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To: Jose

Facsimile Number: _____

From: Susan

Date: _____

Pages (Including Cover Sheet): _____

Comments: You should be
receiving the Schumer
& Durbin statements
from yesterday directly
from ATFV

Susan

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S.L.O.

Charles Schumer

Penning
AMENDMENT NO. _____

Calendar No. _____

Purpose: To amend chapter 44 of title 18, United States Code, relating to the regulation of firearms dealers, and for other purposes.

IN THE :

AMENDMENT N^o 1210

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By *Dorgan for Schumer*

Making

To: *5. 1282*

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OPC. 1988 92-517 (mec)

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SCHUMER

Viz:

- 1 At the appropriate place, insert the following:
- 2 SEC. ____ TARGETED GUN DEALER ENFORCEMENT ACT OF
- 3 1999.
- 4 (a) SHORT TITLE.—This section may be cited as the
- 5 "Targeted Gun Dealer Enforcement Act of 1999".
- 6 (b) REGULATION OF LICENSED DEALERS.—
- 7 (1) PROHIBITION ON STRAW PURCHASES.—
- 8 (A) IN GENERAL.—Section 922(a)(6) of
- 9 title 18, United States Code, is amended by in-

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1 serting “, or with respect to the identity of the
2 person in fact purchasing or attempting to pur-
3 chase such firearm or ammunition,” before
4 “under the”.

5 (B) PENALTIES.—Section 924(a)(3) of
6 title 18, United States Code, is amended by
7 adding at the end the following: “Notwithstand-
8 ing the preceding sentence, a violation in rela-
9 tion to section 922(a)(6) or 922(d) by a li-
10 censed dealer, licensed importer, licensed manu-
11 facturer, or licensed collector shall be subject to
12 the penalties under paragraph (2) of this sub-
13 section.”.

14 (2) NOTIFICATION OF STATE LAW REGARDING
15 CARRYING CONCEALED FIREARMS.—Section 922 of
16 title 18, United States Code, is amended by insert-
17 ing after subsection (y) the following:

18 “(z) NOTIFICATION OF STATE REQUIREMENTS.—It
19 shall be unlawful for a licensed dealer to transfer a firearm
20 to any person, unless the dealer notifies that person
21 whether applicable State law requires persons to be li-
22 censed to carry concealed firearms in the State, or pro-
23 hibits the carrying of concealed firearms in the State.”.

24 (3) REVOCATION OR SUSPENSION OF LICENSE;
25 CIVIL PENALTIES.—Section 923 of title 18. United

1 States Code, is amended by striking subsections (e)
2 and (f) and inserting the following:

3 "(e) REVOCATION OR SUSPENSION OF LICENSE;
4 CIVIL PENALTIES.—

5 "(1) IN GENERAL.—The Secretary may, after
6 notice and opportunity for hearing—

7 "(A) suspend or revoke any license issued
8 under this section, if the holder of such li-
9 cense—

10 "(i) willfully violates any provision of
11 this chapter or any rule or regulation pre-
12 scribed by the Secretary under this chap-
13 ter; or

14 "(ii) fails to have secure gun storage
15 or safety devices available at any place in
16 which firearms are sold under the license
17 to persons who are not licensees (except
18 that in any case in which a secure gun
19 storage or safety device is temporarily un-
20 available because of theft, casualty loss,
21 consumer sales, backorders from a manu-
22 facturer, or any other similar reason be-
23 yond the control of the licensee, the li-
24 censed dealer shall not be considered to be

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1 in violation of the requirement to make
2 available such a device);

3 "(B) suspend or revoke the license issued
4 under this section to a dealer who willfully
5 transfers armor piercing ammunition; and

6 "(C) assess and collect a civil penalty of
7 not more than \$10,000 per violation against
8 any holder of a license, if the Secretary is au-
9 thorized to suspend or revoke the license of that
10 holder under subparagraph (A) or (B).

11 "(2) LIABILITY.—The Secretary may at any
12 time compromise, mitigate, or remit the liability with
13 respect to any willful violation of this subsection or
14 any rule or regulation prescribed by the Secretary
15 under this subsection.

16 "(3) REVIEW.—An action of the Secretary
17 under this subsection may be reviewed only as pro-
18 vided in subsection (f).

19 "(4) NOTIFICATION REQUIREMENT.—Not less
20 than once every 6 months, the Secretary shall notify
21 each licensed manufacturer and each licensed dealer
22 of the name, address, and license number of each
23 dealer whose license was suspended or revoked under
24 this section during the preceding 6-month period.

25 "(f) RIGHTS OF APPLICANTS AND LICENSEES.—

1 subparagraph (B)(i) is in effect, as provided in sub-
2 paragraph (B)(ii).

3 "(B) DESIGNATION OF HIGH-VOLUME CRIME
4 GUN DEALERS.—

5 "(i) IN GENERAL.—The Secretary shall
6 designate a licensed dealer as a high-volume
7 crime gun dealer—

8 "(I) as soon as practicable, if the Sec-
9 retary determines that the licensed dealer
10 sold, delivered, or otherwise transferred to
11 1 or more persons not licensed under this
12 chapter not less than 25 firearms that,
13 during the preceding calendar year, were
14 used during the commission or attempted
15 commission of a criminal offense under
16 Federal, State, or local law, or were pos-
17 sessed in violation of Federal, State, or
18 local law; or

19 "(II) immediately upon the expiration
20 date of a suspension of the license of that
21 dealer for a willful violation of this chap-
22 ter, if such violation involved 1 or more
23 firearms that were subsequently used dur-
24 ing the commission or attempted commis-

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1 sion of a criminal offense under Federal,
2 State, or local law.

3 “(ii) EFFECTIVE PERIOD OF DESIGNA-
4 TION.—A designation under clause (i) shall re-
5 main in effect during the period beginning on
6 the date on which the designation is made and
7 ending on the later of—

8 “(I) the expiration of the 18-month
9 period beginning on that date; or

10 “(II) the date on which the license is-
11 sued to that dealer under this section ex-
12 pires.

13 “(C) NOTIFICATION REQUIREMENT.—Upon the
14 designation of a licensed dealer as a high-volume
15 crime gun dealer under subparagraph (B), the Sec-
16 retary shall notify the appropriate United States at-
17 torney’s office, the appropriate State and local law
18 enforcement agencies (including the district attor-
19 ney’s offices and the police or sheriff’s departments),
20 and each State and local agency responsible for the
21 issuance of business licenses in the jurisdiction in
22 which the high-volume crime gun dealer is located of
23 such designation.

1 “(D) REPORTING AND RECORDKEEPING RE-
2 QUIREMENTS.—Notwithstanding any other provision
3 of this paragraph—

4 “(i) not later than 10 days after the date
5 on which a handgun is sold, delivered, or other-
6 wise transferred by a high-volume crime gun
7 dealer to a person not licensed under this chap-
8 ter, the high-volume crime gun dealer shall sub-
9 mit to the Secretary and to the department of
10 State police or State law enforcement agency of
11 the State or local jurisdiction in which the sale,
12 delivery, or transfer took place, on a form pre-
13 scribed by the Secretary, a report of the sale,
14 delivery, or transfer, which report shall in-
15 clude—

16 “(I) the manufacturer or importer of
17 the handgun;

18 “(II) the model, type, caliber, gauge,
19 and serial number of the handgun; and

20 “(III) the name, address, date of
21 birth, and height and weight of the pur-
22 chaser or transferee, as applicable;

23 “(ii) each high-volume crime gun dealer
24 shall submit to the Secretary, on a form pre-
25 scribed by the Secretary, a monthly report of

1 each firearm received and each firearm disposed
2 of by the dealer during that month, which re-
3 port shall include only the name of the manu-
4 facturer or importer and the model, type, cali-
5 ber, gauge, serial number, date of receipt, and
6 date of disposition of each such firearm, except
7 that the initial report submitted by a dealer
8 under this clause shall include such information
9 with respect to the entire inventory of the high-
10 volume crime gun dealer; and

11 "(iii) a high-volume crime gun dealer may
12 not destroy any record required to be main-
13 tained under paragraph (1)(A).

14 "(E) INSPECTION.—Notwithstanding paragraph
15 (1), the Secretary may inspect or examine the inven-
16 tory and records of a high-volume crime gun dealer
17 at any time without a showing of reasonable cause
18 or a warrant for purposes of determining compliance
19 with the requirements of this chapter.

20 "(F) RECORDKEEPING BY LOCAL POLICE DE-
21 PARTMENTS.—Notwithstanding paragraph (3)(B), a
22 State or local law enforcement agency that receives
23 a report under subparagraph (D)(i) may retain a
24 copy of that record for not more than 5 years.

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1 “(G) LICENSE RENEWAL.—Notwithstanding
2 subsection (d)(2), the Secretary shall approve or
3 deny an application for a license submitted by a
4 high-volume crime gun dealer before the expiration
5 of the 120-day period beginning on the date on
6 which the application is received.

7 “(H) EFFECT OF FAILURE TO COMPLY.—

8 “(i) IN GENERAL.—Notwithstanding sub-
9 section (e), the Secretary shall, after notice and
10 an opportunity for a hearing—

11 “(I) suspend for not less than 90 days
12 any license issued under this section to a
13 high-volume crime gun dealer who willfully
14 violates any provision of this section (in-
15 cluding any requirement of this para-
16 graph);

17 “(II) revoke any license issued under
18 this section to a high-volume crime gun
19 dealer who willfully violates any provision
20 of this section (including any requirement
21 of this paragraph) and who has committed
22 a prior willful violation of any provision of
23 this section (including any requirement of
24 this paragraph); and

13

1 “(III) revoke any license issued under
2 this section to a high-volume crime gun
3 dealer who willfully violates any provision
4 of section 922 or 924.

5 “(ii) STAY PENDING APPEAL.—Notwith-
6 standing subsection (f)(3), the Secretary may
7 not stay the effective date of a suspension or
8 revocation under this subparagraph pending an
9 appeal.”.

10 (c) ENHANCED ABILITY TO TRACE FIREARMS.—

11 (1) VOLUNTARY SUBMISSION OF DEALER'S
12 RECORDS.—Section 923(g)(4) of title 18, United
13 States Code, is amended to read as follows:

14 “(4) VOLUNTARY SUBMISSION OF DEALER'S
15 RECORDS.—

16 “(A) BUSINESS DISCONTINUED.—

17 “(i) SUCCESSOR.—When a firearms or
18 ammunition business is discontinued and
19 succeeded by a new licensee, the records
20 required to be kept by this chapter shall
21 appropriately reflect that fact and shall be
22 delivered to the successor. Upon receipt of
23 those records, the successor licensee may
24 retain the records of the discontinued busi-

1 “(A) may receive and centralize any infor-
2 mation or records submitted to the Secretary
3 under this chapter and maintain such informa-
4 tion or records in whatever manner will enable
5 their most efficient use in law enforcement in-
6 vestigations; and

7 “(B) shall retain a record of each firearms
8 trace conducted by the Secretary, unless the
9 Secretary determines that there is a valid law
10 enforcement reason not to retain the record.”.

11 (8) LICENSEE REPORTS OF SECONDHAND FIRE-
12 ARMS.—Section 923(g) of title 18, United States
13 Code, is amended by adding at the end the follow-
14 ing:

15 “(10) LICENSEE REPORTS OF SECONDHAND
16 FIREARMS.—A licensed importer, licensed manufac-
17 turer, and licensed dealer shall submit to the Sec-
18 retary, on a form prescribed by the Secretary, a
19 monthly report of each firearm received from a per-
20 son not licensed under this chapter during that
21 month, which report shall not include any identifying
22 information relating to the transferor or any subse-
23 quent purchaser.”.

24 (d) GENERAL REGULATION OF FIREARMS TRANS-
25 FERS.—

1 (1) TRANSFERS OF CRIME GUNS.—Section
2 924(h) of title 18, United States Code, is amended
3 by inserting “or having reasonable cause to believe”
4 after “knowing”.

5 (2) INCREASED PENALTIES FOR TRAFFICKING
6 IN FIREARMS WITH OBLITERATED SERIAL NUM-
7 BERS.—Section 924(a) of title 18, United States
8 Code, is amended—

9 (A) in paragraph (1)(B), by striking
10 “(k),”; and

11 (B) in paragraph (2), by inserting “(k),”
12 after “(j),”.

13 (e) AMENDMENT OF FEDERAL SENTENCING GUIDE-
14 LINES.—The United States Sentencing Commission shall
15 amend the Federal sentencing guidelines to reflect the
16 amendments made by this section.

FACSIMILE COVER SHEET
DEPARTMENT OF THE TREASURY
DEPUTY ASSISTANT SECRETARY
(ENFORCEMENT POLICY)

Phone: (202) 622-0300

Fax: (202) 622-7301

Date: _____

Page 1 of _____

TO:

Jose Cerda

FAX:

456-7028

FROM:

Susan Ginsburg

SUBJECT:

Schumer FFL Amendment

MESSAGE:

See pp 7, 9, 12

shall → may

preserves Sec's authority

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Charles Schumer

Pending

AMENDMENT NO. _____

Calendar No. _____

Purpose: To amend chapter 44 of title 18, United States Code, relating to the regulation of firearms dealers, and for other purposes.

IN THE :

AMENDMENT No 1210

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By *Organ for Schumer*

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To: *5. 1282*

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GPO: 1999-02-517 (MRS)

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- 1 At the appropriate place, insert the following:
- 2 SEC. ____ TARGETED GUN DEALER ENFORCEMENT ACT OF
- 3 1999.
- 4 (a) SHORT TITLE.—This section may be cited as the
- 5 "Targeted Gun Dealer Enforcement Act of 1999".
- 6 (b) REGULATION OF LICENSED DEALERS.—
- 7 (1) PROHIBITION ON STRAW PURCHASES.—
- 8 (A) IN GENERAL.—Section 922(a)(6) of
- 9 title 18, United States Code, is amended by in-

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1 serting ", or with respect to the identity of the
2 person in fact purchasing or attempting to pur-
3 chase such firearm or ammunition," before
4 "under the".

5 (B) PENALTIES.—Section 924(a)(3) of
6 title 18, United States Code, is amended by
7 adding at the end the following: "Notwithstand-
8 ing the preceding sentence, a violation in rela-
9 tion to section 922(a)(6) or 922(d) by a li-
10 censed dealer, licensed importer, licensed manu-
11 facturer, or licensed collector shall be subject to
12 the penalties under paragraph (2) of this sub-
13 section."

14 (2) NOTIFICATION OF STATE LAW REGARDING
15 CARRYING CONCEALED FIREARMS.—Section 922 of
16 title 18, United States Code, is amended by insert-
17 ing after subsection (y) the following:

18 "(z) NOTIFICATION OF STATE REQUIREMENTS.—It
19 shall be unlawful for a licensed dealer to transfer a firearm
20 to any person, unless the dealer notifies that person
21 whether applicable State law requires persons to be li-
22 censed to carry concealed firearms in the State, or pro-
23 hibits the carrying of concealed firearms in the State."

24 (3) REVOCATION OR SUSPENSION OF LICENSE;
25 CIVIL PENALTIES.—Section 923 of title 18. United

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1 States Code, is amended by striking subsections (e)
2 and (f) and inserting the following:

3 "(e) REVOCATION OR SUSPENSION OF LICENSE;
4 CIVIL PENALTIES.—

5 "(1) IN GENERAL.—The Secretary may, after
6 notice and opportunity for hearing—

7 "(A) suspend or revoke any license issued
8 under this section, if the holder of such li-
9 cense—

10 "(i) willfully violates any provision of
11 this chapter or any rule or regulation pre-
12 scribed by the Secretary under this chap-
13 ter; or

14 "(ii) fails to have secure gun storage
15 or safety devices available at any place in
16 which firearms are sold under the license
17 to persons who are not licensees (except
18 that in any case in which a secure gun
19 storage or safety device is temporarily un-
20 available because of theft, casualty loss,
21 consumer sales, backorders from a manu-
22 facturer, or any other similar reason be-
23 yond the control of the licensee, the li-
24 censed dealer shall not be considered to be

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1 in violation of the requirement to make
2 available such a device);

3 "(B) suspend or revoke the license issued
4 under this section to a dealer who willfully
5 transfers armor piercing ammunition; and

6 "(C) assess and collect a civil penalty of
7 not more than \$10,000 per violation against
8 any holder of a license, if the Secretary is au-
9 thorized to suspend or revoke the license of that
10 holder under subparagraph (A) or (B).

11 "(2) LIABILITY.—The Secretary may at any
12 time compromise, mitigate, or remit the liability with
13 respect to any willful violation of this subsection or
14 any rule or regulation prescribed by the Secretary
15 under this subsection.

16 "(3) REVIEW.—An action of the Secretary
17 under this subsection may be reviewed only as pro-
18 vided in subsection (f).

19 "(4) NOTIFICATION REQUIREMENT.—Not less
20 than once every 6 months, the Secretary shall notify
21 each licensed manufacturer and each licensed dealer
22 of the name, address, and license number of each
23 dealer whose license was suspended or revoked under
24 this section during the preceding 6-month period.

25 "(f) RIGHTS OF APPLICANTS AND LICENSEES.—

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1 “(1) IN GENERAL.—If the Secretary denies an
2 application for, or revokes or suspends a license, or
3 assesses a civil penalty under this section, the Sec-
4 retary shall provide written notice of such denial,
5 revocation, suspension, or assessment to the affected
6 party, stating specifically the grounds upon which
7 the application was denied, the license was sus-
8 pended or revoked, or the civil penalty was assessed.
9 Any notice of a revocation or suspension of a license
10 under this paragraph shall be given to the holder of
11 such license before the effective date of the revoca-
12 tion or suspension, as applicable.

13 “(2) APPEAL PROCESS.—

14 “(A) HEARING.—If the Secretary denies
15 an application for, or revokes or suspends a li-
16 cense, or assesses a civil penalty under this sec-
17 tion, the Secretary shall, upon request of the
18 aggrieved party, promptly hold a hearing to re-
19 view the denial, revocation, suspension, or as-
20 sessment. A hearing under this subparagraph
21 shall be held at a location convenient to the ag-
22 grieved party.

23 “(B) NOTICE OF DECISION; APPEAL.—If,
24 after a hearing held under subparagraph (A),
25 the Secretary decides not to reverse the decision

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1 of the Secretary to deny the application, revoke
2 or suspend the license, or assess the civil pen-
3 alty, as applicable—

4 “(i) the Secretary shall provide notice
5 of the decision of the Secretary to the ag-
6 grieved party;

7 “(ii) during the 60-day period begin-
8 ning on the date on which the aggrieved
9 party receives a notice under clause (i), the
10 aggrieved party may file a petition with the
11 district court of the United States for the
12 judicial district in which the aggrieved
13 party resides or has a principal place of
14 business for a de novo judicial review of
15 such denial, revocation, suspension, or as-
16 sessment;

17 “(iii) in any judicial proceeding pursu-
18 ant to a petition under clause (ii)—

19 “(I) the court may consider any
20 evidence submitted by the parties to
21 the proceeding, regardless of whether
22 or not such evidence was considered
23 at the hearing held under subpara-
24 graph (A); and

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1 “(II) if the court decides that the
2 Secretary was not authorized to make
3 such denial, revocation, suspension, or
4 assessment, the court shall order the
5 Secretary to take such actions as may
6 be necessary to comply with the judg-
7 ment of the court.

8 “(3) STAY PENDING APPEAL.—If the Secretary
9 suspends or revokes a license under this section,
10 upon the request of the holder of the license, the
11 Secretary ~~shall~~ ^{may} stay the effective date of the revoca-
12 tion, suspension, or assessment.”.

13 “(4) EFFECT OF CONVICTION.—Section 925(b)
14 of title 18, United States Code, is amended by strik-
15 ing “until any conviction pursuant to the indictment
16 becomes final” and inserting “until the date of any
17 conviction pursuant to the indictment”.

18 “(5) REGULATION OF HIGH-VOLUME CRIME GUN
19 DEALERS.—Section 923(g) of title 18, United States
20 Code, is amended by adding at the end the follow-
21 ing:

22 “(8) HIGH-VOLUME CRIME GUN DEALERS.—

23 “(A) DEFINITION.—In this paragraph, the term
24 ‘high-volume crime gun dealer’ means any licensed
25 dealer with respect to which a designation under

1 subparagraph (B)(i) is in effect, as provided in sub-
2 paragraph (B)(ii).

3 "(B) DESIGNATION OF HIGH-VOLUME CRIME
4 GUN DEALERS.—

5 "(i) IN GENERAL.—The Secretary shall
6 designate a licensed dealer as a high-volume
7 crime gun dealer—

8 "(I) as soon as practicable, if the Sec-
9 retary determines that the licensed dealer
10 sold, delivered, or otherwise transferred to
11 1 or more persons not licensed under this
12 chapter not less than 25 firearms that,
13 during the preceding calendar year, were
14 used during the commission or attempted
15 commission of a criminal offense under
16 Federal, State, or local law, or were pos-
17 sessed in violation of Federal, State, or
18 local law; or

19 "(II) immediately upon the expiration
20 date of a suspension of the license of that
21 dealer for a willful violation of this chap-
22 ter, if such violation involved 1 or more
23 firearms that were subsequently used dur-
24 ing the commission or attempted commis-

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1 sion of a criminal offense under Federal,
2 State, or local law.

3 "(ii) EFFECTIVE PERIOD OF DESIGNA-
4 TION.—A designation under clause (i) shall re-
5 main in effect during the period beginning on
6 the date on which the designation is made and
7 ending on the later of—

8 "(I) the expiration of the 18-month
9 period beginning on that date; or

10 "(II) the date on which the license is-
11 sued to that dealer under this section ex-
12 pires.

13 "(C) NOTIFICATION REQUIREMENT.—Upon the
14 designation of a licensed dealer as a high-volume
15 crime gun dealer under subparagraph (B), the Sec-
16 retary ^{may} shall notify the appropriate United States at-
17 torney's office, the appropriate State and local law
18 enforcement agencies (including the district attor-
19 ney's offices and the police or sheriff's departments),
20 and each State and local agency responsible for the
21 issuance of business licenses in the jurisdiction in
22 which the high-volume crime gun dealer is located of
23 such designation.

1 “(D) REPORTING AND RECORDKEEPING RE-
2 QUIREMENTS.—Notwithstanding any other provision
3 of this paragraph—

4 “(i) not later than 10 days after the date
5 on which a handgun is sold, delivered, or other-
6 wise transferred by a high-volume crime gun
7 dealer to a person not licensed under this chap-
8 ter, the high-volume crime gun dealer shall sub-
9 mit to the Secretary and to the department of
10 State police or State law enforcement agency of
11 the State or local jurisdiction in which the sale,
12 delivery, or transfer took place, on a form pre-
13 scribed by the Secretary, a report of the sale,
14 delivery, or transfer, which report shall in-
15 clude—

16 “(I) the manufacturer or importer of
17 the handgun;

18 “(II) the model, type, caliber, gauge,
19 and serial number of the handgun; and

20 “(III) the name, address, date of
21 birth, and height and weight of the pur-
22 chaser or transferee, as applicable;

23 “(ii) each high-volume crime gun dealer
24 shall submit to the Secretary, on a form pre-
25 scribed by the Secretary, a monthly report of

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1 each firearm received and each firearm disposed
2 of by the dealer during that month, which re-
3 port shall include only the name of the manu-
4 facturer or importer and the model, type, cali-
5 ber, gauge, serial number, date of receipt, and
6 date of disposition of each such firearm, except
7 that the initial report submitted by a dealer
8 under this clause shall include such information
9 with respect to the entire inventory of the high-
10 volume crime gun dealer; and

11 "(iii) a high-volume crime gun dealer may
12 not destroy any record required to be main-
13 tained under paragraph (1)(A).

14 "(E) INSPECTION.—Notwithstanding paragraph
15 (1), the Secretary may inspect or examine the inven-
16 tory and records of a high-volume crime gun dealer
17 at any time without a showing of reasonable cause
18 or a warrant for purposes of determining compliance
19 with the requirements of this chapter.

20 "(F) RECORDKEEPING BY LOCAL POLICE DE-
21 PARTMENTS.—Notwithstanding paragraph (3)(B), a
22 State or local law enforcement agency that receives
23 a report under subparagraph (D)(i) may retain a
24 copy of that record for not more than 5 years.

1 “(G) LICENSE RENEWAL.—Notwithstanding
2 subsection (d)(2), the Secretary shall approve or
3 deny an application for a license submitted by a
4 high-volume crime gun dealer before the expiration
5 of the 120-day period beginning on the date on
6 which the application is received.

7 “(H) EFFECT OF FAILURE TO COMPLY.—

8 “(i) IN GENERAL.—Notwithstanding sub-
9 section (e), the Secretary ~~shall~~, after notice and
10 an opportunity for a hearing—

may

11 “(I) suspend for not less than 90 days
12 any license issued under this section to a
13 high-volume crime gun dealer who willfully
14 violates any provision of this section (in-
15 cluding any requirement of this para-
16 graph);

17 “(II) revoke any license issued under
18 this section to a high-volume crime gun
19 dealer who willfully violates any provision
20 of this section (including any requirement
21 of this paragraph) and who has committed
22 a prior willful violation of any provision of
23 this section (including any requirement of
24 this paragraph); and

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1 “(III) revoke any license issued under
2 this section to a high-volume crime gun
3 dealer who willfully violates any provision
4 of section 922 or 924.

5 “(ii) STAY PENDING APPEAL.—Notwith-
6 standing subsection (f)(3), the Secretary may
7 not stay the effective date of a suspension or
8 revocation under this subparagraph pending an
9 appeal.”.

10 (c) ENHANCED ABILITY TO TRACE FIREARMS.—

11 (1) VOLUNTARY SUBMISSION OF DEALER'S
12 RECORDS.—Section 923(g)(4) of title 18, United
13 States Code, is amended to read as follows:

14 “(4) VOLUNTARY SUBMISSION OF DEALER'S
15 RECORDS.—

16 “(A) BUSINESS DISCONTINUED.—

17 “(i) SUCCESSOR.—When a firearms or
18 ammunition business is discontinued and
19 succeeded by a new licensee, the records
20 required to be kept by this chapter shall
21 appropriately reflect that fact and shall be
22 delivered to the successor. Upon receipt of
23 those records, the successor licensee may
24 retain the records of the discontinued busi-

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14

1 ness or submit the discontinued business
2 records to the Secretary.

3 “(ii) NO SUCCESSOR.—When a fire-
4 arms or ammunition business is discon-
5 tinued without a successor, records re-
6 quired to be kept by this chapter shall be
7 delivered to the Secretary within 30 days
8 after the business is discontinued.

9 “(B) OLD RECORDS.—A licensee maintaining a
10 firearms business may voluntarily submit the records
11 required to be kept by this chapter to the Secretary
12 if such records are at least 20 years old.

13 “(C) STATE OR LOCAL REQUIREMENTS.—If
14 State law or local ordinance requires the delivery of
15 records regulated by this paragraph to another re-
16 sponsible authority, the Secretary may arrange for
17 the delivery of records to such other responsible au-
18 thority.”

19 “(2) CENTRALIZATION AND MAINTENANCE OF
20 RECORDS.—Section 923(g) of title 18, United States
21 Code, is amended by adding at the end the follow-
22 ing:

23 “(9) CENTRALIZATION AND MAINTENANCE OF
24 RECORDS BY SECRETARY.—Notwithstanding any
25 other provision of law, the Secretary—

1 “(A) may receive and centralize any infor-
2 mation or records submitted to the Secretary
3 under this chapter and maintain such informa-
4 tion or records in whatever manner will enable
5 their most efficient use in law enforcement in-
6 vestigations; and

7 “(B) shall retain a record of each firearms
8 trace conducted by the Secretary, unless the
9 Secretary determines that there is a valid law
10 enforcement reason not to retain the record.”.

11 (3) LICENSEE REPORTS OF SECONDHAND FIRE-
12 ARMS.—Section 923(g) of title 18, United States
13 Code, is amended by adding at the end the follow-
14 ing:

15 “(10) LICENSEE REPORTS OF SECONDHAND
16 FIREARMS.—A licensed importer, licensed manufac-
17 turer, and licensed dealer shall submit to the Sec-
18 retary, on a form prescribed by the Secretary, a
19 monthly report of each firearm received from a per-
20 son not licensed under this chapter during that
21 month, which report shall not include any identifying
22 information relating to the transferor or any subse-
23 quent purchaser.”.

24 (d) GENERAL REGULATION OF FIREARMS TRANS-

25 FERS.—

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16

1 (1) TRANSFERS OF CRIME GUNS.—Section
2 924(h) of title 18, United States Code, is amended
3 by inserting “or having reasonable cause to believe”
4 after “knowing”.

5 (2) INCREASED PENALTIES FOR TRAFFICKING
6 IN FIREARMS WITH OBLITERATED SERIAL NUM-
7 BERS.—Section 924(a) of title 18, United States
8 Code, is amended—

9 (A) in paragraph (1)(B), by striking
10 “(k),”; and

11 (B) in paragraph (2), by inserting “(k),”
12 after “(j),”.

13 (e) AMENDMENT OF FEDERAL SENTENCING GUIDE-
14 LINES.—The United States Sentencing Commission shall
15 amend the Federal sentencing guidelines to reflect the
16 amendments made by this section.



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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS (Senate - June 30, 1999)

MR. SCHUMER Mr. President, today I am introducing the 'Targeted Gun Dealer Enforcement Act of 1999.' This legislation would enable law enforcement to crack down on certain gun dealers and 'straw purchasers' responsible for funneling firearms into the hands of those who use guns in crime.

A licensed gun dealer in West Milwaukee, Wisconsin was the retail source of 1,195 guns linked to crime between 1996 and 1998. Similarly, 1,176 crime guns recovered by law enforcement authorities over those three years were traced to a single gun dealer in Riverdale, Illinois. In fact, 137 gun stores account for more than 13,000 crime guns seized in 1998. Year after year, many of these 137 dealers emerge as major sources of crime guns, even though most are not located in high-crime areas.

The path a gun takes to a crime scene is often a path of rapid diversion from first retail sale at federally licensed gun dealers to an illegal market supplying juveniles and felons. According to a February 1999 ATF crime gun trace analysis report, 'New guns in juvenile or criminal hands signal direct diversion, by illegal firearms trafficking--for instance through straw purchases or off the book sales by corrupt FFLs.'

An extremely small percentage of gun dealers are disproportionately responsible for this problem of rapid diversion of guns from first retail sale to crime scenes. Indeed, almost half of the guns recovered in crime and traced through ATF in 1998 are traceable to a mere 1.1 percent of the nation's licensed gun dealers. Yet law enforcement's ability to prevent certain gun dealers and straw purchasers from supplying young people and felons with new guns for use in crime is constrained by current federal firearms law--which limits the records and sanctions to which law enforcement has ready access.

My legislation would give law enforcement the tools it needs to crack down on certain gun dealers and 'straw purchasers' responsible for funneling firearms into the hands of those who use guns in crime. The bill would, among other things, impose strict new reporting requirements and automatic sanctions for illegal activity upon the 0.4 percent of licensed gun dealers responsible for 25 or more crime gun traces in given year; authorize ATF to suspend the licenses of and impose civil monetary penalties upon licensed gun dealers who willfully violate federal firearms law; clearly outlaw and increase penalties for 'straw purchasing'; and enable law enforcement more readily to trace the purchase-and-sale histories of firearms used in crime.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the **Record**.

There being no objection, the bill was ordered to be printed in the **Record**, as follows:

[Page: S7935] [Link to GPO's PDF version for this page.](#) NEW

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Targeted Gun Dealer Enforcement Act of 1999'.

SEC. 2. REGULATION OF LICENSED DEALERS.

(a) Prohibition on Straw Purchases:

(1) **In general:** Section 922(a)(6) of title 18, United States Code, is amended by inserting ', or with respect to the identity of the person in fact purchasing or attempting to purchase such firearm or ammunition,' before 'under the'.

(2) **Penalties:** Section 924(a)(3) of title 18, United States Code, is amended by adding at the end the following: 'Notwithstanding the preceding sentence, a violation in relation to section 922(a)(6) or 922(d) by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector shall be subject to the penalties under paragraph (2) of this subsection.'

(b) **Notification of State Law Regarding Carrying Concealed Firearms:** Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

'(z) **Notification of State Requirements:** It shall be unlawful for a licensed dealer to transfer a firearm to any person, unless the dealer notifies that person whether applicable State law requires persons to be licensed to carry concealed firearms in the State, or prohibits the carrying of concealed firearms in the State.'

(c) **Revocation or Suspension of License; Civil Penalties:** Section 923 of title 18, United States Code, is amended by striking subsections (e) and (f) and inserting the following:

'(e) **Revocation or Suspension of License; Civil Penalties:**

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS (Senate - June 30, 1999)

Mr. DURBIN. Mr. President, I am happy to join my colleague Senator **Schumer** in introducing the 'Targeted Gun Dealer Enforcement Act of 1999.' This bill will give law enforcement the tools they need to prevent suspect gun dealers from supplying firearms to criminals and plaguing our communities with gun violence.

Guns kill 34,000 Americans every year--thirteen children every day. They kill more teen-agers than any natural cause.

This bill allows the Bureau of Alcohol Tobacco and Firearms (ATF) to closely monitor those gun dealers who they should be monitoring--the dealers who have had more than 25 crime guns traced to them in the last year.

The facts in Illinois are particularly compelling on this issue. In Illinois, 26 gun dealers account for more crime guns than the remaining 3,700 Illinois federally licensed gun dealers combined.

These figures show that while most gun dealers are law abiding and responsible, some shops have become 'convenience stores' for criminals. Twenty-six dealers were the source of more than 1,600 crime guns with each dealer responsible for selling at least 25 guns used in crimes in 1998.

This bill will help law enforcement find out why these dealers are the source of guns later used to commit crimes. The bill will require high volume crime dealers to report handgun sales to ATF and local police. Law enforcement can then use these records to more effectively trace crime guns.

The bill will also encourage gun dealers to sell guns more responsibly. In the Youth Crime Gun Interdiction Initiative, ATF found that many guns used by youths to commit crimes are purchased from licensed dealers by individuals acting as 'straw' purchasers. A 'straw purchaser' is a person who illegally purchases a firearm for another person, such as a juvenile or a felon.

