

# Intervention

# 7

Let us assume for the moment that the evidence presented in this report outlines problems for which action should be taken. Broadly speaking, the possibilities for intervention involve expanded enforcement of existing laws, new public policies, and voluntary action. We will consider all three.

## Expanded Enforcement of Existing Laws

ATF has authority to enforce existing federal laws at gun shows but has no formal program of enforcement operations at these events. Instead, ATF “conducts investigative operations at gun shows when it has law enforcement intelligence that illegal firearms activity has occurred or is likely to occur at specific gun shows.”<sup>1</sup> Altogether, ATF’s investigative operations affect less than 5% of the shows estimated to be held each year.<sup>1</sup>

The history of a recent enforcement effort that targeted general illegal activity at gun shows in and near Richmond, Virginia, provides a useful summary of ATF’s gun show enforcement strategy and reactions to it.<sup>1,2</sup> (For more detail, please see the report of an investigation by the Office of the Inspector General of the Department of Justice<sup>1</sup> and the record of hearings held in February 2006 by the Subcommittee on Crime, Terrorism and Homeland Security of the House Judiciary Committee.<sup>2</sup>)

From 2002 to 2005, law enforcement agencies recovered



*Attendee with an assault rifle and two pistols for sale, Jacksonville, Florida.*

more than 400 crime guns that had been sold by licensed retailers at Richmond gun shows. The purchasers of these guns had frequently entered false addresses on their Firearm Transaction Records.

Enforcement actions were undertaken at eight Richmond-area shows during 2004 and 2005 in cooperation with local law enforcement agencies; between 24 and 50 ATF agents and local officers were involved in each operation. For the first six shows, the promoter and property owner were made aware in advance, but visible enforcement activity was kept to a minimum. Surveillance teams identified straw purchases in progress, making off-site arrests in some cases.

Officers also conducted pre-purchase residency checks, interviewing those present at the addresses provided by purchasers before the purchases were completed. Such residency checks are ordinarily based on specific concerns for criminal activity surrounding particular purchases. In a departure from this practice, “blanket” checks were done during some of the Richmond operations on all addresses in specified areas.

At the seventh show, a more overt approach that included education and prevention activities resulted in “hundreds of citizen contacts.”<sup>1</sup> The eighth show, held August 13 and 14, 2005, involved a different promoter and a much higher profile on the part of ATF and local agencies. They held a pre-operation briefing on site and made frequent and open contacts with potential buyers and sellers.

The eight operations together yielded 23 convictions for firearms violations; 47 weapons were seized. There were 302 residency checks performed, and purchasers were determined to be providing false addresses in 47 cases (16%).

Within a month of the August show, ATF director Carl Truscott received a letter from the chairman and ranking member of the House Subcommittee on Crime, Terrorism, and Homeland Security making what they described as “allegations” regarding “ATF’s enforcement policies and practices relating to gun shows.”<sup>3</sup> The subcommittee held two days of hearings the following February.

On the first day, witnesses complained of intimidation, harassment, and profiling based on both race and sex at the August show. Its promoter, Annette Gelles of Showmasters Gun Shows, alleged that attendance had been reduced by more than half and that she and gun sellers had suffered economic harm.<sup>4</sup>

On day two, ATF Assistant Director for Field Operations Michael Bouchard agreed that “some techniques used in our Richmond operations were not implemented in a manner consistent with ATF’s best practices.”<sup>5</sup> He vigorously defended the need for the Richmond operations, however, and noted that no other ATF gun show operations had generated complaints. The tactics that had proved most problematic in Richmond had apparently been suspended a month before the hearings.

A bill requesting an investigation by the Justice Department’s Office of the Inspector General (OIG) passed the House, but not the Senate. OIG undertook the work on its own initiative and determined that the Richmond gun show operations, like others before them, were “based on significant law enforcement intelligence from a variety of sources indicating that illegal activity was occurring or was about to occur at a specific gun show.”<sup>1</sup>

The extent to which ATF’s gun show investigative operations were altered or curtailed as a result of the Richmond hearings is not known. There are no aggregate data on those operations for the time since then. For this report, we reviewed all notices of enforcement actions and related criminal justice proceedings posted by ATF on its web site from January 2007 through June 2009. Two notices mentioned gun shows, both of which were filed in 2008. It is highly likely that additional investigations are under way and simply have not been made public.

