Guns. Simply mention the word and by the time the conversation ends it will have probably touched on many of the most pressing social, cultural, legal and economic issues that attend to urban life. Firearms are a hot button topic that has polarized many thoughtful people into two camps: for and against. Opinions, anecdotes and a smattering of academic research have been used as cannon fodder by both sides, each eager to best its opponent with some brave new finding. Guns are our heritage. Guns save lives. Guns are killing our inner cities. And so on.

Guns are not something that we can simply attribute to outsiders. A majority of firearms that are in the USA were also made here (Zawitz, 1995). Between 1983 and 1995, more than 55 million firearms were introduced into the domestic marketplace (ATF, 1994; ATF, 1996b). In 1995, American manufacturers produced 3,808,805 firearms for domestic consumption, including 1,493,327 handguns. An additional 706,093 handguns and 397,311 long guns were imported (ATF, 1996d).

It is difficult to assess – some would say, difficult to exaggerate – the number of guns in circulation. Some estimates place the number of firearms as being equal to the American population. In 1991, the number of handguns in the USA was pegged at 85 million (Kleck, 1991). Given the known rates of manufacture and transfer, such figures are bound to be quickly outdated. In California, more than 600,000 gun transactions were recorded during 1993 alone (California Department of Justice (DOJ), 1995)[1].

During a recent twelve-month period, 99,000 persons were treated for non-fatal firearm wounds in US hospital emergency rooms. More than half of these injuries were due to a criminal act. Firearms caused an additional 37,776 deaths, evenly split between suicide and homicide (Zawitz, 1996). A 1991 survey of State prison inmates indicated that nearly 50 percent had been sentenced for a violent offense. Forty-six percent had carried or used a weapon, predominantly a firearm. One in six inmates said they committed an offense while armed with a gun; half said they had fired it (Beck et al., 1993).
Gun sources
America’s alarming rate of firearms misuse has given a sense of urgency to research efforts that seek to determine how street criminals acquire guns. One useful paradigm for exploring this topic is the concept of markets. These can be categorized as “primary” and “secondary”. The primary gun market encompasses all transactions that involve the licensed gun industry, ranging from wholesale transfers of hundreds of guns to the retail sale of a single firearm to a private consumer. Transfers where unlicensed persons act as both buyer and seller are assigned to the secondary market (Cook et al., 1995).

Most new guns are conveyed to private consumers in three steps: manufacture, wholesale distribution and retail sale. Firearms typically enter the public domain at the lowest tier, which includes a mix of gun stores, sporting goods outlets, pawn shops and licensed home businesses. Federal laws and regulations require that gun businesses at each level be licensed, comply with strict paperwork requirements and avoid making sales to prohibited persons. Licensees must record the source and identifying properties of every firearm they acquire and carefully chronicle their disposition. Private citizens who buy guns from licensed dealers must present identification and certify in writing that they are not prohibited by law from possessing a firearm. Compliance with licensing and recordkeeping requirements helps prevent the acquisition of firearms by legally unqualified persons. Should a gun be misused, records that are faithfully kept can also help police trace the firearm to its first retail consumer[2].

In States where no equivalent provisions exist, the Federal Brady law delays handgun deliveries by licensed dealers to private persons for five days so that a criminal records check can take place[3]. Other areas impose their own, stricter mandates. California Penal Code sec. 12072(d), for example, requires that every gun transfer – even when only ordinary citizens are involved – be conducted through a licensee or law enforcement agency and include the same record checks, waiting period and other restrictions that apply to new gun sales.

While there are differences in interpretation, there is general agreement about two things: first, that there is a large secondary firearms market, characterized by unregulated private transactions between unlicensed persons; and second, that the covert, facilitative nature of these encounters makes them the favored source of guns for criminals (Beck et al., 1993; Decker and Pennell, 1995; Rand, 1994; Sheley and Wright, 1993).

A review of the literature disclosed five efforts to collect data about gun acquisition by criminals (see Table I). In four studies, incarcerated offenders were asked to identify their source of guns. Many said they purchased firearms through unregulated, informal transactions with friends, family members, petty criminal entrepreneurs such as drug dealers and thieves, and elements of a vague general category variously identified as the “black market” and “the street”. But respondents also indicated that primary sources played a substantial role. Twenty-seven percent of a sample of imprisoned felons said they had bought a gun at a store (Beck et al., 1993). Nearly one-third of a sample of incarcerated juveniles said they had asked an adult to buy a gun from a dealer on their behalf (Sheley and Wright, 1993). One study even cited licensed
As of February, 1996, there were 170,332 Federally licensed firearms firms in the USA. Of these, 138,213 were retailers (ATF, 1996a). Clearly, oversight of an industry this large presents a regulatory dilemma, as the ready access to quantities of new, inexpensive handguns that a license confers means that wrongdoing by just a few can become a matter of grave concern (Pierce et al., 1995).

Accounts of licensee misconduct have appeared with some frequency in the popular media and in various Government reports. Troubling anecdotes accuse certain retailers – primarily, corrupt home-based “kitchen table” gun dealers – of making handsome profits by recklessly selling guns “out the back-door”, keeping no records and asking no questions (ATF, 1990, 1992, 1993a, 1995a, 1995c, 1996e; Cook et al., 1995; Larson, 1993, 1994; National Alliance, 1994; Pierce et al., 1995). Lesser instances of wrongdoing are undoubtedly more common. During “Operation Snapshot”, a review of 400 randomly-selected licensed gun dealers, ATF inspectors uncovered violations in 34 percent of their visits, with 7 percent being sufficiently serious to warrant further action (ATF, 1993b).

Table I.