This bill seeks to address that problem by prohibiting the sale of a firearm when a seller has 'reason to know' that such firearm will be used to commit a crime of violence or a drug crime. Current law requires actual knowledge on the part of the dealer that the buyer will use the firearm to commit a crime of violence. This change will make it easier for law enforcement to target dealers who they believe are turning a blind eye in supplying guns to buyers under questionable circumstances.

In 1998, Chicago police officers conducted 'Operation Gunsmoke,' an investigation to target gun-sellers just outside the city limits. Seven undercover officers purchased 171 guns from 12 suburban gun stores in a three month period. Not one dealer refused to sell the agents weapons even as the agents openly

violated laws needed to purchase firearms. This investigation was key to the City of Chicago's groundbreaking lawsuit against the gun industry on the theory of public nuisance.

We must act now to keep guns from getting into the hands of criminals. I applaud Senator **Schumer's** leadership on this issue and hope my colleagues will join us in this important effort to make our communities safer. The statistics show most gun dealers are responsible, but a few unscrupulous dealers are supplying criminals with guns that plague our communities.

[Page: S7937] Link to GPO's PDF version for this page. New

By Mr. HARKIN (for himself, Mr. Hatch, and Mr. McConnell):

S. 1307. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP VITAMIN AND MINERAL IMPROVEMENT ACT OF 1999

Mr. HARKIN. Mr. President, today I am pleased to be joined by Senator **Hatch** and Senator **McConnell** in introducing the Food Stamp Vitamin and Mineral Improvement Act of 1999.

Mr. President, this bipartisan legislation is very simple and I believe makes just plain common sense. It would give those Americans using food stamps the ability to purchase vitamin and mineral supplements for themselves and their families.

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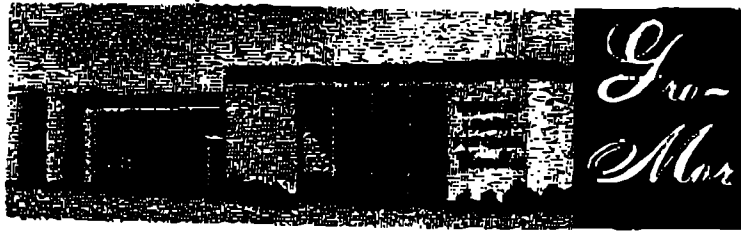
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PLANT LOCATED AT PATTERSON, ARKANSAS

THE PRESIDENT HAS SEEN

3-17-99

Farmers
liquid fertilizer, inc.

McCORY, ARKANSAS

March 16, 1999

Dear Nancy,

This airtel outlines the problem we're having with anhydrous ammonia that I talked to you about a couple of weeks ago. I would appreciate it if you could pass it on to the President for me. A State Trooper told me the last time we got "hit" that this was a bigger problem than "crack/cocaine" nationwide. All of the ~~key~~ components needed can be obtained legally and the "recipe" can be found on the internet! After June 21st the E.P.A. will post on the internet all anhydrous ammonia storage locations! What a mess!!

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Reed
Pod

It was wonderful to see you Friday night. Thank you for everything you do and take care Bruce

As usual with
advice - He's
a good friend

Or Lee

T-2

THE PRESIDENT HAS SEEN

3-17-99



DEALER BRIEFING

Guard Your Anhydrous Ammonia

by Gary Myers

Product stewardship means keeping ammonia out of the hands of drug-abusers.

Ask any randomly-selected group of retailers about the challenges they face, and you're likely to hear a broad list, peppered by environmental, worker safety and small business issues. Ask most Iowa retailers, and you'll hear about another issue — one which has far-reaching implications for every retailer in the country. The issue at hand is dead serious — it involves the theft of fertilizer.

Yes, that's right, our beneficial products are now being used in the manufacture of a harmful and illegal drug called methamphetamine, or "meth." This drug, a powerful central nervous system stimulant, is in some instances, being manufactured using anhydrous ammonia, stolen from either farmers or retailers. In the state of Iowa last year, there were 400 releases of ammonia, with all but one tied to the manufacture of illegal drugs. Whether this is an organized effort by Mexican drug lords or a simple consequence of the availability of drug-making information on the Internet is not clear. (The U.S. Drug Enforcement Administration has gone on the record stating its belief that the Des Moines, Iowa, area was the target of an organized effort, perhaps originating in Mexico.)

Methamphetamine is a synthetic drug, which has a high potential for abuse and dependence among its users. Meth can be manufactured in several different ways. Essentially, each production method requires raw materials or precursor chemicals that

are then combined with a substance to cause a chemical reaction. The method used depends upon the availability of precursors.

In the Midwest, the common method for small scale illegal production is the use of precursors obtained from commonly available cold medicines. The reaction can be accomplished using either sodium or lithium metal, both readily available from chemical supply companies. Some operators have also obtained lithium from batteries. The other material needed in this process is anhydrous ammonia, which clandestine drug makers obtain in small quantities by draining it from nurse tanks used by retail dealers.

Often, the individuals stealing fertilizer products are not familiar with ammonia and potential hazards if it is not handled carefully. This has led to several injuries, as well as instances where tank valves have been left open after the theft has taken place. So illegal product use is not the only concern as the potential for personal and environmental harm is also a real possibility.

In Iowa, there is a legislative effort underway to address stewardship issues in the retail fertilizer business. While I can't make any predictions on the ultimate outcome of this initiative, I think it's safe to say that it points to a tremendous opportunity for us to manage future discussion on the illicit use of our products. The Agribusiness Association of Iowa is working with national and state organizations to

create consensus on potential product stewardship activities to minimize the potential for theft of fertilizer products. While it's too early to present details of the program, retailer awareness will be the cornerstone of this effort.

This is not "just an Iowa issue" any more than the illegal use of ammonium nitrate in Oklahoma City almost four years ago was "just an Oklahoma issue." The fact that one area of the country is seeing a surge in this activity should only act as a reminder for the rest of us of the potential for illegal use of our products. I am a strong believer that you — the retailer — are best equipped with the knowledge to take the appropriate steps to avoid the theft of product from your facility. Now, as you prepare for the busy planting season, take some time to plan. And, while you're at it, educate your employees so each person who handles chemicals understands the dangers associated with stolen product. Don't wait for this serious issue to reach your backyard before you do something about it. DP

Gary Myers is president of The Fertilizer Institute, Washington, D.C. Contact him through Dealer PROGRESS by sending e-mail to myers@precisonag.com.



Crime Guns Flow From Md. Shop, Data Show

By CRAIG WHITLOCK
Washington Post Staff Writer

A1

The Washington region's biggest source of guns that are used in crimes is a drab, two-story brick house that sits along a decaying commercial strip in Prince George's County, according to federal law enforcement data.

Nestled between a pest exterminator and a fast-food joint on Marlboro Pike in Forestville, Realco Guns is a tiny shop that gets crowded if more than three customers show up at once. A half-dozen display cases feature a modest inventory of knives, handguns, rifles and shooting accessories, along with a smattering of literature from the National Rifle Association.

Yet according to data from the U.S. Bureau of Alcohol, Tobacco and Firearms, Realco was the source of 493 guns that were used in crimes from 1996 through 1998, more than double the number of crime guns that were traced to any other dealer in the region.

The weapons most frequently traced to Realco are Davis .380-caliber and Hi-Point 9mm semiautomatic pistols, along with Chinese-made SKS 7.62mm semiautomatic rifles, law enforcement officials said. The Davis .380-caliber retails for about \$100, and the Hi-Point 9mm sells for \$125 to \$150.

Davis .380-caliber pistols are especially popular among young criminals in the District. A 1999 ATF study of crime guns recovered in Washington found that it was the gun most frequently recovered in connection with crimes committed by people younger than 25.

ATF tracing records show also that the guns from Realco are used in crimes relatively soon after they leave the shop. In 1997, about three-quarters of crime guns that were traced to Realco had been sold by the store within the previous three years. Researchers believe that such a fast turnaround from legal purchase to use in a crime is an indicator of potential firearms trafficking.

Realco's owner, Greg del Real, of Rockville, said he steadfastly obeys all laws governing the sale of firearms and goes beyond legal requirements to discourage the flow of weapons to criminals. He would not say how many guns his business sells in a year.

Federal, state and local officials said Realco has not been prosecuted or cited for any violations.

But Realco's track record of supplying guns that later end up in the hands of criminals has attracted the attention of law enforcement agencies that investigate gun trafficking. Others are questioning whether gun dealers like Realco should be more vigilant about where their lethal products might go after they leave the store.

This week, Sen. Charles E. Schumer (D-N.Y.) released a study showing that 1 percent of the nation's firearms dealers sold nearly half the guns used in crimes last year. The study, based on data on firearms that were traced by the ATF, criticized dealers that were the source of a high number of crime guns and called for a crackdown on "bad apples" that funnel weapons to the black market.

Data show that Realco is among the top 15 gun dealers in the nation that were the source of crime guns from 1996 through 1998.

Del Real and his younger brother, Carlos, who works as a manager at Realco, disputed the results of Schumer's study and the ATF data indicating that the store was the source of 493 crime guns traced from 1996 through 1998.

Waving a sheaf of papers to prove his point, Carlos del Real said store records showed that the ATF had traced only about 360 guns sold by the store since 1990. He acknowledged that his list might be incomplete.

ATF officials declined to comment on Realco or on Schumer's study, although they did not dispute the findings of his report. ATF spokesman Jeffrey Roehm said that of the 200,000 guns traced through his agency last year, the "vast majority" were involved in a crime.

Schumer's study also found that there were 10 gun dealers in Virginia and six in Maryland that sold more than 50 crime guns last year, although the report did not name the businesses.

Among them were an Alexandria dealer that sold 241 guns used in crimes from 1996 through 1998, and a Silver Spring store that sold 121 crime guns during the same period.

Law enforcement sources said there are two businesses in Alexandria that conduct a high volume of gun sales, but neither has been known to violate federal laws. The heads of both of those businesses said the report was not referring to them. Law enforcement sources said the Silver Spring gun dealer referred to in Schumer's report was Atlantic Guns, which has stores in Rockville and Silver Spring.

Atlantic Guns owner Steve Schneider said the ATF was bound to trace some guns back to his stores because the company has been in business for 50 years and is a high-volume dealer.

"The data is being used to make it sound like there's something wrong with the dealers, and nothing could be further from the truth," said Schneider, who is president of the Maryland Licensed Firearms Dealers Association. "We run a very reputable shop, as any law enforcement agency will tell you."

Schumer's study showed that nearly half the guns traced to Realco were used to commit crimes out of state. Law enforcement officials said that was not surprising, given Realco's location less than three miles east of the District, where the sale of handguns is banned.

Realco (REE-al-co) Guns has been in business on Marlboro Pike for more than 25 years. Greg del Real, 56, said he's not surprised that some of his weapons eventually fall into the wrong hands.

"We're next to Washington, D.C., which is a high-crime area," he said. "We're in Prince George's County, which is a high-crime area. More guns get stolen in high-crime areas."

But del Real said it is not his fault. He said his store goes to great lengths to screen its customers and is fastidious about keeping and submitting the proper paperwork for criminal background checks. He said his managers keep a keen eye out for straw purchasers—customers with clean records

who buy guns and immediately hand them over to people not eligible to possess them.

"Occasionally, they will be successful in making a straw purchase, despite everything we do to prevent that," he said in an interview this week. "Every time we suspect we have a straw purchaser in the store, we kick them out. We lose a lot of sales that way. . . . We step all over these people's constitutional rights to prevent these straw purchases."

"The intent of the law is to prevent guns from falling into the wrong hands, and we do everything we can to prevent that from occurring," Carlos del Real said. "I work really hard to abide by all these [regulations]. I would tell Chuck Schumer that he's lucky to have us here enforcing the laws."

Greg del Real said ATF officials spent a week in the store last month to conduct an audit of Realco's firearms sales records but found nothing wrong. "They have never found any fault with our business."

Lt. Jack Simpson, of the Maryland State Police crime-gun enforcement unit, said that Realco may be following the letter of the law but that it could do more to dissuade straw purchasers and other suspicious customers.

"They have the right to refuse a sale, and they ought to start using that right," Simpson said. "They run their business; we don't. For them to turn a blind eye to things that are clearly criminal is a shame."

See GUNS, A11, Col. 1

1/2

The Washington Post
FRIDAY, JUNE 11, 1999

GUNS, From A10

"They get calls every day from the ATF for a trace, so this isn't a surprise to them by any stretch. This is not a shock to them."

The del Reals estimated that they receive fewer than 10 calls a month from ATF officials attempting to trace guns sold at the store. They also argued that just because the ATF traces a gun doesn't necessarily mean the firearm was used to commit a crime.

The ATF's Roehm said that the

bureau looks at the number of traces back to a particular retailer as a potential sign that a dealer is acting illegally, but said "the fact that crime guns come back to a dealer is not a definitive indicator of criminal activity."

ATF agents and other experts cited several reasons a dealer may have many guns traced back to it: a high volume of sales, its location in a neighborhood where guns are common, or its frequent use by straw purchasers.

"It can be a variety of things that

have nothing to do with the dealers," said Glenn Pierce, co-director of Northeastern University's Criminal Justice Policy Research Center. Nevertheless, he added, identifying dealers that are the source of many crime guns is a valuable tool to allow ATF to target certain neighborhoods in its investigations.

Stephen Richards, whose family owns Potomac Arms Corp., Alexandria's largest firearms dealer, located on the waterfront in Old Town, said he doubted his compa-

ny is the dealer noted in Schumer's report. "If those numbers are correct, it's not us," he said.

Richards said that ATF officials conduct an estimated 30 traces a year on guns that his business has sold, dating back to 1958. The store sells about 1,000 handguns a year, accounting for roughly half its firearms sales, he said.

"There is little doubt in my mind that there are criminal dealers out there who will intentionally sell to non-qualified buyers," Richards

said. "I'd like to see them all in prison tomorrow—they make me look bad. We, Potomac Arms, are extra conservative in our sales. If there's a *hint* of a straw purchase, we don't make the sale."

David MacGillivray, the president and CEO of Interarms, which is located down the street from Potomac Arms, said he doubted the study was referring to his company. Interarms is not a gun dealer, but an importer of firearms, selling to about 25 or 30

wholesalers around the country, he said.

MacGillivray said his business sells a large quantity of firearms—as many as 200,000 a year at one point, and about half that in recent years—and that ATF officials routinely conduct traces, as many as 25 or 30 a day. "We follow all the regulations and obey all the laws," he said.

Staff writers Patricia Davis and Barbara Vobejda contributed to this report.

2/2

NEWS

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SCHUMER, DURBIN AND TORRICELLI RELEASE NATIONAL REPORT ON GUNRUNNING

- Mississippi and Florida are Top Sources for Criminals -

Congressman Charles E. Schumer (D-Brooklyn and Queens) today released a report showing where criminals buy their guns. The report, entitled "The War Between the States," revealed that gunrunners are taking advantage of state's with weak gun laws, making them the key source of guns for crimes in states with strong laws. He was joined by Senators Robert Torricelli (D-NJ) and Dick Durbin (D-IL).

"With this report we've shown once and for all that state gun laws work," Schumer said. "But at the same time, these laws are being undermined as gunrunners import guns from states with weak laws."

"For years we have suspected that many criminals get their guns from out-of-state," added Schumer. "Now we can prove it. And what's more, we can stop it. Its time to put these gun bazaars out of business."

The report ranks all states according to total gun exports in 1996, as well as a per capita ranking. The number one overall gun source for criminals was Florida. In the per capita ranking, Mississippi was number one. The report also analyzes several trends that highlight the problem of gunrunning.

"We call I-95 the Firearm Freeway because it's the main route for guns into New York," said Rep. Schumer. "Today, we see that New York is not alone. Whether it's a drive up the interstate or a trip to the state next door, the trend is clear: in states with tough gun laws, the criminal's best friend is the gun kingpin."

Schumer, Torricelli and Durbin also announced legislation that would increase the penalties for gun runners. The Gun Kingpin Penalty Act would:

- * create a new federal crime of gunrunning and;
- * establish tough new mandatory minimum penalties, from 3 years up to 25 years, for those convicted of gunrunning

"Its time for us to turn our attention to this new brand of criminal," said Schumer. "We need to make sure the gun kingpins' trip up the firearm freeway goes just one way -- to prison."

THE GUN KINGPIN PENALTY ACT

**Introduced by Congressman Charles Schumer,
Senator Robert Torricelli, and Senator Richard Durbin**

The Gun Kingpin Penalty Act aims to curb the deadly commerce of interstate gunrunning. These smugglers buy guns legally in a state with relatively weak gun laws, and then sell them on the black market in a state with tough laws.

By making gunrunning a federal crime with stiff penalties, this bill goes after gun kingpins with the same ardor we have shown in pursuit of drug kingpins.

NEW GUNRUNNING CRIME

The new crime would apply to anyone who smuggles five or more guns across state lines in a one-year period to sell them. Those who have federal licenses, such as dealers and collectors, are exempt. It is already a federal crime to sell guns across state lines without a license, but the penalties for this type of trafficking are very mild.

PENALTIES

The bill places mandatory minimum sentences on people convicted of the new gunrunning offense, meaning the sentences cannot be reduced below these levels or suspended by a judge. There is also no possibility of parole. The sentences are:

- **3 years** for a first offense.
- **5 years** for a second offense.
- **10 years** if one of the smuggled weapons is used in a crime to kill or seriously injure someone.
- **15 years** for gun kingpins -- those who smuggle 50 or more guns in a one-year period.
- **25 years** for gun kingpins if one of the guns they smuggle is used in a crime to kill or seriously injure someone.

The "blood on the hands" penalties -- those involving later violent crimes with the smuggled guns -- apply to all crimes committed by the person who the gunrunner sells a weapon to, as well as crimes committed with the gun by anyone for three years.

INCREASED RESOURCES

The bill authorizes the Treasury Department to hire an additional 200 law enforcement personnel to investigate gunrunners and gun kingpins.

Report Links Crimes to States With Weak Gun Controls

By FOX BUTTERFIELD

A new Congressional study using data from the Federal Bureau of Alcohol, Tobacco and Firearms shows that a handful of states, mostly in the South, with weak gun controls are responsible for supplying a large percentage of the guns used in crimes in other states.

The study found that four states — Florida, Georgia, South Carolina and Texas — accounted for a quarter of the guns seized that were acquired outside the state where they were used in crimes. Altogether, the 10 states with the loosest gun-control laws accounted for 54.2 percent of all out-of-state guns traced to crimes in 1996, the report said.

The report, prepared by the staff of Representative Charles E. Schumer, Democrat of Brooklyn, also said that "gunrunners use major interstate highways as their smuggling routes," especially I-95, which runs from southern Florida to Maine, carrying guns from Florida, Georgia, South Carolina to New York, New Jersey and Massachusetts, and which runs through Mississippi and Chicago.

Florida, which has no restrictions on the purchase of handguns beyond a five-day waiting period mandated by Federal law, was responsible for selling 1,243 guns that ended up being used by criminals in other states in 1996, the most of any state, according to the study. Of the total, guns originally bought in Florida ended up being used in crimes in New York; 135 in Washington, D.C.; 82 in New Jersey. Ali Abu Khatteb, the man who fired into a crowd of protesters at the top of the Empire State Building in February, killing and wounding six others before he killed himself, bought the .380-caliber Beretta he used in the shooting in Florida for \$475.

The northward flow of guns on Interstate 95 is a one-way route, the study found. For example, while there were 702 guns bought in Florida, Georgia and South Carolina that were used in crimes in New York or New Jersey in 1996, there were just 15 guns bought in New York or New

**Where they exist,
gun-control laws
don't seem to work.**

guns that were traced to crimes in three Southern states.

A CLOSER LOOK

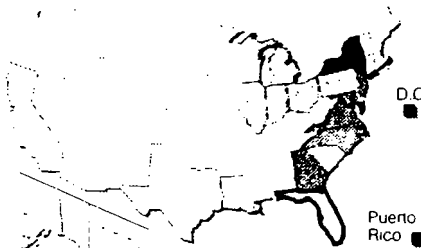
Tracing Guns to Their Source

A new Congressional study found that a large percentage of the guns used in crimes across the country could be traced back to a handful of states. Here are the top five, accounting for nearly 5,200, or 31 percent, of the 16,635 out-of-state guns traced to crimes in 1996.

20 to 49 50 to 99 100 to 149 150 or more
Number of guns in each state traced back to:

FLORIDA

Of 1,243 guns from Florida, 88 percent went to 15 states, Puerto Rico and the District of Columbia.



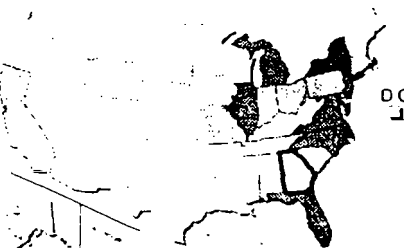
SOUTH CAROLINA

Of 992 guns from South Carolina, 85 percent went to seven states; 430 to North Carolina.



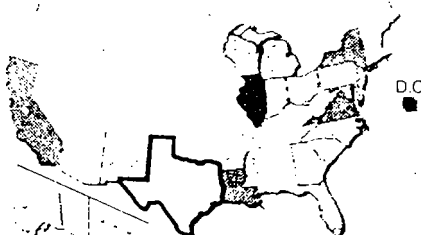
GEORGIA

Of 939 guns from Georgia, 88 percent went to 16 states and the District of Columbia.



TEXAS

Of 1,068 guns from Texas, 80 percent went to 19 states and the District of Columbia.



VIRGINIA

Of 924 guns from Virginia, 84 percent went to 8 states and the District of Columbia.



Source: Rep. Charles E. Schumer's Office, based on data provided by the Bureau of Alcohol, Tobacco and Firearms

The New York Times

Outside the South, the study found three other states serving primarily as exporters of guns used in crimes: Kansas, which supplies Missouri; Indiana, which helps supply Illinois; and Ohio, which provides guns used in Illinois, Michigan, New York and Pennsylvania.

Alfred Blumstein, a criminologist at Carnegie Mellon University in Pittsburgh, said the new study "highlights the vulnerability in our Federal system of a state's attempt to control guns within its borders because with the interstate traffic criminals can get their guns from any of the states with lesser controls and import them."

Mr. Schumer said the report was "the first study that shows conclusively that gun control works for the simple reason that states with weak gun control laws are exporting guns to states with tough gun control laws."

"If the laws didn't work, the flows would be even," Mr. Schumer said.

As a result of the opportunities for illegal gun trafficking created by differences in gun control laws, he said,

"we really have to go after the gunrunners with the same focus that we have gone after the drug runners."

To this end, Mr. Schumer said he would introduce legislation today to create a new Federal crime of gunrunning. The measure would make it illegal for anyone to sell five or more guns across state lines within a one-year period with the intent of selling or transferring the guns to another person.

Wayne LaPierre, executive vice president of the National Rifle Association, said he would oppose the bill because the only way to determine who sold more than five guns a year across state lines would be to set up a national gun registration system, a step the N.R.A. opposes as unconstitutional.

In the past, it would have been difficult to develop the data that were used in compiling the new report, several experts said, because the Bureau of Alcohol, Tobacco and Firearms had been under political pressure from Congress and previous Administrations to minimize the amount of work it did in tracing gun ownership.

Presidents Ronald Reagan and George Bush were "soft on gun control," Professor Blumstein said, and Mr. Reagan even campaigned on a pledge to abolish the bureau to curry favor with the N.R.A.

But under President Clinton, the experts said, the firearms agency has been allowed to greatly expand its role in tracing guns used in crimes, so that the number of traces of guns used in crimes is expected to reach 100,000 this year, up from 45,104 in 1992, said John Limbach, a spokesman for the agency.

This increase in the scope of the gun tracing program is crucial because "the volume is now large enough to constitute a good nationwide sample" of what gunrunning actually looks like, said David Kennedy, a senior researcher at the John F. Kennedy School of Government at Harvard University.

Schumer has gunrunners in his sights

By KAREN FOERSTEL
Post Correspondent

WASHINGTON — More than 75 percent of all guns traced to crimes in New York are illegally shipped in from other states, a new study shows.

Rep. Charles Schumer (D-Brooklyn), who released the study yesterday, says it shows the need for tough new federal laws setting mandatory sentences — from three to 25 years — for gunrunners caught bringing weapons across state lines.

"There's a mass exportation of guns from states with weak gun laws to states with strong gun laws," Schumer said.

"We cannot rely on state laws to stop the flow of guns. We need national legislation."

The "Gun Kingpin Penalty Act" introduced by Schumer, Sen. Bob Torricelli (D-N.J.) and Sen. Dick Durbin (D-Ill.), also authorizes 200 more Alcohol, Tobacco and Firearms officers to catch gunrunners and enforce the tougher sentences.

The three said they hope the bill will pass Congress and be signed into law before the end of the year.

"As we speak, there is ... a gunrunner who has bought 50 guns in Florida and is driving up [Interstate] 95 to sell them in New York ... to sell them on street corners tonight," Schumer said.

New York, which has one of the toughest gun-control laws in the country, is inundated with out-of-state guns which are sold on the black market and often end up in the hands of criminals.



CHARLES SCHUMER
Introduces gun bill.

Of the 1,989 guns traced to crimes in New York state, 1,521 came from out of state. Only New Jersey and the District of Columbia have a larger percentage of guns used by criminals coming from out of state.

But just 215 guns used in crimes in other states were traced back to New York, the study showed.

The top five states exporting guns that wind up in the hands of New York criminals are Virginia, which sent 214 guns to the state; Florida, 189 guns; South Carolina, 169 guns; North Carolina, 143 guns, and Georgia, 125 guns.

"Tough gun laws work. It's much harder to get a gun in states with tough gun laws," Schumer said.

WAR BETWEEN THE STATES:

How Gunrunners Smuggle Weapons Across America

April 9, 1997

SUMMARY OF "WAR BETWEEN THE STATES: HOW GUNRUNNERS SMUGGLE WEAPONS ACROSS AMERICA"

This report examines the deadly commerce practiced by interstate gunrunners. These profiteers legally buy weapons in a state with mild gun laws, and then sell them illegally in another state with tough rules.

When these smugglers load up their car trunks with piles of lethal merchandise, they transfer countless weapons from legitimate commerce to the black market -- and the guns often end up in criminals' hands.

A handful of states like Mississippi and Florida are typical shopping stops for the nation's gunrunners, who then sell the weapons in states like New York, New Jersey, and Illinois -- the losers in this deadly game of firearms smuggling.

The five worst offenders per capita are Mississippi, South Carolina, West Virginia, Nevada, and Kansas.

Several interstate highways are "firearm freeways" -- favorite smuggling routes for gunrunners. Illegally transported guns head north up I-95 from Florida, Georgia and South Carolina to New York, New Jersey and Massachusetts, or north from Mississippi along I-55 to Illinois.

This independent analysis of data on 1996 firearms traces makes several trends crystal clear:

1. GUNRUNNERS' BAZAARS: Guns used in crimes are most likely to come from just a few states with relatively weak gun control laws. Just the top four states -- Florida, Texas, South Carolina, and Georgia -- account for a quarter of the traces. This trend is even more stark when analyzed based on population: several small states provide far more than their share of guns to criminals, and these states have particularly weak laws.

2. HOME SWEET HOME: In states with strong gun laws, criminals obtain the majority of their guns from other states; in states with weaker gun laws, criminals obtain the majority of their guns locally.

3. ONE-WAY STREETS: Illicit traffic along the "firearms freeways" moves only in one direction: from states with less gun control to those with more.

4. LOVE THY NEIGHBOR: When neighboring states have different approaches to firearms regulation, the state with lax laws floods its stricter neighbor with guns that are used in crime.

These clear patterns show the urgent need for a nationwide effort to stop gun smuggling between states. In particular, Congressman Schumer is proposing tough new federal penalties for gunrunning crimes and increased resources for investigations of firearms trafficking.

FINDINGS: GUNRUNNING IS A NATIONAL PROBLEM

The tables that follow this page tell the story of a thriving illegal trade that crisscrosses the nation. The customers for this business are street gangs and murderers, drug dealers and muggers. The salespeople are interstate gunrunners who exploit the discrepancies in different states' gun laws to supply weapons on the black market. And the suppliers are states where gun laws get a failing grade.

TABLE 1: GUNS CROSSING STATE LINES

Table 1 shows how many guns sold in a particular state were traced to crimes in other states by the federal Bureau of Alcohol, Tobacco, and Firearms in 1996.

The table demonstrates how lopsided these figures are. The two states that provide the most guns to criminals in other states -- Florida (1,243) and Texas (1,068) -- account for almost 14% of all such traces, and the top four states account for a quarter. A majority of the out-of-state guns (54.2%) come from just the top ten states -- more than the other 40 states and Washington, DC combined.

Note that the numbers in Table 1 account for all guns recovered by law enforcement and traced, not all guns used in crimes. In reality, these states are selling far more guns to criminals than indicated on the table.

TABLE 2: GUNS CROSSING STATE LINES PER CAPITA

Table 2 adjusts for population, more clearly demonstrating the link between weak gun laws and the sale of guns used in other states' crimes.

The "export rate" shows how many guns were traced from crimes elsewhere per 100,000 state residents. In other words, for every 100,000 Mississippi residents, 29 guns were sold in Mississippi and traced to crimes in another state. For every 100,000 New Yorkers, 1.19 guns were sent to out-of-state criminals.

Each state was rated on how strongly its rules crack down on gunrunners' easy access to weapons. The ratings of state gun laws are explained more fully in an appendix. Overall, 27 of the states are rated "very weak" because they have no significant restrictions beyond those required under federal regulation, such as the Brady Law. Four of the states were rated "weak," four "moderate," six "strong," and ten "very strong."

By controlling for population, Table 2 underscores the dramatic impact of state gun laws on gun trafficking patterns. None of the top ten states on Table 2 had "strong" or "very strong" ratings. Six of the ten are "very weak."

Crime Guns Crossing State Lines - 1996

(State-by-State Breakdown of Guns Used in Out-of-State Crimes by Place of Origination)

Rank	State	Total Exports
1	Florida	1,243
2	Texas	1,068
3	South Carolina	992
4	Georgia	939
5	Virginia	924
6	California	828
7	Ohio	823
8	Mississippi	782
9	North Carolina	752
10	Indiana	665
11	Pennsylvania	632
12	Alabama	616
13	Arizona	487
14	Maryland	457
15	Kentucky	428
16	Illinois	399
17	Kansas	364
18	Louisiana	339
19	Tennessee	317
20	West Virginia	286
21	Arkansas	279
22	Oklahoma	262
23	Nevada	230
24	Wisconsin	224
25	Washington	223

Rank	State	Total Exports
26	Colorado	216
27	New York	215
28	Michigan	200
29	Missouri	155
30	New Mexico	152
31	Connecticut	134
32	Oregon	116
33	Minnesota	106
34	Iowa	99
35	Idaho	94
36	Massachusetts	90
37	New Hampshire	79
38	New Jersey	75
39	Delaware	74
40	Utah	69
41	Alaska	68
42	Maine	62
43	Montana	58
44	Nebraska	54
45	Vermont	46
46	South Dakota	45
47	Wyoming	31
48 (Tie)	District of Columbia	18
	Rhode Island	18
50 (Tie)	North Dakota	15
	Hawaii	15

U.S. Total Exports 16,663

Source: Bureau of Alcohol, Tobacco, and Firearms

Crime Guns Crossing State Lines - Per Capita - 1996

(Number of Guns Used In Out-of-State Crimes by Place of Origination Per 100,000 Residents)

Rank	State	Rating	Export Rate
1	Mississippi	VW	29.00
2	South Carolina	M	27.01
3	West Virginia	VW	15.65
4	Nevada	VW	15.03
5	Kansas	VW	14.19
6	Virginia	W	13.96
7	Georgia	VW	13.04
8	Alabama	M	12.13
9	Arizona	VW	11.55
10	Indiana	M	11.45
11	Alaska	VW	11.26
12	Arkansas	VW	11.23
13	Kentucky	VW	11.09
14	North Carolina	VS	10.45
15	Delaware	VW	10.32
16	Maryland	S	9.06
17	New Mexico	VW	9.02
18	Florida	VW	8.65
19	Idaho	VW	8.08
20	Oklahoma	VW	7.99
21	Vermont	VW	7.86
22	Louisiana	VW	7.81
23	Ohio	VW	7.38
24	New Hampshire	W	6.88
25	Montana	VW	6.67

Rank	State	Rating	Export Rate
26	Wyoming	VW	6.46
27	South Dakota	VW	6.17
28	Tennessee	W	6.03
29	Colorado	VW	5.76
30	Texas	VW	5.70
31	Maine	VW	5.00
32	Pennsylvania	M	4.41
33	Wisconsin	VW	4.37
34	Washington	W	4.11
35	Connecticut	VS	4.09
36	Oregon	VW	3.69
37	Utah	VW	3.54
38	Iowa	S	3.48
39	Illinois	VS	3.37
40	Nebraska	S	3.30
41	District of Columbia	VS	3.25
42	Missouri	S	2.91
43	California	S	2.62
44	North Dakota	VW	2.34
45	Minnesota	VS	2.30
46	Michigan	VS	2.09
47	Rhode Island	S	1.82
48	Massachusetts	VS	1.48
49	Hawaii	VS	1.26
50	New York	VS	1.19
51	New Jersey	VS	0.94

Source: Bureau of Alcohol, Tobacco and Firearms.

U.S. Average

6.33

Rating Legend: VS: Very Strong S: Strong M: Moderate W: Weak VW: Very Weak

TREND 1: GUNRUNNERS' BAZAARS

States with Weak Laws Supply the Bulk of Crime Guns

Many states with weak gun control laws are giant bazaars for gunrunners -- and those with tough laws sell very few guns used in other states' crimes. The medium-sized and large states that dominate the top of Table 1 are responsible for a vast proportion of the guns traced to crimes across the country.

- ** The top two states, Florida and Texas, supplied 14% of the guns traced to crime in other states. These two states along with South Carolina and Georgia account for a quarter of the traces.**
- ** A majority of the guns traced across state lines in 1996 (54.2%) came from just the top ten states -- more than the other 40 states and Washington, DC combined. Five of these states have gun laws rated "very weak" (Florida, Texas, Georgia, Ohio, and Mississippi).**
- ** In contrast, New York, New Jersey, Michigan and Minnesota, four very large states with strong gun laws, accounted for only 3.6% of those out-of-state guns.**
- ** Top-ranked Florida dealers sold about as many guns traced to crime in other states (1,243) as did ten other medium-sized or large states combined: New York (215), Michigan (200), Missouri (155), Connecticut (134), Oregon (116), Minnesota (106), Iowa (99), Massachusetts (90), New Jersey (75), and Nebraska (54).**

By controlling the data for population, Table 2 demonstrates how weak gun laws attract gunrunners. Analyzing the data on a per capita basis demonstrates that even quite small states can be mother lodes for gunrunners -- if their laws are accommodating.

