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“LEGAL” GUN BUYERS CAN BE A PROBLEM

They figure in many killings, as both doers and enablers



For Police Issues by Julius (Jay) Wachtel. Does this image stir your memory? It depicts the Uvalde, Texas retailer where eighteen-year old Salvador Ramos [bought the AR-15 style rifle](#) he used to murder nineteen students and two teachers at Robb elementary school last year.

Oasis Outback (it's still in business) was [one of 52,799 licensed firearms dealers](#) in the U.S. in 2020, and one of 10,635 in Texas. Only about one in four have a commercial storefront. Most licensees – estimates peg it at 74 percent – [operate from their homes](#). Either way, the numbers are huge. And to partake of their goodies is ridiculously easy. Other than money, all one needs is to be of age – the Federal minimums for buying from a dealer are eighteen for a long gun and twenty-one for a handgun – and to be free from a felony conviction ([18 USC 922\[b\] and \[g\]](#)). A handful of states (not including Texas) have raised set the minimum for long-gun purchases [at twenty-one](#). And to assure that criminal record checks are thorough and, ostensibly, to discourage impulsive purchases, several (again, excluding Texas) [impose a few days' wait](#) before guns can be picked up.

And that's about it.

Considering the quirks of human nature, America's permissive approach to gun acquisition might seem an exercise in self-annihilation.



Guns, though, have been an integral part of the sociocultural (and Constitutional) fabric since our nation's founding. And thanks to a prolific firearms industry, our land is awash with lethal toys.

Just *how* “awash”? [According to ATF](#) (full disclosure: your writer's one-time employer), gun manufacturers produced 13,804,919 firearms for non-military use in

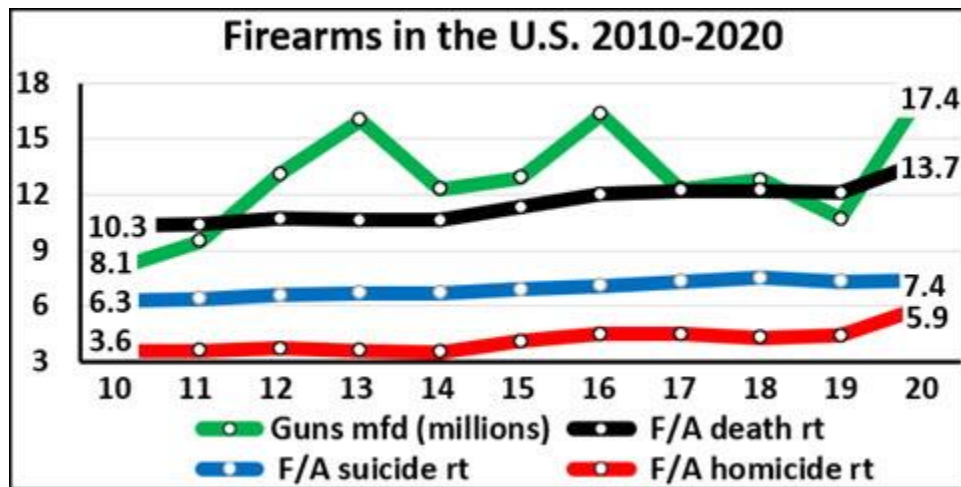
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2021. Of those, 458,684 were exported, leaving 13,346,235 to be distributed domestically. Again – *that's in a single year*. Over time, the numbers are truly astounding. During 1986-2021, including imports (and excluding exports) 281,196,579 guns entered the domestic marketplace.

There is a small hitch. These quantities include guns (mostly, handguns) acquired by police. Large agencies that responded to a [2013 PERF survey](#) reported buying an average of forty-four handguns per officer per year. Extended to [all 18,000 state, county and Federal law enforcement agencies](#) in the U.S., that's well under one million. That leaves, um, twelve-million-plus new guns for resale to, well, you and me. *Each year*.

Americans readily admit they're well-armed. Thirty-two percent of adult respondents to a [2020 Gallup poll](#) reported owning a gun, and 44 percent said they lived in a household with a gun. Of course, there *are* consequences. Simple common sense suggests that more guns = more instances of impulsive misuse (see, for example, "[Fearful Angry. Fuzzy-Headed. And Armed.](#)") According to a [Rand report](#), increased gun availability is a likely explanation for the continuing uptick in suicide. [A seemingly robust study](#) published by the American Public Health Association noted that increased gun ownership during 1981- 2010 was associated with an increase in gun homicide.

