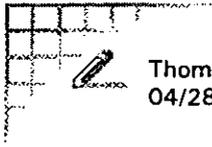


NLWJC - Kagan

DPC - Box 011 - Folder 011

Crime - Gun Running

Crime - gun running



Thomas L. Freedman
04/28/97 08:54:51 AM

Record Type: Record

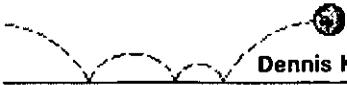
To: Elena Kagan/OPD/EOP

cc:

Subject: Re: gun running 

FYI. Schumer is going to put out another report soon. I think the political punch is not just the tracking but increasing the penalties and saying we are going after these modern day gun runners. Thanks for the note.

Crime - gun running

 Dennis K. Burke

04/28/97 08:51:30 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: gun running 

July 8th. We can always do it earlier if the Treasury draft is good.

Crime - gun running

 Dennis K. Burke

04/27/97 10:12:19 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Leanne A. Shimabukuro/OPD/EOP

Subject: Re: gun running 

What he showed me was a report that Schumer put out on ATF stats showing how guns bought in states w/ weak gun laws were showing-up in states with strong gun control. It is a good report. Schumer also introduced legislation creating a separate federal offense for gun trafficking from state-to-state - - Schumer calls his bill, the "Gun King-pin" bill.

Tom is right, this is a great issue. And we thought the best way to get some traction on this issue was to have Treasury give the President a one-year report on our Gun Trafficking Initiative from last summer. Since that time, in 17 cities, Treasury has been tracing every gun used in a crime to pinpoint sources of crime guns and find crime gun trafficking patterns. Then, we can also state we are going to expand it to more cities, push for the Schumer Bill, etc.

At the last couple of crime meetings, Rahm has asked Treasury to get us a draft. I think they are supposed to give us a draft this week.

Report Links Crimes to States With Weak Gun Controls

By FOX BUTTERFIELD

A new Congressional study using data from the Federal Bureau of Alcohol, Tobacco and Firearms shows that a handful of states, most the South, with weak gun control laws are responsible for supplying a large percentage of the guns used in crimes in other states.

The study found that four states — Florida, Georgia, South Carolina and Texas — accounted for a quarter of all guns seized that were acquired outside the state where they were used in crimes. Altogether, the 10 states with the loosest gun-control laws accounted for 54.2 percent of all the out-of-state guns traced to crimes in 1996, the report said.

The report, prepared by the staff Representative Charles E. Schumer, Democrat of Brooklyn, also found that "gunrunners use major interstate highways as their smuggling routes," especially I-95, which runs from southern Florida to Maine, bringing guns from Florida, Georgia and South Carolina to New York, New Jersey and Massachusetts, and I-5, which runs through Mississippi to Chicago.

Florida, which has no restrictions on the purchase of handguns beyond the five-day waiting period mandated by Federal law, was responsible for selling 1,243 guns that ended up being used by criminals in other states in 1996, the most of any state, according to the study. Of the total, 11 guns originally bought in Florida ended up being used in crimes in New York; 135 in Washington, D.C., and 82 in New Jersey. Ali Abu Kamil, the man who fired into a crowd of tourists at the top of the Empire State Building in February, killing one and wounding six others before he killed himself, bought the .380-caliber Beretta he used in the shooting in Florida for \$475.

The northward flow of guns on Interstate 95 is a one-way route, the study found. For example, while there were 702 guns bought in Florida, Georgia and South Carolina that were used in crimes in New York or New Jersey in 1996, there were just 11 guns bought in New York or New

**Where they exist,
gun-control laws
appear to work.**

Jersey that were traced to crimes in the three Southern states.

A CLOSER LOOK

Tracing Guns to Their Source

A new Congressional study found that a large percentage of the guns used in crimes across the country could be traced back to a handful of states. Here are the top five, accounting for nearly 5,200, or 31 percent, of the 16,635 out-of-state guns traced to crimes in 1996.

20 to 49 50 to 99 100 to 149 150 or more
Number of guns in each state traced back to:

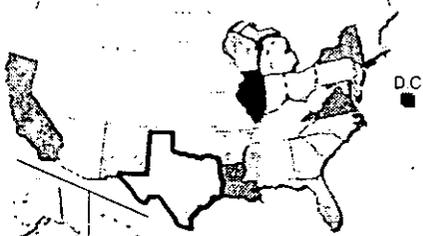
FLORIDA

Of 1,243 guns from Florida, 88 percent went to 15 states, Puerto Rico and the District of Columbia.



TEXAS

Of 1,068 guns from Texas, 80 percent went to 19 states and the District of Columbia.



Crime - Gun running

SOUTH CAROLINA

Of 992 guns from South Carolina, 85 percent went to seven states; 430 to North Carolina.



GEORGIA

Of 939 guns from Georgia, 88 percent went to 16 states and the District of Columbia.



VIRGINIA

Of 924 guns from Virginia, 84 percent went to 8 states and the District of Columbia.



Source: Rep. Charles E. Schumer's Office, based on data provided by the Bureau of Alcohol, Tobacco and Firearms

The New York Times

Outside the South, the study found three other states serving primarily as exporters of guns used in crimes: Kansas, which supplies Missouri; Indiana, which helps supply Illinois, and Ohio, which provides guns used in Illinois, Michigan, New York and Pennsylvania.

Alfred Blumstein, a criminologist at Carnegie Mellon University in Pittsburgh, said the new study "highlights the vulnerability in our Federal system of a state's attempt to control guns within its borders because with the interstate traffic criminals can get their guns from any of the states with lesser controls and import them."