<table>
<thead>
<tr>
<th>Authors</th>
<th>Year</th>
<th>Research methods</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moore</td>
<td>1981</td>
<td>Analyzed results of a gun trace project; examined case files of street gun dealing investigations</td>
<td>Predominant source for street dealers are licensed dealers and thefts</td>
</tr>
<tr>
<td>Wright et al.</td>
<td>1983</td>
<td>Interviewed imprisoned felons</td>
<td>52% – Borrowed or bought from friends</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>32% – Theft</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>16% – Bought from store</td>
</tr>
<tr>
<td>Beck et al.</td>
<td>1993</td>
<td>Interviewed imprisoned felons</td>
<td>31% – “Family and friends”</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>28% – “Black market”, a drug dealer or a fence</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>27% – Bought at store</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9% – Theft</td>
</tr>
<tr>
<td>Sheley and Wright</td>
<td>1993</td>
<td>Interviewed high school students and incarcerated juveniles</td>
<td>30% – Friends</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>22% – “The street”</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>21% – Drug dealer or addict</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12% – Theft</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6% – Family member</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7% – Bought at store</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>32% – Asked adults to buy on their behalf (included in the above categories)</td>
</tr>
<tr>
<td>Decker and</td>
<td>1995</td>
<td>Interviewed arrestees (Preliminary findings)</td>
<td>45% – “Illegal firearms market”</td>
</tr>
<tr>
<td>Pennell</td>
<td></td>
<td></td>
<td>13% – Theft</td>
</tr>
</tbody>
</table>
Licensee business practices are clearly a ripe topic for academic inquiry. However, a dearth of empirical research has made it impossible to estimate the role that dealers play in the acquisition of guns by criminals (Cook and Moore, 1995). Even so, firm assertions that offenders do not get guns from retail sources appear throughout the literature (Kleck, 1991; Roth, 1994; Sheley and Wright, 1993). An inclination to downplay the salience of the primary market seems evident. For example, after a lengthy analysis of prior works, one report concluded that “according to the latest available data, those who use guns in violent crimes rarely purchase them directly from licensed dealers; most guns used in crime have been stolen or transferred between individuals after the original purchase” (Roth, 1994, p. 1). Yet, the sources cited include Moore (1981), who found that 29 percent of recovered guns came directly from a dealer (qualified in the report as “only” 29 percent), and Wright et al. (1983), who reported that 16 percent of inmates bought guns at a dealer (also qualified as “only” 16 percent) (Roth, 1994, p. 3).[4] After interviewing a large sample of incarcerated juveniles, the authors of another study reported that nearly one-third had asked an adult to act as a “straw purchaser”; that is, to buy a gun at a store on their behalf (Sheley and Wright, 1993, p. 6). Their preliminary assessment was that “though by no means the preferred method of acquisition, purchasing a gun through legitimate channels was fairly common among respondents” (Sheley and Wright, 1993, p. 6). But only one page later, this view was superseded with a comment that “...turning to retail channels was possible but generally not necessary” (Sheley and Wright, 1993, p. 7). Once the concluding remarks were reached, the tacit assumption – that crime guns do not come directly from dealers – returned in full force: “controls imposed at the point of retail sale would be ineffective, at least by themselves, in preventing the acquisition of guns by juveniles studied here because they rarely obtain their guns through such customary outlets” (Sheley and Wright, 1993, p. 10).

Proxy transactions, such as those reported by Sheley and Wright, enable persons who are unqualified by age or criminal record to acquire, in a relatively discreet, simple and economical fashion, a new, unblemished gun of choice (ATF, 1995b, 1995c, 1997b; Cook et al., 1995; Larson, 1994). Unfortunately, explicit data about straw purchase is lacking. Although survey research is well positioned to explore this practice, it has not been recognized as a discrete category during offender interviews. Instead, responses that might fit the surrogate pattern are usually deconstructed so as to fall into any class that promises a good fit, such as “family and friends” or “the street”, thus potentially obscuring the role of straw buyers in the marketplace (Kennedy et al., 1996).

Contemporary gun research efforts lack tools that are sensitive to the interplay between primary and secondary markets. Self-reports are by themselves inadequate, as they seldom take us beyond the most proximate source. Possessors may know nothing beyond a seller’s nickname and physical description. They cannot be expected to know how, and from whom, street gun vendors acquire their wares. Incomplete depictions of gun pedigrees can lead to the misattribution of sales that should be assigned, at least in part, to primary sources.
What data collection techniques are available? An early effort to explore the origin of crime guns took a unique, two-pronged approach. Researchers reviewed Federal investigations of unlicensed gun sellers. They also analyzed the redistributive history of a set of recovered firearms that had been traced to their original retail source (Moore, 1981). In view of the commonplace assumptions about gun redistribution, this work arrived at a conclusion that even surprised its author: that licensed dealers “loom surprisingly large as a source of supply” for unlicensed street vendors (Moore, 1981, p. 102).

Another finding reached by this study, that residential burglaries were also a salient means of supply, seems more straightforward (Moore, 1981, p. 105). Indeed, for contemporary students of gun markets, theft is often the explanation of choice (Hutson et al., 1995; Kleck, 1991; Wright et al., 1983; Zawitz, 1995).

Available data suggest that many guns are taken through theft and burglary. A recent national survey reported that 300,000 firearms are stolen each year in the USA (Zawitz, 1995). On the other hand, the police seem to recover many more guns than can be accounted for through theft alone. For example, 16,507 guns were reportedly stolen in California in 1995. During the same period, more than twice as many guns (at least 33,887) were booked into evidence by law enforcement agencies in that State (California DOJ, 1995[5]). Characteristics of recovered guns are also inconsistent with the view that theft is the primary source of supply. Criminals as well as law-abiding consumers have demonstrated a preference for new, large caliber handguns, with .380 and 9mm semi-automatic pistols becoming the weapon of choice (Hutson et al., 1995; Sheley and Wright, 1993; Zawitz, 1995). However, national theft statistics indicate that pistols in these calibers account for a relatively modest fraction (14.2 percent) of stolen guns (Zawitz, 1995).