Using [CDC data](#) we brought it together in a single graph:



During 2010-2020, as gun production ramped up and guns piled up, the per/100,000 rates for gun deaths, gun suicides and gun homicides steadily increased. Statistically speaking, the relationship between gun manufacture and the other variables is moderately strong, with r's (correlation coefficient, range 0-1) of .55 with firearm deaths, .49 with gun suicides, and .57 with gun homicides.

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Of course, factors other than guns contribute to violence. One that we frequently turn to is economic conditions, measured by poverty (see, for example, “[Worlds Apart](#)”). Guns, though, are often the means. So how do evildoers get them? In this essay we’ll focus on what happens with guns, such as those acquired by Salvador Ramos, that are sold at retail. Several studies have confirmed that these ostensibly legal transactions can lead to poor endings:

- Our journal article, “[Sources of Crimes Guns in Los Angeles, California](#)”, reported that unlicensed “street dealers” and corrupt licensed dealers – particularly, those based at home – were sources of a substantial number of crime guns. Fourteen percent of a set of 1,599 firearms seized by L.A.-area police during 1988-1995 whose retail purchasers’ names were known were in fact recovered from their buyers (pg. 228).
- Twenty-seven percent of the inmates who responded to [DOJ’s 1991 prisoner survey](#) reported that they bought the gun they got caught with at a store. Ten percent said so on the [2016 survey](#) (pg. 7).
- Violence Project’s [database of 190 mass shootings](#) between 1966 and 2021 reveals that eighty of 172 shooters (46.5%) legally acquired their guns, and that fifty-five (32%) purchased at least one from a licensed dealer.
- Twelve percent of the nearly one and one-half million crime guns [traced by ATF](#) during 2017-2021 were confiscated from their retail buyer (pg. 26.) This is unavoidably an underestimate, as possessor identities often go unreported to ATF. Even so, each year police are apparently seizing more than *thirty-six thousand* store-bought guns from their buyers.

The frightful carnage enabled by store-bought guns didn't end with Salvador Ramos. Here are three more recent examples:

- **[Louisville, Kentucky, April 10, 2023](#)**. Livestreaming his foul deed, 25-year old Connor Sturgeon opened fire with an AR-15 style rifle on his Louisville bank co-workers. By the time police shot him dead he had killed five. He also wounded eight persons, including two of the responding officers. Sturgeon legally purchased the weapon [from a local gun dealer](#) six days earlier.
- **[Nashville, Tennessee, March 27, 2023](#)**. Audrey Hale, a 28-year old Nashville resident, possessed two assault-style rifles and a handgun during his attack at Covenant Christian School. [Unleashing 152 rounds](#), he murdered three

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employees and three nine-year old students. Hale bought these guns and four more at five different gun stores between 2020-2022.

- [Chesapeake, Virginia, November 22, 2022](#). Andre Bing, a 31-year old Walmart night shift supervisor, purchased a 9mm. pistol at a gun store in the morning. Some hours later he fatally shot six co-workers, then committed suicide.

Is there anything that might have prevented these massacres, or at least mitigated their effects?



[According to Giffords](#), ten states and D.C. ban assault weapons. But none of our three assault-rifle-packing killers – Ramos (weapons on left), Sturgeon and Hale – lived in any of those states. In any event, such “bans” are no solution. As our prior posts (for example, “[Ban the Damned Things](#)”) and [Washington Post op-ed](#) point out, assault weapons “bans”, including the long-expired Federal ban, fail to address the guns’ most lethal aspect: their fearsome ballistics. Instead, the focus is on extrinsic features such as magazine capacity and hand grips. Even in the most “restrictive” jurisdictions (i.e., California), .223 caliber semi-auto rifles remain legal. And as demonstrated in the deplorable example set by [Syed Farook and Tashfeen Malik](#), the married couple who murdered fourteen in San Bernardino, Calif., frightfully deadly.

Our four killers purchased their guns legally. Ergo, none had a criminal record. Salvador Ramos, at eighteen, was just barely old enough to buy a long gun under Federal law. Like most every other state, Texas never raised that bar. [A bill to do so](#) for assault weapons, which was inspired by Uvalde, has been introduced in the Texas legislature. It’s deemed to have no chance of being enacted into law.

Was there anything else about these characters that, had it been acted on, might have prevented them from at least “legally” buying guns?