Mr. Schumer said the report was "the first study that shows conclusively that gun control works for the simple reason that states with weak gun control laws are exporting guns to states with tough gun control laws."

"If the laws didn't work, the flows would be even," Mr. Schumer said.

As a result of the opportunities for illegal gun trafficking created by differences in gun control laws, he said,

"we really have to go after the gunrunners with the same focus that we have gone after the drug runners."

To this end, Mr. Schumer said he would introduce legislation today to create a new Federal crime of gunrunning. The measure would make it illegal for anyone to sell five or more guns across state lines within a one-year period with the intent of selling or transferring the guns to another person.

Wayne LaPierre, executive vice president of the National Rifle Association, said he would oppose the bill because the only way to determine who sold more than five guns a year across state lines would be to set up a national gun registration system, a step the N.R.A. opposes as unconstitutional.

In the past, it would have been difficult to develop the data that were used in compiling the new report, several experts said, because the Bureau of Alcohol, Tobacco and Firearms had been under political pressure from Congress and previous Administrations to minimize the amount of work it did in tracing gun ownership.

Presidents Ronald Reagan and George Bush were "soft on gun control," Professor Blumstein said, and Mr. Reagan even campaigned on a pledge to abolish the bureau to curry favor with the N.R.A.

But under President Clinton, the experts said, the firearms agency has been allowed to greatly expand its role in tracing guns used in crimes, so that the number of traces of guns used in crimes is expected to reach 100,000 this year, up from 45,104 in 1992, said John Limbach, a spokesman for the agency.

This increase in the scope of the gun tracing program is crucial because "the volume is now large enough to constitute a good nationwide sample" of what gunrunning actually looks like, said David Kennedy, a senior researcher at the John F. Kennedy School of Government at Harvard University.

Schumer has gunrunners in his sights

By KAREN FOERSTEL
Post Correspondent

WASHINGTON — More than 75 percent of all guns traced to crimes in New York are illegally shipped in from other states, a new study shows.

Rep. Charles Schumer (D-Brooklyn), who released the study yesterday, says it shows the need for tough new federal laws setting mandatory sentences — from three to 25 years — for gunrunners caught bringing weapons across state lines.

"There's a mass exportation of guns from states with weak gun laws to states with strong gun laws," Schumer said.

"We cannot rely on state laws to stop the flow of guns. We need national legislation."

The "Gun Kingpin Penalty Act" introduced by Schumer, Sen. Bob Torricelli (D-N.J.) and Sen. Dick Durbin (D-Ill.), also authorizes 200 more Alcohol, Tobacco and Firearms officers to catch gunrunners and enforce the tougher sentences.

The three said they hope the bill will pass Congress and be signed into law before the end of the year.

"As we speak, there is ... a gunrunner who has bought 50 guns in Florida and is driving up [Interstate] 95 to sell them in New York ... to sell them on street corners tonight," Schumer said.

New York, which has one of the toughest gun-control laws in the country, is inundated with out-of-state guns which are sold on the black market and often end up in the hands of criminals.



CHARLES SCHUMER
Introduces gun bill.

Of the 1,989 guns traced to crimes in New York state, 1,521 came from out of state. Only New Jersey and the District of Columbia have a larger percentage of guns used by criminals coming from out of state.

But just 215 guns used in crimes in other states were traced back to New York, the study showed.

The top five states exporting guns that wind up in the hands of New York criminals are Virginia, which sent 214 guns to the state; Florida, 189 guns; South Carolina, 169 guns; North Carolina, 143 guns, and Georgia, 125 guns.

"Tough gun laws work. It's much harder to get a gun in states with tough gun laws," Schumer said.

Charles E. Schumer
(Original signature of Member)

105TH CONGRESS
1ST SESSION

H. R. 1264

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHUMER introduced the following bill; which was referred to the
Committee on _____

Judiciary, Government Reform & Oversight

A BILL

To amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Gun Kingpin Penalty
5 Act".

6 **SEC. 2. PROHIBITION AGAINST GUNRUNNING.**

7 Section 922 of title 18, United States Code, is
8 amended by inserting after subsection (x) the following:

1 “(y) It shall be unlawful for a person not licensed
2 under section 923 to ship or transport, or conspire to ship
3 or transport, 5 or more firearms from a State into another
4 State during any period of 12 consecutive months, with
5 the intent to transfer all of such firearms to another per-
6 son who is not so licensed.”.

7 **SEC. 3. MANDATORY MINIMUM PENALTIES FOR CRIMES RE-**
8 **LATED TO GUNRUNNING.**

9 Section 924 of title 18, United States Code, is
10 amended by adding at the end the following:

11 “(p)(1)(A)(i) Whoever violates section 922(y) shall,
12 except as otherwise provided in this subsection, be impris-
13 oned not less than 3 years, and may be fined under this
14 title.

15 “(ii) In the case of a person’s second or subsequent
16 violation described in clause (i), the term of imprisonment
17 shall be not less than 5 years.

18 “(B) If a firearm which is shipped or transported in
19 violation of section 922(y) is used subsequently by the per-
20 son to whom shipped or transported, or by any person
21 within 3 years after the shipment or transportation, in an
22 offense in which a person is killed or suffers serious bodily
23 injury, the term of imprisonment for the violation shall
24 be not less than 10 years.

1 “(C) If more than 50 firearms are the subject of a
2 violation of section 922(y), the term of imprisonment for
3 the violation shall be not less than 15 years.