Theft may be an incomplete explanation for other reasons. It cannot conclusively settle the matter of a gun’s pedigree, as stolen guns often course through layers of middlemen (Sheley and Wright, 1993; Zawitz, 1995). There are also no data relating to the criminal misuse of stolen guns or their prevalence in the secondary market. Accounts from self-reports do not support the proposition that most guns acquired by criminals are stolen (see Table I). Neither do the few Government studies that have addressed this issue. A 1991 survey of guns recovered from narcotics incidents in Kansas City pegged the proportion of reportedly stolen guns at 14 percent (ATF, 1991). Of a set of 2,448 guns recovered by Detroit police in 1993, 7.5 percent were reportedly stolen (ATF, 1993a). A 1995 study disclosed that 21 percent of 6,521 guns recovered by Phoenix police officers had been listed as stolen (ATF, 1995b). Similar research in the Los Angeles area indicated that only 4 percent of 1,764 guns recovered in 1994 had been stolen (ATF, 1995c).

Objectives and methodology
In a perfect study, teams of intrepid researchers would relentlessly track recovered firearms to their original source. Considering the daunting obstacles to doing just that, it is no surprise that most of what is known has been gathered by interviewing incarcerated gun possessors. Although data from
self-reports have been enlightening; the quest to identify the origin of recovered firearms usually concludes with a sketchily operationalized category such as “from the street” and “family and friends”.

This study attempts to expand our knowledge of gun sources for criminals. As suggested by Cook et al. (1995), particular attention is paid to the primary, retail marketplace, whose role has been seldom examined in the literature. Adapting the methodology employed by Moore (1981) to local circumstances, we analyze paths to illicit gun possession in two ways: by reviewing the transfer history of a set of guns recovered by police, and by systematically examining gun trafficking investigations.

Firearms tracing underlies the initial approach. Our dataset comprises 5,002 guns recovered by law enforcement agencies in the Los Angeles area between 1988 and 1995. Eighty-two percent (4,079) were recovered by Los Angeles police, while the remainder were seized by law enforcement agencies in nearby communities. Analysis of this pool yielded data on the kinds of guns seized, the circumstances of their recovery and the characteristics of their possessors. Traces that were successfully completed also furnished information about gun dealers and gun buyers and contributed insights into patterns of illicit purchase and redistribution.

Our pool comprised all guns recovered within the Los Angeles metropolitan area by agencies who participated in an ATF tracing project[6]. To minimize selection bias, we set no criteria for inclusion, such as type of crime or circumstance of recovery. Consequently, most of the firearms were associated with a relatively petty offense such as carrying a concealed weapon or possession of a loaded firearm in a public place. Since cases were aggregated for analysis, our ability to explain the pedigree of guns used in violent crime might be in question. However, the prevailing view holds that whether a gun is recovered from someone’s back pocket, or from a violent incident that might occur just a few moments later, its simple presence “on the street” is a powerful predictor of misuse (Sherman et al., 1995; Wilson, 1994).

Our data do not purport to represent the types of guns, kinds of offenders or circumstances of recovery that may be typical elsewhere. However, comparisons between key characteristics of our sample and like statistics drawn from other studies are made where appropriate.

As a second measure, we examined case files for each domestic gun diversion investigation conducted by ATF agents in the Los Angeles metropolitan area between 1992 and 1995. Naturally, decisions to investigate are contingent on a host of extraneous legal and bureaucratic variables, so casework must be viewed with caution. To help assure that the episodes cited reflected actual offending, inclusion was limited to 28 instances that either led to a conviction or, for matters still pending, had been accorded an interim judicial endorsement in the form of a search warrant or criminal indictment.

Findings

Trace success

California law requires that all gun transactions, whether or not a dealer is involved, be registered at time of sale. Approved handgun transfers are
perpetually recorded in a State database that enables police to identify dealers and buyers.

State records contained sales data for 47 percent (844) of the 1,782 recovered handguns that were shipped to a California dealer. Obviously, buyers and sellers often failed to register these transactions. Compliance with State law has apparently increased over time. For example, a set of 340 handguns that were recovered in 1995 yielded a somewhat higher registration rate of 58 percent. Recent rates have occasionally reached values as high as 90 percent.

A partial explanation may lie in that State oversight of gun dealers has been quite limited. During the period cited, California did not employ criminal investigators who specialized in gun trafficking casework. Its dealer inspection program, which began in 1994, comprises a small staff housed in Sacramento. Moreover, all criminal penalties for State gun dealing violations are misdemeanors. California’s problem with dealer compliance is not unique, as similar concerns have been raised in other areas of the USA (ATF, 1993b; Cook et al., 1995).

Through contacts with gun manufacturers and distributors, ATF’s National Tracing Center identified the first retail dealer for 46 percent (1,918) of the 4,158 guns remaining in the pool. At this stage, traces failed for two major reasons: incomplete or incorrect gun information in police reports, and guns that were too old to trace by ATF standards. About 10 percent of the traces were abandoned due to problems with manufacturer and distributor records[7].

More severe recordkeeping deficiencies were evident at the retailer level, as dealers failed to supply sales or disposition information for 40 percent (765) of the guns traced to their premises. Most problems were attributed to a small group of suspect retailers who could not be located, were unresponsive, or had apparently sold guns without completing required paperwork. When compared to national statistics, these lapses seem relatively severe. In 1994, ATF reported that about 12 percent of all traces failed at the dealer. National figures for subsequent years range between 6 and 8 percent (ATF, 1997a, 1997c). Rates as high as 20 percent have been reported in local trace studies (ATF, 1993a; ATF, 1995b; ATF, 1995c).

**Gun types and calibers**

Handguns accounted for 84 percent of the 4,990 recovered firearms whose type was known, with twice as many pistols as revolvers (see Table II). Larger calibers predominated. Approximately equal numbers of rifles and shotguns were recovered. Less than 2 percent of the weapons were intrinsically illegal and only one machinegun was seized. Although limitations of the report review process probably led to an undercount of contraband firearms, it seems that police officers in the study area seldom encountered illegal weapons other than sawed-off shotguns.