- ** Adjusted for population, Mississippi supplied the most guns traced to other states' crimes. The explanation: except for some limitations on juveniles, Mississippi has no significant gun control laws of its own. Mississippi was closely followed as a gun-providing state by South Carolina, West Virginia, Nevada, and Kansas. Three of these four states have gun control laws just as weak as Mississippi.**
- ** On a per capita basis, the fewest out-of-state guns came from New Jersey, New York, Hawaii, Massachusetts, Rhode Island, Michigan, and Minnesota. All these states except Rhode Island were rated "very strong;" Rhode Island's laws are "strong."**
- ** A gun traced to crime is twenty-five times more likely per capita to come from Mississippi or South Carolina than from New York or New Jersey.**
- ** Although New York's population is seven times larger than Mississippi, Mississippi had three times more out-of-state traces than New York.**

TREND 2: HOME SWEET HOME

In States With Lax Laws, More Crime Guns Come From In-State

In states with weak gun laws, criminals can shop at their neighborhood gun store. By contrast, criminals in states with tough gun control laws must obtain out-of-state guns on the black market to perpetrate violent crimes.

- ** More than three quarters of the gun traces from crimes in South Carolina, Mississippi, Georgia, Florida, Kansas, Ohio and Texas lead back to dealers in the same state.**
- ** Less than one quarter of the guns traced from crimes in New York (23.5%), New Jersey (21.2%) were bought in these states, which have strict laws.**
- ** A majority (53%) of the crime guns traced to states with "very strong" laws were purchased out-of-state. There were 13,760 guns traced to crimes in these 10 states (New Jersey, New York, Hawaii, Massachusetts, Michigan, the District of Columbia, Illinois, Connecticut, and North Carolina).**
- ** Less than a quarter (23%) of the crime guns traced to states with "very weak" laws were purchased out-of-state. There were 15,046 guns traced to crimes in 26 of these states (data for West Virginia was incomplete and not included in this figure).**

TREND 3: ONE-WAY STREETS

"Firearm Freeways" Move In Only One Direction

The data shows how gunrunners use major interstate highways as their smuggling routes. It also shows how those routes move primarily in one direction -- from states with less stringent gun control to those with stricter rules.

**** I-95: The Most Travelled Highway in America Extends from Southern Florida to Northernmost Maine**

-- North Carolina, South Carolina, Georgia, and Florida -- the four southernmost states on I-95 -- were the source of 1,199 guns traced to crimes in the nine northeast states from Pennsylvania to Maine. These same nine northeastern states accounted for a total of just 64 guns traced to the four southeastern states -- 95% fewer.

-- 702 guns bought in South Carolina, Georgia, or Florida were traced to crimes in New York or New Jersey. On the other hand, just 11 guns bought in New York or New Jersey were traced to crimes in South Carolina, Georgia, or Florida.

-- Despite a distance of 1,200 miles, Florida was the largest supplier of out-of-state guns traced to crimes in Massachusetts (40 gun traces). In contrast, just three guns from Florida crimes came from Massachusetts. Georgia was the second biggest source for Massachusetts, sending 30 guns to the Bay State, while not a single trace from any Georgia crime led back to Massachusetts.

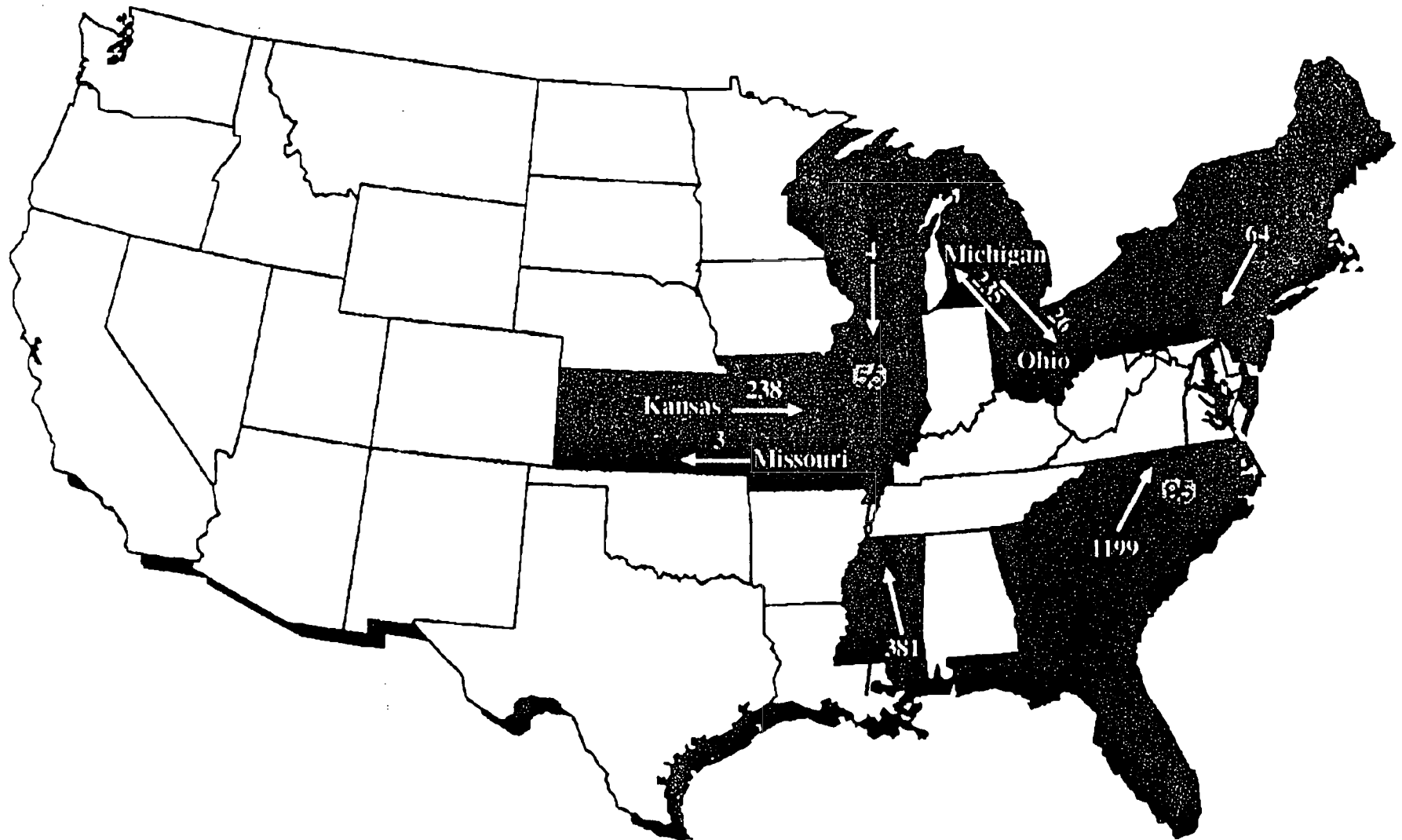
**** I-55: Beginning in New Orleans, I-55 Runs Alongside the Mississippi River to Jackson, Memphis and St. Louis before Veering East to Springfield and Chicago**

-- Mississippi is the top supplier of out-of-state guns to Illinois (306) and Wisconsin (75). Illinois and Wisconsin are home to only four guns traced to crime in Mississippi.

-- Of all the guns traced to Mississippi, there were more linked to crimes hundreds of miles away in Illinois (306) than at home in Mississippi (268).

-- Louisiana sold 89 guns traced to crimes in Illinois, Michigan, Missouri, and Wisconsin. These four states combined sent just six guns down to Louisiana.

Firearm Freeways : One Way Streets



Source: ATF data; 1996

TREND 4: LOVE THY NEIGHBOR

The Borders Between Some States are Hot Zones for Gunrunners

When a state with loose gun laws borders on one with stricter rules, the lax state floods the tough neighbor with firearms.

- ** Kansas:** Dealers in Kansas sold 238 guns that were traced to crime in Missouri. Missouri, which has a gun permit requirement rated "strong," sent only three crime guns back across the border to Kansas.
- ** South Carolina:** Dealers in South Carolina sold 430 guns that were traced to crimes in North Carolina. North Carolina, which has much stricter gun control laws, is home to only two guns traced to crimes in South Carolina.
- ** Ohio:** Ohio is perhaps the gunrunners' favorite northern state, spreading firearms to criminals throughout the region. Ohio sold 235 guns that went north to Michigan criminals, but only 26 traces went the other way from Michigan dealers to Ohio criminals. Similarly, Ohio was the source of 226 guns traced to crimes in Pennsylvania, Maryland, New York, New Jersey and the District. These five jurisdictions were the source of just 24 guns traced to crimes in Ohio.
- ** Indiana:** While 306 guns from Indiana were traced to crimes in Illinois, only 41 Illinois guns were traced to crimes in Indiana. Hoosier gun dealers also sold 50 guns traced from Wisconsin (which sent 22 to Indiana) and 77 to Michigan (which sent 17 to Indiana).

NOTES ON SOURCES

This study analyzes the 47,068 guns which the federal Bureau of Alcohol, Tobacco and Firearms (ATF) traced to a final retail purchaser in 1996. ATF traces firearms at the request of law enforcement agencies; not all firearms seized in crimes are traced, and some are traced by local authorities rather than by ATF. ATF supplied raw data at Congressman Charles Schumer's request and did not contribute to the analysis contained in this report.

Of all the traces, 16,635 -- 35% -- were used in crimes outside of the state where they were bought. This subset was used for analysis on "out-of-state" guns.

Handgun Control, Inc. provided summaries of state laws on gun control, but bears no responsibility for the rankings. Supplementary information was obtained from law enforcement authorities or government offices in various states.

Population data was based on the 1995 Census as reported in the "Statistical Abstract of the United States."

APPENDIX: EVALUATION OF STATE GUN LAWS

This report rated state gun laws based on the presence or absence of several types of restrictions.

Since its enactment in February 1994, the Brady Law has stopped 186,000 felons and other prohibited persons from buying firearms. This vital improvement made it more difficult for criminals and gunrunners to get weapons anywhere in the country. Yet the Brady Law alone is not enough to stop the gunrunning trade. Other national laws are needed to spread the progress made by some of the "very strong" states to the entire country.

The description of each state's laws evaluates how far those rules go beyond the minimum Brady requirements.

It should be noted that these restrictions do not cover all "gun control" laws, but only those which reduce the ability of a gunrunner to obtain weapons legally in the state and transport them elsewhere. Many other laws, such as state assault weapons bans, juvenile possession restrictions, or child access prevention laws have negligible impact on gunrunners' purchases and were not evaluated.

Twenty-seven states are rated "very weak" because they do not have meaningful restrictions on gunrunning beyond the federal minimum.

The 14 states that are classified in the three middle categories (weak, moderate, or strong) have taken important initial steps to reduce a gunrunner's ability to buy weapons legally. States with several of these laws, or with especially strong versions, climbed higher within the three middle ranks.

These restrictions include:

Centralized records of sales: Under federal law, when a licensed dealer sells a firearm, the dealer retains a record of the sale. Some states have enacted laws requiring the dealers to forward a record of the sale to an agency of the state government. These centralized records make law enforcement against gunrunners easier. They also strongly discourage people who want to purchase guns without scrutiny.

Regulation of Secondary Sales: Many guns used in crimes are purchased in the "secondary market" -- at gun shows, for example, or through classified advertisements. Many of these smaller vendors are not regulated at the federal level because they are not obligated to hold federal licenses. Some states have enacted laws regulating these secondary sales, which closes a significant loophole used by gunrunners.

One Gun A Month Limitations: Three states have enacted provisions limiting an individual to one handgun purchase each month. By stopping the gunrunner from buying dozens of weapons at once, these laws are excellent ways to cut their supply lines. Because none of these laws were universally

enforced before 1994, however, many of the guns traced to crime in 1996 were acquired before the limits had any impact.

The ten states that fall in the category of "very strong" have tough "permit to purchase" laws -- essentially licensing of gun buyers. Many of these laws require fingerprinting, safety training, rigorous background checks, and even a mandatory update of the permit each time a new firearm is procured. Needless to say, these provisions crack down heavily on would-be gunrunners or other criminals trying to obtain firearms in these states.

• • •

ALABAMA: Sales records sent to state agency. Secondary sales regulated. **Moderate.**

ALASKA: No significant restrictions beyond Brady Law. **Very Weak.**

ARIZONA: No restrictions beyond Brady Law. **Very Weak.**

ARKANSAS: No restrictions beyond Brady Law. **Very Weak.**

CALIFORNIA: Ten day waiting period for all purchases. Secondary sales regulated. Sales records sent to state agency. **Strong.**

COLORADO: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

CONNECTICUT: Permit required for purchase, includes safety training. Secondary sales regulated. Fourteen day waiting period for primary and secondary purchases. Sales records sent to state agency. **Very Strong.**

DELAWARE: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

DISTRICT OF COLUMBIA: Permits required for all purchases. Registration of all firearms is required. **Very Strong.**

FLORIDA: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

GEORGIA: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

HAWAII: Permit required for purchase. Fifteen to twenty day waiting period for permit. Registration of all firearms is required. Secondary sales regulated. Firearms safety training course and fingerprinting also required. **Very Strong.**

IDAHO: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

ILLINOIS: Permit required for purchase. Waiting period of up to thirty day for permit and three additional days for each purchase. Secondary purchases regulated. **Very Strong.**

INDIANA: Sales records sent to state agency. Seven day waiting period for primary and secondary purchases. **Moderate.**

IOWA: Permit required for purchase. Secondary sales regulated. Three day waiting period to receive permit. **Strong.**

KANSAS: No restrictions beyond Brady Law. **Very Weak.**

KENTUCKY: No restrictions beyond Brady Law. **Very Weak.**

LOUISIANA: No restrictions beyond Brady Law. **Very Weak.**

MAINE: No significant restrictions beyond Brady Law. **Very Weak.**

MARYLAND: Sales records sent to state agency. Seven day waiting period for purchases. Secondary sales are regulated. One-handgun-per-month limit. **Strong.**

MASSACHUSETTS: Permit required for purchases. Up to thirty day waiting period to receive permits. Separate permit required for each gun purchased. Sales records sent to state agency. **Very Strong.**

MICHIGAN: Permit required for purchases and must be obtained in person at a law enforcement agency. Sales records sent to licensing authority. **Very Strong.**

MINNESOTA: Permit required for purchases. Seven day waiting period to receive permit. Secondary sales regulated and require five day waiting period. Sales records sent to state agency. **Very Strong.**

MISSISSIPPI: No restrictions beyond Brady Law. **Very Weak.**

MISSOURI: Permit required for purchases, obtained in person at a law enforcement agency. Seven day waiting period for permit. Secondary sales regulated. **Strong.**

MONTANA: No restrictions beyond Brady Law. **Very Weak.**

NEBRASKA: Permit required for purchases. Secondary sales regulated. **Strong.**

NEVADA: No restrictions beyond Brady Law. **Very Weak.**

NEW HAMPSHIRE: Sales records sent to state agency. **Weak.**

NEW JERSEY: Permit required for purchases. Up to a thirty day waiting period to receive permit. Separate permit required for each gun purchased. Sales records sent to state agency. **Very Strong.**

NEW MEXICO: No restrictions beyond Brady Law. **Very Weak.**

NEW YORK: Permit required for purchases. Permit generally updated for each purchase. Up to a six month waiting period for permit. Secondary sales regulated. Sales records sent to a state agency. **Very Strong.**

NORTH CAROLINA: Permit required for purchases. Up to a thirty day waiting period to receive permits. Separate permit required for each gun purchased. Sales records sent to a state agency. **Very Strong.**

NORTH DAKOTA: No restrictions beyond Brady Law. **Very Weak.**

OHIO: No restrictions beyond Brady Law. **Very Weak.**

OKLAHOMA: No restrictions beyond Brady Law. **Very Weak.**

OREGON: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

PENNSYLVANIA: Sales records sent to state agency. Secondary purchases require background check and must be made on dealer premises. **Moderate.**

RHODE ISLAND: Gun safety card required for purchases. Seven day waiting period. Secondary purchases regulated. **Strong.**

SOUTH CAROLINA: Secondary sales regulated. One-gun-per-month limit. **Moderate.**

SOUTH DAKOTA: No restrictions beyond Brady Law. **Very Weak.**

TENNESSEE: Secondary purchases regulated. Waiting period of up to fifteen days for primary and secondary purchases. **Weak.**

TEXAS: No restrictions beyond Brady Law. **Very Weak.**

UTAH: No restrictions beyond Brady Law. **Very Weak.**

VERMONT: No restrictions beyond Brady Law. **Very Weak.**

VIRGINIA: One-handgun-per-month limit. No other significant restrictions. **Weak.**

WASHINGTON: Sales records sent to state agency. **Weak.**

WEST VIRGINIA: No restrictions beyond Brady Law. **Very Weak.**

WISCONSIN: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

WYOMING: No restrictions beyond Brady Law. **Very Weak.**

02/03/98 13:19

THE GUN KINGPIN PENALTY ACT

**Introduced by Congressman Charles Schumer,
Senator Robert Torricelli, and Senator Richard Durbin**

The Gun Kingpin Penalty Act aims to curb the deadly commerce of interstate gunrunning. These smugglers buy guns legally in a state with relatively weak gun laws, and then sell them on the black market in a state with tough laws.

By making gunrunning a federal crime with stiff penalties, this bill goes after gun kingpins with the same ardor we have shown in pursuit of drug kingpins.

NEW GUNRUNNING CRIME

The new crime would apply to anyone who smuggles five or more guns across state lines in a one-year period to sell them. Those who have federal licenses, such as dealers and collectors, are exempt. It is already a federal crime to sell guns across state lines without a license, but the penalties for this type of trafficking are very mild.

PENALTIES

The bill places mandatory minimum sentences on people convicted of the new gunrunning offense, meaning the sentences cannot be reduced below these levels or suspended by a judge. There is also no possibility of parole. The sentences are:

- 3 years for a first offense.
- 5 years for a second offense.
- 10 years if one of the smuggled weapons is used in a crime to kill or seriously injure someone.
- 15 years for gun kingpins -- those who smuggle 50 or more guns in a one-year period.
- 25 years for gun kingpins if one of the guns they smuggle is used in a crime to kill or seriously injure someone.

The "blood on the hands" penalties -- those involving later violent crimes with the smuggled guns -- apply to all crimes committed by the person who the gunrunner sells a weapon to, as well as crimes committed with the gun by anyone for three years.

INCREASED RESOURCES

The bill authorizes the Treasury Department to hire an additional 200 law enforcement personnel to investigate gunrunners and gun kingpins.

Charles E. Schumer
(Original signature of Member)

105TH CONGRESS
1ST SESSION

H. R. 1264

"GUN
KINGPINS"

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHUMER introduced the following bill; which was referred to the
Committee on _____

Judiciary, Government Reform & Oversight

A BILL

To amend title 18, United States Code, to prohibit
gunrunning, and provide mandatory minimum penalties
for crimes related to gunrunning.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Gun Kingpin Penalty
5 Act".

6 **SEC. 2. PROHIBITION AGAINST GUNRUNNING.**

7 Section 922 of title 18, United States Code, is
8 amended by inserting after subsection (x) the following:

1 “(y) It shall be unlawful for a person not licensed
2 under section 923 to ship or transport, or conspire to ship
3 or transport, 5 or more firearms from a State into another
4 State during any period of 12 consecutive months, with
5 the intent to transfer all of such firearms to another per-
6 son who is not so licensed.”.

7 **SEC. 3. MANDATORY MINIMUM PENALTIES FOR CRIMES RE-**
8 **LATED TO GUNRUNNING.**

9 Section 924 of title 18, United States Code, is
10 amended by adding at the end the following:

11 “(p)(1)(A)(i) Whoever violates section 922(y) shall,
12 except as otherwise provided in this subsection, be impris-
13 oned not less than 3 years, and may be fined under this
14 title.

15 “(ii) In the case of a person’s second or subsequent
16 violation described in clause (i), the term of imprisonment
17 shall be not less than 5 years.

18 “(B) If a firearm which is shipped or transported in
19 violation of section 922(y) is used subsequently by the per-
20 son to whom shipped or transported, or by any person
21 within 3 years after the shipment or transportation, in an
22 offense in which a person is killed or suffers serious bodily
23 injury, the term of imprisonment for the violation shall
24 be not less than 10 years.

1 “(C) If more than 50 firearms are the subject of a
2 violation of section 922(y), the term of imprisonment for
3 the violation shall be not less than 15 years.

4 “(D) If more than 50 firearms are the subject of a
5 violation of section 922(y) and 1 of the firearms is used
6 subsequently by the person to whom shipped or trans-
7 ported, or by any person within 3 years after the shipment
8 or transportation, in an offense in which a person is killed
9 or suffers serious bodily injury, the term of imprisonment
10 for the violation shall be not less than 25 years.

11 “(2) Notwithstanding any other provision of law, the
12 court shall not impose a probationary sentence or suspend
13 the sentence of a person convicted of a violation of this
14 subsection, nor shall any term of imprisonment imposed
15 on a person under this subsection run concurrently with
16 any other term of imprisonment imposed on the person
17 by a court of the United States.”.

18 **SEC. 4. CRIMES RELATED TO GUNRUNNING MADE PREDI-**
19 **CATE OFFENSES UNDER RICO.**

20 Section 1961(1)(B) of title 18, United States Code,
21 is amended by inserting “section 922(a)(1)(A) (relating
22 to unlicensed importation, manufacture, or dealing in fire-
23 arms), section 922(a)(3) (relating to interstate transpor-
24 tation or receipt of firearm), section 922(a)(5) (relating
25 to transfer of firearm to person from another State), or

1 section 922(a)(6) (relating to false statements made in ac-
2 quisition of firearm or ammunition from licensee), section
3 922(d) (relating to disposition of firearm or ammunition
4 to a prohibited person), section 922(g) (relating to receipt
5 of firearm or ammunition by a prohibited person), section
6 922(h) (relating to possession of firearm or ammunition
7 on behalf of a prohibited person), section 922(i) (relating
8 to transportation of stolen firearm or ammunition), sec-
9 tion 922(j) (relating to receipt of stolen firearm or ammu-
10 nition), section 922(k) (relating to transportation or re-
11 ceipt of firearm with altered serial number), section
12 922(y) (relating to gunrunning), section 924(b) (relating
13 to shipment or receipt of firearm for use in a crime),”
14 before “section 1028”.

15 **SEC. 5. ENFORCEMENT.**

16 The Secretary of the Treasury may hire and employ
17 200 personnel, in addition to any personnel hired and em-
18 ployed by the Department of the Treasury under other
19 law, to enforce the amendments made by this Act, notwith-
20 standing any limitations imposed by or under the Federal
21 Workforce Restructuring Act.

3/20/98
DRAFT

ATF COMMENTS ON THE "GUN KINGPIN PENALTY ACT" (SCHUMER)

The proposal would add a new offense to the Gun Control Act to make it unlawful for an unlicensed person to ship, transport, or conspire to ship or transport 5 or more firearms across State lines during any period of 12 consecutive months with intent to transfer the firearms to another unlicensed person. Penalties for violating the new provision would be a mandatory 3 years and second or subsequent violations would be punishable by a mandatory 5 years. In addition, if a firearm was used within 3 years of shipment in an offense in which a person is killed or seriously injured, the penalty would be a mandatory 10 years. In addition, if more than 50 firearms are the subject of the violation, the penalty would be a mandatory 15 years, and, if a firearm was used within 3 years of the shipment in an offense in which a person is killed or seriously injured, a mandatory 25 years.

A number of provisions of the Gun Control Act already prohibit illegal firearms trafficking, including section 922(a)(1) (engaging in a firearms dealing business without a license), 922(a)(3) (transporting into or receiving in the State where a person resides a firearm obtained outside that State), 922(a)(5) (transferring a firearm to a person who resides outside the transferor's State of residence), and 924(n) (traveling from State to State and acquiring firearms for purposes of dealing in firearms without a license). Section 924(n) is punishable by up to 10 years imprisonment, while section 922(a)(1), (3), and (5) are punishable by up to 5 years imprisonment.

ATF is in favor of imposing more stringent penalties on persons who illegally traffic in firearms. However, there are several changes we would recommend in the bill. First, it is inconsistent with several exceptions to the interstate controls of the GCA. Section 922(a)(3) of the GCA permits nonlicensed persons who lawfully acquire a firearm by bequest or intestate succession to transport such firearm in interstate commerce and to receive such firearm in their State of residence. Section 922(a)(5) also permits nonlicensed persons to transfer a firearm to a resident of another State for the purpose of carrying out a bequest or intestate succession of a firearm. Under the proposal, the executor of an estate would violate the law if he or she transported 5 or more firearms to an heir in another State. We recommend that the bill be drafted to allow these firearms transfers without violating the law.

In addition, we recommend that the bill be drafted to make the new offense apply to any person who transports 5 or more firearms interstate with intent to transfer them to an unlicensed person, rather than limiting the crime to nonlicensees. Unlawful firearms trafficking is frequently committed by licensees as well as nonlicensees. If this change is made in the bill, an

DRAFT

- 2 -

exception should be carved out for § 922(a)(2)(A), which permits a licensee to return repaired firearms to a nonlicensee in interstate commerce.

We have reservations about imposition of a 10-year mandatory penalty on a person who transfers firearms interstate and a person who had no contact with the initial transferor uses the firearms, within 3 years of the initial transfer, in an offense that results in death or serious injury. It can be argued that persons who transfer firearms outside legal channels take the risk that the firearms will be used in crime and that illegally trafficked firearms are more likely to be used in crime. However, it is at odds with general concepts of criminal responsibility to impose such stringent penalties on a person who has no reason to believe the transferee will misuse the firearms. This problem could be corrected by imposing the more stringent penalty only if the person who unlawfully transferred the firearms knew or had reason to believe that they would be used to commit a crime of violence. This approach is consistent with section 924(h) of the GCA, which makes it unlawful to transfer a firearm knowing it will be used to commit a crime of violence or drug trafficking crime.

In addition,

~~As an alternative,~~ the penalty provisions of the bill could be drafted to establish a tiered system of penalties based on the number of firearms involved in the offense. This system would impose more punishment on traffickers who put the greatest numbers of guns on the street. The following mandatory penalties are recommended:

<u>Numbers of Firearms</u>	<u>Penalty</u>
5-50	5 years
51-499	10 years
500-999	15 years
1000-2499	20 years
2500-4999	25 years
5000+	30 years

Another, simpler, alternative would be to amend section 924 of the GCA to provide a 10-year penalty for persons who engage in a firearms business without a license. This offense is currently punishable by 5 years imprisonment. The amendment should also include a direction to the Sentencing Commission to amend the sentencing guidelines to provide an appropriate enhancement for this offense. Increasing the penalty to 10 years would assist ATF in combating firearms trafficking by providing more stringent penalties for firearms traffickers.

Gun Kingpin - pull analysis

✓ 922(a)(1)(A)

922(a)(3)

922(a)(5)

✓ 922(a)(6)

922(g)

922(h)

✓ 922(i)

✓ 922(j) 922(k)

922(y) - RICO
✓ 922(b) predicate

inconsistent
w/ 2131 of S. 362 →

105TH CONGRESS
1ST SESSION

TORRECELLI, MISC.: # 3

To amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning.

Amendment to be introduced by
Senator Tor. cell.

To amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled.

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Gun Kingpin Penalt
5 Act".

6 SEC. 2. PROHIBITION AGAINST GUNRUNNING.

7 Section 922 of title 18, United States Code, as

8 amended by inserting after subsection (x) the following:

1 or transport, 5 or more firearms from a State into another
2 State during any period of 12 consecutive months, with
3 the intent to transfer all of such firearms to another per-
4 son who is not so licensed.”.

5 **SEC. 3. MANDATORY MINIMUM PENALTIES FOR CRIMES RE-**
6 **LATED TO GUNRUNNING.**

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8 amended by adding at the end the following:

9 “(p)(1)(A)(i) Whoever violates section 922(y) shall.
10 except as otherwise provided in this subsection, be impris-
11 oned not less than 3 years, and may be fined under this
12 title.

13 “(ii) In the case of a person’s second or subsequent
14 violation described in clause (i), the term of imprisonment
15 shall be not less than 5 years.

16 “(B) If a firearm which is shipped or transported in
17 violation of section 922(y) is used subsequently by the per-
18 son to whom shipped or transported, or by any person
19 within 3 years after the shipment or transportation, in an
20 offense in which a person is killed or suffers serious ^{//} bodily
21 injury, the term of imprisonment for the violation shall
22 be not less than 10 years.

23 “(C) If more than 50 firearms are the subject of a
24 violation of section 922(y), the term of imprisonment for

1 “(D) If more than 50 firearms are the subject of a
2 violation of section 922(y) and 1 of the firearms is used
3 subsequently by the person to whom shipped or trans-
4 ported, or by any person within 3 years after the shipment
5 or transportation, in an offense in which a person is killed
6 or suffers serious bodily injury, the term of imprisonment
7 for the violation shall be not less than 25 years.

8 “(2) Notwithstanding any other provision of law, the
9 court shall not impose a probationary sentence or suspend
10 the sentence of a person convicted of a violation of this
11 subsection, nor shall any term of imprisonment imposed
12 on a person under this subsection run concurrently with
13 any other term of imprisonment imposed on the person
14 by a court of the United States.”.

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22 to transfer of firearm to person from another State), or
23 section 922(a)(6) (relating to false statements made in ac-
24 quisition of firearm or ammunition from licensee). section

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2 of firearm or ammunition by a prohibited person), section
3 922(h) (relating to possession of firearm or ammunition
4 on behalf of a prohibited person), section 922(i) (relating
5 to transportation of stolen firearm or ammunition), sec-
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8 ceipt of firearm with altered serial number), section
9 922(y) (relating to gunrunning), section 924(b) (relating
10 to shipment or receipt of firearm for use in a crime),"
11 before "section 1028".

12 SEC. 5. ENFORCEMENT.

13 The Secretary of the Treasury may hire and employ
14 200 personnel, in addition to any personnel hired and em-
15 ployed by the Department of the Treasury under other
16 law, to enforce the amendments made by this Act, notwith-
17 standing any limitations imposed by or under the Federal
18 Workforce Restructuring Act.

⑤

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02/03/98 13:18 8

NEWS

CHARLES E. SCHUMER

9th Congressional District, N.Y.

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FOR RELEASE:

CONTACT:

FOR IMMEDIATE RELEASE

April 9, 1997

1628 Kings Highway
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(718) 627-8700CONTACT: Josh Cohen
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SCHUMER, DURBIN AND TORRICELLI RELEASE NATIONAL REPORT ON GUNRUNNING

- Mississippi and Florida are Top Sources for Criminals -

Congressman Charles E. Schumer (D-Brooklyn and Queens) today released a report showing where criminals buy their guns. The report, entitled "The War Between the States," revealed that gunrunners are taking advantage of state's with weak gun laws, making them the key source of guns for crimes in states with strong laws. He was joined by Senators Robert Torricelli (D-NJ) and Dick Durbin (D-IL).

"With this report we've shown once and for all that state gun laws work," Schumer said. "But at the same time, these laws are being undermined as gunrunners import guns from states with weak laws."

"For years we have suspected that many criminals get their guns from out-of-state," added Schumer. "Now we can prove it. And what's more, we can stop it. Its time to put these gun bazaars out of business."

The report ranks all states according to total gun exports in 1996, as well as a per capita ranking. The number one overall gun source for criminals was Florida. In the per capita ranking, Mississippi was number one. The report also analyzes several trends that highlight the problem of gunrunning.

"We call I-95 the Firearm Freeway because it's the main route for guns into New York," said Rep. Schumer. "Today, we see that New York is not alone. Whether it's a drive up the interstate or a trip to the state next door, the trend is clear: in states with tough gun laws, the criminal's best friend is the gun kingpin."

Schumer, Torricelli and Durbin also announced legislation that would increase the penalties for gun runners. The Gun Kingpin Penalty Act would:

- create a new federal crime of gunrunning and;
- establish tough new mandatory minimum penalties, from 3 years up to 25 years, for those convicted of gunrunning

"Its time for us to turn our attention to this new brand of criminal," said Schumer. "We need to make sure the gun kingpins' trip up the firearm freeway goes just one way -- to prison."

#

CHARLES E. SCHUMER
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COMMITTEES
JUDICIARY
BANKING AND
FINANCIAL SERVICES
WHIP-AT-LARGE

Congress of the United States

House of Representatives

Washington, DC 20515

COSPONSOR TWO BILLS TO CRACK DOWN ON GUNRUNNERS ENDORSED IN THIS MORNING'S N.Y. TIMES

April 30, 1997

Dear Colleague:

I wanted to bring to your attention an editorial from this morning's *New York Times*, endorsing two bills I have introduced to crack down on interstate gunrunning. As the editorial points out, they are modest measures that should have no impact on legitimate firearms users.

If you would like to cosponsor either of these bills, or you want more information, please have your staff call Bill McGeeveran in my office at 5-6616.

Sincerely,

Charles E. Schumer

Charles E. Schumer
Member of Congress

Deadly Commerce

Using data from the Federal Bureau of Alcohol, Tobacco and Firearms, a Congressional staff study has confirmed what many have long suspected. A large percentage of the guns used in crimes nationwide can be traced back to a handful of states with the weakest gun control laws. The study, prepared by the staff of Representative Charles Schumer, the Brooklyn Democrat, confirms the urgent need for a Federal crackdown on professional gun-runners and their deadly export business.

States like New York and New Jersey, which have strict handgun laws, are lucrative targets for gun-runners, who legally purchase several dozen cheap pistols in less restrictive states and then transport them to more restrictive states for resale on the black market. Just yesterday, for example, the Manhattan District Attorney, Robert Morgenthau, and New York City's Police Commissioner, Howard Safir, announced indictments against participants in a Harlem gun-running ring that purchased large quantities of handguns in Georgia and resold them at a huge profit to drug dealers and other criminals in New York. Of the traced guns used in crimes in New York and New Jersey in 1996, over three-quarters came from out of state. Four

states with the loosest gun-control laws — Florida, Georgia, South Carolina and Texas — accounted for fully a quarter of all guns seized in crimes nationwide in 1996 that were originally purchased outside the state where the crimes were committed.

