

The Pistol That Killed Officer Heim

The tragic costs of coddling the gun industry

A true story by Julius Wachtel

On January 13, 1992 a middle-aged woman walked into an Orange County gun store and displayed a document identifying her as a Federally-licensed gun dealer. Within minutes she left with twenty brand-new Davis .380 caliber pistols, valued at ninety dollars each. She returned ten days later for another batch of forty-seven. By mid-February her purchases totaled eighty-nine.

For those who hold a Federal firearms license purchasing guns is quick and simple: there is no waiting period, no records check, virtually no paperwork at all. That the woman's gun business was located at her home, that she was buying from another dealer rather than a distributor, thus paying an unnecessary markup, and that she was acquiring lots of cheap pistols of the kind favored by juveniles and gang members didn't raise so much as an eyebrow. With Feds handing out gun dealer credentials as though they are candy – at the time there were about 100,000 licensed firearms dealers in the U.S. – competition among retailers is stiff. Landing another dealer as a customer is a gift horse: had the salesperson rebuffed her he would have likely been fired.

But pistols are *not* candy. Within days police collared two youths who were carrying a pair of these guns on the street. Another three-eighty quickly turned up in an armed robbery, yet another in an attempted murder. And it was only the beginning.

LAPD was confiscating about 10,000 firearms each year, nearly twenty percent from violent crimes. A small team of criminal investigators employed by the Bureau of Alcohol, Tobacco and Firearms (I was their supervisor) was tasked with discovering where these guns came from and, whenever possible, with stemming the flow. Most of the time we felt like the little Dutch boy, frantically plugging the dike with our fingers. My squad had recently trailed a load of thirty pistols as they wound their way from a distributor through a licensed dealer and a gaggle of intermediaries; fourteen hours of surveillance later, weary agents detained an illegal alien as he tried to sneak the five guns that remained into a residence in a gang-infested neighborhood. As usual, it proved to be a good news/bad news story: although we probably kept a few weapons from falling into the wrong hands, the dealer, who turned out to be as crooked as a Chicago alderman, had already spirited *fourteen-hundred* nine-millimeters and three-eighties out the back door, with no paperwork or record checks.

One might think that only the most feckless entrepreneur would thumb his nose at the Feds. But one would be wrong. Demand for “clean” handguns – meaning those lacking a written trail – is so high that tacking on as little as fifty bucks per illegal transaction can yield enormous rewards. And the risk is small. More than thirty years ago complaints from the gun lobby generated so much political heat that ATF, the Federal agency charged with regulating the gun trade, chewed off its stronger arm, shifting oversight of firearms dealers from nit-picking, badge-carrying special agents to civilian inspectors. Knowing nothing about the gun marketplace (their main task was, and is, to collect alcohol and tobacco excise taxes) and under strict instructions to avoid irritating gun dealers, inspectors shrugged off their new responsibilities, seldom visiting

licensees and conducting only the most cursory checks. To keep its ornery, independent-minded agents from stirring the pot, ATF imposed rules requiring they seek Headquarters approval before investigating licensees. Half-heartedly rescinded years later, the restriction sent a clear message whose echoes resound to the present day.

Foreclosed from ready access to industry records, agents turned to police gun recoveries to develop trafficking leads. Since diverted firearms usually wind up in high-crime areas, my squad entered information about weapons seized by LAPD South Bureau officers – then about three-thousand per year – into a computer that parsed the data for interesting patterns, such as handguns recovered soon after manufacture (after retiring from the Bureau I updated the program, which is still in use). Naturally, this after-the-fact process suffers from an unavoidable pitfall: by the time one zeroes in on an illicit gun source buckets of guns will have already hit the streets.

In our business eighty-nine pistols was small potatoes and nearly three years passed before my squad looked into the woman dealer's purchases. Actually, we were first alerted by a tragedy: one of her pistols had killed a cop.

White Dude whiled away his final hours in typical fashion, kicking it back with a lady friend, waiting for customers to knock on the door. Improbably fair-skinned for a barrio gangster and at the ripe old age of twenty-six unusually long-lived, White Fence gang member Manuel Vargas Perez chased the American dream in a way that his *pachuco* forbearers could not have anticipated.

