that promoters maintain relationships with a core group of vendors, some selling guns and some selling other merchandise, who travel as the schedule dictates from city to city and state to state. In the West, for example, many of the same vendors can be seen at Crossroads of the West gun shows from San Francisco to Tucson; promoter Bob Templeton refers to this group as his “dedicated cluster of dealers.”⁶ In other cases, vendors may migrate independently. One seller of body armor who followed the Crossroads circuit was observed as far east as Dallas.

The National Association of Arms Shows

The industry’s advocacy organization was formed in the late 1990s. Its web site (<http://www.naasgunshows.com>) defines gun shows quaintly as “the only venues in America where good citizens associate, and, by pursuing gun collecting, preserve American history.”

Bob Templeton, who heads Crossroads of the West Gun Shows, presides over NAAS. In his most recent president’s message, Templeton describes gun shows quite differently as “much more than a place for law-abiding citizens to buy, sell and trade their guns. They are the ‘town meeting’ of those of us who believe in the Constitution.”¹² Following his own lead, he frames the future of gun shows in First Amendment terms: “[O]ur enemies...want to eliminate the place where their opponents meet and exchange ideas.”¹²

NAAS is in part a political organization (it also provides a

liability insurance program). Its statement of purpose includes its commitment “to the proposition that by setting high standards for its members NAAS can be successful in influencing gun show legislation at both the State and Federal levels of government and thereby create a safer environment for the general public, show participants and members of NAAS.”

INTRODUCTION TO THE PHOTOGRAPHS

Gun shows are held at large public venues because many people attend; expect a crowd in all cases and a line of 100 or more waiting to enter at some shows (page 2-14). Some of those coming and going will be armed. Any gun coming into the show is inspected to be sure it is not loaded and is tagged, often with a plastic band passed through its operating mechanism, to show that this has been done (page 2-15). This is done most often by show staff or private security personnel, but occasionally by law enforcement officers. (Officers within the show itself seem to attending primarily as customers.)

The core of the show is a space in which display tables have been arranged in double rows, separated by aisles down which attendees walk slowly while browsing the displays (page 2-16). This space may be spread across several exhibit halls at larger shows, and at particularly well-attended events the press of people may bring all progress to a halt. Large licensed retailers are the dominant presence, but most of the display space is taken up by smaller licensed retailers, unlicensed gun vendors, and sellers of other products.

Attendees who have brought guns to sell may be found anywhere within the show, but the space just inside the entrance to the event is commonly recognized as the central marketplace for these transactions (page 2-17). At large shows there may be dozens of people with guns for sale in this area, and multiple sales negotiations can be observed at any one time.

Inside the main show, larger licensed retailers can be spotted from a distance by their display signs; many prominently display their licenses, other information required by ATF, and further cautions against illegal activity (pages 2-18, 2-19). Buying a gun from licensed retailers means filling out a complicated two-page form (page 2-20), reviewing it with a salesperson, and waiting while a background check is completed. The last step usually takes just a few minutes, but the entire process takes much longer.

Please note that I hold a current federal firearms license and have a licensed firearms business here in Nevada. Therefore I must

- *Observe all state and federal laws regarding the sale of firearms and ammunition;*
- *Sell firearms only to Nevada residents of legal age or other FFL holders from any state with a signed purchase copy;*
- *Execute a form 4473 for each firearm purchased here today by a private party;*
- *Conduct a formal NICS background check through the Nevada Department of Public Safety, \$25 fee, Pass or Fail for all non-FFL holders and non-CCW holders;*
- *Charge you Nevada sales tax on all purchases.*

—Sign posted by a licensed retailer, Reno, Nevada.

Larger retailers have dedicated work areas set aside for this (page 2-21).

Transactions are often for cash, whether from a licensed retailer or not, and ATM machines are available at larger shows and are heavily used (page 2-21, Photo 10).

Smaller licensed retailers (page 2-22) may not be identifiable as such until a transaction occurs. Displaying their license is required but deters potential customers; many retailers do not obey the requirement. (Along one row of seven licensed retailers at a show in Tucson, only one had his license on display.) Collectors of curios and relics (page 2-23) often specialize in a particular weapon, a particular manufacturer, or weapons from a particular period in history.

Six large licensed retailers were chosen to represent the spectrum this class of gun sellers occupies. Shoot Straight Sports (pages 2-24, 2-25), which sells at gun shows and has several gun stores in Florida, was the largest retailer encountered in this study and, with estimated sales of 50,000-70,000 guns a year, is reportedly the highest volume gun retailer in the country.¹ Shoot Straight's owner, Khaled Akkawi, is a hands-on supervisor who covers his territory at gun shows by Segway transporter.

AK-47 Man (pages 2-26, 2-27), located in Colorado, specializes in assault weapons and offers volume discounts. JG Sales (pages 2-28, 2-29) sells inexpensive and largely imported rifles, mostly assault-type weapons, in Arizona and also sells bulk ammunition. Joeken Firearms (pages 2-30, 2-31), also of Arizona, is both a manufacturer and retailer and specializes in American-made AK rifles and pistols and MAC-type pistols. One-Eyed Jack (page 2-32) sells mostly machine guns and other weapons regulated by the National Firearms Act; he also sells .50 BMG rifles (more on these in Chapter 4). Finally, an unnamed licensed retailer in Milwaukee (page 2-33) sells an array of guns, including two machine pistols with silencers offered together as a "FULL AUTO QUIET PARTY PACK," along with humorous not-quite-neo-Nazi merchandise.

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1. Code of Federal Regulations. Title 27, Chapter II, Part 478, Section 478.100(b).
2. Office of the Inspector General. *The Bureau of Alcohol, Tobacco, Firearms and Explosives' investigative operations at gun shows*. Washington (DC): Office of the Inspector General, US Department of Justice; 2007. Report

Ordinarily I can take credit cards, but it's broken.

—An unlicensed vendor about his credit card "swiper," explaining why a customer will be buying a gun for cash, Tucson, Arizona.

- No.: I-2007-007.
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 10. Olinger D, Port B. Gun shows: open season for lawless shopping. *St. Petersburg Times*. 1993 Jun 28.
 11. Code of Federal Regulations. Title 27, Chapter II, Part 478, Section 478.11.
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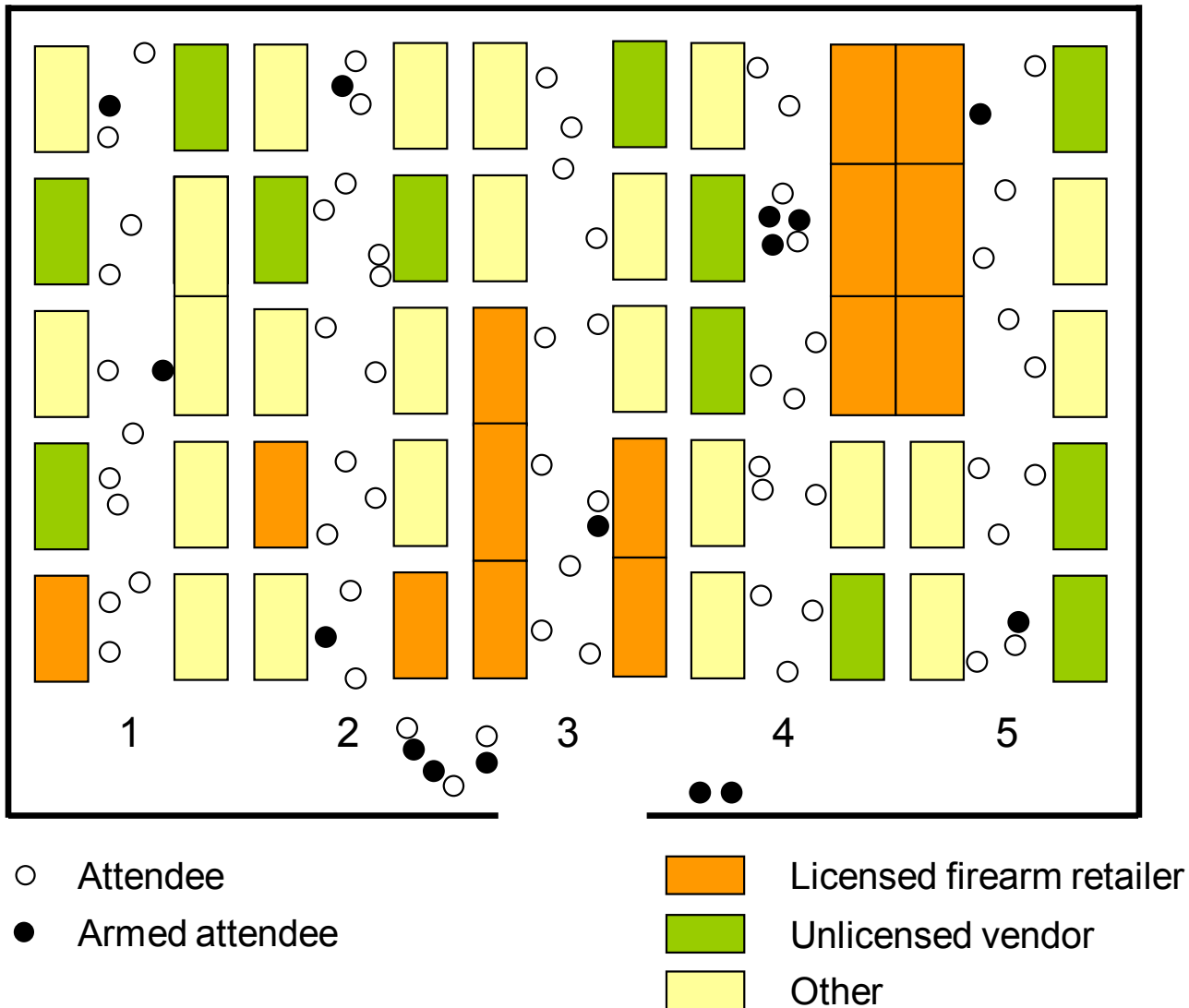
Guns brought into a show by attendees are marked to distinguish them from guns put on display by sellers. This man in Richmond, Virginia, carries a pistol tagged with an orange band; the AK and Kel-Tec pistols in front of him are marked with clear bands.



Going to a Gun Show

Gun shows are typically held in large public facilities such as the Arizona State Fairgrounds (1), the Cow Palace (2), the Reno-Sparks Convention Center (3), the Florida State Fairgrounds (4), and the Atlanta Expo Center (5). There may be a long line of people waiting to buy tickets (4,5), but it is sometimes possible to enter immediately (6-8 This man is bringing at least four guns to the show.) Attendees are expected to declare their guns (9,10), which are checked to verify they are unloaded and are temporarily disabled, typically by passing a plastic band through the firing mechanism (11,12). The attendee may then proceed (13). The photographs were taken in Phoenix, AZ (1); San Francisco, CA (2); Reno, NV (3); Tampa, FL (4); Atlanta, GA (5,11,12); Houston, TX (6-8,10,13); and San Diego, CA (9).





Inside the Show: An Overview

Where direct private party sales are permitted, the area just inside the entrance to the show is a marketplace where buyers and sellers congregate. Most of the show is occupied by vendors who have rented table space; these may be licensed firearm retailers, unlicensed vendors, or sellers of other merchandise. Individual attendees, some of whom have also brought guns to sell, walk the aisles. Gun sales can occur both between sellers who have rented table space and attendees and between attendees directly, anywhere in the show. The smallest shows are not much larger than that depicted in the Figure, with perhaps 100 tables available for rent and just a few retailers and others selling guns. At the largest, hundreds of licensed retailers and others rent table space to sell guns and thousands of attendees are present at any one time. Many of those selling guns rent just one or two tables, but the largest licensed retailers occupy much more space and may have hundreds of guns on display.



The Marketplace

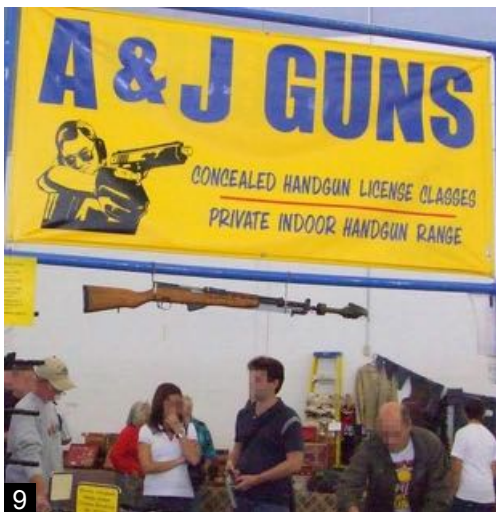
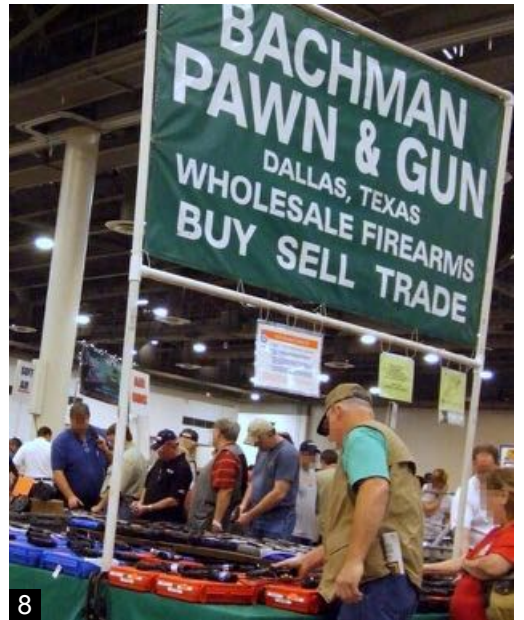
The marketplace may be an open area outdoors or just inside the entrance to a building. Sellers may form a line (1,2), making the process more efficient. In Photo 3, three men who have brought guns to sell compare their guns, while another seller walks by. The seller at the center of Photo 4 shows a shotgun to a prospective buyer; he also has a rifle to sell. A third party looks on from the left, while another transaction proceeds behind them. A sale is being finalized in Photo 5; the seller, at right, is accepting cash from the buyer in exchange for the revolver in the buyer's left hand. In Photo 6, the seller (seated) has two vintage rifles for sale. In Photo 7, the seller (blue T-shirt) shows two handguns to a prospective buyer. The seller in Photo 8 (T-shirt, at right) shows an SKS rifle and two handguns to three prospective buyers. The photographs were taken in Phoenix, AZ (1-3); Tampa, FL (4,7); San Antonio, TX (5); Jacksonville, FL (6); and Akron, OH (8).



Large Licensed Retailers

Large licensed retailers may display hundreds of guns; they play a role analogous to that of anchor stores at shopping malls. They often display large banners, visible from throughout the show, marking their location and offerings. Some retailers hang copies of their federal firearms license and other materials, such as "Don't Lie for the Other Guy" posters, that suggest their lack of willingness to participate in illicit commerce. One example of this is Texas retailer KK Sales (1). Of the small signs hanging from the banner frame, the one at the left reads, "WE ARE A FEDERALLY LICENSED DEALER. PLEASE DO NOT ASK US TO SELL FIREARMS WITHOUT PAPERWORK! THANK YOU." The sign next to it warns against making a straw purchase: "IF YOU ARE BUYING A FIREARM FOR ANYONE OTHER THAN YOURSELF, EXCEPT AS A GIFT, YOU ARE BREAKING THE LAW. THIS IS A FELONY PUNISHABLE BY 10 YEARS IN PRISON AND UP TO A \$250,000 FINE. THANK YOU."

The photographs were taken in Houston, TX (1,8); Dallas, TX (2,4,9); Denver, CO (3,6); Dayton, OH (5,10); Richmond, VA (7); and Tampa, FL (11).



OMB No. 1540-0020

Firearms Transaction Record Part I - Over-the-Counter

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 et seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. **"PLEASE PRINT."**

Section A - Must Be Completed Personally by Transferee (Buyer)

1. Transferee's Full Name
Last Name: _____ First Name: _____ Middle Name (if no middle name, state "NONE") _____

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)
Number and Street Address: _____ City: _____ County: _____ State: _____ ZIP Code: _____

3. Place of Birth
U.S. City and State: _____ Foreign Country: _____

4. Height: _____ in. _____ ft. _____ in. 5. Weight: _____ lbs. 6. Gender: Male Female 7. Birth Date: _____ Month _____ Day _____ Year

8. Social Security Number (Optional, but will help prevent misidentification) _____ 9. Unique Personal Identification Number (UPIN) if applicable (See instructions for Question 9.) _____

10. Race (Ethnicity) (Check one or more boxes. See instructions for Question 10.)
 American Indian or Alaska Native Black or African American Native Hawaiian or Other Pacific Islander
 Hispanic or Latino Asian White

11. Answer questions 11.a. through 11.k. (See instructions for Question 11.)

11.a. Are you the actual transferee/buyer of the firearm(s)? Yes No **WARNING:** You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See instructions for Question 11.a.) **Exception:** If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may check question 11.b.

11.b. Are you under indictment, or charged with a crime, or any other crime, for which the judge could imprison you for more than one year? (See instructions for Question 11.b.) Yes No

11.c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence (including probation)? (See instructions for Question 11.c.) Yes No

11.d. Are you a fugitive from justice? Yes No

11.e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Yes No

11.f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See instructions for Question 11.f.) Yes No

11.g. Have you been discharged from the Armed Forces under dishonorable conditions? Yes No

11.h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See instructions for Question 11.h.) Yes No

11.i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See instructions for Question 11.i.) Yes No

11.j. Have you ever renounced your United States citizenship? Yes No

11.k. Are you an alien illegally in the United States? Yes No

12. Are you a nonimmigrant alien? (See instructions for Question 11.i.) (If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.) Yes No

13. If you are a nonimmigrant alien, do you fall within any of the exemptions set forth in the instructions? (If "yes," the licensee must complete question 20a.) (See instructions for Question 12.) If question 11.i. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13. Yes No

14. What is your country of citizenship? (List/Check more than one, if applicable. If you are a citizen of the United States, proceed to question 15.) United States of America Other (Specify): _____

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number? _____

16. Transferee's/Buyer's Signature _____ 17. Certification Date _____

Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (select or mark all that apply):
 Handgun Long Gun Other Firearm (Frame, Receiver, etc.)
Name of Event: _____ City, State: _____

19. Identification (e.g., Virginia Order) Source (FBI, DC, or other valid government-issued photo identification) (See instructions for Question 20a.)
Issuing Authority and Type of Identification: _____ Number on Identification: _____ Expiration Date of Identification (if any): _____ Month _____ Day _____ Year

20. Arrested Documentation (if driver's license or other identification document does not include current residence address)
Type(s) of Document: _____ Date of Issuance: _____ Date of Expiration: _____

21. All Access: Type and date of document that establish 90-day non-residence, validity determination (if any), and type of document.
Type(s) of Document: _____ Date of Issuance: _____ Date of Expiration: _____

22. Nonimmigrant Alien Must Provide: Type of document establishing status and date of nonimmigrant alien prohibition. (See instructions for Question 20.d.) _____

23. Questions 21, 22, or 23 Must Be Completed by the Transferor (Seller) Under Of The Firearm(s) (See instructions for Questions 21, 22 and 23.)

24. State the transferor's identification information (if any) as it was recorded in the NICS system. (See instructions for Question 24.)
Name: _____ Birth Date: _____ Sex: _____ Race: _____ Ethnicity: _____

25. The NICS or State transaction number (if provided) was: _____

26. The response provided by NICS or the appropriate State agency was:
 Proceed Delayed Denied Cancelled
(The firearm(s) may be transferred on (MNI date provided by NICS) if State law permits otherwise.)

27. If initial NICS or State response was "Delayed," the following request was received from NICS or the appropriate State agency:
 Proceed _____ (MNI) Denied _____ (date) Cancelled _____ (date) No resolution was provided within 3 business days.

28. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: _____ (date) Proceed Denied Cancelled

29. The name and Brady identification number of the NICS examiner (Optional):
Name: _____ Number: _____

30. No NICS check was required because the retailer involved only NFA firearm(s). (See instructions for Question 22.)

31. No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See instructions for Question 23.)

32. Issuing State and Permit Type: _____ Date of Issuance (if any): _____ Expiration Date (if any): _____ Permit Number (if any): _____

Section C - Must Be Completed Personally by Transferor (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See instructions for Questions 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

33. Transferee's/Seller's Signature _____ 34. Certification Date _____

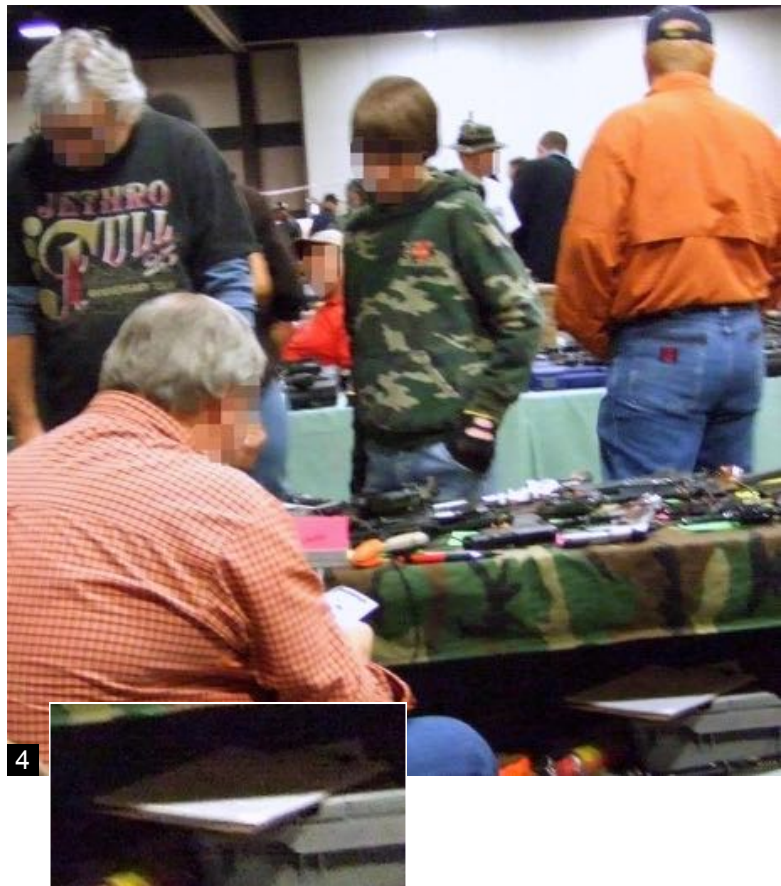
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Buying a Gun from a Licensed Retailer

Whether at a gun show or elsewhere, those who buy guns from licensed retailers must complete a Firearms Transaction Record (1,2 Reproduced only in part.). On the form, they must certify that they are buying the gun(s) for themselves and that they do not meet any of 11 criteria that would prohibit them from owning firearms. The form tells them that making a false certification or providing false identification is a felony.

