



STRENGTHENING LAW ENFORCEMENT'S TOOLS TO CRACK DOWN ON CORRUPT GUN DEALERS AND CURB ILLEGAL GUN TRAFFICKING

Q. Has Law Enforcement Been Handcuffed in its Ability to Crack Down on Corrupt Gun Dealers?

A. Yes. The federal agency responsible for overseeing the gun industry is the Bureau of Alcohol, Tobacco, Firearms and Explosives, which is now part of the U.S. Department of Justice. Although ATF has long recognized that corrupt dealers are a major source of trafficked guns, the gun lobby has succeeded in persuading Congress to place severe limits on the Bureau's authority to regulate licensed dealers and force corrupt dealers out of business. *See below.*

Moreover, Congress has chronically under funded ATF. ATF has the responsibility for inspecting federally licensed firearm dealers and shutting down corrupt dealers who supply criminals with guns. But ATF has too few inspectors to handle this task. In fact, the Justice Department's Inspector General estimated that, *at its current rate of inspections, it would take ATF more than 22 years to inspect all licensed dealers.*

Our [Campaign Against Illegal Guns](#), therefore, is calling for strengthening law enforcement's tools to crack down on corrupt gun dealers, thereby protecting the American people from illegal guns. This directly responds to the NRA's argument that "we don't need new laws; we need to enforce existing laws." The argument is a fallacy, in part because new laws are needed to strengthen ATF's enforcement ability.

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Q. How Has Law Enforcement Been Handcuffed, and What Tools Does it Need to Crack Down on Corrupt Gun Dealers?

A. There are a number of things that Congress should do to remove constraints on ATF's ability to root out illegal gun trafficking. Our [Campaign Against Illegal Guns](#) aims to do just that. Specifically the Congress should:

- **Remove Limits on ATF's Power to Inspect Gun Dealers.** In 1986, Congress, at the behest of the NRA, put severe limits on ATF's enforcement authority,

including a limitation of one unannounced enforcement inspection per year. This limitation should be repealed.

- **Remove Limits on ATF's Power to Revoke the Licenses of Corrupt Dealers.** Despite the fact that ATF inspections often reveal multiple violations of law by gun dealers, the revocation of a dealer's license to sell guns is a rare event. In fiscal year 2003, ATF completed 1,812 inspections that uncovered regulatory violations, *with an average of over 80 violations per dealer*. Despite this large number of dealers with multiple violations, ATF issued only 54 notices of license revocation that year. In part, this is due to a stringent requirement that ATF prove a dealer "willfully" violated the law. This is a showing of evil intent normally reserved for criminal liability. ATF should be given broader powers to revoke the licenses of corrupt or negligent dealers.
- **Remove Limits on ATF's Ability to Fine and Suspend Dealers.** When faced with a dealer who has violated the law, ATF only has the option trying to revoke the dealer's license, which may take several years and expensive court litigation, or taking no action at all. ATF generally may not impose any fines or temporary license suspensions on gun dealers. Many dealers who commit crimes end up retaining their licenses for years. Indeed, under current law, a licensed gun dealer charged with a felony *can continue to sell guns until he is convicted and all of his legal appeals are exhausted*. ATF should be given additional authority to fine or suspend licensees it believes have violated the law and, at the very least, should be able to suspend licensees once they have been convicted of a crime.
- **Stop Blocking an ATF Rule That Would Require Inventories from Dealers.** In August 2000, after finding that dealer inventory errors were occurring at a "high rate," ATF issued a proposed rule requiring licensed gun dealers to do annual physical inventories. Congress, at the urging of the gun lobby, prohibited ATF from putting this rule into effect.

If this proposed rule had been in effect, it might have prevented the 2002 sniper shootings in the Washington, D.C. metropolitan area. After the sniper suspects were apprehended, their assault rifle was recovered and traced to Tacoma, Washington gun dealer Bull's Eye Shooter Supply. Bull's Eye had no record of selling the gun and did not even know it was missing. The snipers' gun was just one of more than 230 firearms missing from the dealer's inventory during the previous three years.

- **Restore Felony Penalties for Firearm Record Keeping Violations.** As the sniper case shows, the failure of a dealer to keep proper records contributes to violent criminals getting guns. Proper record keeping is an effective deterrent to prevent the illegal transfer of guns. Violations should be treated seriously, not as misdemeanors subject to a slap on the wrist, but as a felony in order to have true deterrent value. Prior to 1986, such violations were felonies.
- **Allow ATF to Require Security Standards for Gun Sellers.** Every year, dealers report thousands of firearms stolen or missing from their premises. Every stolen gun enters the

illegal market. Security standards for gun dealers are voluntary. Congress should give ATF the authority to make these standards mandatory. Guns are just too dangerous to not be properly secured.

These simple changes to federal law would go a long way to curbing illegal gun trafficking. Our [Campaign Against Illegal Guns](#) will keep pushing to give ATF the authority it needs to stop gun trafficking.