Decades earlier, social strife and the war in Vietnam had ripped open the fabric of American life, propelling an epidemic of drugs and violence that would persist into the

new Millennium. From the leaf that built Bogotá's skyline came "crack," cocaine hydrochloride mixed with baking soda and water, then heated to produce a precipitate that, once dry, could be apportioned into single servings resembling tiny rocks.

Methamphetamine, a fiercely addictive drug commonly known as "speed", did not even require a crop – only a certain kind of cold medicine, some easily obtained chemicals, a makeshift lab and a steady hand to avoid blowing oneself up while stirring the brew.

Protecting one's turf was once a matter for fists, clubs and the occasional shiv; guarding an immensely profitable business called for something more. As gunplay turned inner cities into killing fields, driving frightened residents to the suburbs and forcing police to hastily form SWAT teams, firearm manufacturers responded in the way they knew best, ramping up production and churning out ever-more-lethal hardware. The old fashioned .38 revolver, a bulky weapon that could fire no more than six shots before a clumsy, time-consuming reload, was supplanted by a semi-automatic pistol of like caliber: the three-eighty. Cheap, easy to conceal and, once emptied, easily replenished by slapping a new ten-round magazine into the handgrip, the newfangled handguns proved an instant hit.

In the two decades preceding White Dude's big day more than two and one-half million three-eighties flooded the streets. By then it was already playing second fiddle to its far more lethal cousin, the nine-millimeter: boasting a cartridge with twice the muzzle energy, the new schoolyard bully reigned champ until 1999, when pistols in even larger calibers grabbed the top spot.

On October 21, 1994 Los Angeles Police Department officers Charles (Chuck) Heim, an eleven-year veteran, and his partner Felix Peña, with seven years on the job, were in a patrol car working the swing shift in Hollywood Division. After wrapping up a routine call they were looking for something interesting to do when an older Buick with two shifty-looking occupants barreled by.

Ten years later, as we sat in the comfortable living room of his family's suburban split-level, Peña, now a Sergeant, described what took place.

“It was driving at a good rate of speed, probably forty, forty-five miles an hour in a residential zone. So we sped up and got behind the car.” A license check revealed that the plate belonged to another vehicle. Before the officers could react the car abruptly pulled to the curb, discharged its passenger and sped away.

They let the car go and stopped the pedestrian, a gang member on parole for robbery. “We wanted to squeeze him for crime information,” said Peña. “He told us there was possibly some dude selling dope out of a motel on Sunset. He didn't know who it was. He just said it was an individual who was possibly selling drugs and he might have a gun.”

It was already dark when Heim and Peña approached the room. “We walked up and listened. Soon as Chuck knocked on the door somebody inside the room pulled the curtains to one side. I saw it was a female. She said ‘oh, shit, it's the police’.”

Eighteen years earlier the Newhall-Saugus Chamber of Commerce presented a plaque to a high school senior, recognizing his daring, single-handed capture of a burglar who broke into a local store. A photograph depicts Chuck Heim, then seventeen, spiffed

out in a natty western outfit, towering over the Chamber's president as he receives the award.

After a stint in the Army Chuck joined the LAPD. An expert horseman and competitive bull rider, the wise-cracking cowboy eventually landed in the Metropolitan Division's mounted detail where he earned a reputation for calming high-strung thoroughbreds, including one so jittery that only he could control it. But after five years Chuck longed to get back into the thick of things. He started working patrol shifts in Hollywood Division even before his transfer was finalized.

Officer Heim took a position to the right, Peña to the left. Chuck knocked again.

In the measured tones of someone who took a trip from which he never quite returned, Peña described what took place. "As the door opened the female stood to one side. Chuck stepped into the threshold and made contact with the people inside: a female, and a male lying on the bed."

White Dude was covered by a sheet. Heim, the senior officer, was now fully exposed.

"Chuck said 'let me see your hands', 'let me see your hands.' Before he could say 'let me see your hands' a third time the suspect came up shooting. He shot Chuck three times, once in the arms, once in the torso and the third hit him in the forehead, between his eyes."