Photos 3-9 show examples of purchases in process. In Photo 8, the salesperson is calling the National Instant Criminal Background Check service, known as NICS, to obtain approval. Many purchases are made by cash; some retailers offer cash discounts. ATM machines are placed throughout larger shows and are heavily used (10). The photographs were taken in Houston, TX (3); Denver, CO (4,5); Jacksonville, FL (6); Dallas, TX (7); Dayton, OH (8); and Phoenix, AZ (9,10).





Small Licensed Retailers

This licensed retailer (1-3) sells at shows in Arizona and Nevada. He displays a copy of his license and Firearms Transaction Records.

Like many licensed retailers, however, this man (4) does not display a copy of his license, and Firearms Transaction Records are concealed under the table to be produced only when needed. The photographs were taken in Tucson, AZ (1,2); Phoenix, AZ (3); and Jackson, MS (4).



Collectors: Curios, Relics, and Antiques

This man (1) sells World War II firearms in Colorado. Signs indicate that his guns are classed as curios and relics “and may be vended via private parties without either federal/state/local background form or related check.” This Georgia collector (2) specializes in Lugers; another, named The Broom Closet, sells Mauser broomhandle pistols (3). Inventories may be large (4). Some specialize in 19th-century designs (5-7). The photographs were taken in Denver, CO (1); Atlanta, GA (2,5,6); Dayton, OH (3); Jacksonville, FL (4); and San Diego, CA (7).



Shoot Straight Sports

This licensed retailer in Florida sells all types of firearms and can occupy dozens of display tables. At one show, it had more than 1,350 guns on display, with others in boxes beneath them. Its workstation for completing customer purchases that day had spaces for 17 customers, and most were filled throughout the day. The photos show Shoot Straight filling an entire room at one large show, with a display of inexpensive Cobra handguns in the foreground (1); a row of AR rifles (2); two Desert Eagle pistols (3); the workstation for completing customer purchases (4); a display of inexpensive Hi-Point handguns (5); and a large display of Glocks and other conventional handguns (6). The owner travels on a Segway transporter (6). The photographs were taken in Orlando, FL (1-3,5), and Tampa, FL (4,6).



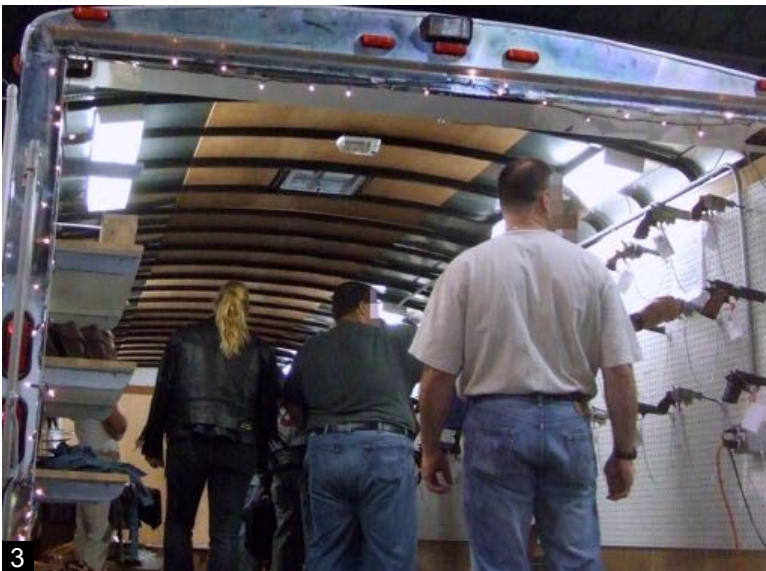
4



5



6



AK-47 Man

This licensed retailer in Colorado specializes in AK, AR, SKS, and other assault rifles (1,2, 4-7, Conventional rifles can also be seen in Photos 1 and 7.) The banners in Photos 1 and 2 are attached to a trailer that is outfitted as a mobile showroom for handguns (3). Under the name Boonesboro Enterprises, this retailer operates a buyers' club. At the time of Photos 8 and 9, the membership fee is \$99.99. Members can buy SKS rifles for \$129.99, a \$20 discount. Crates of SKS rifles are on display (8); in Photo 9, a man in cowboy attire examines one. Membership appears to make economic sense only for persons buying at least five rifles. The photographs were taken in Denver, CO.





JG Sales

JG Sales of Prescott, AZ sells sometimes very inexpensive firearms, occasionally with volume discounts, and often draws a crowd. In Photos 1-5, two salespeople process transactions simultaneously while other customers wait, some with money at the ready. A young customer examines an AK rifle (6). A large inventory is stored in boxes just behind the salespeople (7). JG also stocks ammunition in bulk (8). In Photos 9-13, two men load and leave with a large ammunition purchase. The photographs were taken in Phoenix, AZ.



7



8



9



10



11



12

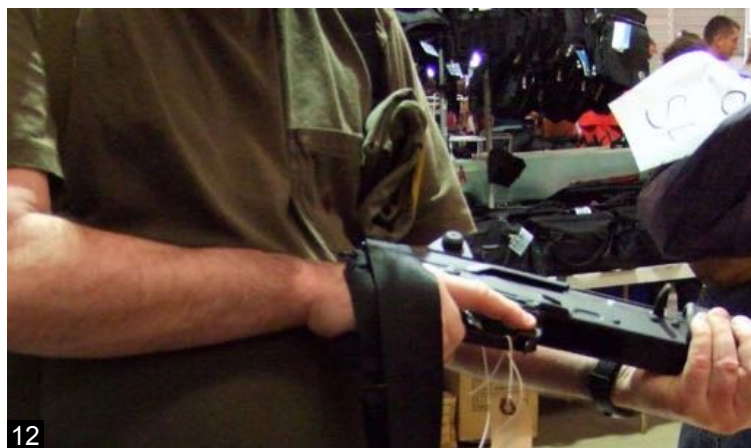
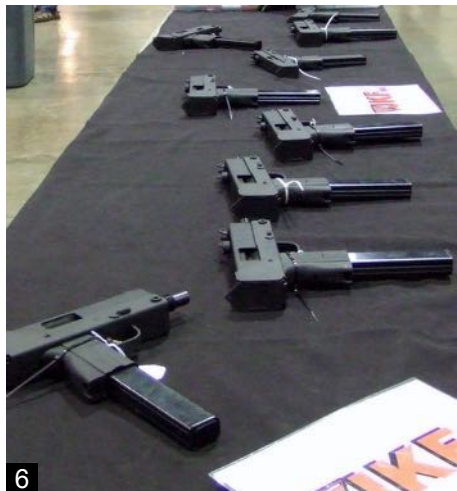


13



Joeken Firearms

Joeken Firearms (JKF) is a specialty assembler-manufacturer of AK rifles and pistols in Winslow, AZ. Key parts for some of the rifles are imported; others, and apparently the pistols, are made in the US. The rifles sell for about \$450 to \$600. JKF also sells MAC type assault pistols, made in Georgia, for about \$340. The photos show a display of AK rifles (1); customers examining AK pistols, with rifles in the foreground (2 Note the 37mm launcher for smoke and gas canisters and flares on the rifle at the left.); AK pistols (3); MAC pistols (4); a different type of AK pistol, selling for about \$900, which JKF describes as “the shortest production AK on the market” (5); other examples of these weapons (6-12). The photographs were taken in Phoenix, AZ (1-3,5,7,9-12) and Las Vegas, NV (4,6,8).





One-Eyed Jack

One-Eyed Jack, a Class 3 licensed retailer selling at shows in Arizona and Nevada, specializes in .50 BMG rifles, assault weapons, and machine guns. He typically has 15 to 20 rifles and a few handguns on display. At the time of the photos, prices for the .50-caliber rifles range from \$3,675 for a single-action model to \$8,600 for a semiautomatic version. The photos show Jack with .50-caliber rifles (1,4 Note the linked ammunition in Photo 4.); two firearms, presumably selective fire weapons or submachine guns, that are subject to the terms of the National Firearms Act (2); a conventional handgun and two rifles (3 Note the "Private Sale" on the handgun.). The photographs were taken in Phoenix, AZ (1,3,4) and Las Vegas, NV (2).



Automatic Weapons and Nazi-Related Materials

This licensed retailer sells fully automatic firearms, including two MAC 10, 9mm submachine guns with silencers advertised as a "FULL AUTO QUIET PARTY PACK" (1). Nazi-related material is also for sale (2,3); given its humorousness, its significance is ambiguous. The person in charge (5) has a swastika on his Santa hat to go with the happy-face Hitler on his T-shirt. The photographs were taken in Milwaukee, WI.

Buying and Selling

3

Private party sales and straw purchases were described in Chapter 1; the main purpose of this chapter is to demonstrate what they look like. It begins with a brief summary and expansion of the earlier discussion.

Because of their anonymity, private party sales allow guns to be purchased by prohibited persons. According to ATF's estimate, 25% to 50% of gun sellers who rent table space at gun shows are unlicensed vendors.¹ Gun shows are studded with "Private Sale" signs that convey to all this message: no paperwork, no background check, no waiting period, no recordkeeping. Individual attendees who bring guns to sell are also very common. In a prior study, as many as 31.6% of gun show attendees were armed, and many of these were unambiguously offering their guns for sale.²

Again, private party gun sales are generally legal transactions under federal law and the laws of most states—at least from the seller's point of view. The key is that while it is always illegal for a prohibited person to buy a gun, it is only illegal to sell a gun to a prohibited person if the seller knows or has "reasonable cause to believe" that he is doing so.³ Some private party handgun sellers make a point of checking the buyer's driver's license to be sure that they are not making an illegal sale to an out-of-state resident; most do not. Background checks are generally not an option. Asking questions about the buyer's eligibility to



An attendee with two rifles for sale, San Antonio, Texas.

I can sell you this for 9½ (\$950). And there's no paperwork at all.

—An unlicensed vendor offering “a jet-black AR-15 with all the extras: short barrel, telescoping stock, 30-round magazine and a menacing-looking flare launcher” to a reporter, Tucson, Arizona.⁴

They have a friend—usually a girlfriend with no record—buy three or four. Sometimes they all pitch in to buy them. Other times someone will go up, buy four guns, then come back and sell three of them to cover the cost of the one they keep. It's a right-to-your-door deal.

—A San Francisco narcotics officer on how straw purchases are used to acquire assault rifles in Reno for resale in the Bay Area.⁵

There are plenty of signs. [Straw purchasers] don't understand how the gun works. They don't know what the gun is. They come in and point at it and say: “I'll take that gun.” It's so unusual for somebody to buy and expensive gun and pay for it in cash, and quite often with small bills...[Y]ou just think that this can't be right.

—Licensed retailer Dave LaRue of Legendary Guns in Phoenix, Arizona, on straw purchases.⁶

purchase guns probably guarantees unpleasantness and risks the loss of the sale. Such questioning was never observed.

Some licensed retailers also appear to operate as unlicensed vendors. Individual retailers own guns personally, not just through their business, and can presumably buy and sell those guns on an occasional not-engaged-in-the-business basis as can any other private party. A retailer may also transfer ownership of a gun from his business to himself as an individual prior to selling it. Whatever the preceding chain of events may be, at a gun show it is not uncommon to see a licensed retailer who also displays guns marked with a “Private Sale” sign. Based on the observations made for this report, those guns tend to be assault rifles.

If private party sales may provide guns for criminal use, straw purchases, it can be argued, are designed to do so. By masking the identity of the real purchaser, they make gun buying possible for prohibited persons and for traffickers who are acquiring guns in large numbers and need for that fact to remain undisclosed. Straw purchases are a felony under federal law but are a major source of crime guns nonetheless. There is no evidence, however, on whether purchases from licensed retailers are more likely to be straw purchases if made at a gun show than if made at a gun store.

The straw purchases that were observed for this report make it clear that the salesperson is sometimes fully aware that the person with whom he is dealing is acting as an agent for someone else. The openness and seeming sense of impunity with which these transactions were conducted was striking. In others, the real purchaser and the straw purchaser make their arrangements surreptitiously, and a reasonably vigilant salesperson might not realize that he was participating in an illegal transaction.

On two occasions, retailers identified straw purchases in progress and aborted them. At other times, a suggestive set of circumstances, such as the purchase of an assault rifle by a young woman with little knowledge of guns, could easily have led to a question or two that would have uncovered the truth. But again, asking those questions raises the risk of losing a sale, either by offending a legitimate buyer or scaring off a possible straw purchaser. Losing the sale means a drop in income for what is usually a very small business. Given in addition that law enforcement's presence is minimal, it might be (and apparently often is) judged better not to ask.

ATF’s investigative records have established that corrupt gun sellers, whether licensed retailers or private parties, serve as “hotspots” for straw purchases and for private party sales that serve criminal purposes.^{7, 8} Another example of corrupt behavior by a licensed retailer is the off-paper purchase, in which the retailer simply sells the gun without initiating a background check or recording the sale. The retailer might later report that gun to have been stolen.

Examples of suspect and illegal gun purchases and of an aborted straw purchase, beyond those presented in the photographs that follow, are in Table 3-1.

These are on paper and these are off paper.

—A licensed retailer indicating which of his guns require a Firearms Transaction Record and a background check and which do not, Indianapolis, Indiana.

Table 3-1. Examples of suspect and illegal gun purchases and an aborted straw purchase

Location and Nature of Activity	Narrative Summary
<p>Multiple private party sales, likely in support of gun trafficking</p> <p>Phoenix, AZ</p>	<p>A male attendee in his thirties is observed carrying an assault pistol in each hand. He approaches another attendee with a similar pistol and buys that gun for cash without examining it; the transaction lasts less than one minute. Within five minutes he has purchased high-capacity magazines and cases for each of the guns, which he identifies to the magazine vendor as a MAC 11 and two TEC 9s. Less than a minute later he bargains with another attendee for a new Romanian AK rifle with two 30-round magazines, but they are unable to agree on a price. A confederate appears; he and the confederate examine an Uzi pistol, then realize the vendor is a licensed retailer and move on. The purchaser hands one of his guns to the confederate, who leaves the show, while the purchaser continues to shop. Total elapsed time: 12 minutes.</p>
<p>Illegal private party sales</p> <p>San Jose, CA</p>	<p>An unlicensed vendor and an attendee who has brought a shotgun for sale walk to the corner of the room, and the shotgun is exchanged for cash. There is no paperwork. The vendor returns to his table and places the gun on display for sale. Later in the show, the same vendor purchases another shotgun under similar circumstances. Direct private party sales like these are illegal in California.</p>

Location and Nature of Activity	Narrative Summary
<p>Private party purchases and attempted straw purchases, using a shopping list</p> <p>Milwaukee, WI</p>	<p>Two men who speak little English walk the aisles of the show for some time, carrying a list of desired guns that includes “AR15” and “UZI.” They purchase two handguns from an unlicensed vendor. They approach a licensed retailer, point to a shotgun, and ask, “Uzi?” When he indicates that it is not, they point to the same gun again and ask, “AR-15?” He again says no and refers them to the licensed retailer at the next table who has AR-15s. When the men learn that a background check is required, they leave the show.</p>
<p>Straw purchase</p> <p>Phoenix, AZ</p>	<p>A young man buys two new Jimenez 9mm pistols from a licensed retailer. He walks a few steps away and hands one of the guns to a colleague. That man returns to the retailer, who has seen the transfer, with questions about the gun. The retailer answers, and does not ask about the second transfer.</p>
<p>Straw purchase</p> <p>Indianapolis, IN</p>	<p>A middle-aged woman purchases a Jimenez pistol by check; she passes the background check without incident. A man who has been watching from about 40 feet away walks to the table and takes the pistol from the retailer. The retailer mentions that he recently took a bad check, to which the woman responds that she worked at a bank and would be in big trouble if she did that.</p>
<p>Straw purchase for a partner</p> <p>Ventura, CA</p>	<p>A man and his female partner are negotiating the purchase of a handgun from a licensed retailer. She has not qualified for the state-required Handgun Safety Certificate (HSC). His may be out of date, and he does not have it with him. This conversation ensues: He: So how do I go about buying this gun for her? Salesperson [sharply]: For who? He: Oh. Uh, for me. Salesperson: Well, you can buy it now and take the [HSC] test at the store. We can do it that way. [There is a discussion of the attendees’ marital status. If they were married, he could transfer the gun to her. They are not.] Vendor: Okay. Whose name is this going to be in? He: It’s going to be in my name. Vendor: Fine. We can do that.</p>

Location and Nature of Activity	Narrative Summary
<p>Straw purchase for a juvenile</p> <p>Albuquerque, NM</p>	<p>A boy no more than 16 years old and an adult woman are looking at handguns displayed by a licensed retailer. He indicates to her the Lorcin 9mm pistol he wants, while the salesperson watches. She buys that gun and a Raven .25 pistol from the salesperson, who gives both guns to her. With the salesperson still watching, she puts the Raven in her purse and hands the Lorcin to the boy.</p>
<p>Straw purchase in reverse (the real purchaser interacts with the salesperson, pretending to be the straw purchaser)</p> <p>Albuquerque, NM</p>	<p>The real purchaser (hereafter Man #1) selects an inexpensive pistol from a licensed retailer, but uses the driver's license of the man accompanying him (the straw purchaser, hereafter Man #2) to complete the Firearms Transaction Record. The salesperson observes this. When given the completed form by Man #1, she initiates this conversation:</p> <p>Salesperson: So you're Jose. Man #1: Yes, I'm Jose. Salesperson: What's your full middle name? There's a "J" here. Man #1 (in a loud voice to Man #2, who is standing some 20 feet away): Jose, what's your middle name? Man #2: Julian. Man #1 (to salesperson): Julian. Salesperson (to Man #1): How do you spell that? Man #1 (to Man #2): How do you spell that? Man #2: J-U-L-I-A-N. Salesperson (to Man #1): YOU'RE purchasing this gun, right? Man #1: Yeah. Salesperson: I need to see some identification. Man #1 (to Man #2): Jose, she needs to see some identification. Man #2 walks up and shows his identification to the salesperson. Salesperson: I shouldn't....OK. The salesperson completes the form. She initiates a background check on Man #2 and eventually gives the paperwork to Man #2 and the pistol to Man #1.</p>

Location and Nature of Activity	Narrative Summary
Possible simultaneous straw purchases Chantilly, VA	Two Filipinos with diplomatic identification cards are completing Firearms Transaction Records to purchase handguns; a third man advises both of them. They ask about the need to certify that they are the actual purchasers of the firearms. The advisor responds, "You have to say 'yes'." There is further discussion in Tagalog, after which the advisor repeats, "You have to say 'yes'."
Likely off-paper sales in support of gun trafficking McDonough, GA (suburb of Atlanta)	The show is small and sparsely attended. Two men approach a licensed retailer to discuss the purchase of multiple handguns. A pile of blank Firearm Transaction Records sits in front of the salesperson. After a few moments, one of the men loudly announces, "I'm from New York." The entire show goes quiet. The salesperson pushes the forms to the side, draws the men into a huddle, and negotiations continue.
Aborted straw purchase Sacramento, CA	An elderly man wishes to buy a handgun from a licensed retailer but has not brought identification and has not taken the state's required Handgun Safety Course. His family is present and wants his son to buy the gun for him. The salesperson declines, saying "He can buy it for himself."

INTRODUCTION TO THE PHOTOGRAPHS

The entrance to Crossroads of the West gun shows at the Arizona State Fairgrounds in Phoenix is the site of a uniquely active marketplace for undocumented private party gun sales (3-10, 3-11). No-sales signs were recently posted, however, for reasons that have not been made public.

Unlicensed vendors stand to gain by identifying themselves as such (pages 3-12 to 3-15). The sign may simply say "Private Sale," but the implications—no paperwork, no background check—are lost on no one. Except for machine guns and other weapons subject to the terms of the National Firearms Act, which must be sold by retailers with special licenses, their inventory can include guns of any type and can be indistinguishable from that of a small licensed retailer.

On occasion, private sale signs refer only to some of the guns on display or even single guns (pages 3-16 to 3-18). In such

cases, the guns referred to most often seem to be assault weapons.

Unlicensed vendors, though claiming not to be “engaged in the business” as defined by statute, are not making just occasional sales over the course of a year (pages 3-19 to 3-25). Busier vendors sell multiple guns per day.

Individual attendees who have brought guns to sell take some effort to make that clear (pages 3-26, 3-27). They will stand inside the entrance of the show or walk the aisles, waiting for an approach by a potential buyer. Negotiations are informal and take a few minutes at most; the transactions are always for cash (pages 3-28 to 3-33). Not all these negotiations proceed to a sale, of course, and an individual may spend several hours at the show before selling his gun (pages 3-34, 3-35).

Some individual attendees sell on a larger scale. If long guns are involved, the inventory can become heavy over the course of a day and require some means of moving it around the show (pages 3-36, 3-37). A few attendees work as gun traders, actively buying and selling throughout the day (pages 3-38 to 3-41). This can create an interlocking network of private party sales that persists for hours (pages 3-42, 3-43).

In 17 states, at least some private party sales are illegal at gun shows. They still occur (pages 3-44, 3-45. See also photos 4-6 on page 3-31 and San Jose transaction in Table 3-1.)

Straw purchases (pages 3-46 to 3-65) are illegal everywhere. The straw purchasers are often females, buying perhaps for their partners. In some cases the salesperson cannot have been unaware that he was participating in a straw purchase. Cell phones have emerged as a means of conducting straw purchases without the need for the real purchaser to be present. There appear to be hotspots for straw purchasing—licensed retailers at which multiple straw purchases occur over the course of the day or even at the same time.

Off-paper sales (pages 3-66, 3-67) are probably less common than straw purchases, but a single instance would seem sufficient to identify a retailer, or at least a specific salesperson, as corrupt.

If you get the money, we'll sell it to you. It's not hard to find assault rifles, they're just expensive. The cartels are offering a pretty penny. Or drugs. No paperwork, nothing. Just an Arizona license. And proof you're over 21. [Want] fifteen? We can get it for you. Most people just want two or three at the most.

—Jacob Allerd, age 19, who with his father and brother works as an unlicensed vendor at gun shows in Arizona.¹⁰

At every show, there are guys who come and stand outside and offer money to people bringing their guns in. Half a dozen guys, maybe more. They buy anything they think they can make a buck on, then sell it on the street. I don't trust them.

—Virginia licensed retailer Jim Caton³

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Private party sale of a Colt Anaconda revolver and an SKS rifle with bayonet. The buyer, on the left, counts out money (1) while the seller kneels (2) to remove a For Sale sign. Money changes hands (3), and the buyer takes possession of the revolver (4) and then the rifle (5).