Q. Is Congress Protecting Corrupt Gun Dealers?

A. Yes. The leadership in Congress is so firmly beholden to the gun lobby that it has been willing to shield corrupt gun dealers from public and law enforcement scrutiny. It has done so by blocking information that would allow law enforcement to identify the gun dealers responsible for selling most of the crime guns in America. Public release of this information during the Clinton Administration showed that *about 1% of the gun dealers in America sold approximately 57% of the crime guns.*

ATF identified this concentration of crime gun sales among just tiny percentage of gun dealers through its Youth Crime Gun Interdiction Initiative. YCGII, as it was called, enlisted more than 50 of the largest cities in America to trace every crime gun recovered by police to learn where it came from. At the same time, it encouraged law enforcement throughout the United States to trace all of the guns recovered in connection with criminal investigations. Through comprehensive crime gun tracing, about *1.7 million crime guns* were traced from 1996-2003.

The results of this comprehensive crime gun tracing were striking. Report after report issued by ATF in the 1990s showed that only a few corrupt gun dealers were supplying most of the crime guns recovered by law enforcement. For example, in 2000, *out of 77,000 gun dealers in the United States, only a handful were responsible for huge chunks of the crime guns recovered in major cities.*

- Atlanta, GA -- **5 dealers** supplied **40%** of crime guns.
- Birmingham, AL -- **10 dealers** supplied **57%** of crime guns.
- Boston, MA -- **6 dealers** supplied **24%** of crime guns.
- Buffalo, NY -- **3 dealers** supplied **43%** of crime guns.
- Charlotte-Mecklenburg, NC -- **6 dealers** supplied **45%** of crime guns.
- Chicago, IL -- **12 dealers** supplied **41%** of crime guns.
- Cleveland, OH -- **3 dealers** supplied **43%** of crime guns.
- Denver, CO -- **4 dealers** supplied **29%** of crime guns.
- Gary, IN -- **5 dealers** supplied **65%** of crime guns.
- Indianapolis, IN -- **10 dealers** supplied **70%** of crime guns.
- Los Angeles, CA -- **9 dealers** supplied **43%** of crime guns.
- Memphis, TN -- **6 dealers** supplied **36%** of crime guns.
- Miami, FL -- **9 dealers** supplied **51%** of crime guns.
- Milwaukee, WI -- **4 dealers** supplied **53%** of crime guns.
- Minneapolis, MN -- **5 dealers** supplied **39%** of crime guns.
- New Orleans, LA -- **2 dealers** supplied **33%** of crime guns.

- New York, NY -- **51 dealers** supplied **26%** of crime guns.
- Oakland, CA -- **1 dealer** supplied **46%** of crime guns.
- Philadelphia, PA -- **8 dealers** supplied **50%** of crime guns.
- Pittsburgh, PA -- **7 dealers** supplied **53%** of crime guns.
- Richmond, VA -- **3 dealers** supplied **52%** of crime guns.
- Seattle, WA -- **6 dealers** supplied **44%** of crime guns.
- Tucson, AZ -- **7 dealers** supplied **46%** of crime guns.
- Washington, DC -- **5 dealers** supplied **20%** of crime guns.

Unfortunately, thanks to Congress doing the gun lobby's bidding, this kind of information is no longer available. Starting in 2003, Congress has attached a series of riders to Justice Department appropriations bills prohibiting ATF from disclosing crime gun trace data to the public, or even to local law enforcement.

ATF long provided public access to various versions of its crime gun trace database. The information has been used by researchers and law enforcement to track gun trafficking patterns, assess the success of gun laws, identify the retail dealers contributing the most guns to the illegal market and the manufacturers and distributors who supply those dealers, and support lawsuits against the gun industry. ATF's crime gun tracing program not only helps local police solve gun crimes, it also yields a massive amount of information about crime guns that helps law enforcement, and the public, understand how the illegal gun market is supplied.

These riders cripple local law enforcement's ability to identify the most corrupt gun dealers harming their communities. At the same time, they protect "bad apple" gun dealers from public scrutiny. It is essential that they be deleted from future appropriations bills.

A major element of our [Campaign Against Illegal Guns](#) is to remove these riders to allow the worst gun dealers to be identified and allow law enforcement and others to do their job.

Q. What Else Should Be Done to Shut Down the Illegal Market in Guns?

A. There are several additional things that should be done to shut down the illegal market in guns. The Brady Law should be extended so that there is a background check for every gun sale – no background check, no gun, and no excuses. Curbing large volume sales is also critical to choking off the supply of illegal guns.

Federal law should also prohibit all dangerous people – such as people on terrorist watch lists, people convicted of violent misdemeanors, and convicted sex offenders – from buying guns. When dangerous people are prevented from buying guns, lives are saved.

The FBI should also be permitted to retain Brady background check records for 90 days, as it did for the first 10 years of the program. These records are essential to allow law enforcement to check to make sure guns were not sold in error, and to audit gun dealers to make sure they are not submitting false identifications. Without these records law enforcement has no opportunity to retrieve guns mistakenly sold to prohibited purchasers or to catch corrupt gun dealers.

Our [Campaign Against Illegal Guns](#) is all about keeping guns out of the hands of criminals and other dangerous people. There are a number of simple common sense steps we can take. But the NRA and the gun industry will do and say anything to thwart our efforts. We need your help to make this Campaign a success: [Click here to Donate.](#) [Click here join us and support our Campaign Against Illegal Guns.](#)

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