Mortally wounded, Chuck crumpled to the floor. Peña drew his weapon and returned fire. Highlighted by the motel's lighting, he found himself in a dangerous position: instantly, a bullet struck his right hand; a second shot then hit him square in the

chest and knocked him back into the railing. Miraculously, Peña regained his footing. He pointed his pistol, squeezed the trigger and – nothing.

His gun had jammed.

“I went to my knees and looked at my gun. I could see that one of the rounds had not extracted properly.” Fortunately, Peña was a lefty; he hastily cleared the pistol with his bleeding right hand and returned fire. Bullets continued to fly as help arrived. Officer Armen Sevdalian dragged Chuck to safety. Peña was escorted to an ambulance where paramedics tended to his hand and ripped off his uniform. Thankfully, his torso was intact: the ballistic vest had absorbed the blow.

In the confusion, White Dude crawled out a bathroom window, jumped to the ground and escaped.

Chuck Heim passed away at Cedars-Sinai hospital early the next morning, October 22. Thirty-three years old, he was survived by his parents, Paula and James Heim, his wife Beth, an LAPD officer pregnant with their first child, and a twelve-year old son from a prior marriage.

One day later SWAT officers cornered White Dude at a nearby motel. Reached by telephone, he vowed to kill again. After an exchange of gunfire a police sniper shot the gangster through the throat. White Dude crawled away, and then turned his gun on himself. Ballistics confirmed that the Davis Industries .380 pistol found next to his body was the weapon that killed Chuck and wounded Peña. Manufactured in the “Ring of Fire”, a region of Southern California known for its profusion of firearms manufacturers, the ubiquitous handgun – then the second most frequently traced gun in the United States – cost a mere \$15 to produce.

In 1996 LAPD awarded Peña and Sevdalian its highest decoration: the Medal of Valor.

Chuck Heim was the second LAPD officer gunned down in eight months. In February 1994 officer Christy Hamilton, 45, was fatally shot by a youth who had just murdered his father. Wife of a firefighter, daughter of an LAPD detective and mother of two grown children, Christy had only seven months on the job.

It fell on Chuck to lead the riderless horse at her funeral procession.

Seventy-eight American law enforcement officers were slain by gunfire in 1994, a lamentable record that still stands. Public outrage about gun violence prompted Congress to pass the Brady Act, which imposed a national records check for persons buying handguns from licensed dealers (the law, which now covers rifles and shotguns, does not apply to transactions between unlicensed persons.) Named after Jim Brady, the White House press secretary who was crippled during an attempt on President Reagan's life, the rule had no practical effect in California, where background checks had long been required for gun buyers and exchanges between private persons were illegal.

In California, approved handgun transfers are perpetually recorded in a statewide database. We typed in the serial number of the pistol used to kill officer Heim; curiously, there was no match.

Each component of the gun industry – manufacturers, distributors and dealers – must keep track of firearms that pass through their businesses. Davis Industries reported that they had sold the pistol years earlier to a gun store in Orange County. Then we learned the rest of the story.

It seemed like déjà vu all over again. Six months earlier my squad raided an apartment in a gang-ridden section of Inglewood. Our efforts proved a bit late, as a teenage resident had already sold nearly one-hundred guns to gang members. His mother, a woman gun dealer, shrugged it all off as a misunderstanding.

On retiring from ATF in 1998 I received a letter commending me for bringing the problems of dealer misconduct in Southern California to the Bureau's attention. It seemed a curious gesture: my squad was disbanded one year earlier and its agents scattered, ostensibly to reinforce general-duty groups that suffered from staffing shortfalls. My last months, spent traveling as a lecturer and consultant on gun trafficking for the Bureau's National Tracing Center, what some might call a dream assignment, reinforced a long-held view: licensee misconduct was a chronic affliction that touched all levels of the gun industry, but which for political reasons ATF felt compelled to downplay or ignore. If Los Angeles seemed a particularly fertile ground for these deadly shenanigans it was only because agents had bothered to look.

