



# Department of Justice

Crime-Guns

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BJS  
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**HANDGUNS USED IN MORE THAN ONE MILLION VIOLENT CRIMES**  
**THE USE OF SEMI-AUTOMATIC GUNS IN MURDERS IS INCREASING**

WASHINGTON, D.C. -- About 1.3 million U.S. residents faced an assailant armed with a firearm during 1993, the Department of Justice announced today. Eighty-six percent of the time (in 1.1 million violent crimes) the weapons were handguns. Seventy percent of the 24,526 murders in 1993 were committed with firearms, of which four out of five were with a handgun. Recent studies indicate that the use of large caliber semi-automatic handguns in homicides has been increasing.

The information is included in a report by the Department's Bureau of Justice Statistics (BJS) on guns used in crime that summarizes information from a number of different sources, such as BJS's National Crime Victimization Survey, the FBI's Uniform Crime Reports and Bureau of Alcohol, Tobacco, and Firearms (ATF) files.

During 1993 there were 4.4 million murders, rapes, robberies

(MORE)

and aggravated assaults in the United States--more than one-quarter involved a gun. However, the report notes that most guns in the U.S. are not used to commit crimes.

Handguns predominate in firearms crime. More than three-quarters of the 83,000 guns used in crime that ATF traced for law enforcement agencies in 1994 were handguns. Almost 60 percent of the 2 million stolen gun reports in the FBI's National Crime Information Center files are handguns.

More than half of all the handguns manufactured domestically since the turn-of-the century are 20 years old or less. From 1973 through 1993, more than 40 million handguns were produced in the United States.

The predominant type of handgun produced has also changed during the last two decades from manual revolvers to semi-automatic pistols. Firearms used by offenders reflect a trend toward semi-automatic pistols. Last year, nine of the 10 most frequently traced guns were pistols. About a third of the 83,000 traced guns were 3 years old or less and one-fifth were 1 year old or less.

(MORE)

Most firearms in circulation are rifles and shotguns, not handguns. While precise estimates of the numbers and types of firearms in operating condition are not known, about one-third of the 223 million firearms manufactured for domestic sale or imported into the United States from 1899 through 1993 were handguns (77 million) and two-thirds were rifles (79 million) or shotguns (66 million).

Surveys of inmates show that they prefer concealable, large-caliber guns and that juvenile offenders appear to be more likely to possess semi-automatic weapons than adult offenders.

Single copies of the publication "Guns Used In Crime" (NCJ-148201), written by BJS statistician Marianne W. Zawitz, may be obtained from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-0179. The telephone number is 1-800-732-3277. Fax orders to 410-792-4358.

Data from tables and graphs used in many BJS reports can be obtained in spreadsheet files on 5¼ and 3½ inch diskettes by calling 202-307-0784.

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# Bureau of Justice Statistics Selected Findings

Number 5

July 1995, NCJ-148201

## *Firearms, crime, and criminal justice*

# Guns Used In Crime

by Marianne W. Zawitz  
BJS Statistician

### How often are guns used in violent crimes?

According to the National Crime Victimization Survey (NCVS), almost 43.6 million criminal victimizations occurred in 1993, including 4.4 million violent crimes of rape and sexual assault, robbery, and aggravated assault. Of the victims of these violent crimes, 1.3 million (29%) stated that they faced an offender with a firearm.

In 1993, the FBI's *Crime in the United States* estimated that almost 2 million violent crimes of murder, rape, robbery and aggravated assault were reported to the police by citizens. About 582,000 of these reported murders, robberies, and aggravated assaults were committed with firearms. Murder was the crime that most frequently involved firearms; 70% of the 24,526 murders in 1993 were committed with firearms.

### How do we know about the guns used by criminals?

No national collection of data contains detailed information about all of the guns used in crimes. Snapshots of

## Highlights

- Although most crime is not committed with guns, most gun crime is committed with handguns. *pages 1 & 2*
- Although most available guns are not used in crime, information about the 223 million guns available to the general public provides a context for evaluating criminal preferences for guns. *page 2*
- By definition, stolen guns are available to criminals. The FBI's National Crime Information Center (NCIC) stolen gun file contains over 2 million reports; 60% are reports of stolen handguns. *page 3*
- In 1994, the Bureau of Alcohol, Tobacco, and Firearms (ATF) received over 85,132 requests from law enforcement agencies for traces of guns used in crime. Over three quarters of the guns traced by the ATF in 1994 were handguns (mostly pistols), and almost a third were less than 3 years old. *page 4*
- Surveys of inmates show that they prefer concealable, large caliber guns. Juvenile offenders appear to be more likely to possess guns than adults. *page 5*
- Studies of the guns used in homicides show that large caliber revolvers are the most frequent type of gun used in murder, but the number of large caliber semiautomatic guns used in murders is increasing. *page 5*
- Little information exists about the use of assault weapons in crime. The information that does exist uses varying definitions of assault weapons that were developed before the Federal assault weapons ban was enacted. *page 6*

information about the guns used by criminals are available from —

- official police records concerning the guns recovered in crimes and reports gathered from victims
- surveys that interview criminals
- surveys that interview victims of crime.

From these sources, we know how often guns are involved in crime, how guns are used in crime, what general categories of firearms are most often used in crime, and, to a limited extent, the specific types of guns most frequently used by criminals.

## What are the different types of firearms?

### Types

<b>Handgun</b>	A weapon designed to fire a small projectile from one or more barrels, when held in one hand and having a short stock designed to be gripped by one hand.
<b>Revolver</b>	A handgun that contains its ammunition in a revolving cylinder that typically holds five to nine cartridges each within a separate chamber. Before a revolver fires, the cylinder rotates and the next chamber is aligned with the barrel.
<b>Pistol</b>	Any handgun that does not contain its ammunition in a revolving cylinder. Pistols can be manually operated or semiautomatic. A semiautomatic pistol generally contains cartridges in a magazine located in the grip of the gun. When the semiautomatic pistol is fired, the spent cartridge that contained the bullet and propellant is ejected, the firing mechanism is cocked, and a new cartridge is chambered.
<b>Derringer</b>	A small single or multiple shot handgun other than a revolver or a semiautomatic pistol.
<b>Rifle</b>	A weapon intended to be fired from the shoulder that uses the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
<b>Shotgun</b>	A weapon intended to be fired from the shoulder that uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

### Firing action

<b>Full automatic</b>	Capability to fire a succession of cartridges so long as the trigger is depressed or until the ammunition supply is exhausted. Automatic weapons are considered machineguns subject to the provisions of the National Firearms Act.
<b>Semiautomatic</b>	An autoloading action that will fire only a single shot for each single function of a trigger.
<b>Machinegun</b>	Any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading by a single function of the trigger.
<b>Submachinegun</b>	A simple fully automatic weapon that fires a pistol cartridge that is also referred to as a machine pistol.

### Ammunition

<b>Caliber</b>	The size of the ammunition that a weapon is designed to shoot as measured by the bullet's approximate diameter in inches in the United States and in millimeters in other countries. In some instances ammunition is described with additional terms such as the year of its introduction (.30/06) or the name of the designer (.30 Newton). In some countries, ammunition is also described in terms of the length of the cartridge case (7.62 x 63 mm.)
<b>Gauge</b>	For shotguns, the number of spherical balls of pure lead, each exactly fitting the bore, that equals one pound.

Sources: ATF, *Firearms & Explosives Tracing Guidebook*, September 1993, pp. 35-40 and Paul C. Glannelli, "Ballistics Evidence: Firearms Identification," *Criminal Law Bulletin*, May-June 1991, pp. 195-215.

## Handguns are most often the type of firearm used in crime

- According to the Victim Survey (NCVS), 25% of the victims of rape and sexual assault, robbery, and aggravated assault in 1993 faced an offender armed with a handgun. Of all firearm-related crime reported to the survey, 86% involved handguns.
- The FBI's Supplemental Homicide Reports show that in 1993 57% of all murders were committed with handguns, 3% with rifles, 5% with shotguns, and 5% with firearms where the type was unknown.
- The 1991 Survey of State Prison Inmates found that violent inmates who used a weapon were more likely to use a handgun than any other weapon; 24% of all violent inmates reported that they used a handgun. Of all inmates, 13% reported carrying a handgun when they committed the offense for which they were serving time.

## What types of guns do criminals prefer?

Research by Wright and Rossi in the 1980's found that most criminals prefer guns that are easily concealable, large caliber, and well made. Their studies also found that the handguns used by the felons interviewed were similar to the handguns available to the general public except that the criminals preferred larger caliber guns.

## What types of guns are available generally?

The Bureau of Alcohol, Tobacco, and Firearms (ATF) estimates that from 1899 to 1993 about 223 million guns became available in the United States, including over 79 million rifles, 77 million handguns and 66 million shotguns. The number of guns seized, destroyed, lost, or not working is unknown.

The number of new handguns added to those available has exceeded the number of new shotguns and rifles in recent years. More than half of the guns added in 1993 were handguns.

Over 40 million handguns have been produced in the United States since 1973.

Since over 80% of the guns available in the United States are manufactured here, gun production is a reasonable indicator of the guns made available. From 1973 to 1993, U.S. manufacturers produced —

- 6.6 million .357 Magnum revolvers
- 6.5 million .38 Special revolvers
- 5.4 million .22 caliber pistols
- 5.3 million .22 caliber revolvers
- 4.5 million .25 caliber pistols
- 3.1 million 9 millimeter pistols
- 2.4 million .380 caliber pistols
- 2.2 million .44 Magnum revolvers
- 1.7 million .45 caliber pistols
- 1.2 million .32 caliber revolvers.

During the two decades from 1973 to 1993, the types of handguns most frequently produced have changed. Most new handguns are pistols rather than revolvers. Pistol production grew from 28% of the handguns produced in the United States in 1973 to 80% in 1993.

The number of large caliber pistols produced annually increased substantially after 1986. Until the mid-1980s, most pistols produced in the United States were .22 and .25 caliber models. Production of .380 caliber and 9 millimeter pistols began to increase substantially in 1987, so that by 1993 they became the most frequently produced pistols. From 1991 to 1993, the last 3 years for which data are available, the most frequently produced handguns were —

- .380 caliber pistols (20%)
- 9 millimeter pistols (19%)
- .22 caliber pistols (17%)
- .25 caliber pistols (13%)
- .50 caliber pistols (8%).

### Stolen guns are a source of weapons for criminals

All stolen guns are available to criminals by definition. Recent studies of adult and juvenile offenders show that many have either stolen a firearm or kept, sold, or traded a stolen firearm:

- According to the 1991 Survey of State Prison Inmates, among those inmates who possessed a handgun, 9% had acquired it through theft and 28% had acquired it through an illegal market such as a drug dealer or fence. Of all inmates, 10% had stolen at least one gun, and 11% had sold or traded stolen guns.
- Studies of adult and juvenile offenders that the Virginia Department of Criminal Justice Services conducted in 1992 and 1993 found that 15% of the adult offenders and 19% of the juvenile offenders had stolen guns; 16% of the adults and 24% of the juveniles had kept a stolen gun; and 20% of the adults and 30% of the juveniles had sold or traded a stolen gun.
- From a sample of juvenile inmates in four States, Sheley and Wright found that more than 50% had stolen a gun at least once in their lives and 24% had stolen their most recently obtained handgun. They concluded that theft and burglary were the original, not always the proximate, source of many guns acquired by the juveniles.

### How many guns are stolen?

The Victim Survey (NCVS) estimates that there were 341,000 incidents of firearm theft from private citizens annually from 1987-92. Since the survey does not ask how many guns were stolen, the number of guns stolen probably exceeds the number of incidents of gun theft.

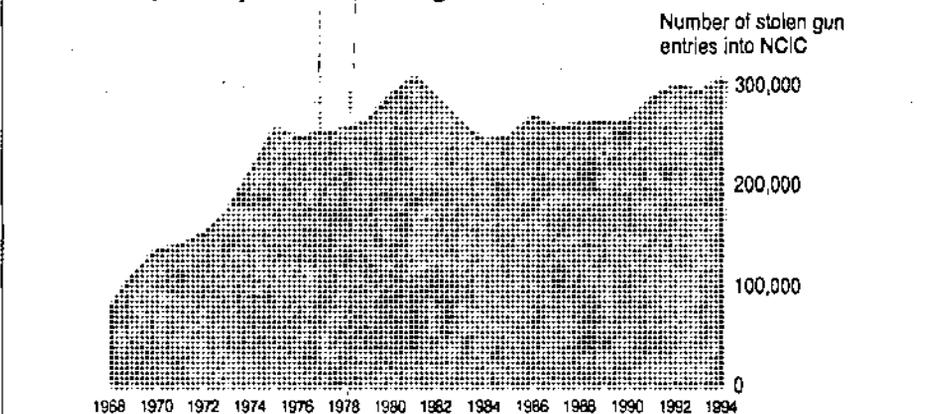
The FBI's National Crime Information Center (NCIC) stolen gun file contained over 2 million reports as of March 1995. In 1994, over 306,000 entries were added to this file including a variety of guns, ammunition, cannons and grenades. Reports of stolen guns are included in the NCIC files when citizens report the theft to law enforcement agencies which submit a report to the FBI. All entries must include make, caliber, and serial number. Initiated in 1967, the NCIC stolen gun file retains all entries indefinitely unless a recovery is reported.

### Most stolen guns are handguns

Victims report to the Victim Survey that in 53% of the thefts of guns, handguns were stolen. The FBI's stolen gun file's 2 million reports include information on —

- 1.26 million handguns (almost 60%)
- 470,000 rifles (22%)
- 356,000 shotguns (17%).