4 “(D) If more than 50 firearms are the subject of a
5 violation of section 922(y) and 1 of the firearms is used
6 subsequently by the person to whom shipped or trans-
7 ported, or by any person within 3 years after the shipment
8 or transportation, in an offense in which a person is killed
9 or suffers serious bodily injury, the term of imprisonment
10 for the violation shall be not less than 25 years.

11 “(2) Notwithstanding any other provision of law, the
12 court shall not impose a probationary sentence or suspend
13 the sentence of a person convicted of a violation of this
14 subsection, nor shall any term of imprisonment imposed
15 on a person under this subsection run concurrently with
16 any other term of imprisonment imposed on the person
17 by a court of the United States.”.

18 **SEC. 4. CRIMES RELATED TO GUNRUNNING MADE PREDI-**
19 **CATE OFFENSES UNDER RICO.**

20 Section 1961(1)(B) of title 18, United States Code,
21 is amended by inserting “section 922(a)(1)(A) (relating
22 to unlicensed importation, manufacture, or dealing in fire-
23 arms), section 922(a)(3) (relating to interstate transpor-
24 tation or receipt of firearm), section 922(a)(5) (relating
25 to transfer of firearm to person from another State), or

1 section 922(a)(6) (relating to false statements made in ac-
2 quisition of firearm or ammunition from licensee), section
3 922(d) (relating to disposition of firearm or ammunition
4 to a prohibited person), section 922(g) (relating to receipt
5 of firearm or ammunition by a prohibited person), section
6 922(h) (relating to possession of firearm or ammunition
7 on behalf of a prohibited person), section 922(i) (relating
8 to transportation of stolen firearm or ammunition), sec-
9 tion 922(j) (relating to receipt of stolen firearm or ammu-
10 nition), section 922(k) (relating to transportation or re-
11 ceipt of firearm with altered serial number), section
12 922(y) (relating to gunrunning), section 924(b) (relating
13 to shipment or receipt of firearm for use in a crime),”
14 before “section 1028”.

15 **SEC. 5. ENFORCEMENT.**

16 The Secretary of the Treasury may hire and employ
17 200 personnel, in addition to any personnel hired and em-
18 ployed by the Department of the Treasury under other
19 law, to enforce the amendments made by this Act, notwith-
20 standing any limitations imposed by or under the Federal
21 Workforce Restructuring Act.

WAR BETWEEN THE STATES:

How Gunrunners Smuggle Weapons Across America

April 9, 1997

SUMMARY OF "WAR BETWEEN THE STATES: HOW GUNRUNNERS SMUGGLE WEAPONS ACROSS AMERICA"

This report examines the deadly commerce practiced by interstate gunrunners. These profiteers legally buy weapons in a state with mild gun laws, and then sell them illegally in another state with tough rules.

When these smugglers load up their car trunks with piles of lethal merchandise, they transfer countless weapons from legitimate commerce to the black market -- and the guns often end up in criminals' hands.

A handful of states like Mississippi and Florida are typical shopping stops for the nation's gunrunners, who then sell the weapons in states like New York, New Jersey, and Illinois -- the losers in this deadly game of firearms smuggling.

The five worst offenders per capita are Mississippi, South Carolina, West Virginia, Nevada, and Kansas.

Several interstate highways are "firearm freeways" -- favorite smuggling routes for gunrunners. Illegally transported guns head north up I-95 from Florida, Georgia and South Carolina to New York, New Jersey and Massachusetts, or north from Mississippi along I-55 to Illinois.

This independent analysis of data on 1996 firearms traces makes several trends crystal clear:

- 1. GUNRUNNERS' BAZAARS:** Guns used in crimes are most likely to come from just a few states with relatively weak gun control laws. Just the top four states -- Florida, Texas, South Carolina, and Georgia -- account for a quarter of the traces. This trend is even more stark when analyzed based on population: several small states provide far more than their share of guns to criminals, and these states have particularly weak laws.
- 2. HOME SWEET HOME:** In states with strong gun laws, criminals obtain the majority of their guns from other states; in states with weaker gun laws, criminals obtain the majority of their guns locally.
- 3. ONE-WAY STREETS:** Illicit traffic along the "firearms freeways" moves only in one direction: from states with less gun control to those with more.
- 4. LOVE THY NEIGHBOR:** When neighboring states have different approaches to firearms regulation, the state with lax laws floods its stricter neighbor with guns that are used in crime.

These clear patterns show the urgent need for a nationwide effort to stop gun smuggling between states. In particular, Congressman Schumer is proposing tough new federal penalties for gunrunning crimes and increased resources for investigations of firearms trafficking.

FINDINGS: GUNRUNNING IS A NATIONAL PROBLEM

The tables that follow this page tell the story of a thriving illegal trade that crisscrosses the nation. The customers for this business are street gangs and murderers, drug dealers and muggers. The salespeople are interstate gunrunners who exploit the discrepancies in different states' gun laws to supply weapons on the black market. And the suppliers are states where gun laws get a failing grade.

TABLE 1: GUNS CROSSING STATE LINES

Table 1 shows how many guns sold in a particular state were traced to crimes in other states by the federal Bureau of Alcohol, Tobacco, and Firearms in 1996.

The table demonstrates how lopsided these figures are. The two states that provide the most guns to criminals in other states -- Florida (1,243) and Texas (1,068) -- account for almost 14% of all such traces, and the top four states account for a quarter. A majority of the out-of-state guns (54.2%) come from just the top ten states -- more than the other 40 states and Washington, DC combined.