We ran the woman dealer's purchases on a statewide database. Thirty-one three-eighties had already surfaced in a variety of incidents, including robbery, kidnapping and attempted murder. And as we knew, the killing of officer Heim.

On February 16, 1929 Hugh Plunkett, secretary to Beverly Hills oil baron Edward L. Doheny Jr., inexplicably shot his boss to death, then turned the gun on himself. The killer's lack of a clear motive and rumors of a tangled relationship between him, his employer and the employer's wife made the crime scene – Doheny's grandiose Greystone Mansion, the largest private residence in Beverly Hills – a drawing card for crime buffs,

mystics and conspiracy aficionados. Now a City park, the mansion and its spacious grounds became a favored backdrop for films with dark themes, including “Ghostbusters II” and “The Witches of Eastwick”.

On the morning of February 21, 1992 police were called to the mansion to remove an abandoned BMW that blocked a film shoot. In the trunk startled officers found the lifeless body of a 17-year old high school senior. The youth had been shot and stuffed into the car, a gift from his parents.

Less than a month later detectives arrested two San Fernando Valley men for the murder; one tried to flee and was caught with a Davis .380. Although this was not the murder weapon, within a week police had the gun that was: a Calico M-950 nine-millimeter pistol. Technically classified as a handgun because it lacks a stock, the fearsome-looking firearm features a top-mounted, cylindrical magazine with a stunning capacity of up to *one-hundred* rounds.

Tracing revealed that both firearms had been recently acquired by a woman dealer: the Calico directly from the factory, and the Davis as part of a sequence of purchases from an Orange County retailer (years later another of these guns would be used to kill officer Heim). And there was a tantalizing clue: the buyer was the mother of one of the defendants.

The Gun Control Act of 1968 authorizes any legal resident who is 21, free of a felony conviction and willing to collect a handful of permits to apply for a license to deal in firearms. Home gun businesses are allowed unless barred by State law; in California,

which leaves the decision to local authorities, they are prohibited in a handful of cities, including Los Angeles and Beverly Hills.

Federal law allows States and political subdivisions to regulate gun sales; most avoid the unpopular chore and leave everything to the Feds. Although notorious episodes of firearms violence such as the Columbine school shootings occasionally stir things up (the Act was precipitated by the assassinations of Dr. Martin Luther King, Jr. and Senator Robert Kennedy), fierce opposition to gun control has managed to dilute the few curbs on licensee conduct that the Act imposed. Collaboration between the N.R.A., the gun industry and legislators from both parties led to passage of the 1986 “Firearms Owners Protection Act”; the first major revision of Federal gun laws in twenty years, this deceptively entitled paean to the firearms lobby granted manufacturers, distributors and dealers extraordinary protections, downgrading offenses such as keeping false books to misdemeanors and capping unannounced inspections at one per year.

Even if ATF could muster the will to go after the industry’s bad apples its resources are spread ridiculously thin. Its tiny regulatory workforce – in 2002 there were 420 inspectors for 104,000 gun businesses – inevitably leads to a feeble inspection rate (4.5 percent of licensees per year) and superficial reviews. A study of firearms dealers whose guns frequently turned up in crimes revealed that ATF inspected only two of six “high trace” California dealers after granting them a license. (One that avoided routine oversight, an obscure outlet in a Southland industrial park, was investigated after one-hundred of its guns were recovered in LAPD’s South Bureau in a single year. Agents discovered that this “business”, which was actually operated from an apartment, had sold more than 1,000 handguns out the back door.) By 2004 under-regulation of the industry

had led to so much embarrassment that the U.S. Justice Department's Inspector General – in an administration well known for its hostility to gun control – issued a report (naturally, soon buried) that criticized ATF's "limited and inconsistent" oversight of firearms dealers.

Her son was nineteen, two years short of the legal age to buy even one handgun. When the woman told detectives that she gave him the Calico *and* the three-eighties, her statement might have sounded like a confession. But she insisted that everything was aboveboard. Showing investigators a copy of a license for the dealer who supposedly employed her son, she described the handoffs as legitimate dealer-to-dealer transfers, no different in kind than her own purchases. Although the document turned out to be a forgery – there was no "other dealer" – detectives and ATF agents from a suburban squad took the mother at her word, that she had believed her boy. Within months she would repeat this account, and her son would confirm it, at his murder trial.

