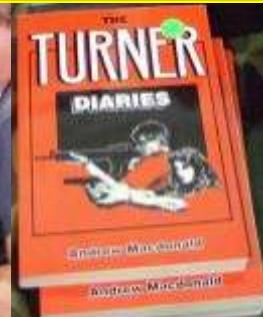


 I HAVE A DREAM



# Inside Gun Shows

## What Goes On When Everybody Thinks Nobody's Watching



## Executive Summary



Set  
in Texas!  
Made AK



# Inside Gun Shows

What Goes on  
When Everybody Thinks  
Nobody's Watching

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# Executive Summary

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

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

## **Gun Shows in Context**

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

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

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

### *America's Two Systems of Gun Commerce*

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

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

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

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



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

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

### *Where Crime Guns Come From*

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

### *Gun Shows and Gun Commerce*

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

Current evidence suggests that gun shows account for 4%

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

### *Gun Shows and Crime Guns*

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

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

### *Federal and State Policy on Gun Shows*

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

### *Law Enforcement at Gun Shows*

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

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

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

### *Preliminary Inferences*

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

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

Most sales at gun shows involve licensed retailers;

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

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

### **How Gun Shows Work**

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

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

## **Buying and Selling**

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

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

## **What’s for Sale**

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

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

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



## Culture

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

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

## Politics

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

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

## Interventions

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

ATF's enforcement operations currently impact less than 5% of gun shows; this is far too small. Its activities to date have

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

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

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

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

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

Similarly, it is clear that ordinary citizens can acquire the

skills needed to identify illegal activity at gun shows. These are public events, and there is nothing to prevent interested persons from doing for gun shows what Neighborhood Watch does for entire communities.