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The Arizona State Fairgrounds, Phoenix, Arizona

The open space just inside the entrance to Crossroads of the West gun shows at the Arizona State Fairgrounds may be the largest and most active marketplace for undocumented private party gun sales in the United States. Dozens of sellers are present at any one time. Though guns of all types are for sale, assault rifles appear to be most in demand. In Photo 7, the man at the left is the seller; he also appears in Photo 8.

Conditions have recently changed, however. Gun sales have been prohibited (12). A reduced group of sellers and buyers now congregate 50 yards away (13), while a few transactions still go on in the area where the signs are posted (14 The sign is at right. The men at right center have a handgun to sell and the group at left is negotiating another sale.)





Unlicensed Vendors

These unlicensed vendors have posted signs declaring their status to potential buyers. The photographs were taken in Jackson, MI (1); Orlando, FL (2 Note the requirement for compliance with state law.); Dallas, TX (3,4); Milwaukee, WI (5); Akron, OH (6 The yellow sign in the center reads "PRIVATE COLLECTION."); Tucson, AZ (7 Several "PRIVATE PARTY SALES" signs are on the table.); Milwaukee, WI (8,9 This vendor displays a sign for his gunsmithing business, but a second sign reads "ALL GUNS ARE PRIVATE SALE. NO PAPERWORK. NO TAX."); Tucson, AZ (10-12 This vendor is selling AR and conventional rifles. He is not from Arizona, where the show is taking place).





Unlicensed Vendor, Phoenix, Arizona

This unlicensed vendor is a regular at shows in Phoenix. On this day he has approximately 30 guns for sale, including two AR pistols (2,4) and AR, AK, and SKS rifles (3). His display is marked by four large private party signs in English and Spanish (4).



1



2



3



4

Unlicensed Vendor with Police Handguns, Milwaukee, Wisconsin

This unlicensed vendor has a unique inventory. The sign behind the three pistols in front of him reads "MILWAUKEE POLICE GLOCKS 40 cal. Excellent condition with 2 hi cap mags." They are selling for \$350. He explains to a customer that a friend of his, a licensed retailer, has bought about 25 of them. The guns, as he shows the customer (3), are stamped to identify them as property of the Milwaukee Police Department. They are not for sale at the show, but the sign gives the name and phone number of the seller. Next to these guns are four more pistols in a case marked "PRIVATE SALE."



Private Sale Signs

These assault weapons are being offered for private sale. The sellers are sometimes licensed retailers, and sales of their other guns will require completion of a Firearms Transaction Record and a background check. The photographs were taken in Jacksonville, FL (1); Waukesha, WI (2); Dallas, TX (3-5,8,9); Phoenix, AZ (6); Houston, TX (7).





Assault Rifles for Private Sale, Tucson, Arizona

Prospective buyers are negotiating for two never-fired AR rifles with a seller who appears to be a licensed retailer (1,2), while John Wayne looks on. The guns come with extra magazines (3); the signs indicate that they are for private sale.



Unlicensed Vendor Sales to Possible Gun Traffickers, Phoenix, Arizona

This unlicensed vendor (1), who has approximately 40 handguns on display, completes multiple undocumented sales of handguns for cash over the course of the day. Among them are sales to each of the two men at the right in Photo 2. Identification is neither requested nor produced, and the transactions take less than five minutes to complete.

In Photo 3, four men who have already bought six handguns are buying custom accessories for them. As the show closes, they purchase two Glock pistols from the vendor in Photo 1. All four men bring their wallets out to muster sufficient cash. Again, no questions are asked; the vendor makes no effort to determine who of the four men is actually purchasing the two handguns. As the men move toward the exit with their eight handguns, they are briefly followed by two Phoenix Police Department Gang Unit officers in tactical uniforms and body armor. One of the officers remarks, "They'll just take 'em out on the street and sell 'em."



Multiple Purchases from Unlicensed Vendors, Dallas, Texas

This man is buying two semiautomatic pistols for \$885 cash (1,2). The transaction takes about three minutes (3). He tucks the guns under his belt (4) and one minute later is at another unlicensed vendor (5) where he buys a third pistol, this one still in its original box. He again pays in cash. The vendor places a red dot on the gun, indicating that it has been purchased at the show (6), while the purchaser retrieves the ammunition magazine from the box. He takes just the gun, leaving the box with the vendor (7). He places that gun in a pocket and moves on to look at assault weapons. Identification is not requested or provided in either case; there is no paperwork. Total time for both transactions: 4 minutes, 21 seconds.





Unlicensed Vendor Sales, Reno, Nevada

This unlicensed vendor (1) has 31 handguns and 28 rifles or shotguns for sale. In the first transaction (2), a young man prepares to purchase a pistol while a second man looks on from a distance and then joins him (3), at which point the vendor gives this second man the gun. At the moment of purchase, for \$550 cash (4), the vendor also looks at the first man's driver's license (5). There is no paperwork of any kind. The two men share possession of the gun (6) while the vendor recounts the money. As they leave, the man whose driver's license was not checked has the gun (7).

Two hours later, this vendor sells a handgun to another customer (8), again without paperwork and, in this case, without an identification check (9,10).





Multiple Sales by Unlicensed Vendor, San Antonio, Texas

This unlicensed vendor (1) with three salespeople has 41 long guns (including three AK rifles on bipods) and 24 handguns on display. Over 37 minutes, the vendor sells one of the AK rifles to these two men (2) and three handguns to these two women (3, at left), who were accompanying the men. The handguns include a badly used Lorcin .380 pistol, which sells for \$95. In the case of the rifle, the salesman encourages the men to purchase a 65-round drum magazine, arguing that the ammunition capacity they want is too great for a standard high-capacity magazine. As for the Lorcin, the buyer simply points to the gun, the salesman names the price, and she then hands him the money and takes possession of the gun. Nothing else is said, and the transaction lasts only a few seconds.



1



2



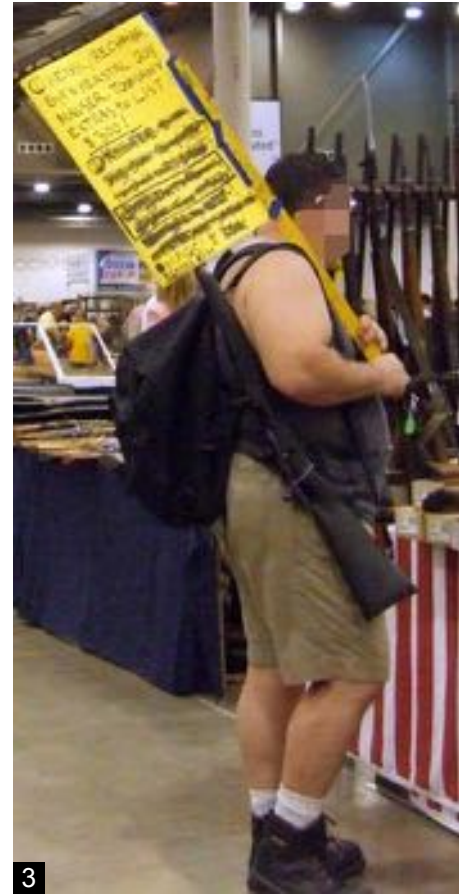
3



4

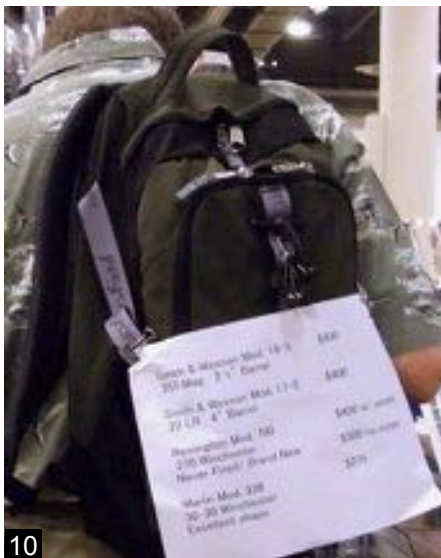
Unlicensed Vendor Sale, Reno, Nevada

This young man (1) is interested in buying a shotgun from this unlicensed vendor (2), who has 78 shotguns and rifles on display. The two men look at guns together (3). The vendor identifies himself as a "private guy" and asks, "Do you have a Nevada driver's license?" The buyer replies that he does, and the vendor continues, "As long as you're okay with the law and have a Nevada driver's license, we're fine. I don't have to make a phone call, I'm a private guy." He never asks to see the driver's license, however, and it is never produced. The transaction proceeds with no paperwork of any type. The sale is for cash (4). The buyer asks if the vendor takes credit cards; he replies, "No, we're not a business. We don't do that."



Attendees with Guns for Sale

These men are selling rifles (this page) and handguns (opposite page). The photographs were taken in Phoenix, AZ (1,8,11); Houston, TX (2,3,9,10); Las Vegas, NV (4); Tucson, AZ (5); Dayton, OH (6); Tampa, FL (7,12).





Attendee Sale of an Assault Pistol, Houston, Texas

This man (1) has an AK rifle and a TEC type pistol for sale. Thirty-five minutes later, he encounters a prospective buyer for the pistol (2). Negotiations last about 10 minutes (3), after which the buyer reaches for his money (4) and walks away with the gun (5).



Attendee Sales, Phoenix, Arizona and San Antonio, Texas

In Phoenix, the man on the left (1) pays for and takes possession (2) of a pistol-grip shotgun in a transaction that lasts less than one minute.

In San Antonio, the man on the left (3) shows a pistol to a man who appears to be in his 50s (center) and another in his 20s. The younger man pays for the gun (4), but the older man takes possession of it.



One Attendee Sale Declined, Another Completed, Dallas, Texas

This man (1) has an AR rifle and two handguns for sale. He is explaining to a potential buyer on the phone that he cannot sell a handgun to him, since the potential buyer does not live in Texas. An hour later, he has sold his rifle but sees another that he likes (2). He inspects this gun (3) and, less than five minutes later, buys it (4). An additional transaction is conducted out of the back of the seller's Jeep (5,6).



Attendee Sellers, Las Vegas, Nevada and Denver, Colorado

In Las Vegas, this man (1) is carrying what appears to be an Uzi with a collapsible stock. The gun is marked with a green dot (2), indicating that it was brought into the show and not purchased there. He tells a potential buyer (3) that he has ten of these guns, all new, and is selling them for \$1,550 apiece. There is no sale.

In Denver (4-6), the man on the left sells a rifle to the man on the right. Direct private party sales are illegal at gun shows in Colorado.



Attendee Sale of an Assault Rifle, Jacksonville, Florida

This young man (1,2) is selling a pre-ban "like new" Colt AR rifle with six 30-round magazines, a 90-round magazine, and an ammunition box. He appears younger than 18 years of age, the minimum for legal ownership of a long gun. A potential buyer looks over the gun (3) and learns that it actually belongs to the boy's mother, who is carrying the magazines (4). After more inspection (5) and negotiation, a price is agreed to and cash is produced (6). The buyer takes possession of the gun (7) and is seen later (8) shopping for accessories. His hat identifies him as an officer of the Baldwin Police Department.



4



5



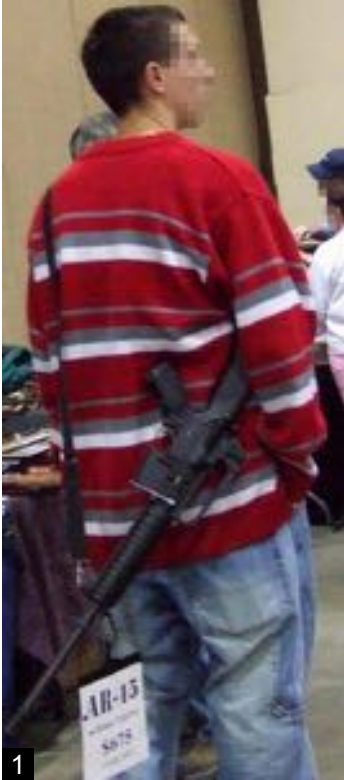
6



8



7



Attendee Sale, Reno, Nevada

This young man (1) is selling an AR 15 rifle for \$675. He browses (2), walks the aisles (3), and browses some more (4) until a prospective buyer approaches (5). There is interest (6), but no sale (7). Twenty minutes later, another man inspects the gun (8,9). He also says no. Another 10 minutes pass, and the first prospect has reconsidered (10). This time competition develops (11), and one of these men also has a handgun of his own to sell (12). The crowd dissipates, however, and only the first prospective buyer remains (13). He eventually declines again. The young man offers the gun to the unlicensed vendor who has been watching all this activity from 15 feet away (14). He buys the gun, and the young man completes a bill of sale (15). A few minutes later the potential buyer from Photos 8 and 9 approaches the rifle's new owner (16) but learns the gun is now selling for \$850.





Attendee Seller, Dallas, Texas

This man is using a modified baby stroller to carry the guns he is selling (1). Note the hardware added so that two long guns can be displayed and the signs on the sides of the stroller. In Photo 1, he has only one rifle on display. A moment later, he makes rendezvous with a woman pushing a second stroller (2), which carries an infant and several handguns. He restocks (2,3) and is just on his way when a potential buyer approaches (4).



Attendee Sellers, Las Vegas, Nevada

These two men (1) have four rifles to sell. Presumably because the guns are heavy, the men are using a wheelchair to transport and display them. The "Make Offer" sign and the novelty of the wheelchair attract many potential buyers (2,3), and two of the rifles are sold (4).



Attendee Gun Trader, Dayton, Ohio

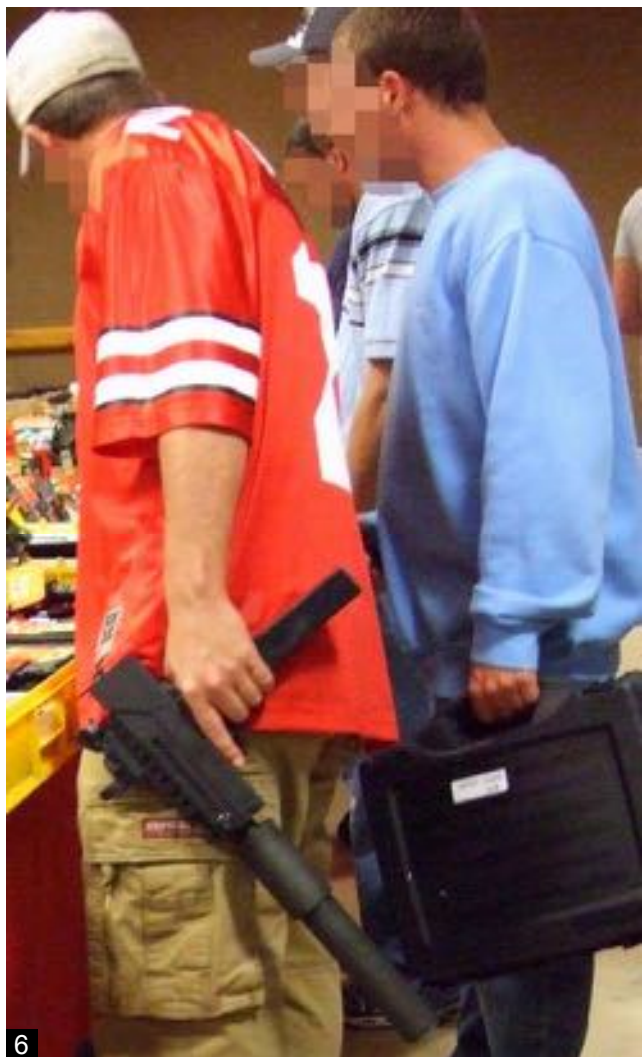
The man in the red jersey apparently both sells and buys guns. His initial inventory includes a Mossberg 500 shotgun with a pistol grip and several semiautomatic pistols. Over approximately half an hour, several potential buyers examine his guns (1-4) but no one buys. An hour and a half later he has acquired a new gun (5—a MAC type assault pistol fitted with a suppressor (probably a dummy) and a high-capacity magazine—and he is browsing for body armor and accessories (6). He continues to patrol the aisles (7), having by this time disposed of at least one handgun and the shotgun. The man in the blue sweatshirt, who is always nearby, is a porter; he carries the inventory while the man in red buys and sells.



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Attendee Gun Trader, San Antonio, Texas

This man (1) has an assault pistol in his left hand, an Uzi carbine slung across his chest, and a rifle receiver in his right hand. He is moving from one gun seller to another (1,2), attempting to sell all three. An hour and a half later (3-6), he has disposed of these items and is selling a MAC type pistol with a suppressor and a lever action rifle. Not long after, a buyer looks at the MAC (7) but in the end deals cash from a substantial wad of bills for what appears (8) to be a mini revolver. An hour later, the trader has sold the lever action rifle and is offering an AK rifle to a licensed retailer (9). Another attendee, who himself is carrying two rifles and a case of handguns for sale, has a look at the AK (10) but does not buy it.



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Interlocking Attendee Transactions, Tampa, Florida

Seller #1 patrols the long line of people waiting to enter the show (1); he has a rifle and a handgun for sale. Just inside, seller #2 (2, near left) shows handguns to two prospective buyers. Simultaneously and nearby, seller #3 (3, orange shirt) shows two men a MAC type pistol with a dummy suppressor. (The orange plastic tie on this and other guns in the photos mark them as having been brought into the show by attendees.) An hour later, still at the entrance to the show, seller #1 examines a pistol being sold by another party (4); he has disposed of the two guns he carried in Photo 1 and has acquired another (blue box). Seller #2 has also apparently sold his first two guns (5) and is now displaying a pistol. At this moment, seller #4 approaches (6), wearing a sandwich board to advertise his inventory and attracting several prospective buyers. He sees seller #2 and they converse (7); seller #3, sitting a few feet away (8), has had no luck.

Some time later, a young man approaches the author to ask if he has any guns to sell. A few minutes after that, the man negotiates for a pistol with an unlicensed vendor at a table (9), but does not buy it. He is immediately approached by seller #5 (10) and inspects a rifle and revolver. He declines, and without a pause seller #5 offers his guns to the same vendor (11).

Two minutes later, again at the entrance to the show, seller #3 gets an inquiry about his MAC from seller #1 (12). (There is no sale; seller #3 will leave the show with his gun.) At the same



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time, and 15 feet away, the young man from Photos 9-10 encounters seller #4 and negotiates for a pistol (13). Shortly thereafter, seller #1 disposes of the gun he had acquired in photo 4. It appears that the man paying for the gun (14) is not the man who receives it (15).



Attendee Sale, Denver, Colorado

This young man (1), who appears to be about 16 years of age, is walking the aisles of the show with a rifle to sell; a “For Sale” sign protrudes from the barrel. After about 10 minutes, he encounters a prospective buyer (2). In less than two minutes, the rifle has been shown to a third party (3) who buys it for cash (4). Identification is not requested or provided, and there is no paperwork. A few seconds later, the young man (5) and the buyer (6) walk away rapidly; the buyer leaves the show. About 50 feet away are a police officer, a sign indicating that such transactions are illegal (7), and the transfer station where the required background checks can be conducted (8).





Apparent Straw Purchase, Phoenix, Arizona

The real purchaser (1, at left) hands money to the straw purchaser, who puts it in his pocket (2). After the real purchaser points out the gun he wants to buy (3), the straw purchaser initiates the transaction. A clerk completes a sales receipt for the gun (4)—the AK rifle with extra magazines in the background. Meanwhile, the straw purchaser fills out a Firearms Transaction Record, while the real purchaser looks on (5) and occasionally assists (6). The paperwork completed, a salesperson contacts the National Instant Criminal Background Check System (7,8), and the straw purchaser is cleared to buy the gun (9). He pays the salesperson (10), and the real purchaser helps package the gun (11). (The real purchaser appeared to have become aware that this transaction was being observed. He picked up the gun but handed it to the straw purchaser, who carried it out of the show.)





Apparent Straw Purchase, Tampa, Florida

The straw purchaser, the woman at the center of Photo 1, has already completed a Firearms Transaction Record. The salesperson is requesting a background check on her while the real purchaser, at right in Photo 1, remains uninvolved (2). She is buying a customized SKS rifle with a high-capacity magazine and a bayonet (3). Having passed the background check, the woman pays the salesperson (4) and completes final paperwork (5). The real purchaser then takes possession of the gun (6) and goes to purchase a case for it (7). He is unable to remove the rifle's ammunition magazine to check the fit of the case (8) and returns to the salesperson for assistance. The salesperson removes the magazine, with some effort (9), and gives the rifle back to the real purchaser (10). As the real purchaser turns away, another man approaches and offers to buy the gun from him (11). He declines.





Apparent Straw Purchase, West Palm Beach, Florida

The salesman (1) and the young man at the center of Photo 2 have discussed several handguns while two young women look on, and the young man has picked out one to buy. The woman at the right in Photo 2 is the straw purchaser. She provides her identification to the salesman. Looking at the man, the salesperson says, “You understand there is a 5 day wait?” The man nods, and the salesperson continues, “We’ll call you when we’re ready. This is a big operation. You don’t just go over and get the paperwork.” The couple leaves (3), and the woman and her friend look at jewelry nearby (4) while the man looks after a young child. After waiting with many other buyers (5), the woman is seated and completes the Firearms Transaction Record (6) while the others look on (7). Her credit card is used. Immediately afterward, the group walks to the jewelry vendor where the young man makes a purchase (8).





Apparent Straw Purchase, Phoenix, Arizona

The real purchaser, the man on the right (1), has just handed the woman next to him a roll of currency and is selecting a handgun (1,2) . After he decides (3), she contacts a salesperson and initiates the Firearms Transaction Record (4). This becomes awkward because one hand is taken up by the money she has just been given. As she writes, the real purchaser watches (5) and checks her work (6). The paperwork completed (7), the salesperson initiates a background check (8), which she passes; her clearance is noted on the Firearms Transaction Record (9). She pays (10) and is given the gun (11). They walk away with the gun in her possession and leave the show immediately.





Apparent Straw Purchase, Dayton, Ohio

The two men in the left foreground (1) are negotiating the purchase of a handgun from a licensed retailer (1,2), while the younger couple at the right in Photo 1 look on. The young man in that couple has cash in his right hand (3), which he appears to be making ready for the man in front of him. The negotiations are not successful, and he and the young woman separate from the two men. Ten minutes later, they are at another licensed retailer. He has given her the money and indicates the gun he wants her to purchase(4); it is an AK rifle. She contacts a salesperson (5) and completes the Firearms Transaction Record, while the man behind her (green jacket) looks on with an expression of apparent disgust (6,7).