The defendants' prospects looked bleak from the start. One of the State's first witnesses, a friend of the pair, testified that they killed the youth because "he fucked up a deal." Another witness, who appeared under a grant of immunity, said that he was present when the defendants did the deed and accompanied them when they disposed of the body. Unable to wriggle out of the killing, the defense claimed that the victim drew his gun first; that excuse lost momentum when it turned out that the youth was shot twice, one inside a residence, then a second time after he fled into the backyard. Vilifying the victim by painting him as a street gun peddler (police suspected that he supplied guns to L.A. gang members) didn't work much better, as it unexpectedly dovetailed with the

prosecution's theory of the crime: that the youth was killed so the defendants could keep a load of guns that he paid for in advance.

Jurors accepted the State's version. On June 8, 1993 they found the defendants guilty of first-degree murder with special circumstances, including financial gain and lying in wait. Both were sentenced to life without parole.

In October, 2002 John Muhammad, 42 and Lee Malvo, 17 terrified the nation's capital with a series of sniper attacks along the Washington Beltway. Thirteen persons were shot; only three survived. Muhammad and Malvo were arrested and convicted: Muhammad got the death penalty, Malvo life without parole.

ATF traced their gun – a Bushmaster .223 rifle – to Bull's Eye, a Tacoma gun store and shooting range. When authorities arrived, the owner checked his records and said the rifle was still supposed to be in inventory.

But golly – it wasn't. So the shopkeeper reported it stolen.

An election loomed. Eager for support from firearms enthusiasts but afraid to scare off voters with a blatant pro-gun message, Republicans urged a crackdown on armed criminals. President George W. Bush delivered on the promise early in his first term. Warning offenders that "if you use a gun illegally, you will do hard time" he launched "Project Safe Neighborhoods", allocating tens of millions of dollars to gun violence reduction projects. Federal attorneys promptly dusted off a spottily applied Federal law that prohibits felons from possessing firearms and encouraged ATF to scour local jails for likely candidates. It was a dramatic turnabout. During the Clinton years we could rarely get "one-man, one gun" cases prosecuted; in fact, my squad had come

about as direct result of a meeting between ATF and top managers of the U.S. Attorney's office, who were insisting that we shift emphasis to weightier matters such as firearms trafficking.

Soon a profusion of ex-con-with-a-gun cases cluttered Federal dockets, irritating judges but allowing the Justice Department and ATF to claim that they were cracking down on armed felons (what wasn't made clear was that virtually all had been arrested by local police.) Within ATF other concerns were pushed to the back-back-burner. In a 2004 report, Americans for Gun Safety lamented the misdirected emphasis: "The Justice Department has promised to crack down on illegal gun trafficking and cut the supply of firearms to criminals. Instead, it has focused on prosecuting criminals only after they get their hands on guns, and in many cases only after they have used a gun to commit another serious crime. This approach has left an enormous enforcement gap that makes it too easy for criminals to arm themselves."

It wasn't just the mean old G.O.P. Vice-President Al Gore's National Reinvention initiative, which called for a kindler and gentler approach to private enterprise – he called it the Government's "customer" – helped transform regulatory agencies into industry lapdogs. Federal disengagement from gun control accelerated when the NRA's darling, John Ashcroft, was anointed Attorney General. An open skeptic of firearms laws, his view that the Second Amendment conferred a personal right to bear arms became Justice Department policy. Lacking direct authority over ATF, then a branch of the Treasury Department, Ashcroft nonetheless nipped away at the agency's heels, in one instance turning away a proposal to make gun trafficking eligible for prosecution under racketeering statutes.

In 2003 Ashcroft scored a major victory: ATF was transferred to the Justice Department. He moved swiftly. Tired of waiting for the Feds to do their job, crime victims and local governments had been using gun trace data to bolster lawsuits that charged firearms manufacturers, distributors and dealers with reckless marketing practices. With the agency now under his thumb, the Attorney General declared the information off-limits to the general public, a decision that was later upheld in the courts and enshrined in the text of the Bureau's yearly appropriations bill. For good measure Ashcroft also put an end to ATF's irritating habit of publishing a yearly list of "top-ten" crime guns.