Note that the numbers in Table 1 account for all guns recovered by law enforcement and traced, not all guns used in crimes. In reality, these states are selling far more guns to criminals than indicated on the table.

TABLE 2: GUNS CROSSING STATE LINES PER CAPITA

Table 2 adjusts for population, more clearly demonstrating the link between weak gun laws and the sale of guns used in other states' crimes.

The "export rate" shows how many guns were traced from crimes elsewhere per 100,000 state residents. In other words, for every 100,000 Mississippi residents, 29 guns were sold in Mississippi and traced to crimes in another state. For every 100,000 New Yorkers, 1.19 guns were sent to out-of-state criminals.

Each state was rated on how strongly its rules crack down on gunrunners' easy access to weapons. The ratings of state gun laws are explained more fully in an appendix. Overall, 27 of the states are rated "very weak" because they have no significant restrictions beyond those required under federal regulation, such as the Brady Law. Four of the states were rated "weak," four "moderate," six "strong," and ten "very strong."

By controlling for population, Table 2 underscores the dramatic impact of state gun laws on gun trafficking patterns. None of the top ten states on Table 2 had "strong" or "very strong" ratings. Six of the ten are "very weak."

Crime Guns Crossing State Lines - 1996

(State-by-State Breakdown of Guns Used in Out-of-State Crimes by Place of Origination)

Rank	State	Total Exports
1	Florida	1,243
2	Texas	1,068
3	South Carolina	992
4	Georgia	939
5	Virginia	924
6	California	828
7	Ohio	823
8	Mississippi	782
9	North Carolina	752
10	Indiana	665
11	Pennsylvania	532
12	Alabama	616
13	Arizona	487
14	Maryland	457
15	Kentucky	428
16	Illinois	399
17	Kansas	364
18	Louisiana	339
19	Tennessee	317
20	West Virginia	286
21	Arkansas	279
22	Oklahoma	262
23	Nevada	230
24	Wisconsin	224
25	Washington	223

Rank	State	Total Exports
26	Colorado	216
27	New York	215
28	Michigan	200
29	Missouri	155
30	New Mexico	152
31	Connecticut	134
32	Oregon	116
33	Minnesota	106
34	Iowa	99
35	Idaho	94
36	Massachusetts	90
37	New Hampshire	79
38	New Jersey	75
39	Delaware	74
40	Utah	69
41	Alaska	68
42	Maine	62
43	Montana	58
44	Nebraska	54
45	Vermont	46
46	South Dakota	45
47	Wyoming	31
48 (Tie)	District of Columbia	18
	Rhode Island	18
50 (Tie)	North Dakota	15
	Hawaii	15

U.S. Total Exports 16,663

Source: Bureau of Alcohol, Tobacco, and Firearms

Crime Guns Crossing State Lines - Per Capita - 1996

(Number of Guns Used In Out-of-State Crimes by Place of Origination Per 100,000 Residents)

Rank	State	Rating	Export Rate
1	Mississippi	VW	29.00
2	South Carolina	M	27.01
3	West Virginia	VW	15.65
4	Nevada	VW	15.03
5	Kansas	VW	14.19
6	Virginia	W	13.96
7	Georgia	VW	13.04
8	Alabama	M	12.13
9	Arizona	VW	11.55
10	Indiana	M	11.45
11	Alaska	VW	11.26
12	Arkansas	VW	11.23
13	Kentucky	VW	11.09
14	North Carolina	VS	10.45
15	Delaware	VW	10.32
16	Maryland	S	9.06
17	New Mexico	VW	9.02
18	Florida	VW	8.65
19	Idaho	VW	8.08
20	Oklahoma	VW	7.99
21	Vermont	VW	7.86
22	Louisiana	VW	7.81
23	Ohio	VW	7.38
24	New Hampshire	W	6.88
25	Montana	VW	6.67

Rank	State	Rating	Export Rate
26	Wyoming	VW	6.46
27	South Dakota	VW	6.17
28	Tennessee	W	6.03
29	Colorado	VW	5.76
30	Texas	VW	5.70
31	Maine	VW	5.00
32	Pennsylvania	M	4.41
33	Wisconsin	VW	4.37
34	Washington	W	4.11
35	Connecticut	VS	4.09
36	Oregon	VW	3.69
37	Utah	VW	3.54
38	Iowa	S	3.48
39	Illinois	VS	3.37
40	Nebraska	S	3.30
41	District of Columbia	VS	3.25
42	Missouri	S	2.91
43	California	S	2.62
44	North Dakota	VW	2.34
45	Minnesota	VS	2.30
46	Michigan	VS	2.09
47	Rhode Island	S	1.82
48	Massachusetts	VS	1.48
49	Hawaii	VS	1.26
50	New York	VS	1.19
51	New Jersey	VS	0.94

Source: Bureau of Alcohol, Tobacco and Firearms.

U.S. Average

6.33

Rating Legend: VS: Very Strong S: Strong M: Moderate W: Weak VW: Very Weak

TREND 1: GUNRUNNERS' BAZAARS

States with Weak Laws Supply the Bulk of Crime Guns

Many states with weak gun control laws are giant bazaars for gunrunners -- and those with tough laws sell very few guns used in other states' crimes. The medium-sized and large states that dominate the top of Table 1 are responsible for a vast proportion of the guns traced to crimes across the country.