Apparent Straw Purchase for Two Guns, Las Vegas, Nevada

As Photo 1 is being taken of these Saturday night special handguns made by descendants of California's "Ring of Fire" manufacturers, a young man just to the left makes a phone call: "Hi. I was just thinking about getting Lisa [the name has been changed] a little purse gun. Do you think she'd be down with that or do you think she'd just throw it in the drawer and forget about it?" And after a moment, "I know you can carry. If I got one for each of you, would you be sure that she gets to the concealed carry class?" There follows some discussion about what metal finish the person on the other end of the call wants on his or her gun. The young man picks out two inexpensive pistols and quickly processes paperwork (2) at this licensed retailer, which is based in Iowa. The young man and the salesman then join a line of people waiting at a transfer station (3). The salesman has the two handguns being bought in this transaction, and the buyer is carrying two others. The buyer completes additional paperwork (4), and his two guns are added to the pile growing behind the clerk at the transfer station (5). This case illustrates the ambiguity of some surrogate purchases; the buyer in this case may be purchasing these guns as gifts.





Apparent Straw Purchase, Tampa, Florida

These four men (1) have been shopping for guns at a very large licensed retailer. The man second from the left, with an AR rifle slung on his back, initiates the purchase of four semiautomatic pistols (2). An AR pistol lies on the clipboard, and three Glocks are in boxes beneath it. The salesman at the right in Photo 3 does the initial paperwork; he is concerned that this might be a straw purchase, but the buyer insists that all the guns are for himself. (At a prior show, the salesman's boss, at left in Photo 3, aborted a straw purchase. Those buyers simply went elsewhere.) The apparent straw purchaser completes the paperwork at the retailer's workstation (4), where an ATF "Don't Lie for the Other Guy" mat lies between him and the salesperson. The AR pistol is there, too; the three Glocks are at the right. While his colleagues look on (5), he deals out separate stacks of bills to pay for the guns (6).





Cell Phones: 21st-Century Straw Purchasing? West Palm Beach, Florida; Houston, Texas; Tampa, Florida

1. In West Palm Beach, this man (1) is giving detailed individual reports on the manufacturer, price, and condition of the AR rifles in front of him. The conversation continues for about five minutes.

2. In Houston, this man (2) is having a similar conversation, reporting in detail on a number of handguns.

3. Also in Houston, this woman (3) has several conversations over the course of the day while examining handguns (4). She is joined by two young men (5), who examine guns she shows them (6). They eventually leave with three handguns, after buying extra magazines (7).

4. In Tampa, this man (8) is taking a photograph of a Desert Eagle .50 caliber pistol. The salesperson, seen approaching from the right, takes the gun (9) while commenting to his partner that they need to make "hands off" signs. His concern is not that a photograph was taken, but that the slide of the pistol is open. The man takes another picture (10) before walking away. (This man also figures in the narrative on pages 3-42 and 3-43.)





A “Hotspot”: Multiple Apparent Straw Purchases, Jacksonville, Florida

At a large licensed retailer, several apparent straw purchases preceed almost simultaneously. In the first, this man has picked out a revolver (1) and has the money for the gun in his hand (2). The woman he is with completes the Firearms Transaction Record while he looks on and assists (3). When it is time to pay for the gun, he gives her the money; she returns the change to him. They wait together (4) while the background check is run on her.

Fifteen minutes later, the man on the right in Photo 5 is preparing to give cash to the man in the center, who has completed the Firearms Transaction Record for a handgun purchase. One minute after that, the same man provides the cash (6) for a purchase made by the man in the red T-shirt in Photo 7.

Other straw purchases appear to be occurring at the same time at this retailer, but it is not feasible to track them all. Judging by the large pile of Firearms Transaction Records this salesperson is holding (8), the retailer will sell many guns that day.





A “Hotspot”: Serial Apparent Straw Purchases, Jackson, Mississippi

1. The woman at the right (1) is completing the Firearms Transaction Record for a handgun purchased from the salesman at the left while the man at the center looks on and advises her. He and she have several conversations with the clipboard held in front of their faces. The retailer requests a background check on her (2). She passes, and he notes this on the form (3). She counts out money to pay for the gun (4) and receives it from a second salesman (5). At this moment, that salesman asks her what caliber the gun is. She does not know. The man next to her answers the question for her. The purchase proceeds, and they leave the show immediately with the gun in her possession.

2. The young man on the left (6) is purchasing ammunition for the handgun being carried by the woman on the right (6, 7). Just before these photographs are taken, they enter the show and walk directly to the salesman in the white T-shirt in Photos 1-4. The young man points to a handgun marked with a price tag and asks the salesman, “That’s the lowest you’re going to take for this?” He agrees to buy it at that price. When the salesman brings him the Firearms Transaction Record, he jerks his thumb in the direction of the young woman, who is standing well behind him, and says, “she’s going to get it.” Without hesitation, the salesperson pivots and hands her the paperwork. She buys the gun with no difficulty. This occurs one hour after the transaction depicted in Photos 1-4.



2



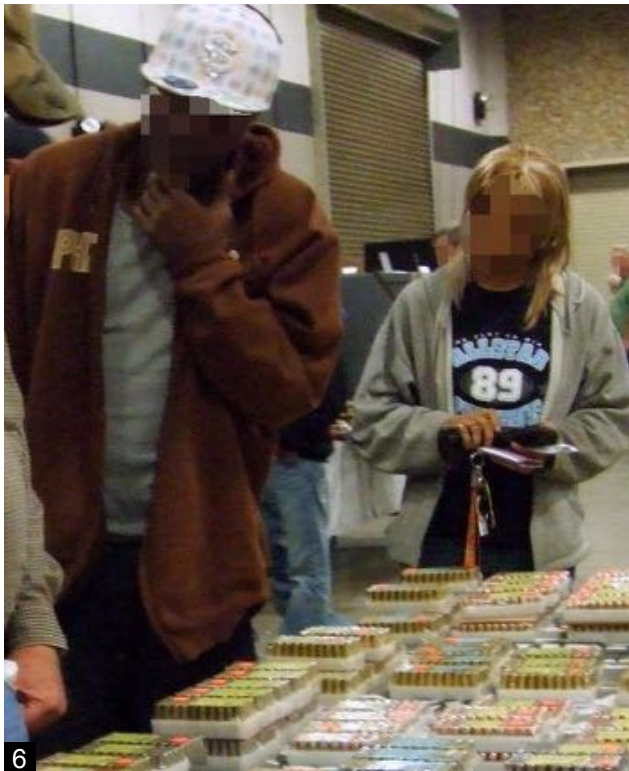
3



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Apparent Off-Paper Sale, Jackson, Mississippi

The young man at the right (1) and two colleagues have been looking at guns together. He decides to buy this AR rifle, equipped with a sighting scope, from the salesman on the left. The salesman produces a Firearms Transaction Record. The young man puts pen to paper while his colleagues look on (2), but does not begin to write. They walk away without a word, taking the salesman by surprise, and begin an earnest conversation nearby (3). While they talk, the salesman leaves the room. He returns and approaches the three men, who are still in conversation. He and the would-be buyer speak for a moment, then go back to the table to complete a cash purchase of the rifle and two extra magazines—without paperwork (4,5). A few minutes later, the seller returns for help with the gun (6) as two police officers pass by (7). Shortly after that, and just a few feet away, the young man and his colleagues meet up with a private party selling a Street Sweeper shotgun (8).



What's for Sale

4

The purpose of this chapter is to illustrate the types of guns and other products that are available at gun shows. Details on the properties, use in crime, and lethality of particular firearms are available from many other sources.

The Prominence of Assault Weapons

All types of guns are available at gun shows in large numbers. There are vendors who sell nothing but conventional hunting rifles, and others who sell only (or largely) conventional handguns. But while there are no systematic sales data, it is difficult to escape the impression that assault weapons, particularly civilian versions of AR and AK rifles, figure more prominently at gun shows than in gun commerce generally. Promoter Victor Bean of Southern Classic comments: “It used to be you might have had two AK-47s in the whole show and everybody considered them junk. You didn’t see many AR-15 rifles. The shows were really cool. You would see old World War II collectibles. Now it’s all gone to high-capacity handguns and military-style rifles.”¹ Bob Templeton of Crossroads has also noted a decline in guns of interest to true collectors.²

Table 4-1 presents details on the types of guns sold by two samples of gun sellers who have rented table space. Table 4-2 lists typical asking prices.



This Las Vegas area licensed retailer specializes in AR rifles.

Table 4-1. Percentage of 272 gun sellers (licensed retailers and unlicensed vendors) who have specific types of firearms for sale at gun shows in California and in Arizona, Nevada, Texas, or Florida

Firearm Type	California (N=60)	Other States (N=212)
Antique or replica guns	35.0	18.9
Assault weapons	13.3	34.9
Automatic weapons	0.0	4.7
Handguns	75.0	85.9
Inexpensive handguns*	8.3	9.9
Assault pistols*	0.0	11.0
Long guns	95.0	93.4
Assault rifles†	14.0	36.9
AR rifles†	5.3	25.3
AK rifles†	0.0	13.1
SKS rifles†	8.8	9.6
.50 BMG rifles†	3.5	5.6

* Percentages are of 227 handgun vendors. Inexpensive handguns were defined as those selling for \$200 or less. Assault pistols include, among others, MAC-type and TEC-type pistols and pistols based on AR and AK rifle designs.

† Percentages are of 255 long gun vendors. All assault weapons observed in California were of designs that are legal in that state.

From Wintemute GJ. Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies. *Injury Prevention* 2007;13:150-156.

It doesn't matter what body armor you wear. That round is going through the door, through the vest and right out the other side...It's just like a hot knife through butter.

—ATF Special Agent Tom Mangan of Phoenix on the ammunition fired by an AK-47 rifle.³

On the afternoon of Friday, June 5, 2009, police officer Sean Fleming of Chesapeake, Virginia, was shot four times by an assailant using an AK-47 rifle. Police believe that two of the bullets passed through the door of his Jeep and his body armor. He survived.⁴

The AR rifle was designed in the United States, and the great majority of those sold at gun shows are made here. AK rifles, which at one time were all imported, are increasingly manufactured in this country as well. One online sales site, AK-47.us, lists 16 separate manufacturers. At gun shows, Joeken Firearms (pages 2-32, 2-33), for example, sells AKs the key components of which have been manufactured by Armory USA or its successor company, Elk River Tool and Die. (Web sites for both companies list the same Houston, Texas address and phone numbers.) Other licensed retailers also sell US-made AKs.

Manufacture in the United States of 9mm and .45-caliber assault pistols based on older Military Armament Company MAC 10 and MAC 11 designs has resumed. Joeken Firearms and

others sell MAC clones manufactured by Masterpiece Arms of Brazelton, Georgia.

Semiautomatic pistols based on the AR rifle began appearing in the late 1990s, and pistols based on the AK rifle are now made as well. They are legal in the United States. AR pistols are manufactured by companies such as Olympic Arms (Olympia, Washington) and Bushmaster Firearms (Wyndham, Maine). AK pistols are available from Horn's Custom Rifles (Flagstaff, Arizona; the company also sells as a retailer at gun shows), Joeken Firearms, and others. AR and AK pistols have key working parts that are very similar to those of the rifles, accept the same high-capacity magazines, and fire the same ammunition as the rifles do. They can weigh less than three pounds, unloaded, and some are just 17 inches long.

Colleagues at ATF in Southern California have indicated that these guns are now being put to use by Mexican drug trafficking organizations. A New Jersey sheriff had officers subject one such weapon to X-ray screening at Newark's Liberty International Airport. It looked like a curling iron.⁶

.50-Caliber Rifles

Rifles in .50 BMG caliber (the initials stand for Browning machine gun) are the most powerful firearms on the civilian market. They are descendants of the heavy machine gun designed by John Browning during World War I, and the rifles are in use by the armed forces of many countries today. Guns sold in the U.S. are almost all made here. Many manufacturers produce them, the most prominent of which is Barrett Firearms of Murfreesboro, Tennessee, which made 4,479 rifles in 2007, the most recent year for which data are available.⁷

In 2002, a Canadian Forces sniper used a .50 BMG rifle to kill an enemy combatant from a distance of 2,430 meters⁸—just over a mile and a half, well beyond the distance from the west steps of the Capitol in Washington, D.C., to the base of the Washington Monument. A 1995 study for the Air Force concluded that the rifles posed a significant threat to aircraft.⁹ They are now in use by drug trafficking organizations in Mexico.^{10, 11}

These rifles are routinely available at large gun shows, often from several licensed retailers and occasionally from unlicensed vendors or individual attendees. Armor piercing and incendiary cartridges are available in addition to standard ball ammunition.

Daddy, why do they make all the rifles black?

—A boy of about 10, contemplating a long row of AR rifles in West Palm Beach, Florida.

It looks cool. Why do people buy flashy cars? Because they look cool.

—Joe Cox, owner of Joeken Firearms, on the AK-47 rifle. His company manufactures these rifles and sells them at gun shows.⁵

Make it black and call it tactical. They'll buy it.

—Anonymous.



Attendee: Well, what do you hunt with it?

Licensed Retailer: People. To be perfectly honest, that's what it's made for. There's nothing else it's good for. It's for killing people.

—Conversation regarding this retailer's .50 BMG rifle (on display, but not for sale), Ventura, California.

Table 4-2. Typical asking prices for guns available at gun shows

City	Gun Description	Price
Automatic Weapons		
Phoenix, AZ	Twin Colt .50 BMG machine guns, water cooled, mounted	\$155,000
Richmond, VA	AK-47, 7.62x39 mm, selective fire	\$14,500
Phoenix, AZ	Uzi carbine, 9mm, selective fire	\$10,500
Indianapolis, IN	MAC 10 .45 ACP machine pistol	\$4,700
Tucson, AZ	MAC 11 .380 machine pistol	\$3,500
Long Guns		
Atlanta, GA	Barrett .50 BMG, semiauto, new	\$6,995
Las Vegas, NV	Barrett .50 BMG, single shot, new	\$3,200
Cleveland, OH	Vulcan .50 BMG, bolt action	\$1,499
Phoenix, AZ	Uzi .45 carbine	\$2,495
Denver, CO	Colt AR-15, "pre ban"	\$1,500
Denver, CO	AK, "pre ban"	\$1,095
Houston, TX	Olympic Arms AR	\$589
Jacksonville, FL	DPMS AR-15, 3 mags	\$975
Jackson, MS	Kel-Tec .223 AR, 3 mags	\$499
Las Vegas, NV	Masterpiece Arms MAC 9mm carbine, new	\$475
Jacksonville, FL	AK-74	\$449.95
Phoenix, AZ	AK with bayonet, new	\$329
Reno, NV	SKS with bayonet, new	\$229
Dallas, TX	SKS, Yugoslavian	\$110
Phoenix, AZ	SKS, Yugoslavian	\$99.95; \$89.95 for 2 or more
Dayton, OH	Hi-Point .40 S&W carbine	\$170
Tucson, AZ	Hi-Point 9mm carbine	\$154
Dayton, OH	Mossberg 500 12 g shotgun, pistol grip	\$229.95; 219.95 for 2 or more

Table 4-2 continued

City	Gun Description	Price
Handguns		
Waukesha, WI	Magnum Research Desert Eagle, .44 Mag	\$1,695
Reno, NV	FN Five-seveN, 5.7mm, 3 magazines	\$875
Las Vegas, NV	Vector Uzi, new	\$799 (9mm); \$849 (.45 ACP)
Cleveland, OH	Olympic Arms .223 AR	\$799
Orlando, FL	AK-47 pistol	\$719.95
Phoenix, AZ	Heckler & Koch USP, .40 S&W	\$700
Kankakee, IL	AK-47 pistol	\$589
Dallas, TX	Beretta 92FS, 9mm, new	\$538.99
Jackson, MS	Springfield Armory XD, .40 S&W, new	\$529
Dallas, TX	Glock 30, .45 ACP, new	\$499.95
Harrisburg, PA	TEC 9, 9mm	\$499
Akron, OH	Kel-Tec .223 AR	\$470
Tampa, FL	Smith & Wesson 638, .38 Spc, new	\$369
Houston, TX	MAC 11, .380, new	\$365
Phoenix, AZ	Vulcan MAC 9, 9mm, new	\$269
Las Vegas, NV	TEC 22, .22 LR, pre-ban, new	\$250
Houston, TX	Taurus PT-22, .22 LR, new	\$184.99
Dallas, TX	Hi-Point .45 ACP, new	\$149.95
San Antonio, TX	Cobra 9mm, new	\$139.90
Phoenix, AZ	Jimenez 9mm, new	\$139
Phoenix, AZ	Hi-Point 9mm, new	\$139
Atlanta, GA	Jimenez .380, new	\$100
Atlanta, GA	Hi-Point .380, new	\$99
San Diego, CA	Jennings .22	\$60
Tucson, AZ	Raven .25 ACP	\$59.95

Full auto machine guns made to order.

—Sign posted by Ironwood Manufacturing, Phoenix, Arizona.

Weapons Regulated by the National Firearms Act

In 1934, Congress imposed restrictions on commerce in machine guns, short-barreled shotguns and rifles, silencers, and other weapons and devices that were believed to pose an extreme risk to the public’s safety. The National Firearms Act was in part a direct response to escalating gang violence and the prominence in that violence of the Thompson submachine gun, the assault weapon of its day.¹² A key provision of the Act was a \$200 tax on the transfer of regulated weapons and devices—a great deal of money in 1934. The intent “was to curtail, if not prohibit, transactions in NFA firearms.”¹³ The tax was not indexed to inflation and has never been increased; adjusting for inflation as measured by the Consumer Price Index,¹⁴ it would be about \$3,200 today.

These weapons and devices cannot legally be sold by unlicensed persons or ordinary licensed retailers; a special Class III license is required. Large gun shows will frequently have one or more Class III licensees on hand, and a Crossroads show held in Phoenix every December features these weapons. The displays draw a great deal of interest, but sales appear to be uncommon.

Partially Finished Guns

Federal law allows unlicensed individuals to manufacture firearms that are not otherwise prohibited. These guns cannot legally be manufactured for resale, but there appears to be no statutory limit on the number that can be produced for personal use.

The hurdle to be overcome by a person who does not have access to manufacturing equipment is the production of the receiver—the central frame that houses many of the gun’s moving parts. All the other parts for a complete gun can be purchased on the open market, at gun shows as elsewhere, and can be added to the receiver with simple tools. For that reason, finished receivers produced for sale have serial numbers, are regulated as if they were complete guns, and are bought and sold following the same procedures. At gun shows, finished receivers for AR rifles and pistols and AK rifles are most common. They generally sell for \$100 or a little more.

But partially finished receivers, known as “80% receivers” or “40% receivers” depending on their state of completion, are regulated no more strictly than are the raw blocks of metal from which they are made. They are sold for a wide variety of guns.



Finished receivers for AR rifles, West Palm Beach, Florida.

AR and AK rifle receivers are probably most in demand, but receivers for AR pistols and other handguns such as the Model 1911 pistol are also available. On the Internet, 80% AR receivers sell for \$100-\$150 and AK models for less than \$100. A licensed retailer at a show in Indianapolis had AR receivers available for \$75.

Partially finished receivers are not common at gun shows, but are discussed here as they may be attractive for buyers with criminal intent, especially drug trafficking and other criminal organizations that have the resources to employ gunsmiths. These partially-finished receivers can be used to produce finished firearms with only moderate expertise and relatively simple tools, and they carry no serial numbers. Guns made from them cannot be traced.

Beyond Guns

Guns are consumer products, but they themselves are durable. Much of what is available at gun shows consists of the consumables that attend gun use. Ammunition, for example, is available at nearly every show from several vendors. It comes packaged in everything from 25-round boxes to 1000-round cases. Bulk sales are common, and vendors bring barrel trucks and carts so that customers can easily wheel several thousand rounds at a time to their vehicles. Some types of ammunition, such as antique or rare types and .50 BMG cartridges, can be bought as single rounds. The same is true for armor piercing and incendiary ammunition, which is available for both rifles and handguns in multiple calibers, including .50 BMG, for about \$2 per round.

Manufactured ammunition may cost more than cartridges that are produced at home from components purchased individually, and it is only available in the specifications that manufacturers choose to adopt. Shooters who have the time and expertise may choose to hand-load, as production at home is called. Many different gunpowders, cartridge cases, bullets, primers, and other components are usually sold at gun shows.

Gun parts, ammunition magazines, and accessories are ubiquitous. Much more is involved with them than replacing worn-out hardware, however. Upgrading factory components can improve a gun's performance, and gunsmiths who can install the upgrades are often on site. This seems to be particularly the case for makes that are both popular and have cachet. One itinerant

Build an AR-15 and save \$\$\$\$\$\$

*—Sign posted by licensed retailer
MAD DAWG Global Marketing,
Tucson, Arizona.*

Sometimes it's done in garage workshops. It's a fairly simple procedure if you know what you're doing.

—California Department of Justice source on converting assault weapons from semiautomatic to fully automatic.¹⁵

gunsmith at shows in the West calls himself the “Glock Doctor.”

Accessorizing reaches its extreme with assault rifles, and probably the AR rifle most of all. Replacement barrels, stocks, internal components, custom coatings, and a remarkable array of add-ons allow owners to trick out their rifles just as street-racers customize their cars. Launchers for 37mm smoke grenades and flares are common.

As a rough guide, ammunition magazines sell at prices starting around 50¢ per round of capacity or a little more; 30-round magazines for many weapons are sold for \$15 to \$20, for example. It is not uncommon to see purchases of many magazines at a time, and sellers offer volume discounts. There are exceptions to the price guideline: very high capacity magazines, particularly if well made, can sell for \$2 per round or more. The same is true for exotic items, such as drum magazines for the still-manufactured semiautomatic version of the Thompson submachine gun.

Body armor is widely available—at larger shows, in any case. Its sale is not regulated, although it is a felony for a person already convicted of a violent felony to possess body armor.¹⁶ The buyers are almost entirely young men. Level II armor, designed to protect against 9mm and standard .357 handgun rounds,¹⁷ sells for \$249 to \$399. Level IIIa armor, protective against .357 SIG and .44 Magnum rounds, sells for about \$400. One vendor who sells throughout the West routinely posts signs claiming, incorrectly, that sales will soon be banned.

A wide array of other merchandise is for sale. There are always knives, some of which have practical utility in hunting or for general use. Air guns, which are quite realistic, are popular with adults and children alike. Books on shooting technique, gun maintenance, military history, survival techniques, and similar subjects are sold by vendors who sometimes have hundreds of volumes on display. Some of these books detail the methods for converting conventional weapons, such as AR rifles and Glock pistols, into submachine guns. The weapons would be illegal, but the how-to books are not.

There are gun cases, clothing, binoculars and sighting scopes, collectible coins, toys, jewelry, and dolls. The last three are perhaps an inducement to bring the family and sometimes provide a *quid pro quo* for a Saturday at the gun show. Occasional vendors offer insurance, classes on shooting technique, or, in one California case, “24 hours of real world military training.”

SPECIAL NOTICE: BODY ARMOR WILL SOON BE BANNED. FEDERAL BAN ON SALE.

—Sign posted by a body armor vendor who was active at shows from San Francisco, California to Dallas, Texas.