These distributions are similar to national statistics. In a recent multisite study, eight out of ten firearms recovered by police were handguns, with six out of ten being semiautomatic pistols (ATF, 1997c). Of the two and one-half million handguns produced in the USA in 1994, 77 percent were pistols, with 9mm being the most popular caliber (ATF, 1996c). During that year, handguns
accounted for 79 percent of all firearms traced by ATF; 68 percent were pistols, with 9mm the predominant caliber (ATF, 1995a)[8]. In 1995, 9mm pistols continued to be the handgun most frequently produced; pistols with calibers larger than 9mm captured second place (ATF, 1996d). Preferences for new, larger-caliber pistols have also been reflected in offender self-reports (Sheley and Wright, 1993).

Stolen guns
Of the 5,002 guns in our sample, 6 percent (277) were reportedly stolen. This seemingly low figure led us to undertake a special, more careful review of 1995 data. Still, guns reported as stolen remained under 10 percent. Proportions of stolen guns encountered in other ATF studies range from 4 to 21 percent (ATF, 1991, 1993a, 1995b, 1995c).

Circumstances of recovery
Circumstances of recovery were reported for 65 percent (3,273) of the guns in the pool (see Table III). Of these, a plurality (66 percent) had been seized for

<table>
<thead>
<tr>
<th>Handguns (84%)</th>
<th>%</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>.45</td>
<td>6</td>
<td>164</td>
</tr>
<tr>
<td>9mm, .380</td>
<td>42</td>
<td>1,187</td>
</tr>
<tr>
<td>.22, .25</td>
<td>25</td>
<td>714</td>
</tr>
<tr>
<td>Unknown</td>
<td>26</td>
<td>742</td>
</tr>
<tr>
<td>Revolvers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>.44</td>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>.38, .357</td>
<td>45</td>
<td>617</td>
</tr>
<tr>
<td>.22, .32</td>
<td>9</td>
<td>127</td>
</tr>
<tr>
<td>Unknown</td>
<td>44</td>
<td>605</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>4,191</td>
</tr>
</tbody>
</table>

| Long guns (16%) |
|-----------------|---|---|
| Shotguns<sup>a</sup> |   |   |
| 12 gauge        | 41 | 172 |
| 16, 20 gauge    | 5 | 21 |
| .410 gauge      | 2 | 9 |
| Unknown         | 52 | 219 |
| Rifles<sup>b</sup> |   |   |
| Larger          | 5 | 18 |
| .308, 30.06     | 12 | 45 |
| .22, .223       | 24 | 89 |
| Unknown         | 60 | 226 |
| Total           |   | 799 |

<sup>a</sup> Includes 59 short-barrel shotguns
<sup>b</sup> Includes 22 short-barrel rifles

Table does not include one machinegun and three silencers
unlawful possession. Sixteen percent were recovered in connection with a violent crime such as robbery, assault with a gun and murder. Drug arrests accounted for 13 percent. These proportions are similar to national statistics. In 1994, 73 percent of the 83,358 guns submitted to ATF for tracing had been picked up for a miscellaneous weapons offense. An additional 12 percent were used in a violent crime and another 12 percent were seized in connection with a drug offense (ATF, 1995a).

**Purchaser and possessor age**

Computations were based on 3,710 guns where possessor age was known and 1,800 guns where purchaser age was known (see Table IV). Overall, possessors were substantially younger than purchasers. Average age for possessors was 26, while the average age of purchasers was 34.

**Purchaser and possessor gender**

Gender was coded for 898 guns where purchaser gender was known and 2,455 guns where possessor gender was known. Males comprised 84 percent of purchasers and 94 percent of possessors. Females were represented in nearly three times as many instances of purchase (16 percent) as possession (6 percent).

**Recoveries from purchasers**

Purchasers and possessors were fully identified for 1,599 recovered guns. Of these, 14 percent (223) had been seized from the original retail buyer. This figure is somewhat lower than might be expected given the results of earlier studies. It might have increased but for difficulties brought on by incomplete data.

### Table III.

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Guns recovered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
</tr>
<tr>
<td>Illegal possession</td>
<td>66</td>
</tr>
<tr>
<td>Violent crime</td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>47</td>
</tr>
<tr>
<td>Robbery</td>
<td>26</td>
</tr>
<tr>
<td>Murder/att.</td>
<td>24</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>2</td>
</tr>
<tr>
<td>Sex offenses</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
</tr>
<tr>
<td>Narcotics offense</td>
<td>13</td>
</tr>
<tr>
<td>Property crime</td>
<td>4</td>
</tr>
<tr>
<td>Non-criminal</td>
<td>1</td>
</tr>
</tbody>
</table>

**Notes:**

- a Concealed weapons, loaded gun in public, underage possession, possession by prohibited persons
- b Includes found guns and those temporarily stored for safekeeping
Guns in Los Angeles, California

Lag between sale and recovery

Guns possessed by criminals seem particularly vulnerable to recovery as they are more likely to be misused or carried “on the street” (Sherman et al., 1995; Wilson, 1994). Since criminals apparently prefer to acquire guns through unregulated transactions, it is reasonable to suggest that brief lag times will be associated with illicit sales (Pierce et al., 1995).

Lag times were computed for 2,053 guns whose dealer sale date was known (see Table V). Many had been recovered within relatively brief periods. Pistols seemed especially prone to quick turn-around: a third were seized within one year and more than half within two years. National data paints a similar picture. In 1995, the average lag for all weapons in ATF’s national tracing database was 5.57 years, with an average lag for pistols of 3.7 years (Pierce et al., 1995). In a more recent trace study, at least 25 percent of recovered firearms were seized within three years of their initial sale (ATF, 1997c).