- ** The top two states, **Florida and Texas**, supplied 14% of the guns traced to crime in other states. These two states along with **South Carolina and Georgia** account for a quarter of the traces.
- ** A majority of the guns traced across state lines in 1996 (54.2%) came from just the top ten states -- more than the other 40 states and Washington, DC combined. Five of these states have gun laws rated "very weak" (Florida, Texas, Georgia, Ohio, and Mississippi).
- ** In contrast, **New York, New Jersey, Michigan and Minnesota**, four very large states with strong gun laws, accounted for **only 3.6%** of those out-of-state guns.
- ** Top-ranked Florida dealers sold about as many guns traced to crime in other states (1,243) as did ten other medium-sized or large states combined: New York (215), Michigan (200), Missouri (155), Connecticut (134), Oregon (116), Minnesota (106), Iowa (99), Massachusetts (90), New Jersey (75), and Nebraska (54).

By controlling the data for population, Table 2 demonstrates how weak gun laws attract gunrunners. Analyzing the data on a per capita basis demonstrates that even quite small states can be mother lodes for gunrunners -- if their laws are accommodating.

- ** Adjusted for population, **Mississippi** supplied the **most guns** traced to other states' crimes. The explanation: except for some limitations on juveniles, Mississippi has no significant gun control laws of its own. Mississippi was closely followed as a gun-providing state by **South Carolina, West Virginia, Nevada, and Kansas**. Three of these four states have gun control laws just as weak as Mississippi.
- ** On a per capita basis, the **fewest out-of-state guns** came from **New Jersey, New York, Hawaii, Massachusetts, Rhode Island, Michigan, and Minnesota**. All these states except Rhode Island were rated "very strong;" Rhode Island's laws are "strong."
- ** A gun traced to crime is **twenty-five times more likely per capita to come from Mississippi or South Carolina than from New York or New Jersey**.
- ** Although New York's population is seven times larger than Mississippi, Mississippi had **three times more out-of-state traces than New York**.

TREND 2: HOME SWEET HOME
In States With Lax Laws, More Crime Guns Come From In-State

In states with weak gun laws, criminals can shop at their neighborhood gun store. By contrast, criminals in states with tough gun control laws must obtain out-of-state guns on the black market to perpetrate violent crimes.

- ** More than three quarters of the gun traces from crimes in South Carolina, Mississippi, Georgia, Florida, Kansas, Ohio and Texas lead back to dealers in the same state.**
- ** Less than one quarter of the guns traced from crimes in New York (23.5%), New Jersey (21.2%) were bought in these states, which have strict laws.**
- ** A majority (53%) of the crime guns traced to states with "very strong" laws were purchased out-of-state. There were 13,760 guns traced to crimes in these 10 states (New Jersey, New York, Hawaii, Massachusetts, Michigan, the District of Columbia, Illinois, Connecticut, and North Carolina).**
- ** Less than a quarter (23%) of the crime guns traced to states with "very weak" laws were purchased out-of-state. There were 15,046 guns traced to crimes in 26 of these states (data for West Virginia was incomplete and not included in this figure).**

TREND 3: ONE-WAY STREETS **"Firearm Freeways" Move In Only One Direction**

The data shows how gunrunners use major interstate highways as their smuggling routes. It also shows how those routes move primarily in one direction -- from states with less stringent gun control to those with stricter rules.

**** I-95: The Most Travelled Highway in America Extends from Southern Florida to Northernmost Maine**

-- North Carolina, South Carolina, Georgia, and Florida -- the four southernmost states on I-95 -- were the source of 1,199 guns traced to crimes in the nine northeast states from Pennsylvania to Maine. These same nine northeastern states accounted for a total of just 64 guns traced to the four southeastern states -- 95% fewer.

-- 702 guns bought in South Carolina, Georgia, or Florida were traced to crimes in New York or New Jersey. On the other hand, just 11 guns bought in New York or New Jersey were traced to crimes in South Carolina, Georgia, or Florida.

-- Despite a distance of 1,200 miles, Florida was the largest supplier of out-of-state guns traced to crimes in Massachusetts (40 gun traces). In contrast, just three guns from Florida crimes came from Massachusetts. Georgia was the second biggest source for Massachusetts, sending 30 guns to the Bay State, while not a single trace from any Georgia crime led back to Massachusetts.