A common-sense measure introduced last year by Mr. Schumer, and ignored by the Republican Congress, would limit a customer's gun purchases in any state to one a month. Tellingly, a 1995 study by Handgun Control Inc. showed a big drop in Virginia's share of the gun trafficking trade after it enacted a one-gun-a-month rule four years ago.

Together with two Democratic Senators, Robert Torricelli of New Jersey and Dick Durbin of Illinois, Representative Schumer has introduced another promising measure to stiffen the penalties for gun-runners, and to hold them responsible when a gun they smuggle is used to kill or seriously injure someone.

So far, there are no Republicans willing to cosponsor the bill. Yet it should appeal even to many gun-control opponents, who argue that instead of controlling guns Congress should concentrate on punishing gun crime. By cracking down on gun-runners, the new proposal would do exactly that.

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

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 STEVEN R. ROTHMAN, NEW JERSEY

January 27, 1998

John W. Magaw
 Director
 Bureau of Alcohol, Tobacco and Firearms
 650 Massachusetts Avenue, NW
 Washington, DC 20226

Dear John:

I am writing to urge you to consider undertaking a new data collection initiative that would give law enforcement officials and policymakers a more complete picture of the firearms dealer business. Specifically, I propose requiring each federally licenses firearms dealer to report to the Bureau annually the number of firearms purchased and sold by such dealer.

This policy would have a number of significant benefits. First, it would yield some basic data that would be enormously helpful to policymakers. For instance, at present BATF does not know how many firearms are sold in the U.S. each year (although you do estimate that figure using manufacturing, import and export data.) Nor do we have hard data as to regional variations in firearms sales.

Most important, the reports I propose would tell law enforcement officials -- including BATF licensee inspectors -- who the most active dealers are. This would help law enforcement agencies to allocate their resources most efficiently. The reports might also direct law enforcement to specific matters that bear investigation, particularly in conjunction with Project Lead. For example, if BATF traces two crime-involved guns to a particular firearms dealer in a year, but that dealer reports selling only 50 or 100 guns in that year, BATF or local law enforcement may well want to investigate.

I hope you will give this proposal serious consideration.

Sincerely,

Charles E. Schumer
 CHARLES E. SCHUMER
 Ranking Minority Member
 Subcommittee on Crime

WAR BETWEEN THE STATES:

How Gunrunners Smuggle Weapons Across America

April 9, 1997

SUMMARY OF "WAR BETWEEN THE STATES: HOW GUNRUNNERS SMUGGLE WEAPONS ACROSS AMERICA"

This report examines the deadly commerce practiced by interstate gunrunners. These profiteers legally buy weapons in a state with mild gun laws, and then sell them illegally in another state with tough rules.

When these smugglers load up their car trunks with piles of lethal merchandise, they transfer countless weapons from legitimate commerce to the black market -- and the guns often end up in criminals' hands.

A handful of states like Mississippi and Florida are typical shopping stops for the nation's gunrunners, who then sell the weapons in states like New York, New Jersey, and Illinois -- the losers in this deadly game of firearms smuggling.

The five worst offenders per capita are Mississippi, South Carolina, West Virginia, Nevada, and Kansas.

Several interstate highways are "firearm freeways" -- favorite smuggling routes for gunrunners. Illegally transported guns head north up I-95 from Florida, Georgia and South Carolina to New York, New Jersey and Massachusetts, or north from Mississippi along I-55 to Illinois.

This independent analysis of data on 1996 firearms traces makes several trends crystal clear:

- 1. GUNRUNNERS' BAZAARS:** Guns used in crimes are most likely to come from just a few states with relatively weak gun control laws. Just the top four states -- Florida, Texas, South Carolina, and Georgia -- account for a quarter of the traces. This trend is even more stark when analyzed based on population: several small states provide far more than their share of guns to criminals, and these states have particularly weak laws.
- 2. HOME SWEET HOME:** In states with strong gun laws, criminals obtain the majority of their guns from other states; in states with weaker gun laws, criminals obtain the majority of their guns locally.
- 3. ONE-WAY STREETS:** Illicit traffic along the "firearms freeways" moves only in one direction: from states with less gun control to those with more.
- 4. LOVE THY NEIGHBOR:** When neighboring states have different approaches to firearms regulation, the state with lax laws floods its stricter neighbor with guns that are used in crime.

These clear patterns show the urgent need for a nationwide effort to stop gun smuggling between states. In particular, Congressman Schumer is proposing tough new federal penalties for gunrunning crimes and increased resources for investigations of firearms trafficking.

FINDINGS: GUNRUNNING IS A NATIONAL PROBLEM

The tables that follow this page tell the story of a thriving illegal trade that crisscrosses the nation. The customers for this business are street gangs and murderers, drug dealers and muggers. The salespeople are interstate gunrunners who exploit the discrepancies in different states' gun laws to supply weapons on the black market. And the suppliers are states where gun laws get a failing grade.

TABLE 1: GUNS CROSSING STATE LINES

Table 1 shows how many guns sold in a particular state were traced to crimes in other states by the federal Bureau of Alcohol, Tobacco, and Firearms in 1996.

The table demonstrates how lopsided these figures are. The two states that provide the most guns to criminals in other states -- Florida (1,243) and Texas (1,068) -- account for almost 14% of all such traces, and the top four states account for a quarter. A majority of the out-of-state guns (54.2%) come from just the top ten states -- more than the other 40 states and Washington, DC combined.

Note that the numbers in Table 1 account for all guns recovered by law enforcement and traced, not all guns used in crimes. In reality, these states are selling far more guns to criminals than indicated on the table.

TABLE 2: GUNS CROSSING STATE LINES PER CAPITA

Table 2 adjusts for population, more clearly demonstrating the link between weak gun laws and the sale of guns used in other states' crimes.

The "export rate" shows how many guns were traced from crimes elsewhere per 100,000 state residents. In other words, for every 100,000 Mississippi residents, 29 guns were sold in Mississippi and traced to crimes in another state. For every 100,000 New Yorkers, 1.19 guns were sent to out-of-state criminals.

Each state was rated on how strongly its rules crack down on gunrunners' easy access to weapons. The ratings of state gun laws are explained more fully in an appendix. Overall, 27 of the states are rated "very weak" because they have no significant restrictions beyond those required under federal regulation, such as the Brady Law. Four of the states were rated "weak," four "moderate," six "strong," and ten "very strong."

By controlling for population, Table 2 underscores the dramatic impact of state gun laws on gun trafficking patterns. None of the top ten states on Table 2 had "strong" or "very strong" ratings. Six of the ten are "very weak."

Crime Guns Crossing State Lines - 1996

(State-by-State Breakdown of Guns Used In Out-of-State Crimes by Place of Origination)

Rank	State	Total Exports
1	Florida	1,243
2	Texas	1,068
3	South Carolina	992
4	Georgia	939
5	Virginia	924
6	California	828
7	Ohio	823
8	Mississippi	782
9	North Carolina	752
10	Indiana	665
11	Pennsylvania	632
12	Alabama	616
13	Arizona	487
14	Maryland	457
15	Kentucky	428
16	Illinois	399
17	Kansas	364
18	Louisiana	339
19	Tennessee	317
20	West Virginia	288
21	Arkansas	279
22	Oklahoma	262
23	Nevada	230
24	Wisconsin	224
25	Washington	223

Rank	State	Total Exports
26	Colorado	216
27	New York	215
28	Michigan	200
29	Missouri	165
30	New Mexico	162
31	Connecticut	134
32	Oregon	116
33	Minnesota	106
34	Iowa	99
35	Idaho	94
36	Massachusetts	90
37	New Hampshire	79
38	New Jersey	76
39	Delaware	74
40	Utah	69
41	Alaska	68
42	Maine	62
43	Montana	68
44	Nebraska	64
45	Vermont	46
46	South Dakota	46
47	Wyoming	31
48 (Tie)	District of Columbia	18
	Rhode Island	18
50 (Tie)	North Dakota	15
	Hawaii	15

U.S. Total Exports 16,663

Source: Bureau of Alcohol, Tobacco, and Firearms

Crime Guns Crossing State Lines - Per Capita - 1996

(Number of Guns Used in Out-of-State Crimes by Place of Origination Per 100,000 Residents)

Rank	State	Rating	Export Rate
1	Mississippi	VW	29.00
2	South Carolina	M	27.01
3	West Virginia	VW	15.65
4	Nevada	VW	15.03
5	Kansas	VW	14.19
6	Virginia	W	13.96
7	Georgia	VW	13.04
8	Alabama	M	12.13
9	Arizona	VW	11.65
10	Indiana	M	11.45
11	Alaska	VW	11.26
12	Arkansas	VW	11.23
13	Kentucky	VW	11.09
14	North Carolina	VS	10.45
15	Delaware	VW	10.32
16	Maryland	S	9.06
17	New Mexico	VW	9.02
18	Florida	VW	8.65
19	Idaho	VW	8.08
20	Oklahoma	VW	7.99
21	Vermont	VW	7.86
22	Louisiana	VW	7.81
23	Ohio	VW	7.38
24	New Hampshire	W	6.88
25	Montana	VW	6.67

Rank	State	Rating	Export Rate
26	Wyoming	VW	6.46
27	South Dakota	VW	6.17
28	Tennessee	W	6.03
29	Colorado	VW	5.76
30	Texas	VW	5.70
31	Maine	VW	5.00
32	Pennsylvania	M	4.41
33	Wisconsin	VW	4.37
34	Washington	W	4.11
35	Connecticut	VS	4.09
36	Oregon	VW	3.69
37	Utah	VW	3.54
38	Iowa	S	3.48
39	Illinois	VS	3.37
40	Nebraska	S	3.30
41	District of Columbia	VS	3.25
42	Missouri	S	2.91
43	California	S	2.62
44	North Dakota	VW	2.34
45	Minnesota	VS	2.30
46	Michigan	VS	2.09
47	Rhode Island	S	1.82
48	Massachusetts	VS	1.48
49	Hawaii	VS	1.26
50	New York	VS	1.19
51	New Jersey	VS	0.94

Source: Bureau of Alcohol, Tobacco and Firearms.

U.S. Average

6.33

Rating Legend: VS: Very Strong S: Strong M: Moderate W: Weak VW: Very Weak

TREND 1: GUNRUNNERS' BAZAARS

States with Weak Laws Supply the Bulk of Crime Guns

Many states with weak gun control laws are giant bazaars for gunrunners -- and those with tough laws sell very few guns used in other states' crimes. The medium-sized and large states that dominate the top of Table 1 are responsible for a vast proportion of the guns traced to crimes across the country.

- ** The top two states, Florida and Texas, supplied 14% of the guns traced to crime in other states. These two states along with South Carolina and Georgia account for a quarter of the traces.**
- ** A majority of the guns traced across state lines in 1996 (54.2%) came from just the top ten states -- more than the other 40 states and Washington, DC combined. Five of these states have gun laws rated "very weak" (Florida, Texas, Georgia, Ohio, and Mississippi).**
- ** In contrast, New York, New Jersey, Michigan and Minnesota, four very large states with strong gun laws, accounted for only 3.6% of those out-of-state guns.**
- ** Top-ranked Florida dealers sold about as many guns traced to crime in other states (1,243) as did ten other medium-sized or large states combined: New York (215), Michigan (200), Missouri (155), Connecticut (134), Oregon (116), Minnesota (106), Iowa (99), Massachusetts (90), New Jersey (75), and Nebraska (54).**

By controlling the data for population, Table 2 demonstrates how weak gun laws attract gunrunners. Analyzing the data on a per capita basis demonstrates that even quite small states can be mother lodes for gunrunners -- if their laws are accommodating.

- ** Adjusted for population, Mississippi supplied the most guns traced to other states' crimes. The explanation: except for some limitations on juveniles, Mississippi has no significant gun control laws of its own. Mississippi was closely followed as a gun-providing state by South Carolina, West Virginia, Nevada, and Kansas. Three of these four states have gun control laws just as weak as Mississippi.**
- ** On a per capita basis, the fewest out-of-state guns came from New Jersey, New York, Hawaii, Massachusetts, Rhode Island, Michigan, and Minnesota. All these states except Rhode Island were rated "very strong;" Rhode Island's laws are "strong."**
- ** A gun traced to crime is twenty-five times more likely per capita to come from Mississippi or South Carolina than from New York or New Jersey.**
- ** Although New York's population is seven times larger than Mississippi, Mississippi had three times more out-of-state traces than New York.**

TREND 2: HOME SWEET HOME
In States With Lax Laws, More Crime Guns Come From In-State

In states with weak gun laws, criminals can shop at their neighborhood gun store. By contrast, criminals in states with tough gun control laws must obtain out-of-state guns on the black market to perpetrate violent crimes.

- ** More than three quarters of the gun traces from crimes in South Carolina, Mississippi, Georgia, Florida, Kansas, Ohio and Texas lead back to dealers in the same state.**
- ** Less than one quarter of the guns traced from crimes in New York (23.5%), New Jersey (21.2%) were bought in these states, which have strict laws.**
- ** A majority (53%) of the crime guns traced to states with "very strong" laws were purchased out-of-state. There were 13,760 guns traced to crimes in these 10 states (New Jersey, New York, Hawaii, Massachusetts, Michigan, the District of Columbia, Illinois, Connecticut, and North Carolina).**
- ** Less than a quarter (23%) of the crime guns traced to states with "very weak" laws were purchased out-of-state. There were 15,046 guns traced to crimes in 26 of these states (data for West Virginia was incomplete and not included in this figure).**

TREND 3: ONE-WAY STREETS

"Firearm Freeways" Move In Only One Direction

The data shows how gunrunners use major interstate highways as their smuggling routes. It also shows how those routes move primarily in one direction -- from states with less stringent gun control to those with stricter rules.

**** I-95: The Most Travelled Highway in America Extends from Southern Florida to Northernmost Maine**

-- North Carolina, South Carolina, Georgia, and Florida -- the four southernmost states on I-95 -- were the source of 1,199 guns traced to crimes in the **nine northeast states from Pennsylvania to Maine**. These same nine northeastern states accounted for a total of just 64 guns traced to the four southeastern states -- 95% fewer.

-- 702 guns bought in South Carolina, Georgia, or Florida were traced to crimes in New York or New Jersey. On the other hand, just 11 guns bought in New York or New Jersey were traced to crimes in South Carolina, Georgia, or Florida.



-- Despite a distance of 1,200 miles, Florida was the largest supplier of out-of-state guns traced to crimes in Massachusetts (40 gun traces). In contrast, just three guns from Florida crimes came from Massachusetts. Georgia was the second biggest source for Massachusetts, sending 30 guns to the Bay State, while not a single trace from any Georgia crime led back to Massachusetts.

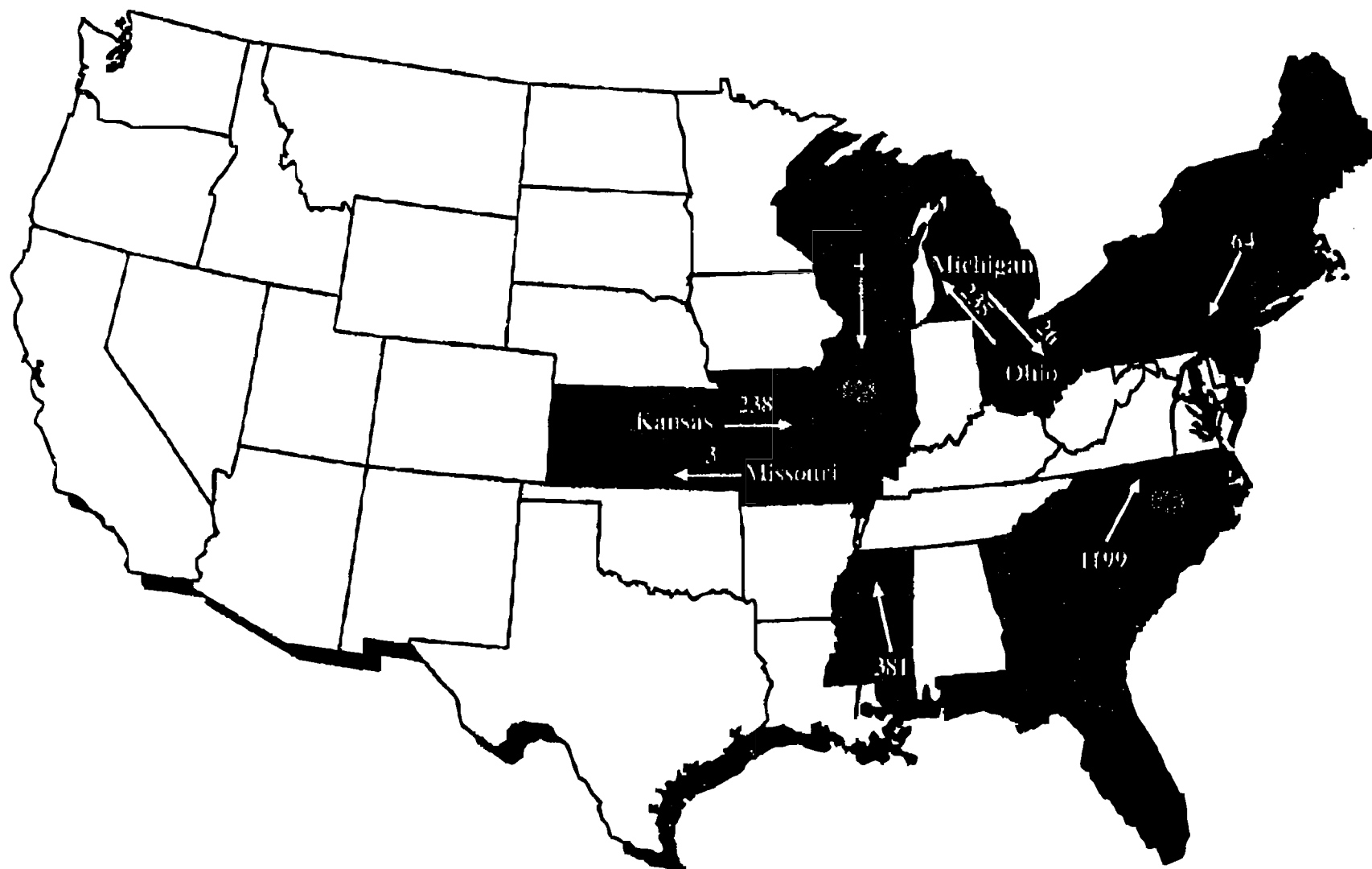
**** I-55: Beginning in New Orleans, I-55 Runs Alongside the Mississippi River to Jackson, Memphis and St. Louis before Veering East to Springfield and Chicago**

-- Mississippi is the top supplier of out-of-state guns to Illinois (306) and Wisconsin (75). Illinois and Wisconsin are home to only four guns traced to crime in Mississippi.

-- Of all the guns traced to Mississippi, there were more linked to crimes hundreds of miles away in Illinois (306) than at home in Mississippi (268).

-- Louisiana sold 89 guns traced to crimes in Illinois, Michigan, Missouri, and Wisconsin. These four states combined sent just six guns down to Louisiana.

Firearm Freeways : One Way Streets



Source: ATF data; 1996

TREND 4: LOVE THY NEIGHBOR
The Borders Between Some States are Hot Zones for Gunrunners

When a state with loose gun laws borders on one with stricter rules, the lax state floods the tough neighbor with firearms.

- ** Kansas:** Dealers in Kansas sold 238 guns that were traced to crime in Missouri. Missouri, which has a gun permit requirement rated "strong," sent only three crime guns back across the border to Kansas. 
- ** South Carolina:** Dealers in South Carolina sold 430 guns that were traced to crimes in North Carolina. North Carolina, which has much stricter gun control laws, is home to only two guns traced to crimes in South Carolina. 
- ** Ohio:** Ohio is perhaps the gunrunners' favorite northern state, spreading firearms to criminals throughout the region. Ohio sold 235 guns that went north to Michigan criminals, but only 26 traces went the other way from Michigan dealers to Ohio criminals. Similarly, Ohio was the source of 226 guns traced to crimes in Pennsylvania, Maryland, New York, New Jersey and the District. These five jurisdictions were the source of just 24 guns traced to crimes in Ohio.
- ** Indiana:** While 306 guns from Indiana were traced to crimes in Illinois, only 41 Illinois guns were traced to crimes in Indiana. Hoosier gun dealers also sold 50 guns traced from Wisconsin (which sent 22 to Indiana) and 77 to Michigan (which sent 17 to Indiana). 

NOTES ON SOURCES

This study analyzes the 47,068 guns which the federal Bureau of Alcohol, Tobacco and Firearms (ATF) traced to a final retail purchaser in 1996. ATF traces firearms at the request of law enforcement agencies; not all firearms seized in crimes are traced, and some are traced by local authorities rather than by ATF. ATF supplied raw data at Congressman Charles Schumer's request and did not contribute to the analysis contained in this report.

Of all the traces, 16,635 -- 35% -- were used in crimes outside of the state where they were bought. This subset was used for analysis on "out-of-state" guns.

Handgun Control, Inc. provided summaries of state laws on gun control, but bears no responsibility for the rankings. Supplementary information was obtained from law enforcement authorities or government offices in various states.

Population data was based on the 1995 Census as reported in the "Statistical Abstract of the United States."

APPENDIX: EVALUATION OF STATE GUN LAWS

This report rated state gun laws based on the presence or absence of several types of restrictions.

Since its enactment in February 1994, the Brady Law has stopped 186,000 felons and other prohibited persons from buying firearms. This vital improvement made it more difficult for criminals and gunrunners to get weapons anywhere in the country. Yet the Brady Law alone is not enough to stop the gunrunning trade. Other national laws are needed to spread the progress made by some of the "very strong" states to the entire country.

The description of each state's laws evaluates how far those rules go beyond the minimum Brady requirements.

It should be noted that these restrictions do not cover all "gun control" laws, but only those which reduce the ability of a gunrunner to obtain weapons legally in the state and transport them elsewhere. Many other laws, such as state assault weapons bans, juvenile possession restrictions, or child access prevention laws have negligible impact on gunrunners' purchases and were not evaluated.

Twenty-seven states are rated "very weak" because they do not have meaningful restrictions on gunrunning beyond the federal minimum.

The 14 states that are classified in the three middle categories (weak, moderate, or strong) have taken important initial steps to reduce a gunrunner's ability to buy weapons legally. States with several of these laws, or with especially strong versions, climbed higher within the three middle ranks.

These restrictions include:

Centralized records of sales: Under federal law, when a licensed dealer sells a firearm, the dealer retains a record of the sale. Some states have enacted laws requiring the dealers to forward a record of the sale to an agency of the state government. These centralized records make law enforcement against gunrunners easier. They also strongly discourage people who want to purchase guns without scrutiny.

Regulation of Secondary Sales: Many guns used in crimes are purchased in the "secondary market" -- at gun shows, for example, or through classified advertisements. Many of these smaller vendors are not regulated at the federal level because they are not obligated to hold federal licenses. Some states have enacted laws regulating these secondary sales, which closes a significant loophole used by gunrunners.

One Gun A Month Limitations: Three states have enacted provisions limiting an individual to one handgun purchase each month. By stopping the gunrunner from buying dozens of weapons at once, these laws are excellent ways to cut their supply lines. Because none of these laws were universally

enforced before 1994, however, many of the guns traced to crime in 1996 were acquired before the limits had any impact.

The ten states that fall in the category of "very strong" have tough "permit to purchase" laws -- essentially licensing of gun buyers. Many of these laws require fingerprinting, safety training, rigorous background checks, and even a mandatory update of the permit each time a new firearm is procured. Needless to say, these provisions crack down heavily on would-be gunrunners or other criminals trying to obtain firearms in these states.

• • •

ALABAMA: Sales records sent to state agency. Secondary sales regulated. **Moderate.**

ALASKA: No significant restrictions beyond Brady Law. **Very Weak.**

ARIZONA: No restrictions beyond Brady Law. **Very Weak.**

ARKANSAS: No restrictions beyond Brady Law. **Very Weak.**

CALIFORNIA: Ten day waiting period for all purchases. Secondary sales regulated. Sales records sent to state agency. **Strong.**

COLORADO: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

CONNECTICUT: Permit required for purchase, includes safety training. Secondary sales regulated. Fourteen day waiting period for primary and secondary purchases. Sales records sent to state agency. **Very Strong.**

DELAWARE: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

DISTRICT OF COLUMBIA: Permits required for all purchases. Registration of all firearms is required. **Very Strong.**

FLORIDA: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

GEORGIA: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

HAWAII: Permit required for purchase. Fifteen to twenty day waiting period for permit. Registration of all firearms is required. Secondary sales regulated. Firearms safety training course and fingerprinting also required. **Very Strong.**

IDAHO: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

ILLINOIS: Permit required for purchase. Waiting period of up to thirty day for permit and three additional days for each purchase. Secondary purchases regulated. **Very Strong.**

INDIANA: Sales records sent to state agency. Seven day waiting period for primary and secondary purchases. **Moderate.**

IOWA: Permit required for purchase. Secondary sales regulated. Three day waiting period to receive permit. **Strong.**

KANSAS: No restrictions beyond Brady Law. **Very Weak.**

KENTUCKY: No restrictions beyond Brady Law. **Very Weak.**

LOUISIANA: No restrictions beyond Brady Law. **Very Weak.**

MAINE: No significant restrictions beyond Brady Law. **Very Weak.**

MARYLAND: Sales records sent to state agency. Seven day waiting period for purchases. Secondary sales are regulated. One-handgun-per-month limit. **Strong.**

MASSACHUSETTS: Permit required for purchases. Up to thirty day waiting period to receive permits. Separate permit required for each gun purchased. Sales records sent to state agency. **Very Strong.**

MICHIGAN: Permit required for purchases and must be obtained in person at a law enforcement agency. Sales records sent to licensing authority. **Very Strong.**

MINNESOTA: Permit required for purchases. Seven day waiting period to receive permit. Secondary sales regulated and require five day waiting period. Sales records sent to state agency. **Very Strong.**

MISSISSIPPI: No restrictions beyond Brady Law. **Very Weak.**

MISSOURI: Permit required for purchases, obtained in person at a law enforcement agency. Seven day waiting period for permit. Secondary sales regulated. **Strong.**

MONTANA: No restrictions beyond Brady Law. **Very Weak.**

NEBRASKA: Permit required for purchases. Secondary sales regulated. **Strong.**

NEVADA: No restrictions beyond Brady Law. **Very Weak.**

NEW HAMPSHIRE: Sales records sent to state agency. **Weak.**

NEW JERSEY: Permit required for purchases. Up to a thirty day waiting period to receive permit. Separate permit required for each gun purchased. Sales records sent to state agency. **Very Strong.**

NEW MEXICO: No restrictions beyond Brady Law. **Very Weak.**

NEW YORK: Permit required for purchases. Permit generally updated for each purchase. Up to a six month waiting period for permit. Secondary sales regulated. Sales records sent to a state agency. **Very Strong.**

NORTH CAROLINA: Permit required for purchases. Up to a thirty day waiting period to receive permits. Separate permit required for each gun purchased. Sales records sent to a state agency. **Very Strong.**

NORTH DAKOTA: No restrictions beyond Brady Law. **Very Weak.**

OHIO: No restrictions beyond Brady Law. **Very Weak.**

OKLAHOMA: No restrictions beyond Brady Law. **Very Weak.**

OREGON: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

PENNSYLVANIA: Sales records sent to state agency. Secondary purchases require background check and must be made on dealer premises. **Moderate.**

RHODE ISLAND: Gun safety card required for purchases. Seven day waiting period. Secondary purchases regulated. **Strong.**

SOUTH CAROLINA: Secondary sales regulated. One-gun-per-month limit. **Moderate.**

SOUTH DAKOTA: No restrictions beyond Brady Law. **Very Weak.**

TENNESSEE: Secondary purchases regulated. Waiting period of up to fifteen days for primary and secondary purchases. **Weak.**

TEXAS: No restrictions beyond Brady Law. **Very Weak.**

UTAH: No restrictions beyond Brady Law. **Very Weak.**

VERMONT: No restrictions beyond Brady Law. **Very Weak.**

VIRGINIA: One-handgun-per-month limit. No other significant restrictions. **Weak.**

WASHINGTON: Sales records sent to state agency. **Weak.**

WEST VIRGINIA: No restrictions beyond Brady Law. **Very Weak.**

WISCONSIN: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

WYOMING: No restrictions beyond Brady Law. **Very Weak.**

A LOOK AT...

Small Arms Proliferation

AK-47s AND GRENADES are staples of modern warfare. How do they reach the killing fields—and what's being done to stop their spread?

The Legal Side of a Dirty Business

By LORA LUMPE

In two recent speeches, U.S. Secretary of State Madeleine Albright assailed the "unregulated and illegitimate sale" of small arms, ammunition and explosives to the world's trouble spots. Let's hope that her words—targeted at the U.N. Security Council, and a gathering of the International Rescue Committee—mark a shift in U.S. policy from its current focus on illicit firearms trafficking and crime that was embodied in a 1997 OAS convention to a broader concern about the weapons that are being shipped legally into "zones of conflict."

Such a shift is long overdue. "This dirty business," as Albright correctly describes the small-arms shipments, "fuels conflict, fortifies extremism and destabilizes entire regions. All of us whose nations sell such weapons, or through whose nations the traffic flows, bear some responsibility for turning a blind eye to the destruction they cause. And all of us have it in our power to do something in response."

Albright's words resonate for anyone familiar with the bloody civil wars being fought around the world today. Assault rifles, grenade launchers and portable rockets—the staples of such fighting—usually outlive their original purpose, and often the government or insurgent force to which they were sent. The biggest problem with the Clinton administration's current approach is its practice of continuing to ship arms in reaction to crises without considering the long-term uses of those weapons.

The United States allows for four principal

means of exporting small arms: government-negotiated sales of newly manufactured arms, known as "Foreign Military Sales" or FMS; free or low-cost transfers of surplus arms as part of U.S. military assistance programs; sales negotiated directly by an arms manufacturer or a middleman and regulated by the State Department; and government-run clandestine shipments. (Illegal exports, of course, constitute a fifth method.)

With the exception of covert arms, the government openly reports its small-arms shipments and the licenses it authorizes. A 1996 law requires the Pentagon to publish an annual report to Congress—"Section 655"—detailing all FMS deliveries as well as listing the excess military equipment it will give away. Since 1995, that list of giveaways has totaled more than 300,000 weapons, including:

- 158,000 M-16A1 assault rifles (principally to Bosnia, Israel and the Philippines).
- 124,815 M-14 rifles (principally to the Baltics and Taiwan).
- 26,780 pistols (principally to the Philippines, Morocco, Chile and Bahrain).
- 1,740 machine guns (principally to Morocco and Bosnia).
- 10,570 grenade launchers (principally to Bahrain, Egypt, Greece, Israel and Morocco).

Government-brokered deals are substantial, but the vast majority of small arms are exported from the United States through direct commercial sales negotiated between U.S. companies or brokers and foreign buyers (usually a foreign government, a corporation or individual who needs weapons for private security, or a gun vendor). In 1997 alone, the State Department authorized manufacturers to export \$460 million worth of small arms and ammunition.

Because other governments are not so open, it is impossible to rank the world's

leading sellers in the small-arms trade, but the sheer magnitude of U.S. licenses and sales strongly suggests that the United States dominates the market.

Of course, small arms are not only a staple of war and crime; they are also the principal symbol of state repression, used by police, internal security forces and allied militias to intimidate or kill dissidents. Nonetheless, through 1997, several of the countries that received small arms through U.S. surplus programs or commercial channels were already engaged in conflict or had lamentable human rights records.

And in Colombia, for instance, where more than 30,000 people have been killed in the past decade mostly by right-wing paramilitaries, the police and military forces received a fresh shipment of "emergency" small arms in 1997 to assist in the "war on drugs," as well as grenades, ammunition and assault rifles. Turkey, Morocco, Saudi Arabia, Israel and Egypt have all received similar shipments.

And the police and paramilitary in Turkey—who have been implicated in grievous human rights abuses against the country's Kurdish minority—carry U.S.-made assault rifles. In 1997, the State Department licensed the export of more than \$5 million worth of materials for the manufacture of ammunition, as well as hundreds of pistols and carbines.

There is some reason for optimism, though. Responding to congressional pressure in 1994, the Clinton administration announced a ban on the sale of small arms to Indonesia on human rights grounds. And a 1997 measure passed by Congress bars U.S. military aid and arms to abusive units within foreign militaries. But because the Pentagon and State Department often do not know which military or police units are using U.S.-supplied arms, the necessary

next step is to enact a "Code of Conduct" for all arms exports, establishing firm criteria for human rights and democracy before shipments are made.

What's more, the United States has little control over where many of these small arms end up. With the exception of some oversight from "Security Assistance Offices" located in U.S. embassies overseas, the United States does little follow-up to ensure weapons reach the intended hands. A 1994 congressional hearing revealed that from 1989 to 1993, the State Department approved 108 licenses for the export of more than \$34 million worth of small arms to Mexico, but performed only three inspections.

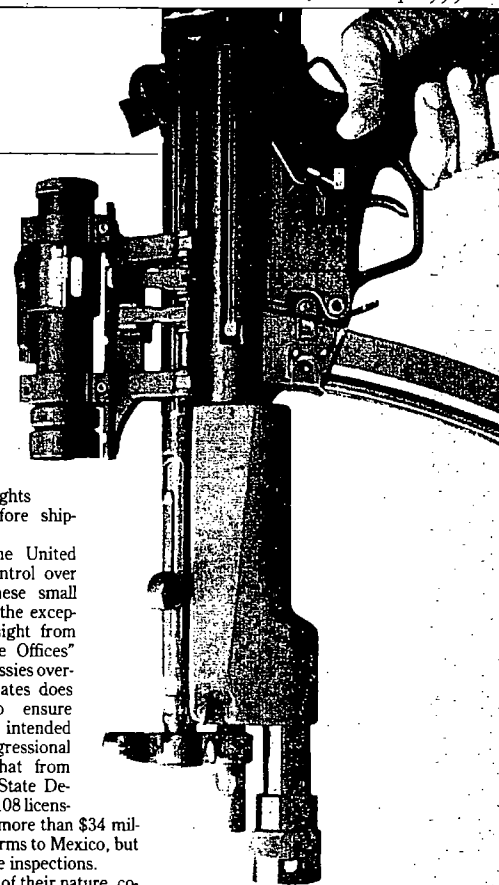
Precisely because of their nature, covertly supplied weapons feed directly into the global black market arms supply that Washington is most worried about. The United States engaged in covert operations throughout the Cold War, and the Reagan administration brought the practice to high art. An unforeseen and deadly consequence is that, today, Pakistan, Afghanistan, Angola and parts of Central America have become virtual arms bazaars.

