

Written Statement for the Record by Dr. Daniel Webster, Co-Director, Johns Hopkins Center for Gun Policy and Research. Congressional Forum on Closing the Gun Show Loophole Act, July 14, 2010

I am co-director of the Johns Hopkins Center for Gun Policy and Research and a professor at the Johns Hopkins Bloomberg School of Public Health. However, my statements today are mine alone and do not represent a position of the Center or of the Johns Hopkins University.

Individuals who are not federally licensed firearms dealers selling guns at gun shows with no background checks or questions asked of purchasers is a problem that has been well documented by news organizations, private investigators, and researchers. Recently, a team of experienced private investigators attended seven gun shows in three states where background checks for gun sales by unlicensed sellers were not required. A private investigator attempted to purchase firearms from unlicensed gun sellers and told the gun sellers that he “probably couldn’t pass” a background check. In 67% of these gun sales integrity tests, the unlicensed sellers “failed” the test and sold the firearm. One unlicensed seller admitted to selling 348 assault rifles in less than a year.¹

Dr. Garen Wintemute, one of the nation’s top researchers studying illegal gun markets, conducted systematic observational research of gun sales practices at gun shows in California, a state which requires background checks for all firearms sales, and in four other states that do not require private sellers to conduct background checks of prospective gun purchasers.² In more than 30 hours of observation at eight gun shows in California, Dr. Wintemute only observed two sales by an unlicensed vendor and observed no private party sales. But in states where private party gun sales were not regulated, transactions involving private party sellers were as frequent as those involving licensed gun sellers who were required to conduct background checks of purchasers. Gun show vendors and gun show attendees who brought guns to sell into the gun shows commonly advertised that they were not licensed gun sellers and that no background checks were required. Of the numerous transactions observed by these unregulated sellers, there was only one instance in which a firearm seller asked for the purchaser’s identification (as proof that they were a current resident of the state where the sale was taking place as is required by federal law). Perhaps because the licensed gun sellers had to compete with sellers who advertised that no background checks were required, in the four states lacking regulation over private sellers of firearms licensed gun sellers were more than 6 times as likely to allow illegal straw purchases at gun shows than were licensed gun dealers selling at gun shows in California.

The findings from Dr. Wintemute’s study were consistent with what I found in studies that I have conducted. We found that intra-state gun trafficking was significantly lower in cities where there were state laws that regulated all handgun sales, not just those made by licensed gun dealers.³ Similarly, another study found that states that did not require background checks for all handgun sales exported guns used in crime in other states at twice the rate as did states that regulated private sales of handguns.⁴ In other words, states without background checks simply send their crime guns to states with such laws – this is why federal regulation is needed.

There is widespread agreement that the government should prohibit criminals and other dangerous individuals from possessing firearms. In my opinion, the failure to require all firearm purchasers to pass a criminal background check – whether or not at a gun show – before they can purchase firearms from any seller, licensed or unlicensed, is the most significant deficiency in current federal gun policy that allows criminals to have guns. This giant loophole has no basis in logic and endangers the entire citizenry. Passage of the Gun Show Loophole Act would be an important step towards addressing the problem.

Research Cited

¹ Gun Show Undercover: Report on Illegal Sales at Gun Shows. The City of New York, October 2009.

² Wintemute GJ. Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies. *Injury Prevention* 2007;13:150-156.

³ Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearms trafficking. *Journal of Urban Health* 2009;86:525-537.

⁴ Mayors Against Illegal Guns. The Movement of Illegal Guns in America: The Link Between Gun Laws and Interstate Gun Trafficking. New York, December 2008.