CARRY A GUN, YOU NEED PREPAID LEGAL SERVICES. CARRY A GUN OUT OF STATE, YOU REALLY NEED PREPAID LEGAL SERVICES.

—Sign posted by a seller of insurance, Las Vegas, Nevada.

Classes to obtain concealed weapon permits are very popular; it is not uncommon to see more than 100 students in attendance. In more than 10 states, holders of concealed weapon permits are not required to undergo background checks when purchasing guns, even from licensed retailers.

INTRODUCTION TO THE PHOTOGRAPHS

Displays of conventional handguns (pages 4-14, 4-15), both semiautomatic pistols and revolvers, range from hundreds of weapons at an anchor retailer to just a few at a small licensed retailer or unlicensed vendor. Many—probably most—of the guns are brand new, and they are often displayed with their boxes to prove it.

Inexpensive handguns (defined here as guns selling new for less than \$200; pages 4-16, 4-17) are easy to find but are outnumbered by more expensive weapons. Many of them are pistols from the “Ring of Fire” manufacturers in Southern California, such as Bryco Arms, Lorcin Engineering, Davis Industries, and Raven Arms.¹⁸ Their low cost makes them particularly accessible to young people; at a show in Tampa, Florida, a young man referred to the Bryco pistols on display as “starter guns.” Some of these guns are new, even though their manufacturers have been out of business for a decade. Nearly identical guns are now made by descendants of those companies, including Cobra Enterprises of Salt Lake City, Utah, and Jimenez Arms of Las Vegas, Nevada. The single largest producer of inexpensive handguns today is Hi-Point Firearms of Dayton, Ohio.

Some semiautomatic pistols based on the Colt 1911 design appear to have been manufactured with the Mexican market in mind (page 4-18). These guns are engraved with the Mexican flag or similar illustrations. Pistols in .38 caliber, one of the largest handgun calibers legally available to civilians in Mexico,¹⁹ are most common.

The Fabrique Nationale FN Five-sevenN pistol (page 4-19) has received increasing attention because of its use by drug trafficking organizations. The handgun and its ammunition are both new designs, developed specifically to penetrate body armor and helmets. This gun was seen only occasionally at gun shows, and only for sale by licensed retailers. One such retailer in Las Vegas, trying to sell the gun to two young male customers, praised it as “a cop killer.” The gun is known as the *mata policia*—cop

I used to be a dealer, had an FFL and all that, and I'd get calls from people wanting to know if I'd sell them a Jennings and I'd say, "Well, what do you want it for?" "Well, I want to buy it for protection." And I'd say to them, "You know, if you want to buy it to just go to the range to shoot and have fun, I'll sell you ten of 'em. But if you're buying it for protection, you want to bet your life on 50 bucks? I wouldn't do that."

—An unlicensed vendor, Orlando, Florida.

killer—in Mexico.

Conventional rifles and shotguns for traditional hunting and sporting purposes (pages 4-20, 4-21) are always available, but this is never where the crowds gather. The buzz surrounds assault weapons and their accessories. An individual licensed retailer may have dozens of conventional long guns on display, and there will be hundreds spread across larger shows.

AR rifles (pages 4-22, 4-23) are sold in many different configurations. Most AK rifles (pages 4-24, 4-25) are military surplus weapons, typically from former Soviet bloc nations, but new U.S.-made guns are increasingly available. SKS rifles (pages 4-26, 4-27), also generally military surplus and of an older design, can be bought for less than \$100.

Semiautomatic pistols based on AR and AK rifle designs (pages 4-28 to 4-31) became more common over the course of the field work for this report. They are now found at shows all over the country.

Assault pistols that fire handgun ammunition (pages 4-32, 4-33) are frequently new guns manufactured on variants of the Military Armament Corporation (MAC) designs of the 1960s and 1970s; a wide variety of used guns can be found as well. The imported Uzi (page 4-34), whether configured as a pistol or as a carbine, is becoming hard to find. Whether manufactured in Israel (its country of origin) or elsewhere, it is more expensive than the domestic competition and may already have become principally a collector's gun.

A relatively new and so far uncommon assault pistol, the Kel-Tec .223 (page 4-35) resembles the AR pistols in that it fires the same ammunition that AR rifles do. It costs half as much, however.

At larger shows, several vendors have .50-caliber rifles (pages 4-36, 4-37) for sale. In most cases these are .50 BMG weapons. In California, where that caliber is banned by name, rifles in the ballistically identical .50 DTC caliber are sold instead. There were two instances, one each in Arizona and Indiana, of these rifles being sold by individual attendees. As the biggest, most powerful guns at the show in most cases, they generate lots of interest. They are expensive.

Guns subject to the provisions of the National Firearms Act are not uncommon, and a few retailers specialize in them. Selective fire and fully automatic weapons are available, as are finished receivers for these guns and parts kits for converting

My paint brush is an AK-47.

—License plate frame on a pickup truck in the parking lot, Reno, Nevada.

semiautomatic weapons to “full auto” (pages 4-38, 4-39). A few shows offer functional crew-served military weapons including heavy machine guns and antitank guns (page 4-40). For those not wishing to grapple with the requirements of the Act, there are semiautomatic versions of military machine guns to be found, along with Gatling guns and other exotica for aficionados (page 4-41).

Partially finished receivers (pages 4-42, 4-43) may simply be flat pieces of steel, as for AK rifles or pistols, or unfinished castings or milled block, as for ARs. Plans to complete the receivers come with them, and plans to produce fully automatic guns are sometimes available from the same sellers (page 4-42, photo 4). Inexpensive military surplus “parts kits” (page 4-44)—actually selective-fire guns whose receivers have been destroyed—are often nearby. No license is required to sell or buy these items, and they are all available on the Internet.

Suppressors, also known as silencers (page 4-45), are sold both separately and together with the guns for which they are designed. One licensed retailer in Wisconsin (Chapter 2, page 2-35) offered two MAC-type submachine guns equipped with suppressors, as a “Full Auto Quiet Party Pack.”

Ammunition (pages 4-46, 4-47) is sold both by specialty vendors and generalists, often in large quantities. Magazines to hold that ammunition (pages 4-48, 4-49) are sold by specialists and others as well. The largest specialty vendors may display stacks of magazines holding 50 or more each and extending over several tables.

Sellers of new parts for upgrading, customizing, and repairing guns (pages 4-50, 4-51) seem to do a particularly brisk business, as do sellers of body armor (pages 4-52, 4-53) and relatively inexpensive items such as knives and swords (pages 4-54, 4-55), airguns (pages 4-56, 4-57), and books (pages 4-58, 4-59).

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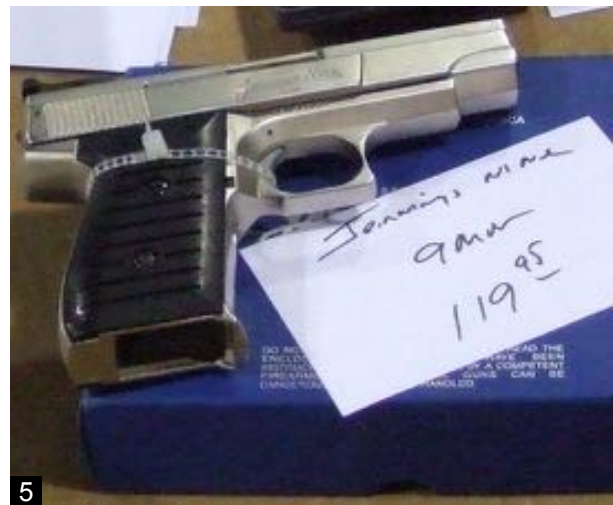
Volume discount on Hi-Point 9mm carbines with extra magazines, Waukesha, Wisconsin.



Conventional Handguns

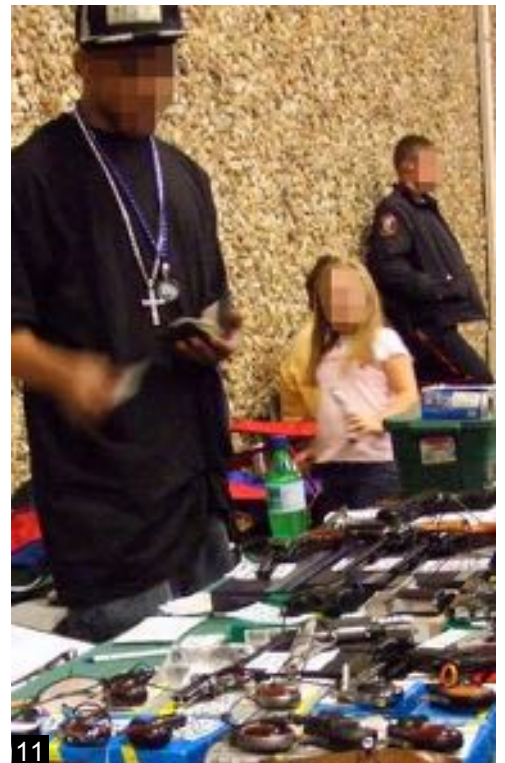
Semiautomatic pistols, revolvers, and derringers, both new and used, are widely available. Large licensed retailers may have hundreds on display; small unlicensed vendors may have just a few. The photographs were taken in Dallas, TX (1,2); Phoenix, AZ (3); Indianapolis, IN (4); Houston, TX (5); Reno, NV (6); Akron, OH (7,9); San Antonio, TX (8); Jackson, MS (10); and Richmond, VA (11).





Inexpensive Handguns

Handguns selling for less than \$200 (sometimes less than \$100) are common. Most are made by California's "Ring of Fire" manufacturers or their descendants, such as Jimenez Arms and Cobra Enterprises. Ohio's Hi-Point Firearms is now the largest single producer of these guns. The photographs were taken in Jackson, MS (1,11); Phoenix, AZ (2); Tampa, FL (3); Dallas, TX (4); Denver, CO (5); Las Vegas, NV (6 Note the discount for purchasing multiple guns); Dayton, OH (7); Tucson, AZ (8); Indianapolis, IN (9); and Milwaukee, WI (10).





Pistols for Mexico?

At shows near the border with Mexico, licensed retailers carry pistols based on the Colt 1911 design that are extensively tooled, gold plated, and decorated with matadors, eagles, and the flag of Mexico. Individual designs carry names such as La Mexicana, El Presidente, and El Jefe Supremo. Guns in .38 caliber are particularly popular. The guns sell for as much as \$2,000. The photographs were taken in Tucson, AZ (1,3) and Phoenix, AZ (2,4).



The FN Herstal Five-seveN

This new Belgian handgun (1) fires 5.7x28mm ammunition designed to penetrate battlefield body armor and helmets. It has earned the nickname “mata policia” (cop killer) in Mexico. Both the gun (about \$1,000) and the ammunition (about 50¢ per round) are expensive. In Dallas, a retailer displayed posters advertising a manufacturer’s incentive program: buy the gun, and the first 100 rounds are free.

In Las Vegas, the licensed retailer in Photo 2 (the photo is from a different show) attempted to sell a Five-seveN to a young man who, as the retailer knew, had a criminal record; the background check posed a problem. The man appeared to have a bodyguard. The seller described himself as “one of the partners” in the business and as “an ex-cop.” The gun came with three 20-round magazines. Emphasizing its ability to shoot through body armor, the seller described the gun as “an assault weapon” and “a cop killer.”

The photographs were taken in Cleveland, OH (1) and Las Vegas, NV (2).



Conventional Rifles and Shotguns

Traditional hunting rifles and shotguns are also widely available, and some sellers—including an occasional licensed retailer—display nothing else. These guns do not generate the attention or sales that handguns and assault weapons do. The photographs were taken in Atlanta, GA (1,4,8); Del Mar, CA (2,9); Reno, NV (3,7); and Denver, CO (5,6).





AR Rifles

The semiautomatic, civilian version of the military's M-16 assault rifle may be the single most widely available firearm at gun shows. These guns are typically displayed in substantial numbers, as shown here; some vendors sell nothing else. Prices start at about \$800. There is a very active market in accessories that allow shooters to customize their guns. (The rifle in Photo 3, for example, is fitted with a scope and a 100-round magazine.) The photographs were taken in West Palm Beach, FL (1); Spokane, WA (2,3); Orlando, FL (4); Phoenix, AZ (5,9,10); Las Vegas, NV (6,11); Cleveland, OH (7); Denver, CO (8); and Kankakee, IL (12).





AK Rifles

AK (Automat Kalashnikov) rifles, originally designed for the Russian military, are the most widely available firearms in the world. Civilian, semiautomatic versions are available at nearly all gun shows in many configurations and are often displayed in large numbers, as shown here. Most AK rifles are imported; these can sell for just over \$300. Several companies, including Joeken Firearms (Chapter 2) and Arsenal USA (3) have manufactured them in the United States. An active market in accessories resembles that for AR rifles. The photographs were taken in Denver, CO (1); Houston, TX (2); San Antonio, TX (3); Jackson, MS (4); Phoenix, AZ (5,6); Tampa, FL (7); Dayton, OH (8); and Spokane, WA (9).





SKS Rifles

These rifles fire the same ammunition that AK-47 rifles use and can be modified to accept high-capacity ammunition magazines. They are among the least expensive firearms sold at gun shows, with prices as low as \$89 (11) and volume discounts. Most are imported military surplus weapons; many come fitted with bayonets. The rifle in Photo 6 is equipped with a grenade. The photographs were taken in Dallas, TX (1,6,8); Milwaukee, WI (2); Cleveland, OH (3,11); Del Mar, CA (5,7); Ventura, CA (4); Tampa, FL (9); and Dayton, OH (10).



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AR Pistols

Pistols based on the AR rifle design are produced by several US manufacturers, including Bushmaster and Olympic Arms, and are available from multiple sources at most gun shows. They accept the same magazines and fire the same ammunition that the rifles do. The guns in Photos 3 and 4 and the gun at the rear in Photo 5 are fitted with 100-round magazines. The smallest in current production is 17 inches long (7,8); an earlier model of this gun was nearly 2 inches shorter. These pistols are less accurate than rifles, but they can easily be concealed (9). Prices range from \$800 to \$1,200. The photographs were taken in Indianapolis, IN (1); Tampa, FL (2); Jacksonville, FL (3,6); Atlanta, GA (4); Phoenix, AZ (5,9-11); Dallas, TX (7 This gun comes with a “covert carry case.”); and Puyallup, WA (8).





AK Pistols

These new pistols are more widely available than AR-based designs and are less expensive, selling for as little as \$550. Some are produced in the United States by Joeken Firearms and Horn's Custom Rifles, among others. They fire the same ammunition and use the same magazines that AK-47 rifles do. The photographs were taken in Tucson, AZ (1); Las Vegas, NV (2); Kankakee, IL (3); Dallas, TX (4); Phoenix, AZ (5,7); Richmond, VA (6); and Spokane, WA (8-11 The man in Photos 9-11 is trying out the gun in Photo 8.).





Semiautomatic Assault Pistols

Pistols based on Military Armament Corporation (MAC) and TEC 9 designs are widely available. Some were manufactured before the assault weapons ban took effect, but several companies, such as MasterPiece Arms in Georgia, produce them now. Prices start at approximately \$350 for new guns, and 30-round magazines are typical. The photographs were taken in San Antonio, TX (1); Indianapolis, IN (2); Richmond, VA (3); Cleveland, OH (4,5); Jacksonville, FL (6); Phoenix, AZ (7,9); Dayton, OH (8); and Orlando, FL (10).





1



2



3

NOTICE!
VECTOR ARMS HAS INFORMED
US THAT THEY ARE NO
LONGER TAKING ORDERS FOR
THEIR UZI'S THIS MEANS
THAT AS OF NOW THEY ARE
NO LONGER IN PRODUCTION!



4



5

The UZI

The Uzi has largely been supplanted, but guns imported from Israel are still available, if not common. A version produced by Vector Arms of South Africa (3) was imported until approximately 2007 and sells for approximately \$850. The photographs were taken in Phoenix, AZ (1,3,4); Jacksonville, FL (2); and Tucson, AZ (5, with 2 semiautomatic Thompsons).



1



2



3



4

Kel-Tec .223 Semiautomatic Pistol

This handgun, produced by Kel-Tec CNC Industries of Cocoa, FL, resembles the AR pistol; it fires the same ammunition and uses the same magazines that AR rifles do. Note the 100-round magazines in Photos 2 and 3. It is inexpensive, selling for just \$400. The photographs were taken in Phoenix, AZ (1); West Palm Beach, FL (2,3); and Richmond, VA (4).



1



2



3



4

.50-Caliber Rifles

Rifles in .50 BMG caliber are sold by multiple vendors at large shows and are sometimes sold by private parties (4). They are extremely powerful; Photo 8 presents full-size images of .50 BMG, .22 LR, and 9mm cartridges. These guns are illegal in California, but essentially identical .50 DTC rifles (7) are not. The photographs were taken in Phoenix, AZ (1,2,4-6); Milwaukee, WI (3); Ventura, CA (7); Dayton, OH (9); and Tampa, FL (10).



.50 BMG



.22 LR



9mm





This selector switch has 3 positions: safe, semiautomatic, and automatic. The receivers in Photo 6 are similarly equipped (4 positions: safe, semiautomatic, burst, and automatic).



Submachine Guns and Selective Fire Weapons

Automatic and selective fire weapons, finished receivers for such weapons (6) and conversion kits (7) can be purchased legally by anyone who is not prohibited from owning guns. The guns are expensive, and there is substantial paperwork. A \$200 tax was enacted in 1934 and had not increased since. The photographs were taken in Phoenix, AZ (1,2,4); Jackson, MS (3); Houston, TX (5); Tucson, AZ (6,7); and Richmond, VA (8).





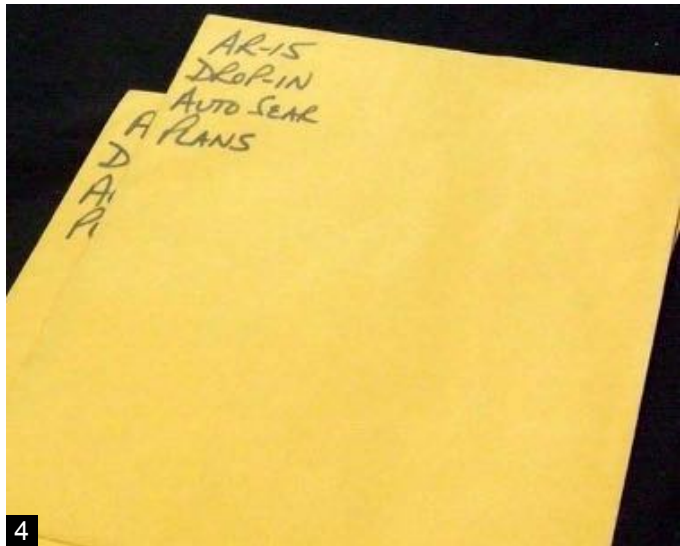
Larger Military Weapons

Weapons such as .50-caliber machine guns, anti-tank guns, mortars, and flame throwers are sold each December in Phoenix, AZ, and are occasionally seen elsewhere. The Colt "twin fifties" on an anti-aircraft mount in Photo 1 were priced at \$155,000. The photographs were taken in Phoenix, AZ (1,3,4,5) and San Antonio, TX (2).



Other Weapons

True machine guns are expensive, require paperwork, and can no longer legally be made for sale to the public. But semiautomatic versions of these weapons, such as the rifle version of the Model 1919 machine gun (1,3), can be sold like any other firearm. The same is true for modern Gatling guns, which use multiple barrels to achieve a high rate of fire (2,4,5). One of these (2) is being offered for private sale. The photographs were taken in Ventura, CA (1); Phoenix, AZ (2,4,5); and Las Vegas, NV (3).



Receivers for Assault Weapons, Indianapolis, Indiana

In Indianapolis, a vendor named Politically Incorrect “LEGAL” (for now, anyway) Shooting Supplies sells kits for partially finished receivers (described by them as 80% receivers) for AK and Sten assault weapons (1-3). At that same event, Superior Arms, which sells complete AR rifles (5), also sells both finished and partly finished AR receivers (6,7). The black receivers in Photos 6 and 7 are finished; a rifle receiver sells for \$100 and a pistol-only version for \$120. The silver receivers are 80% finished and sell for \$75. Photo 6 shows an unfinished receiver with some parts added.

As described in the text, a finished gun’s serial number goes on its frame or receiver, and “eighty-percenters” do not have serial numbers. A knowledgeable buyer with simple machine tools can produce a finished receiver from an eighty-percenter, buy the remaining parts, and produce an untraceable assault weapon. At Politically Incorrect (4), and from many other sources, he can also acquire plans to make that weapon fully automatic.



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Surplus “Parts Kits”

Cut-up military surplus assault weapons, often from Eastern Europe, are sold at low prices for their remaining parts. These can be used to assemble a complete weapon from a receiver. The photographs were taken in Denver, CO (1); Milwaukee, WI (2); Phoenix, AZ (3); Del Mar, CA (4); Indianapolis, IN (5); and San Francisco, CA (6).



Suppressors

Suppressors, more commonly known as silencers, are uncommon. As with automatic weapons, retailers selling suppressors must have a special license and buyers must complete extra paperwork, pass a background check, and pay a \$200 tax. There are no legal private party sales. The photographs were taken in Tampa, FL (1); and Indianapolis, IN (2,3). See also the “Full Auto Quiet Party Pack” from Milwaukee, WI, in Chapter 2 (page 2-35).



Ammunition

Ammunition is available in 25- to 50-round boxes and cases holding up to 1,000 rounds. Vendors supply barrel trucks and carts (2-4) for large purchases, and customers may leave with several thousand rounds at a time. Specialty ammunition, such as the Black Talon (5) and armor piercing rounds for AR and AK rifles and pistols (6) can be found. Cases of .50 BMG ammunition, from standard ball cartridges to armor piercing incendiary tracer (APIT) rounds, are common and may sell for less than \$2 a round. This ammunition is often sold linked (8,10,11) for use in machine guns and similarly fed semiautomatic weapons. The photographs were taken in Phoenix, AZ (1,5); Del Mar, CA (2,3); Reno, NV (4,9); Tampa, FL (6); Akron, OH (7,8); Indianapolis, IN (10); and Spokane, WA (11).