From 1985 to 1994, the FBI received an annual average of over 274,000 reports of stolen guns



Source: FBI, National Crime Information Center, 1995.

## How many automatic weapons are stolen?

Under the provisions of the National Firearms Act, all automatic weapons such as machine guns must be registered with the ATF. In 1995, over 240,000 automatic weapons were registered with the ATF. As of March 1995, the NCIC stolen gun file contained reports on about 7,700 machine guns and submachine guns.

## What types of handguns are most frequently stolen?

Most frequently reported handguns in the NCIC stolen gun file

Percent of stolen handguns	Number	Caliber	Type
20.5%	259,184	.38	Revolver
11.7	147,681	.22	Revolver
11.6	146,474	.357	Revolver
8.8	111,558	9 mm	Semiautomatic
7.0	87,714	.25	Semiautomatic
6.7	84,474	.22	Semiautomatic
5.4	68,112	.380	Semiautomatic
3.7	46,503	.45	Semiautomatic
3.3	41,318	.32	Revolver
3.1	39,254	.44	Revolver
1.5	18,377	.32	Semiautomatic
1.3	16,214	.45	Revolver

## Upon request, the ATF traces some guns used in crime to their origin

The National Tracing Center of ATF traces firearms to their original point of sale upon the request of police agencies. The requesting agency may use this information to assist in identifying suspects, providing evidence for subsequent prosecution, establishing stolen status, and proving ownership. The number of requests for firearms traces increased from 37,181 in 1990 to 85,132 in 1994.

Trace requests represent an unknown portion of all the guns used in crimes. ATF is not able to trace guns manufactured before 1968, most surplus military weapons, imported guns without the importer's name, stolen guns, and guns missing a legible serial number.

Police agencies do not request traces on all firearms used in crimes. Not all firearms used in crimes are recovered so that a trace could be done and, in some States and localities, the police agencies may be able to establish ownership locally without going to the ATF.

## Most trace requests concern handguns

Over half of the guns that police agencies asked ATF to trace were pistols and another quarter were revolvers.

Type of gun	Percent of all 1994 traces
Total	100.0%
Handguns	79.1
Pistol	53.0
Pistol Revolver	24.7
Pistol Derringer	1.4
Rifle	11.1
Shotgun	9.7
Other including machinegun	0.1

While trace requests for all types of guns increased in recent years, the number of pistols traced increased the most, doubling from 1990 to 1994.

## What are the countries of origin of the guns that are traced?

Traced guns come from many countries across the globe. However, 78% of the guns that were traced in 1994 originated in the United States and most of the rest were from —

- Brazil (5%)
- Germany (3%)
- China (3%)
- Austria (3%)
- Italy (2%)
- Spain (2%)

## Almost a third of the guns traced by ATF in 1994 were 3 years old or less

Age of traced guns	Traces completed in 1994	
	Number	Percent
Total	83,362	100%
Less than 1 year	4,072	5
1 year	11,617	14
2 years	6,764	8
3 years	4,369	5

## What crimes are most likely to result in a gun tracing request?

Crime type	Percent of all 1994 traces	Percent of traces by crime type							
		Total	Handgun					Rifle	Shotgun
			Total	Pistol	Pistol Derringer	Pistol Revolver			
Weapon offenses	72%	100%	81%	55%	1%	25%	10%	9%	
Drug offenses	12	100	75	50	2	23	14	11	
Homicide	6	100	79	49	1	29	11	10	
Assault	5	100	80	50	1	28	10	11	
Burglary	2	100	57	34	1	22	24	19	
Robbery	2	100	84	53	1	29	7	10	
Other	2	100	76	54	1	21	14	10	

Note: Detail may not add to total because of rounding.  
Source: ATF, unpublished data, May 1995.

## What guns are the most frequently traced?

The most frequently traced guns vary from year to year. The ATF publishes a list of the 10 specific guns most frequently traced annually. The total number of traced guns on the top 10 list was 18% of the total traced 1991-94. Most of the top 10 guns were pistols (over 30% were .25 caliber pistols), although a number of revolvers and a few shotguns and rifles were also included. The most frequently traced gun was a Smith and Wesson .38 caliber revolver in 1990, the Raven Arms P25, a .25 caliber pistol from 1991 through 1993, and the Lorcin P25 in 1994.

### 10 most frequently traced guns in 1994

Rank	Manufacturer	Model	Caliber	Type	Number traced
1	Lorcin	P25	.25	Pistol	3,223
2	Davis Industries	P380	.38	Pistol	2,454
3	Raven Arms	MP25	.25	Pistol	2,107
4	Lorcin	L25	.25	Pistol	1,258
5	Mossburg	500	12G	Shotgun	1,015
6	Phoenix Arms	Raven	.25	Pistol	959
7	Jennings	J22	.22	Pistol	929
8	Rugar	P89	9 mm	Pistol	895
9	Glock	12	9 mm	Pistol	843
10	Bryco	38	.38	Pistol	820

Source: ATF, May 1995.

## What caliber guns do criminals prefer?

In their 1983 study, Wright, Rossi, and Daly asked a sample of felons about the handgun they had most recently acquired. Of the felons sampled —

- 29% had acquired a .38 caliber handgun
- 20% had acquired a .357 caliber handgun
- 16% had acquired a .22 caliber handgun.

Sheley and Wright found that the juveniles inmates in their 1991 sample in four States preferred large caliber, high quality handguns. Just prior to their confinement —

- 58% owned a revolver, usually a .38 or .357 caliber gun
- 55% owned a semiautomatic handgun, usually a 9 millimeter or .45 caliber gun
- 51% owned a sawed-off shotgun
- 35% owned a military-style automatic or semiautomatic rifle.

## Do juvenile offenders use different types of guns than adult offenders?

A study of adult and juvenile offenders by the Virginia Department of Criminal Justice Services found that juvenile offenders were more likely than adults to have carried a semiautomatic pistol at the crime scene (18% versus 7%).

They also were more likely to have carried a revolver (10% versus 7%). The same proportion of adults and juveniles (3%) carried a shotgun or rifle at the crime scene.

## Some studies of guns used in homicides provide information about caliber

McGonigal and colleagues at the University of Pennsylvania Medical Center studied firearm homicides that occurred in Philadelphia, 145 in 1985 and the 324 in 1990. Most of the firearms used in the homicides studied were handguns; 90% in 1985 and 95% in 1990. In both years, revolvers were the predominant type of handgun used, however, the use of semiautomatic pistols increased from 24% in 1985 to 38% in 1990. The caliber of the handguns used also changed:

### In Philadelphia, handguns most often used:

In 1985, of 91 homicides		In 1990, of 204 homicides	
44%	.38 caliber revolver	23%	9 mm pistol
19%	.25 caliber pistol	18%	.38 caliber revolver
14%	.22 caliber revolver	16%	.357 caliber revolver
14%	.32 caliber revolver	16%	.22 caliber revolver
3%	9 mm pistol	10%	.32 caliber revolver
2%	.357 caliber revolver	6%	.380 caliber pistol

The Virginia Department of Criminal Justice Services studied 844 homicides that occurred in 18 jurisdictions

from 1989 through 1991. Firearms were identified as the murder weapon in 600 cases. Over 70% of the firearms used were handguns. Of those handguns where the caliber and firing action could be identified, 19% were a .38 caliber revolver, 10% were .22 caliber revolvers, and 9% were 9 millimeter semiautomatic pistols.

The Hawaii Department of the Attorney General, Crime Prevention Division, studied 59 firearms-related homicides in Honolulu from 1988 to 1992. Handguns were used in 48 homicides (over 80%) including 11 handguns of 9 millimeter caliber, 10 of .357 caliber, 10 of .38 caliber, and 5 of .25 caliber.

## What caliber guns are used in the killings of law enforcement officers?

From 1982 to 1993, of the 687 officers who were killed by firearms other than their own guns, more were killed by .38 caliber handguns than by any other type of weapon.

Type of firearm	Percent of law enforcement officers killed with a firearm
.38 caliber handgun	25.2%
.357 Magnum handgun	12.1
9 Millimeter handgun	9.5
12 gauge shotgun	7.4
.22 caliber handgun	5.4
.22 caliber rifle	4.4

## How often are assault weapons used in crime?

Little information exists about the use of assault weapons in crime. The information that does exist uses varying definitions of assault weapons that were developed before the Federal assault weapons ban was enacted.

In general, assault weapons are semi-automatic firearms with a large magazine of ammunition that were designed and configured for rapid fire and combat use. An assault weapon can be a pistol, a rifle, or a shotgun. The Federal Violent Crime Control and Law Enforcement Act of 1994 bans the manufacture and sale of 19 specific assault weapons identified by make and manufacturer. It also provides for a ban on those weapons that have a combination of features such as flash suppressors and grenade launchers. The ban does not cover those weapons legally possessed before the law was enacted. The National Institute of Justice will be evaluating the effect of the ban and reporting to Congress in 1997.

In 1993 prior to the passage of the assault weapons ban, the Bureau of Alcohol, Tobacco, and Firearms (ATF) reported that about 1% of the estimated 200 million guns in circulation

were assault weapons. Of the gun tracing requests received that year by ATF from law enforcement agencies, 8% involved assault weapons.

### Assault weapons and homicide

A New York State Statistical Analysis Center study of homicides in 1993 in New York City found that assault weapons were involved in 16% of the homicides studied. The definition of assault weapons used was from proposed but not enacted State legislation that was more expansive than the Federal legislation. By matching ballistics records and homicide files, the study found information on 366 firearms recovered in the homicides of 271 victims. Assault weapons were linked to the deaths of 43 victims (16% of those studied).

A study by the Virginia State Statistical Analysis Center reviewed the files of 600 firearms murders that occurred in 18 jurisdictions from 1989 to 1991. The study found that handguns were used in 72% of the murders (431 murders). Ten guns were identified as assault weapons, including 5 pistols, 4 rifles, and 1 shotgun.

### Assault weapons and offenders

In the 1991 BJS Survey of State Inmates, about 8% of the inmates reported that they had owned a military-type weapon, such as an Uzi, AK-47, AR-15, or M-16. Less than 1% said that they carried such a weapon when they committed the incident for which they were incarcerated. A Virginia inmate survey conducted between November 1992 and May 1993 found similar results: About 10% of the adult inmates reported that they had ever possessed an assault rifle, but none had carried it at the scene of a crime.

Two studies indicate higher proportions of juvenile offenders reporting possession and use of assault rifles. The Virginia inmate survey also covered 192 juvenile offenders. About 20% reported that they had possessed an assault rifle and 1% said that they had carried it at the scene of a crime. In 1991, Sheley and Wright surveyed 835 serious juvenile offenders incarcerated in 6 facilities in 4 States. In the Sheley and Wright study, 35% of the juvenile inmates reported that they had owned a military-style automatic or semi-automatic rifle just prior to confinement.

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BJS Selected Findings are a publication series that presents relevant statistical information, both historical and recent, about a topic of current concern. Selected Findings usually present data from both Bureau of Justice Statistics programs and other sources.

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*Guns Used In Crime* is the first of a series of reports on firearms and crime that will become part of a longer document, *Firearms, Crime, and Criminal Justice*. Other topics to be covered in this series include weapons offenses and offenders, how criminals obtain guns, and intentional firearm injury. The full report will focus on the use of guns in crime, trends in gun crime, consequences of gun crimes, characteristics of offenders who use guns, and sanctions for offenders who use guns. This report will not cover the involvement of firearms in accidents or suicides.



FOR IMMEDIATE RELEASE

Date: October 16, 1994

Contact: Martha Plotkin 202/466-7820

## **PERF Applauds KayBee Toys and Toys "R" Us For Decision to Stop Selling Realistic Toy Guns**

*Albuquerque, NM*—Directors of the Police Executive Research Forum (PERF), an association of progressive police leaders from large- and medium-sized jurisdictions, today applauded KayBee Toys and Toys "R" Us for taking the initiative to remove realistic toy guns from their shelves. PERF directors call on other toy manufacturers and retailers to follow their lead in stopping the production and sale of realistic toy guns.

"The proliferation of realistic toy guns that find their way into the hands of children will only lead to more tragic injuries and deaths," said PERF President and New York City Police Commissioner Bill Bratton. "Police need help from responsible business owners to ensure that no child is accidentally shot because he or she was playing with a toy gun."

A 1991 PERF report, the result of a study conducted for the Bureau of Justice Statistics, suggested that toy guns are used in robberies and assaults, and have sometimes caused an officer to shoot a suspect because the officer could not distinguish the toy gun from a real firearm. For example, the study indicates that of the surveyed departments, 156 police agencies reported (between January 1985 and September 1989) 1,128 incidents where an officer "warned or threatened to use force and 252 cases where actual force had been used based on the belief that an imitation gun was real. Pneumatic guns and realistically shaped toy guns pose the greatest threat to mistakes in the use of force by the police."

"Police try desperately to protect our nation's children from harm," said PERF Executive Director Chuck Wexler. "with the leadership of KayBee Toys and Toys "R" Us, perhaps we will see the kind of private sector support that will ensure that cops on the street have the help they need to prevent accidental shootings of children."