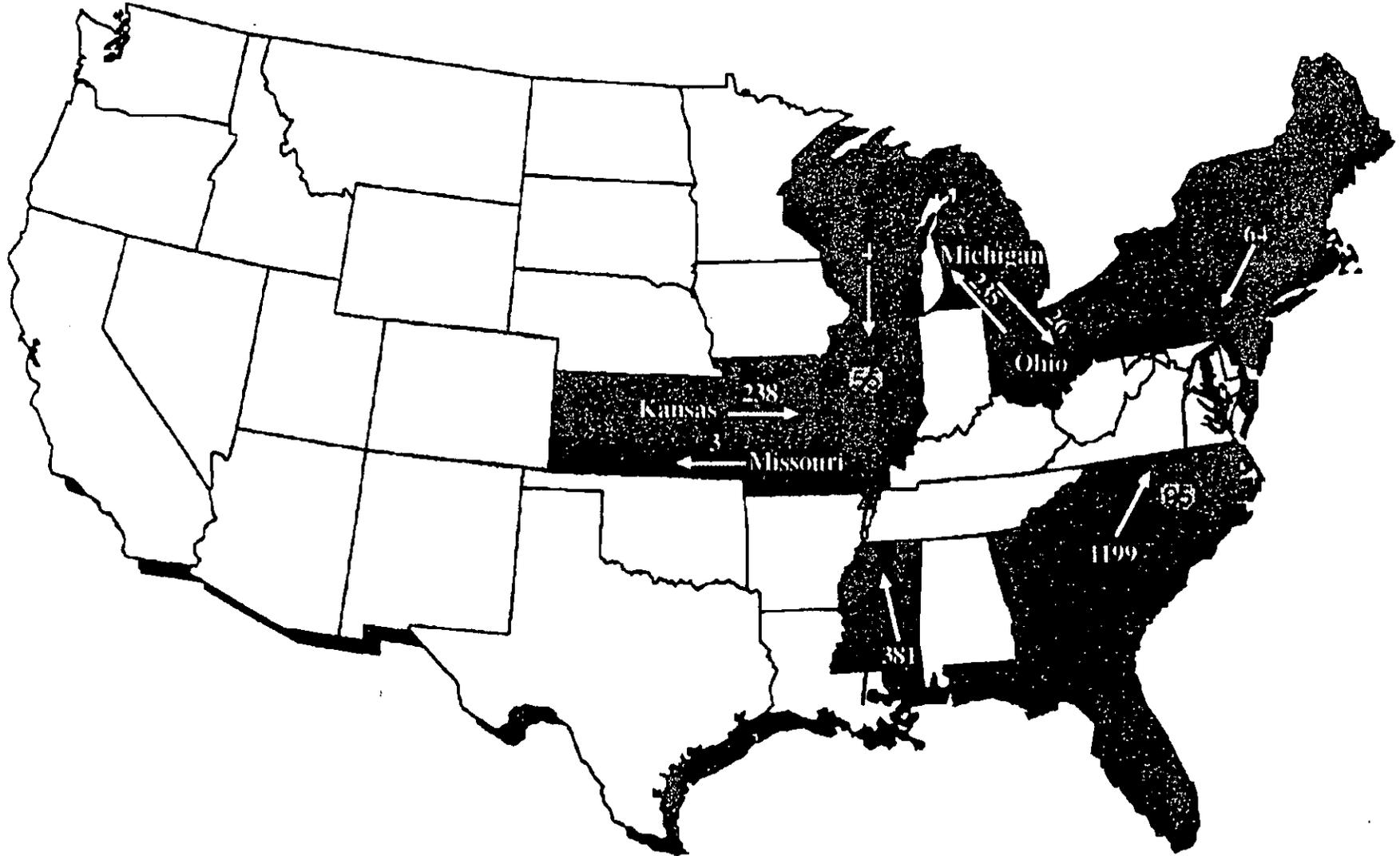
**** I-55: Beginning in New Orleans, I-55 Runs Alongside the Mississippi River to Jackson, Memphis and St. Louis before Veering East to Springfield and Chicago**

-- Mississippi is the top supplier of out-of-state guns to Illinois (306) and Wisconsin (75). Illinois and Wisconsin are home to only four guns traced to crime in Mississippi.

-- Of all the guns traced to Mississippi, there were more linked to crimes hundreds of miles away in Illinois (306) than at home in Mississippi (268).

-- Louisiana sold 89 guns traced to crimes in Illinois, Michigan, Missouri, and Wisconsin. These four states combined sent just six guns down to Louisiana.

Firearm Freeways : One Way Streets



Source: ATF data; 1996

TREND 4: LOVE THY NEIGHBOR
The Borders Between Some States are Hot Zones for Gunrunners

When a state with loose gun laws borders on one with stricter rules, the lax state floods the tough neighbor with firearms.

- ** **Kansas:** Dealers in Kansas sold 238 guns that were traced to crime in Missouri. Missouri, which has a gun permit requirement rated "strong," sent only three crime guns back across the border to Kansas.
- ** **South Carolina:** Dealers in South Carolina sold 430 guns that were traced to crimes in North Carolina. North Carolina, which has much stricter gun control laws, is home to only two guns traced to crimes in South Carolina.
- ** **Ohio:** Ohio is perhaps the gunrunners' favorite northern state, spreading firearms to criminals throughout the region. Ohio sold 235 guns that went north to Michigan criminals, but only 26 traces went the other way from Michigan dealers to Ohio criminals. Similarly, Ohio was the source of 226 guns traced to crimes in Pennsylvania, Maryland, New York, New Jersey and the District. These five jurisdictions were the source of just 24 guns traced to crimes in Ohio.
- ** **Indiana:** While 306 guns from Indiana were traced to crimes in Illinois, only 41 Illinois guns were traced to crimes in Indiana. Hoosier gun dealers also sold 50 guns traced from Wisconsin (which sent 22 to Indiana) and 77 to Michigan (which sent 17 to Indiana).

NOTES ON SOURCES

This study analyzes the 47,068 guns which the federal Bureau of Alcohol, Tobacco and Firearms (ATF) traced to a final retail purchaser in 1996. ATF traces firearms at the request of law enforcement agencies; not all firearms seized in crimes are traced, and some are traced by local authorities rather than by ATF. ATF supplied raw data at Congressman Charles Schumer's request and did not contribute to the analysis contained in this report.

Of all the traces, 16,635 -- 35% -- were used in crimes outside of the state where they were bought. This subset was used for analysis on "out-of-state" guns.

Handgun Control, Inc. provided summaries of state laws on gun control, but bears no responsibility for the rankings. Supplementary information was obtained from law enforcement authorities or government offices in various states.

Population data was based on the 1995 Census as reported in the "Statistical Abstract of the United States."

