



## **STRENGTHENING LAW ENFORCEMENT'S TOOLS TO CRACK DOWN ON CORRUPT GUN DEALERS**

**Q. Why is it important for law enforcement to have effective tools to crack down on corrupt gun dealers?**

A. We make it too easy for dangerous people to get dangerous guns. One way we make it too easy is by tying law enforcement's hands when it comes to effective oversight of gun dealers. A major source of crime guns is gun dealers who don't obey the law and facilitate gun trafficking to make money. Law enforcement's tools are too weak to allow them to stop the trafficking effectively.

**Q. How has federal law enforcement been handcuffed in its ability to crack down on corrupt gun dealers?**

A. 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.

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 federal 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. At the same time, it is critically important for states to adopt strong gun dealer licensing laws to inhibit the diversion of guns from retail dealer to the illegal market and to build support for national changes.

**Q. What tools does federal law enforcement 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 (Bureau of Alcohol, Tobacco, and Firearms, p. 2).

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, 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 released limited data in 2006 and 2007, but the data does not identify dealers.

**Q. What can states do to strengthen state law enforcement's ability to crack down on corrupt dealers?**

A. States can adopt their own gun dealer regulations. This will provide tools to state law enforcement and will also build support for a national law. To see components that are important to include in state gun dealer licensing laws, see the Brady Campaign State Scorecard at [http://www.stategunlaws.org/xshare/pdf/scorecard/2007/2007\\_state\\_scorecard.pdf](http://www.stategunlaws.org/xshare/pdf/scorecard/2007/2007_state_scorecard.pdf).

**Q. What is the evidence that gun dealer licensing works?**

A. Gun dealers stop diverting guns to the illegal market when public and law enforcement pressure is exerted. In Milwaukee, a single gun dealer sold more than half of the guns recovered from criminals in that city. When the store voluntarily decided to stop selling the small, inexpensive handguns popular with criminals, there was a corresponding 96 percent decrease in recently sold, small, inexpensive handguns used in crime in Milwaukee (Webster, Journal of Urban Health, p. 778). Police stings and lawsuits against Chicago gun dealers suspected of facilitating illegal gun sales resulted in a 46 percent reduction in the flow of new guns to criminals in Chicago (Webster, Injury Prevention, p. 225). Gun dealer licensing provides law enforcement with the tools they need to apply enforcement pressure to corrupt dealers.

**Q. Are gun owners in favor of strong gun dealer licensing laws?**

A. Gun owners overwhelmingly favor common sense gun laws that impact them more than gun dealer licensing laws. For example, 67 percent of gun owners favor the

requirement to get a permit from police to own a gun (Smith, p. 53).

**Q. What is the solution?**

A. Congress needs to give ATF the authority it needs to crack down on corrupt gun dealers, and the states need to adopt strong gun dealer licensing laws.

**Sources**

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