Source states

Arizona, Nevada and most States in the South have been known as “weak law” States, as they impose few if any restrictions on gun sales. One consequence is that they become gun suppliers to neighboring States where regulations are more stringent (Larson, 1993; 1994). A substantial inflow of guns into California, which strictly regulates gun sales, might therefore be expected.

The location of the first retail sale was known for 2,184 guns. Nineteen percent (408) had been initially sold outside of California. The top five source States were Arizona (66), Texas (35), Nevada (25), Louisiana (20), and Florida (20). In a recent national study, 54 to 77 percent of successfully traced guns were purchased by residents of the State where the recovery took place (ATF, 1997c).
Of the 300 California dealers identified through the trace project, 258 were conventional gun stores and 40 were home businesses. The two remaining outlets were “hybrid” commercial sites that did not cater to the general public (e.g., an office in an industrial strip mall).

Large, commercial outlets exert an unmistakable influence, with the top ten retailers accounting for 45 percent (613) of the 1,363 guns that were traced to a California dealer. While lesser in number, hybrid and home-based licensees seemed responsible for a somewhat disproportionate share of crime guns, as they comprised 14 percent of retailers but were associated with 17 percent (235) of recoveries.

National estimates indicate that nearly three out of four Federally-licensed dealers are based in a private dwelling (ATF, 1993b). Many if not most home businesses apparently keep a firearms license as a personal convenience and engage in few transactions with the public (Larson, 1994; Cook et al., 1995).

**Casework**

Table VI provides information on 28 domestic gun diversion investigations conducted by ATF agents in the Los Angeles area between 1992 and 1995. Minimum criteria for inclusion required the issuance of either a search warrant or an accusatory document (i.e., a criminal indictment). Case files were systematically reviewed and missing data were supplanted through agent interviews.

These cases charged the diversion of 19,145 guns[9]. Except where indicated, all were new handguns, mostly inexpensive pistols in .380 and 9mm calibers.

Of the diverted guns, 75 percent (14,328) were purchased at wholesale from a distributor. Corrupt licensees bought 92 percent (13,128), while the remaining 1,200 were purchased by unlicensed street vendors using a forged dealer license. No instances of wholesaler misconduct were reported.

Of the diverted guns, 14 percent (2,641) were initially acquired from a retail dealer. Of these, nearly half (1,100) were bought by straw purchasers from

### Table V.

<table>
<thead>
<tr>
<th>Recovered within:</th>
<th>Pistols</th>
<th>Revolvers</th>
<th>Rifles</th>
<th>Shotguns</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 days</td>
<td>3</td>
<td>2</td>
<td>&lt;1</td>
<td>3</td>
</tr>
<tr>
<td>6 months</td>
<td>17</td>
<td>2</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>1 year</td>
<td>32</td>
<td>2</td>
<td>18</td>
<td>23</td>
</tr>
<tr>
<td>2 years</td>
<td>52</td>
<td>24</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>Calculated</td>
<td>1,307</td>
<td>1,384</td>
<td>378</td>
<td>421</td>
</tr>
</tbody>
</table>

Note: a Running total

---

<table>
<thead>
<tr>
<th>Guns by category</th>
<th>Pistols</th>
<th>Revolvers</th>
<th>Rifles</th>
<th>Shotguns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average lag (in days)</td>
<td>1,236</td>
<td>2,648</td>
<td>2,294</td>
<td>2,089</td>
</tr>
<tr>
<td>Diversion type</td>
<td>No. of cases</td>
<td>Practices</td>
<td>Gun sources</td>
<td>No. of guns&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
<tr>
<td>----------------</td>
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</tr>
<tr>
<td>I – Corrupt licensed dealer selling to end users</td>
<td>7</td>
<td>Kept no records – 7&lt;br&gt;Also falsified records – 1&lt;br&gt;Obliterated serial numbers – 1&lt;br&gt;Claimed guns were stolen – 1&lt;br&gt;In partnership with street dealers – 3&lt;br&gt;Sold at gun shows – 1&lt;br&gt;Also sold long guns – 1</td>
<td>Distributor</td>
<td>90&lt;br&gt;Distributors</td>
</tr>
<tr>
<td>II – Corrupt licensed dealer selling to street dealers</td>
<td>8</td>
<td>Also sold to end users – 3&lt;br&gt;Kept no records – 6&lt;br&gt;Falsified records – 2&lt;br&gt;False and no records – 1&lt;br&gt;Obliterated serial numbers – 1&lt;br&gt;Claimed guns were stolen – 1&lt;br&gt;Used street dealers – 2</td>
<td>Distributor</td>
<td>500&lt;br&gt;Distributor</td>
</tr>
<tr>
<td>III – Street dealer (no license)</td>
<td>11</td>
<td>Sold to end users – 9&lt;br&gt;Sold to other street dealers – 2&lt;br&gt;Obliterated serial numbers – 1&lt;br&gt;Claimed guns were stolen – 1&lt;br&gt;Interstate (Arizona to California) – 1</td>
<td>Corrupt home dealer</td>
<td>unk&lt;br&gt;Insider thefts (dlr)</td>
</tr>
<tr>
<td>IV – Non-commercial straw purchase</td>
<td>2</td>
<td>Bought gun for felon – 2&lt;br&gt;Also bought handgun for minor – 1&lt;br&gt;Bought long guns only – 1</td>
<td>Retail gun store</td>
<td>3&lt;br&gt;Retail gun store</td>
</tr>
</tbody>
</table>

Notes: <sup>a</sup> Figures rounded to zero are minimum estimates based on invoices and state records; F = felony conviction; M = misd. conv.; I = indicted; SW = search warrant executed
apparently innocent sources. Two corrupt storefront outlets and two corrupt home dealers were also implicated.

Thefts from commercial outlets accounted for 11 percent (2,176) of the diverted guns. No instances of residential theft were reported. Interestingly, two licensees and one unlicensed street vendor tried to conceal illegal resales by falsely reporting that their guns had been stolen. A home dealer went so far as to report the theft of 900 guns to local police, who dutifully entered each gun into a national database.