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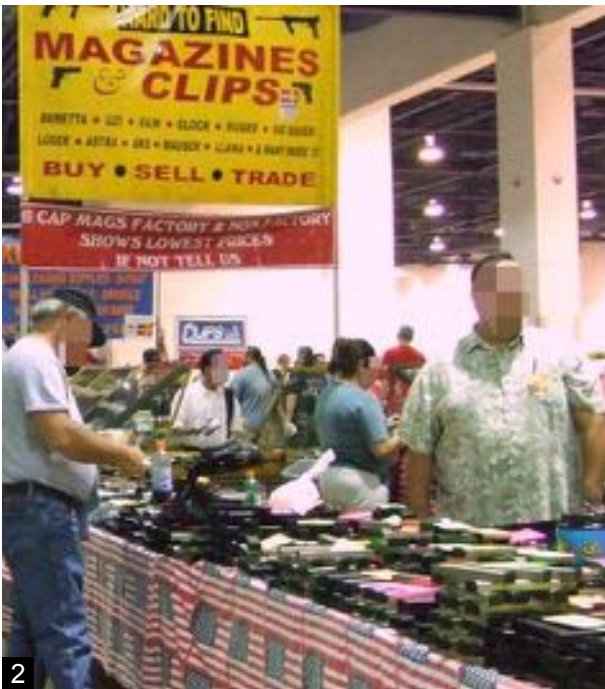
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1



2



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Magazines

Standard and high-capacity magazines are frequently sold by specialists who have hundreds on display and sell nothing else. Prices start at about 50¢ per round but are higher for better-made models and drum magazines (8-11), which hold 50-100 rounds. The photographs were taken in Las Vegas, NV (1-3); Phoenix, AZ (4); Reno, NV (5-7,11); Jackson, MS (8); Kankakee, IL (9); and Dallas, TX (10).



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Parts and Accessories for Assault Weapons

Owners of AR and AK rifles appear to be uniquely interested in customizing their guns. Upper receivers, special barrels, stocks, projectile launchers (7) and a wide array of add-ons are always available, and a few vendors specialize in these items. Persons building their own weapons around a receiver use these parts as well. The photographs were taken in Tucson, AZ (1,4,7); Las Vegas, NV (2); Phoenix, AZ (3); Indianapolis, IN (5); Dayton, OH (6); Del Mar, CA (8); and Houston, TX (9).





Body Armor

Sales of body armor and Kevlar plates are unrestricted, vendors' signs to the contrary notwithstanding (14). One armor vendor (8-14), who sells nothing else, was observed throughout the West and as far east as Dallas, TX. The photographs were taken in Dayton, OH (1-3); Jackson, MS (4); Phoenix, AZ (5,6,9); Indianapolis, IN (7); Del Mar, CA (8,10); San Francisco, CA (11,13); Ventura, CA (12); and Las Vegas, NV (14).





Knives and Swords

Hunting and utility knives are sold by multiple vendors at all shows; some are craftsman-made (3). Swords based on Japanese and European designs are widely available, as are inexpensive “fantasy” weapons. Throwing stars (11,12) are sometimes seen. The photographs were taken in Atlanta, GA (1,3); Tampa, FL (2,10); Dayton, OH (4); Phoenix, AZ (5); Las Vegas, NV (6); Del Mar, CA (7); Reno, NV (8); and Tucson, AZ (9,11,12).

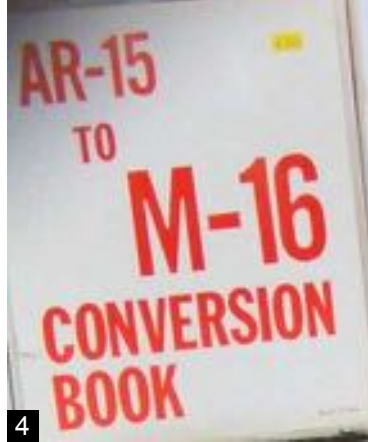
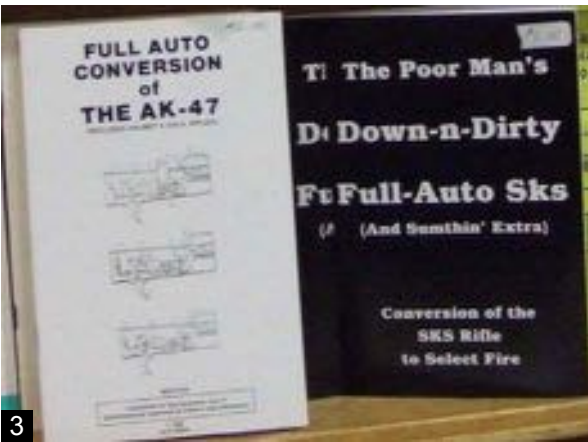




Airguns

Airguns and airsoft guns, which fire low-velocity plastic pellets, are most often realistic imitations of assault weapons. The only visible difference may be an orange barrel tip. These guns are of interest to adults as well as children. The photographs were taken in Indianapolis, IN (1); San Francisco, CA (2); Del Mar, CA (3,5); Denver, CO (4); Las Vegas, NV (6-8); Denver, CO (9,10); and Phoenix, AZ (11-13).



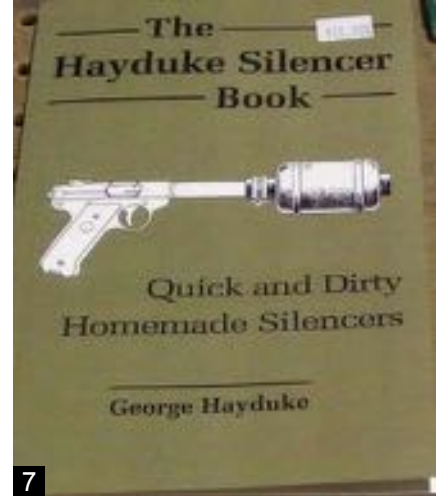


Gun Books

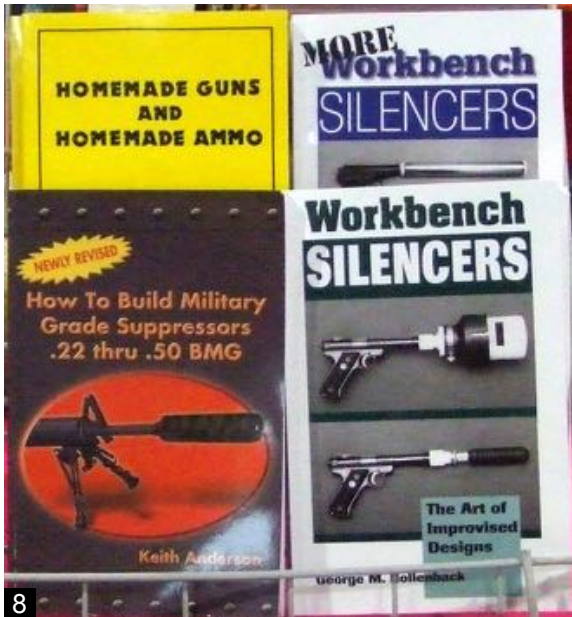
Books are sold by vendors large and small. Technical books on specific guns, how-to manuals for maintenance and modification, and weapon-making references are very common. The photographs here are of manuals for converting conventional weapons into machine guns or selective fire weapons, for making silencers, for making and using explosive devices, and for shooting down an airplane. The photographs were taken in Del Mar, CA (1); Cleveland, OH (2); Akron, OH (3); Tucson, AZ (4); Tampa, FL (5); Richmond, VA (6); Phoenix, AZ (7); Spokane, WA (8); Orlando, FL (9); Milwaukee, WI (10,11,13), and Las Vegas, NV (12).



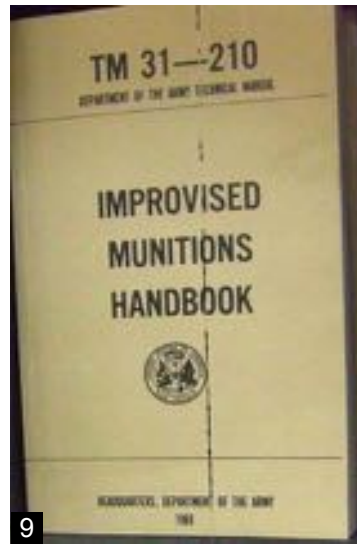
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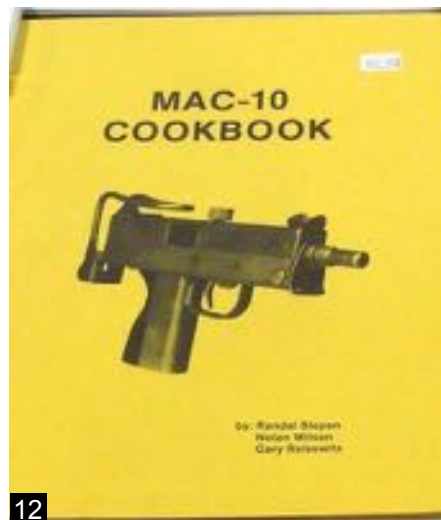
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Culture

5

Gun shows are not only for buying and selling. For some unlicensed vendors and attendees in particular, it appears that buying and selling is not even the primary purpose of being at the show. That purpose is social: to meet up with friends and renew acquaintances. Over the course of a show, there is a continuing undercurrent of friendly banter among members of this group.

There seems to be a tacit acknowledgment of a broadly shared body of knowledge and experience. Simple signs at one show alerted everyone to the presence of a crewmember from the *Enola Gay* and a survivor of the *Indianapolis*, the absence of any further information likely reflecting the belief that none would be needed. In Houston, Jimmy Doolittle's co-pilot on the Tokyo raid and an officer who flew with the Flying Tigers were celebrities.

The demographic homogeneity at some shows, particularly in the Midwest, is remarkable. Well under 10 percent of those present are other than white males, and most of these men appear to be well over 50 years of age. In other parts of the country the overall population is much more diverse, but older white men account for a large majority of gun sellers nearly everywhere.

The firearm industry is acutely aware of the long-term decline in hunting and other sporting uses of guns. Through the National Shooting Sports Foundation's STEP Outside program, the industry is working to recruit new users of its products.¹



A young boy at play, Tucson, Arizona.

At the flea market.

*—A Salvation Army bell-ringer, when asked whether donations were better when he stood at the entrance to the gun show or “at the flea market next door,”
Tupelo, Mississippi.*

Yes, I have plenty of change, you homeless piece of shit. Thanks for asking.

—T-shirt worn by an attendee, Phoenix, Arizona.

You have to be 18 to have a handgun. Come to think of it, you have to be out of my house to have a handgun.

—A father to his son, age about 5, San Antonio, Texas.

I'm just starting. I've never been shot or stabbed.

—A young man carrying a handgun, to his companions, Jacksonville, Florida.

Several studies have shown that examples set by parents and other family members are of great importance in determining children's ownership and recreational use of guns.^{2,3}

A serious study of the social and cultural aspects of gun shows will have to be taken up by other researchers with skills appropriate to the task. The purpose of this brief chapter is to note for further exploration three aspects of the social environment at gun shows that have the potential to contribute to firearm violence. These concern 1) the relationship between men and women, 2) children's access to firearms, and 3) violence as a tool for problem-solving.

First, consider these two cautionary notes. Some of the photographs are of materials clearly designed to be humorous. The humor truly succeeds, however, only if the viewer agrees with the premises on which it is based. Second, as gun owners are diverse in many ways, there is no unitary gun culture. Nor can there be, as a subset, a single gun show culture. Among those who attend gun shows there will be a range of views; the photographs may, in fact, depict a minority opinion and be offensive to others. But those alternative views are not expressed in a way that allows them to be captured by observation alone.

INTRODUCTION TO THE PHOTOGRAPHS

Women are active at gun shows, both as vendors and customers (pages 5-4, 5-5). There are nonetheless frequent expressions of misogyny in both the products available and sentiments expressed by attendees (pages 5-6, 5-7). These treat women as objects of sexual gratification, devalue them, and in one case (Photo 18 on page 5-7) encourage violence against them.

Children receive a steady stream of messages encouraging gun use, largely untempered by information or behaviors promoting gun safety (pages 5-8 to 5-10). Their involvement progresses from observation and imitative play in preschool years through independent exploration to active participation in the buying and selling of guns by early adolescence. Children also participate in gun show commerce as vendors. Girl Scouts sell cookies; Boy Scouts sell popcorn; children occasionally sell gun accessories and assist with gun sales.

Messages endorsing the use of violence—sometimes indiscriminate violence—to address complex social and geopolitical problems are widespread (page 5-11). Support for alternative ap-

proaches was never observed.

John Wayne is venerated at gun shows (page 5-12). Posters for other actors and the occasional political celebrity can be found for sale, but Wayne’s status is unique. The perhaps too-easy conclusion is that his approach to leadership is what some at gun shows believe the country and the world need. Many of Wayne’s characters were known for an approach that reduced the complex to the simple, even when that was the wrong thing to do; that never altered course; and that made quick resort to violence. Wayne shared those attributes, by his own admission.

Politically very conservative, he also was deeply angered by dishonesty and injustice. It is interesting to speculate on what this action-oriented moralist would do in confronting the frankly illegal straw purchases and the ambiguous ask-no-questions gun sales that occur at gun shows.

If everything isn't black and white, I say, "Why the hell not?"

—John Wayne

Fill your hand, you son of a bitch.

—John Wayne as U. S. Marshall Rooster Cogburn, challenging an outlaw to a gunfight, in True Grit.

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2. Lizotte AJ, Tesoriero JM, Thornberry TP, et al. Patterns of adolescent firearms ownership and use. *Justice Quarterly*. 1994;11:51-74.
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*Class III.
Yes, they are machine guns.
Yes, they are expensive.
Yes, you need a special license.
Yes, I like that thing your sister
does with her tongue.
Yes, Justin will give your wife the
THRILLER.*

—Sign posted by a licensed
retailer, Orlando and Tampa,
Florida.

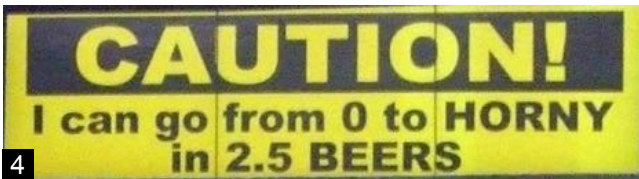
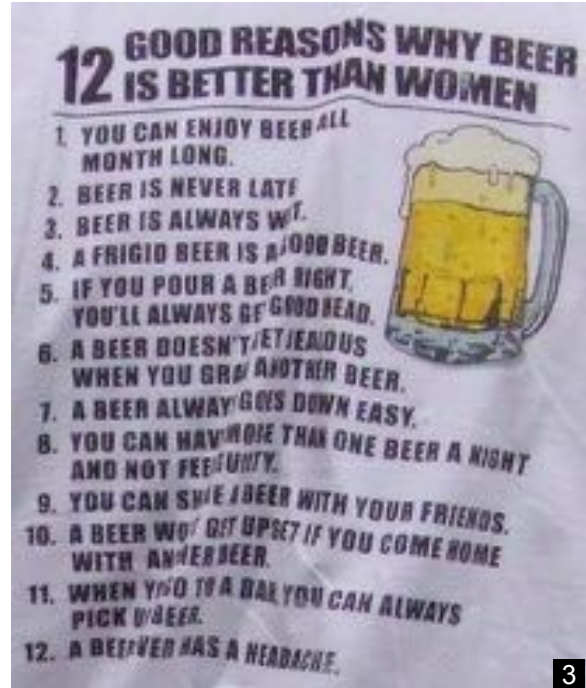




Women

Women both sell guns (1-4) and buy them (5,6) at gun shows. The occasional bright pink gun (7-10) presumably represents an attempt to appeal to female purchasers. The photographs were taken in Houston, TX (1,9); Dallas, TX (2); Phoenix, AZ (3,5,6,10); Denver, CO (4); Indianapolis, IN (7); and Tucson, AZ (8).





Men and Women

The ephemera at gun shows have a great deal to say about men's relationships with women. Except for Photos 1-3 and 18, the photographs are of items being offered for sale, many of which are bumper stickers. The photographs were taken in San Francisco, CA (1); Dallas, TX (2,7); Richmond, VA (3); Denver, CO (4,12,14,16); Indianapolis, IN (5,6,15,18); Dayton, OH (8); Tampa, FL (9); Jacksonville, FL (10); Spokane, WA (11); Las Vegas, NV (13); and San Jose, CA (15,17).

Top 10 Reasons Handguns Are Better Than Women:

10. You can trade an old .44 for two new .22's.
9. You can have one handgun at home and another when you're on the road.
8. If you admire a friend's handgun and tell him so, he will be impressed and let you try a few rounds with it.
7. Your primary handgun doesn't mind if you have a backup.
6. Your handgun will stay with you, even if you are out of ammo.
5. A handgun doesn't take up a lot of closet space.
4. Handguns function normally every day of the month.
3. A handgun won't ask "Do these new grips make me look fat?"
2. A handgun doesn't mind if you go to sleep after you've used it.

AND THE NUMBER ONE REASON A HANDGUN IS BETTER THAN A WOMAN:

1. You can buy a silencer for a handgun

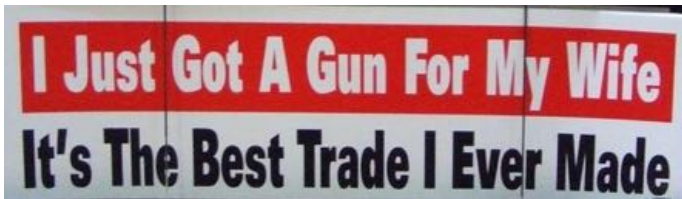
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"HONEY, HAND ME THE HAIR DRYER"

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Children, 1

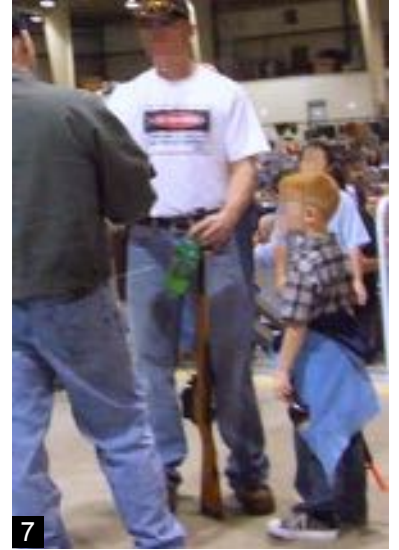
Younger children are generally spectators, learning by watching as nearby adults handle, buy, and sell guns (1-7). As they get older they become active participants, discussing and handling guns with adults (8-10) or by themselves (11). The photographs were taken in Las Vegas, NV (1,2); Jackson, MS (3,6); Dayton, OH (4); Richmond, VA (5); Akron, OH (7); West Palm Beach, FL (8); Orlando, FL (9,10); and Tucson, AZ (11).



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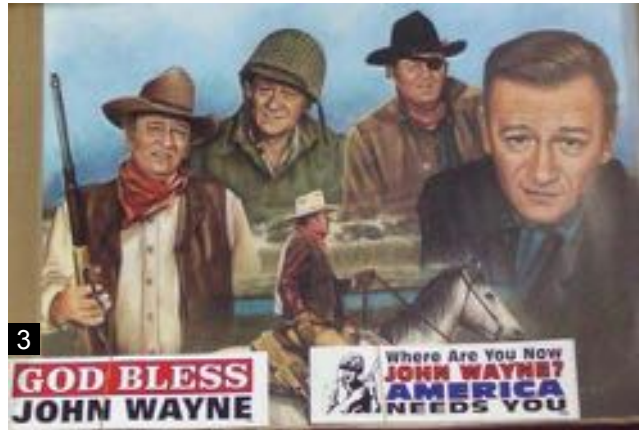
Children, 2

Older children may be armed themselves, as are these boys carrying a shotgun (1), SKS rifles, (2-4), and an AR rifle (5). The girl in Photos 6-8 is assisting with private party gun sales. The photographs were taken in Phoenix, AZ (1,5); San Francisco, CA (2,3); Ventura, CA (4); and Jacksonville, FL (6-8).



Promoting Violence

Materials carrying traditional pro-gun messages—"When guns are outlawed, only outlaws will have guns" is an example—are ubiquitous. Somewhat less common, but perhaps of greater concern, are materials promoting violence and irresponsible gun use. The photographs were taken in Atlanta, GA (1); Tucson, AZ (2,3); Jacksonville, FL (4); Denver, CO (5); San Jose, CA (6,7); Dallas, TX (8); and Phoenix, AZ (9).



John Wayne

John Wayne's status is unique. Other cultural and political figures can be seen occasionally, usually where posters are for sale. Wayne's image is typically in a place of honor. He seems to be considered a hero, not so much displayed as invoked. The photographs were taken in Reno, NV (1); Spokane, WA (2); Denver, CO (3); Jacksonville, FL (4); and Phoenix, AZ (5).

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Politics

6

Political activities at gun shows represent views that start at the conservative and move to the right from there. As with the prior chapter, this will be a brief introduction to subjects that could usefully be explored by others.

Candidates for public office see gun shows as a way to connect with a motivated constituency. As one observer described it, “There are people who vote guns and only guns, and they’re Republicans. These are the people you see at the polls.”¹

During the 2008 presidential campaign, Fred Thompson campaigned at shows around the South, describing one such trip as “a day in paradise.”² When Thompson’s campaign obtained exclusive rights to advertise at promoter Victor Bean’s gun shows in South Florida, the deal was described as “huge” and “a conservative bull’s eye.”¹ Bean also planned to use his email list of “70,000 politically active gun owners” on Thompson’s behalf. Charlie Christ had scored the same coup during his successful campaign for Florida’s governorship in 2006. At his gun show booth that year, one could both register to vote and join the National Rifle Association.

Issue-oriented politics is always present, whether an election is in the offing or not. Most of the time, this activity—except for the constant presence of the NRA—does not deal primarily with guns. Perhaps, in this setting, organized advocacy on gun issues seems superfluous. Instead, Cold War leftovers like the John Birch Society are joined by organizations that promote



John Birch Society recruiting booth, Denver, Colorado.

GREAT FOR URBAN HUNTING

—Sign posted by a licensed retailer on a Mossberg Model 500 shotgun with a pistol grip. Individual shells were labeled **URBAN GREETING CARDS** and were available in **00 BUCKWHEAT SHOT**. A Savage rifle with a sighting scope was labeled **GREAT FOR GETTO [sic] CRUISERS**. Milwaukee, Wisconsin.

The high volume of purchases and stockpiling of weapons and ammunition by rightwing extremists in anticipation of restrictions and bans in some parts of the country continue to be a primary concern to law enforcement...DHS/I&A is concerned that rightwing extremists will attempt to recruit and radicalize returning veterans in order to boost their violent capabilities.

—Department of Homeland Security's Office of Intelligence and Analysis, 2009.³

Gun shows provide a natural recruiting environment. Many more are being held now than ever before, and many more people are attending them.

—William Pierce, founder and leader of the neo-Nazi National Alliance, February, 1994.^{4, p 17}

closing the borders, not paying taxes, and defending traditional Christianity.

Perhaps the most disturbing political activity at gun shows, partly because of its content and partly because of its high prevalence, concerns identity politics. Support for the ideas behind the Confederacy goes well beyond nostalgia and regional pride to calls for continuing a war of secession and to overt racism. Neo-Confederacy groups such as the Sons of Confederate Veterans rent table space and recruit new members. Ku Klux Klan merchandise was observed in Tampa, Florida; Harrisburg, Pennsylvania; and Tucson, Arizona. The Militia of Montana recruits at gun shows in Spokane, Washington.