- Salvador Ramos’ criminal and mental health histories were both supposedly clean. But he was nonetheless “[a troubled soul](#).” News articles and [Wikipedia’s account](#) paint a disturbing picture of his angry nature and violent propensities. Ramos was chronically rude to coworkers. And there were those bizarre social media posts, of which the most threatening came shortly before the massacre. Setting those aside – they were probably too late to act on – concerns about personal freedom make it doubtful that a



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“[Red Flag law](#)” could have been successfully applied. In any event, [Texas doesn't have one](#) (ideological quarrels [make it unlikely](#) that will soon change.)

- Connor Sturgeon held a master's in finance, was a well-regarded bank employee, [and had no prior contacts with police](#). But family members said he struggled with mental problems and [was receiving psychiatric treatment](#) for anxiety and depression. Shortly before embarking on the massacre he texted a friend that he was suicidal. But as with Ramos, the warning came too late. Even if Sturgeon's family knew of his gun purchase, Kentucky lacks a Red Flag law, so their ability to act would have been severely constrained.



- Audrey Hale was also deeply troubled. Like Sturgeon, Hale was being treated [for an "emotional disorder."](#) Hale's parents, with whom the transgender person lived, didn't feel that Hale should have guns, and thought that Hale had sold the one they knew of. They were supposedly unaware of the store-bought guns that Hale had stashed around the house. Nor of the “calculated plan”, including maps, that Hale assembled in preparation for the massacre. Tennessee also lacks a Red Flag law, so Hale's parents had few options. As with Sturgeon and Ramos, Hale texted his intentions to an acquaintance just before embarking on the lethal rampage.



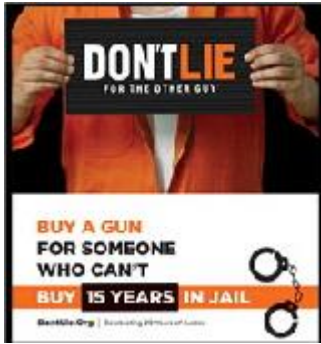
- Andre Bing's coworkers [described him](#) as “an aggressive, if not hostile, supervisor” who conceded having “anger issues”. An employee who was present during the massacre accused him of “picking people out” to shoot. Police say that Bing [left a note on his phone](#) that complained about being mocked and harassed. It had plentiful clues about his troubled psyche. “Sorry everyone but I did not plan this I promise things just fell in place like I was led by the Satan...I was actually one of the most loving people in the world...I just wanted a wife that was equally yoked as I and obsessed over the thought; however, I didn't deserve a wife.” [Virginia has a Red Flag law](#), but only officials can submit a petition.



[According to ATF](#), fifty-eight percent of crime guns traced between 2017 and 2021 (866,120 of 1,482,702) were purchased by someone other than their possessor (p. 26). Clearly, what buyers do with their guns (other than pull the trigger) is also important. As it turns out, many resell their weapons. Consider, for example, the August 2021 murder of [Chicago police officer Ella French](#). She was killed and her partner was wounded when

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brothers Eric and Emonte Morgan opened fire during a traffic stop. Their gun, a Glock .22, was bought for Eric Morgan by a friend because Eric, a convicted felon, couldn't do so himself. Purchaser Jamel Danzy's bad deed, which devastated the officers' families and coworkers, earned him two and one-half years in Federal prison.



“Straw purchase” – buying a gun for someone else – is commonplace. [Our “Sources” article](#) cites so-called “straw buyers” as one of three major sources of trafficked guns (the other two are corrupt licensed dealers and unlicensed “street” dealers). [According to Giffords](#), straw purchasing “is the most common channel identified in trafficking investigations.” According to [a journal article](#) by noted firearms researcher Garen Wintemute, there were more than 30,000 attempted straw purchases in a single year. Indeed, ATF has found straw buying to be such a problem that it partnered with the NSSF in a national campaign entitled “[Don’t Lie for the Other Guy](#)”.

Disaster can strike even when buyers are well intentioned. On January 6, 2023 a six-year old Virginia boy suffering from an “acute” mental disability snuck his mother’s legally purchased pistol into school and [shot his teacher during class](#). Authorities [charged the mother](#) with felony child neglect and misdemeanor failure to secure a gun. (The child’s parents normally take turns accompanying the troubled boy to class, but neither did on that day). The teacher was seriously wounded but is recovering.

Back to human nature. Once firearms come off a dealer’s shelf, they can easily become a source of grief. So if you’re reassured because someone “legally” bought a gun from a dealer, think again!