He wasn't quite done. The 1994 Federal assault weapons act outlawed certain military-style weapons and high-capacity magazines. With the statute set to expire, the International Association of Chiefs of Police, the country's leading group of law enforcement executives, urged its extension. Although Ashcroft had favored the ban during his confirmation hearings, he now voiced doubts about the law's efficacy. All he would promise is that the Justice Department would "continue to study" the measure.

They're still studying. In the meantime, Congress got the hint and allowed the ban to lapse on schedule.

Federal prosecutors serve at the President's pleasure. When the Party controlling the White House shifts, United States Attorneys and their immediate deputies normally leave their posts and are replaced with lawyers who can be counted on to support the new Administration's priorities.

During twenty-three years as an ATF agent and supervisor in Arizona, Montana and California, I found it more difficult to bring licensed crooks to account when the G.O.P. was in power. Elections usually brought a shift in emphasis: when Republicans were in, agents were encouraged to go after illegal possessors; when Democrats took over there was more freedom to go after suppliers. Still, even when political conditions seemed most favorable, bringing crooked dealers to task was never an easy sell. ATF's neglectful stewardship of the firearms industry rarely produced referrals of corrupt licensees, leaving Assistant U.S. Attorneys so ignorant of the gun marketplace that many subscribed to the conventional (but wildly inaccurate) notion that most guns used in crime are stolen; when informed that a licensee had sold hundreds if not thousands of weapons without keeping records, prosecutors frequently refused to believe that the conduct was anything beyond an oversight. Sad to say, cluelessness about licensee avarice also infected our own employees. During the Government re-invention craze of the mid-nineties an obscure Headquarters manager once penned a memo suggesting that corrupt dealers be referred to as "conflicted clients". Thinking the message hilarious, I posted it in the squad hallway. Agents didn't know whether to howl or flinch.

Reluctance to take on the industry certainly wasn't because of our track record: of the more than two-dozen investigations where charges were filed, not once did we lose in court. But the path to success was often uncertain. During a three-year period, a major retailer in Cypress and another in Lake Forest (both since out of business) jointly diverted as many as 10,000 handguns to unlicensed peddlers, falsely noting in their books that the weapons had been transferred to other licensees. With routine inspections virtually non-existent, agents had no idea anything was amiss until they learned that dozens of these

dealers' weapons had turned up in Japan and Australia, including ten seized by Australian customs on a date that *antedeceded* the sale date noted on the dealers' records. For reasons that remain unclear (there were rumors of political pressure) prosecution of the main defendant in this colossal and exhaustively documented case was held up for nearly two years while the file bounced between attorneys. Eventually the suspect pled guilty and was sentenced to a brief prison term. If somebody was hoping that we would give up and move on, they didn't appreciate just how hard agent heads could be.

During the five years that my squad pursued gun traffickers, keeping investigators from succumbing to despair was my most challenging task.

Dealer misconduct means more than just sneaking weapons out the back door. Repetitively selling cheap handguns to the same person or selling a pistol to a woman while her boyfriend nervously stands around virtually guarantees that a gang member or criminal will soon have a shiny new gun.

Two years after officer Heim's murder another LAPD officer was shot dead with a trafficked pistol. On December 22, 1996 a 17-year old gang member bolted from a Fairfax Avenue convenience store with two six-packs of beer. LAPD officers Ralph Mendoza and Mario Navidad, academy classmates with less than two years on the job, confronted the suspect. The youth pulled out a cheap Bryco .380 pistol and started shooting; in the exchange of gunfire both he and officer Navidad were mortally wounded.

The killer's gun was purchased at a gun store four years earlier by an adult who acquired five inexpensive handguns during a twenty-month period. Three were from the Ring of Fire.

In a recent study, UCLA researchers called gun stores pretending they wished to buy a handgun for someone else. Some dealers agreed to the transaction even when told that the intended possessor could not legally own a firearm:

“As long as you have no record, you can come down here and pick one up and put it in your name”.