*The Police Executive Research Forum is an organization of progressive law enforcement chief executives who serve more than 40 percent of the nation's population. The organization also has classes of membership for academicians and police executives from smaller jurisdictions. PERF members are dedicated to advancing policing practices through national debate, leadership, research, and experimentation.*

*A list of the PERF Board members is attached.*



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#### President

William J. Bratton, Commissioner of the New York City Police Department, began his career as a police officer in Boston. He is a highly decorated police officer who earned the Boston Police Department's Schroeder Brothers Medal, the Department's highest award for valor, while serving as a uniformed officer in the 1970s. Commissioner Bratton won national recognition for his leadership in turning around the 5,000-member New York City Transit Police Department (NYCTP), the seventh largest in the country, from 1990 to 1992. Commissioner Bratton returned to Boston to serve as chief operating officer of the Boston Police Department in 1992, and in June, 1993, was named the city's police commissioner. In January 1994, Bratton was appointed commissioner by New York City Mayor Rudolph Guiliani.

Prior to his tenure at the NYCTP, Commissioner Bratton served with high distinction as chief of the Massachusetts Bay Transit Authority Police and as chief of the former Metropolitan Police Department (since merged with the Massachusetts State Police).

Commissioner Bratton, 45, is a graduate of the FBI National Executive Institute and both the Program for Senior Executives and the Senior Executive Fellows Program in Criminal Justice at Harvard University's John F. Kennedy School of Government. He holds a bachelor of science degree from Boston State College.

#### Secretary

Gil Kerlikowske, was named the Commissioner of Police of the Buffalo (NY) Police Department in January of 1994. Kerlikowske began his law enforcement career as a police officer in the St. Petersburg Police Department in 1972. After serving 15 years in St. Petersburg, Kerlikowske became the chief of police in Port St. Lucie, Florida. Several years later, he accepted the position of Chief of the Ft. Pierce (FL) Police Department. While in Ft. Pierce, he was very active in the community, volunteering for the local PTA, rape crisis center, United Way, and adult literacy program. He earned his bachelor's and master's degrees in criminal justice from the University of South Florida.

#### Treasurer

Steven Bishop, chief of police of the Kansas City (MO) Police Department, began his law enforcement career in 1970 as a patrol officer and rose through the ranks, becoming chief in 1990. Bishop holds a bachelor's degree in police administration from Central Missouri State University and a master's degree in personnel management from Central Michigan University. Bishop has been honored with the National Police Public Service Award from the American Society for Public Administration and the National Academy of Public Administration.

(over)

### **At-large Board Member**

Clarence Harmon, chief of police with the St. Louis (MO) Police Department, began his law enforcement career in 1969, as a patrol officer. Since joining the department, he has worked in the intelligence unit, field operations, internal affairs and special operations. His experience also includes a 2-year stint as the director of security for the St. Louis Housing Authority. Harmon earned his bachelor's degree from Northeast Missouri State University and his two master's degrees in criminal justice administration and public administration from Webster University in St. Louis. He is active in several community groups and participates in various state, national and international professional law enforcement organizations.

### **At-large Board Member**

Robert Olson, Commissioner of police of the Yonkers (NY) Police Department since 1990, began his law enforcement career in 1966 as a police officer in Omaha, Nebraska, where he later rose to the rank of deputy chief. He then served as police chief in Corpus Christi, Texas, from 1987 to 1989. Olson holds both bachelor's and master's degrees in criminal justice from the University of Nebraska at Omaha. He also co-authored the PERF publication, **Community Wellness: A New Theory of Policing**, and has been an adjunct instructor at three universities.

Date: 07/19/94 Time: 14:35

File:  
Crime-Guns

## Feds Charge Man With Threatening President

CAPE MAY, N.J. (AP) A man arrested over the weekend with more than two dozen loaded weapons and a supply of ammunition was charged today with threatening to kill President Clinton.

Federal authorities alleged in an affidavit that during the past three months Paul F. Walling fraudulently purchased some 40 firearms, including semiautomatic rifles, and made statements threatening Clinton and Attorney General Janet Reno.

The alleged threats included statements to a Pennsylvania police officer that "somebody should kill the president" and "he will never make it out of office because he is going to be assassinated." Walling was angry over the Brady law, which calls for a waiting period for handgun purchases, the affidavit said.

Ernest Kun, special agent in charge of the Secret Service's Philadelphia office, said authorities have no evidence that Walling ever actually was anywhere near the president.

Walling, 46, of Berwyn, Pa., was charged in a complaint filed in U.S. District Court in Philadelphia with threatening the president, illegally obtaining weapons and interstate transportation of a stolen vehicle, Kun said.

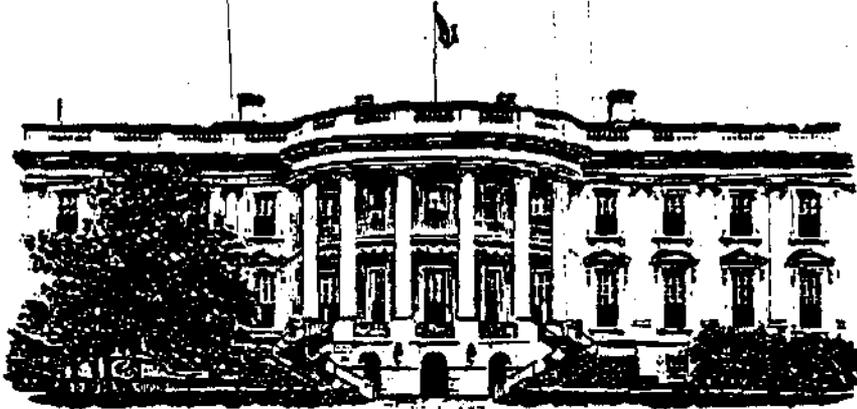
Based on the statements Walling had made, Kun said, Secret Service agents searched Walling's home Friday and seized several rifles and pistols. Clinton happened to be in Philadelphia that day, but Kun said the search was not necessarily timed to coincide with the visit.

Kun said the Secret Service learned Walling had gone to Cape May and alerted authorities there. Walling was arrested without incident Saturday evening. A search discovered 27 loaded weapons, and more than 20 full boxes of military ammunition, Cape May Police Chief Robert Boyd said.

APNP-07-19-94 1434EDT

File:  
Guns

# WHITE HOUSE PRESS OFFICE



## Facsimile Transmittal Sheet

Number of Pages including Cover: \_\_\_\_\_ Date: \_\_\_\_\_

To: Bruce Reed

Fax Number: \_\_\_\_\_ Office Number: \_\_\_\_\_

Comments: Final GSA release on  
federal gun resale

From the Office Of: Kathy McKiernan

Fax Number: \_\_\_\_\_ Office Number: X 2580

# GSA **News** RELEASE

GSA #9154

Date: January 5, 1994

Contact: Hap Connors

## GSA Administrator Stops Sales of Excess Federal Firearms

WASHINGTON, D.C.--In an attempt to curtail the flow of handguns into American communities, the head of the General Services Administration today announced that the agency will no longer issue waivers that have allowed federal agencies to sell excess firearms to dealers in the private sector.

"After consulting with administration officials, I have issued orders today that have revoked all previously issued waivers and determined that the General Services Administration will not in the future grant waivers from existing regulations prohibiting the donation, sale or exchange of firearms," GSA Administrator Roger W. Johnson said.

The prohibition is part of the Federal Property Management Regulation (FPMR) that control various items in the federal government's property inventory, including firearms. The regulations state, in part, that "firearms no longer needed by an agency may be transferred only to those federal agencies authorized to acquire firearms for official use." The FPMR also prohibits the donation, sale or exchange of firearms and states that they may be sold only for scrap after total destruction.

A waiver, or "deviation", from the regulations can be granted by the GSA Administrator upon request by a federal agency, which can then sell its excess firearms to federally licensed gun dealers. The money collected from these transactions has been used to purchase other firearms for federal use or to defray other agency administrative costs.

###

General Services Administration  
Federal Supply Service  
January 5, 1994

**FACT SHEET**

**Issue:** FIREARMS EXCHANGE POLICY

**Background:** The Federal Property Management Regulation (FPMR) Parts 101-42.1102-10 (A-C) state, in part, that weapons no longer needed by an agency may be transferred only to those Federal agencies authorized to acquire weapons for official use. Weapons may not be donated and may be sold only for scrap after total destruction. Additionally, FPMR Part 101.46.202 states, in part, weapons are ineligible for exchange/sale.

**Currently:** The General Services Administration (GSA) will not grant deviations from the Federal Property Management Regulations (FPMR) Part 101-46, authorizing the exchange or sale of firearms for replacement purposes until further notice. Also, in addition to no longer granting deviations from the FPMR, GSA revoked all existing waivers that had been granted.

To: Bruce Reed

Fax Number: \_\_\_\_\_ Office Number: \_\_\_\_\_

Comments: Thought you might like to see these clips  
re: the GSA gun policy we talked about last  
week. (Sorry they're late I've been in Arkansas.

From the Office Of: Kathy McKiernan

Fax Number: \_\_\_\_\_ Office Number: \_\_\_\_\_



11-07-94 12:01PM

FROM GSA MEDIA REL. (X) TO 94566210

FOUO/01

# U.S. Law Agencies Told To Destroy Gun Surplus

By B. DRUMMOND AYRES Jr.

Special to The New York Times

WASHINGTON, Jan. 6 — The Federal Government ordered all Federal law-enforcement agencies today to destroy their surplus and unwanted firearms rather than sell them to gun dealers for resale to the public.

In the past 10 years, more than 60,000 semiautomatic pistols, revolvers, rifles and shotguns have been sold by Federal agencies to dealers for resale to the general public, with the proceeds from the dealers going to offset the operating costs of the agencies.

But the General Services Administration, the Government's business manager and landlord, told Federal agencies today that in the future any firearms they no longer needed, as well as any firearms they seized, must be made inoperable and then sold to be melted down.

"They may be sold only for scrap after total destruction," a General Services Administration announcement stated.

The departments have been rearming their officers, in most instances replacing slow-firing, six-shot revolvers with new semiautomatic pistols that can rapidly fire a dozen or more high-powered cartridges. The re-arming has been mainly in response to the presence of better armed criminals on the street, with the new replacement guns costing \$500 or more each and the old, surplus weapons being sold to dealers for about \$100.

"We know some surplus police guns end up in the hands of criminals," said Jack Kilforin, the spokesman for the Federal Bureau of Alcohol, Tobacco and Firearms. "But relatively speaking, it isn't all that many, considering how many guns there are in this country. This area is not a great gun source. If you stop selling off police guns, you're not going to cause a gun shortage out there or drive prices out of sight. The same goes for trading new athletic shoes and sports tickets and the like for guns. We've got a way to go in this fight, a lot of guns to get off the street before anything like that hap-

Symbolic Action

Report

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# National R

The New York Times

The new Federal policy is largely symbolic and will not cut very deeply into the nation's surging gun market, in which hundreds of thousands of guns are sold annually, legally and illegally. But today's move closely follows a Clinton Administration announcement on Tuesday that the Federal Government intends to make it more difficult for gun dealers to acquire and hold sales licenses and will also try to set up a better system of monitoring and recording gun sales.

The latest moves also are a response to the growing public concern about gun violence. More than 200 million guns are now in the hands of American citizens, enough for every teen-ager and adult, a ratio that few other countries can equal.

"Any step, no matter how small, is an important step in this struggle, even if it's just symbolic," said Representative Charles E. Schumer, the Brooklyn Democrat who has been a leader in the effort to control firearms. "What the Federal Government said today, as earlier this week, is that it's beginning to take the problem seriously, to toughen and respond to it. If the Government loses a little money by not being able to sell its surplus guns, you can bet it will more than make it up in what is saved by not contributing to the carnage out there on the streets."

General Services Administration officials said they did not know whether any guns previously sold by the Government as surplus had ended up in the

About 30 percent of criminals jailed on charges involving guns say they bought their weapons from legitimate gun dealers. Others say they obtained

## A policy aims to keep some guns from reaching criminals.

guns from illegitimate dealers, from friends or through theft.

Today's General Services Administration announcement came after top Clinton Administration officials, including Attorney General Janet Reno and Roger W. Johnson, the head of the General Services Administration, held a discussion on what extra steps Federal law-enforcement agencies could take to help slow the rapid proliferation of guns and the resulting rapid rise in shootings and gun deaths.

"It might have seemed a good idea in the past to make a little on Federal surplus sales to help save on expenses and operating costs, but now the emphasis is on saving human life," said

Hub Connors, a spokesman for the General Services Administration.

The new policy does not affect surplus military guns, though the Defense

FRIDAY, JANUARY 7, 1994



DEPARTMENT OF THE TREASURY  
WASHINGTON

GUNS

FAX TRANSMITTAL SHEET

DATE: 1/3

NUMBER OF SHEETS TO FOLLOW: 13

TO: BRUCE REED

ADDRESSEE'S FAX #: 456-7028

ADDRESSEE'S CONFIRMATION #: \_\_\_\_\_

FROM: BOBK STEINER

SENDER'S FAX #: 202-622-0073

SENDER'S CONFIRMATION #: 202-622-1700

SPECIAL INSTRUCTIONS/COMMENTS:

LMB -- Crime Speech -- 1/4/94  
draft 3 -- 24 minutes (prepared by Ilene)

Thank you, Ron ... good morning ... and congratulations to the winners.

Well, somebody figured out I gave 180 speeches last year, and I figured out it was about 100 too many!

But I told my staff (did this on purpose), that the first speech I give in 1994, must be on crime. I hope you see symbolism in that, because this year crime is a priority for me personally, and for us at Treasury.

I'm going to be working closely with Janet Reno ... and Congress ... and at the state and local levels.

In fact, today I had breakfast with law enforcement officers from around the country -- they're here now, and I appreciate your coming. I also visited ATF ... and saw a collection of confiscated firearms that could fill half this room -- easily.

I've learned when you're Secretary of the Treasury and you discuss monetary policy, or a new tax program, you have to be careful because Treasury Secretaries can take the price of the dollar or the price of stock, up or down.