### *Enforcement Is Widely Accepted*

Many within the gun industry would disagree with the NRA’s 1995 characterization of ATF as “jackbooted thugs.” As part of its investigation into the Richmond operations, OIG interviewed seven gun show promoters from around the country about ATF’s work at gun shows. All seven told them that “illegal gun sales and purchases at gun shows are an appropriate concern and that they expect ATF to enforce federal firearms laws at gun shows.”<sup>1</sup> Five “stated that they had a ‘good’ or ‘very good’ relationship with ATF and that they had never received complaints about ATF’s tactics or behavior at their shows.”<sup>1</sup>

Two Richmond-area promoters disagreed. Annette Gelles of Showmasters was one. The other was not identified, but there is only one other major Richmond-area promoter: Steve Elliott of C&E Gun Shows, Annette’s husband.

Bob Templeton of Crossroads Gun Shows, speaking as

*We think it would be a mistake to remove the ATF presence from the gun shows, especially over this one lapse. We do not want to return to the days where gangs felt free to mingle with legitimate purchasers, and we credit the ATF with bringing the current business atmosphere to the shows in the Richmond area.*

*—Licensed retailer John White II, testifying before Congress on ATF’s enforcement activities in Richmond.<sup>6</sup>*

*We [licensed retailers] believe in the free enterprise system, and I don't have a problem with gun shows. But individuals can sell without background checks. A private person can sell to the biggest felon in the world. Most dealers would just like to see those guys walk to the same rules he has to follow.*

*—Dennis Gray of Big D's Guns in Barre, Vermont, interviewed by the industry trade journal Shooting Sports Retailer.<sup>7</sup> The author of the article commented, "[t]hat opinion was echoed by a lot of dealers we spoke with."*

the president of the National Association of Arms Shows, “stated that he had not heard of any problem with ATF attendance at gun shows from promoters” outside Richmond and “believed that what he had heard about the Richmond gun show was ‘out of character’ for ATF.”<sup>1</sup> An attorney in the National Rifle Association’s Institute for Legislative Action, which had undertaken its own investigation of the Richmond operations, told OIG that “ATF Special Agents normally do a good job and that ATF’s first seven gun show operations in the Richmond area had not generated NRA concerns.”<sup>1</sup>

Licensed retailers have probably been the most vocal supporters within the gun industry of ATF’s enforcement activities. The promoters interviewed by OIG, for example, agreed that “they had all received at least some complaints from FFLs about the activities of unlicensed dealers.”<sup>1</sup> One of those who had testified critically about ATF’s tactics at the eighth Richmond show, retailer John White II, noted that “prior to the strong ATF presence there was a large gang presence at the shows in Richmond,” including “open displays of gang activity.”<sup>6</sup> He “applaud[ed] the efforts and intent of the ATF program at the gun shows in the Richmond area and would agree that they could serve as models for other similar programs with a few exceptions.”<sup>6</sup>

### *Possibilities for the Future*

Two areas for improvement are obvious. ATF’s enforcement operations currently impact less than 5% of gun shows; this is far too few. Ideally, there would be an enforcement operation at every major event, excepting perhaps those devoted to antique weapons. California’s experience demonstrates that such a program is feasible. It would be a major step; an expansion of the current program even by an order of magnitude would still place enforcement operations at less than half of the gun shows held each year.

Second, ATF should be free and expected to work proactively, developing its own intelligence on illegal activity generally at gun shows and mounting enforcement operations based on that intelligence. Relying primarily on tips and complaints from persons within the gun industry about the activities of others results in an endless stream of missed opportunities. At best, law enforcement is always playing catch-up, intervening only after illegal activity has been visible enough, for long enough, for

someone to call it in.

The Richmond investigation suggests that there is little objection, either from within the industry or from the NRA, to enforcement tactics that do not unduly interfere with legitimate buying and selling at gun shows. Observations made within the shows could lead to interventions done outside or elsewhere. Residency checks remain a useful option, particularly in light of the frequency with which they identify illegal purchases in progress.

## New Policies: State and Local Examples

### *California*

As discussed in Chapter 1, California has adopted a series of statutes that govern the operations of gun shows. Promoters must be licensed. They and those who rent table space to sell guns must certify their compliance with the laws regulating gun sales. A list of all those who will be selling guns must be available, and a security plan and liability insurance must be in place. Undercover special agents are likely to be present.

These requirements act in the context of a broader scheme of regulation of gun commerce. Most important here is the state's general regulation of private party gun sales, in place since 1991. With few exceptions, and whether at gun shows or elsewhere, transfers of guns between private parties must be routed through licensed retailers. At gun shows, designated licensed retailers serve as transfer stations. Background checks must be conducted, and records must be kept. A purchaser may pick up his or her gun only after the 10-day waiting period has expired.