To facilitate analysis, a simple model was devised that assigned diversions to one of four types.

_Type I – Corrupt licensed dealer selling to end users._ Seven licensed retailers allegedly made unrecorded or misrecorded sales to private individuals. These include four home dealers and two hybrids who failed to keep records, and a retail store that had a mix of missing and false paperwork.

Three Type I dealers were allied with unlicensed street peddlers who performed various tasks, including picking up guns at distributors, procuring customers and making illicit deliveries.

_Type II – Corrupt licensed dealer selling to street dealers._ Eight licensed dealers allegedly operated as self-styled wholesalers, making unrecorded or misrecorded sales in bulk quantities to unlicensed street dealers and, on occasion, to other corrupt licensees. As might be expected, their output was quite prolific: the smallest episode involved 500 guns; the largest, more than 3,000.

Three Type II retailers supplanted their business by making direct sales to end users, while two formed alliances with unlicensed street vendors.

Anecdotal concerns about home gun businesses were clearly borne out here, as six of the Type II retailers operated from a residence.

_Type III – Unlicensed street dealer._ Eight cases charged unlicensed street vendors with making direct sales of guns to end users.

Licensed dealers who kept no records or falsified records were the preferred source of supply for street gun merchants. Corrupt licensees were favored because of their ready access to guns and their willingness to forego or falsify paperwork so as to shield customers from discovery.

In two instances, street vendors had straw buyers purchase guns at retail. One episode involved four persons who took turns buying 200 pistols during a four-month period, with as many as 40 guns being acquired on a single occasion. (Three of these buyers used their own names while one, a convicted felon, used false identification.) Multiple purchases seem relatively common in California, where there has been no set limit to the number of guns that a private person can purchase. During a nine-month period in 1994, private individuals in Southern California acquired at least 13,181 handguns through 5,743 distinct instances of multiple sale (ATF, 1995c)[10].

In a notable diversion involving 1,200 guns, a savvy vendor bypassed retail sources by using a forged Federal firearms license to buy guns directly from an unwitting distributor. After obliterating most of the serial numbers, the trafficker resold the guns to three other unlicensed peddlers in bulk quantities.
Four cases involved firearms thefts from licensed sources. A gun store clerk was arrested after taking small quantities of guns from inventory and reselling them to friends and acquaintances. Two employees of a gun manufacturer were convicted for orchestrating the theft of 2,000 firearms from stock. One of the street dealers whom they had supplied was also caught and imprisoned. In addition, convictions were obtained against several gang members who burglarized and attempted to burglarize numerous gun stores. (Fortunately, most commercial retailers in the Los Angeles area had become such hardened targets that the thieves only got away with 141 guns.)

Type IV – Non-commercial straw purchase. Two cases alleged casual, non-commercial acts of straw purchase at retail gun stores by proxies on behalf of a felon or minor. In both instances, the vendors appeared innocent of wrongdoing.

Data in Table VI are presented as follows:

- Diversion type.
- Number of distinct investigations, each with discrete facts and defendants.
- Sales strategies, including customer base, alliances with other vendors and methods of concealment.
- Source of supply.
- Number of guns illegally sold. Agents documented gun sales to investigative targets by reviewing records at known suppliers. Guns illicitly sold to undercover agents, guns missing from premises and from record books, and guns falsely claimed as sold or stolen are included.
- Number of guns recovered, including those purchased by undercover agents or seized by police. Most recoveries were documented by checking a statewide database that tracks gun confiscations by local law enforcement agencies. Recovered guns were probably undercounted as investigators ceased making inquiries once they had chronicled a quantity deemed sufficient for prosecution.
- Current judicial status.

Table VI depicts a taxonomy of gun trafficking, comprising corrupt licensees, unlicensed street dealers and straw buyers. Many instances involve dependencies; for example, home dealers who sell their wares through street dealers, and street dealers who acquire guns using straw purchasers.

As a final step, a comparison was drawn between the casework and the trace project. Fourteen of the 15 corrupt licensees targeted in the casework received 12 percent (170) of the 1,363 recovered firearms that had been traced to a known California retailer. Other licensed dealers suspected of wrongdoing but not included in the casework accounted for an additional 107 recovered firearms (8 percent). This ersatz “clearance” rate, which attributes 12 to 20 percent of recovered guns of California origin to a corrupt retailer, suggests that dealer misconduct may have a substantial impact on the crime gun problem in the study area.
Conclusion

In contrast to the exhaustive nature of the literature on drugs, gun trafficking has received limited academic attention. Assumptions and conjecture aside, little is known about the paths that firearms take between manufacture and misuse. Research on gun sources has been sketchy, and where data are available its interpretation is often tinged by unfamiliarity with patterns of transfer such as straw purchase and licensee misconduct. Surveys of gun possessors have afforded some insights, but accuracy seems lacking. Sources are collapsed into imprecise categories such as “family and friends” and “on the street”, thus begging elemental questions about the origins of firearms that are recovered by police.

Licensed gun dealers have been mostly ignored. Whether for a lack of data, the absence of a suitable theoretical construct, or a tendency to assume that all transactions within the primary market are legitimate, inquiries have generally overlooked the paradox of regulated though corrupt sales.

The present effort relied on two approaches that are relatively uncommon in gun research: gun tracing and content analysis of investigative casework. Gun recoveries by authorities in the Los Angeles area yielded data about the characteristics of seized firearms and their possessors. Information pertaining to the marketing and consumption of these weapons was obtained by tracing them to the extent possible. Case files of successful gun diversion investigations were also examined.

Our findings portray a considerably different model of gun redistribution than the literature had led us to expect. Instead of a market predominantly comprising of petty criminals selling stolen guns, we encountered a setting rich with licensed and unlicensed entrepreneurs who bought guns directly from licensed sources in order to satisfy their customers’ craving for new, large-caliber pistols. Episodes of large scale, commercialized gun diversion seemed commonplace, with eight instances involving more than 1,000 guns each. Though much less precise, recovery statistics were equally striking, with eight cases surpassing the 100-gun threshold.

