

## **How Do Guns Move From Legal to Illegal**

Unlike drugs, almost all guns start as a legal product made by a licensed gun manufacturer which is then sent through a distributor to a gun store. Things then often go wrong and as a consequence guns are moved out of legal commerce into being illegal guns. By some estimates, nearly 25% of all handguns initially sold legitimately end up being used in crime. How does this happen. There seem to be three main ways that guns become illegal. These are:

### **Bulk Sales by Straw Purchasers**

The linchpin of the system of bulk purchases is “straw purchasing,” a practice encouraged by relatively lax gun laws in a number of states. Typically, guns are moved from the legal to the illegal market by criminal entrepreneurs, gun traffickers. But, since felons cannot pass federal background checks to purchase guns, traffickers hire people who can pass background checks to stand in for them to make purchases. These stand-ins are called “straw purchasers” or “straw buyers.”

Traffickers often accompany their straw buyers into the gun shops, point out the guns they wish purchased, provide cash and watch as their straw buyers make buys. A typical multiple handgun purchase made at a gun store can take a matter of minutes, and there are no limits on the number of handguns that may be purchased at any one time. Once the purchase is complete, the trafficker and the straw buyer exit the store, the latter receives a service fee and the former takes the handguns, to which he cannot be tied, as he was not the legal purchaser. The handguns have now passed from the legal to the illegal market and the trafficker will now sell his ill-gotten guns on street corners to thugs, across kitchen tables to drug gang members and on playgrounds to violent teens. A report in the April 18 Philadelphia Daily News, “Illegally Shot: Straw-buying’s Main Way Guns Get on City Streets” tells the story of a Camden, NJ trafficker using a Philadelphia straw buyer to make multiple purchases of multiple guns.

### **Lost Inventory from Gun Dealers**

A small number of corrupt gun dealers seem to sell guns out the back door to gun traffickers as they “lose” track of a large number of guns. The 2005 ATF (Bureau of Alcohol, Tobacco, Firearms, and Explosives) Annual Report – Publication 1000.4, p. 17, states “that 2,990 of 3,083 inspected Federal Firearms Licensees (FFL’s) had 12,274 missing or stolen firearms.” It goes on to say that 11,840 of these missing or stolen firearms were lost inventory at just 97 licensees.

Other of these “lost” guns seem to come from careless gun dealers who actually do lose guns in store thefts or to smash and grabs as many gun stores do not lock their guns in safes at night.

### **Gun Shows and Other Venues Where Background Checks are Not Conducted**

Gun sales at gun shows are conducted both by licensed dealers and unlicensed, so called private sellers. In many states, private sellers at gun shows do not have to conduct Brady Background checks on gun purchasers and can sell as

many guns as they wish without filing any reports with ATF. This is the so called gun show loophole in firearm laws which many groups have been working to close. According to an ATF report, "Following the Gun: Enforcing Federal Laws Against Firearms Traffickers," June 2000, page xi, gun shows are the second leading source of firearms recovered in illegal gun trafficking investigations. A gun trafficker can also buy large quantities of guns at flea markets or through classified newspaper ads.

Once gun traffickers have large quantities of guns they sell them on the street to prohibited buyers – felons, underaged buyers, violent individuals- with no questions asked. In state without requirements for gun permits for sales, these gun traffickers may be breaking federal law but they can claim they did not know the person was a prohibited person as there is no requirement for a background check on these so called secondary sales. (Secondary sales are a subsequent sale of a gun after the first sale in a gun store or from a licensed gun dealer.)

### **Solutions**

Obviously, a national system of licensing of gun owners and registration of all guns would solve most of this problem. Almost all other industrialized countries have systems of licensing and registration and they have much lower gun homicide rates. However, licensing and registration does not seem possible in the current political climate of the United States. But states can take actions to cut down on this movement of guns from legal to illegal.

**To prevent Bulk sales**, states can pass "one gun a month" laws. **To prevent corrupt or careless gun dealers from "losing" firearms**, states can pass regulations for the gun dealers in their states. **To stop private sales at gun shows to gun traffickers**, background checks can be required for all sales at gun shows. Finally, to cut down street sales by gun traffickers, background checks can be required on all gun sales in a state thus making it very clear how a gun sale must be conducted and making it easier to prosecute gun traffickers. These background checks can be conducted through the National Instant Check System at a licensed gun store.

There is much that can be done to prevent the flood of illegal guns on our streets and to keep criminals, teens and violence persons from getting guns which often result in the tragic shooting of children and the elderly caught in the cross fire, the injuring and killing of crime victims and the killing of teens by other teens. Our communities can be made safer by focusing on the ways guns become illegal and disrupting this business of illegal gun trafficking.