California's regulatory environment notwithstanding, there were nearly 100 gun shows in the state in 2007. California shows are well attended, and commerce is brisk. The best evidence on the impact California's regulations have had on gun shows comes from the multistate study described earlier.<sup>8</sup> Shows in California were smaller than those in the comparison states, whether measured by number of vendors or number of attendees, but the number of attendees per gun vendor was larger (Table 2-3).

The most important differences between shows in California and in the comparison states arose from the absence in California of specific activities and products that are illegal there.



*The man at left (1), who speaks heavily-accented English and Russian or a similar language with the young man at right, is trying to buy multiple high-capacity rifles at a Crossroads gun show near San Diego in October (2). He makes repeated inquiries (3) before the man in Photo 4 (seen at a show in Las Vegas two weeks later) directs him to the Crossroads show in Phoenix in December.*

No direct private party sales between attendees were observed in California, where they are illegal. (At the Santa Clara County Fairgrounds in San Jose, the same unlicensed vendor was observed making two direct private party purchases of guns, which he then displayed for sale on his table. These transactions appeared to be illegal.) In the four comparison states, not surprisingly, direct private party sales were very common. One finding was unexpected, however: though straw purchases are illegal everywhere under federal law, they were more than six times as common in the comparison states as in California.

*There is some evidence that gun shows with restrictive regulations mandating background checks have less illegal activity than shows in states or jurisdictions without this requirement.*

—Shooting Sports Retailer<sup>7</sup>

This evidence is certainly incomplete—only one study is involved—but it is consistent with what is known generally about gun commerce and gun crime. *Shooting Sports Retailer*, a gun industry trade magazine, agrees: “There is some evidence that gun shows with restrictive regulations mandating background checks have less illegal activity than shows in states or jurisdictions without this requirement.”<sup>7</sup>

That 2009 article profiled a Southern California licensed retailer who sold 25 to 30 guns at typical California show, “which alone made them worthwhile for his business.” Beyond that, the retailer pointed out, the state’s general regulation of private party gun sales helped his gun store business. “Not a large amount, but when they come in to do the paper, everybody needs bullets and cleaning supplies.” He passed out flyers at gun shows advertising his gun store—typically 1,500 flyers a weekend—and “if we get a five to 10 percent of people who return to the store, I’d say that’s pretty good.”<sup>7</sup> Most small business owners would probably agree that an additional 75 to 150 customers for a weekend’s worth of passing out flyers, all the while conducting their business, fits their definition of “pretty good.”

California’s regulation of gun commerce has not left the industry struggling to survive. In 2008, the last year for which data are available, its Department of Justice processed more than 425,000 gun purchases. Trends in the California market reflect those occurring nationwide. Like other states, California experienced a 30% year-to-year increase in gun sales in late 2008 and early 2009.<sup>9</sup>

It appears to be possible to regulate gun shows specifically, and private party sales and other aspects of gun commerce generally, without unduly infringing on legitimate buying and selling (page 260). A prominent gun industry source seems to agree, describing the California market, its regulatory structure

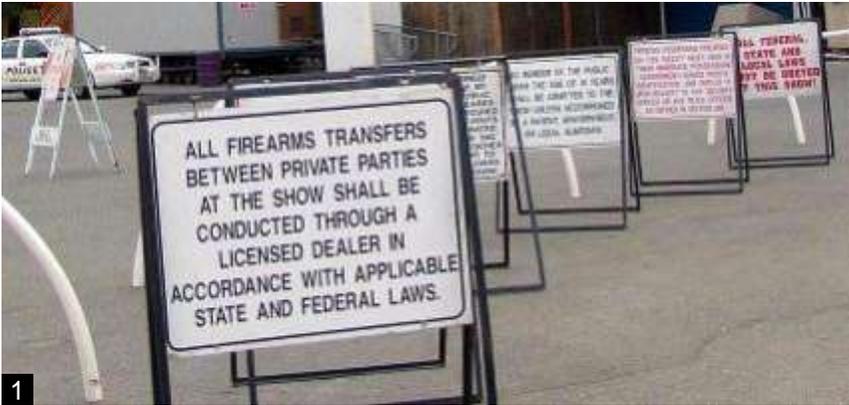
notwithstanding, as "lucrative."<sup>10</sup>

One unintended effect of California's restrictions may have been to displace illegal gun sales to nearby and more permissive states. At some shows in Reno, Nevada, which is a short distance from the border, more than 30% of the vehicles in the parking lot were from California.<sup>8</sup> Both ATF and the state's Department of Justice have identified Reno gun shows as an important source of California's crime guns and have undertaken operations there. At a Crossroads show near San Diego a man interested in purchasing multiple assault rifles from an unlicensed vendor was referred to the Crossroads Show in Phoenix.