Stinger missiles, for example, once shipped into Afghanistan by the CIA, have caused successive U.S. administrations continued heartburn. As Albright said, "We have learned from bitter experience that these weapons, which will fit in a ski bag, are very difficult to control once sold. They turn civilian airliners and humanitarian relief flights into easy targets."

The use of covert military supply opera-

tions may have diminished, but calls to destabilize the regimes in Iran and Iraq persist. What will be the long-term impact of the nearly \$100 million in military assistance that Congress recently authorized to propel the overthrow of Saddam Hussein?

Ultimately, this administration must decide whether it wants to continue to be a leader in small arms sales or, as Albright's words suggest, in efforts to reduce the suffering those arms cause. If that is the White House and State Department's true aim, they should take three steps: Curtail the arms flow to all zones of conflict; embargo small arms to repressive regimes; and end the covert supply of arms to insurgent forces. These measures would demonstrate that Albright's speeches were made of more than mere words.



The Illicit Gun Trade, Fanning Flames of Conflict

By KATHI AUSTIN

I nestled into my seat in the cockpit, assured by the crew that our illicit cargo was stored safely in the back of the aircraft. As the transport plane—an old turboprop Bristol Britannia—took off from the lakeside town of Kalemie in what was then eastern Zaire, the French-speaking copilot and the British engineer told me they were confident that our Belgian captain would be able to navigate the short runway. It was February 1995, and I was a human rights investigator on my way to look at a weapons depot near Kinshasa, the capital.

A few minutes after takeoff, the sole African member of the crew burst into the cockpit, a hazy, faint-blue cloud of gas trailing behind him. He immediately locked the cabin door against the dozen or so African "freeloaders" who had hitched a ride in the back. The engineer was already testing the oxygen masks to see which ones were working. The plane made a sweeping right-hand turn over the lake and headed back to Kalemie to attempt a perilous landing.

The sounds of the passengers beating their hands against the cockpit door grew fainter. Straining for breath after inhaling my share of oxygen in the front, I was not even conscious of touching down. Someone hurled me out the nose door and urged me to head toward the beach.

Later, I learned from the pilot that, instead of a cache of small arms, we had picked up containers of toxic chloride (probably meant to be dumped in Kinshasa) that had released a poisonous gas once the air pressure dropped.

For the next two days, while the plane aired out and family members collected their dead, the crew used the radio to search for a new client. We were soon airborne, with a mission to pick up weapons for delivery to the UNITA rebels in Angola.

The end of the Cold War brought with it an overall decline in arms transfers, but

there has been a rise in the flow of small arms to places such as sub-Saharan Africa, where brutal internal conflicts are being waged. Today, Africa is being "weaponized" by private arms networks, which often operate with the tacit support of foreign governments. In the world of geopolitics, the illegal arms trade is sometimes seen as an instrument of foreign policy, a way to keep the playing field level.

Arms traffickers working in the heart of Africa are renegades who may have cut their teeth on their government's clandestine Cold-War activities (such as in Angola or Afghanistan) or, in some cases, South Africa's apartheid government's destabilizing operations in that region. When governments end

their covert operations, the infrastructure of the front companies is often handed over—lock, stock and barrel—to their operators.

I learned firsthand about the illegal trade by spending time with the crew members of that old Britannia aircraft. They often collected weapons (along with fictitious end-user certificates) from countries of the former Soviet Union and Eastern Europe, shipped them through airports in places such as Ostende in Belgium or Burgas in Bulgaria, filed false flight plans to Cairo or Lagos, and "secretly" delivered their lethal cargoes to UNITA rebels in Angola and the Hutu perpetrators of the Rwandan genocide based in eastern Congo.

They carried with them maps and diagrams of clandestine airfields. They depended on their well-greased relations with rogue officials to ensure the secure off-loading of their merchandise. Fake manifests, which described their cargo as "farm machinery," were rarely, if ever, subject to inspections. Normally, traffickers are caught only if they fail to pay an expected bribe, if a disgruntled crew member snitches or if a plane crash exposes the weapons concealed in the hold.

Nowhere have these profiteers wreaked more havoc or caused more bloodshed than in eastern and central Africa. After four years of the essentially uncontrolled flow of small arms into Rwanda, Burundi, Uganda, the Democratic Republic of Congo (formerly Zaire), Congo-Brazzaville and Tanzania, more than 1.5 million people, mostly civilians, have been killed in army mutinies, ethnic slaughters, low-intensity conflicts and civil wars; another 6 million have fled their homes.

Yet little attention is paid to how weapons suppliers fan the flames of the region's conflicts. It is much easier to blame ancient tribal hatreds than the guns.

One gunrunner, Fred Keller, was a Cold Warrior during the days when the U.S. embassy in Zaire was America's third-largest. When I caught up with him at a cafe in Kinshasa nearly a year after the Rwandan genocide, he was wearing a black patch over his eye and acting the part of the cool operator. He graphically detailed how

he tried to use stolen traveler's checks to finance an arms delivery to the former Rwandan army based in U.N. refugee camps. He had no qualms about violating an international arms embargo, nor did he care that his clients were accused of perpetrating the Rwandan genocide. Later, when the U.N. International Commission of Inquiry repeatedly asked the U.S. embassies in Zaire and Kenya for information on Keller's whereabouts, the embassies declined to cooperate, citing laws protecting the privacy of U.S. citizens.

The United States is only one of the distant governments that wink at the arms traffic. Traffickers give foreign governments plausible deniability: Neither France nor the United States, for instance, wants to be caught providing direct military aid to client regimes or allies such as Burundi, who have committed egregious human rights abuses, or to countries known to have invaded their neighbors, such as Uganda and Rwanda.

The culpability of foreign governments is threefold: They may directly authorize the covert supply of weapons and ammunition or their shipment across their borders (acts of commission); they may turn a blind eye to their nationals who are engaged in illegal arms smuggling, military training and mercenary activity (acts of omission); or they may be lax in striking against illegality and corruption (neglect). In central Africa, not a single foreign gunrunner that I have come across has been imprisoned for violating international or local laws, arms embargoes or regional sanctions.

Foreign governments feed the myth that the region is so awash with weapons that no deterrent, monitoring or enforcement effort is worth the trouble. But there is little local production of small arms in Africa. Egypt and South Africa are the only significant weapons exporters—although there are some ammunition, land mine and gun-assembly plants in Tanzania, Uganda and Kenya. Weapons stocks and other military equipment come predominantly from Russia, Europe, China, South Africa, Egypt, North Korea, Israel and Iran.

Thanks to privatization and the new global order, competition is robust and small

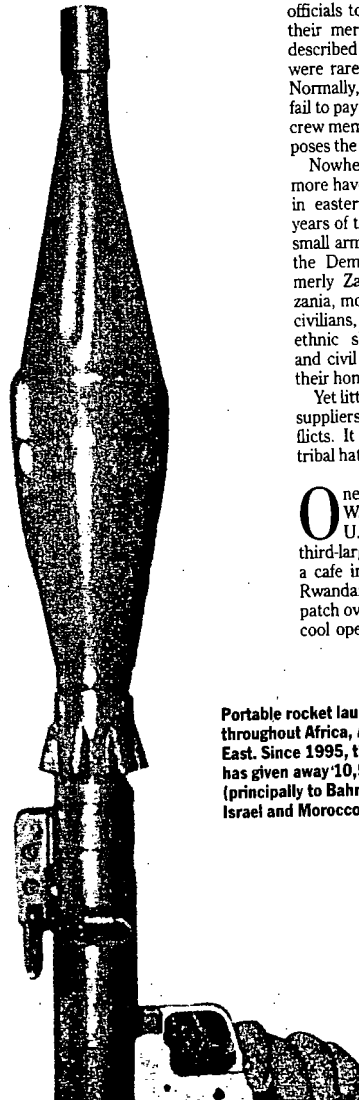
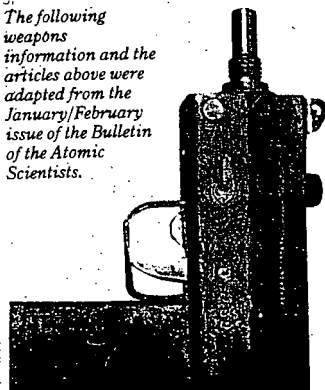
arms are cheap—a plus given the prevailing poverty in Africa. Cash is not required; guns can be bartered for coffee and tea, gemstones, gold or minerals. To fatten their profit margins, arms traffickers may simultaneously smuggle toxic wastes, endangered species, drugs, fuel—even used clothing, cigarettes and beer.

Everywhere now in central Africa groups of citizens want arms. One rural village leader told me, "If you give us guns, everyone from the village will join in a rebellion." But other civilians seek arms as their only hope for survival.

Then, too, there is a new generation of extremist military leaders and warlords. Logic dictates that those who can provide arms or security rise more quickly to the top. More moderate political leaders pursue the military option just to keep up.

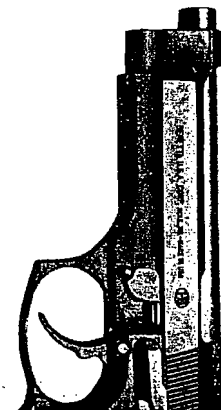
It is hard to point to any place on the world map that is more volatile than the heart of Africa, where genocide is likely to rear its ugly head again. As long as there isn't more international attention paid to arming arms suppliers or traffickers, peace negotiations and conflict resolution efforts will be rendered meaningless.

The following weapons information and the articles above were adapted from the January/February issue of the Bulletin of the Atomic Scientists.



Portable rocket launchers are in use throughout Africa, Asia and the Middle East. Since 1995, the U.S. government has given away 10,570 grenade launchers (principally to Bahrain, Egypt, Greece, Israel and Morocco).

Combat-style Belgian- and Italian-made pistols are used by the national armed forces of some 50 countries. Since 1995, the U.S. government has given away 26,780 pistols (chiefly to the Philippines, Morocco, Chile and Bahrain).



Thirty-five to 70 million AK-47s have been manufactured in 14 countries. From 1982 to 1987, the U.S. government shipped 4,800 M-16 assault rifles to Somalia alone.



PHOTOCOPY
PRESERVATION

Washington Post
1/24/99

George F. Will

Handguns and Hired Guns

Mayor Marc Morial says money is not the city's main objective as it collaborates with some trial lawyers in suing handgun manufacturers and other parties. Money had better not be the objective.

Ten manufacturers produce 90 percent of the handguns made domestically. The entire industry's annual gross from handgun sales, \$2 billion to \$3 billion, cannot provide much of a windfall—after the lawyers take their cuts—for the 50 or more cities that may soon be suing.

The cities say they are trying to recoup the costs of misuses of the manufacturers' products by individuals. However, although different litigating governments are relying on different theories, all the arguments assume something problematic—that private ownership of handguns is a determinable net cost to governments.

New Orleans' product liability suit against 15 manufacturers, three trade associations and several local pawnshops seeks damages for sales of guns that were "unreasonably dangerous." They supposedly were because they did not incorporate "recognition technologies"—e.g., firing mechanisms activated only by a particular set of fingerprints, or by a signal sent by a computer chip in a ring worn by the owner—that would prevent their use by children or by anyone other than the owner.

Morial says the suit is an incentive for manufacturers to produce a better product. He candidly says the reason the city is collaborating with trial lawyers working on a contingency-fee basis is that the city cannot afford to finance what may be protracted litigation. He is equally candid—probably to the discomfiture of the lawyers—in

saying it is difficult precisely to ascertain the supposed costs of gun use.

Morial's exasperation about the costs of gunshots—from emergency vehicles to emergency rooms to rehabilitative medicine—is understandable. So is Chicago's frustration about mayhem by individuals who buy handguns in suburbs that have less-restricted gun sales. Chicago's public nuisance suit against 22 manufacturers alleges that the suburbs are flooded with guns manufacturers intend to reach the city market. Supposedly the guns must be intended for that market because they are small and inexpensive.

Chicago is seeking \$433 million compensation for police and hospital costs ascribed to gun violence since 1994. But a University of Chicago law professor, John B. Lott, argues that Americans supplement police services and save municipalities large sums by using guns defensively against criminals 2 million times a year, 98 percent of the time just by brandishing guns.

What about the welfare of children, which is today's reason of first resort for advocates of government action? Considering that bicycles, space heaters, swimming pools and cigarette lighters each kill more children under 15 than are killed annually by gun accidents (200 in 1996), most of the approximately 80 million Americans who own 200 million to 240 million guns must be quite careful.

Some supporters of the gun suits hope to bankrupt, by litigation costs, gun manufacturers—makers of a legal product which only 16 percent of Americans favor banning. Thus the suits are weapons of those of anti-democrats who pursue social change by judicial fiat (litigation) rather

than persuasion (legislation).

The suits are extensions of the brazen cynicism of the tobacco suits, which have successfully asserted, falsely, that cigarette smoking costs government money. (Not only are cigarettes the world's most heavily taxed consumer good, governments also profit from smoking by the early deaths of smokers who do not collect medical and pension entitlements.)

The gun suits also mimic the tobacco suits in displacing responsibility. The tobacco companies are being held liable for consumers' foolish choices in using a legal product widely known to be harmful even when used properly. The gun manufacturers may be held liable for individuals' misuses of products that are supposed to be capable of inflicting harm, even death.

The suits are the most recent wrinkle in the pernicious practice of delegating the pursuit of public purposes to entrepreneurial trial lawyers, and the use of litigation to revise social policy and seize new sources of revenues for governments. However, there will be other wrinkles. Imagine:

New Orleans profits from casino gambling, as do other cities and states. Forty-seven states profit from lotteries or other forms of gambling. Perhaps soon some trial lawyers will gather some "addictive gamblers" and sue cities and states for the financial and other pain and suffering for which the cities and states are, (the suits will charge) responsible because they make gambling available and aggressively advertise to encourage gambling. Such suits will be condign punishment for governments that have improvidently subcontracted policymaking to trial lawyers.

Washington Post

1/24/99

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ATF Northeastern Report on Gun Trafficking
July 1, 1999

Q. What is the Northeastern report?

A. The Bureau of Alcohol, Tobacco and Firearms hired Northeastern University criminal justice computing experts to assist the agency in making the best use of its crime gun tracing system. This is the second report prepared by Northeastern for ATF. ATF asked Northeastern to determine how to use crime gun trace information to identify the most frequent sources of crime guns using crime gun trace data. ATF is developing this information in order to better focus its limited enforcement resources to target the most likely sources of crime guns.

Q. Do you plan to release this report?

A. This report was designed as an internal management tool for ATF to better focus enforcement resources. ATF will be releasing its own report that includes some of these findings by the fall.

Q. The article says that the Administration gun legislation does not address the most important problem: sales to criminals or straw purchases by licensed gun dealers. Is that so?

A. The Administration legislation does address the most important problems concerning illegal trafficking — through a number of legislative proposals.

Closing the gun show loophole is critical to reducing illegal trafficking.

First, as the articles states, the Northeastern report does not distinguish between guns sold by licensed dealers at their premises and at gun shows. Some of the FFLs identified in the report as associated with crime guns may indeed be selling at gun shows.

Second, and even more importantly, the Northeastern report only addresses crime guns recovered by law enforcement and traced by ATF. Crime guns bought at gun shows from unlicensed dealers *cannot* be traced to the gun show purchaser. These guns simply are not covered by the report's findings. The Senate-passed bill would require the documentation that would allow guns bought from unlicensed dealers at gun shows to be traced for the first time.

Third, the Administration legislation, the Youth Gun Crime Enforcement Act, does include a number of provisions to reduce illegal trafficking from gun shows, gun dealers, and straw purchasers. In addition to providing for Brady checks and tracing for gun show sales, the bill would: make it easier to prosecute straw purchasers, increase penalties on illegal traffickers including dealers, provide for

license suspension and civil fines for gun dealers who assist trafficking, and license revocation for dealers found guilty of trafficking, enable tracing of used guns, double ATF's Youth Crime Gun Interdiction Initiative, increase the number of ATF special agents, and limit handgun purchases to one a month.

Q. What do you think is new and significant about the report?

A. The report confirms what we have been saying for some time -- that there is an illegal market in firearms that supplies criminals and juveniles, and that much of that market is supplied from the retail level or very close to the retail level. This market is both in-state and interstate as documented in the last two years of Youth Crime Gun Interdiction Initiative reports. Our growing understanding of this illegal market is why we have been supporting the expansion of the ATF tracing system, and resources for ATF to go after not just crime gun users but also illegal traffickers.

Another significant aspect of the report is the fact that a much higher proportion of pawnbrokers are associated with crime guns than other licensed dealers. We simply cannot afford to allow new legislation that would exempt guns to be redeemed at pawnshops from Brady background checks.

Q. What is the significance of the fad guns identified in the report?

A. In its annual Youth Crime Gun Interdiction Initiative reports, ATF provides information on most frequently recovered crime guns by manufacturer and caliber by city. This allows law enforcement officials in those jurisdictions to target the illegal sources of these firearms.

Q. What is ATF doing about these dealers?

A. ATF commissioned this report precisely so that it could more effectively target its regulatory and criminal resources. We think ATF authorities and resources must be expanded to deal with this problem and that is reflected in the President's legislation.

Q. Do you support the Schumer bill?

A. The Administration's priority is to see the Congress pass the gun show legislation currently on the table. We are reviewing the Schumer bill and look forward to working with him on it.

National Report on Firearm Trace Analysis for 1996-1997

Submitted by,

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December 1998

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SECTION I: REPORT NARRATIVE

I. Firearms Availability and Violent Crime

Over the past two decades, a growing body of research has examined the impact of availability of weapons on the commission and outcome of violent crimes. The examples below describe the broad scope of this research, as previously reported in Pierce, Briggs, and Carlson (1995).

Some research suggests that the type of weapon used in violent confrontations alters the outcomes in several important ways (Cook and Moore 1995). A series of studies of assault and homicide incidents indicates that attacks with firearms lead to the death of the victim far more frequently than attacks using other types of weapons typically available to assailants (Zimring 1968, 1972; Block 1977; Vinson 1974).

The link between firearms use in violent crime and homicide has led to the call for a reduction in firearms availability. Several studies have supported the proposition that greater access to firearms tends to make assaults more lethal (Newton and Zimring 1969; Hedeboe 1985; Sloan et al. 1988). One study compared patterns of violent crime in two cities in the Pacific Northwest--Seattle, Washington and Vancouver, British Columbia (Sloan et al. 1988). These two cities, although similar in many ways, differed significantly in their approach to firearms control. In Vancouver, handguns are far more strictly controlled through a variety of regulations. The two cities also differ in the number of firearms available. Firearms are far more commonly owned by the residents of Seattle than those of Vancouver are.

The researchers also reported that the risk of death from homicide was higher in Seattle than in Vancouver (Sloan et al. 1988). The higher level of homicide in Seattle was explained almost entirely by the 4.8 times higher risk of being murdered by a handgun in Seattle versus Vancouver.

This research suggests that the level of firearms violence in a community may be related to the level of firearms ownership. In cities where firearms ownership is prevalent, research suggests that it will be easier for criminals to obtain firearms, not only through licensed dealers, but also from acquaintances, family members, drug dealers, theft, and black markets (Cook and Moore 1995). In addition, Cook (1979) notes that criminal offenders living in high availability cities might have a greater demand for firearms than offenders living in low availability cities due to their own need for self-protection.

Other issues important to the study of firearms availability include the intent of the criminal and the immediacy with which the firearm can be obtained. Reviewing fifteen years of research on the impact of firearm availability on assault and homicide, Cook concluded, "the likelihood of death from a serious assault is determined, inter alia, by the assailants intent and lethality of the weapon used. The type of weapon is especially important when intent is ambiguous. The fraction of homicides that can be viewed as deliberate (unambiguously intended) varies over time and space and is probably fairly small as a rule" (Cook 1983, 78).

Cook's observation is supported by earlier research conducted by Zimring (1972) who concluded that robbery murder is similar to robbery, and that assaultive homicide is similar to aggravated assault. Zimring's work suggests the outcome of a violent encounter can not be used as a consistent indicator of an offender's intent. Additional research supporting this finding is reported by Cook (1981) who found that the availability of firearms in communities appears to affect both the level of robbery with firearms and the level of robbery with homicide, but not the level of armed robbery. This pattern of violence associated with the availability of firearms has been persuasive as an instrumentality effect rather than changes in level of offenders' homicidal intent (Cook and Moore 1995).

Easy or immediate access to firearms may also have a direct effect on the incidence of firearm violence in the case of assault. Baker (1985) observes that in many cases of assault, assailants tend to reach for weapons that are readily available. Since firearms appear to be more deadly than most other types of weapons available to offenders, easy access to firearms could lead to higher levels of homicides. This is obvious in high firearm availability environments, in which assailants are more likely to assault their victims with firearms.

Availability may also be conceptualized in terms of the time, expense and other costs associated with obtaining a firearm (Cook and Moore 1995). Many firearms laws have attempted to strictly legislate their availability. The Bartley-Fox Amendment in Massachusetts enacted in 1975, called for a mandatory one-year prison sentence for anyone convicted of carrying an unlicensed firearm. A study conducted by Pierce and Bowers (1981) found that the short-term impact of the law was to reduce the number of robberies and assaults involving firearms. They also found a potential reduction in the deaths from robbery and assault because offenders may have substituted less lethal weapons for firearms. More recent research by Loftin et al (1993) in six cities found that independent of firearm availability, increasing the penalties for using a firearm in a crime led to a reduction in firearm-related homicides in all six cities.

II. Firearms Sales and Regulation

Over the past sixty years, a series of legislative acts have created a regulatory framework for the firearms industry in the United States. The Federal Firearms Act of 1938 "gave the Treasury Department control over a national licensing system incorporating firearms dealers, manufacturers, and importers" (Spitzer 1995). The low license fee for dealing in firearms has assisted in the popularity of the license. (The initial firearms dealer license fee of \$1.00, imposed in 1938, was increased to only \$10.00 thirty years later, through passage of the Gun Control Act of 1968.) There have been, in this present decade, at least as many as 284,000 federal firearms licensees (FFLs), whose business operations fall within the regulatory jurisdiction of the Bureau of Alcohol, Tobacco and Firearms (Spitzer 1995). Recent ATF figures indicate the FFL population reached an apex of approximately 287,000 in 1993.

Until 1994, firearms dealers were not required to provide ATF with responses to the vast majority of trace requests. Although the Crime Act of 1994 imposed this requirement (FFLs must now respond within 24-hours to a trace request), voluntary cooperation with ATF was the norm regarding firearms traces. However, there were exceptions, of course, which prompted this legislation. Those FFLs who are uncooperative in firearms trace requests now face sanctions. But more seriously, those licensed firearms dealers who ignore ATF regulations, or worse, commit criminal acts in the conduct of their firearms business, may oftentimes be central to the problem of illegal firearms trafficking. Their legal access to a supply of weapons can fuel a substantial stream of weapons into illegal markets.

In recognition of this, federal firearms dealer (FFL) licensing requirements were made more rigorous in 1993. The Federal Firearms License Reform Act of 1993 increased the initial application fee from \$10 to \$200. Applicant requirements were further revised by ATF in December 1993 and in September 1994, the requirements for applicant fingerprints and a photograph were made a statutory requirement by the Violent Crime Control and Law Enforcement Act. The total changes imposed upon FFL applicants include submission of fingerprints and photograph for the application, a face-to-face interview with an ATF Inspector, notification to the applicant's local chief law enforcement officer (CLEO) of the applicant's intent to conduct a firearms business, certification by the applicant of compliance with applicable state and local laws regarding their business, and the payment of a \$200 fee for a three-year license, and a renewal fee of \$90.00 (Kelly, 1997). These changes in the FFL licensing system have significantly reduced the numbers of federally licensed firearms dealers (see Table 1, below). The FFL population has decreased about 57 percent in during the past four years.

Table 1. Changes in the Population of Federally Licensed Firearms Dealers in the United States, 1993 to January 1998

Apex of FFL Population (1993)	FFL Population As of 1/3/1998	Total FFL Decrease	Total FFL Change
287,000	89,000	162,714	68%

The significance of this licensee reduction in regard to the monitoring the commerce of firearms is two-fold: (1) the regulatory assets of ATF will not be as thinly stretched in conducting compliance checks of FFLs, and (2) the tracing process will eventually be less burdened by these reduced numbers of potential FFLs who need to be contacted during the trace process. The OOB files will increase, but they are maintained at the National Tracing Center, and usually do not require further communications with the former dealer.

The Firearms Tracing System (FTS) For Crime Related Guns

The Bureau of Alcohol, Tobacco and Firearms, United States Treasury Department, is responsible for the enforcement of the Gun Control Act of 1968, as amended (GCA 1968). The Bureau established the National Tracing Center (NTC). The National Tracing Center is "the sole agency responsible for tracing firearms used in crimes and recovered at crime scenes" (Magaw 1994). Firearms tracing is described as "the systematic tracking of firearms from manufacturer to purchaser for the purpose of aiding law enforcement officials in identifying suspects involved in criminal violations, establishing stolen status, and proving ownership" (Bentsen 1994). The National Tracing Center is located in Falling Waters, West Virginia.

The National Tracing Center has developed and implemented a Firearms Trace System (FTS) to conduct traces of firearms. This development is a continuing process, and was initiated soon after passage of the GCA 1968. During this present decade, computer automation has facilitated the Bureau's Firearms Trace System. The FTS consists not only of a computer system, but also of Bureau employees. Many of these employees have years of experience in responding to police requests for firearms traces, in the identification of firearms, and in communications with federally licensed firearms manufacturers and dealers.

To initiate a trace, the requesting agency is required to furnish some detailed information to the National Tracing Center. This required that information clearly identified on ATF Form 7520.5, the National Tracing Center Trace Request Form.

A successful trace of a crime-related firearm generally requires that several conditions be met. First, the firearm must have a legible, identifiable, serial number. Firearms without a serial number cannot be traced. Once the firearm in question is properly described, personnel of the National Tracing Center may communicate a trace request to the firearm's manufacturer. The manufacturer is asked to provide information regarding the identification of the wholesale/retail distributor to which they sold the firearm in question, and the date of transfer. From that point on, the weapon is traced through all wholesale/retail distributor sales of the weapon. A trace is typically stopped at the point at which a weapon is for the first time sold to a private citizen. A firearms trace often goes beyond the point of final retail sale. However, that process usually requires special agent investigatory resources. This more extensive form of firearms trace is typically undertaken by the Bureau in cases of the most significant criminal investigations.

The National Tracing Center (NTC) relocated from its previous location in Landover, Maryland to Falling Waters, West Virginia during June, 1994. The new NTC facility was dedicated on June 6, 1994. Growing awareness of the importance of tracing in effective law enforcement operations regarding firearms-related violent crime prompted this move, in part. The new facility provided an environment for a continuing expansion of firearms tracing capabilities.

The use of firearms tracing assets of the NTC, and the efficiency of NTC trace operations has significantly increased since its relocation to the West Virginia facility. In calendar year 1993, the National Tracing Center responded to 54,195 requests for traces of crime guns submitted by law enforcement agencies. The average response time of the NTC was 13 days. Last year, 1997, the NTC received trace requests on approximately 195,000 crime-related guns. The average response time was reduced to 9.4 days.

The NTC is expected to trace approximately 200,000 crime guns annually by the year 1999 (Kelly, 1997). Table 2, below, provides information about the decade-long trend of increased utilization of NTC's trace resources by law enforcement agencies. These data were generated from the FTC system database. The figures are slightly different from those presented in previous ATF publications because we have excluded duplicate trace request data from these figures. The data presented in Table 2 represent the annual number of non-duplicate traces requested.

Table 2. Number of Firearms Traces Request FY 1991 to 1997

FISCAL YEAR	NUMBER OF TRACES
1991	42,141
1992	45,050
1993	54,195
1994	82,789
1995	76,675
1996	129,484
1997	183,104

Many municipal, county, state and federal, law enforcement agencies use the trace capabilities of the NTC during the course of a year. To a lesser extent, trace requests also originate from foreign governments and police agencies. International trace requests and NTC responses are channeled to the National Trace Center through the Bureau's International Firearms Enforcement Office.

In addition to tracing firearms used in crimes, the National Trace Center is also the repository for the records of federally licensed firearms manufacturers, wholesalers, and dealers (FFLs) who have gone out-of-business (OOB). This is an important NTC function, as more than half of all firearms traces require information from the Center's OOB files. The NTC houses, on microfilm and paper, over 85 million individual firearms transaction records of out-of-business dealers (Bentsen 1994).

The collection of FTS information concerning thousands of trace requests, and the NTC trace responses to those requests represents the core memory of the Firearms Trace System. This resource is central to the potential for identifying sources of illegal firearms trafficking.

The accumulation and storage of this information by the NTC represents a digitized record of firearms transfers for crime-related guns. Most of these firearms were traced to further a criminal investigation.

Importantly, the most frequent official Bureau contact with licensed firearms dealers, other than mailings of industry notices or license renewals, occurs through firearms trace requests. These contacts are recorded as data in the Firearms Trace System, and the development of certain patterns, over time, become valuable research data. Patterns of contacts and responses of FFLs to trace requests, and also patterns of purchasing, firearms recoveries, time intervals, etc., may be explored in order to determine whether there were identifiable sources of illegal firearms trafficking. Such patterns, utilized properly, may serve as potential indicators and predictors of criminal activity useful in violent crime control.

III. *Analysis of Crime Gun Sales and Purchasing*

Two major sets of information collected by the ATF formed the raw materials of this research. The first set was drawn from the Bureau's National Tracing System. The second set was drawn from the Bureau's database on Federal Firearms Licensees (FFLs), who are currently in business and also those FFLs who are now out of business (OOB). The analysis proceeded from an examination of the most general factors associated with firearm trafficking to an analysis of more discrete potential sources of illegal trafficking.

The information the Bureau collects on FFL dealers is primarily descriptive. Data on FFLs collected by ATF provide information on the current business status of a dealer, location information such as address, telephone number, and data on dealer ownership.

The Bureau collects a broad range of information on firearms associated with criminal activities during the tracing process conducted at ATF's National Tracing Center. Typically, a firearms trace is initiated either by a local or state law enforcement agency, a local ATF field office, or another Federal agency for a firearm which has been associated with some criminal activity.

A trace on a crime-related firearm generally involves the following scenario. First, the weapon must have a legible serial number. Weapons without serial numbers cannot be traced. Identifying information for weapons with serial numbers are sent to the manufacturer of the weapon. The manufacturer is asked to provide information on the wholesale/retail distributor to which they sold the firearm in question. From that point on, the weapon is traced through all wholesale and retail distributorship involved in the sale of the weapon. A trace is typically stopped at the point at which a weapon is for the first time sold to a private citizen. A firearms trace for a crime-related weapon can go beyond the point of the retail sale, in what is called an "end-to-end" trace. End-to-end traces are very expensive in terms of investigatory resources and are conducted by the Bureau in significant criminal investigations.

The type of information that the ATF collects on crime-related firearms in its National Tracing Systems include the following: (1) information on the manufacture, make, model and caliber of the firearm being traced; (2) data on the type of crime the firearm was associated with; (3) the date of the first sale of the firearm to a private citizens; (4) the date a trace was requested for the firearm (the date associated with requesting a firearm trace is typically very close to the time of the crime to which the firearm is associated); (5) information on the level of cooperation in providing data on the firearm by the FFL which sold or purchased the weapon in question; (6) information on the first private purchaser of a crime-related firearm and, finally (7) descriptive FFL information.

As the discussion above indicates, firearms trace requests are not always traced through to the first retail dealer who sold the weapon and/or the purchaser who actually first bought the weapon. As Table 1 indicates 26.0 percent of all trace requests for 1996 and 1997 were not completed because the weapon was too old to trace for criminal investigation purposes. 33.8 percent of the requests were traced to an individual purchaser and an additional 10.9 percent were traced to a dealer but not a purchaser.

An evolutionary process of using original data from ATF files, subsequent mergers, and the development of new variables and files, culminated in the creation of an integrated analytical database, as shown in Table 3, below.

Table 3. Final Status of Request in the Firearms Trace Process

Status	Percent	Number
Trace Request Only	26.0	81,325
Trace Initiated	29.3	91,560
Dealer Identified	10.9	34,155
Purchaser Identified	33.8	105,544
Total	100.0	312,584

Through examination of the manufactures' secondary analytical file, we examined potential patterns of firearms trafficking associated with FFLs. These included examination of the relations between potential prior business activity of an FFL and firearms traces to that prior business. The level of firearms traces to FFLs were examined as a potential indicator of possible firearms trafficking.

We also investigated the concept of "time-to-crime" of firearm traces in relation to FFLs, which provides another potential indicator of patterns in trafficking. Time-to-crime is defined as the span of time from a retailer's sale of a firearm to a private citizen to that point in time when a firearms trace is requested (from a law enforcement agency) regarding a firearm involved in a crime.