Other methods of gun acquisition that have received little academic attention, such as self-purchase and straw purchase, also seemed important. On the other hand, theft was considerably less salient than conventional wisdom implies. Notions of its prevalence were not supported by the trace study (6 percent of recovered guns were stolen) or by the casework (11 percent of diverted guns were stolen). Residential burglary was virtually ruled out as a major source for the secondary market. While stolen firearms modestly contributed to the pool of recoveries, none of the street dealers targeted in the casework peddled guns that originated from a house theft.

Dealer corruption emerged as a surprisingly significant source of supply. Gun tracing disclosed that some retailers had not only failed to account for incoming guns but also ignored State registration requirements. Malfeasance by licensees was particularly evident in the casework, as 71 percent (13,667) of the diverted guns passed through 15 licensed dealers who made unrecorded or misrecorded sales to individuals and unlicensed vendors.
Concerns that misconduct by just a few retailers can have a disproportionate impact were advanced during a recent scholarly review of national trace data (Pierce et al., 1995). Less than one-half of 1 percent of gun dealers were found to account for nearly 50 percent of all guns traced by ATF (Pierce et al., 1995, p. 15). Brief lag times (defined as two years or less between sale and recovery) were associated with less than 3 percent of licensees; these sources, in turn, were responsible for nearly 28 percent of all traced firearms (Pierce et al., 1995, p. 15).

Willie Sutton robbed banks because those are the places where the money is. Corrupt licensees turned to wholesalers, and unlicensed dealers turned to licensed retailers, because those are the places where the guns are. Where else can a budding entrepreneur acquire the new, large-caliber pistols that are so much in demand, in quantity and at minimal risk? Relying on the vagaries of what a string of residential thefts might accomplish seems foolish in comparison (Pierce et al., 1995).

Concerns about home dealers were well placed. Of the 15 retailers accused in the casework, only two were commercial gun stores. Ten were home businesses, while three operated from a hybrid location. It seems that the privacy and flexibility enjoyed by gun dealers who are licensed to do business from a private dwelling can make oversight a tough task, indeed (Cook et al., 1995; Larson, 1994).

Many persons who misuse or illegally possess firearms evidently do buy them in stores. Of the fully traced, 14 percent of guns were recovered from their first retail buyer. Estimates from offender surveys have pegged self-purchase at 16 to 27 percent (Beck et al., 1993; Wright et al., 1983).

Unlicensed street vendors were well represented in the casework, accounting for 11 cases and 28 percent (5,456) of the diverted guns. Their preferred channel of supply – a corrupt home dealer – parallels earlier findings by Moore (1981). Some street dealers also used straw buyers to acquire guns at retail, while others purchased firearms that had been stolen from commercial thefts.

Actually, unlicensed dealers may be a far more salient source of guns for criminals than the casework implies. Misconduct by street vendors is difficult to assess or detect, as without a license there is no requirement to maintain records and no notice, opportunity or right for the Government to inspect.

Other than for its brief mention in a study of juvenile gun possession and a few references elsewhere, the phenomenon of straw purchase has been overlooked. Surely, buying guns on behalf of another person entails some risk. But for the end user it offers a simple and relatively safe way to acquire a new gun without declaring oneself “on paper” (and without, one may add, paying the markup that a street dealer or corrupt licensee might impose for the privilege of conducting a paperless transaction).

Age and gender data from the trace study indirectly support the straw purchase hypothesis by suggesting that guns flow from older to younger persons and from females to males. Indeed, ATF agents report that gun acquisition by females on behalf of male friends and family members is relatively common; many examples suggesting this practice were encountered by the author while reviewing gun recovery data. But these minor, non-commercial instances of straw purchase were largely absent from the casework.
It may be that within the busy realm of gun merchandising, individual acts of surrogacy either go undiscovered or provoke scant attention, particularly since a simple denial or false claim of theft leaves little leverage for the authorities. Consider, for example, the numerous instances of multiple purchase that take place. Each could potentially be a straw transaction, yet it would require a legion of investigators to examine more than a few. Perhaps issues of intrusiveness and resource allocation render the investigation of minor transgressions impolitic or uneconomic. Given the potential impact of straw purchase, more focused inquiries are surely needed.

Interstate gun trafficking, with guns purchased in “weak law” States for redistribution in “strong law” States, is reportedly a major problem in the Eastern seaboard. In places such as New Jersey, where dealer licensing is strict and handguns are closely regulated, as many as 90 percent of recoveries are attributed to this pattern (ATF, 1997b; Cook et al., 1995).

Of the guns traced to a dealer, 19 percent were initially sold at retail in another State, principally Arizona and Nevada. However, there was only one example of interstate trafficking in the casework. It may be that interstate episodes are more difficult to detect and interdict. They may also require a reallocation of resources from the seemingly greater problem of intrastate diversion.

Gun shows are reportedly a safe and convenient place for those with an illicit purpose to meet and barter firearms (Cook et al., 1995). However, they were mentioned only once in the casework, as an outlet for a corrupt licensee. Perhaps other factors are at work. In California, where firearms transfers must be accomplished through a licensed dealer, police patrols and posted notices at gun shows serve as reminders to obey the law[11]. These factors probably make California gun shows a more problematic (but certainly not impossible) place for criminals to covertly acquire guns.

Three examples of serial number obliteration were reported in the casework, ranging from 140 to 1,200 guns. Obliterations hold special appeal for two classes of persons who are most threatened by gun tracing: criminals who acquire guns directly from gun stores, either through self-purchase or with the aid of a straw buyer, and corrupt licensees who sell guns without keeping records. Since most Southern California law enforcement agencies do not track or consistently attempt to restore obliterated serial numbers, their local prevalence is unknown. One recent national study estimated that as many as 20 percent of recovered guns have defaced serial numbers (ATF, 1997c).