Bob Templeton of Crossroads, commenting in opposition to an effort by Bay Area political leaders to shut down his shows near San Francisco, emphasized that precisely because background checks and waiting periods are mandatory, "We are selling guns to people who are hunters, outdoorsmen, law enforcement people and honest, law-abiding citizens."<sup>11</sup> This is not an assurance he can provide for his shows in other states.

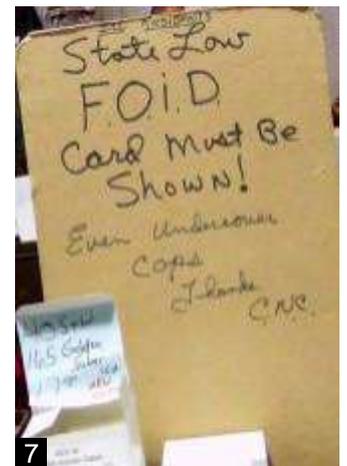
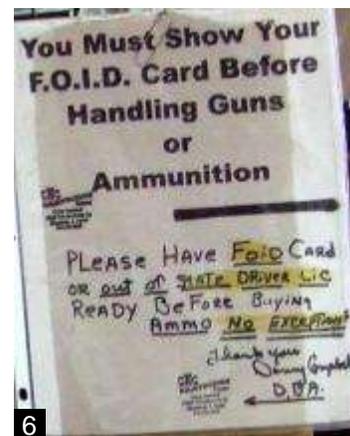
### *Illinois*

Undocumented private party gun sales are illegal in Illinois. Private party sellers must initiate a background check, which is performed by the Illinois State Police. The transaction is assigned a unique identifying number if the buyer passes the background check. The seller must maintain a record of the sale, including the transaction number, for ten years. In addition, buyers must have a current Firearm Owner's Identification Card, and signs saying "You must show your FOID card before handling guns or ammunition" are very common (page 261). Nonetheless, as in California, direct observation indicates that attendance is high and commerce is active.



## California

Private party gun sales in California, whether at a gun show or elsewhere, must be processed by a licensed retailer. Handgun purchasers must have a Handgun Safety Certificate, which can be obtained at the show (4). California has banned assault-type firearms that accept high-capacity magazines, though modified designs (5) are still legal. The photographs were taken in Sacramento (1,5), San Jose (2), and Del Mar (3,4,6).



## Illinois

As in California, all gun sales in Illinois must be processed by licensed retailers. Frequent signs remind potential buyers that they must have a Firearm Owner's Identification (FOID) Card in order even to handle firearms or ammunition. Cards can be obtained at the show (5). The photographs were taken in Kankakee.

### *Palm Beach County, Florida*

#### **PRIVATE SALE**

*As per Orange County ordinance, to buy a handgun you must have a concealed weapons license and driver's license. You can also do a background check.*

*—Sign posted by an unlicensed vendor beside several Colt 1911 semiautomatic pistols, Orlando, Florida.*

Palm Beach County requires a background check for all gun transfers and a waiting period of five business days, with exceptions for holders of permits to carry concealed weapons.<sup>12</sup> Other Florida counties have enacted similar restrictions. This is a flawed approach, as a prospective gun purchaser's possession of a permit to carry a concealed weapon is no guarantee that he or she is not prohibited from possessing firearms. Nonetheless, one large and well-attended show in West Palm Beach had no "private sale" signs. An undocumented sale was prevented when the gun owner, citing the local law, refused to participate (page 263).

### *Las Vegas and Clark County, Nevada*

Las Vegas and Clark County, in which Las Vegas is located, prohibit the undocumented transfer of handguns, whether at gun shows or elsewhere. The Las Vegas version of the requirement states, "Any person receiving title to a pistol, whether by purchase, gift or other transfer, and whether from a dealer or any other person, shall immediately upon such receipt personally appear, together with such pistol, and register the same with the Sheriff of the Metropolitan Police department or his designee."<sup>13</sup> The county includes a separate requirement for the transferor.<sup>14</sup> Both jurisdictions also impose a 72 hour waiting period for handgun purchases, with exceptions for persons who already own a registered handgun and certain others.