“You can do whatever you want after you walk out the door”.

“What you do with it is your business. Legally you’d be responsible for it, you’re more than welcome to buy one. You can’t transfer it to him – I assume he’s been turned down”.

“She can’t come in, pick one out and you buy it. That’s against the law”. Caller: “I’d come, just me”. Clerk: “I’d have no problem with that”.

Buford Furrow got his Glock at a Spokane gun show. Its vendor, an unlicensed gun peddler, originally acquired the pistol from a dealer. That’s where gun trails often lead. Retailers are a far better source of supply than thieves and burglars, as only licensees can readily obtain new handguns of whatever kind one’s heart desires, in quantity and on short notice. So-called “weak-law” states such as Arizona, Nevada, Texas and Washington make a gun trafficker’s job easy. With no limit to the number of handguns that can be acquired, no waiting period or record check for long-gun purchases, and no waiting period for handguns beyond the breezy Federal Insta-Check (just a few minutes against California’s ten days), in-State residents can waltz into a gun store one minute and leave with a shopping bag full of pistols the next. Well aware of such loopholes, Los Angeles street dealers often hire Arizona residents to buy firearms at Phoenix-area gun dealers. Intermediaries are not even required at gun shows in Arizona

and Nevada, where self-styled “collectors” can sell handguns *they* purchased to all comers, without records checks or paperwork.

Abandoned for the most part to their own devices, States and local governments tried to fill the vacuum left by the Feds. In 1999 California enacted a law capping handgun purchases at one per month (the writer testified in the bill’s favor.) Legislators also plugged a loophole in the State assault weapons act that allowed manufacturers to continue marketing banned guns by simply changing their name, as Colt did with the AR-15 (christening it the “Sporter”) and Calico with the M-950 (it became the “Liberty III”). Two years later California tightened its “gun safety” laws by requiring that handguns have positive safety mechanisms, survive a drop test and – perhaps a dubious improvement – fire repeatedly without malfunctioning.

There was also movement on the civil side. In 2001 a coalition of California cities, including San Francisco, Los Angeles and San Diego, sued gun makers, distributors and retailers for engaging in marketing practices that helped weapons fall into the hands of criminals (the author consulted for the plaintiffs). A court later found the plaintiffs’ arguments unconvincing and dismissed most of the defendants; five that remained settled by agreeing to tighten things up, for example, by not selling at gun shows and by taking steps to guard against “straw buyers”, those who purchase guns for others.

Legal harassment and financial setbacks ultimately emptied the Ring of Fire of nearly all its gun makers. Bryco Industries suffered a particularly stiff blow when an Alameda County jury awarded a crippled teen \$24 million for injuries caused by a .380

pistol that accidentally discharged. But “down” does not necessarily mean “out”. After buying the firm’s assets at an August 2004 bankruptcy sale, the former plant manager, Paul Jimenez, resumed manufacturing essentially the same line of pistols under the “Jimenez Arms” brand. Its products, which do not meet California safety standards, are marketed in other States by Shining Star Investments, a Texas distributor. The most expensive, a 9mm. pistol, retails for \$189.

Calico relocated to Nevada where it produces high-capacity magazines and Liberty III pistols. Their products – not all legal in California – can be ordered through licensed firearms dealers.

Now called the “CA 380”, the pistol formerly known as the Davis .380 reappeared in another gun-friendly state, Utah, where it is manufactured by Cobra Enterprises. It, too, fails California’s safety standards but can be sold elsewhere.

In September 2004 insurers for Bushmaster Firearms and Bull’s Eye agreed to pay \$2.5 million to settle a lawsuit brought by victims and families of the D.C. snipers. Bull’s Eye’s owner, Brian Borgelt, whose gun license ATF finally yanked (he is contesting its revocation) sold the business but continues operating its shooting range.