One street dealer acquired 1,200 guns by simply furnishing a forged firearms license to a gun distributor. According to investigators, such episodes are becoming more frequent. Additional safeguards to prevent the misuse of licensing documents may be necessary.

At least 25 percent of the guns in the trace pool were more than five years old. This sizeable proportion poses some intriguing questions, particularly since there was no example of used gun marketing in the casework. Are older firearms more likely to pass between friends, family members and acquaintances? Are such guns equally at risk of being used in crimes?

While there were attempts to avoid introducing bias, our selection process obviously left much to be desired. Additional trace projects and examinations of
casework should be conducted in a variety of urban and rural settings, with efforts hopefully reaching a size that allows the use of an appropriate sampling technique. Ideally, given the requisite Government and institutional support, longitudinal studies such as a gun purchase cohort could avoid some of the considerable problems associated with post hoc crime gun research. Valuable data-gathering techniques such as offender surveys might also be enhanced by employing more appropriate items and response categories.

Some final comments. Short of anointing licensees with psychic powers, there is little to be done about buyers who commit crimes with guns they lawfully acquire, or straw purchasers who deliver firearms to prohibited persons. It seems, though, that a few corrupt dealers and unlicensed vendors – to repeat the cliché, just a few rotten apples – are responsible for an abundant number of recovered guns, both as a proximate source and as an conduit to others. Since traffickers often acquire guns from distributors, monitoring suspicious purchases at wholesalers – particularly, by home and hybrid dealers – may prove helpful. Like techniques could be applied at the retailer level to counter the use of straw buyers by street vendors. But whatever methods are ultimately employed, there is no doubt that a concerted bid to root out the individuals and firms who engage in commercialized gun diversion would have a salutary effect on the gun marketplace.

Notes
1. California law requires that all gun transactions, including those between private parties, be reported on a DROS (Dealer Record of Sale) form. 665,229 DROS forms were processed in 1993, including 448,247 handguns and 216,982 long guns (rifles and shotguns). 6,509 proposed transfers were denied, mostly due to the applicant's criminal record.
2. Federal gun control provisions are in Title 18, United States Code, secs. 921 et seq., and Part 178 of the Code of Federal Regulations. While a firearms license is active, gun records are kept at the business premises. Since there is no centralized Federal registry, gun tracing entails a sequence of contacts, beginning with the manufacturer or importer and continuing through the distributor and retailer. Each is asked to search their records and identify the individual or business to whom a gun was delivered. To be traced, guns must at a minimum be identified by make, model and serial number (obliterated serial numbers must be restored before a trace can proceed). Systematically tracing recovered guns can help identify licensed dealers and unlicensed vendors that are a non-trivial source for the secondary market (Pierce et al., 1995).
3. Title 18, United States Code, section 922(s). Brady does not apply to transactions between private persons. Its provision that compelled local authorities to check the criminal record of prospective purchasers was nullified by the US Supreme Court (Printz v. United States, decided June 27, 1997).
4. Qualifiers such as “only” can easily mislead. Even a figure as small as 16 percent might seem compelling when calculated for, say, the 931,000 handgun crimes that took place in the USA during 1992 (Rand, 1994).
5. Neither recovered nor stolen guns always find their way into official records. Many California law enforcement agencies do not enter recovered guns, so the Statewide figure is known to represent a significant undercount. Owners who do not keep track of gun serial numbers may be stymied when trying to report a theft. This should present less of an obstacle in California, where legal handgun transfers are perpetually registered in a State database that is readily accessible by police.
6. 4,079 guns were seized by Los Angeles police officers, mostly within inner-city areas patrolled by LAPD's South and Central Bureaus. An additional 498 guns were seized in the
city of Santa Ana, the principal community of Orange County. The remaining 425 firearms were recovered in unincorporated areas of Los Angeles and Orange counties, the City of Long Beach, and in several small nearby jurisdictions.

7. Approximately half the traces failed because, for trace projects, ATF does not routinely seek to identify the dealer of guns manufactured more than five years prior to recovery. Most other failures resulted from errors or omissions in police reports, including incomplete descriptions, mistaken serial numbers and, for imported guns, no importer name. Failures may be somewhat overstated as about 200 old trace requests were pending when data were analyzed.

8. ATF traced 83,359 firearms, including 42,114 pistols, 1,125 derringers, 19,778 revolvers, 8,769 rifles, 7,665 shotguns, and 3,908 guns whose type was unknown. Its list of “top ten calibers” was led by 9mm (14,761), an exclusive pistol caliber. Second in line was .22 (12,460), a mixed handgun-long gun caliber. Another pistol caliber, .380, was third (10,884). A revolver caliber, .38, was fourth (9,025), and another pistol caliber, .25 (8,769), was fifth.

9. As used here, “diversion” means the transfer of a firearm in an illicit manner or for an illicit purpose. This term is borrowed from the drug lexicon, where it is used to connote the clandestine redirection of legal chemicals. Gun trafficking would be the commercialized (repetitive, for profit) aspect of diversion. Concepts such as diversion and trafficking are particularly useful as they are unaffected by distinctions between markets. (Unregulated transfers are not necessarily diversions, as many States do not impose reporting requirements on firearms transactions between private parties.)

10. Section 178.126(a), Code of Federal Regulations, requires licensed gun dealers to mail reports of multiple sale of handguns to the Federal government and local authorities. “Multiple sale” means the purchase by an unlicensed person of more than one handgun from the same dealer within a five-day period. Reporting is accomplished on a pre-printed card bearing spaces for the dealer stamp; the buyer name, birth date and address; the transaction date; and the number of handguns bought.

11. In California, licensees rent booths at gun shows to service transfers between unlicensed persons. For a fee, they accept custody of private firearms, complete all required forms and deliver guns to buyers once the waiting period has lapsed.

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