At gun shows (page 264), transfer stations process the paperwork for many gun purchases and take possession of handguns from first-time purchasers. One young man with three or four comrades in tow sought unsuccessfully to buy handguns from several licensed retailers and unlicensed vendors over about 10 minutes; he did not already own a registered handgun and needed his gun that same day.



1



2



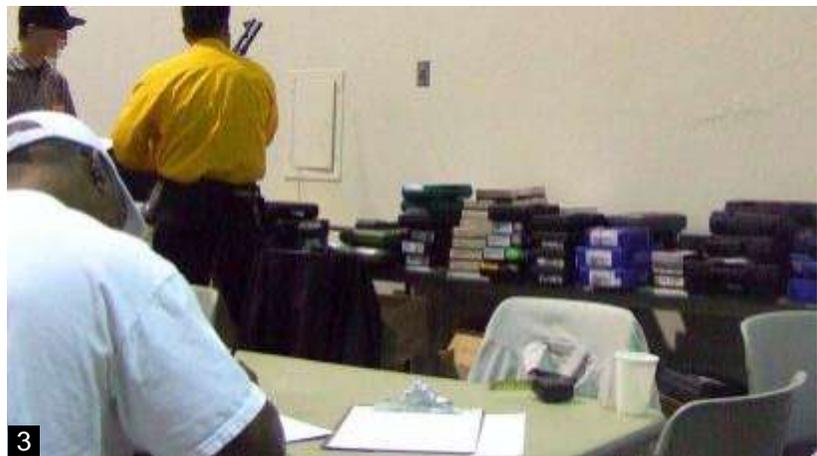
3



4

## Undocumented Attendee Sale Declined, West Palm Beach, Florida

A man with two handguns to sell (1, at right) is approached by another party seeking to buy them. The man refuses, stating that since the would-be buyer does not have a CCW permit, a direct private-party sale would be illegal. The buyer responds that he recently purchased a handgun without paperwork from a friend, who later submitted a form to the authorities stating that he was no longer in possession of the gun. The man with the guns cautions that “you could get into some serious trouble” with such a transaction and breaks off the conversation (2). Six minutes later, the buyer selects a gun offered by a licensed retailer (3) and completes the Firearms Transaction Record (4).



## Handgun Purchases, Las Vegas, Nevada

At gun shows in Las Vegas, NV, handgun sales by unlicensed vendors and private parties must be routed through a licensed retailer, and special transfer stations process these transactions (1,2). A background check is conducted and a record is kept. Handgun purchasers who have not previously undergone a background check must also wait three days to receive their guns, which are retained temporarily by a licensed retailer (3). These regulations do not apply to sales other than at gun shows in Clark County, and they do not apply elsewhere in Nevada.

## Closing the “Gun Show Loophole”

The most frequently discussed policy initiative directed at gun shows themselves is to require that all private party sales at these events be routed through licensed retailers so that background checks are conducted and records are kept. This has come to be known as closing the “gun show loophole.” Presidential candidates Barack Obama and John McCain both called for such a measure during their 2008 campaigns, as did candidate George W. Bush in 2000 and 2004.<sup>15, 16</sup> McCain was willing to declare that a “background check at gun shows is a reasonable requirement” in his address to the NRA’s annual convention.<sup>17</sup>

Opponents of regulation like to point out that there is no such thing as a gun show loophole. They are correct, in the limited sense that federal law does not exempt private party sales at gun shows from oversight that is present elsewhere. The “loophole” is everywhere. But this is a specious argument, designed to sow confusion and distract attention from the real problems created by private party gun sales.

The key point is that these problems are not limited to gun shows. Private party gun sales occur at flea markets and swap meets, through classified ads in newspapers and publications for gun enthusiasts, in homes, on the street, and over the Internet. Web sites such as Gunsamerica.com and Gunbroker.com contain thousands of online classifieds, and any non-prohibited person can list guns for sale.