On August 10, 1999 Buford Furrow, a mentally disturbed neo-Nazi, raked a Granada Hills Jewish center with an Uzi, severely wounding five persons including three small children, then used a Glock pistol to kill a Filipino-American mail carrier. A former home-based gun dealer, Furrow lost his license after being convicted for threatening psychiatric nurses with a knife. Surviving family members sued the makers, distributors and retailers of Furrow’s guns. Initially dismissed by a trial court, the lawsuit was reinstated in November 2003 by the Ninth Circuit, which found it reasonable to

expect that the gun industry take “basic steps to prevent these guns from reaching illegal purchasers and possessors”.

But the gun lobby had an ace up its sleeve. In October 2005 President Bush signed S. 397, the "Protection of Lawful Commerce in Arms Act," an extraordinary piece of legislation that prohibits lawsuits against gun makers and sellers should their products be misused. (To demonstrate its fairness and balance, S. 397 also banned armor-piercing ammunition and required that trigger locks be supplied with every gun.) Hoping to freeze anti-gunners dead in their tracks, lawyers for the firearms industry quickly filed motions to dismiss all pending civil actions, including the suit filed by Furrow’s victims. Plaintiffs’ attorneys fired back with challenges contesting the statute’s Constitutionality (it forecloses all civil remedies) and applicability to individual cases. According to the beleaguered chief counsel of a major gun control organization, the battle has proven a costly distraction: no matter who ultimately prevails, it’s a win-win for the industry.

Emboldened by their success, pro-gunners are working overtime to consolidate their gains. In March 2006 Rep. Lamar Smith (R-Texas) introduced H.R. 5005, a bill that would prohibit the release of gun trace data to all, including State and local governments, and make records required to be kept by licensed dealers off-limits in any civil or administrative proceedings excepting those initiated by the Justice Department. New York City Mayor Michael Bloomberg, a bitter foe of the gun industry (and the measure’s ostensible target) called the proposal “unconscionable” and said it would handcuff municipalities’ bid to reign in rogue licensees.

ATF’s laid-back attitude towards the industry doesn’t mean it ignores gun trafficking altogether. Over the years agents have expended considerable effort to

interdict unlicensed peddlers who supply the urban centers of the Eastern seaboard with guns acquired in the weak-law States of Florida and Virginia. But they may have proven too effective. During a February 2006 House inquiry into ATF investigative practices, Annette Gelles, owner of Showmasters Gun Shows, complained that overzealous enforcement was driving exhibitors and customers away from Virginia gun shows. Crime, Terrorism and Homeland Security Subcommittee chairman Rep. Howard Coble (R-N.C) agreed that the Bureau's tactics seemed unnecessarily "heavy-handed" and warned the agency that sanctions could follow.

No matter how hard it tries, ATF just can't keep out of the woodshed.

On a gritty block of old Hollywood, south of Sunset and west of Cahuenga, seven large stars adorn the entrance to a large, utilitarian building. Most visitors are probably too preoccupied to associate the inscriptions that pass under their feet with the seven portraits that hang inside the starkly-lit lobby. Austerely framed, dimming with age, they depict officers who made the ultimate sacrifice while serving at LAPD's Hollywood Division.

Two, Clay Hunt and Joe Rios, succumbed to injuries sustained in traffic accidents.

Each of the others was shot to death.

Clyde Pritchett, gunned down at a family disturbance on February 17, 1936.

Ian James Campbell, kidnapped with his partner, then executed by armed robbers on March 10, 1963 in the horrific incident known memorialized in Joseph Wambaugh's "The Onion Field".

Robert J. Cote, shot by an armed robber on July 31, 1969.

Russell L. Kuster, murdered by a deranged gunman on October 9, 1990.

And the Division's most recently slain officer, Chuck Heim, wearing a smile so fetching that one simply has to smile back.

On October 22, 2004, ten years to the date after Chuck's death, officers gathered by the stars to honor their fallen comrades. Among them were Chuck's wife, Sergeant Beth Heim, and Sergeant Felix Peña, who endured repeat surgeries to his right hand and returned to duty one year following his partner's murder.

As I strolled by weeks later the stars gleamed from a recent downpour. Skillfully crafted from terrazzo and brass, they seemed in most respects identical to those that embellish the sidewalks of Hollywood Boulevard.

Of course, there *is* a difference. Earning a spot on *this* Walk of Fame is no act.

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