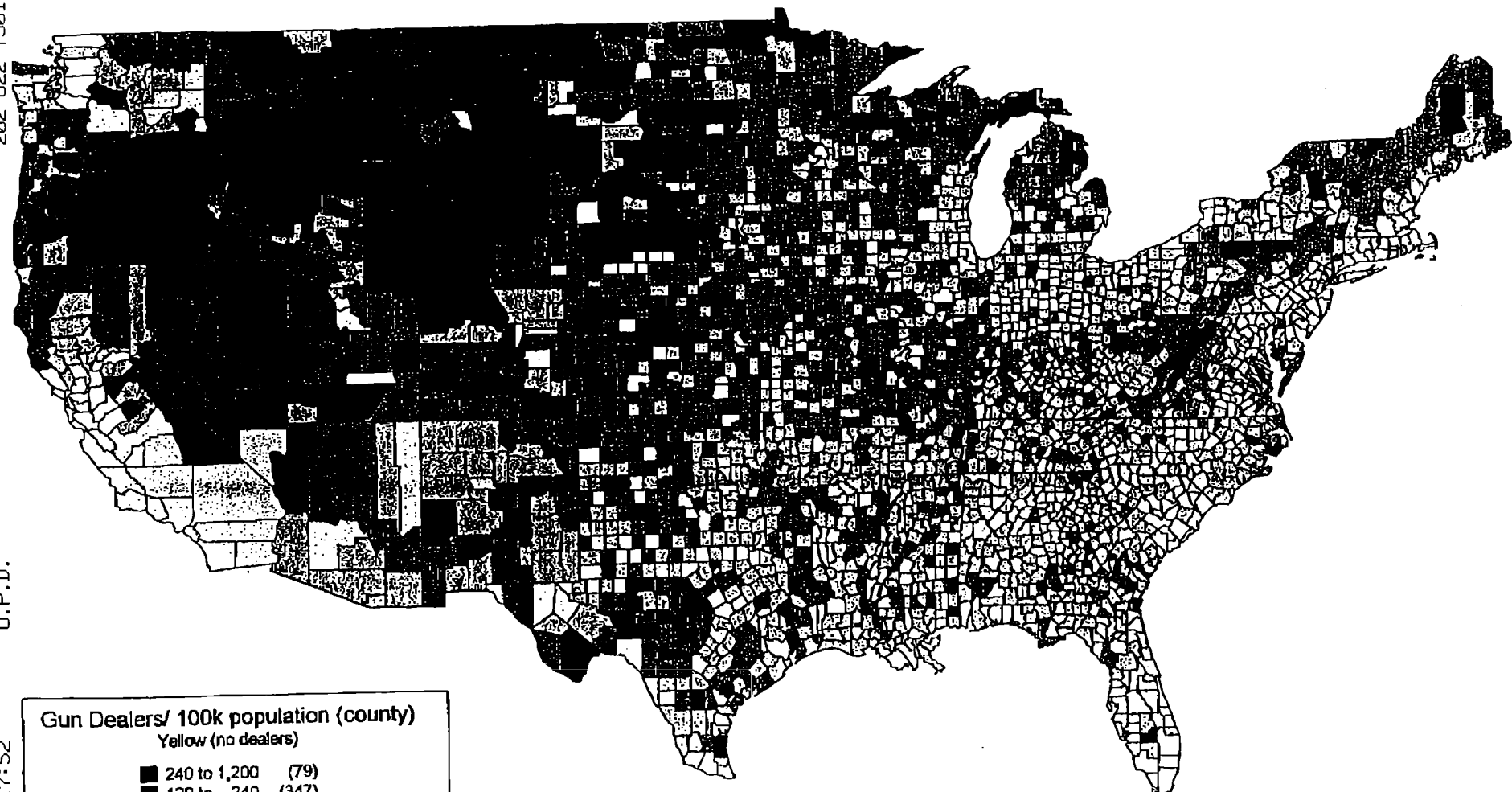
Identifying Potential Patterns of Trafficking

Identifying potential patterns of firearm trafficking represents a challenging task. A major challenge to this task is the still large number of federally licensed firearms dealers (FFLs). When Northeastern University first analyzed national trace data, in 1994, there were approximately 258,000 active FFLs and pawnbrokers in the United States. However, even though the population of FFLs has declined significantly since 1993 as of January 1998 there were still 89,000 FFLs and pawnbrokers. As of January 1998 there were 78,760 FFLs and another 10,043 pawnbrokers. (See Table 4). The significant number of businesses licensed to sell firearms presents challenges for both law enforcement investigators as well as regulators. Below we examine potential methods for allowing law enforcement officials to focus their efforts on the most likely sources of firearms trafficking.

Analysis of the Geographic Distribution of Federal Firearm Licensed Dealers

The geographic of these businesses is examined in the two maps of the United States presented below. The first map, FFL Concentration by County per 100,000 U.S. Residents, examines the geographic distribution of FFLs across counties controlling for county population. The distribution of federally firearms licensed dealers across the United States shows significance variation across counties. For example, on a per capita basis, 79 counties in the United States (out of a total of 3,141 counties in the entire United States) have over 240 FFLs per hundred thousand county residents. In contrast, 551 counties in the United States have under 30 FFLs per 100,000 residents. As this map indicates, the highest per capita concentration of FFLs appears to be in the Western and Mountain regions of the United States -- areas known for their hunting and outdoor activities.

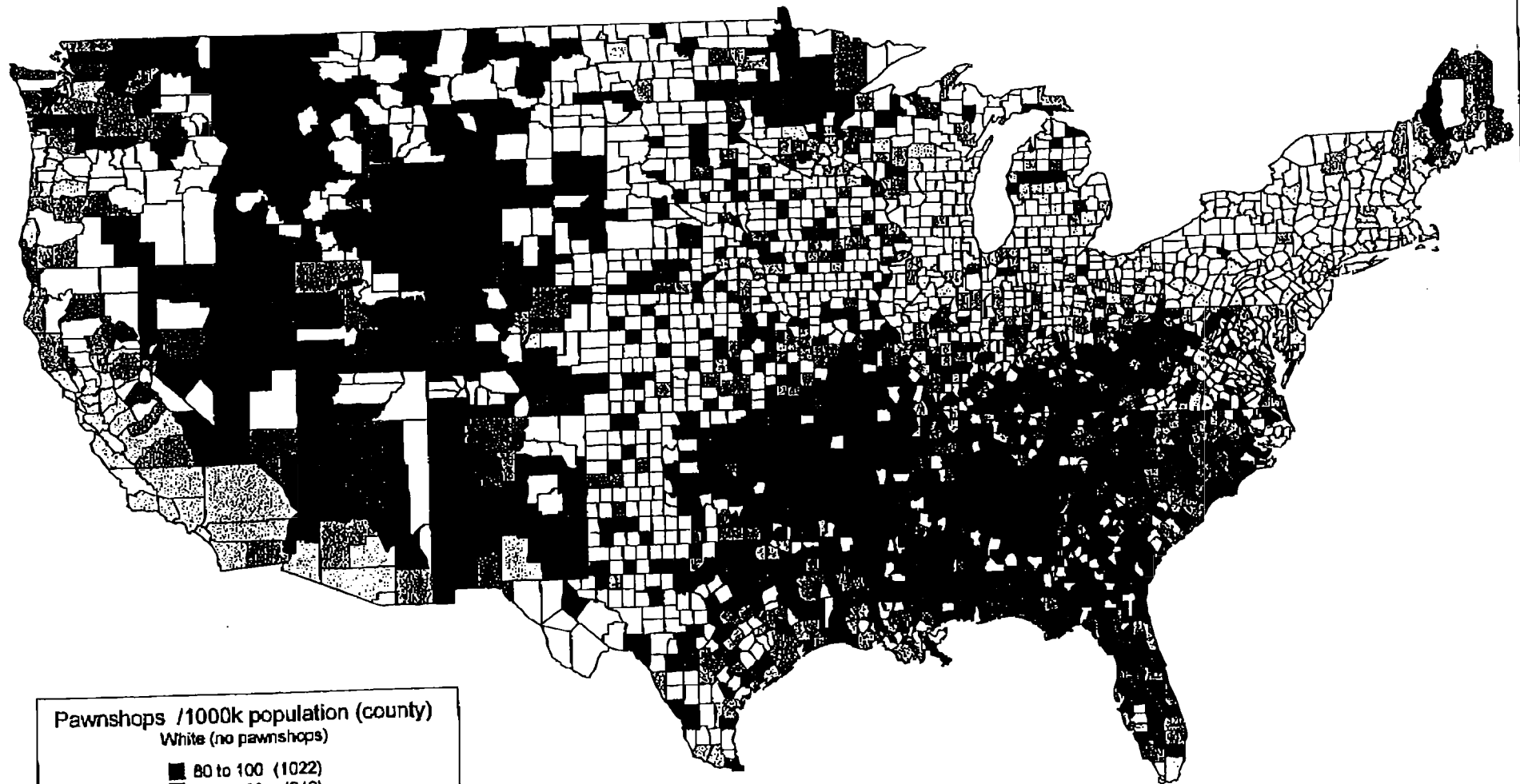
FFL Concentration by County per 100,000 U.S. Residents



Gun Dealers/ 100k population (county)
Yellow (no dealers)

■	240 to 1,200	(79)
■	120 to 240	(347)
■	60 to 120	(971)
■	30 to 60	(1114)
□	0 to 30	(551)

Pawnshop Concentration by County per 1,000,000 U.S. Residents



Pawnshops /1000k population (county)
White (no pawnshops)

- 80 to 100 (1022)
- 60 to 80 (242)
- 40 to 60 (231)
- 20 to 40 (215)
- 0 to 20 (163)

A different pattern emerges when we examine the distribution of pawnbrokers licensed to sell firearms across counties. The second map, Pawnshop Concentration per 1,000,000 U.S. Residents shows that the areas of the country with most significant concentrations of pawnshops licensed to sell firearms are the western/mountain states (as is the case with FFLs) and also the southern states. (The data for this table is standardized on the basis of 1 million residents, versus 100,000 for FFLs, because there are approximately one tenth as many pawnshops as FFLs.)

Characteristics of Crime Guns Associated with Firearms Trace Requests, 1996 and 1997

A potential resource for identifying patterns of firearms trafficking is the wealth of information collected by the National Tracing Center on crime gun related weapons. As noted, information includes data on type of dealer, characteristics of purchasers associated with crime guns, characteristics of possessors, the type of weapon as well as data on the criminal offense associated with the gun. Perhaps most importantly, however, is information on the time between when a gun was first sold to a purchaser and the time that it was subsequently recovered by a law enforcement agency. Table 4 presents information on the distribution of a subset of these characteristics.

Of the establishments licensed to sell firearms, Table 4 (Part A) shows that 88.7% are federal firearms licensed dealers (FFLs) while 11.3% are pawnbrokers who are also licensed to sell weapons. Not shown on the table are a very small number of dealers who are licensed only to sell antique weapons. Table 4 (Part B) shows that although only 11.3% of all licensed dealers were pawn brokers as of 1997, 20.9% of all crime guns traced back to licensed dealers were sold by pawnbrokers.

Of the demographic characteristics collected on both purchasers and possessors, age is perhaps the item of greatest interest because of its very strong association with violent crime. Parts C and D of Table 4 present the age distribution of purchasers traced to crime guns and crime gun possessors. As Table 4 indicates, 26.5% of purchasers associated with crime guns are 24 years of age or less and 61.8% are under 35 years of age. Individuals in possession of crime guns are somewhat more concentrated in the under 25 year age group as shown in Part C of Table 4. 39.5% of all crime gun purchasers are under 25 years of age (versus 26.5% for purchasers).

The great majority of weapons for which trace requests are submitted represent some form of handgun. Fully 75.4% of all trace requests are for automatic pistols or revolvers. Of these handguns, the largest proportion is some form of automatic pistol. Automatic pistols represent almost half of all trace requests (49.1%).

Firearms offenses represent the majority (66.8%) of all offenses associated with firearms traces. Narcotic related crimes account for the next largest, but far smaller, category of crime gun traces. This type of offense represented 10.2% of the requests in 1996 and 1997. The next largest category associated with crime guns is assaultive crimes of violence. Assaults represented 7.0% of all trace requests and homicides accounted for 4.9% of trace requests. The only other categories of crime that account for modest numbers of trace requests are vice related crimes (5.9%), burglary (2.3%), and robbery (2.2%).

Table 4: Characteristics of Crime Gun Purchasers and Possessors Associated with Trace Requests 1996/1997

	Percent	Number
A. Type of Dealer (Number of Dealers)		
Federal Firearms Licensed Dealer	88.7	78,760
Pawnbrokers	11.3	10,043
Total	100.0	88,803
B. Type of Dealer (Number of Guns Traced)		
Federal Firearms Licensed Dealer	79.1	105,497
Pawnbrokers	20.9	27,865
Total	100.0	133,362
C. Age of Purchasers		
< 18	0.0	27
18-24	26.5	26,517
25-34	35.3	35,280
35+	38.1	38,098
Total	100.0	99,922
D. Age of Possessors		
< 18	10.0	11,635
18-24	29.5	34,404
25-34	25.8	30,128
35+	34.8	40,618
Total	100.0	116,785
E. Type of Weapon		
Pistol	49.1	153,419
Revolver	26.3	82,127
Rifle	12.8	40,121
Shotgun	10.3	32,051
Other Gun	1.5	4,841
Total	100.0	312,559
F. Crime Types		
Firearms Offenses	66.8	208,939
Narcotics Crimes	10.2	31,913
Assaults/Threats	7.0	21,805
Vice Crimes	5.9	18,401
Homicide	4.9	15,462
Burglary/Theft/Fraud	2.3	7,076
Robbery	2.2	6,813
Sex Crimes	0.2	718
Arson/Explosives Crimes	0.2	710
Kidnapping	0.2	522
Other Crimes	0.1	225
Total	100.0	312,584

Time-to-crime represents a particularly important characteristic of firearms traces because it represents the best measure available to identify how long it takes a weapon to move from the primary retail market into unlawful activities. Importantly, relatively short time-to-crime may indicate that trafficking activities associated with crime guns are possibly occurring in close proximity to the retail sale and/or purchase. As Table 5 (Part A) shows, 21.7% of all traces have a time-to-crime of under one-year.

The relationship between crime gun purchasers and possessors represents additional potentially useful information available from NTC crime gun traces. Using NTC data on purchasers and possessors, we can estimate the proportion of crime gun purchasers who are the same individuals that are eventually found in possession of the crime gun. Conversely, we can also estimate the proportion of purchasers who are different from the individual ultimately found in possession of a crime gun. The algorithm used to identify whether purchasers and possessors are the same or different is based on the combination of the first two letters of an individual's last name, the month a person was born, and the year a person was born. If there is an exact match using this nine character identification code between a crime gun purchaser and a crime gun possessor we classified these individuals as being the same person. If there was not an exact match, we classified these individuals as being a different person. Using the above classification method, as Table 5 (Part B) shows, we estimate that 15.5% of crime gun purchasers were the same individual found in possession of the crime gun by a law enforcement officer.

The final characteristic of gun traces examined in this report is the distance between the location of the retail dealer associated with a crime gun and the location of where the same crime gun was recovered by law enforcement. Location is based on the centroid of the zip code in which the gun was sold or was recovered. (In the future, location of the recovery site will be based on the centroid of the recovery city. This will allow us to calculate distance for many more traces because currently zip code data is often not reported for recovery location while the recovery city is reported.) Distance is computed as the number of miles between these two central locations. We conceptualized this measure as distance to crime because it represents the distance between where a crime gun was first sold by a licensed dealer and the location of where the gun was recovered.

As Table 5 (Part C) indicates, 49.1% of all crime guns (for which location data is available) have a distance-to-crime of less than fifty miles and 24.3% of crime guns a distance-to-crime of more than 500 miles. This suggests that the distribution of crime guns along the dimension of distance is somewhat bimodal. That is, most guns seem to be recovered either within a relatively short distance from where they were first sold (i.e., within 50 miles) or they are recovered at a relatively great distance (i.e., more than 500 miles).

Table 5: Characteristics of Crime Gun Traces for Trace Requests 1997/1997

A. Time-to-Crime		
0-1 Years	21.7	22,835
2 Years	14.4	15,145
3 Years	13.5	14,226
4+ Years	50.4	52,945
Total	100.0	105,151
B. Relationship- Purchaser/Possessor		
Different Person	84.5	37,183
Same Person	15.5	6,800
Total	100.0	43,983
C. Distance Between First Retail Sale and Recovery Location		
<51 miles	49.1	17,844
51-100 miles	5.7	2,064
101-250 miles	9.5	3,457
251-500 miles	11.4	4,157
501+ miles	24.3	8,832
	100.0	36,354

The following section examines potential patterns associated with individual purchasers and possessors involved with crime guns as well as examine potential patterns associated with FFL dealers and pawnbrokers. Table 6 presents information on the distribution of time-to-crime by the age of a purchaser associated with a crime gun and also by the age of crime gun possessors. Interestingly, younger purchasers are more likely to be associated with short time-to-crime guns than their older counterparts. 29.6% of purchasers 18-24 years of age are associated with crime guns that have a time-to-crime of under one year versus 18.0% for purchasers who are 35 years of age or older.

A similar pattern holds true for crime gun possessors where 28.7% of crime gun possessors in the 18-24 year old group are associated with crime guns with time-to-crime under one year versus 16.8% for possessors 35 years old or older. However, only 17.1% of possessors under 18 years of age are connected to crime guns with a time-to-crime with less than one year. This pattern may arise because younger crime gun possessors may be more likely to be the recipients of less desirable later model guns than their older, better connected counterparts.

Table 8 examines the distribution of time-to-crime by the relationship between the purchaser and possessor. For these gun traces where the purchaser and possessor are different individuals, the distribution of time-to-crime looks similar to that for the overall sample. The percent of traces with a time-to-crime of less than one year is 19.7% for those cases where the purchaser and possessor of a crime gun are different persons. For those crime guns where the purchaser and possessor of the gun are identified as the same person, the distribution of time-to-crime is significantly different. Under these conditions, 42.0% of crime guns show a time-to-crime of less than one year.

Table 6. Time to Crime by Age of Purchaser

Time	18-24 Yrs.	25-34 Yrs.	35+ Yrs.	Total
0-1 Year	29.6	22.4	18.0	22.3
2 Years	15.6	14.3	14.1	14.6
3 Years	13.8	13.5	13.6	13.6
4+ Years	41.	50.8	54.3	49.6
Total	26,431	35,151	37,960	99,568

Table 7. Time to Crime by Age of Possessor

Time	Under 18	18-24 Yrs.	25-34 Yrs.	35+ Yrs.	Total
0-1 Year	17.1	28.7	22.8	16.8	22.5
2 Years	13.3	15.8	15.3	12.5	14.2
3 Years	12.9	13.8	14.3	11.7	13.3
4+ Years	56.8	42.8	47.6	59.0	50.0
Total	4,083	15,486	13,455	13,268	46,292

Table 8: Time-to-Crime by Purchaser/Possessor Relationship

Time	Different Purchaser/Possessor	Same Purchaser/Possessor	Total
0-1 Year	19.7	42.0	23.1
2 Years	13.8	17.5	14.4
3 Years	13.6	11.6	13.3
4+ Years	52.8	28.9	49.1
Total	37,044	6,746	43,790

The next portion of the analysis focuses on the indicators of firearms trafficking associated with FFL dealers and pawnbrokers. Table 9 presents information on the distribution of FFLs/pawnbrokers and the distribution of firearms traces, controlling for the number of traces to a given establishment. Table 9 reveals fairly dramatic differences in the distribution of firearms traces across FFLs. Indeed, as Part A, demonstrates 84.5% of all establishments licensed to sell firearms had no firearms traced back to them as the last retail seller. There is a modest difference, however, in this pattern between FFL dealers and pawnbrokers. For FFL dealers, 87% of all dealers had no crime-related firearm traced back to them as a last retail seller for trace requests in 1996 and 1997. Pawnbrokers, on the other hand, had only 64.9% with no traces associated with them for 1996 and 1997.

In sharp contrast to the large number of establishments with no crime gun firearms traced to them, a very small proportion of FFLs and pawnbrokers account for relatively large numbers of firearms requests. For FFL dealers alone (see Part B of Table 9), 75 dealers accounted for fully 26.9% of all traces to FFLs and .5% of all FFLs (389 dealers) accounted for 49.9% of all

traces to such an establishment. Pawnbrokers show a very similar and almost as extreme distribution. As Part C of Table 9 indicates, .1% (14) of all pawnbrokers accounted for 13.2% of the traces back to such establishments for trace requests during 1996 and 1997. Likewise, 1.1% or 115 pawnbrokers licensed to sell firearms accounted for 36.4% of all traces for crime guns to those establishments.

Table 10 presents information on the distribution of FFLs/pawnbrokers and the distribution of traces controlling for the *average* time-to-crime of guns traced to a gun dealer. For FFL dealers alone, Part B of Table 10 shows that 1.7% of all FFLs had a gun traced to them with an average time-to-crime of under one year. Table 10 (Part B) also shows that 5.8% of all FFLs had guns traced to them with an average time-to-crime of three years or less. These same FFLs accounted for 49.4% of all guns traced to FFLs. Table 10 (Part C) also presents data for pawnbrokers. Here we observe that 17.6% of all pawnbrokers had guns traced to them with an average time-to-crime of three years or less. These same dealers represented 60% of all the guns traced to pawnbrokers.

Table 11 combines information on the number of firearms traces associated with a given dealer as well as the average time-to-crime for those traces. Thus, for a given dealer, we have information regarding the number of guns traced back to that dealer for requests from 1996 and 1997. We also know the average time-to-crime for all of those traces for the given dealer. This allows us to categorize dealers by the number of traces connected to their establishment as well as the average time-to-crime for that set of traces. This becomes important because the National Tracing Center does not have a ready-made mechanism to identify the sales volume for particular dealers. This becomes a problem because some dealers that account for a very high number of traces may do so because they sell relatively large numbers of weapons. However, independent of a dealer's sales volume, if the traces that are associated with a given dealer also exhibit on average a fairly short time between their sale and when they are associated with unlawful activity, these dealers and/or purchasers associated with them may warrant inquiries from ATF investigators.

For analytic purposes, the question becomes: are there relatively modest numbers of dealers or pawnbrokers with a combination of large numbers of traces and average short time-to-crime for those traces that account for a disproportionate number of crime gun traces. If this pattern exists, it may warrant the allocation of investigatory resources because a small number of dealers with suspect trace patterns account for relatively large numbers of crime gun trace requests. The results presented in Table 11 appear to support this contention. Examining Part A of Table 11 indicates that 110 dealers with 50 or more traces connected to them and whose average time-to-crime is three years and under account for 19.9% of all firearms traced to dealers in 1996 and 1997. When we examine FFLs alone we find that 75 FFLs with 50 or more traces and an average time-to-crime of three years or under account for 20.8%. When pawnbrokers are examined, we find that 35 pawnbrokers account for 19% of all trace requests associated with pawnbrokers in 1996 and 1997.

IV. An Expanding Role for Firearms Tracing

The analyses presented here suggest that the role of firearms tracing is expanding. This observation is offered from a systemic perspective, supported by our exploration of the FTS database, and the associated development of indicators which may promise early detection of trafficking schemes. Our analysis of this expansion of the role of firearms tracing follows.

An Evolution of Trace Functions: Incident- to Pattern-driven

The role of firearms tracing in the United States is undergoing fairly rapid evolution this decade. We describe two functions embedded in this evolution: (1) the gathering of information in response to incident-initiated trace requests, and more recently, (2) pattern-initiated database mining for the purpose of identifying illicit trafficking operations. Such illegal operations, if identified, should incur increased vulnerability through the development of focused enforcement strategies and tactics.

The primary function of firearms tracing has traditionally been to reconstruct the history of a particular firearm, which has been associated with an incident requiring law enforcement intervention. A successful trace identifies not only where the firearm had been geographically, but also who had previously possessed it. These associations may have been with a commercial business, a governmental entity (such as a foreign army), or with an individual at any given step along its journey to a crime scene. Figure 2, below, is a flow chart of the incident-driven firearms trace process.

Typically, the traditional incident-driven firearms trace commences through police investigation of a crime in which a firearm is recovered. Through FAX, or mail or telephonic communications, the investigators submit a trace request to the National Tracing Center. NTC personnel contact the appropriate manufacturer of the firearms and attempt to determine the path of the firearm through other licensees, on the wholesale and the retail levels. This information is relayed back to the requesting party, often to further a criminal investigation, which in turn may lead to the apprehension of one or several suspects. The possible scenarios range from one crime-one firearm-one suspect to multiple crimes-multiple firearms-multiple suspects. However, these trace and investigative scenarios have one thing in common: they are initiated by incidents, which require police response.

The traditional, incident-driven trace holds great utility in uncovering leads regarding contemporary crimes, potential witnesses, and other evidence about who may have some association with a crime in question. A firearms trace may also provide investigative leads resulting in the disclosure of crimes which had been previously undetected. In addition, it is foreseeable that this function of a firearms trace could potentially provide investigators with evidence which would remove the onus of suspicion surrounding the role of a particular suspect. In short, the generally understood function of firearms tracing is to provide authorized investigators with historical information about a specific weapon.

While the traditional, incident-driven function of firearms tracing remains very important to the success of criminal investigations, the potential of firearms tracing has only recently started to emerge. The potential role of firearms tracing in violent crime reduction resides in the development of predictive indicators, which identify emerging trafficking schemes at an early stage in their life cycles, before they mature. This new role of firearms tracing is "pattern-driven." It provides for opportunities for intervention on the supply side of illegal firearms markets, through identification of patterns developed in aggregates of traces. Such intervention could reduce further trafficking opportunities and associated violent crime.

Here we observe that similarly with traditional incident-driven firearms trace investigations, incidents remain important, but in pattern-initiated trace investigations, it is their aggregate of information, that is, 1.... n, which provides the basis for further investigation. The same is true of the description of firearms. Instead of dealing with one or relatively few incidents and firearms, the pattern-initiated trace investigation considers hundreds if not thousands of incidents and firearms.

This analysis suggests that successful future data mining within the FTS database, which is central to the continued expansion of the role of firearms tracing in violent crime prevention, will require additional support in four areas: (1) the further development of predictive indicators, (2) attention to quality control of trace source information, (3) trace data mining management, and (4) relevant training for law enforcement practitioners and staff. One might think that the latter two support functions will be the most difficult to improve. However, the first two support functions may offer the greater challenges.

V. Conclusion

Research concerning the ATF Firearms Trace System, conducted at Northeastern University, represents the initial stage of comprehensive work of the total system. The work at Northeastern University approached trace analysis from a national, versus local perspective; it utilized the totality of the Bureau's trace information

Other potential indicators of illicit firearms trafficking that we wish to examine in the future are patterns of partially or completely obliterated serial numbers of firearms, multiple sales of firearms to individuals in which there are relatively short times to crime, and patterns of weapons thefts from FFLs.

The potential of indicators in reducing trafficking and related violent crime may however, best be seen from not close up, but rather from afar. We suggest that the vantage point of problem-oriented policing is most appropriate for understanding the significance of the transition from incident-driven to pattern-driven firearms trace investigations of illegal trafficking. The concept of problem-oriented policing originated nearly 30 years ago with Herman Goldstein (Cox, 1996). Goldstein noted that officers assigned to crime prevention patrol and rapid response units were left with hours of unstructured patrol. Problem-oriented policing involves looking at the history of and underlying causes of specific problems (Pierce et al, 1988). Such policing represents a dramatic shift from traditional, incident-driven policing. For in problem-oriented policing, patterns of incidents represent problems that become the basic unit of police work (Toch and Grant, 1991). We subscribe to this understanding. The potential of firearms tracing in reducing trafficking and violent crime, as in police work in general, resides in the unraveling of a pattern of problems, and the opening of a path to their solution

Table 9: Distribution of Firearms Dealers and the Distribution of Traces Controlling for the Number of Traces to a Given Dealer (1996/1997)

A. FFL's and Pawnbrokers

<u>Number of Traces to a Dealer</u>	<u>Percent of Total Dealers</u>	<u>Number of Dealers</u>	<u>Percent of Traces</u>	<u>Number of Traces</u>
0	84.5	75,856	0.0	0
1	7.2	6,494	8.3	6,494
2 - 4	4.9	4,426	14.9	11,670
5 - 9	1.8	1,579	13.1	10,227
10-24	1.0	912	17.2	13,504
25-99	0.5	415	23.1	18,075
100+	0.1	89	23.4	18,337
Total	100.0	89,771	100.0	78,307

B. FFL's

<u>Number of Traces to a FFL</u>	<u>Percent of Total Dealers</u>	<u>Number of Dealers</u>	<u>Percent of Traces</u>	<u>Number of Traces</u>
0	87.0	69,256	0.0	0
1	6.5	5,158	8.8	5,156
2 - 4	4.0	3,161	14.1	8,244
5 - 9	1.3	1,016	11.3	6,590
10-24	0.7	624	15.9	9,367
25-99	0.4	314	23.0	13,488
100+	0.1	75	26.9	15,728
Total	100.0	79,602	100.0	58,573

C. Pawnbroker

<u>Number of Traces to a Pawnbroker</u>	<u>Percent of Total Dealers</u>	<u>Number of Dealers</u>	<u>Percent of Traces</u>	<u>Number of Traces</u>
0	64.9	6,600	0.0	0
1	13.2	1,338	6.8	1,338
2 - 4	12.4	1,265	17.4	3,426
5 - 9	5.5	563	18.4	3,637
10-24	2.9	288	21.0	4,137
25-99	1.0	101	23.2	4,587
100+	0.1	14	13.2	2,609
Total	100.0	10,169	100.0	19,734

Table 10: Distribution of Firearms Dealers and the Distribution of Traces Controlling for the Average Time-to-Crime of all Traces to a Given Dealer (1996/1997)

A. All Dealers (FFL's and Pawnbrokers)

<u>Time to Crime for a Dealer</u>	<u>Percent of Dealers</u>	<u>Number of Dealers</u>	<u>Percent of Traces</u>	<u>Number of Traces</u>
0	85.4	75,856	0.0	0
1 year	1.9	1,743	6.8	5,218
2 years	2.4	2,104	18.6	14,292
3 years	2.8	2,464	26.7	20,483
4+ years	7.5	6,636	47.9	36,803
Total	100.0	88,803	100.0	76,796

B.FFL Dealers

<u>Time to Crime for a FFL</u>	<u>Percent of Dealers</u>	<u>Number of Dealers</u>	<u>Percent of Traces</u>	<u>Number of Traces</u>
0	87.9	69,256	0.0	0
1 year	1.7	1,283	5.8	3,313
2 years	1.9	1,531	18.0	10,289
3 years	2.2	1,702	25.6	14,639
4+ years	6.3	4,988	50.6	28,965
Total	100.0	78,760	100.0	57,206

**C.
Pawnbrokers**

<u>Time to Crime for a Pawnbroker</u>	<u>Percent of Dealers</u>	<u>Number of Dealers</u>	<u>Percent of Traces</u>	<u>Number of Traces</u>
0	65.7	6,600	0.0	0
1 year	4.6	460	9.7	1,905
2 years	5.7	573	20.4	4,003
3 years	7.6	762	29.9	5,844
4+ years	16.4	1,648	40.0	7,838
Total	100.0	10,043	100.0	19,590

**Table 11: Distribution of Firearms Dealers and Distribution of Firearms Traces
Controlling for both the Number of Traces to a Dealer and the Average Time-to-Crime of
Traces to that Dealer (1996/1997)**

**A. All Dealers (FFL's and
Pawnbrokers)**

Av. Time to Crime	Number of Traces to a Dealer			
	<u>1-24</u>	<u>25-49</u>	<u>50-99</u>	<u>100+</u>
0-3 years				
% tot dealers	6.8	.2	.1	.1
(N)	(6,056)	(145)	(62)	(48)
% tot traces	25.8	6.4	5.6	14.3
(N)	(19,822)	(4,918)	(4,302)	(10,951)
4+ years				
% tot dealers	7.2	.2	.1	>.1
(N)	(6,396)	(152)	(53)	(41)
% tot traces	26.9	6.5	4.9	9.6
(N)	(20,684)	(4,993)	(3,740)	(7,386)
Total Dealers				88,803
Total Traces				76,796

B. FFL Dealers

Av. Time to Crime	Number of Traces to a Dealer			
	<u>1-24</u>	<u>25-49</u>	<u>50-99</u>	<u>100+</u>
0-3 years				
% tot FFLs	5.5	.1	>.1	>.1
(N)	(4,339)	(102)	(38)	(37)
% tot traces	23.4	6.1	4.5	15.4
(N)	(13,371)	(3,518)	(2,568)	(8,784)
4+ years				
% tot FFLs	6.1	.2	.1	>.1
(N)	(4,779)	(126)	(45)	(38)
% tot traces	25.8	7.2	5.5	12.1
(N)	(14,741)	(4,144)	(3,136)	(6,944)
Total FFLs				78,760
Total Traces				57,206

C. Pawnbrokers

<u>Average Time to Crime</u>	<u>Number of Traces to a Dealer</u>				
	<u>1-24</u>	<u>25-49</u>	<u>50-99</u>	<u>100+</u>	
0-3 years					
% tot pawnbrks (N)	17.1 (17,017)	.4 (43)	.2 (24)	.1 (11)	
% tot traces (N)	32.9 (6,451)	7.1 (1,400)	8.9 (1,734)	11.1 (2,161)	
4+ years					
% tot pawnbrks (N)	16.0 (1,611)	.3 (26)	.1 (8)	>.1 (3)	
% tot traces (N)	30.3 (5,943)	4.3 (849)	3.1 (604)	2.3 (442)	
Total Pawnbrokers					10,043
Total Traces					19,590

SECTION II:
CROSS STATE REPORTS

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SECTION III

State Specific Analyses

A. Most Frequently Traced Firearms

This report depicts the most frequently recovered and traced firearms by firearms type, manufacturer and caliber.

B. Crime Types Most Frequently Associated with Firearms

This report depicts the crimes most frequently associated with firearms recovered by each jurisdiction and traced by the National Tracing Center.

C. Time-to-Crime for Most Frequently Recovered Firearms

This report depicts the time-to-crime (the period of time between their sale by a Federal firearms licensee [FFL] and their recovery in a crime) for the most frequently recovered firearms. A short time-to-crime rate can be an indicator of illicit activity.

D. Most Frequent Firearms Source Areas

This report depicts the most frequent geographic source areas for recovered and traced firearms.

E. Recovered Firearms with the Shortest Time-to-Crime

This report depicts the time-to-crime (the period of time between their sale by a Federal firearms licensee [FFL] and their recovery in a crime) for the most frequently recovered firearms. A short time-to-crime rate can be an indicator of illicit activity.

Criminals easily get new guns

Corrupt dealers,
middlemen to blame,
says federal study

'Trafficking going on'

Crime data show fast
turnaround from legal
sale to illegal use

By PETER HERMANN
SUN STAFF

Exploding a long-held myth about stolen guns and the violent street culture they spawn, a new federal study reveals that a large number of guns seized in Baltimore and other cities are bought legally and quickly sold to criminals.

The Bureau of Alcohol, Tobacco and Firearms said its findings show that criminals do not have to forage for stolen, older-model guns. Rather, with the acquiescence of corrupt gun dealers, middlemen help criminals obtain new firearms without having to pay higher street-level prices.