But when you're the Secretary of the Treasury and you say something about crime -- well, that's another matter.

Not a lot of people even know we're into law enforcement.

Do you know how I can tell? My mail. When people write to me and say "don't raise my taxes" they begin the letter: "Dear Mr. Secretary."

When they write about crime, the letters start: "Dear Senator Bentsen!"

-2-

Well, I don't vote anymore. Here, we enforce what's on the books. If you take out IRS from Treasury, \_\_ percent of our staff is law enforcement.

We also can propose changes and initiatives -- and I'm going to do some of that today, especially insofar as ATF is concerned.

First, let me tell you a story someone on the staff told me -- about his wife.

She went back to teaching this fall -- after taking off several years to raise their kids. First week in her classroom she noticed a blind was always drawn. She wanted to brighten the place for the kids, so she pulled the blind up -- and in the window were bullet holes.

I think back late last year, to when Walter Annenberg was at the White House with the President to announce his generous gift to public education.

And what hit me was why he gave the money -- violence.

Do you think that Johns Hopkins ... or James Duke .... or Leland Stanford gave their gifts ... built their great institutions of higher learning because of violence?

Here we are, the country that invented public high schools ... the democratic society that wanted to make sure none of our kids were cheated out of an education, so we taxed all Americans to pay for it ... and now we're letting violence endanger innocent children.

It comes down to one word: guns.

-3-

I'm a gun owner -- been one all my life. Still have the .45 I used when I crashed in Yugoslavia in a B-24.

And I'm a hunter -- went quail hunting two weeks ago.

But when I went to school, kids didn't walk in with fingers on a trigger. Now in Texas, a young adult is more likely to die from gunfire than from a traffic accident. Think about that.

We have over 200 million guns. Every 10 seconds a gun rolls off an assembly line ... every 11 seconds we import a gun. check Last week a plane landed in Ohio -- brought in 19,000 guns -- from Russia. check

All these guns -- yet we haven't had a war going on inside this country since the Civil War ended \_\_\_ years ago.

One of our responsibilities at ATF is to license firearms dealers. Let me explain our problem. There are 287,000 gun check dealers -- \_\_\_ times more gun dealers than there are car dealers.

Why so many? It's cheap. Best bargain in town.

A license costs \$10 a year. Same price it was when the fee was set in 1968, even though inflation is up 233 percent.

To sell liquor in the five burroughs of New York, it costs \$5,200 for a three-year license. check. To teach Spanish and history in New York, it costs \$200 for a teacher's certificate.

But to sell guns in New York, it's only 10 bucks.

That isn't just ridiculous. That goes all the way to reckless.

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The fee, under the Brady Bill will go up to \$200 for three years -- but my friends, that's not enough.

It may stop some people from getting a firearms license.

Many people get licenses -- not to sell firearms -- but to buy them cheap, for themselves. They can pop down \$10 ... call themselves a wholesaler ... buy direct from the manufacturer ... so instead of having to pay, say, \$400, they pay \$350. check

We've done studies at ATF, and found 45 percent of licensed dealers don't acquire any firearms. Another 36 percent acquire less than 10 a year.

I can tell you that you don't rent retail space to sell 10 guns. You do that out of your kitchen or your car trunk.

In the District of Columbia, there are 49 licensed firearm dealers -- but not one sells handguns.

They can't -- it's against the law. You see, under federal law, ATF must go ahead and license the dealers, but it's against the District's law to sell handguns. Now, is that a crazy system -- or what?

Who loses in all this?

The legitimate dealers ... the taxpayers ... ATF.

John Magaw has 400 inspectors working in licensing -- and you tell me how 400 inspectors can monitor and inspect 287,000 current licensees -- and the \_\_\_ new applicants we're getting in per month?

Now, I never met a law enforcement officer who didn't tell me they needed more money ... more resources ... more cops. It's

-5-

tight to come up with resources, when we have a shrinking budget and the President is committed to reducing the deficit. It's a difficult time to get through new initiatives.

But spending isn't always the answer -- not when the problem is the system itself, or the laws on the books. Sometimes, good old common horse sense ought to be the answer.

One other thing -- I'm not up here pretending these initiatives will solve all our violence.

Back in '68, Congress passed a gun bill that set forth the licensing system -- right after Martin Luther King and Robert Kennedy were killed. It hasn't stopped the violence, because there's an awful lot we don't know.

Some things we don't know, because ATF is prohibited from collecting information.

And we don't know where these guns are all coming from. If I drew a big circle -- maybe one third of the guns criminals get are from licensed dealers.

Then there's the other two-thirds. The off-the-street-sales ... the criminals who trade drugs for guns, or who pick them up during burglaries ... the black market ... the flea markets ... the kids who get them from their parents -- and no inspectors (not 400, not 4,000, not 400,000) can stop that.

The men and women of Treasury are doing their best ... giving everything they have to come up with new answers.

I've sent a four-part anti-violence initiative to the President. Some parts will require legislation. Some will

-6-

require funds from the Crime Bill. Some I'll direct Ron Noble to initiate immediately -- in fact, some things, we've started already.

Let me run you through the initiatives.

First (and this is a long one) is ATF Law Enforcement

It starts with the Brady Bill. When it becomes law on the 28th of February, we'll be ready.

It's our job to draft and implement the regulations, and I can tell you that through the holidays, the midnight oil kept burning at ATF. We're also developing new forms for compliance ... and putting plans in place to notify and educate all parties affected by the law.

And we're trying to answer the big question: "Where's the money to do these checks?" ATF is developing a model system local agents can use to recoup the costs through a user fee.

Today, I've also directed ATF to begin a program that addresses specific gun trafficking patterns in the 10 counties in this country with the biggest crime problems. They account for 23 percent of the nation's felonies.

They are Los Angeles, Orange, and San Diego Counties, in California; Cook County, Illinois; Harris and Dallas Counties, in Texas; Maricopa County, Arizona; Wayne County, Michigan; Dade County, Florida; and New York City.

We've started the process in New York on a pilot basis. Working with the local police, they set up a new screening and investigative process for firearm license applications.

-7-

They've met with success. Since the project began, 90 percent of applications have been either withdrawn or denied. Before, 90 percent were granted.

But let's not be naive about this. A gun in New York's black market is four times higher than in Virginia. So, where do you think most of the guns in New York come from? Virginia.

In two weeks I'm going to China, where guns were invented. I read something interesting -- it took those guns from China 50 years before they made their way to Europe. Now, every five minutes we worry about weapons proliferation -- interstate!

We also have a number of programs that we'll expand either through the Crime Bill or on our own.

Specifically, Project Uptown, which addresses the use of firearms in housing developments. ATF started this in New York City, we moved into Baltimore last year, and we plan to move into \_\_\_ cities in the coming year (any names?). **check**

The Achilles program is another one. Here we're going after the shooters -- the armed career criminals in the highest crime precincts in the country. Criminals who commit, on average, three crimes a week -- with a firearm.

Another program is Bulletproof, which is being tested in the District of Columbia. This uses high-tech computer systems to inventory, identify, and match bullet projectiles -- much like fingerprint systems.

**expand**

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I also want to mention that in the Crime Bill, there's funding for a FLETC program to develop rural drug enforcement training.

I believe the most important tools officers have aren't the ones they carry or load. It's the one between their ears. As we put 100,000 new officers on the streets, FLETC must be ready to assist state and local police in training them.

The second initiative is Federal Firearms License Reform.

It makes no sense to have 287,000 gun dealers. If we think the best way to lock up criminals is having ATF inspectors spend all day issuing licenses, we should be the ones locked up!

We don't want to get rid of the legitimate dealers -- just everybody else.

It's time to change.

We'll ask that the licensing fee be raised to \$600 -- annually. This could reduce by 80 percent the number of dealers.

We also support Senator Simon's amendment on the Crime Bill, and want to see it strengthened as it makes its way through the House.

Specifically, we want ATF to have more discretion in granting licenses ... we want ATF to be able to deny or rescind a license for non-compliance with state or local laws ... we want to change the law so that if a dealer is convicted of a felony his license is immediately suspended or revoked -- even if an appeal is pending ... and we want dealers to provide us with more

-9-

timely access to recorded information when we need it for an investigation.

Ninety-five percent of dealers are helpful. But there are always some, like the one who tells our agents: "Sure, you can see my records, between the hours of 2 and 5 on a Sunday morning."

We're not stopping in to say hi and have a cup of coffee. Somebody has been shot -- and we need to trace a gun -- and now.

The third initiative is intelligence, cracking down on the illicit gun market.

A useful tool to all law enforcement officers, is when ATF traces firearms. We now do 50,000 traces a year.

It takes special expertise to initiate a trace, and not just for firearms -- but explosives. I think back one year ago, when an ATF agent, in a pile of rubble, found a vin number on a van -- and we caught the suspects in the World Trade Center bombing.

Or the bombing last week in Rochester -- ATF agents traced that one down within hours.

ATF traced John Hinckly's gun in 16 minutes ... five hours to trace the gun of the Long Island subway shooter.

Now police caught that gunman, but let's say they hadn't -- and he had escaped, but he had dropped his gun. A trace would have helped identify him.

If everything is going right, ATF can do a gun trace faster than fingerprints.

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And traces are extremely important in cracking down on the source of weapons (including the sources for our juveniles).

So today I'm asking that resources be made available to ATF's National Trace Center, so that they can beef up their operations and computerize their records that now sit in a warehouse.

We'll also seek changes in the law to make it a felony if a dealer willfully fails to maintain required records or falsifies records ... and we want to require dealers to report any lost or stolen firearms within 24 hours.

The fourth and final initiative is crime prevention.

Here, we want to expand our GREAT program. GREAT stands for the Gang Resistance Education and Training Program.

ATF agents instruct local officers how to go into schools and convince seventh, fourth, and third graders that drugs and gangs are bad. We started with one program in Arizona in 1991. Now we're into 12 communities -- and we hope to be in 50 more.

#

Let me end with this. As much as the President and I think of these initiatives, we won't stop violence, until we fix some societal problems.

I know Treasury law enforcement people understand that. After they put 50 or 60 hours in, I hear stories of hundreds of them going back to the communities they serve as volunteers in our Project Outreach program.

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They mentor and they become role models to the unluckier kids who have no father or mother at home. They know, we have to help children, one child at a time.

Or I look to those programs businessmen across the country are doing -- giving out toys or money if people turn in guns -- and I know, one gun at a time, we're making progress.

But we have tens of millions of guns to go.

So, we want to move forward with these initiatives ... we want to keep working with Justice ... with Congress ... with state and local agencies -- so we make a dent in crime.

My New's Year wish is ... let's stop some of this craziness.

Thank you.

-30-

2869

AP--rw GunLaws

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AM-Gun Laws, 1st Ld-Writethru, a0607,520  
Administration To Propose \$600 Gun Dealer License  
Eds: SUBS 2nd graf to specify Bensen unveiling plan Tuesday  
By JAMES ROWLEY=  
Associated Press Writer=

WASHINGTON (AP) — The Clinton administration will ask Congress to require gun dealers to pay \$600 a year for licenses and estimates the sharp increase will drastically reduce the number of dealers, administration and congressional officials said Monday.

Treasury Secretary Lloyd Bentsen will unveil the proposal Tuesday to raise the fee along with others intended to give authorities more control over the 244,000 licensed firearms dealers, said officials who spoke on condition of anonymity.

The Bureau of Alcohol, Tobacco and Firearms estimates that 80 percent of dealers would not renew their license if forced to pay \$600 a year, roughly what it costs to process the applications and inspect dealers.

Since 1968, the license has cost \$30 for three years. The vast majority of firearms dealers obtained licenses, usually without a background check, to buy weapons at deep discount and to avoid state and local restrictions. The license enables dealers to have guns shipped to them across state lines.

The three-year fee was raised to \$200 for new licenses and \$90 for renewals in the recently enacted Brady Bill, which also imposes a five-day waiting period for handgun purchases.

Bentsen said in an interview last month that the Treasury Department was preparing a proposal to sharply raise the fees as part of a larger crackdown on violent crime.

"It makes no sense at all ... to have a very minimum payment where you have people even operating out of their kitchens," Bentsen told The Associated Press.

Bentsen also will unveil proposals to expand the number of ATF officials inspecting gun dealers and to upgrade the agency's computerized record-keeping system to better track firearms, an administration official said.

The secretary will voice support for legislation pending in Congress to lift the legal restriction that permits only one ATF inspection of a gun dealer each year, officials said.

He will also announce administration proposals to require licensed gun dealers to abide by state and local ordinances and to give ATF information to help agents trace guns involved in crimes.

A similar provision was passed by the Senate in anti-crime legislation pending in Congress.

ATF does not have power now to withhold or revoke a license from someone who does not follow local laws, such as ordinances prohibiting gun businesses to be operated near schools or in public housing projects.

Nor can ATF compel dealers to respond to request for gun-trace information.

National Rifle Association lobbyist Joe Phillips said the proposed fee is "entirely unjustified" and about five times the actual cost of issuing the license.

"What Secretary Bentsen is doing is just another example of

2869

attempting to recover the cost of criminal investigations by jacking up the price the law-abiding firearms dealers have to pay," Phillips said.

Rep. Charles E. Schumer, D-N.Y., chairman of a House Judiciary crime subcommittee, has already proposed legislation that would require licensed dealers to undergo a background check. License holders would be required under Schumer's bill to have a legitimate place of business.