The case of “Jeremy,” a South Florida man who attempted to sell his AK-47 rifle at Craigslist.org, is instructive. A private party, he nonetheless was able to initiate background checks on those who came to his home in response to his listing. Most of them were felons. “That thing could end up leaned over the counter of a bank, and I don’t want to be a part of any of that. That sucker will sit in my attic for the next 10 years.”<sup>20</sup>

The evidence suggests that there are two real difficulties with closing the gun show loophole if no other action is taken. First, regulating private party sales just at gun shows will not end the problems associated with anonymous and undocumented gun sales. Most of them occur elsewhere already, and others would likely be displaced elsewhere by policies that applied to gun shows only. Second, regulating private party sales will not render gun shows unimportant as sources of trafficked crime guns; the best evidence is that most of those guns are sold by licensed retailers.<sup>21</sup>

*There is no such thing as the gun show loophole. The law applies equally no matter where you’re going to sell.*

*—Gun show promoter David Goodman of Bill Goodman’s North American Gun and Knife shows.<sup>18</sup>*

*There’s nothing that takes place in a gun show that can’t take place anywhere else.*

*—Steve Elliott, President of C&E Gun Shows.<sup>19</sup>*

*Criminals will take the easiest route to get guns, and it makes sense to assume that if you mandate background checks at gun shows, felons will likely get their guns elsewhere.*

*—Shooting Sports Retailer, 2009.<sup>7</sup>*

A gun-show-only approach runs the risk of following the precedent set by the Brady Act. That law, partly because of its failure to address private party gun sales, has not yet been shown to have an effect on rates of firearm-related violent crime.<sup>22</sup>

### **Regulating All Private Party Gun Sales**

For the reasons just discussed, it would be preferable to regulate private party gun sales generally. What would be the objectives of such a policy, and what is the evidence that those objectives might be reached? What would be the drawbacks?

#### *Objective 1: To Prevent Prohibited Persons from Buying Guns*

A private party sale that is merely a convenience for others is the principal option for a felon, domestic violence offender, or other prohibited person seeking to acquire a gun. Background check programs are efficient screening mechanisms, however, that prevent prohibited persons from acquiring guns from licensed retailers. They can be extended to apply to all private party gun sales. Six states already do this, and nine more do so for hand-guns. Feasibility has been proven.

We do not know how many prohibited persons acquire guns each year through unregulated private party gun sales. Recall, however, that when background check requirements for sales by licensed retailers in 32 states were first put in place by the Brady Act, as many as 9.4% of prospective purchasers who had certified that they were eligible to own guns, under penalty of perjury, were found to be prohibited persons.<sup>23</sup> It is not unreasonable to speculate that a similar or higher percentage of private party gun sales involves prohibited purchasers. No one is asking the questions, let alone verifying the answers.

#### *Objective 2: To Prevent Violent Crime*

Individuals whose prior crimes prohibit them from buying guns are at high risk for committing crimes again. Among felons, two-thirds will be re-arrested, and nearly half convicted, on a new felony or serious misdemeanor charge within three years of release from prison.<sup>24</sup> As summarized in Chapter 1, the best available evidence is that preventing gun purchases by prohibited

persons reduces the incidence of violent criminal activity among those affected. California's 1991 prohibition on purchases by violent misdemeanants was associated with a 23% overall decrease in crimes involving guns or violence among those whose purchases were denied, and denial based on a felony conviction appears to have a similar effect.<sup>25, 26</sup> The other apparent reason for the disappointing results of the Brady Act is that the number of persons denied is too small for any impact on them to be reflected in overall crime rates.<sup>27</sup>

Newly-published research highlights a second mechanism by which regulation of all private party gun sales may prevent violent crime. Such regulation is strongly associated with a decrease in intrastate gun trafficking, even when other important factors are taken into account.<sup>28</sup> As most guns used in crime come from the state in which the crime is committed, this is an important benefit. A second study suggests that this finding may hold for interstate gun trafficking as well, but that analysis did not thoroughly examine regulation of private party gun sales and did not control for other important variables.<sup>29</sup>

### *Objective 3: To Help Solve Crimes after They Have Been Committed*

ATF and other law enforcement agencies rely heavily on gun tracing information to solve individual crimes and identify gun trafficking networks. The utility of a standard gun trace is limited by the fact that more than 85% of recovered crime guns have changed hands at least once since their first retail sale, the point at which the trace ends.<sup>30, 31</sup> In states that require record-keeping for all gun sales, however, investigators seek to identify the most recent purchaser of a crime gun, not just the first.<sup>32</sup> As discussed in Chapter 1 (Table 1-5), this is of real practical value.

### *Drawbacks*

Subjecting private party gun sales to background check and recordkeeping requirements would make them less convenient. Perhaps airport security screening provides a useful analogy. All of us, regardless of our individual risk of committing violence in the air, are subjected to this inconvenience. We tolerate it, many of us with some grim pride, because we know that it is one of the ways that terrorists do get caught.