APPENDIX: EVALUATION OF STATE GUN LAWS

This report rated state gun laws based on the presence or absence of several types of restrictions.

Since its enactment in February 1994, the Brady Law has stopped 186,000 felons and other prohibited persons from buying firearms. This vital improvement made it more difficult for criminals and gunrunners to get weapons anywhere in the country. Yet the Brady Law alone is not enough to stop the gunrunning trade. Other national laws are needed to spread the progress made by some of the "very strong" states to the entire country.

The description of each state's laws evaluates how far those rules go beyond the minimum Brady requirements.

It should be noted that these restrictions do not cover all "gun control" laws, but only those which reduce the ability of a gunrunner to obtain weapons legally in the state and transport them elsewhere. Many other laws, such as state assault weapons bans, juvenile possession restrictions, or child access prevention laws have negligible impact on gunrunners' purchases and were not evaluated.

Twenty-seven states are rated "very weak" because they do not have meaningful restrictions on gunrunning beyond the federal minimum.

The 14 states that are classified in the three middle categories (weak, moderate, or strong) have taken important initial steps to reduce a gunrunner's ability to buy weapons legally. States with several of these laws, or with especially strong versions, climbed higher within the three middle ranks.

These restrictions include:

Centralized records of sales: Under federal law, when a licensed dealer sells a firearm, the dealer retains a record of the sale. Some states have enacted laws requiring the dealers to forward a record of the sale to an agency of the state government. These centralized records make law enforcement against gunrunners easier. They also strongly discourage people who want to purchase guns without scrutiny.

Regulation of Secondary Sales: Many guns used in crimes are purchased in the "secondary market" -- at gun shows, for example, or through classified advertisements. Many of these smaller vendors are not regulated at the federal level because they are not obligated to hold federal licenses. Some states have enacted laws regulating these secondary sales, which closes a significant loophole used by gunrunners.

One Gun A Month Limitations: Three states have enacted provisions limiting an individual to one handgun purchase each month. By stopping the gunrunner from buying dozens of weapons at once, these laws are excellent ways to cut their supply lines. Because none of these laws were universally

enforced before 1994, however, many of the guns traced to crime in 1996 were acquired before the limits had any impact.

The ten states that fall in the category of "very strong" have tough "permit to purchase" laws -- essentially licensing of gun buyers. Many of these laws require fingerprinting, safety training, rigorous background checks, and even a mandatory update of the permit each time a new firearm is procured. Needless to say, these provisions crack down heavily on would-be gunrunners or other criminals trying to obtain firearms in these states.



ALABAMA: Sales records sent to state agency. Secondary sales regulated. **Moderate.**

ALASKA: No significant restrictions beyond Brady Law. **Very Weak.**

ARIZONA: No restrictions beyond Brady Law. **Very Weak.**

ARKANSAS: No restrictions beyond Brady Law. **Very Weak.**

CALIFORNIA: Ten day waiting period for all purchases. Secondary sales regulated. Sales records sent to state agency. **Strong.**

COLORADO: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

CONNECTICUT: Permit required for purchase, includes safety training. Secondary sales regulated. Fourteen day waiting period for primary and secondary purchases. Sales records sent to state agency. **Very Strong.**

DELAWARE: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

DISTRICT OF COLUMBIA: Permits required for all purchases. Registration of all firearms is required. **Very Strong.**

FLORIDA: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

GEORGIA: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

HAWAII: Permit required for purchase. Fifteen to twenty day waiting period for permit. Registration of all firearms is required. Secondary sales regulated. Firearms safety training course and fingerprinting also required. **Very Strong.**

IDAHO: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

ILLINOIS: Permit required for purchase. Waiting period of up to thirty day for permit and three additional days for each purchase. Secondary purchases regulated. **Very Strong.**

INDIANA: Sales records sent to state agency. Seven day waiting period for primary and secondary purchases. **Moderate.**

IOWA: Permit required for purchase. Secondary sales regulated. Three day waiting period to receive permit. **Strong.**

KANSAS: No restrictions beyond Brady Law. **Very Weak.**

KENTUCKY: No restrictions beyond Brady Law. **Very Weak.**

LOUISIANA: No restrictions beyond Brady Law. **Very Weak.**

MAINE: No significant restrictions beyond Brady Law. **Very Weak.**

MARYLAND: Sales records sent to state agency. Seven day waiting period for purchases. Secondary sales are regulated. One-handgun-per-month limit. **Strong.**

MASSACHUSETTS: Permit required for purchases. Up to thirty day waiting period to receive permits. Separate permit required for each gun purchased. Sales records sent to state agency. **Very Strong.**

MICHIGAN: Permit required for purchases and must be obtained in person at a law enforcement agency. Sales records sent to licensing authority. **Very Strong.**

MINNESOTA: Permit required for purchases. Seven day waiting period to receive permit. Secondary sales regulated and require five day waiting period. Sales records sent to state agency. **Very Strong.**

MISSISSIPPI: No restrictions beyond Brady Law. **Very Weak.**

MISSOURI: Permit required for purchases, obtained in person at a law enforcement agency. Seven day waiting period for permit. Secondary sales regulated. **Strong.**

MONTANA: No restrictions beyond Brady Law. **Very Weak.**

NEBRASKA: Permit required for purchases. Secondary sales regulated. **Strong.**

NEVADA: No restrictions beyond Brady Law. **Very Weak.**

NEW HAMPSHIRE: Sales records sent to state agency. **Weak.**

NEW JERSEY: Permit required for purchases. Up to a thirty day waiting period to receive permit. Separate permit required for each gun purchased. Sales records sent to state agency. **Very Strong.**