Mon Jan 3, 1994 18:34

60NS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/3/94 ACTION/CONCURRENCE/COMMENT DUE BY: \_\_\_\_\_

SUBJECT: SECRETARY BENTSEN MEMO RE TREASURY CRIME CONTROL INITIATIVES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<del>BAKTER</del>	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	QUINN	<input type="checkbox"/>	<input type="checkbox"/>
<del>WELL</del> LADER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RASCO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PANETTA	<input type="checkbox"/>	<input type="checkbox"/>	RUBIN	<input type="checkbox"/>	<input type="checkbox"/>
BAGGETT	<input type="checkbox"/>	<input type="checkbox"/>	SEGAL	<input type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input type="checkbox"/>	<input type="checkbox"/>	SEIDMAN	<input type="checkbox"/>	<input type="checkbox"/>
GEARAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	STEPHANOPOULOS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GERGEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	VARNEY	<input type="checkbox"/>	<input type="checkbox"/>
GRIFFIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	WATKINS	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	BRUCE REED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McGINTY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MYERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
NUSSBAUM	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

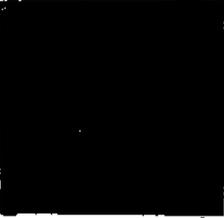
REMARKS: The attached has been forwarded to the President.  
Do you have any questions and/or problems with?

RESPONSE:

JOHN D. PODESTA  
Assistant to the President  
and Staff Secretary  
Ext. 2702

THE WHITE HOUSE  
WASHINGTON

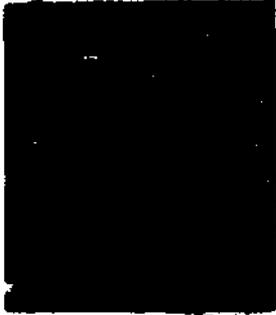
January 3, 1994



MR. PRESIDENT:

The attached has been circulated to the Vice President and relevant staff. We will coordinate the announcement.

John Podesta





DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.

93 DEC 30 P4:30

SECRETARY OF THE TREASURY

December 30, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: Lloyd Bentsen *LB*  
SUBJECT: Treasury Crime Control Initiatives

As part of your effort to address the crisis of increasing crime and gun violence in this country, I plan to announce several initiatives involving Treasury enforcement bureaus early next week. This memo outlines these initiatives.

The Department of the Treasury has substantial law enforcement responsibilities and bears the primary responsibility for gun control. Treasury's law enforcement bureaus -- Alcohol, Tobacco, and Firearms (ATF); Customs; and Secret Service -- can make significant contributions to the Administration's commitment to address the nation's crime problem. The following initiatives address violent crime initiatives in the institution, Treasury crime enforcement review.

My staff has reviewed and the Justice Department

*Do you have any Q's or problems w/?*

*Carol  
Bruce Reed  
George  
Gwyn  
Mark  
Pee Dee  
VP  
rock*

I. ATF Law Enfor

These proposals seek to exists between the ATF :

**Brady Bill.** Treasury will... regulations for the waiting period, and local LEAs will conduct the required background checks on gun purchasers. In support of the LEAs' responsibility for conducting the background checks, ATF will develop a model for the LEAs to recoup the cost of the background check through a user fee.

**Resources/Legislation required:** No new legislation needed; initially some costs for printing information and mailing to several hundred thousand LEAs will total \$900,000 and can come from the Treasury Asset Forfeiture Fund.

**Targeting Highest Crime Areas.** Studies show that 20 percent of the nation's felonies occur in only 10 counties -- Treasury will make these ten counties its first priority. I will direct ATF, in consultation with State and local authorities, to assess and address the specific gun trafficking patterns in those regions. Also, ATF will replicate the New York pilot Federal Firearms License (FFL) project in these counties. In this project, funded by the Bureau of Justice Assistance (BJA), ATF and the New York City Police Department screen and investigate all applications for FFLs. Since the project began, 90 percent of FFL applications have been either withdrawn or denied because the screening and investigative process revealed that many new applicants did not satisfy local requirements for being engaged in the sale of firearms. Before the project began, 90 percent of all applications were granted.

**Resources/Legislation required:** No new legislation needed; funding levels being worked out between BJA and ATF.

**Expand State and Local Law Enforcement Assistance.** The Senate Crime Bill authorizes \$30 million for ATF to expand a number of existing programs. These programs include Project Achilles, which targets armed career criminals; Project Uptown, which focusses on firearms in Public Housing; and "Bulletproof," an effort being tested in the District of Columbia which uses high-tech computer systems to inventory, identify and match bullet projectiles, much like fingerprint systems.

**Resources/Legislation required:** No new legislation needed; the Treasury Forfeiture Fund and existing resources would be used. Funding from the Crime Bill would be a source for major expansions of these programs.

**High Integrity, Well-Trained Police.** The recent arrests for corruption of 12 DC police officers, hired in a rapid expansion of the DC police department, demonstrate the need to be cautious as we expand the nation's law enforcement capacity. Treasury's Federal Law Enforcement Training Center (FLETC) provides quality training, not only to over 70 Federal law enforcement agencies, but also to State and local officers. We will expand our overall effort to provide training to trainers of the new State and local police as well as develop new curricula addressing violent crime.

**Resources/Legislation required:** No legislation is required but some funding will be provided to expand existing programs. Some funding could come from the Crime Bill.

## **II. Federal Firearms Licensing Reform**

There are approximately 287,000 FFLs in the U.S. It is estimated that only 30 percent actually run full-time gun shops. It is exceedingly easy to obtain a license, thus enabling one to purchase guns wholesale and buy and ship them interstate. Further, a license facilitates high-volume purchases of weapons which may end up in the illicit market. Legitimate gun shop owners and sporting goods stores support FFL reform, because the FFLs who straddle

that thin line between legal and illegal are undermining the legitimate businesses. We will propose to take the following steps, which in aggregate we believe will reduce the number of authorized FFLs by 80 percent.

First, based upon your firearms control directive, ATF has been giving FFL application information to some police departments and zoning boards. I will direct ATF to set up a standard procedure whereby all appropriate LEAs are made aware of all FFLs issued in their area. This will be done in concert with the implementation of the Brady Bill.

Second, the 1995 budget calls for an increase in the annual FFL license fee to \$600. Prior to Brady, the fee was \$10 per year and Brady raises it to \$200 for an initial three year license and \$30 a year thereafter.

Third, the Administration will support the Simon FFL Reform provisions in the Senate Crime Bill and go further by proposing to:

- \* immediately suspend or revoke an FFL following a felony conviction of the Gun Control Act, even if an appeal is pending (if the conviction is overturned, the FFL would be reissued);
- \* establish formalized periodic reporting requirements on ongoing business operations for FFLs (to ensure that the FFLs are indeed legitimate businesses); and
- \* increase sanctions for non-compliance.

**Resources/Legislation Required:** Legislation is required for both FFL reform and the increase in licensing fees. The FFL provisions should be included in the Crime Bill; the fees will be in your FY 95 budget. Although the number of FFL holders will decrease dramatically, OMB projects revenues to increase by nearly \$25 million -- which will cover the costs of implementing these initiatives. Per your directive, an additional \$2.4 million is included in the FY 1995 budget request for FBI fingerprint checks of FFL applicants.

### III. Intelligence -- Cracking Down on the Illicit Gun Market

FFL reform will be one step in eliminating a big gateway for firearms to get into the illicit market. However, our law enforcement agencies need better intelligence on the illicit trafficking patterns and trends. Firearms trace requests generate extremely valuable information for local, State and Federal law enforcement. Trace information is very useful in cracking down on the source of weapons used by juveniles as well as by adult criminals, and will become more critical if the prohibition on the transfer of weapons to juvenile offenders (currently in the Senate Crime Bill) is enacted.

ATF's National Trace Center (NTC) is currently able to process only about 50,000 firearms trace requests per year, from over 500,000 firearms recovered in crimes annually. Many records are not computerized and ATF needs to input much of this data into computers. Additional data bases, such as for multiple weapons sales, (reports of which are required in the Brady Bill), and theft should also be computerized. It would be a great advantage for Federal, State and local law enforcement to have these data bases efficiently designed and linked for intelligence purposes. We will seek to redress these inadequacies.

ATF is hampered by weak statutory authority, few resources and inadequate sanctions against FFLs who fail to comply with regulations. We should seek new legislation to:

- \* require that FFLs respond to trace requests without a site visit (included in the Simon FFL reform);
- \* make it a felony offense for an FFL to falsify records, knowingly and willfully to fail to maintain required records, or knowingly and willfully to fail to supply records to NTC when they discontinue business;
- \* require FFLs to report within 48 hours any lost or stolen firearms (included in Simon FFL reform); and
- \* authorize funding for a modern, integrated data base.

In addition, we will examine and reassess the sentencing structure for certain firearms offenses, such as illegal sales, diversion, or defacing firearms to prevent identification.

**Resources/Legislation Required:** New legislative authority will be needed to improve Treasury's tracing capacity; it could be included in the pending FFL reform initiatives included in the Crime Bill. Resources will be required to improve the automated systems, and to input data. ATF has determined that \$5-7 million is required. Under your directive to control firearms, we have developed a proposal for \$3.2 million in your FY 1995 budget request for automation. The additional \$1.8 million for equipment could be funded through the Treasury Forfeiture Fund.

#### **IV. CRIME PREVENTION -- Gang Resistance Education And Training (GREAT)**

We should support the Senate proposal to expand the GREAT program at ATF, a structured grade-school-based program designed to help children become responsible members of society by setting goals for themselves, resisting negative pressures, learning how to resolve conflicts and understanding how gangs harm the quality of their lives. The Senate Crime Bill contains a provision to expand this program to 50 new communities in addition to the 12 currently underway.

**Resources/Legislation Required:** The Senate expansion of the GREAT program includes an authorization of \$800,000 per project site (for a total of \$40 million, \$20 million for State and local LEAs and \$20 million for ATF). This provision deserves our support as the Crime Bill makes its way through the House.



Office of the Deputy Attorney General

Washington, D.C. 20530

DATE: December 8, 1993

TO: David Berger  
WH

Fax No.: ( ) 456-1414 Telephone No.: ( ) 456-2215

FROM: Philip B. Heymann  
DAG

phone Fax No.: ( ) 514-2105 FAX Telephone No.: ( ) 514-0467

TRANSMISSION CONTAINS \_\_\_\_\_ SHEETS INCLUDING THIS COVER SHEET

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SPECIAL NOTE(S): \_\_\_\_\_  
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If any page(s) are missing from this transmission, please telephone sender at the above telephone number for re-transmission.

see pg. 5/11



## U. S. Department of Justice

The Deputy Attorney General

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Washington, D.C. 20530

December 8, 1993

**MEMORANDUM TO:** David Gergen  
Counselor to the President

**FROM:** Philip B. Heymann  
Deputy Attorney General

**RE:** Feinstein Amendment

The provision regarding the magazine clip is attached. I will give you a call soon.

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1 **SEC. 4506. RECORDKEEPING REQUIREMENTS AND RELATED**  
2 **RESTRICTIONS.**

3 (a) *OFFENSE.*—Section 922 of title 18, United States  
4 Code, as amended by section 4505, is amended by adding  
5 at the end the following new subsection:

6 “(t)(1) It shall be unlawful for a person to sell, ship,  
7 or deliver an assault weapon to a person who does not fill  
8 out a form 4473 in connection with the purchase of the as-  
9 sault weapon.

10 “(2) It shall be unlawful for a person to purchase, pos-  
11 sess, or accept delivery of an assault weapon unless the per-  
12 son has filled out a form 4473 in connection with the pur-  
13 chase of the assault weapon.

14 “(3) If a person purchases an assault weapon from  
15 anyone other than a licensed dealer, both the purchaser and  
16 the seller shall maintain a record of the sale on the seller’s  
17 original copy of form 4473.

18 “(4) An owner of an assault weapon on the effective  
19 date of this subsection who requires retention of form 4473  
20 under this subsection shall, within 90 days after publication  
21 of regulations by the Secretary under paragraph (5), re-  
22 quest a copy of form 4473 from a licensed dealer in accord-  
23 ance with those regulations.

24 “(5) The Secretary shall, within 90 days after the date  
25 of enactment of this subsection, prescribe regulations for the  
26 request and delivery of form 4473 under paragraph (4).”.

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1 (b) *PENALTY.*—Section 924 of title 18, United States  
2 Code, is amended by adding at the end the following new  
3 subsection:

4 “(i) A person who knowingly violates section 922(t)  
5 shall be fined not more than \$1,000 (in accordance with  
6 section 3571(e)), imprisoned not more than 6 months, or  
7 both.”

8 (c) *DISABILITY.*—Section 922(g)(1) of title 18, United  
9 States Code, is amended by inserting “or a violation of sec-  
10 tion 922(t)” before the semicolon at the end.

11 **SEC. 4507. BAN OF LARGE CAPACITY AMMUNITION FEEDING**

12 **DEVICES**

13 (a) *PROHIBITION.*—Section 922 of title 18, United  
14 States Code, as amended by section 4506, is amended by  
15 adding at the end the following new subsection:

16 “(u)(1) Except as provided in paragraph (2), it shall  
17 be unlawful for a person to transfer or possess a large ca-  
18 pacity ammunition feeding device.

19 “(2) This subsection does not apply to—

20 “(A) a transfer to or by, or possession by or  
21 under the authority of, the United States or any de-  
22 partment or agency of the United States or a State,  
23 or a department, agency, or political subdivision of a  
24 State;

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1           “(B) the lawful transfer or lawful possession of  
2           a large capacity ammunition feeding device that was  
3           lawfully possessed before the effective date of this sub-  
4           section; or

5           “(C) the transfer or possession of a large capaci-  
6           ty ammunition feeding device by a licensed manufac-  
7           turer or licensed importer for the purposes of testing  
8           or experimentation authorized by the Secretary.”.