Police said the review of 76,280 guns seized last year at crime scenes in 27 cities from Boston to Los Angeles found that up to 40 percent of the weapons had been purchased from a gun shop within the previous three years.

Firearms seized

Guns seized by police from
Aug. 1, 1997, to July 31, 1998.

New York

8,437

Atlanta

4,321

Detroit

3,984

Baltimore

3,717

Washington, D.C.

3,292

Los Angeles

2,291

Richmond

2,030

Cleveland

1,603

Boston

451

SOURCE: Bureau
of Alcohol, Tobacco
and Firearms

DOUG STEVENS : SUN STAFF

The quick turnaround from legal purchase to illegal use "is a big indicator that there is trafficking going on," said Special Agent Michael Campbell of Baltimore's ATF office.

He said the study could result in a crackdown on gun dealers and straw purchasers — people with no criminal records who buy guns and sell them to felons who are barred from buying or owning guns and are unable to pass state and

Criminals

federal background checks.

The ATF found that 36 percent of the guns illegally used by juveniles and half the guns used in crimes by adults ages 18 to 24 had been legitimately sold by a dealer within three years of the crime. In Baltimore, which has the nation's fourth-highest per capita murder rate behind Gary, Ind., New Orleans and Washington, 32 percent of the guns seized fit that three-year turnaround.

In one example, 15 of 17 powerful Hi-Point semiautomatic handguns seized from Baltimore teenagers were less than 3 years old, and one had been used in a crime within three days of its purchase.

"The report shows that we should be looking at a bigger emphasis on the gun dealers," Campbell said. "The majority of the trafficking cases involve weapons that were initially legally purchased."

Joe Weber, the manager of Bart's Sports World in Glen Burnie, said it is unfair to hold gun shops or gunmakers accountable for what happens to the weapons after they are sold to legitimate buyers.

"Sometimes it's obvious," Weber said of straw purchasers. "But most of the time it's not. I don't think anybody, even the governor if he was here working behind the counter, could tell a straw purchase from any other type of purchases."

But Campbell said the straw-purchase trend needs to be reversed. He said that several years ago, most guns used in crimes had been stolen, either from gun shops or private citizens. But using middlemen to buy weapons has opened up a cheaper market.

He said one man recently arrested bought guns in North Carolina using a straw purchase and then resold them in Baltimore.

City police have stepped up enforcement of straw purchasers, most of whom resell the weapons on the street.

Two weeks ago, they charged 13 people under the law and won a conviction in Circuit Court of a man who had never been arrested who bought two guns and sold them to an East Baltimore drug dealer with a long history of felony convictions. The man was sentenced to five years in prison.

Most of the 3,717 guns seized by police in Baltimore between Aug. 1, 1997, and July 31, 1998 — 62 percent — had been purchased in Maryland. In all but two of the jurisdictions studied, a majority of the weapons came from the state in which the city is located.

Maryland not only fed its own problem, the ATF said, but it is responsible for supplying 20 percent of the guns used in crimes in neighboring Washington.

The ATF released the study on Sunday. President Clinton is asking Congress in his proposed

budget for money to pay for expanding the study to 10 more cities across the country.

It comes as several cities are considering lawsuits against gun manufacturers to hold them accountable for violence. Earlier this month, a federal jury in Brooklyn found nine gunmakers liable in three shootings and ordered three of the firms to pay \$560,000 in damages.

"This will give a lot of ammunition to lawyers who want to be involved in suing the industry," said Josh Horwitz, executive director of the Educational Fund to End Handgun Violence. "This shows that the manufacturers are the kerosene for the fire."

Wendell Gauthier, a Louisiana attorney representing New Orleans in its suit against manufacturers, said he would introduce the

ATF report as evidence in his suit.

The ATF study also found that more than one-third of the guns seized were from juveniles or young adults under 24 years old. And 81 percent of firearms were handguns, with rapid-fire semiautomatic weapons being prevalent among juveniles and young adults.

Sun staff writer Joe Mathews contributed to this article

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THE TAMPA TRIBUNE

2/21/99 -- 11:08 PM

Millions to target juvenile gun use

By MARK JOHNSON of Media General News Service

WASHINGTON - Law enforcement targets Tampa to trace the flow of illegal guns used in crimes.

Federal law enforcement officials announced Sunday that Tampa will be added to a sweeping anti-gun trafficking program that marshals federal agents, local police and crime-busting technology against the illegal firearms market.

Tampa and nine other cities will be included this year in the Youth Crime Gun Interdiction Initiative, a \$45.2 million-a-year drive to trace every gun confiscated in selected cities. Federal agents and police will use data they collect to map the illegal firearms market.

The "program helps us get the criminal behind the criminal, the illegal gun trafficker," said James Johnson, undersecretary of the Treasury for enforcement.

Police in 27 cities, from Atlanta to Los Angeles already are using the youth gun initiative, nicknamed "Yogi," that began in July 1996. The effort is aimed at reducing the supply of illegal firearms available to juveniles, who are more violent-prone than adults.

The original 17 cities in the program were joined by 10 more in 1997. Cities are chosen on the basis of population and crime statistics.

In the past 18 months, the federal Bureau of Alcohol, Tobacco and Firearms has investigated 392 trafficking cases and charged 397 suspects just in the Yogi cities. Adding cities, such as Tampa, strengthens ATF's enforcement, said John Magaw, the agency's director.

"With each city that is added to this initiative, we gain additional insight ... and direction to help develop our national strategy," Magaw said. "This is about murder and mayhem."

The other cities added Sunday were: Charlotte, N.C.; Dallas; Denver; Louisville, Ky.; New Orleans; Oakland, Calif.; Omaha, Neb.; Phoenix; and Portland, Ore.

The Clinton administration has asked for \$11.2 million in next year's budget to pay for the additional cities. So far, ATF has deployed 162 agents in Yogi cities to operate the program along with local police.

The idea of tracing every gun is a new tact for law enforcement. Local police generally have

The idea of tracing every gun is a new tact for law enforcement. Local police generally have viewed the illegal gun market as ATF's jurisdiction. Magaw, a former police officer and Secret Service agent, said his experience years ago was that an officer requested a gun trace only if it was part of a crime investigation. Tracing a firearm is a somewhat complicated task that begins with ATF contacting the manufacturer for records that could be years old.

The Yogi program helps change the thinking of the patrol officer to ask two questions with every gun-related arrest: Where did the gun come from and how did they get it?

By tracing every gun confiscated from a crime scene, ATF officials can compile a database and look for the names of buyers or licensed dealers that show up repeatedly. Even a recurring address can lead agents to a group of "straw" purchasers, those who buy guns on behalf of convicted felons who are prohibited by law from purchasing firearms.

"It's like a crossword puzzle. You start developing patterns," an ATF official said.

The crime gun initiative also requires a new approach by ATF agents. In the past, the agency's basic philosophy was that bad guys use guns. If agents can lock up the career criminals, they reduce crime. Now agents dedicated to the Yogi program focus on collecting data and developing an overview of the illegal gun market, as well as identifying individual cases.

"In order to attack that market, law enforcement agencies must know how it works locally, regionally and nationally," Magaw said.

In Sunday's report, officials highlighted some of the results of the second year of the crime gun initiative. The data was gathered from efforts to trace approximately 76,000 firearms and included:

- Half of the firearms trafficked to juveniles and adults up to age 24 involved straw purchasers, intermediaries who legally buy guns and illegally transfer them later.
- Between one-third and one-half of crime guns were sold by a licensed dealer sometime within three years, showing that guns are rapidly moving from legal retail sales to crime scenes.
- Florida ranked in the top 10 source states for illegal guns for all 27 cities in the Yogi program.

The tracing results likely will emerge in the campaign of lawsuits by large metropolitan cities against gun manufacturers. Cities such as Chicago and Bridgeport, Conn., allege that firearms makers market their wares in methods and locations that assure they will filter into the illegal market.

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A2C

Guns and youth crime.

Too many legally bought guns in kids' hands.

America's young armed criminals are far more likely to acquire their weapons from someone who's walked out the front door of a gun shop than by sneaking stolen guns out someone's back window.

So says a new study by the Bureau of Alcohol, Tobacco and Firearms — and, as such, it's a report that debunks the long-held view of gun enthusiasts who say tighter gun-sale rules won't make a dent in weapons violence.

The study found that a third to half of young thugs' guns were passed to them illegally after being purchased by straw buyers from licensed dealers. Only a third were stolen.

Drawn from the three-year federal gun-tracking initiative in 27 cities — including Philadelphia — the ATF data is no surprise to Philadelphia police. They've been saying for some time that a network of straw buyers puts thousand of guns on the street. Buyers easily obtain a gun-carrying permit, and then purchase as many guns as they want.

Not until this latest study, though, have the dimensions of the problem been as clear. If, as the ATF study

found, more than half of the guns used in crimes by juveniles and young adults are acquired by others, it's damning proof that gun permitting, buyer checks and record-keeping are not working to protect the public.

For Philadelphia, which leads the nation in the rate of murders committed by gun, the way forward is clear.

Sure, continue the impressive local and federal efforts to track firearms used in crimes — along with the arrest of straw-gun traffickers. But it's also time for state lawmakers to take the next logical step: Tighten gun-permit procedures and then make it more difficult for any one buyer to purchase multiple guns, one after the other.

If there's no political will to restore sensible police powers to screen individuals as unsuitable for gun-carrying permits, then Harrisburg lawmakers — supported by Pennsylvania's thousands of legitimate gun owners — should enact a one-a-month limit on handgun sales. When Maryland set a cap recently, it saw the number of multiple handgun sales drop.

If straw buyers want to put guns in the hands of young criminals, let's at least cut their sales — and save lives.

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Legal Guns End Up In Crimes

- *Legally Bought Firearms End Up With Criminals*
- *Unscrupulous Dealers*
- *'Straw Buyers'*

Sunday, February 21, 1999 - 08:38 PM ET



(CBS) Gun makers, and even some law enforcement agencies, have long argued that most guns used in crimes are stolen. But new research from the U.S. Treasury Department

CBS indicates that more than *half* of the guns used in crimes across America are purchased from licensed gun dealers and then resold on the black market, reports CBS News Correspondent Bob Orr.

"Stolen guns are not the only source and in many cases they're not the predominant source of guns used in crimes," said Treasury Department Undersecretary James Johnson.

Legitimate buyers purchase guns and resell them, at a profit, to criminals. This is known as straw purchasing. Nearly half of the illegal guns end up in the hands of people under 24 years of age.

Said John Magan, Director of the Bureau of Alcohol, Tobacco and Firearms: "Many times the investigation shows that the person with the felony conviction, who cannot have a firearm, is standing right next to the person in the gun store when it's purchased."

The victims of violence want to see changes. "I want something done about the illegal distribution of guns," said Veronica Trott, whose son was shot and killed in New York. "I want lethal weapons to be taken out of the hands of our youths."

The report also found that some few unscrupulous gun dealers sell guns directly to criminals. Other such guns

come from gun shows where background checks are not required.

The government investigation has already resulted in the arrests of hundreds of illegal gun traffickers. And it's being credited with a corresponding drop in street crime.

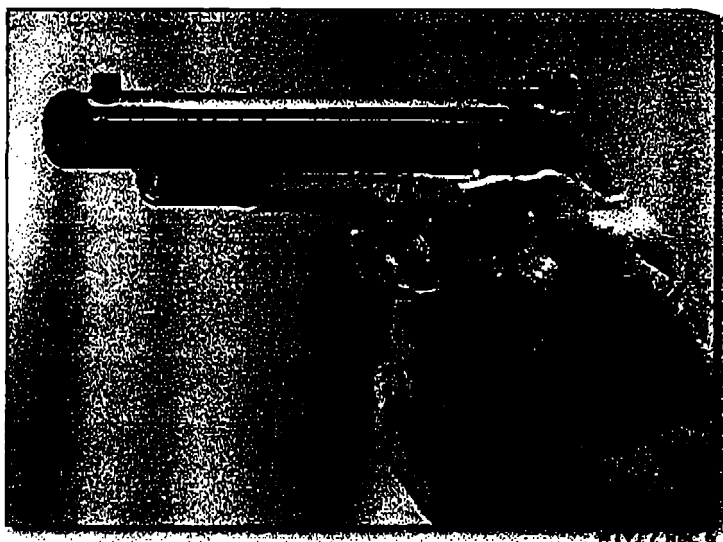


Bureau of Alcohol, Tobacco & Firearms
Office of Public Information

ATF News Summary

Tuesday, Feb. 23, 1999

MSNBC/WTVJ 6, Miami/Ft. Lauderdale 2/22/99 p. 1 of 2



Florida lawmakers push for 10-20-Life gun law

One of the toughest anti-gun measures in the nation may become a law in Florida. One of the attractions of the new 10-20-Life law is that there are no exceptions and no excuses.

Cracking down on violent criminals who use guns is the talk in Tallahassee in the bill backed by **(INTERNET)** Governor Jeb Bush. The move is a welcomed sign for Miami-Dade Mayor Alex Penelas, who has pushed for gun control laws in the county.

"I very much support 10-20-Life. I think this will send a very strong message to people that if they use a gun in a commission of a crime, they're going to spend a long time in jail because of it," said Mayor Penelas.

Just how long? The stricter sentencing would call for ten years in jail for possessing a gun during a violent felony, 20 years for firing a gun and 25 years to life if there is a gun-related injury.

Miami is also helping crack down on gun violence nationwide by helping the Bureau of Alcohol, Tobacco and Firearms trace gun purchases to juvenile offenders. In a report released Sunday, ATF found that half of the guns used by young criminals were bought by middlemen, known as "straw" purchasers.

Don Gist, owner of the American Indoor Gun Range in Pembroke Park, has been approached by a couple of suspected "straw" purchasers in the last few years.

"As a firearm dealer, this is something we're always very cautious about because there can always be the case where a person is coming in to buy a gun for another party. In an event like that, we call Alcohol, Tobacco and Firearms to tell them what's going on," Gist said.

The ATF study shows that semi-automatics are the weapon of choice among young offenders. The tracing information is meant to help law enforcement and will probably help the growing number of cities filing lawsuits against gun manufacturers.

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(INTERNET) Bush, lawmakers pledge quick action on 10-20-life

(INTERNET) Bureau of Alcohol Tobacco and Firearms

(INTERNET) Miami-Dade County Online

WEDNESDAY, MAY 20, 1998

National Report

The New York Times

Decline in Gun Violence Bypasses Philadelphia

By MICHAEL JANOFSKY

PHILADELPHIA — For all the years he spent as a criminal and a drug user, Jose Rojas never saw the kinds of things now taking place in working-class neighborhoods like his in north Philadelphia.

"And it's going from bad to worse," Mr. Rojas, 47, said recently, sitting in the New Creation Church in Kensington, a high-crime neighborhood where he works as a lay evangelist. "During the time I was out there as a teen-ager, then in my 20's, it was relatively difficult to get weapons. Now? Kids 11, 12, 13 years old — they're packing .45-caliber semi-automatics, Uzis, magnums, you name it."

And they are not afraid to use them.

While the rates of homicide and violent crime are declining in many of the country's largest cities, they are holding firm in Philadelphia. Although a slight dip over the first four months of this year has given officials some hope, the number of homicides has hovered steadily at around 400 a year for nearly a decade. A majority of the deaths were caused by high-powered handguns, and a majority of the weapons were wielded by people under 23.

The problem has become so intolerable that Mayor Edward Rendell has appointed a deputy mayor — dubbed the gun czar — to coordinate local and Federal efforts to stem the flow of weapons in the city. And in a move modeled after the actions against tobacco companies, he has threatened to sue gun manufacturers to recoup some of the money spent by the city's hospitals to treat gunshot victims.

Officials say they think one of the biggest factors in the high homicide rate is a 1995 gun law that has removed some of the discretion the police department had to deny permits for carrying concealed weapons.

The new law, they say, has contributed to a boom in gun buying here that has given Pennsylvania the distinction of having more licensed carriers of concealed weapons than any other state.

The legal age for buying a gun in

In a city where crime is high, officials say a new law has led to a boom in gun sales.



Richard A. Zapille, a deputy mayor of Philadelphia, has the job of coordinating Federal and state efforts to decrease the flow of handguns into the city. Drugs and economics contribute to the problem, officials say.

Michael Branscom for The New York Times

Pennsylvania is 18, and most permit holders are legitimate gun owners. But law-enforcement experts here say that the state measure opened the door to a vibrant black market in handgun sales, in which buyers for whom routine background checks pose no problem can act as straw-man buyers and resell the guns on the street for handsome profits.

Furthermore, officials say, the sheer number of guns on the street in Philadelphia means more weapons are finding their way into the hands of young people.

Before the Uniform Firearms Act of 1995 was passed, state lawmakers recognized Philadelphia, Pennsylvania's largest city, as a special case on gun issues because of its persistently high crime rates. The police department had the right to turn down a request for a concealed weapons permit if the applicant could not demonstrate "a reasonable need." In 1994, just 1,500 permits were issued.

Over all, the new law strengthened the application process by requiring deeper background checks. But after the exception for Philadelphia was eliminated, the number of permits issued soared, to about 11,500 in 1996, said Richard A. Zapille, the Deputy Mayor appointed to lead the gun control efforts.

"That was a real blow to our efforts here," Mr. Rendell said of the gun law. "We weren't doing great before, but after the law passed, the number of permits issued to carry a concealed weapon was unbelievable."

Mr. Rendell appointed a handgun violence task force four years ago when it became evident that his city was failing to keep pace with the rest of the nation in reducing violent crime. But efforts to slow the mayhem have not made any appreciable difference in some of the city's poorest neighborhoods, despite the slight dip in the homicide rate for the first four months of this year. Guns continue to flow in, and landscapes of abandoned factories, rotting houses and trash-strewn streets only make the life of a gun-toting drug dealer seem that much more glamorous to impressionable youngsters.

"Young children walking to school see these guys all in gold, wearing rings on their fingers and \$150 sneakers," said Mr. Rojas, who spent 13

months in prison on drug charges. "They are influenced just by the way they look. They think, 'I want to be like him.' They have money. They have expensive sneakers and they have guns."

A study conducted by the task force found that of 273 people charged with murder in a 40-month period through March 1997, 171 of them — more than 62 percent — were 22 or younger.

That is far above the national average. In 1995, the last full year for which Federal data is available, the Department of Justice found that among the 16,701 people across the country arrested for murder or non-negligent manslaughter, just 6,556 of them — 39.8 percent — were 22 years old or younger.

In the same year, Philadelphia's homicide rate of 30.7 per 100,000 residents was nearly twice as high as New York City's 16.1 per 100,000.

Members of the Mayor's task force, as well as community leaders like Mr. Rojas who work with them, agree that much of the reason for the pervasiveness of handguns is the same as in other cities — drugs.

"The drugs begot guns, and they're both so entrenched now that good people feel the need to carry guns," Mr. Zapille said in a recent drive through Kensington and other low-income neighborhoods.

But Philadelphia has labored under additional burdens: The city was slow to coordinate crime-fighting with community outreach programs. Deep losses in its manufacturing base made Philadelphia's economic recovery less rapid than that of other cities, and poverty is deeply entrenched in many neighborhoods. Tougher gun laws in surrounding states have made purchases here easier by comparison.

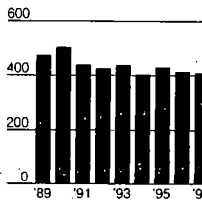
Among the six states that border Pennsylvania, four — New York, New Jersey, Delaware and Maryland — give local law-enforcement officials the discretion Philadelphia once had to deny permits to carry a concealed weapon to anyone they think does not have a legitimate reason. In West Virginia, the police have no such discretion. Ohio does not permit carrying a concealed weapon.

To quantify the magnitude of the problem in Philadelphia, the police department and the Federal Bureau of Alcohol, Tobacco and Firearms

BY THE NUMBERS

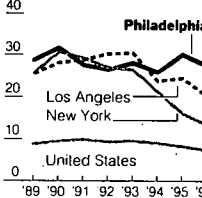
Death in Philadelphia

Number of homicides



Homicide Rate

Rate per 100,000 population.



Sources: Philadelphia Police Department, Federal Bureau of Investigation

The New York Times

conducted an intensive study of trafficking in all type of guns last year. The results included these findings:

• In almost half of the legitimate sales, involving 38,338 guns, two or more were bought at the same time. Almost 8 percent of the guns, 3,046, were bought in purchases of 10 or more.

• The police traced 2,865 guns recovered in arrests and found that 69 percent were bought in Pennsylvania, the highest percentage ever recorded, and a 10 percent increase over 1996. They also found that 53 percent were bought in Philadelphia, an 11 percent increase over 1996.

• Firepower on the street is rising among the youngest offenders. Of 342 guns recovered from juveniles at the time of arrest, 65 percent were semi-automatic weapons, a 13 percent increase over the relative number of comparable weapons recovered in 1996. Twenty-six percent were re-

volvers, a 12 percent decrease.

Defenders of the state law, which was strongly supported by State Senator Vincent J. Fumo, a Democrat from Philadelphia, argue that problems in Philadelphia stem not from the law itself but from lax enforcement of its provisions, some of which are unique among the states that allow residents to carry concealed weapons. In addition to denying a permit to anyone with a felony conviction or mental health problem, the norm for most states, Pennsylvania is now alone in banning the sale of guns to anyone who had a police record as a juvenile and to anyone classified as a "habitual drunken driver."

And starting in July, the law requires any private sale of a gun to be conducted before a licensed dealer or local law-enforcement officer.

"We chose to focus on the potential gun owner," said Christopher Craig, legal counsel to Senator Fumo. "When the law is aggressively enforced, it will have a dramatic impact in the state."

But Mr. Rendell and others scoff at the notion that those involved in illegal street sales will suddenly comply with the state gun law.

"All I know is what we're facing on the street," said Thomas L. Stanekiewicz, an agent with the Federal firearms agency in Philadelphia. "We've had some success. But guns are always in demand, and the supply is readily accessible."

Philadelphia police officials said that more aggressive strategies in arresting people for illegal gun possession helped bring down the homicide rate for the first third of the year, to a projected year-end total of 321. And officials in other city agencies say new programs of community outreach and intervention are also disrupting cycles of violence.

But in Mr. Rojas's neighborhood, progress is slow. Children walking to school fear walking the blocks where gun sellers operate, he said, and on many nights, gunfire punctuates the silence.

"Sometimes it sounds like Vietnam around my house," Mr. Rojas said. "The other night I heard two different-caliber guns go off. I didn't know what was going on, but I turned to my wife and said, 'Maybe we'll read about it in the papers tomorrow.'"

PHOTOCOPY
PRESERVATION

for Appropriations
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Youth Crime Gun Interdiction Initiative

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Salinas, CA: "Salinas Police Follow Gun Trail" *The Californian*, 3/6/97
"Few Salinas Youths Use Illegal Handguns" *Monterey County Herald*, 7/22/97

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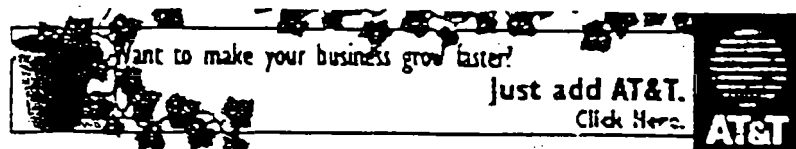


Bureau of Alcohol, Tobacco & Firearms
Office of Public Information

ATF News Summary

Monday, Dec. 8, 1997

ABC News 12/5/97 p. 1 of 5



Across U.S., Gun Tracing Yields Early Results

Kids Can Easily Get Guns



Kids across the
U.S. fear gun
violence.
878k (avi)
859k (mov)
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While violence in schools is down nationwide, guns are easily accessible for juveniles. Now a federal program to track guns is aiming to cut off the supply. (Illustration Peter Kuper)

By Jackie Cooperman
[ABCNEWS.com](#)

Dec. 5 — A 14-year-old allegedly brings a small arsenal of semiautomatics into his West Paducah, Ky., high school, killing three classmates in a prayer circle. A teen in the hamlet of Pearl, Miss., guns down two students and injures seven others.

Both attacks happened in small towns, far from the

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Kentucky
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Boston Police Chief
Paul Evans wants
to intervene before
kids turn violent

580k (wav)
(RealAudio)

urban centers typically associated with youth violence. And while violence in schools is down nationwide, an unprecedented federal gun tracing effort shows that no community should be surprised at kids bearing arms.

In 17 cities, investigators found that young people often buy guns near their home towns, that guns move quickly from legal sales to illegal use and that even when they don't go on headline-making shooting sprees, teens are buying weapons with alarming ease.



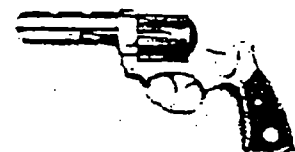
David Kennedy,
criminal justice
researcher at
Harvard, on why
kids use guns

504k (wav)
(RealAudio)

"Most times it's a 9mm or a .380. You can tell who to go to," said Michael Hogan, an 18-year-old who left Atlanta, where he could buy a gun for the price of a pair of tennis shoes, for the Laurinburg Institute, a boarding school in Laurinburg, NC. "They're standing around with a bookbag on, and sometimes they'll give you the eye and ask you, 'do you smoke?' And then they'll say, 'I've got a pistol to sell' and you take it from there."

David Kennedy, a senior researcher at Harvard University's Kennedy School of government, believes police can drastically reduce crime by going after the people who make guns so accessible to juveniles.

Zastava Model 1983
.357-caliber Magnum



"There's been this historically unprecedented, and by any measure appalling increase, in

In July 1996,
the Youth
Crime Gun
Interdiction
Initiative
began in:

Atlanta

Baltimore

Birmingham

Boston

Bridgeport, CT

Cleveland

Inglewood, CA

Jersey City, NJ

Memphis

Milwaukee

New York

Richmond, VA

St. Louis

Salinas, CA

San Antonio

Seattle

Washington DC

*Last summer, the
federal government
budgeted \$ 11
million in new
funding, and added*

Los Angeles

Philadelphia

Chicago

Detroit

Houston

Miami

Tucson

Minneapolis

Gary, ID

Cincinnati

youth gun violence in the last 10-12 years," Kennedy said.

Policy Makers Optimistic

But not so much in Boston, where no young people have died from gun wounds in more than two years, a "miracle" widely attributed to gang prevention and gun tracing. Now 27 other cities are trying to copy that success by focusing on gun tracking, with help from the Bureau of Alcohol, Tobacco and Firearms.

Many law enforcement officials are optimistic that by targeting the gun supply, they can prosecute illegal dealers and get the weapons out of circulation.

"It's a pretty revolutionary idea," said Daniel Webster, an assistant professor at the Johns Hopkins Center for Gun Policy and Research in Baltimore.

Since the initiative began in 17 cities in July 1996, the ATF has initiated 86

investigations, recommended 90 defendants for prosecution, arrested 61 defendants and sentenced 15. The number of tracing requests from local police departments has grown exponentially: the ATF traced 191,378 guns in fiscal year 1997, up from 79,777 guns in fiscal 1995.

"Three years ago, if you looked around the country and said 'what are you doing about people selling guns to adult felons and juveniles?' the answer was essentially 'nothing,'" said Kennedy, one of the founders of Boston's initiatives. "And that's not true anymore."



Ruger Model P95DC 9 mm

'Boston Miracle' Inspires Cities

For five years, Boston police worked with the ATF to trace guns, but did not initially use the data. When they finally looked at the information two years ago, the statistics contradicted widely held theories. They discovered that guns were often sold legally, 30 to 40 at a time, to a "straw buyer," who then sells them illegally on the street. Also, the guns were often purchased locally, not trafficked from other states.

"Everyone thought all the guns were coming from down south," Kennedy said. In fact, the majority of guns in Boston came from within Massachusetts.

Most guns taken from people 21 years and younger were less than a year old, he added. "Those are guns that

are just a skip and a jump from retail sale."

National Cities Share Boston Trends

Preliminary results in the initial 17 cities showed similar trends, according to the ATF. Also, young people were more likely to use semiautomatic weapons, and the guns are often less than a year old. Like sneakers or other teen status symbols, a few brands of guns carried a high proportion of street chic, giving investigators leads for tracing.

"There are literally tens of thousands of different kinds



Norinco Type CQ 5.56 mm rifle

of guns out there but we're not finding that many on the street," said Kennedy. "We're finding

five or ten different models and the particular kinds of guns change from city to city, but you can focus your energies on those specific types of gun."

The ATF traced nearly 13,000 guns used in crimes in New York City. Of those, 11 percent came from juveniles.

Nationwide, the figure is 10 percent. In Seattle and Memphis, juveniles were responsible for more than 20 percent of illegal gun crimes. Handguns far outpaced all other types of guns recovered from crimes, making up 63 percent of all guns recovered in Salinas, Calif. and 98 percent in Atlanta.

Guns Thrive With Gangs

Boston's "miracle" also hinged on the "demand" side of the gun market: gangs.

In May 1996, Boston gathered law enforcement officials ranging from community police officers to representatives from the U.S. Attorney's office. Together, they called in representatives from Boston street gangs and confronted them.

"This group met systematically with gangs and said 'we know who you are and we know what you're doing' and when you and your friends hurt somebody, we'll figure out what we can do to exact penalties," said Kennedy. The get-tough stance included stiffer federal sentencing for gang members, nighttime patrols in gang-filled neighborhoods and threats to bring in the FBI.

It worked — gang violence plummeted.

Minneapolis was among the first cities to follow suit, exchanging law enforcement officials with Boston, and using similar methods to infiltrate gangs and decrease gun crimes.



Beretta Model 92F 9 mm

"As a result of the research it was clear there was a gang-related connection to the violence," said Minneapolis Police Chief Robert K. Olson. Minneapolis had an 80% drop in its homicide rate last summer, going from 40 murders in June, July and August of 1996 to 8 murders for the same period in 1997. "Our whole target was to have a safe summer and we feel it really worked."

It all comes down to a basic equation, experts say:

The key principle is to increase the cost of gun carrying to kids. "And you do that in two ways: you increase penalties and you decrease supply into the market," Webster said. "When you dry up supply, cost goes up and the market goes down, it's classic macroeconomics."

How it Works: The Detective Trail

Gun tracing often follows a tangled path, as forensic scientists and law enforcement officials piece together leads to establish a gun's history.

Police forward guns recovered at crime scenes to three tracking labs where the ATF now traces approximately 230,000 guns annually.

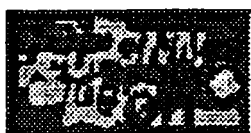
As many as 20 percent of the guns recovered have obliterated serial numbers. The ATF won't say exactly how they restore the numbers, for fear of encouraging gun runners to develop restoration-proof techniques, but ATF spokesman Joe Green did say that a team of forensic scientists often has success restoring the numbers.

"It can take from several hours to several days," Green said, "depending on the severity."

The guns without serial numbers also tend to cluster in groups that were first purchased legally and then sold illegally.

The scientists determine each gun's make, model and caliber. ATF agents then contact the guns' manufacturer, who can identify the original gun dealer. From there, agents try to find who sold the guns illegally and prosecute them, often working with gun shops.

"When you look at the names of the first purchasers, they also have multiple traces coming back to them," Kennedy said. "Most of the gun stores have in fact not done anything illegal but lots and lots and lots of the first purchasers are either traffickers themselves or part of a trafficking operation."

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Survey: 29 percent of high school boys have a gun

October 14, 1998

Web posted at: 6:14 p.m. EDT (2214 GMT)

WASHINGTON (CNN) -- Nearly three of every 10 high school boys have at least one firearm, according to a study funded by the National Institute of Justice.

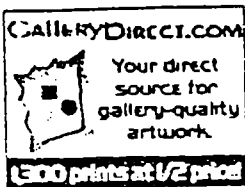


The random survey of 10th- and 11th-grade boys from high schools throughout the United States shows most of the firearms are intended for hunting and sporting purposes -- not criminal activity.

The 29 percent figure for firearm possession among males 16 to 18 compares to 6 percent who say they carry a gun outside the home.

Survey results show that half of the juveniles believe they can obtain firearms relatively easily. Relatives and friends are the primary sources of guns.

The study's random sample includes 734 students in 53 schools. The poll was conducted by surveyors from California State University and Tulane University in New Orleans.



Program identifies handgun sellers to track illegal activity

By Kathy Scruggs, *The Atlanta Journal-Constitution*

A new program being set up in Atlanta by police and federal agents is designed to help law enforcement officials attack violent crime among teenagers by identifying who is selling handguns to inner-city kids.

The federal Bureau of Alcohol, Tobacco and Firearms is buying the Atlanta Police Department a computer and software that will allow officers to track every handgun abandoned or confiscated during the commission of a crime. ATF's National Tracing Center will use the data to try to determine the original buyer and seller of the firearm.

The computer also will cross-check the original buyer's name to see if he or she was associated with any other handguns seized in crimes, said Arthur Kellermann, director of the Center for Injury Control at Emory University who has been involved in the project.

"If six guns come in to the Atlanta police property section in 30 days and four were purchased by a person in Savannah, that's a pretty good indication something is going on," said Jack Killorin, head of the ATF's Atlanta office.

The idea is to treat handgun violence like a disease. "We're trying to take an epidemiological approach," said Atlanta Deputy Chief Louis Arcangeli. "That requires information."

A recent ATF study reports "firearms-related homicide and violent crime rates involving juveniles are dramatically increasing while rates for similar crimes involving adults are showing a slight decrease."

Forty percent of the guns recovered during a pilot study conducted in 17 cities from July 1, 1996, through April 30 were from people younger than 24, said Killorin. However, those results are limited because only 8.76 percent of the guns tracked in Atlanta included the age of the offender, Kellermann said.



Ron Mitchell of the Atlanta ATF holds two handguns, a Lorcin and a Bryco, both .380 caliber weapons that were confiscated from gun traffickers. (Mark Adams / *The Atlanta Journal-Constitution*)

As the number of teenagers rises nationally, the study said, it creates a "demographic crime bomb."

So far this year, the ATF has arrested 35 people in metro Atlanta on charges related to illegal gun trafficking, said Ronald Mitchell, supervisor of the ATF's gun-trafficking group here. Those people are accused of putting about 1,700 handguns into circulation illegally, he said.

Agents are investigating about 785 more guns they suspect to have already been illegally sold here, Mitchell said.