There are costs. In California, retailers may charge \$10 per gun for processing private party transactions in addition to other fees required by the state. This is a small fraction of the purchase price of all but the least expensive guns, however. Retailers may believe the fee is too low to cover the costs of processing the transactions, but they stand to benefit from the increase in customer volume.

Making gun sales records available to assist in gun tracing, the third objective listed above, would require a centralized archive. The records in that archive could be limited to identifiers for the retailer and the gun, along with the date of the transaction. The identity of the buyer and seller could be retained by the retailer, for release to law enforcement agencies if needed for a criminal investigation. The archive would be updated only when the gun changed hands. Gun registration, as that term is commonly understood, would be unnecessary.

### **Support for Regulating Private Party Gun Sales**

*All people who sell guns, including at gun shows, [must] conduct criminal background checks of the people buying guns.*

*—Policy favored by 83% of self-reported gun owners and 87% of the general public in a 2008 nationwide survey.<sup>33</sup>*

Support for a universal background check requirement is very widespread. In a 2008 nationwide survey, 83% of self-reported gun owners and 87% of the general public supported a requirement that “all people who sell guns, including at gun shows, ...conduct criminal background checks of the people buying guns.”<sup>33</sup> The 2006 version of the General Social Survey, conducted by the University of Chicago’s National Opinion Research Center and one of the most respected public opinion surveys in the country, found 80% of the public to be in favor of “a law that required private gun sales to be subject to the same background check requirements as sales by licensed dealers.”<sup>34</sup>

Support appears to be increasing over time. In 1996, only 72% of gun owners and 77% of the general public supported a “background check for private handgun sales.”<sup>35</sup>

Professionals with a direct stake in preventing gun violence also support such a policy. The International Association of Chiefs of Police, for example, has taken the position that Congress “should enact laws requiring that all gun sales and transfers proceed through a Federal Firearms License (FFL), thus ensuring that a mandatory background check will be conducted on the transferee.”<sup>36</sup>

## Voluntary Action

Little goes on at a gun show that is not observed by those nearby. It is clear that some gun sellers, both licensed retailers and unlicensed vendors, are concerned by the criminal activity they observe at gun shows. A few have been willing to speak openly about it. Every effort should be made to encourage voluntary reporting. It should rarely if ever be the case, for example, that such a report does not lead to an investigation. The effectiveness of voluntary reporting would be enhanced if the response were immediate. An expanded program of covert operations at gun shows could include an early-warning network comprising carefully selected licensed retailers and others. There will be limits, however. The gun sellers at a show know one another, and it may be extremely difficult to provide incriminating information on an acquaintance.

Similarly, it is clear that ordinary citizens can acquire the skills needed to identify illegal gun sales. Gun shows are public events, and there is nothing to prevent interested persons from doing for gun shows what Neighborhood Watch does for entire communities.

## References

1. Office of the Inspector General. *The Bureau of Alcohol, Tobacco, Fire arms and Explosives' investigative operations at gun shows*. Washington (DC): Office of the Inspector General, US Department of Justice; 2007. Report No.: I-2007-007.
2. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE): Gun show enforcement (part I and II) before the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security. United States House of Representatives. Washington, DC. February 15 and February 28, 2006.
3. Sensenbrenner Jr. FJ, Scott RC. Letter to Carl J. Truscott, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives. Washington, DC; September 14, 2005.
4. Testimony of Annette Gelles before the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security. United States House of Representatives. Washington, DC. February 15, 2006.
5. Testimony of Michael Bouchard before the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security. United States House of Representatives. Washington, DC. February 28, 2006.
6. Testimony of John White before the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security. United States House of Representatives. Washington, DC. February 15, 2006.
7. Matthews J. In defense of the neighborhood gun show. *Shooting Sports Retailer*. 2009;(1):58-62.