9           (b) DEFINITION OF LARGE CAPACITY AMMUNITION  
10          FEEDING DEVICE.—Section 921(a) of title 18, United  
11          States Code, as amended by section 4502(b), is amended  
12          by adding at the end the following new paragraph:

13          “(30) The term ‘large capacity ammunition feeding  
14          device’—

15                 “(A) means—

16                         “(i) a magazine, belt, drum, feed strip, or  
17                         similar device that has a capacity of, or that can  
18                         be readily restored or converted to accept, more  
19                         than 10 rounds of ammunition; and

20                         “(ii) any combination of parts from which  
21                         a device described in clause (i) can be assembled;  
22                         but

23                         “(B) does not include an attached tubular device  
24                         designed to accept, and capable of operating only  
25                         with, .22 caliber rimfire ammunition.”.

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1 (c) **LARGE CAPACITY AMMUNITION FEEDING DEVICES**  
2 **TREATED AS FIREARMS.**—Section 921(a)(3) of title 18,  
3 *United States Code*, is amended in the first sentence—

4 (1) by striking “or (D) any destructive device.”;  
5 and

6 (2) by inserting “(D) any destructive device; or  
7 (E) any large capacity ammunition feeding device.”.

8 (d) **PENALTY.**—Section 924(a)(1)(B) of title 18, *Unit-*  
9 *ed States Code*, as amended by section 4502(c), is amended  
10 by striking “or (s)” and inserting “(s), or (u)”.

11 (e) **IDENTIFICATION MARKINGS FOR LARGE CAPACITY**  
12 **AMMUNITION FEEDING DEVICES.**—Section 923(i) of title  
13 18, *United States Code*, as amended by section 4502(d), is  
14 amended by adding at the end the following new sentence:  
15 “A large capacity ammunition feeding device manufactured  
16 after the date of enactment of this sentence shall be identi-  
17 fied by a serial number that clearly shows that the device  
18 was manufactured or imported after the effective date of  
19 this subsection, and such other identification as the Sec-  
20 retary may by regulation prescribe.”.

21 **SEC. 4508. STUDY BY ATTORNEY GENERAL**

22 (a) **STUDY.**—The Attorney General shall investigate  
23 and study the effect of this title and the amendments made  
24 by this title, and in particular shall determine their impact,  
25 if any, on violent and drug trafficking crime. The study

*File: Guns*

**M E M O**

**TO:** Bruce Reed 7739  
**FROM:** Marcia Hale  
**RE:** Attached U.S. Conference of Mayors Report  
**DATE:** December 6, 1993

I have the ability to edit this completely. Please give me your comments as soon as possible.

Draft  
12/6/93

**A NATIONAL ACTION PLAN  
TO REDUCE VIOLENT CRIME**

**Recommendations of Mayors and Police Chiefs  
to the President of The United States**

**December 9, 1993**

**THE UNITED STATES CONFERENCE OF MAYORS**

SENT BY:

12- 6-93 : 6:31PM ;

U. S. CONF. MAYORS-

2024566220:# 3/ 9

Mayors and police chiefs violence in our cities at intolerable levels. We see a serious drug problem which is contributing significantly to violence and crime but is not being adequately addressed. We see obscene numbers of firearms, including many semi-automatic weapons, in circulation, and we know those firearms account for the violent nature and often fatal consequences of the crimes committed. We see a criminal justice system in total disarray, unable to handle caseloads or keep convicted criminals off the streets. We see the dissolution of families and neighborhoods and a large unemployed population unable to earn a living through legitimate means.

We see these problems threatening the future of our cities and the nation, and we assert that it is time for decisive action. Following are our recommendations for a National Action Plan to Reduce Violent Crime. It was developed by a Task Force on Violence and Crime comprised of eight mayors and seven police chiefs, chaired by Denver Mayor Wellington Webb. Prepared for presentation to the President of the United States, it is based on the recommendations of a group of mayors and police chiefs from 31 cities which met November 15 in Chicago in an emergency session.

## **1. Funding for Police Officers**

Mayors and police chiefs appreciate the inclusion of funds in the crime bills currently under consideration in Congress to provide additional police officers in cities.

- \* The Impact of the funding for additional police officers will not be felt on the streets for at least one year. An additional and more immediate response to crime and violence is needed. Some immediate impact could be achieved by allowing funds to be used to keep existing police officers on the streets longer, for improved communications technology, and for necessary equipment.
- \* These funds must be appropriated, as well as authorized.
- \* Other programs which address urban needs and the root causes of crime, such as the Community Development Block Grant or housing assistance, must not be cut in order to fund additional police officers.
- \* Funds should be provided directly to the cities and not through the states, in as streamlined a manner as possible, with minimal regulatory or bureaucratic interference.
- \* Local officials should be permitted to use the funds in the most flexible manner possible so that they can be applied to the most pressing local needs. More than 15 percent of the funds should be available for costs other than salaries and fringe benefits for police officers -- costs in areas such as overtime, training, vehicles, equipment and technology.
- \* There should be recognition that the funding match requirements will present considerable problems for many jurisdictions. The Attorney General should have broad authority to waive the match requirements, and opportunities for local in-kind match of federal funds should be explored.

## **2. Omnibus Firearms Control Legislation**

Mayors and police chiefs call for enactment of a comprehensive package of gun control measures which will decrease the number of guns in circulation in the United States. Action is needed by federal, state and local governments to achieve this. Among the measures needed:

- \* The manufacture, importation, sale and possession of all semi-automatic assault weapons and their component parts should be banned.
- \* All firearms owners should be licensed, and the licensing fee should be significant.
- \* A seven-day waiting period should be instituted for all firearms sales.
- \* The tax on all firearms sales should be increased significantly.
- \* The transfer of firearms to minors, and the possession of firearms by minors, should be banned.
- \* Federal gun dealer licensing provisions should be tightened through measures including: a requirement that federally-licensed gun dealers meet state and local licensing requirements, an increase in the licensing fee for dealers to \$1,000 per year, photograph and fingerprint identification requirements for dealers and all gun shop employees, and a ban on the buying, selling or trading of guns at gun shows except for transactions in which each party is a licensed dealer. In addition, the Bureau of Alcohol, Tobacco and Firearms should notify local police departments of all federally-licensed gun dealers within their jurisdictions, the number of ATF agents should be increased, the number of annual inspections those agents do should be increased, and gun dealers should be required to allow agents to examine their financial records and take any other actions which will assist their inspections. The fine for the first violation by a gun dealer should be \$20,000, with increasing amounts for subsequent violations. The Administration should take immediate action on all of these items which can be accomplished administratively.
- \* The tax on ammunition would be increased significantly, with funds derived from the increase directed to health care for victims of gun violence or to violence prevention. Ammunition which has no purpose other than to inflict maximum physical damage on the victim should be banned.
- \* Gun dealers should be liable for illegal sales.
- \* Manufacturers should be liable for the consequences of the firearms they produce.

- All weapons impounded by law enforcement agencies should be destroyed.

### **3. Expanded Drug Control Efforts**

Illegal drug activity accounts for approximately 75 percent of our crimes. We believe that anti-drug efforts must be stepped up at all levels and that greater visibility must be given to the federal government's efforts.

- Equal Importance must be attached to supply reduction and demand reduction efforts. The current level of enforcement must be maintained and demand reduction activities increased. Demand reduction includes prevention and education and treatment, as well as imposition of sanctions for those using drugs. Drug testing should be encouraged as a component of a demand reduction strategy.
- The authority of the Director of the Office of National Drug Policy should be significantly strengthened. The Director should have clear authority over the anti-drug activities of the 51 federal agencies involved in drug control, and those agencies must improve coordination of their efforts. The visibility of the Office should be increased and the number of staff expanded so that it can fulfill its mission.
- It must be recognized that there is no such thing as a recreational drug user, and such users contribute significantly to the large market for drugs in this country. So-called casual users as well as hard core users should be prosecuted to the full extent of the law.
- Treatment should be expanded so that a continuum of service is available to all in need and seeking help. Authorities should take full advantage of the relationship between readiness for treatment and the threat of sanctions for not accepting it. Research into effective methods of treatment should be increased, with particular attention to developing a cocaine agonist.
- Mandatory minimum sentences should be enacted for all drug sale convictions.
- Funding for the Drug Enforcement Agency should be increased, and the Agency should improve its coordination with local police departments. In addition the DEA should be the lead agency in working with local agencies in demand reduction strategies.
- Efforts to involve the private sector and address drugs in the workplace should be greatly expanded.
- Additional drug courts should be established with funding provided for the necessary components: detoxification, stabilization and after-care that includes job training and education. Workable, accountable, sufficiently funded treatment programs are necessary with immediate consequences for those who fail to remain drug free.

#### **4. Strengthening and Restructuring the Criminal Justice System**

The efforts of many police departments to both prevent and respond to crimes are frustrated by the inadequacies of the criminal justice system. Due to the inadequate jail and prison space and the backlogs in the courts, we constantly see both charged and convicted offenders back on the streets committing additional crimes. Of particular concern is the failure of the outmoded juvenile justice system, a system which cannot respond to the numbers and types of violent crimes many juveniles are committing today. Clearly, the criminal justice system must be radically altered and expanded.

- \* The focus of juvenile courts has always been treatment and guidance rather than punishment. Juveniles get the message at a young age that if they are involved in criminal activity, little or nothing happens to them; this is why they are easily recruited to commit drive-by shootings and sell drugs.

The increase in violent crimes committed by juveniles demands that this situation be changed. We must support prosecution of violent juvenile offenders as adults so that they can understand and be accountable for the consequences of their actions; we must eliminate confidentiality for this group of juvenile offenders so that their records as juvenile can be used once they enter the adult criminal justice system. We need to direct more resources to the juvenile court. Funding is needed to rehabilitate and expand existing juvenile facilities so that they can handle more young people in both pre- and post-adjudication situations. Funding is needed for more community-based sentencing alternatives for juvenile offenders. Boot camps for juveniles should be operated in conjunction with drug rehabilitation and schooling. Witness protection programs for young people providing information on gang activities should be created. Finally, we must re-examine how we deal with neglected and abused minors; without intervention they are tomorrow's criminals.

The Office of Juvenile Justice and Delinquency Prevention should be expanded and its visibility within the U.S. Department of Justice raised. Any federal funding for the incarceration of juveniles, as is included in the Senate crime bill, should be provided through OJJDP, and not the Bureau of the Prisons, which does not operate juvenile facilities.

- \* We cannot continue to expand the number of police and prosecutors without a similar increase in other court services and personnel. Additional parole and probation officers are needed if there is to be meaningful monitoring. We need to stop the revolving door that releases convicted offenders after short prison stays by increasing the prison space available and lengthening actual sentences served.
- \* Boot camps and other alternatives to prisons should be expanded, with follow-up activities to prevent recidivism.

## 6. **Partnerships to Prevent Violent Crime**

- \* **Mayors and police chiefs will continue meeting together on a regular basis. They also will meet with the President, others in the Administration and with Congressional leaders to share information on violent crime in the cities -- what is working to combat it, and what more must be done.**
- \* **The U.S. Conference of Mayors will invite the President to co-sponsor a national crime summit which will bring together the President, key members of the Administration, Congressional leaders, representatives of all of the elements of the criminal justice system and civil rights organizations with mayors and police chiefs. The goal is development of a specific strategy to prevent crime and violence, with particular attention to addressing root causes, and creation of a national commitment to pursuing that strategy.**
- \* **There should be improved sharing of intelligence, new technologies and technical assistance among federal enforcement agencies and between federal enforcement agencies and local police departments. Sharing of intelligence is particularly important in cases involving gangs, drugs and firearms. A nationwide data system giving all police agencies access to information on gang membership should be instituted.**
- \* **Non-law enforcement agencies and organizations have a key role to play in crime prevention efforts. These include the schools, the public health department, human services agencies (in and out of government), businesses and neighborhood organizations.**
- \* **The entertainment industry should decrease violence in movies and television and increase programs on non-violent conflict resolution. The music industry as well should discourage violence-provoking lyrics and performances.**

## 5. **Addressing the Root Causes**

All of the actions specified above represent relatively short-term responses to violent crime. They represent stage one of the total effort that is needed, and they should be undertaken immediately. If we are to stem the tide of violence, however, we must address the root causes; if we do not, we are just swimming against that tide. All new domestic investments should be examined in the context of their potential to help combat crime in the long term. Ultimately, a full domestic agenda to address root causes of crime must be developed.

- A comprehensive jobs program should be established to attack the problems of unemployment in our cities. These jobs should be aimed at rebuilding our cities while at the same time providing positive work experience and income for those hired. The jobs should be targeted to non-profit and governmental institutions.
- We must build strong neighborhoods and encourage community involvement to prevent crime from occurring in the first place.
- We need to address the full range of issues relating to young people, including making parents responsible for the actions of their children. We must provide young people with the support they need to succeed. We must provide quality education, year-round jobs and recreational activities, such as midnight basketball, which provide alternatives to gang and other criminal activities. We need to help build strong families and address the problems of dysfunctional families -- recognizing that some young people will not be able to succeed if they remain in their home environment. For them, residential programs which provide them training and support, such as the Job Corps, must be available.

We must eliminate the obstacles standing between young people and jobs. Recognizing that children today are growing up faster, we should re-examine our child labor laws. Many children age 14 and 15 are ready to work and need the money. Jobs at an early age also can help to instill a strong work ethic. We must significantly reduce the number of young people dropping out of school and make sure that in high school they learn skills needed to enable them to find and keep jobs.