The National Association of Arms Shows and some individual promoters have policies forbidding activities and merchandise that promote Nazism and related hate-based movements. Most vendors of Nazi materials are just selling war memorabilia, but some are clearly proselytizing. Two young men staffed a booth for the neo-Nazi National Alliance at a Crossroads of the West show in Denver, Colorado. (This was in 2003, and the organization did not appear to be present at later Denver shows.) The White People's Party, a political party related to the National Alliance, had a noisy recruiting table outside the entrance to a show in Las Vegas, Nevada. An unlicensed gun vendor in Dallas displayed materials from the South African National Socialist Party. Other shows have very little of this activity, and at least one large event, in Orlando, Florida, appeared to have none at all.

Copies of *The Turner Diaries* are everywhere. This book, by National Alliance founder William Pierce, is believed to have provided the blueprint for Timothy McVeigh's bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995—the day before Adolf Hitler's 100th birthday. Pierce saw gun shows as an ideal place for recruiting efforts.

INTRODUCTION TO THE PHOTOGRAPHS

Conservative political candidates recognize the value of gun shows in providing a high concentration of likely and motivated voters (page 6-6). During the 2008 campaign, Ron Paul stood out in this regard; his enthusiastic volunteers were at shows across the country. A month after the 2008 general elections, specialty vendors offered merchandise attacking President-elect Obama (page 6-7).

Voter registration booths are common during election years; they tend to have signs saying “Register Republican Here.” The Republican Party and other conservative political parties, along with a smattering of issue-oriented organizations, use gun shows to recruit and disseminate their messages (page 6-8). The National Rifle Association has a display at most large shows (page 6-9). Often they are located just outside the entrance and pay the show entry fee for anyone who stops to join the organization. Other organizations well known to gun activists, such as the Gun Owners of America, the Second Amendment Foundation, and the Citizens’ Committee for the Right to Keep and Bear Arms, have surprisingly little presence.

During the years in which this study was conducted, issue politics revolved primarily around immigration (page 6-10). Calls to seal the borders are not limited to shows in border states. Militant Christianity is also prevalent (page 6-11), making what seems to be a call to arms for a renewed war of intolerance.

Symbols of the Confederacy are ubiquitous. In some cases (pages 6-12, 6-13) these might, in a stretch, be interpreted as symbols of regional and historical pride or simply as post-adolescent bravado. But in others (page 6-14), the clear message is that while the Union might now have the upper hand, the War Between the States is not yet finished. Overt race hatred (page 6-15) is a near neighbor to such sentiments.

Gun show promoters sometimes have policies against activities that glorify Nazism at their shows, but it happens nonetheless (pages 6-16, 6-17). On the one hand, it is clear that some vendors of Nazi memorabilia are interested in the history of the movement; their collections of Allied Forces and Japanese artifacts lie right alongside. In other cases the Nazi materials are new and are sold alongside neo-Confederacy items.

Among the white supremacy movement’s leading texts is *The Turner Diaries*, by National Alliance founder William Pierce (page 6-18). Other books by Pierce and fellow Nazi sympathizers, and by Hitler himself, can be found (page 6-19) next to well known pro-gun texts and other right-wing literature.

Dieter Bueschgen, a regular vendor at shows in Arizona (page 6-20) has been identified by the Southern Poverty Law Center as “a grandfather figure to neo-Nazi skinheads” who is sought out by white supremacists from all over the country.⁵ His most active presence has been at shows organized by Crossroads Gun Shows in Phoenix, where he was seen as recently as

Renew your membership or join now and we'll buy your ticket.

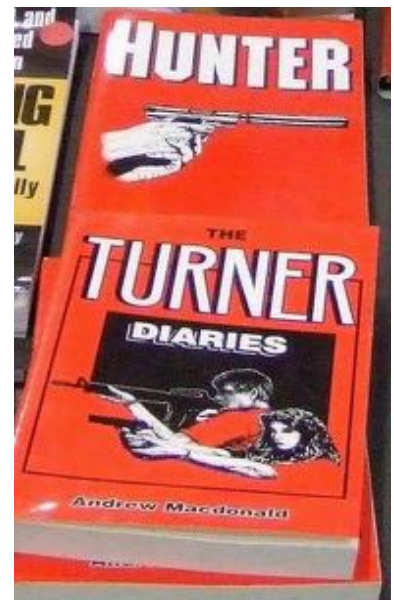
—Staffer at an NRA booth, Richmond, Virginia.

DEMOCRATS ARE DEFEATIST COWARDS

—On dozens of bumper stickers for sale, Puyallup, Washington.

SOME PEOPLE ARE ALIVE ONLY BECAUSE IT'S ILLEGAL TO KILL THEM

—T-shirt worn by a vendor of neo-Nazi and neo-Confederacy merchandise, Las Vegas, Nevada.



The Turner Diaries and Hunter, both by William Pierce, Tucson, Arizona.



Flags for sale, San Jose, California.

December 2008, despite Crossroads' prohibition on pro-Nazi activities.

Given an atmosphere of tolerance for white supremacist activities, it is not surprising that neo-Nazis and members of the Aryan Nations (pages 6-21, 6-22) can be seen at gun shows.

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1. Captuo M. Thompson gets access to Fla. gun shows. *Miami Herald (Florida)*. 2007 Sep 14. Available from: <http://www.miamiherald.com/news/florida/story/237311.html>.
2. Davenport J. Thompson touts gun rights, blasts rivals. *Associated Press*. 2007 Nov 24.
3. U.S. Department of Homeland Security. *Rightwing extremism: current economic and political climate fueling resurgence in radicalization and recruitment*. Washington (DC): U.S. Department of Homeland Security; 2009. Report No.: IA-0257-09.
4. Dees M, Corcoran J. *Gathering Storm: America's Militia Threat*. New York (NY): Harper Collins Publishers; 1996.
5. Holthouse D. The merchant of Glendale: an Arizonan who says he was in the Hitler Youth has become one of the largest dealers of racist memorabilia in the West. *Intelligence Report* 2008;129:20-21.

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Political Campaigns

Gun shows offer pro-gun candidates the opportunity to meet motivated voters. Ron Paul's campaign was particularly prominent during the 2008 election cycle. In Photos 6 and 7, Indiana Congressional candidate Eric Dickerson (6, second from right) chats with voters while two of his campaign workers (7, at right) negotiate a private-party handgun sale. The photographs were taken in Atlanta, GA (1); Spokane, WA (2); West Palm Beach, FL (3); Phoenix, AZ (4); Tampa, FL (5); and Indianapolis, IN (6,7).



Post-Election Commentary

A month after the 2008 elections, merchandise commenting on the results was available. The photographs were taken in Phoenix, AZ.



Political Organizations

Major and minor political parties and issue-oriented organizations are present to get their messages out and register voters. Gun show politics are decidedly conservative. The photographs were taken in San Francisco, CA (1); Spokane, WA (2); Phoenix, AZ (3); Dayton, OH (4); Denver, CO (5); Jacksonville, FL (6); and San Jose, CA (7).



Gun Politics

The National Rifle Association (1) is present at many shows, frequently at the entrance and offering free admission to new members. Other organizations are active on a local or regional basis, sometimes for a specific political purpose (2,3,5). Literature from Jews for the Preservation of Firearm Ownership (7) is common in the Midwest. The photographs were taken in Las Vegas, NV (1); San Francisco, CA (2,3); Phoenix, AZ (4); San Jose, CA (5); Kankakee, IL (6); and Akron, OH (7).



Immigration

Anti-immigration organizations and messages are prominent at many gun shows, and not just in border states. The photographs were taken in Spokane, WA (1); Las Vegas, NV (2); Orlando, FL (3); Jacksonville, FL (4); Del Mar, CA (5); San Francisco, CA (6); Phoenix, AZ (7); and Dayton, OH (8).



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Religion

Statements of religious belief are generally confrontational or apocalyptic. One licensed retailer (4-6) sells .50-caliber rifles and assault weapons and gives away copies of the New Testament. The photographs were taken in West Palm Beach, FL (1); Denver, CO (2); Indianapolis, IN (3,7); and Spokane, WA (4-6).



The Confederacy, 1

The Confederacy is alive at gun shows throughout the country. The materials on these two pages could be seen primarily as of historical interest, as expressions of regional pride, or simply as sales inducements. The photographs were taken in Indianapolis, IN (1,10); San Antonio, TX (2); Orlando, FL (3,5); Jacksonville, FL (4); Dallas, TX (6,9); Jackson, MS (7); Las Vegas, NV (8,11); Sacramento, CA (12); and Tucson, AZ (13).





The Confederacy, 2

Other materials suggest that for some the Civil War is still being fought—at least figuratively. The photographs were taken in Orlando, FL (1,4); Jacksonville, FL (2,3,5,7); San Francisco, CA (6); San Jose, CA (8,9); and San Antonio, TX (10); similar materials were seen frequently elsewhere.



The Ku Klux Klan and Race Hatred

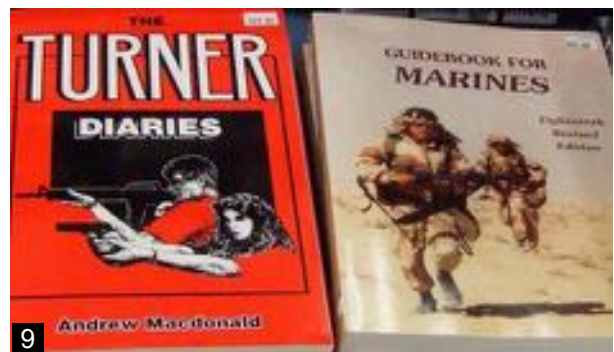
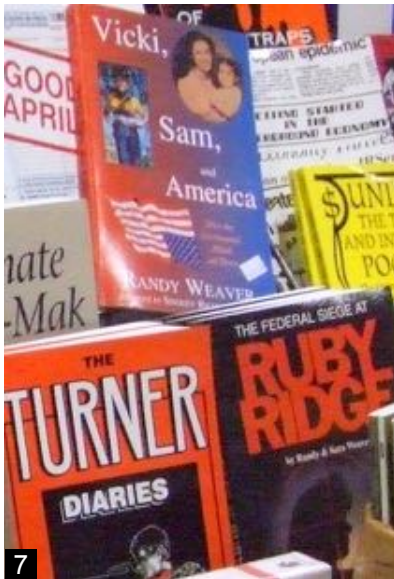
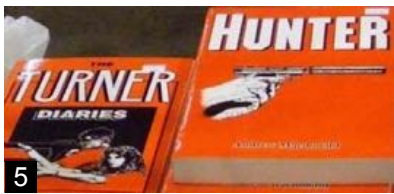
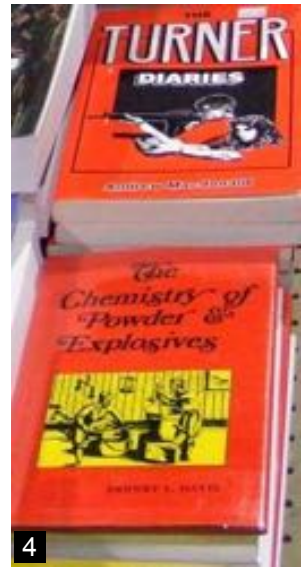
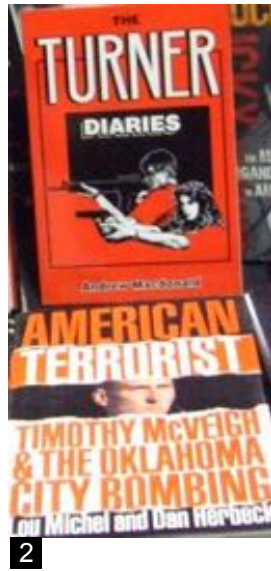
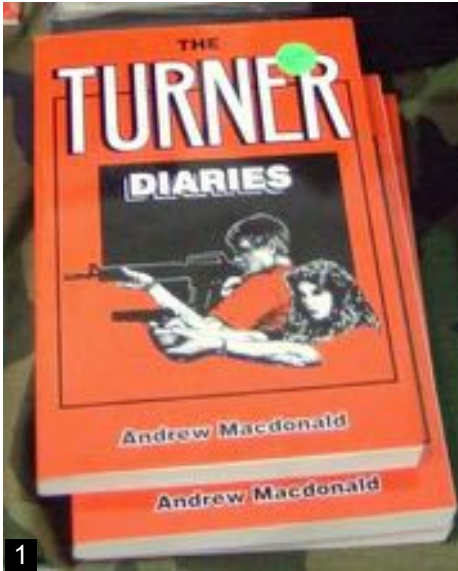
Ku Klux Klan and overtly racist materials are not common, but they can be found throughout the country. The photographs were taken in Dallas, TX (1); Tampa, FL (2); Denver, CO (3); Jacksonville, FL (4-7); and Tucson, AZ (8).



Nazism

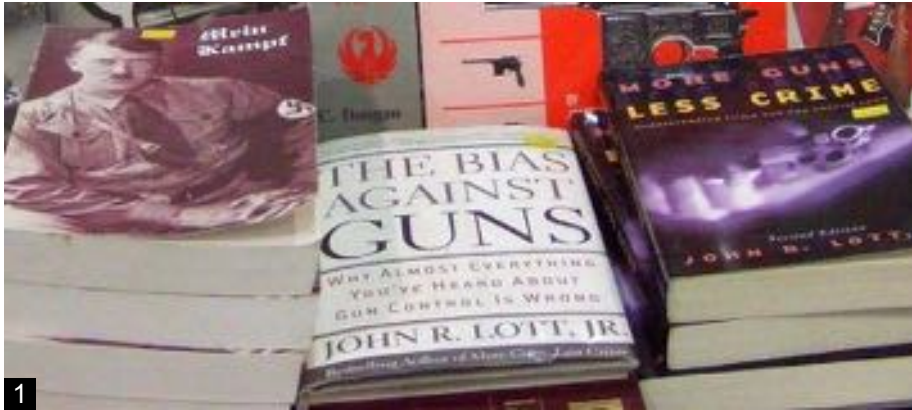
The Nazi presence at gun shows is complex. Some materials are memorabilia and are of potential interest to collectors as well as Nazi sympathizers. Other items are newly manufactured, presumably of no historical interest, and often displayed with neo-Confederacy items. Both types of materials are used to display firearms. The photographs were taken in Tampa, FL (1,7); Del Mar, CA (2); Richmond, VA (3,6,10); Waukesha, WI (4,13); Akron, OH (5); Phoenix, AZ (8,9,11); and San Diego, CA (12).





The Turner Diaries

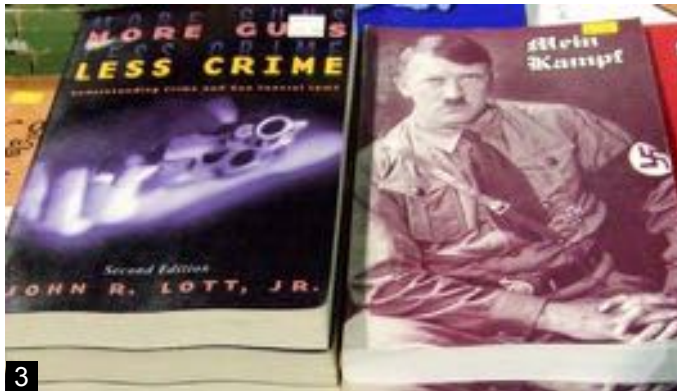
This book, by National Alliance founder William Pierce, is believed to have provided the blueprint for Timothy McVeigh's bombing of the federal building in Oklahoma City. It is available at many gun shows and is often displayed next to books that cast government as the villain or that describe techniques for making and using explosives. The photographs were taken in Tampa, FL (1); West Palm Beach, FL (2); Indianapolis, IN (3); Reno, NV (4); Houston, TX (5); Las Vegas, NV (6); Akron, OH (7); San Antonio, TX (8); and Dallas, TX (9).



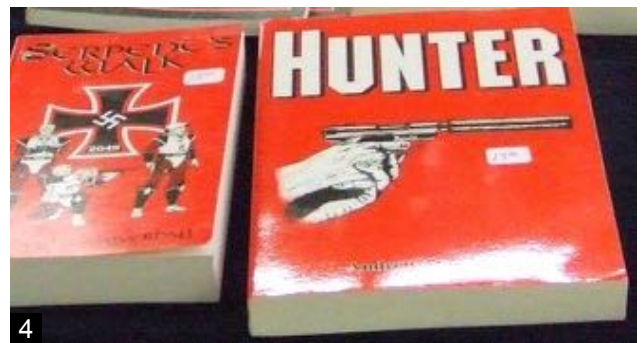
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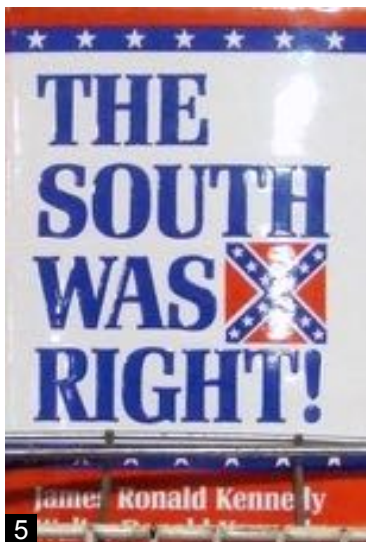
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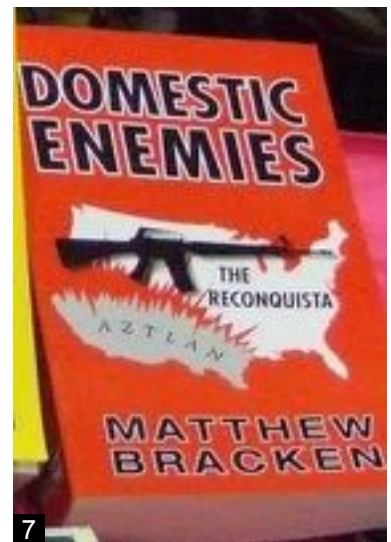
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Pro-Nazi and Other Right Wing Literature

Adolf Hitler's manifesto *Mein Kampf* is sold at gun shows in Arizona—always next to books by John Lott. In *Serpent's Walk*, resurgent Nazis are the heroes and fight to save the world in the 21st century. William Pierce, author of *The Turner Diaries*, also wrote *Hunter*. Other recurrent themes: the Confederacy fought a justified war; the Southwest is the target of a takeover plot. The photographs were taken in Tucson, AZ (1); Houston, TX (2); Phoenix, AZ (3); Richmond, VA (4); Indianapolis, IN (5,6); and Spokane, WA (7).



Dieter Bueschgen

Bueschgen, who says he belonged to the Hitler Youth, is described by the Southern Poverty Law Center (SPLC) as “one of the largest dealers of white supremacist paraphernalia and World War II-era Nazi memorabilia in the western United States.” A fixture at gun shows in Phoenix, AZ, Bueschgen sells both new and historical Nazi materials and neo-Confederacy items. “The skinheads,” he says, “they love my goodies.” The quotations are from SPLC’s *Intelligence Report*, Spring 2008, pp 20-21. The photographs were taken in Phoenix, AZ.



White Supremacists, 1

These two men are selecting a case for an AR rifle. One wears a shirt with a swastika and the insignia for the SS, the organization that executed the Holocaust. The other identifies himself as a Peckerwood, a term used to describe members of some white supremacist gangs. Crossroads of the West Gun Shows, the promoter of the shows pictured on these two pages, has a written policy prohibiting the display of “items glorifying Nazism.” The photographs were taken in Phoenix, AZ.



White Supremacists, 2

A man and woman shop for firearms and Nazi memorabilia. Their shirts bear the symbol of the Aryan Nations. Note the swastika and hooded Klansmen in the tattoo on the man's right forearm (5). The photographs were taken in Waukesha, WI.

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Intervention

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Let us assume for the moment that the evidence presented in this report outlines problems for which action should be taken. Broadly speaking, the possibilities for intervention involve expanded enforcement of existing laws, new public policies, and voluntary action. We will consider all three.

Expanded Enforcement of Existing Laws

ATF has authority to enforce existing federal laws at gun shows but has no formal program of enforcement operations at these events. Instead, ATF “conducts investigative operations at gun shows when it has law enforcement intelligence that illegal firearms activity has occurred or is likely to occur at specific gun shows.”^{1, p21} Altogether, ATF’s investigative operations affect less than 5% of the shows estimated to be held each year.¹

The history of a recent enforcement effort that targeted general illegal activity at gun shows in and near Richmond, Virginia, provides a useful summary of ATF’s gun show enforcement strategy and reactions to it.^{1,2} (For more detail, please see the report of an investigation by the Office of the Inspector General of the Department of Justice¹ and the record of hearings held in February 2006 by the Subcommittee on Crime, Terrorism and Homeland Security of the House Judiciary Committee.²)

From 2002 to 2005, law enforcement agencies recovered



Attendee with an assault rifle and two pistols for sale, Jacksonville, Florida.

more than 400 crime guns that had been sold by licensed retailers at Richmond gun shows. The purchasers of these guns had frequently entered false addresses on their Firearm Transaction Records.

Enforcement actions were undertaken at eight Richmond-area shows during 2004 and 2005 in cooperation with local law enforcement agencies; between 24 and 50 ATF agents and local officers were involved in each operation. For the first six shows, the promoter and property owner were made aware in advance, but visible enforcement activity was kept to a minimum. Surveillance teams identified straw purchases in progress, making off-site arrests in some cases.

Officers also conducted pre-purchase residency checks, interviewing those present at the addresses provided by purchasers before the purchases were completed. Such residency checks are ordinarily based on specific concerns for criminal activity surrounding particular purchases. In a departure from this practice, “blanket” checks were done during some of the Richmond operations on all addresses in specified areas.

At the seventh show, a more overt approach that included education and prevention activities resulted in “hundreds of citizen contacts.”^{1, p35} The eighth show, held August 13 and 14, 2005, involved a different promoter and a much higher profile on the part of ATF and local agencies. They held a pre-operation briefing on site and made frequent and open contacts with potential buyers and sellers.

The eight operations together yielded 23 convictions for firearms violations; 47 weapons were seized. There were 302 residency checks performed, and purchasers were determined to be providing false addresses in 47 cases (16%).

Within a month of the August show, ATF director Carl Truscott received a letter from the chairman and ranking member of the House Subcommittee on Crime, Terrorism, and Homeland Security making what they described as “allegations” regarding “ATF’s enforcement policies and practices relating to gun shows.”³ The subcommittee held two days of hearings the following February.