"It's kind of like new sneakers," Kellermann said. "If you can get it, a new gun off the street is a top fashion statement. A stolen cheap gun doesn't confer nearly as much status as a Glock out of the box. They want the newest, the biggest, the meanest-looking gun."

New guns usually are easier for police to trace to their original buyers because they have changed hands less often. And a short time between the retailer's shelf and use in a crime indicates the gun probably was bought for illegal trafficking, Killorin said.

Authorities hope that identifying and punishing gun suppliers will cut down on the number of guns reaching the hands of juveniles.



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Maryland

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Police target illegal gun transactions

Criminals use people without arrest records for purchases; 15 city buyers charged

By Peter Hermann
Sun Staff

Trying to get guns off city streets, Baltimore police are cracking down on what they describe as a widespread but illegal practice of convicted felons recruiting people with clean criminal records to buy firearms.

Detectives say they have traced 13 handguns found at crime scenes to people without arrest records.

They bought the guns at local gun shops and later resold them to convicts, who are barred by law from buying weapons because of their criminal past.

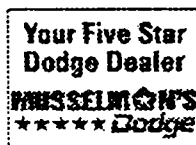
One .45-caliber Glock pistol was linked to three homicides and two shootings. A 9 mm Highpoint was linked to a killing and a shooting. A .380-caliber Davis Industries and .45-caliber Llama were each seized in separate drug raids.

"Make no mistake about it," Police Commissioner Thomas C. Frazier said yesterday, "If you illegally sell or buy guns in Baltimore City, we will come after you. We simply won't tolerate it."

In the past two weeks, police have charged 15 people under the 1996 straw purchase law that makes it a crime for a

Maryland gun owner to sell a handgun to someone else without going through state police, who conduct background checks.

Seven suspects have been arrested, including one yesterday in an early morning raid at a Baltimore County home that turned up a 9 mm handgun.



City police said they seize about 3,000 handguns a year.

The issue of straw purchases came to light in 1991, when a mother who managed a department store jewelry counter walked into a city gun shop and bought \$6,000 worth of high-powered handguns, including a laser-sighted Taurus pistol and an Israeli Desert Eagle Magnum handgun.

The woman gave the weapons to a man who picked out the guns at the counter and gave her the cash to pay for them.

He was later convicted in federal court of fatally shooting a 10-year-old East Baltimore boy who was playing football when a gun battle broke out between rival drug dealers.

Last year, the owner of Baltimore Gunsmith, a shop in Fells Point, was acquitted by a jury of straw purchasing charges.

He had been charged with selling a gun to a woman -- an undercover federal agent posing as a waitress -- at the behest of a convicted murderer.

On Friday, state prosecutors won their first conviction in state court when Richard Sherman, 37, of the 1400 block of N. Milton Ave., pleaded guilty to illegally selling a gun later used to shoot at three police officers in West Baltimore.

He was sentenced to five years in prison.

In an interview with Officer Ed Bochniak of the Violent Crime Task Force, contained in court records, Sherman said he bought three handguns and sold two of them to a convicted drug dealer who sold cocaine at North Milton Avenue and East Oliver Street.

The dealer "said one time that he was gonna shoot this little kid because the kid was in the way," Sherman told Bochniak during an interrogation about the guns. "I don't know whether he did or not."

Sherman's lawyer, James E. Stancil, declined to comment yesterday.

Police said the man Sherman sold the gun to, Edward Myers, 33, has been charged in a warrant under the straw purchase law.

Police said they believe he is in Florida.

Police displayed the seized guns at a news conference yesterday, but they would not detail the shootings linked to the weapons because arrests have to be made.

Police said all those arrested in the past two weeks are alleged purchasers in the transactions.

Bochniak said the guns traced cost between \$200 and \$600 each, and that the purchaser was typically paid an additional \$200 for each gun illegally transferred.

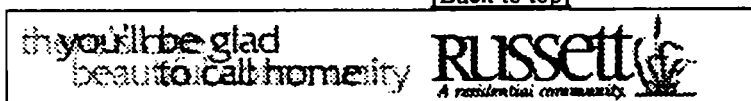
He said city police are working with the state's attorney's office to ensure the cases are prosecuted.

"This is a top priority," Bochniak said.

Originally published on Jan 28 1999

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Local youths get guns from illegal sellers, ATF says

By Cece von Kolnitz
News staff writer

Semiautomatic pistols hold up to 17 bullets, slide easily into your pocket and seem to be the guns Birmingham youth prefer when committing crimes, federal figures show.

And those youth bought their guns from illegal gun sellers rather than stealing them from stores or family members, according to a report released Saturday by the Bureau of Alcohol, Tobacco and Firearms.

In a national radio address Saturday, President Clinton said the government intends to shut down illegal gun trafficking operations using information provided through a new initiative.

More than 650 guns were seized

Types of Guns Recovered

Type of firearm	Number	Percentage of Juveniles*
Semiautomatic pistol	21	45.65%
Revolver	15	32.61%
Shotgun	4	8.70%
Rifle	3	6.52%
Derringer	2	4.35%
Machine gun	0	0.00%
Combination**	0	0.00%

*Based on the trace requests for which the possessor's age can be determined.

* Juveniles are ages 17 and under.

**A combination firearm is a multi-barreled firearm containing two or more different caliber barrels.

Source: Department of the Treasury,
Bureau of Alcohol, Tobacco & Firearms

A BIRMINGHAM NEWSCHART

by Birmingham police over the past year and sent to the ATF's national tracing center. Of those, 275 were semiautomatic pistols, according to the ATF.

"Semiautomatic pistols are very easy to conceal," said Brian Lett, spokesman for the Birmingham field division of ATF.

The Birmingham Police Department, along with departments in 16 other cities across the United States, agreed to send all seized crime guns to a national tracing center in West Virginia as part of a national Youth Crime Gun Interdiction Initiative.

The initiative is aimed at helping city law enforcement officers find ways to deal with rising youth violence, much of which involves handguns.

"The study tells us, meaning ATF in Birmingham, that the large percentage of guns (in) Birmingham are coming from (inside) the state of Alabama," Lett said. "That means we can better attack our problem right here in our own state."

Juveniles in Birmingham have been involved in 177 incidents where a firearm was used this year, said Lt. Diane Cribbs, family services supervisor.

"If one child gets a gun, that's too many children with guns," Cribbs said.

Dr. David Reynolds, a pediatrician and chairman of the Coalition to Decrease Firearm Violence, said adults could help the problem of youth vio-

Crimes Committed with Recovered Guns

Crime type	Number	Percentage*
Firearms offenses	92	69.57%
Robbery	6	13.04%
Homicide	3	6.52%
Burglary/theft/fraud	2	4.35%
Narcotics crimes	2	2.17%
Vice crimes	1	2.17%
Assaults/threats	1	2.17%

*Based on the trace requests for which the possessor's age can be determined.

*Juveniles are ages 17 and under.

Source: Department of the Treasury,
Bureau of Alcohol, Tobacco & Firearms

A BIRMINGHAM NEWSCHART

lence by being better role models.

"They learn what they do from us," Reynolds said Saturday.

According to the ATF report for Birmingham, firearm offenses, or any offense in which a firearm was involved, account for the majority of crimes where the recovered guns were used. Robbery and homicides came in second and third, respectively.

Clinton said the background check requirement in the Brady Law has been keeping fugitives, felons and stalkers from buying handguns.

"Now we must turn our attention to illegal gun markets operating through the back door," said Treasury Secretary Robert Rubin.

Ten new cities will be added to the initiative next year in an effort to in-

crease tracing ability. The addition of new cities will cost \$11 million, which will pay for direct computer links between police departments and the national tracing center, training and more advanced technology.

The 17 cities in the original study sent 37,000 guns to the center between July 1996 and April 1997.

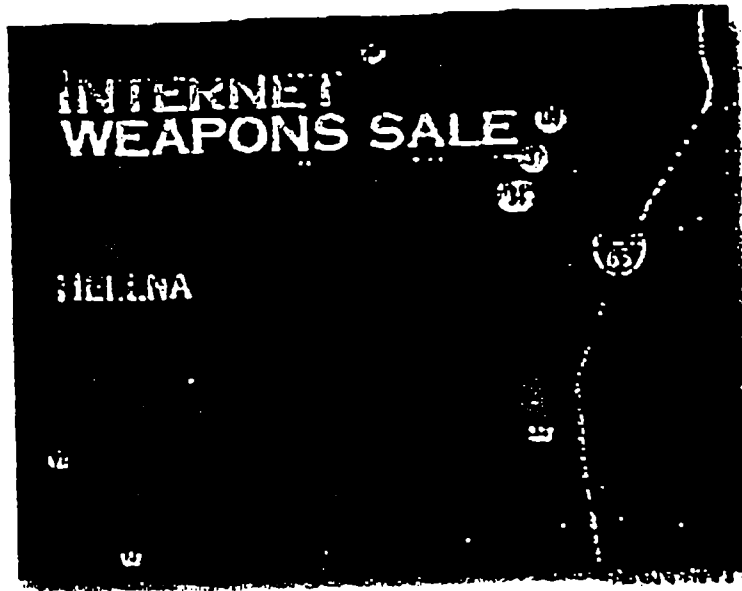
The tracing center uses computer technology and old fashioned investigative work to find out where crime guns are originally sold. In some cases, the traces reveal obvious patterns that can lead investigators straight to gun traffickers.

Several men pleaded guilty here in April 1996 in connection with charges of conspiring to traffic firearms that were funneled from Alabama to New York.

Federal officials wouldn't say who they are investigating as possible gun trafficking suspects, but did say 80 investigations are under way in the 17 cities.

"We in law enforcement spend more time chasing stolen cars than illegal gun traffickers," said Raymond Kelly, undersecretary of enforcement for the U.S. Department of the Treasury.

"That has to change," Kelly said.



Helena juvenile buys gun over the Internet

~~HELENA~~, April 30 – A Shelby County mother made a startling find one morning last month when the mail came to her door. She found a package addressed to her 17-year-old son, and that package contained a gun and ammunition purchased over the Internet.

CONTINUED ▼

MSNBC COVERAGE

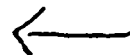
(CITYTV) Chicago NBC affiliate WMAQ has more on this story.

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(CITYTV) Bureau of Alcohol, Tobacco, and Firearms



The juvenile purchased a gun very similar to this gun, a PT-111 Taurus Millennium.



The unnamed woman was home from work sick March 2 when she accepted the package containing a TAURUS semi-automatic 9mm handgun with two magazines and fifty rounds of ammunition. She called the Helena Police Department who picked up the boy and

that's when they learned he ordered it via the Internet from his home computer. Officials say this is the first incident of this nature they've ever heard of.

It's not known which Internet site the boy ordered the weapons from, but the Bureau of Alcohol, Tobacco and Firearms says it is perfectly legal to advertise and sell guns over the Internet. Laws are broken if no background checks are performed and ages are not verified, which is exactly what happened in the Helena case.

The Helena Police Department notified the ATF, who tracked the gun and ammunition back to a Chicago man, Thomas Bellas, Jr. He was arrested ~~Wednesday~~ and charged with selling weapons outside the state of Illinois.

NBC13's sister station in Chicago, ~~CITYTV~~ WMAQ-TV, is reporting on their website that ~~CITYTV~~ Bellas is free on \$10,000 bond.

The Helena teen who purchased the gun is cooperating fully with the investigation and will probably not be charged.

The Shelby County District Attorney is considering filing additional charges against Bellas, and there are several other cases involving Bellas selling weapons that are pending.

Brian Lett with the ATF says the Brady Law does lay some off the responsibility on people who sell guns, but given the nature of the Internet, he doesn't see how they could accurately check ages. Lett says ultimately it is the parents' responsibility to keep tabs on what their kids do on the internet.

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Bureau of Alcohol, Tobacco & Firearms
Office of Public Information

ATF News Summary

Supplemental

Monday, July 28, 1997

Supplemental

Birmingham News 7/25/97

Youth Crime Gun Interdiction Initiative

Tracing guns

Pilot project showing where young thugs get their weapons

Though it's only one year old, a pilot project that traces the origin of guns used by youths in crimes already is giving law enforcement a better picture of the juvenile crime issue.

That picture is that semiautomatic handguns which can hold a high number of bullets are the preferred firearm among armed youths and, more important, they more than likely buy these weapons from illegal gun dealers. Both discoveries should help police better target their enforcement efforts to take and keep illegal guns out of the hands of children.

The project, the Youth Crime Gun Interdiction Initiative, currently involves 17 cities — including Birmingham. Guns seized from youths by police in those cities are sent to a national tracing center, which tries to determine the origins of the guns as well as identify patterns of how such guns end up in the hands of wayward youths.

As an example of the severity of the problem, from last July to April this year, the center received 37,000 guns. Remember, that includes only the 17 cities in the study. Imagine how many weapons would be involved if all law-enforcement agencies sent in their confiscated weapons. Keep in mind also that the confiscated guns account for only a tiny percentage of the guns illegally possessed by youths.

According to Birmingham police, juveniles were involved in 177 incidents already this year in which firearms were used. Over the past year, some 650 guns were seized by police here.

Guns in the hands of youths is a major problem. It's one reason why homicides committed by youths have tripled over the past 16 years.

Tracing where these guns came from is an important part of finding how guns end up illegally in the hands of delinquent youths and cutting into this supply stream.

This, of course, can be done without infringing on the constitutionally protected rights of adults to own and possess guns. The federal Bureau of Alcohol, Tobacco and Firearms must be doubly careful not to cross that line.

But it should continue to pursue those black-market dealers who sell guns to youths. This project, which is being expanded next year to 10 more cities, should help identify some illegal gun traffickers.

Society cannot condone the selling of a firearm to a youth gang member or drug dealer, especially with the knowledge that the weapon very likely will be used in a robbery, an assault or even to end a life.

Bringing these illegal gun traffickers to justice is just as important as apprehending the young thugs who use the weapons.

Worker at S. Side group home arrested

December 18, 1997

BY PHILIP FRANCHINE SUBURBAN REPORTER

✓ An employee of a South Side group home for abused and neglected youths was arrested at work Wednesday on federal charges he illegally purchased cheap semiautomatic handguns, some of which ended up in the hands of Chicago gang members.

David R. Goodwin, 38, of 2375 Taft in Gary, was arrested at the group home in the 8200 block of South Commercial, said Jerry Singer, special agent for the Bureau of Alcohol, Tobacco and Firearms.

The home, which serves eight youths ranging in age from 10 to 18, is operated by Aunt Martha's Youth Service Agency of Matteson, a well-known south suburban agency that holds many government contracts.

✓ Goodwin was charged with making false statements on gun-purchase forms when buying 16 handguns at a Valparaiso gun shop, Assistant U.S. Attorney Bernie Van Wormer, of the Northern Indiana District, said.

✓ Singer said Goodwin bought a number of guns in July and August, which later wound up in the hands of Chicago teenagers, some of them gang members.

Van Wormer said there was no evidence linking Aunt Martha's to Goodwin's alleged gun trafficking.

The guns were recovered by Chicago police after they were used in minor crimes. The serial numbers had been defaced, but Illinois State Police experts were able to reconstruct the numbers and trace the purchases to Goodwin, Singer said.

Goodwin bought 43 pistols in Indiana gun shops in July and August, but only seven have surfaced so far, Singer said.

Goodwin faces up to 10 years in prison on the gun trafficking charge. Authorities also are investigating whether he played a role in defacing the serial numbers, which would involve separate charges and penalties, Singer said.

Goodwin was hired by Aunt Martha's on April 8, 1996 and was a "family educator," spokeswoman Andrea Durbin-Odom said.

✓ "[Family educators] run the home, make sure the kids get to school on time, are safe, secure and have clean clothes," Durbin-Odom said.

Goodwin was ordered held Wednesday by U.S. Magistrate Theresa Springmann until a Friday detention hearing in Hammond, Van Wormer said.

Feds trace guns in bid to stem juvenile violence

By WILLIAM G. KLEINKNECHT

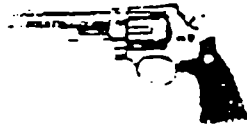
Larry Tann was a soft-spoken teenager whose brief career as a drug dealer came to an end on an Irvington street corner two years ago when he was shot in the stomach with a .38-caliber revolver during a robbery attempt.

Tann, known as "Little Larry" to his friends, died a short time later in University Hospital in Newark, where the operating surgeon told his mother that his skinny, 5-foot-8-inch body was no match for the big-caliber bullet.

"All his major organs were totally destroyed," said Tann's mother, Bettie Jones. "They told me at the hospital that they had 20 gunshot victims in three hours, and they saved all but two of them. They couldn't save my son."

If the 17-year-old's slaying was investigated the way such crimes traditionally have been handled in this country, police would have treated the murder

INSIDE



Tracing how guns get in the hands of killers.

Page 16

weapon as just another piece of evidence, without much thought as to where his killer obtained it.

But something else happened in this case that goes to the heart of what experts see as a promising new federal initiative to confront the nation's growing epidemic of teenage violence.

The gun that killed Tann — a Smith & Wesson .38-caliber revolver — was logged into a computer at the U.S. Bureau of Alcohol, Tobacco and Firearms office in Fairfield and traced to a shipment of weapons stolen from a United Parcel Service warehouse in Parsippany.

This trace, along with numerous others, linked the same group of stolen guns to violent crimes in Essex County. That led to charges against Dexter Thomas, a UPS supervisor who had pilfered 250 weapons by placing new shipping labels over boxes at the warehouse.

Using recovered weapons to build cases against gun traffickers is emerging as a centerpiece in the nation's war on crime. President Clinton gave the effort his backing in July, announcing a pilot program in which 17 cities — including Jersey City and New York — agreed to provide the ATF with information on every gun used in a crime involving a juvenile. Under the initiative, the federal agency is to use the informa-

tion to gather intelligence on gun-trafficking patterns and build cases against major suppliers.

The effort is modeled in part on Project L.I.S.A., a program that New Jersey's ATF office established in 1993. It traces virtually every weapon seized by police and has uncovered several major trafficking cases, including the UPS case.

Over the past eight years, the number of juveniles arrested in New

Tracking of weapons exposes traffickers who sell to children

the hands of young criminals," Kennedy said. "To the extent that these weapons are newer, they won't have passed through a lot of hands. This is a much better investigative opportunity than some police revolver that has been floating around for 15 years."

A 1968 law that requires federally licensed firearms dealers to keep records on who purchases weapons is the starting point for the ATF's gun traces. In part because of political pressure from the National Rifle Association, the ATF for years had not been aggressive in using sales data to build trafficking cases.

But the picture changed when violent crime became an all-consuming political issue in the 1990s. Under a 1992 program dubbed Project Lead, the ATF created a software program to combine and analyze data gleaned from handgun traces around the country.

In the last several years, the software has been used in tracing programs in New York, New Jersey, Boston, Detroit and other cities, producing a wealth of gun-trafficking cases and valuable information on trafficking patterns in several key regions, according to ATF officials.

The national tracing program has been hampered by what ATF officials and others say has been uneven participation by police departments. The 17-city pilot is intended to improve that performance by securing a memorandum of understanding from each of the cities that pledges their cooperation in submitting weapons for traces.

Such cooperation has largely been achieved in New Jersey's Project L.I.S.A. The project was launched with an agreement between Faith Hochberg, the U.S. attorney in Newark, and former state Attorney General Deborah Poritz that committed each county prosecutor's office to submit virtually every seized weapon for ATF tracing.

Since the pact was reached, the number of guns traced by the ATF in Fairfield has increased dramatically, so much that the office has borrowed personnel from the New Jersey National Guard to handle the computer work. In a one-year period ending in September 1993, the office conducted 624 traces. That number jumped to 3,452 over the same period last year and is expected to be higher still this year.

Dominick Polifrone, the agent in charge of the New Jersey ATF office, said the program has produced a series of trafficking cases, many of which he said had started with the recovery of a single weapon.

"When a police officer recovers a single weapon, we have been able to initiate an investigation and take hundreds off the street," Polifrone said.

"We never had that kind of capability before."

Polifrone said the effort also has yielded a wealth of information on the sources of New Jersey's illegal weapons, which he said largely originate with federally licensed arms dealers in a handful of Southern states with loose gun laws.

Between September 1992 and July 1996, traces showed that Florida was the source of 400 guns seized in the Garden State, followed by Pennsylvania with 379 guns; Virginia, with 329; Georgia, with 300; North Carolina, with 251; South Carolina, with 192; New York, with 179; and Texas, with 136. New Jersey itself was the source of 904 weapons seized here.

With the exception of New York and New Jersey, each of the states that is a major supplier for the Garden State allows customers to buy handguns after merely showing a driver's license and waiting a federally mandated five days for a criminal background check. Since guns that have been reported stolen generally do not need to be traced, virtually all the guns included in the statistics entered the illegal market after being sold legally by firearms dealers.

"We have a big problem involving violence with guns in New Jersey," Polifrone said, "and it has a lot to do with the influx of legally purchased weapons from the South."

Polifrone said New Jersey's illegal weapons are typically obtained from licensed dealers who live in Southern states and have no criminal records. Those people then sell them to New Jersey criminals, often in exchange for cocaine or heroin.

Some academic studies have shown that a relatively small number of licensed gun dealers sell a significant portion of the guns that end up in criminals' hands. In 1995, Glen Pierce, a Northeastern University researcher under contract with the ATF, completed a study of five years worth of ATF gun traces and found 120,000 cases in which guns could be traced to active dealers. Of these, 25 percent had been sold by just 145 dealers, who made up one-tenth of a percent of the 258,000 dealers licensed during the period of his research.

Josh Sugarmann, executive director of the Violence Policy Center, a Washington Foundation that supports gun control, said advocates like himself are enthusiastic about the new federal initiative because it shows Washington has become serious about confronting gun trafficking.

He said the ATF has laid a foundation for the program over the last few years by cracking down on "kitchen-table" gun dealers who flooded the nation with weapons throughout the 1980s, kept few records and were barely regulated by the federal agency. Sugarmann said tighter regulation had decreased the number of licensed dealers from 245,000 to 142,000 since 1992, a number that he said is projected to keep falling.

Clinton's initiative also was applauded by the Center to Prevent Handgun Violence, a Washington organization founded by Sarah Brady, the wife of former White House press spokesman James Brady who was shot and disabled by would-be presidential assassin John Hinckley.

"Juveniles can't walk into a store and buy a gun, but juveniles are getting guns somehow," said Holly Richardson, a spokeswoman for the group. "We need to disrupt that chain, and this initiative will help."

Identification of gunrunners hasn't cut flow

Critics cite shortage of ATF agents

By William Kleinknecht
STAR-LEDGER STAFF

The ambitious campaign launched two years ago by President Clinton to track illegal handguns has succeeded in identifying probable gun traffickers — but few have gone to jail as a result.

A Star-Ledger review of federal firearms data shows that gun traces generated a computer database containing the names of hundreds of suspects, yet the number prosecuted has continued to sharply decline.

Between 1992 and 1996, the firearms-trafficking cases that the U.S. Bureau of Alcohol, Tobacco and Firearms referred for federal prosecution dropped to 3,643 from 7,458, according to figures supplied by the bureau. That number kept falling after Clinton launched the tracing initiative, to 3,134 last year.

And yet the number of guns traced by ATF agents has increased substantially, going from 51,210 in 1992 to 116,349 in 1996, according to

federal figures. During that same period, the number of ATF field agents dropped more than 10 percent.

The ATF's inability to build more firearms cases has been a disappointment to supporters of gun-tracing, who say federal lawmakers refuse to give the ATF enough agents to go after traffickers.

"I think it's a scandal," said David Kennedy, a professor at Harvard University's Kennedy School of Government, who helped design Clinton's initiative. "There are all these pieces of gold scattered on the ground waiting to be picked up. But there aren't enough people to do the picking."

The lack of money for enforcement and Congress' unwillingness to make gun-trafficking a law enforcement priority have long been a concern for New Jersey and the Northeast, said Sen. Robert Torricelli.

"The laws may be comprehensive, but there are simply not enough resources being given to the

Guns

Prosecutions lag despite more data

problem," said Torricelli. The New Jersey Democrat said he favors legislation that would limit the number of guns any individual could buy in a single state to one per month.

Officials at the ATF, the lead agency in the President's initiative, declined requests to be interviewed about the program. Members of the U.S. Attorney's Office in New Jersey, which prosecutes gun-trafficking cases, also declined to be interviewed.

Beth Weaver, a spokeswoman for the Treasury Department, which oversees the ATF, acknowledged that the agency's firearms enforcement efforts have been hampered by a lack of funding.

Weaver said the President's program was given only \$1 million for its first year of operation, in fiscal 1997. But she said the wealth of data and suspects produced by the program has persuaded lawmakers to earmark \$28 million for it for fiscal 1999, which begins Oct. 1. That is enough to add 162 agents and intensify prosecution efforts, she said.

It still leaves the ATF with fewer agents than it had in 1994, when its staffing began to drop.

Different standards

New Jersey has been a national leader in gun-tracing for several years as the state copes with a continuing inflow of illegal handguns from Southern states that have more lenient firearms laws.

Like most Northeastern states, New Jersey requires handgun purchasers to possess a permit and undergo an extensive background check. But in states like Florida, a person needs only to display a driver's license to purchase an unlimited number of handguns. Gun traffickers take advantage of the difference by buying guns in the South and illegally transporting them to New Jersey, where they are kept or sold unregistered.

In 1995, U.S. Attorney Faith Hochberg, New Jersey Attorney General Deborah Poritz and the state's 21 county prosecutors made New Jersey the first state to confront the problem of smuggled handguns. They agreed to submit the serial number from every gun seized after a crime to the ATF office in Fairfield for tracing, an effort that became known as Project LISA. The acronym stands for Locate, identify, seize, apprehend."

From 1993 through June of this year, the ATF traced 15,966 firearms that had been seized in New Jersey, building up a sophisticated computer

database that showed exactly which states and even which stores supply the bulk of the illegal weapons that end up here.

In part because of the state's track record in gun-tracing, Jersey City was one of the 17 cities that the ATF chose for the federal gun-tracing program launched by Clinton during his re-election campaign in July 1996. It is known formally as the Youth Crime Gun Interdiction Initiative. It was expanded to 27 cities last year.

In announcing the program, Clinton said he envisioned gun-tracing as the centerpiece of "a national campaign to cut off the flow of guns to teens who commit crimes."

But the reality has been far different. In Jersey City, the program has yielded no significant trafficking prosecutions, even though hundreds of guns have been traced during its two years.

Project LISA has fared a little better, but still has produced fewer than two dozen trafficking cases since it started in 1994.

New Jersey's ATF office in Fairfield has a plethora of investigative leads, yet the office has made fewer than two dozen trafficking cases since 1995. Dominick Polifrone, the resident agent in charge, said his investigations have been hampered by a shortage of manpower.

While Polifrone declined to say how many agents are assigned to his office, he said his office is stretched so thin that he is forced to rely on National Guard personnel to actually handle the computer tracing.

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In a recent interview in his office, Polifrone pointed out 22 blue sheets of paper pinned on a bulletin board. Each of them, he said, represents a promising trafficking investigation that is not even close to having agents assigned to it.

"We could be making a lot more cases if we had the manpower," he said. "If the National Guard were pulled out of here, we'd have to close down Project LISA. It's that simple."

Large purchases

A senior Treasury Department official who asked not to be identified said factors other than manpower may have played a role in the declining number of firearms cases. The official said the ATF has increasingly emphasized the longer, more complex trafficking investigations. There are fewer of them, but they involve larger numbers of firearms.

The ATF is the only law enforcement agency with the ability to trace the origins of a firearm. Federal law requires gun dealers to record the name and address of anyone who purchases a firearm. If given the serial number of a weapon from a local police agency, ATF agents can enter it into a nationwide computer database and learn within seconds where the gun was first sold and to whom.

If the traces show an instance of large numbers of weapons being bought by one person, it is considered a good indication that the purchaser is involved in gun-trafficking, ATF officials say.

Only in recent years has ATF begun working with state and local police departments to trace weapons seized in street crimes. Firearms that traditionally would be stored away in police evidence rooms have become the theoretical starting points for federal gun-trafficking investigations.

Supporters of the ATF have long complained that the agency is denied sufficient funding for firearms enforcement because of pressure from anti-gun control lobbyists.

Rep. Donald Payne (D-10th Dist.), who represents Newark, said the gun lobby has always tried to block funding for ATF firearms enforcement and has found a sympathetic ear in Congress' Republican majority.

"The ATF is just one of those agencies that the Republican majority dislikes," he said. "The NRA and that crew are just such an overpowering lobby."

After ATF agents bungled the 1993 raid on the Branch Davidian compound in Waco, Texas, the National Rifle Association sent out a fund-raising letter calling ATF agents "jack-booted thugs" wearing "Nazi helmets."

Amid the controversy over the ATF's performance at Waco, the agency's \$366.4 million budget appropriation for 1994 was given no increase and the number of agents dropped from 1,939 to 1,884, according to ATF figures. That number was down to 1,664 by 1996, although it rose last year to 1,770.

"The ATF has been doing some very innovative things with gun-tracing, but they are kept on a very short leash for funding," said Tom Diaz, a senior policy analyst with the Violence Policy Center, a Washington gun-control organization. "And that, quite frankly, is the effect of the gun lobby."

Paul Blackman, a research coordinator with the NRA, said his organization supports strong action against gun traffickers and has never stood in the way of funding for enforcement.

The NRA supports gun-tracing as a tool for identifying traffickers, he said, but believes it is useless for the gathering of statistics on trafficking because a small percentage of illegal weapons are successfully traced.

"We aren't keeping any money away from the ATF," he said. "The NRA has been complaining longer than the Violence Policy Center about the government's failure to crack down on gun-wielding criminals."

Clinton Says L.A. Joining Program to Trace Guns

By

PATRICK J. MCDONNELL, Times Staff Writers

WASHINGTON--President Clinton announced Saturday that 10 cities, including Los Angeles, will be added to a computer system that helps authorities pursue illegal gun traffickers by tracing guns sold to juveniles.

Clinton said the program, which currently involves 17 cities, including Salinas and Inglewood, has tracked 37,000 guns used in crimes and that many of them were linked to gun-selling rings and dishonest gun dealers.

"Too many of our young people are drawn to guns and violence as a way of life," Clinton said in his weekly radio address. "Over the past decades, the number of gun murders by juveniles has skyrocketed by 300%. This is simply unacceptable. We know we must break this deadly trend."

The program, which Clinton proposed during his 1996 reelection campaign, takes information provided by local law enforcement officials on guns they have seized and feeds it into a computer system run by the Bureau of Alcohol, Tobacco and Firearms. The information is then matched against other databases in an attempt to trace guns back to their sources.

The need is acute in Los Angeles, which is one of the nation's leading centers of gun crimes. Each year, according to ATF estimates, about 30,000 guns are recovered in Los Angeles County, overwhelming the ability of authorities to trace the weapons' origins by using the traditional channels of fax or telephone.

Los Angeles County Sheriff Sherman Block and interim city Police Chief Bayan Lewis embraced the idea when contacted about the program last week, said Jim Adamcik, an assistant chief of the ATF office in Los Angeles. The ATF plans to begin training personnel from both departments soon.

"For the first time, we know where the juveniles are getting these guns, how they are getting them and what kinds of guns they are using," Clinton said. "Guns are finding their way quickly from

legitimate retail stores to black markets through a network of gun traffickers and corrupt gun dealers.

* * *

"Make no mistake--gun traffickers are funneling guns to lawless youth," Clinton added. "We know how they operate, and we intend to shut them down."

An ATF analysis released Saturday said 4 in 10 guns used in crimes and recovered by police were in the possession of juveniles and that the most commonly used gun for individuals younger than 24 was a semiautomatic pistol.

Law enforcement authorities say that finding the initial point of sale of a gun is essential to reducing illicit weapon sales. "The first step to stop firearms trafficking is to see where the sources are," said John Torres, another assistant chief of the ATF office in Los Angeles.

The computer program aids investigators by providing information about the patterns of illegal gun movements to juveniles.

For example, the program "could link a crime gun that enforcement officials in Inglewood . . . submit for tracing with a crime gun that officials in Jersey City, N.J., submit for tracing by showing that both were sold by the same federal firearms licensee or purchased by the same individual," the ATF report said.

* * *

In one case, authorities tracing the source of a number of weapons recovered in unrelated crimes were able to identify a Tennessee gun seller who bought weapons from gun shows in Kentucky and sold them illegally in Washington, D.C., an ATF official said.

Last year, the ATF's National Tracing Center in West Virginia tracked the history of about 100,000 guns nationwide, Adamcik said. Eighty-six criminal investigations are underway in the 17 cities in the program, an ATF official said Saturday.

In Inglewood, investigators were able to trace 65% of 126 firearms seized during a nine-month study, officials said. Guns found in Inglewood typically originated from retail sales within the state. Those findings tend to contradict the widespread belief that most guns used in crimes are stolen or purchased out of the state. The most popular handgun in Inglewood was the Smith & Wesson revolver.

In other crime-related matters, Clinton said he was disappointed that a Senate committee recently rejected his proposal to require federal firearms dealers to provide child-safety locks and urged the full Senate to consider the idea.

"The juvenile crime bill must be comprehensive. Of course it must get tough on violent juvenile offenders, but it also must cut off their access to guns," he said.

The president also called upon law enforcement agencies to continue conducting background checks on prospective adult gun buyers, despite the Supreme Court's recent ruling that strikes down

part of the Brady Act that mandates those checks.

The law has already stopped more than 150,000 "fugitives, felons and stalkers" from buying handguns, he said.

Clinton said Atty. Gen. Janet Reno and Treasury Secretary Robert E. Rubin, after meeting with law enforcement authorities from around the country, have confirmed that "the overwhelming majority of police departments are continuing to do the responsible thing: to perform these background checks voluntarily because they work."

In addition to Los Angeles, the \$11-million expansion of the gun-tracking program adds Philadelphia, Chicago, Detroit, Houston, Miami, Tucson, Minneapolis, Cincinnati and Gary, Ind.

In addition to Salinas and Inglewood, the original cities are Atlanta; Baltimore; Birmingham, Ala.; Boston; Bridgeport, Conn.; Cleveland; Jersey City, N.J.; Memphis, Tenn.; Milwaukee; New York; Richmond, Va.; St. Louis; San Antonio; Seattle and Washington.

Cimons reported from Washington and McDonnell from Los Angeles.