- We cannot overstate the importance of intervention at the earliest possible age. Health care, nutrition, Head Start and other effective early intervention programs must be available to all children.

Date: 12/08/93 Time: 11:53

GUNS

## Gunman Kills Four, Wounds 21, in Crowded Commuter Train Terror

GARDEN CITY, N.Y. (AP) The gunman who opened fire on a crowded commuter train, killing four passengers and wounding 21 others, told authorities the shooting was racially motivated, a law enforcement source said today.

The black suspect told police he hated "whites, Asians and conservative blacks," according to an investigator who spoke on condition that his name not be used.

The suspect said he picked suburban Long Island for the shooting spree to avoid embarrassing New York City's outgoing black mayor, David Dinkins, the source said.

Passengers ran screaming for the exits as the stony-faced man wielding a semiautomatic pistol walked down the aisle of a packed rush-hour commuter train Tuesday evening, shooting at random and pausing only to reload.

By the time the train pulled into the Long Island town of Garden City, four passengers were dead, their bodies slumped across seats and against the windows, and 21 were hurt, four critically.

Three passengers tackled the gunman as the Long Island Rail Road train came to a stop. The Daily News said he was trying to reload the 9mm gun a third time and told his captors: "I've done a bad thing."

The gunman was identified this morning as Colin Ferguson. Sources told The Associated Press he was a 35-year-old resident of the borough of Brooklyn.

A native of Jamaica, Ferguson is single, unemployed and attended Adelphi University on Long Island, a law enforcement source said.

Authorities said he probably boarded the train at Penn Station in Manhattan.

Eighty to 90 passengers were in the third car as the train approached the Merillon Avenue station, 18 miles from New York City.

One passenger said the gunman had spilled bullets into his lap and calmly loaded his gun.

Then the gunman opened fire without a word, passengers said.

"After the second look, I ducked down in my seat, for real, knowing this man was going to kill people indiscriminately," said Carl Petersen, 48, of Garden City.

Passengers said the man fired repeatedly, then reloaded and fired again.

Petersen worked his way to the vestibule, where passengers normally wait to get off. He and several others were hoping to escape when the doors opened, but the gunman fired several shots at the waiting passengers.

"We were a little reluctant to run out because we didn't know if we were going to be shot exiting," Petersen said.

Kevin Blum of Garden City said the gunman ran out of bullets, then stood in the train aisle with a blank look on his face. That's when Blum and two other passengers tackled him.

"It looked like a good time," the 42-year-old Wall Street businessman told the New York Post. "He was standing in the aisle with the gun in his hand and as we came toward him, the gun dropped."

"He had a blank look, like he knew he had done something wrong."

Ed Marinello, 35, of Garden City South, who sat in the sixth car, watched as "15 or 20 people started running back," he said. "Their faces were scared."

He caught a glimpse of the casually dressed gunman as police led him away. "He just looked like he was in outer space at the time emotionless, void," Marinello said.

Mel Kenny, first deputy chief of detectives for Nassau County police, said the man wielded a 9mm pistol, which can hold as many as 15 bullets. It was not clear how many shots were fired, Kenny said.

About 250,000 passengers, mainly commuters, ride Long Island Rail Road trains daily. The shooting caused delays of up to two hours. Trains were running on or close to schedule this morning.

In Los Angeles, Metrolink officials announced that uniformed officers would be placed aboard all 61 of their commuter trains as a result of the shooting. The officers would remain on the trains indefinitely, officials said.

"It's a reshuffling of our personnel to provide an assurance to our passengers that we do not anticipate that this type of incident to occur," said Metrolink spokesman Peter Hidalgo.

APNP-12-08-93 1152EST

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United States Senate

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MEMORANDUM

John -

Thanks for your help.

I have also sent the same  
information to Jose Cerda.

*Susan  
Kaplan*

*Send to Bruce Lee*

*8/31/93*

---

Bruce Jose

GUN DEALER LICENSING REFORM ACT  
S. 496

SENATOR PAUL SIMON, SPONSOR

Crime-Guns  
As the office's resident gun nut, I have to say this is

- o raise the license fee for gun dealers.

This bill would raise the license fee for firearm dealers to \$ 750. The current fees, \$ 25 per year for pawnbrokers who deal in firearms and \$10 per year for all other dealers, have remained unchanged since enactment of the Gun Control Act of 1968. The proposed new fees will help absorb the increasing costs of processing and investigating license applications and renewals. In addition, the increased fee will help to discourage individuals from obtaining a dealer's license merely to obtain personal firearms at wholesale prices or to skirt state and local laws. IT IS MORE EXPENSIVE TO JOIN THE NRA THAN IT IS TO GET A FEDERAL FIREARMS LICENSE!

a pretty good idea!  
Jottw  
Radecke

- o Senator Moynihan introduced a bill earlier this year that we are including in this package as well. The bill would require dealers to certify that they are in compliance with state and local laws before receiving a new license.

This provision would strengthen the licensing provisions of the Gun Control Act by requiring, as a prerequisite to the issuance of a new license, that the business to be conducted is not prohibited by any state or local law applicable in the jurisdiction where the applicant's premises are located. For example, to receive a Federal firearm license, a dealer would need to be in compliance with local zoning laws.

- o drop the 45-day requirement for action on firearm dealer license applications.

Current law requires the Secretary of the Treasury to approve or deny applications for federal firearms licenses within 45 days of receipt of such applications. Further, if action is not taken within such period, an applicant may seek mandamus to compel the Secretary to act. The 45-day period has proven to be unrealistic since the time needed to conduct a thorough background check of an applicant and to determine whether the applicant meets all of the eligibility requirements for licensing routinely takes longer than 45 days. In order to ensure that licenses are

only issued to qualified applicants, S. 496 would omit the 45-day review period requirement from the Act.

- o **allow the Bureau of Alcohol, Tobacco and Firearms to investigate a dealer more than once a year, if necessary.**

Under existing law, a warrant is required to conduct more than one inspection of a federal firearms licensee to ensure compliance with the record-keeping provisions of the Act during any twelve-month period. This restriction against unannounced inspections enables unscrupulous licensees to conceal violations of the law and is too infrequent to ensure compliance with the Act's restriction. It should be noted that, prior to the amendment of the Gun Control Act in 1986, there was no limit on the number and types of warrantless inspections which could be conducted of firearms licensees, and such inspections had been upheld by the Supreme Court (U.S. v. Biswell, 406 U.S. 311 (1972)). Furthermore, the Bureau, which also has jurisdiction over federal alcohol regulations, has unlimited authority to inspect liquor wholesalers. The laws for gun dealers should be consistent with that standard.

- o **require dealers to report a shortage in a firearm shipment, or lost or stolen inventory to the Bureau.**

Under current law, ATF has the responsibility for enforcing 18 U.S.C. § 922(j) which makes it unlawful to receive, conceal, store, or dispose of any stolen firearm. There is not, however, a requirement for licensees to report thefts of firearms to ATF. S. 496 would require theft reports which will enable ATF to make more timely investigations of violations of the statute.

- o **require dealers to comply with the Bureau's firearm trace requests.**

The Bureau of Alcohol, Tobacco and Firearms has statutory access to physically inspect licensee records. The Bureau may also require written reports of licensees upon request. However, effective gun tracing often necessitates that licensees submit information on firearm sales by phone. While most licensees cooperate with ATF's phone requests, some licensees have refused to respond to such requests. Our bill would resolve the problem by requiring licensees to provide trace information by telephone.

- o **require common carriers (UPS for example) to obtain**

## **identification from individuals who receive a firearm shipment.**

Persons acquiring firearms for illegal purposes and for illegal firearms trafficking are known to receive shipments of firearms away from their place of residence. Taking delivery of firearms in this manner helps conceal the identity of the recipient. Our proposed legislation would help resolve the problem by requiring carriers to identify persons who take delivery of firearms.

- **require identification (fingerprints and photograph) for individuals applying for a license to sell machine guns.** (Currently, this is a requirement for individuals who are applying for a license to possess a machine gun, but not for those applying for a license to sell machine guns.)

Current law requires individuals to whom National Firearms Act weapons (e.g. machine guns) are transferred to be identified by photographs and fingerprints to ensure that the weapons may be lawfully received and possessed. Ironically, there is no similar requirement for individuals engaged in the firearms business of selling such weapons. This legislation would impose such a requirement on individuals doing business in these types of weapons prior to commencing such business.

- **Criminalize the sale of firearms or ammunition when there is reasonable cause to believe the weapon will be used in a crime of violence.**

Dealers must be held responsible for selling guns to individuals who are likely to commit crimes of violence. This bill would make it unlawful for a dealer to sell or otherwise dispose of a firearm if that dealer has reasonable cause to believe that the firearm will be used in such a crime. The term "reasonable cause" is found throughout the firearm sections of the federal code. For example, one closely analogous provision in the code states that:

"Whoever, with knowledge or reasonable cause to believe that an offense punishable by imprisonment . . . exceeding one year is to be committed . . . ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than \$10,000, or imprisoned not more than ten years, or both," 18 §924(b).

S.496 extends the scope of this prohibition to cover all guns transferred between two individuals, not just those a dealer "ships, transports, or

receives."

On the 10th of June 1964, the following was received from the...

The above mentioned person is a resident of the area...

The above mentioned person is a resident of the area...

The above mentioned person is a resident of the area...

The above mentioned person is a resident of the area...

The above mentioned person is a resident of the area...

103D CONGRESS  
1ST SESSION

# S. 496

To amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 3, 1993

Mr. SIMON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes.

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. IDENTIFICATION OF RECIPIENT OF FIREARM.**

4 Section 922(e) of title 18, United States Code, is  
5 amended—

6 (1) by inserting “(1)” after “(e)”; and

7 (2) in paragraph (1), as designated by para-  
8 graph (1), by striking “, to persons other than li-

1 censed importers, licensed manufacturers, licensed  
2 dealers, or licensed collectors,"; and

3 (3) by adding at the end the following new  
4 paragraph:

5 "(2) It shall be unlawful for a common or contract  
6 carrier knowingly to deliver in interstate or foreign com-  
7 merce a firearm to a licensed importer, licensed manufac-  
8 turer, licensed dealer, or licensed collector unless the car-  
9 rier or other person identifies the person to whom the fire-  
10 arm is delivered and makes and maintains a record of the  
11 identity of the person in such a manner as the Secretary  
12 may prescribe by regulation."

13 **SEC. 2. SALE OF FIREARMS OR AMMUNITION HAVING REA-**  
14 **SONABLE CAUSE TO BELIEVE THAT IT WILL**  
15 **BE USED TO KILL A PERSON.**

16 Section 922 of title 18, United States Code, is  
17 amended by adding at the end the following new sub-  
18 section:

19 "(s) It shall be unlawful for a person to sell or other-  
20 wise dispose of a firearm or ammunition to another person  
21 if the person who sells or otherwise disposes of it has rea-  
22 sonable cause to believe that the person is acquiring the  
23 firearm or ammunition with the intent that it will be used  
24 by that person or any other person to commit a crime of  
25 violence (as defined in section 924(c)(3))."

1 **SEC. 3. LICENSE APPLICATION FEES FOR DEALERS IN**  
2 **FIREARMS.**

3 Section 923(a)(3) of title 18, United States Code, is  
4 amended—

5 (1) in subparagraph (B) by striking “\$25” and  
6 inserting “\$750”; and

7 (2) in subparagraph (C) by striking “\$10” and  
8 inserting “\$750”.

9 **SEC. 4. ACTION ON APPLICATION FOR LICENSE.**

10 Section 923(d) of title 18, United States Code, is  
11 amended—

12 (1) by striking “(1)” after “(d)”;

13 (2) by redesignating subparagraphs (A), (B),  
14 (C), (D), and (E) as paragraphs (1), (2), (3), (4),  
15 and (5), respectively; and

16 (3) by striking paragraph (2).

17 **SEC. 5. COMPLIANCE WITH STATE AND LOCAL LAW AS CON-**  
18 **DITION TO LICENSE.**

19 Section 923(d) of title 18, United States Code, as  
20 amended by section 4, is amended—

21 (1) by striking “and” at the end of paragraph  
22 (4);

23 (2) by striking the period at the end of para-  
24 graph (5) and inserting “; and”; and

25 (3) by adding at the end the following new  
26 paragraph:

1       “(6)(A) the business to be conducted under the li-  
2 cense is not prohibited by State or local law in the place  
3 where the licensed premises is located; and

4       “(B) the applicant has complied with all requirements  
5 of State and local law applicable to the conduct of such  
6 a business.”.

7 **SEC. 6. INSPECTIONS OF FIREARMS LICENSEES.**

8       Section 923(g)(1) of title 18, United States Code, is  
9 amended—

10           (1) in subparagraph (B)(ii) by striking “not  
11 more than once during any twelve-month period”;

12           (2) in subparagraph (C)(i) by striking “not  
13 more than once during any twelve-month period”;  
14 and

15           (3) in subparagraph (D) by striking “the an-  
16 nual inspection of records and inventory permitted  
17 under this paragraph” and inserting “an inspection  
18 under subparagraph (C)(i)”.

19 **SEC. 7. REPORTS OF THEFT OR LOSS OF FIREARMS.**

20       Section 923(g) of title 18, United States Code, is  
21 amended by adding at the end the following new para-  
22 graph:

23       “(6) Each licensee shall report the theft or loss of  
24 a firearm from the licensee’s inventory or collection, within

1 24 hours after the theft or loss is discovered, to the Sec-  
2 retary and to appropriate local authorities.”.