On the first day, witnesses complained of intimidation, harassment, and profiling based on both race and sex at the August show. Its promoter, Annette Gelles of Showmasters Gun Shows, alleged that attendance had been reduced by more than half and that she and gun sellers had suffered economic harm.⁴

On day two, ATF Assistant Director for Field Operations Michael Bouchard agreed that “some techniques used in our Richmond operations were not implemented in a manner consistent with ATF’s best practices.”⁵ He vigorously defended the need for the Richmond operations, however, and noted that no other ATF gun show operations had generated complaints. The tactics that had proved most problematic in Richmond had apparently been suspended a month before the hearings.

A bill requesting an investigation by the Justice Department’s Office of the Inspector General (OIG) passed the House, but not the Senate. OIG undertook the work on its own initiative and determined that the Richmond gun show operations, like others before them, were “based on significant law enforcement intelligence from a variety of sources indicating that illegal activity was occurring or was about to occur at a specific gun show.”^{1, p43}

The extent to which ATF’s gun show investigative operations were altered or curtailed as a result of the Richmond hearings is not known. There are no aggregate data on those operations for the time since then. For this report, we reviewed all notices of enforcement actions and related criminal justice proceedings posted by ATF on its web site from January 2007 through June 2009. Two notices mentioned gun shows, both of which were filed in 2008. It is highly likely that additional investigations are under way and simply have not been made public.

Enforcement Is Widely Accepted

Many within the gun industry would disagree with the NRA’s 1995 characterization of ATF as “jackbooted thugs.” As part of its investigation into the Richmond operations, OIG interviewed seven gun show promoters from around the country about ATF’s work at gun shows. All seven told them that “illegal gun sales and purchases at gun shows are an appropriate concern and that they expect ATF to enforce federal firearms laws at gun shows.”^{1, p 38} Five “stated that they had a ‘good’ or ‘very good’ relationship with ATF and that they had never received complaints about ATF’s tactics or behavior at their shows.”^{1, p37}

Two Richmond-area promoters disagreed. Annette Gelles of Showmasters was one. The other was not identified, but there is only one other major Richmond-area promoter: Steve Elliott of C&E Gun Shows, Annette’s husband.

We think it would be a mistake to remove the ATF presence from the gun shows, especially over this one lapse. We do not want to return to the days where gangs felt free to mingle with legitimate purchasers, and we credit the ATF with bringing the current business atmosphere to the shows in the Richmond area.

—Licensed retailer John White II, testifying before Congress on ATF’s enforcement activities in Richmond.⁶

We [licensed retailers] believe in the free enterprise system, and I don't have a problem with gun shows. But individuals can sell without background checks. A private person can sell to the biggest felon in the world. Most dealers would just like to see those guys walk to the same rules he has to follow.

—Dennis Gray of Big D's Guns in Barre, Vermont, interviewed by the industry trade journal Shooting Sports Retailer.⁷ The author of the article commented, "[t]hat opinion was echoed by a lot of dealers we spoke with."

Bob Templeton of Crossroads Gun Shows, speaking as the president of the National Association of Arms Shows, “stated that he had not heard of any problem with ATF attendance at gun shows from promoters” outside Richmond and “believed that what he had heard about the Richmond gun show was ‘out of character’ for ATF.”^{1, p38} An attorney in the National Rifle Association’s Institute for Legislative Action, which had undertaken its own investigation of the Richmond operations, told OIG that “ATF Special Agents normally do a good job and that ATF’s first seven gun show operations in the Richmond area had not generated NRA concerns.”^{1, p39}

Licensed retailers have probably been the most vocal supporters within the gun industry of ATF’s enforcement activities. The promoters interviewed by OIG, for example, agreed that “they had all received at least some complaints from FFLs about the activities of unlicensed dealers.”^{1, p38} One of those who had testified critically about ATF’s tactics at the eighth Richmond show, retailer John White II, noted that “prior to the strong ATF presence there was a large gang presence at the shows in Richmond,” including “open displays of gang activity.”⁶ He “applaud[ed] the efforts and intent of the ATF program at the gun shows in the Richmond area and would agree that they could serve as models for other similar programs with a few exceptions.”⁶

Possibilities for the Future

Two areas for improvement are obvious. ATF’s enforcement operations currently impact less than 5% of gun shows; this is far too small. Ideally, there would be an enforcement operation at every major event, excepting perhaps those devoted to antique weapons. California’s experience demonstrates that such a program is feasible. It would be a major step; an expansion of the current program even by an order of magnitude would still place enforcement operations at less than half of the gun shows held each year.

Second, ATF should be free and expected to work proactively, developing its own intelligence on illegal activity generally at gun shows and mounting enforcement operations based on that intelligence. Relying primarily on tips and complaints from persons within the gun industry about the activities of others results in an endless stream of missed opportunities. At best, law

enforcement is always playing catch-up, intervening only after illegal activity has been visible enough, for long enough, for someone to call it in.

The Richmond investigation suggests that there is little objection, either from within the industry or from the NRA, to enforcement tactics that do not unduly interfere with legitimate buying and selling at gun shows. Observations made within the shows could lead to interventions done outside or elsewhere. Residency checks remain a useful option, particularly in light of the frequency with which they identify illegal purchases in progress.

New Policies: State and Local Examples

California

As discussed in Chapter 1, California has adopted a series of statutes that govern the operations of gun shows. Promoters must be licensed. They and those who rent table space to sell guns must certify their compliance with the laws regulating gun sales. A list of all those who will be selling guns must be available, and a security plan and liability insurance must be in place. Undercover special agents are likely to be present.

These requirements act in the context of a broader scheme of regulation of gun commerce. Most important here is the state's general regulation of private party gun sales, in place since 1991. With few exceptions, and whether at gun shows or elsewhere, transfers of guns between private parties must be routed through licensed retailers. At gun shows, designated licensed retailers serve as transfer stations. Background checks must be conducted, and records must be kept. A purchaser may pick up his or her gun only after the 10-day waiting period has expired.

California's regulatory environment notwithstanding, there were nearly 100 gun shows in the state in 2007. California shows are well attended, and commerce is brisk. The best evidence on the impact California's regulations have had on gun shows comes from the multistate study described earlier.⁸ Shows in California were smaller than those in the comparison states, whether measured by number of vendors or number of attendees, but the number of attendees per gun vendor was larger (See Table 2-3).

The most important differences between shows in Cal-



The man at left (1), who speaks heavily-accented English and Russian or a similar language with the young man at right, is trying to buy multiple high-capacity rifles at a Crossroads gun show near San Diego in October (2). He makes repeated inquiries (3) before the man in Photo 4 (seen at a show in Las Vegas two weeks later) directs him to the Crossroads show in Phoenix in December.

There is some evidence that gun shows with restrictive regulations mandating background checks have less illegal activity than shows in states or jurisdictions without this requirement.

—Shooting Sports Retailer magazine⁷

ifornia and in the comparison states arose from the absence in California of specific activities and products that are illegal there. No direct private party sales between attendees were observed in California, where they are illegal. (At the Santa Clara County Fairgrounds in San Jose, the same unlicensed vendor was observed making two direct private party purchases of guns, which he then displayed for sale on his table. These transactions appeared to be illegal.) In the four comparison states, not surprisingly, direct private party sales were very common. One finding was unexpected, however: though straw purchases are illegal everywhere under federal law, they were more than six times as common in the comparison states as in California.

This evidence is certainly incomplete—only one study is involved—but it is consistent with what is known generally about gun commerce and gun crime. *Shooting Sports Retailer*, a gun industry trade magazine, agrees: “There is some evidence that gun shows with restrictive regulations mandating background checks have less illegal activity than shows in states or jurisdictions without this requirement.”⁷

That 2009 article profiled a Southern California licensed retailer who sold 25 to 30 guns at typical California show, “which alone made them worthwhile for his business.” Beyond that, the retailer pointed out, the state’s general regulation of private party gun sales helped his gun store business. “Not a large amount, but when they come in to do the paper, everybody needs bullets and cleaning supplies.” He passed out flyers at gun shows advertising his gun store—typically 1,500 flyers a weekend—and “if we get a five to 10 percent of people who return to the store, I’d say that’s pretty good.”⁷ Most small business owners would probably agree that an additional 75 to 150 customers for a weekend’s worth of passing out flyers, all the while conducting one’s business, fits their definition of “pretty good.”

California’s regulation of gun commerce has not left the industry struggling to survive. In 2008, the last year for which data are available, its Department of Justice processed more than 425,000 gun purchases. Trends in the California market reflect those occurring nationwide. Like other states, California experienced a 30% year-to-year increase in gun sales in late 2008 and early 2009.⁹

It appears to be possible to regulate gun shows specifically, and private party sales and other aspects of gun commerce generally, without unduly infringing on legitimate buying and

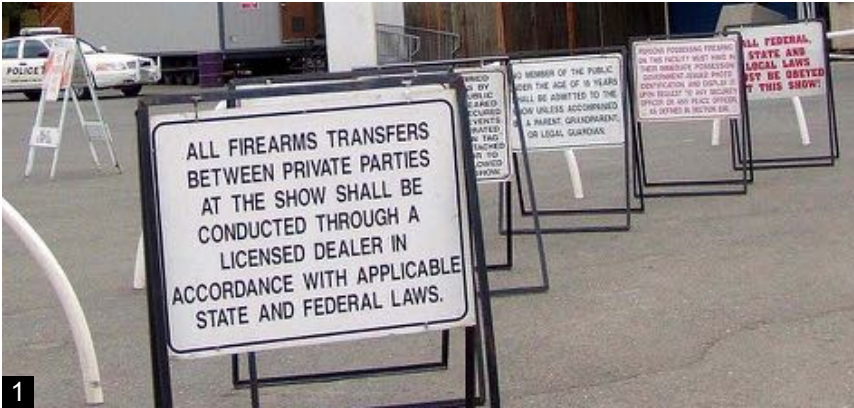
selling (see page 7-8). A prominent gun industry source seems to agree, describing the California market, its regulatory structure notwithstanding, as "lucrative."¹⁰

One unintended effect of California's restrictions may have been to displace illegal gun sales to nearby and more permissive states. At some shows in Reno, Nevada, which is a short distance from the border, more than 30% of the vehicles in the parking lot were from California.⁸ Both ATF and the state's Department of Justice have identified Reno gun shows as an important source of California's crime guns and have undertaken operations there. At a Crossroads show near San Diego a man interested in purchasing multiple assault rifles from an unlicensed vendor was referred to the Crossroads Show in Phoenix.

Bob Templeton of Crossroads, commenting in opposition to an effort by Bay Area political leaders to shut down his shows near San Francisco, emphasized that precisely because background checks and waiting periods are mandatory, "We are selling guns to people who are hunters, outdoorsmen, law enforcement people and honest, law-abiding citizens."¹¹ This is not an assurance he can provide for his shows in other states.

Illinois

Undocumented private party gun sales are illegal in Illinois. Private party sellers must initiate a background check, which is performed by the Illinois State Police. The transaction is assigned a unique identifying number if the buyer passes the background check. The seller must maintain a record of the sale, including the transaction number, for ten years. In addition, buyers must have a current Firearm Owner's Identification Card, and signs saying "You must show your FOID card before handling guns or ammunition" are very common (see page 7-9). Nonetheless, as in California, direct observation indicates that attendance is high and commerce is active.



California

Private party gun sales in California, whether at a gun show or elsewhere, must be processed by a licensed retailer. Handgun purchasers must have a Handgun Safety Certificate, which can be obtained at the show (4). California has banned assault-type firearms that accept high-capacity magazines, though modified designs (5) are still legal. The photographs were taken in Sacramento (1,5), San Jose (2), and Del Mar (3,4,6).



1



2



3



4



5



6



7

Illinois

As in California, all gun sales in Illinois must be processed by licensed retailers. Frequent signs remind potential buyers that they must have a Firearm Owner's Identification (FOID) Card in order even to handle firearms or ammunition. Cards can be obtained at the show (5). The photographs were taken in Kankakee.

Palm Beach County, Florida

PRIVATE SALE

As per Orange County ordinance, to buy a handgun you must have a concealed weapons license and driver's license. You can also do a background check.

—Sign posted by an unlicensed vendor beside several Colt 1911 semiautomatic pistols, Orlando, Florida.

Palm Beach County requires a background check for all gun transfers and a waiting period of five business days, with exceptions for holders of permits to carry concealed weapons.¹² Other Florida counties have enacted similar restrictions. This is a flawed approach, as a prospective gun purchaser's possession of a permit to carry a concealed weapon is no guarantee that he or she is not prohibited from possessing firearms. Nonetheless, one large and well-attended show in West Palm Beach had no "private sale" signs. An undocumented sale was prevented when the gun owner, citing the local law, refused to participate (see page 7-11).

Las Vegas and Clark County, Nevada

Las Vegas and Clark County, in which Las Vegas is located, prohibit the undocumented transfer of handguns, whether at gun shows or elsewhere. The Las Vegas version of the requirement states, "Any person receiving title to a pistol, whether by purchase, gift or other transfer, and whether from a dealer or any other person, shall immediately upon such receipt personally appear, together with such pistol, and register the same with the Sheriff of the Metropolitan Police department or his designee."¹³ The county includes a separate requirement for the transferor.¹⁴ Both jurisdictions also impose a 72 hour waiting period for handgun purchases, with exceptions for persons who already own a registered handgun and certain others.

At gun shows (see page 7-12), transfer stations process the paperwork for many gun purchases and take possession of handguns from first-time purchasers. One young man with three or four comrades in tow sought unsuccessfully to buy handguns from several licensed retailers and unlicensed vendors over about 10 minutes; he did not already own a registered handgun and needed his gun that same day.



Undocumented Attendee Sale Declined, West Palm Beach, Florida

A man with two handguns to sell (1, at right) is approached by another party seeking to buy them. The man refuses, stating that since the would-be buyer does not have a CCW permit, a direct private-party sale would be illegal. The buyer responds that he recently purchased a handgun without paperwork from a friend, who later submitted a form to the authorities stating that he was no longer in possession of the gun. The man with the guns cautions that “you could get into some serious trouble” with such a transaction and breaks off the conversation (2). Six minutes later, the buyer selects a gun offered by a licensed retailer (3) and completes the Firearms Transaction Record (4).



Handgun Purchases, Las Vegas, Nevada

At gun shows in Las Vegas, NV, handgun sales by unlicensed vendors and private parties must be routed through a licensed retailer, and special transfer stations process these transactions (1,2). A background check is conducted and a record is kept. Handgun purchasers who have not previously undergone a background check must also wait three days to receive their guns, which are retained temporarily by a licensed retailer (3). These regulations do not apply to sales other than at gun shows in Clark County, and they do not apply elsewhere in Nevada.

Closing the “Gun Show Loophole”

The most frequently discussed policy initiative directed at gun shows themselves is to require that all private party sales at these events be routed through licensed retailers so that background checks are conducted and records are kept. This has come to be known as closing the “gun show loophole.” Presidential candidates Barack Obama and John McCain both called for such a measure during their 2008 campaigns, as did candidate George W. Bush in 2000 and 2004.^{15, 16} McCain was willing to declare that a “background check at gun shows is a reasonable requirement” in his address to the NRA’s annual convention.¹⁷

Opponents of regulation like to point out that there is no such thing as a gun show loophole. They are correct, in the limited sense that federal law does not exempt private party sales at gun shows from oversight that is present elsewhere. The “loophole” is everywhere. But this is a specious argument, designed to sow confusion and distract attention from the real problems created by private party gun sales.

The key point is that these problems are not limited to gun shows. Private party gun sales occur at flea markets and swap meets, through classified ads in newspapers and publications for gun enthusiasts, in homes, on the street, and over the Internet. Web sites such as Gunsamerica.com and Gunbroker.com contain thousands of online classifieds, and any non-prohibited person can list guns for sale.

The case of “Jeremy,” a South Florida man who attempted to sell his AK-47 rifle at Craigslist.org, is instructive. A private party, he nonetheless was able to initiate background checks on those who came to his home in response to his listing. Most of them were felons. “That thing could end up leaned over the counter of a bank, and I don’t want to be a part of any of that. That sucker will sit in my attic for the next 10 years.”²⁰

The evidence suggests that there are two real difficulties with closing the gun show loophole if no other action is taken. First, regulating private party sales just at gun shows will not end the problems associated with anonymous and undocumented gun sales. Most of them occur elsewhere already, and others would likely be displaced elsewhere by policies that applied to gun shows only. Second, regulating private party sales will not render gun shows unimportant as sources of trafficked crime guns; the best evidence is that most of those guns are sold by licensed retailers.²¹

There is no such thing as the gun show loophole. The law applies equally no matter where you’re going to sell.

—Gun show promoter David Goodman of Bill Goodman’s North American Gun and Knife shows.¹⁸

There’s nothing that takes place in a gun show that can’t take place anywhere else.

—Steve Elliott, President of C&E Gun Shows.¹⁹

Criminals will take the easiest route to get guns, and it makes sense to assume that if you mandate background checks at gun shows, felons will likely get their guns elsewhere.

—Shooting Sports Retailer, 2009.⁷

A gun-show-only approach runs the risk of following the precedent set by the Brady Act. That law, partly because of its failure to address private party gun sales, has not yet been shown to have an effect on rates of firearm-related violent crime.²²

Regulating All Private Party Gun Sales

For the reasons just discussed, it would be preferable to regulate private party gun sales generally. What would be the objectives of such a policy, and what is the evidence that those objectives might be reached? What would be the drawbacks?

Objective 1: To Prevent Prohibited Persons from Buying Guns

A private party sale that is merely a convenience for others is the principal option for a felon, domestic violence offender, or other prohibited person seeking to acquire a gun. Background check programs are efficient screening mechanisms, however, that prevent prohibited persons from acquiring guns from licensed retailers. They can be extended to apply to all private party gun sales. Six states already do this, and nine more do so for handguns. Feasibility has been proven.

We do not know how many prohibited persons acquire guns each year through unregulated private party gun sales. Recall, however, that when background check requirements for sales by licensed retailers in 32 states were first put in place by the Brady Act, as many as 9.4% of prospective purchasers who had certified that they were eligible to own guns, under penalty of perjury, were found to be prohibited persons.²³ It is not unreasonable to speculate that a similar or higher percentage of private party gun sales involves prohibited purchasers. No one is asking the questions, let alone verifying the answers.

Objective 2: To Prevent Violent Crime

Individuals whose prior crimes prohibit them from buying guns are at high risk for committing crimes again. Among felons, two-thirds will be re-arrested, and nearly half convicted, on a new felony or serious misdemeanor charge within three years of release from prison.²⁴ As summarized in Chapter 1, the best available evidence is that preventing gun purchases by prohibited

persons reduces the incidence of violent criminal activity among those affected. California's 1991 prohibition on purchases by violent misdemeanants was associated with a 23% overall decrease in crimes involving guns or violence among those whose purchases were denied, and denial based on a felony conviction appears to have a similar effect.^{25, 26} The other apparent reason for the disappointing results of the Brady Act is that the number of persons denied is too small for any impact on them to be reflected in overall crime rates.²⁷

Newly-published research highlights a second mechanism by which regulation of all private party gun sales may prevent violent crime. Such regulation is strongly associated with a decrease in intrastate gun trafficking, even when other important factors are taken into account.²⁸ As most guns used in crime come from the state in which the crime is committed, this is an important benefit. A second study suggests that this finding may hold for interstate gun trafficking as well, but that analysis did not thoroughly examine regulation of private party gun sales and did not control for other important variables.²⁹

Objective 3: To Help Solve Crimes after They Have Been Committed

ATF and other law enforcement agencies rely heavily on gun tracing information to solve individual crimes and identify gun trafficking networks. The utility of a standard gun trace is limited by the fact that more than 85% of recovered crime guns have changed hands at least once since their first retail sale, the point at which the trace ends.^{30, 31} In states that require record-keeping for all gun sales, however, investigators seek to identify the most recent purchaser of a crime gun, not just the first.³² As discussed in Chapter 1 (see Table 1-5), this is of real practical value.

Drawbacks

Subjecting private party gun sales to background check and recordkeeping requirements would make them less convenient. Perhaps airport security screening provides a useful analogy. All of us, regardless of our individual risk of committing violence in the air, are subjected to this inconvenience. We tolerate it, many of us with some grim pride, because we know that it is

one of the ways that terrorists do get caught.

There are costs. In California, retailers may charge \$10 per gun for processing private party transactions in addition to other fees required by the state. This is a small fraction of the purchase price of all but the least expensive guns, however. Retailers may believe the fee is too low to cover the costs of processing the transactions, but they stand to benefit from the increase in customer volume.

Making gun sales records available to assist in gun tracing, the third objective listed above, would require a centralized archive. The records in that archive could be limited to identifiers for the retailer and the gun, along with the date of the transaction. The identity of the buyer and seller could be retained by the retailer, for release to law enforcement agencies if needed for a criminal investigation. The archive would be updated only when the gun changed hands. Gun registration, as that term is commonly understood, would be unnecessary.

Support for Regulating Private Party Gun Sales

All people who sell guns, including at gun shows, [must] conduct criminal background checks of the people buying guns.

—Policy favored by 83% of self-reported gun owners and 87% of the general public in a 2008 nationwide survey.³³

Support for a universal background check requirement is very widespread. In a 2008 nationwide survey, 83% of self-reported gun owners and 87% of the general public supported a requirement that “all people who sell guns, including at gun shows, . . . conduct criminal background checks of the people buying guns.”³³ The 2006 version of the General Social Survey, conducted by the University of Chicago’s National Opinion Research Center and one of the most respected public opinion surveys in the country, found 80% of the public to be in favor of “a law that required private gun sales to be subject to the same background check requirements as sales by licensed dealers.”³⁴

Support appears to be increasing over time. In 1996, only 72% of gun owners and 77% of the general public supported a “background check for private handgun sales.”³⁵

Professionals with a direct stake in preventing gun violence also support such a policy. The International Association of Chiefs of Police, for example, has taken the position that Congress “should enact laws requiring that all gun sales and transfers proceed through a Federal Firearms License (FFL), thus ensuring that a mandatory background check will be conducted on the transferee.”³⁶

Voluntary Action

Little goes on at a gun show that is not observed by those nearby. It is clear that some gun sellers, both licensed retailers and unlicensed vendors, are concerned by the criminal activity they observe at gun shows. A few have been willing to speak openly about it. Every effort should be made to encourage voluntary reporting. It should rarely if ever be the case, for example, that such a report does not lead to an investigation. The effectiveness of voluntary reporting would be enhanced if the response were immediate. An expanded program of covert operations at gun shows could include an early-warning network comprising carefully selected licensed retailers and others. There will be limits, however. The gun sellers at a show know one another, and it may be extremely difficult to provide incriminating information on an acquaintance.

Similarly, it is clear that ordinary citizens can acquire the skills needed to identify illegal gun sales. Gun shows are public events, and there is nothing to prevent interested persons from doing for gun shows what Neighborhood Watch does for entire communities.

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