

**TO:** Chairman Robert "Bobby" Scott  
Representative Michael Castle  
Representative Carolyn McCarthy  
Representative Mike Quigley

**FROM:** Retired Special Agent Gerald A. Nunziato

**DATE:** July 14, 2010

**RE:** The Gun Show Loophole Closing Act of 2009

I am a retired Bureau of Alcohol, Tobacco, and Firearms, (ATF) Special Agent. I was employed by ATF from 1970 to 1999 and was stationed in Detroit, MI, Youngstown, OH, Miami, FL, Cleveland, OH, Rockville, MD, Washington, DC, Landover, MD, Falling Waters, WV, and St. Paul, MN. During my 28 plus years as a Special Agent investigating how criminals acquire firearms, gun shows played a dominant role in supplying firearms to the criminal element. I will share my knowledge about the role gun shows play in arming criminals.

From 1970 to 1978, I was assigned to the ATF Detroit field office covering intercity Detroit and the western portion of Oakland County, a distant suburb of Detroit. My duty was to investigate and prepare criminal cases against violent criminals, narcotics traffickers, and gang members who acquired firearms in violation of federal law or used firearms in illegal activities. In addition, I was tasked to investigate the theft and "fencing" of firearms stolen from private individuals, mostly in the Oakland County area.

During the 1970's thousands of crime guns were recovered yearly from criminals in Detroit. According to a study conducted by ATF in the mid-1970's, "Project Identification," 92% of the traceable crime handguns recovered in Detroit were first sold at retail in states other than Michigan. The study did not include the source states of rifles and shotguns used in crime. Unfortunately the report did not identify how the guns moved from original purchaser to criminal hands, nor did it consider the impact of gun shows as a source of firearms to Michigan. That knowledge would come later.

My experiences investigating crime in Detroit supports my belief that gun shows are a major outlet for burglars to sell stolen firearms and a place for criminals to shop for the types of firearms they desire. For over six years, I reviewed the Detroit Police Department's daily arrest reports to cross-check the names of individuals arrested with firearms against a list of violent felons, narcotics traffickers, and outlaw gang members that were identified jointly by ATF and the Detroit Police as targets to be prosecuted under federal laws for illegal firearm possession. In addition to identifying potential defendants for federal prosecution, I investigated the sources of the crime guns recovered in an effort to identify firearm traffickers or individuals crossing state lines to acquire firearms in violation of federal law. I used several methods to determine the source of the crime guns. First, I interviewed over a hundred individuals arrested with firearms during this six year period; a majority stated they bought the guns "off the street." The suspects defined "buying guns off the street" as a means of purchasing a firearm from individuals in their neighborhood who specialized in acquiring firearms. I used the ATF's firearm tracing system to discover the retail history of the firearms. When possible, I would contact the first retail purchaser by telephone to ascertain how they disposed of the firearm. Usually, the disposition would fall into one of four categories: sold it to an unknown individual, sold it at a gun show, could not remember, or it was stolen. In addition, I developed informants that were familiar with the illegal market in firearms.

When a suspect would discuss the source of the firearm they purchased "off the street" they often said the person they obtained the firearm from claimed it was a clean gun (not involved in a crime) since it came from a gun show in Ohio or Michigan. This concept of clean guns available at gun shows was confirmed by many informants as well. Both the suspects and informants claimed they needed a particular type of firearm, and could not wait for it to be randomly offered for sale by criminal associates. They sought out the known firearm traffickers who would go to gun shows to obtain the type of weapon they needed. Criminals, especially gang members, wanted specific guns, like the 44 magnum revolver used by Clint Eastwood in the Dirty Harry movies, or those carried by actors in other violent themed movies.

In the late 1970's, The Michigan State Police indicated only 10% of firearms stolen during a five year period were recovered. In Detroit, suspects did not want to be arrested in possession of stolen firearm. They knew that Possession of Stolen Property was a felony while possession of a firearm in most cases was a misdemeanor. I attempted to interview every individual arrested for possession of a stolen firearm in Detroit for one year. Those that would talk to me were upset that someone sold them a stolen firearm. They claimed they purchased the firearm from a street source who bought the firearm from a gun show, and the firearm should not have been a stolen firearm. In addition, individuals crossing the border into Canada with firearms for hunting or other sporting activities had to declare the firearms to US Customs officials. Occasionally, the firearm had been reported stolen and US Customs would notify ATF. I interviewed over a dozen of these individuals, and the majority stated they purchased the firearm at a gun show from an unknown individual. In both scenarios, the geographic location of the firearm theft was not close to the gun show or to the area the possessor frequented. It is my belief that gun shows are a conduit for moving stolen firearms into the legitimate retail firearms market. Buyers at gun shows have a huge selection of firearms and the sellers of stolen firearms and those with criminal intentions have little fear of being detected.