8. Wintemute GJ. Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies. *Injury Prevention*. 2007;13:150-156.
9. Keenan J. Rise in county gun sales tied to fewer cops, what Obama might do. *The Sacramento Bee*. 2009 Jul 13. Available from: <http://www.sacbee.com/ourregion/story/2020626.html>.
10. California market still lucrative. *The New Firearms Business*. 2007 6:5.
11. Knight H. SF mayor, police chief call for gun-show ban at Cow Palace. *San Francisco Chronicle*. 2007 Aug 10. Available from: <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2007/08/10/BA8LRG1U3.DTL&type=politics>.
12. Palm Beach County Code. 28-23.
13. Las Vegas Municipal Code. 10.661.140.
14. Clark County Code. 12.04.210.
15. Commission on Presidential Debates. *The second Gore-Bush presidential debate*. 2000 Oct 11. Available from: <http://www.debates.org/pages/trans2000b.html>.
16. Commission on Presidential Debates. *The third Bush-Kerry presidential debate*. 2004 Oct 13. Available from: <http://www.debates.org/pages/trans2004d.html>.
17. McCain urges closing gun show loophole but touts gun rights in NRA address. *Online NewsHour: Reporter's Blog*. 2008 May 16. Available from: [http://www.pbs.org/newshour/vote2008/blog/2008/05/mccain\\_urges\\_closing\\_gun\\_show.html](http://www.pbs.org/newshour/vote2008/blog/2008/05/mccain_urges_closing_gun_show.html).
18. Rau N. Dean considers movement to clamp down on 'gun show loophole'. *The City Paper (Nashville)*. 2008 Apr 27. Available from: <http://www.nashvillecitypaper.com/content/city-news/dean-considers-movement-clamp-down-%E2%80%98gun-show-loophole%E2%80%99>.
19. Nelson C. Still a hot topic. *WSLS-TV News*. 2008 Mar 23. Available from: <http://www.wsls.com/sls/news/local/article/still%20a%20hot%20topic/7626>.
20. Flanary P. Seller: online gun sale attracting convicted felons. *WBBH-TV News/NBC*. 2007 Sep 14. Available from: <http://www.nbc-2.com/Global/story.asp?S=10687888>.
21. Bureau of Alcohol, Tobacco and Firearms. *Following the gun: enforcing federal laws against firearms traffickers*. Washington (DC): Bureau of Alcohol, Tobacco and Firearms; 2000.
22. Ludwig JA, Cook PJ. Homicide and suicide rates associated with implementation of the Brady Handgun Violence Prevention Act. *Journal of the American Medical Association*. 2000;284:585-591.
23. Manson D, Gilliard D. *Presale handgun checks, 1996: a national estimate*. Washington (DC): Bureau of Justice Statistics; 1997. Report No.: NCJ-165704.
24. Langan PA, Levin DJ. *Recidivism of prisoners released in 1994*. Washington (DC): US Department of Justice, Bureau of Justice Statistics; 2002. Report No.: NCJ 193427.
25. Wintemute GJ, Wright MA, Drake CM, et al. Subsequent criminal activity among violent misdemeanants who seek to purchase handguns: risk factors and effectiveness of denying handgun purchase. *Journal of the American Medical Association*. 2001;285:1019-1026.
26. Wright MA, Wintemute GJ, Rivara FA. Effectiveness of denial of handgun purchase to persons believed to be at high risk for firearm violence. *American Journal of Public Health*. 1999;89:88-90.

27. Wintemute GJ. Impact of the Brady Act on homicide and suicide rates. (Letter). *Journal of the American Medical Association*. 2000;284:2719-2720.
28. Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *Journal of Urban Health*. 2009; 86:525-537.
29. Mayors Against Illegal Guns. *The movement of illegal guns in America*. 2008 Dec. Available from: [http://www.mayorsagainstillegalguns.org/downloads/pdf/trace\\_report\\_final.pdf](http://www.mayorsagainstillegalguns.org/downloads/pdf/trace_report_final.pdf).
30. Bureau of Alcohol, Tobacco and Firearms. *Crime gun trace reports (1999)*. Washington (DC): Bureau of Alcohol, Tobacco and Firearms; 2000.
31. Bureau of Alcohol, Tobacco and Firearms. *Crime gun trace reports (2000)*. Washington (DC): Bureau of Alcohol, Tobacco and Firearms; 2002.
32. Wintemute GJ, Romero MP, Wright MA, et al. The life cycle of crime guns: a description based on guns recovered from young people in California. *Annals of Emergency Medicine*. 2004;43:733-742.
33. Greenland Quinlan Rosner Research, The Tarrance Group. *Americans support common sense measures to cut down on illegal guns*. New York: Mayors Against Illegal Guns; 2008.
34. Smith TW. *Public attitudes towards the regulation of firearms*. Chicago (IL): NORC/ University of Chicago; 2007.
35. Teret S, Webster DW, Vernick JS, et al. Support for new policies to regulate firearms: results of two national surveys. *New England Journal of Medicine*. 1998;339:813-818.
36. International Association of Chiefs of Police. *Taking a stand: reducing gun violence in our communities*. Alexandria, VA: International Association of Chiefs of Police; 2007.