NEW MEXICO: No restrictions beyond Brady Law. **Very Weak.**

NEW YORK: Permit required for purchases. Permit generally updated for each purchase. Up to a six month waiting period for permit. Secondary sales regulated. Sales records sent to a state agency. **Very Strong.**

NORTH CAROLINA: Permit required for purchases. Up to a thirty day waiting period to receive permits. Separate permit required for each gun purchased. Sales records sent to a state agency. **Very Strong.**

NORTH DAKOTA: No restrictions beyond Brady Law. **Very Weak.**

OHIO: No restrictions beyond Brady Law. **Very Weak.**

OKLAHOMA: No restrictions beyond Brady Law. **Very Weak.**

OREGON: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

PENNSYLVANIA: Sales records sent to state agency. Secondary purchases require background check and must be made on dealer premises. **Moderate.**

RHODE ISLAND: Gun safety card required for purchases. Seven day waiting period. Secondary purchases regulated. **Strong.**

SOUTH CAROLINA: Secondary sales regulated. One-gun-per-month limit. **Moderate.**

SOUTH DAKOTA: No restrictions beyond Brady Law. **Very Weak.**

TENNESSEE: Secondary purchases regulated. Waiting period of up to fifteen days for primary and secondary purchases. **Weak.**

TEXAS: No restrictions beyond Brady Law. **Very Weak.**

UTAH: No restrictions beyond Brady Law. **Very Weak.**

VERMONT: No restrictions beyond Brady Law. **Very Weak.**

VIRGINIA: One-handgun-per-month limit. No other significant restrictions. **Weak.**

WASHINGTON: Sales records sent to state agency. **Weak.**

WEST VIRGINIA: No restrictions beyond Brady Law. **Very Weak.**

WISCONSIN: Complies with Brady Law through Instant Check. No other significant restrictions. **Very Weak.**

WYOMING: No restrictions beyond Brady Law. **Very Weak.**

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SCHUMER, DURBIN AND TORRICELLI RELEASE NATIONAL REPORT ON GUNRUNNING

- Mississippi and Florida are Top Sources for Criminals -

Congressman Charles E. Schumer (D-Brooklyn and Queens) today released a report showing where criminals buy their guns. The report, entitled "The War Between the States," revealed that gunrunners are taking advantage of state's with weak gun laws, making them the key source of guns for crimes in states with strong laws. He was joined by Senators Robert Torricelli (D-NJ) and Dick Durbin (D-IL).

"With this report we've shown once and for all that state gun laws work," Schumer said. "But at the same time, these laws are being undermined as gunrunners import guns from states with weak laws."

"For years we have suspected that many criminals get their guns from out-of-state," added Schumer. "Now we can prove it. And what's more, we can stop it. Its time to put these gun bazaars out of business."

The report ranks all states according to total gun exports in 1996, as well as a per capita ranking. The number one overall gun source for criminals was Florida. In the per capita ranking, Mississippi was number one. The report also analyzes several trends that highlight the problem of gunrunning.

"We call I-95 the Firearm Freeway because it's the main route for guns into New York," said Rep. Schumer. "Today, we see that New York is not alone. Whether it's a drive up the interstate or a trip to the state next door, the trend is clear: in states with tough gun laws, the criminal's best friend is the gun kingpin."

Schumer, Torricelli and Durbin also announced legislation that would increase the penalties for gun runners. The Gun Kingpin Penalty Act would:

- * create a new federal crime of gunrunning and;
- * establish tough new mandatory minimum penalties, from 3 years up to 25 years, for those convicted of gunrunning

"Its time for us to turn our attention to this new brand of criminal," said Schumer. "We need to make sure the gun kingpins' trip up the firearm freeway goes just one way -- to prison."

THE GUN KINGPIN PENALTY ACT

**Introduced by Congressman Charles Schumer,
Senator Robert Torricelli, and Senator Richard Durbin**

The Gun Kingpin Penalty Act aims to curb the deadly commerce of interstate gunrunning. These smugglers buy guns legally in a state with relatively weak gun laws, and then sell them on the black market in a state with tough laws.

By making gunrunning a federal crime with stiff penalties, this bill goes after gun kingpins with the same ardor we have shown in pursuit of drug kingpins.

NEW GUNRUNNING CRIME

The new crime would apply to anyone who smuggles five or more guns across state lines in a one-year period to sell them. Those who have federal licenses, such as dealers and collectors, are exempt. It is already a federal crime to sell guns across state lines without a license, but the penalties for this type of trafficking are very mild.

PENALTIES

The bill places mandatory minimum sentences on people convicted of the new gunrunning offense, meaning the sentences cannot be reduced below these levels or suspended by a judge. There is also no possibility of parole. The sentences are:

- **3 years** for a first offense.
- **5 years** for a second offense.
- **10 years** if one of the smuggled weapons is used in a crime to kill or seriously injure someone.
- **15 years** for gun kingpins -- those who smuggle 50 or more guns in a one-year period.
- **25 years** for gun kingpins if one of the guns they smuggle is used in a crime to kill or seriously injure someone.

The "blood on the hands" penalties -- those involving later violent crimes with the smuggled guns -- apply to all crimes committed by the person who the gunrunner sells a weapon to, as well as crimes committed with the gun by anyone for three years.

INCREASED RESOURCES

The bill authorizes the Treasury Department to hire an additional 200 law enforcement personnel to investigate gunrunners and gun kingpins.