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GUN SHOW AND TELL

New York City sent private eyes to gun shows. What did they find?



By Julius (Jay) Wachtel. If you're New York City mayor Michael Bloomberg, what's not to like? Although the Big Apple has more than twice L.A.'s population, [its homicide rate](#) is thirty-seven percent lower. That's not a fluke: nearly [ten years ago](#) the difference was forty-one percent. And five years before that, in crazy, crime-ridden [1995](#) when 1,177 persons were murdered in NYC and 849 in Los Angeles, New York still had a considerable thirty-four percent advantage.

Why the difference? Hizzoner, who happens to co-chair [Mayors Against Illegal Guns](#), would tell you that his streets are safer because they have far fewer handguns. [New York State law](#) (Penal Code secs. 265.01, 265.20, 400 and 400.1) prohibits as much as *storing* a pistol or revolver at one's home without a permit. Licensing is administered by cities and counties, which have broad discretion to decide whether Joe and Jane can have that .44 magnum. [New York City](#) vets applicants through an elaborate process that includes an extensive background check. Those who want to keep a handgun at a place of business or, God forbid, carry one on the street must also demonstrate a compelling need, in writing. Few such requests are granted.

Differences in laws among the States foster a black market where guns flow from so-called "weak-law" States like Georgia to "strong-law" States like New York. In 2007 police seized 10,444 firearms in [New York State](#). Of those that could be traced (about half), *seventy-one percent* had been sold at retail outside the State. For those seized in the [NYC metro area](#) the proportion of out-of-State guns was *eighty-six percent*. Contrast that with California, where any resident with a clean record can buy

a handgun without a permit. In 2008 [ATF traced](#) 30,641 guns recovered in the Golden State. Of those that could be traced (again, about half) seventy-three percent were originally sold within the State.

New York City's guns came from every State of the Union. Four-hundred twenty originated in New York. The top six external contributors were Virginia (358), Pennsylvania (305), North Carolina (290), and Alabama and Georgia (tied at 243 each.) [A recent study](#) identified all but Pennsylvania as a top ten national gun source. Pennsylvania probably didn't make the list because it's one of the few States that requires a criminal record check for all buyers at gun shows, even if the seller is a private party.

[Interstate traffickers](#) acquire guns in several ways. One method is to hire residents of weak-law States to act as [straw buyers](#). In 2006 Mayor Bloomberg sent private undercover agents to sixty gun stores in Georgia, Ohio, Pennsylvania, South Carolina and Virginia. Fifteen dealers were caught on camera selling guns to the male member of the pair while the female member, who openly posed as a straw buyer, did the paperwork. Bloomberg sued. [Several gun stores eventually agreed](#) to monitor purchases with video cameras and train their staff to recognize straw purchase. (Authorities didn't take kindly to the gambit. Virginia, New York City's biggest out-of-State gun source, actually [enacted a law](#) that made stings by non-law enforcement personnel illegal.)

Bloomberg recently turned his attention to another favored source: gun shows. [Between May and August 2009](#) he dispatched undercover agents to gun shows in Nevada, Ohio and Tennessee, which don't require criminal record checks for gun sales by private sellers. [What they discovered](#) was no surprise. [Nineteen of thirty](#) private sellers sold guns to undercovers who said they would probably fail a criminal record check. One seller replied "I don't care." Another, "I wouldn't pass either, buddy."

Actually, [many unlicensed sellers](#) seemed to be gun dealers in all but name. Several carried large inventories, said they frequented shows and bragged about their sales. Pretending to be hobbyists let them sell guns without running checks, thus making them an attractive source for criminals and gun traffickers.

Undercover agents also approached licensed dealers to see if they would sell guns to straw buyers. Sixteen of seventeen did. [An example shown on video](#) depicts a male investigator picking out a gun. He introduces a female companion as a "friend" there to do the paperwork. Without batting an eye the salesman has the woman fill out the forms.

Shady practices were commonplace thirty years ago when your blogger was an ATF agent in Arizona. On one occasion I traced guns recovered by Phoenix PD to an unlicensed peddler who bought cheap new handguns in quantity at local dealers, then promptly resold them at gun shows, collecting a premium because no paperwork was required. I arrested the man for unlicensed dealing; he was later tried and convicted.

Alas, this prosecution was unusual. ATF has always discouraged gun show investigations, forbidding agents from as much as entering a show except to work a specific, pre-identified target. Bloomberg, [who would do away with such restrictions](#), wants ATF to greatly ramp up its enforcement efforts at gun shows. But that's unrealistic. Shows are a locus for so much illicit activity that policing them with any vigor would quickly bring the Government into conflict with the gun lobby, whose interests are best served by denying that a problem exists. Given the political realities it's a lot safer to look the other way.

Bloomberg also recommends that criminal records be checked of all buyers at gun shows, not just those who purchase guns from a licensed dealer. As was mentioned, that's the practice in Pennsylvania. It's also the law in California, where all private party sales, whether in a gun show or elsewhere, must go through a licensed dealer. Expanding the rule nationwide would make it far more cumbersome for traffickers to acquire firearms in quantity. Still, regulating guns is such a hot-button topic that licensed dealers have kept mum about plugging the private party loophole even as unlicensed peddlers drain away their business.

From his base in Gotham, Mayor Bloomberg's taken on one of the core cultural artifacts of the far right. What happens next will be interesting to see.