I was transferred to the six-person ATF office in Youngstown, Ohio in 1979 and remained in the Northeastern Ohio area for four years. Again, my investigative responsibilities involved perfecting criminal cases against firearms traffickers, individuals found in illegal possession of firearms, and individuals dealing stolen firearms. In both Detroit and Youngstown, criminals feared other criminals and it was essential to have an appropriate firearm for protection. They could not rely on the drug addicts that swapped stolen firearms for illicit drugs to have the firearm they desired. In the 1970's and early 1980's, large caliber revolvers or weapons made from pump shotguns were the criminals' weapons of choice. Frequently, my informants and statements from suspects involved with illegally possessing a firearm stated gun shows were one of their primary sources for acquiring firearms. Criminals in need of a firearm knew burglars/drug users broke into houses looking for something to steal, and could not rely on them to obtain the type of firearm they needed.

In 1983, I was selected to participate in Vice President George Bush's South Florida Task Force in Miami, Florida. I spent a year in Miami investigating violent criminals and firearm traffickers shipping firearms to Northern U.S. cities and South America. At that time criminals were purchasing firearms by the hundreds from small Federally licensed gun dealers to traffic to New York, Washington D.C. or South America. As the Task Force presence became known in the South Florida area, the criminals turned to gun shows to purchase large quantities of firearms to traffic. This change was most likely caused by the cooperation of Federal firearms dealers informing the Task Forces of unusual or large purchases of firearms. The Task Force also investigated violent crimes committed with firearms throughout the United States and South America that were first sold at retail in South Florida. I interviewed approximately twenty original purchasers of these firearms recovered in violent crimes outside of Florida for investigative leads. The purchasers stated they sold the firearms at gun

shows in south Florida to unknown individuals. One individual sold over two dozen firearms at various South Florida gun shows to unknown purchasers, three of his firearms were used in murders in New Jersey and New York.

In 1985, I was assigned to the ATF Headquarters Tactical Operations Branch in Rockville, MD. I was responsible for providing ATF Special Agents nationwide with undercover identification, covert audio and video surveillance equipment, and monitoring long-term undercover operations. Our agents used this surveillance equipment during undercover purchases at gun shows. I had the opportunity to review the audio and video tapes of suspects that were illegally dealing in firearms at guns shows. The audio and video tapes demonstrated how ATF undercover agents posed as felons or discussed how they were going to illegally use the firearms during the purchases of firearms from these illicit dealers. The dealers always sold the firearms and overlooked the disqualifying statements made by the undercover agents during the purchases.

In 1990, I was transferred to ATF Headquarters in Washington, DC as the Firearms Interdiction Coordinator. My duties included reviewing all investigations from two or three ATF offices and tracing firearms recovered in foreign countries. I reviewed many investigations conducted by ATF special agents that involved suspects that purchased firearms from gun shows and later used them in violent crimes. I documented the retail history of hundreds of firearms recovered in Mexico, Canada, Europe, and South America. When a U.S. sourced firearm recovered in a foreign country it was traced. Using the trace results, I assigned a special agent to interview the first retail purchaser of the firearm for leads on how the firearm was smuggled overseas. I kept a database of these assignments and the results of the special agents' interviews. Most of the original purchasers stated they sold the gun at guns shows to unknown individuals.

In 1991, I was promoted to head the ATF National Tracing Center. During my time at the NTC, the number of firearms associated with criminal activity increased from approximately 50,000 per year in 1991 to over 250,000 in 1998. As criminals became aware of tracing, they adapted. They used 'straw purchasers' more frequently and sought out used firearms that were difficult and almost impossible to trace. Approximately 45% of the firearms recovered in criminal activity were untraceable. Under my direction, NTC initiated a program to try to uncover the source of these untraceable firearms to aid law enforcement. To develop the program, Special Agents assigned to the NTC, and myself, conducted meetings with ATF agents nationwide and visited 25 of the largest police departments in the country to solicit ideas about how to cut down on the number of untraceable firearms. The common answer was to regulate gun shows.

In response to this critical feedback from law enforcement on the front lines and supported by a promoter of national gun shows, I proposed to ATF that a new type of federal firearm license be offered to gun show operators. The license would be issued to a promoter for a specific gun show and expire at the close of the show. All firearms sold at the gun show, except by federal firearm licensees, would be listed in the gun show promoter's bound firearms book, listing the seller and purchaser. In addition, an ATF Form 4473 would be signed by the purchasers. ATF was considering the proposal when I retired.

After I retired in 1999, I began to frequent gun shows in Ohio, Pennsylvania, Michigan, Georgia, and Virginia. At these shows I could purchase any type of firearm available, both legal and illegal, without having to identify myself. In addition, I could buy books on constructing booby traps for your home, building bombs from common household products, how to blow up buildings, how to assassinate, and how to use firearms and bombs to protect oneself from the U.S. Government.