3 **SEC. 8. RESPONSES TO REQUESTS FOR INFORMATION.**

4 Section 923(g) of title 18, United States Code, as  
5 amended by section 7, is amended by adding at the end  
6 the following new paragraph:

7 “(7) Each licensee shall respond immediately to, and  
8 in no event later than 24 hours after receipt of, a request  
9 by the Secretary for information contained in the records  
10 required to be kept by this chapter as may be required  
11 for determining the disposition of one or more firearms.  
12 The requested information shall be provided orally or in  
13 writing, as the Secretary may require.”.

14 **SEC. 9. REGISTRATION TO REQUIRE A PHOTOGRAPH AND**  
15 **FINGERPRINTS.**

16 Section 5802 of the Internal Revenue Code of 1986  
17 is amended by inserting after the first sentence the follow-  
18 ing: “An individual required to register under this section  
19 shall include a photograph and fingerprints of the individ-  
20 ual with the initial application.”.

○

## TALKING POINTS: GUN DEALERS LICENSING FEE AMENDMENT

### THE PROBLEM

- Since 1980, the number of firearm dealers in this country has increased by 113,000 to a total of 287,000. That means there is 1 firearm dealer for every 1,000 Americans, or **1 dealer for approximately every 290 firearm owners** (Bureau of Alcohol, Tobacco, and Firearms, or ATF). The Violence Policy Center puts this into perspective when they note that **there are more gun dealers in our country than there are gas stations.**
- **The number of license applications is exploding.** In FY 92, ATF's licensing center received an average of 2,900 applications each month. In December 1992, the number jumped to 5,200 applications. From January through April 1993, the center received an average of 6,000 applications each month. According to ATF, the escalating number of applications is primarily the result of minimal licensing standards and fees.
- ATF spokesman Jack Killorin noted: "There is no question that illegal activity by [dealers] is a threat to the community. **The volume of licenses has outstripped [ATF's] ability to keep up**" (Washington Post, December 12, 1992). While the number of dealers has increased by 65 percent since 1980, the number of investigators assigned to inspect these dealers has decreased by 13 percent.
- In 1991, ATF issued 270 licenses a day, for a total of 91,000 new and renewed licenses that year. Only 37 of the 34,000 requests for new licenses that year were denied. Only 15 of the 57,237 requests for renewal licenses that year were denied.
- **Generally, fewer than 10 percent of dealer applicants undergo an actual inspection** in the form of a personal interview or an on-site visit. **Once licensed, a typical dealer is audited by federal inspectors only once every twenty years.**
- ATF relies primarily on a computer search to inspect applicants. However, since the ATF database does not include arrests and dispositions from many states, errors can be made. Moreover, the license application contains no stringent identification requirements, not even fingerprint checks. Applicants often get friends to file license applications for them; two years ago,

ATF officials approved applications for two dogs (Washington Post, May 8, 1991).

- Only about one-quarter of all federally licensed dealers are actually storefront businesses (ATF). Out of the remaining three-quarters of all dealers who operate out of their homes, ATF estimates that a majority of these "kitchen-table" dealers acquire a license in order to buy guns in bulk at lowered prices and to skirt state and local laws such as waiting periods and other restrictions.

### THE AMENDMENT

- **The amendment will raise the annual license fee for firearm dealers to \$375.** Currently, the federal firearms statutes impose an annual fee of \$10 on federal licensees. This figure has remained unchanged since the enactment of the 1968 Gun Control Act. **It is more expensive to join the NRA than it is to get a federal firearms license.**

- ATF estimates that an increase in license fees to \$375 would reduce the total number of firearm dealers from the current 287,000 to somewhere between 40,000 and 70,000. The proposed user fee would enable ATF to do thorough computer checks, as well as to conduct on-site visits and background checks for every applicant. It would also enable ATF to investigate every dealer at least once a year.

- **The proposed fee increase will ensure that firearms licensees and customers, not taxpayers, bear the full burden of the program's costs.** The current \$10 fee does not even cover the costs of processing paperwork and issuing a license. Moreover, since federal law imposes various regulatory requirements on licensees, American taxpayers currently pay for the rising costs of background investigations and periodic inspections.

- **The proposed fee increase will discourage individuals from obtaining a dealer's license for illegal purposes.** The current system encourages people to file applications even if they have no intent to actually engage in a firearms business. Licensees often acquire firearms at wholesale prices for their personal use; in a recent sampling of gun dealers, 73 percent had conducted fewer than 10 transactions in the preceding year. Licensees also obtain licenses to circumvent state and local laws that impose restrictions on firearm

acquisition; restrictions such as waiting periods and the Virginia one-gun-per-month rule do not generally apply to transactions between dealers.

● **Investigation of firearms licensees is highly effective.** In February of this year, the ATF implemented an initiative to contact every firearms license applicant. Approximately 19 percent of new license applicants who were directly contacted by field inspectors withdrew or abandoned their applications. Over a period of three months, increased efforts by ATF's licensing center resulted in 3,620 new and renewal applications being withdrawn, abandoned, or voluntarily discontinued. Unfortunately, without the additional revenues sought by the amendment, this program must be cancelled.

● **This amendment is supported by the Fraternal Order of Police and the International Brotherhood of Police Officers.** It is also supported by the National Alliance of Gun Stocking Dealers (which represents store-front dealers) as well as the ATF.

## DANGERS OF LICENSED GUN DEALERS

● Josh Lee, a federally licensed dealer in Orange County, California, supplied guns to the **Fourth Reich Skinheads**, who were plotting to kill Rodney King and blow up the First African Methodist Episcopal Church in Los Angeles. ATF spokesman Jack Killorin opined: "**If . . . you want to put down on your application 'American Nazi Gun Shop,' we have no ability under the law to shut you down.**" [Los Angeles Times]

● During a six-month period in 1990, Gustavo Salazar, a federally licensed gun dealer in Los Angeles, purchased more than **1,500 guns** which he sold to **gang members** and other individuals. An ATF check on 1,165 of these handguns showed that only four had been registered under California law. [Violence Policy Center]

● 22-year old gun dealer Sam Miller, a **convicted drug dealer and felon**, sold guns, including at least ten high-powered semiautomatic pistols, to teen-age members of **Boston's inner-city gangs**. Yet Miller's convictions were not forwarded to the FBI's National Crime Information Center; thus nothing on the computer suggested that he was a felon. [Boston Globe]

● More than a dozen federally licensed dealers in **Detroit** have been charged with providing more than **2,000 firearms** to criminals in the city. [Violence Policy Center]

● Carroll Landis Brown, a federally licensed dealer in **Baltimore**, sold more than **300 handguns**, fewer than half of which were properly recorded, and at least 14 of which have turned up at Baltimore crime scenes. Brown took out **classified ads** in the Baltimore Sun, advertising the semiautomatic pistols. [Washington Post]

● Federal firearms licensee David Taylor, a Bronx man with a long record of misdemeanors and an indictment for murder at the age of 16, ordered more than 500 guns from Ohio, which he sold to **New York City drug dealers**. [New York Times]

● James Boyd, a gun dealer and Los Angeles County sheriff's reserve deputy, falsified firearms forms and sold handguns to a citizen of the **Philippines** who smuggled the weapons out of the country in microwave ovens. Boyd worked with Willie Harris, a convicted felon, who allegedly sold weapons to **Los Angeles gang members**. [Los Angeles Times]

● From February to June in 1990, Detroit "kitchen table" dealer McClinton Thomas ordered **hundreds of handguns**, and sold them off the books, including 90 guns to a "big-time dope dealer." [Violence Policy Center]

● A firearms dealer in Texas falsified his records to conceal the diversion of over **2,000 firearms to a Mexican national** who is a major firearms trafficker. [ATF testimony]

● A firearms dealer in North Carolina provided between 6,000 and 10,000 handguns to the black market after **altering the serial numbers of the handguns**. Several of the firearms have been recovered from convicted felons, drug dealers, and a firearms trafficker in New York City involved with **Pakistan Nationals**. [ATF testimony]

● Two Miami gun dealers sold machine guns to operatives of the **Medellin cocaine cartel**, and an Ohio dealer shipped weapons to the **Irish Republican Army**. [Washington Post]



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
WASHINGTON, D.C. 20226

DIRECTOR

JUL 26 1993

Honorable Paul Simon  
Chairman  
Subcommittee on the Constitution  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Senator Simon:

This is in response to your inquiry of July 23, 1993, in which you asked for our evaluation of how many current Federal firearms licensees are actively engaged in the business of buying and selling firearms, for which a Federal firearms license is required.

Fortunately, we recently completed a study specifically designed to answer such questions. A statistically valid random sample of 400 licensed firearms dealers (Type 01) was selected. Inspections commenced in fiscal 1992 and the last were completed earlier this year. The rates of occurrence of specific findings can be projected to the entire Type 01 licensed firearms dealer population. Projection of findings results in a precision rate of plus or minus 5 percent with a confidence level of 95 percent. We are enclosing a full report of this study, entitled "Operation Snapshot," for your information.

Use of commercial premises is one indication of actual engagement in the business. However, we recognize that there are some very active dealers who do work from their homes. On the other hand, a firearms business may also be a very small or incidental part of operations at a commercial premises. In the sample, 26 percent of the dealers operated from commercial premises rather than from a residence. Therefore, we can be 95 percent certain that between 21 and 31 percent of all dealers have commercial premises. Based on 244,000 Type 01 dealers, we can estimate that approximately 50,000 to 70,000 operate from commercial premises.

Further, only 19 percent of dealers acquired more than 10 firearms in the year preceding the inspection. Dispositions of more than 10 firearms were recorded for only 20 percent of dealers. Inventory of more than 10 firearms was found for only 16 percent of the sample. The lower range projection for all of these measures is 40,000 dealers.

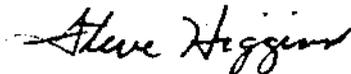
Honorable Paul Simon

We expect that some of those using commercial premises and having annual activity levels of more than 10 firearms will probably abandon their licenses at the level of fees that have been discussed. However, we also expect most of the Type 02 licensees (pawnbrokers), of which there are over 10,000, to remain licensed. Similarly, the more than 2,000 manufacturers and importers would remain licensed. Using these numbers plus the more active dealers as determined from Operation Snapshot we conclude that at least 40,000 licensees requiring regular inspection will remain even after increased annual fees of \$250 or more are imposed.

Finally, you are correct in your recollection that I testified in favor of increased fees for Federal firearms licensees on June 17, 1993, before the House Subcommittee on Crime and Criminal Justice, Committee on the the Judiciary.

We trust this information is responsive to your request. If we may be of further assistance, please let us know.

Sincerely yours,



Director



DEWEY R. STOKES  
NATIONAL PRESIDENT

GRAND LODGE  
**FRATERNAL ORDER OF POLICE**

NATIONAL PRESIDENT • 520 SOUTH HIGH STREET • COLUMBUS, OHIO 43215-5605  
(614) 221-0180

July 26, 1993

Honorable Paul Simon  
United States Senate  
Washington, DC 20510

Dear Senator Simon:

According to information we have received from the Bureau of Alcohol, Tobacco and Firearms (ATF), there are currently in excess of 280,000 licensed firearms dealers in the United States. The primary reason for this excessive number of persons licensed to deal in firearms is the low fee currently contained in the Gun Control Act.

As you are aware, the current fee for a Federal Firearms License (FFL) is a mere \$10 annually. My organization encourages and supports the imposition of an annual user fee in the range of \$375 to \$500.

At the current rate, the American taxpayer is subsidizing the issuance of firearms licenses to an abundance of individuals who are, at best, minimally engaged in activities requiring a license. A recent study conducted by ATF showed that 74% of the licensed dealers are operating from their residences. Only 13% of the dealers bought or sold more than 50 firearms in a year. The cost of processing an application and issuing a license for dealers who engage in these minimal activities far exceeds the current \$10 fee.

There are approximately 220 ATF inspectors who conduct application and compliance inspections on the 280,000 dealers. It is apparent that at the current staffing level, ATF cannot inspect all firearms dealers to ensure their compliance with laws. Obviously, the volume of dealers would decrease dramatically with an increase in the fee to \$375-\$500 annually, thereby making the number of dealers more manageable to ATF.

In order to support ATF's firearms program in conducting application and compliance inspections on firearms dealers, the \$375-\$500 annual user fees for FFLs should go directly to ATF. This enhanced funding would enable ATF to hire additional inspectors to ensure that no new or renewal FFLs are issued without contact made by ATF inspectors, which is essential to ensure the legality and integrity of all firearms dealer operations.

Honorable Paul Simon

Page 2

July 26, 1993

ATF has initiated several firearms programs to target those firearms dealers that are either illegally trafficking in firearms or the sources of firearms purchased by criminals. However, neither ATF nor state or local law enforcement agencies have the resources to inspect and locate all dealers operating outside the law. Recently, a firearms dealer operating from his residence in Tinley Park, Illinois, was the subject of numerous complaints from his neighbors for firing weapons in the area. When local police investigated the complaints, the dealer refused entry to the police and threatened to kill them if they attempted entry. Although the dealer had an extensive arrest record, there were no convictions that would prohibit issuance of an FFL. Additionally, local ordinances did not prohibit operating a firearms business from a residence. Although ATF is taking action in this matter, this instance serves as an example of a dealer who may not have been inspected, except for the referral from local authorities that arose from citizen complaints.

In summary, we strongly support an imposition of an annual user fee in the range of \$375 to \$500 for issuance of Federal Firearms Licenses for the following reasons:

-- The U.S. taxpayer should not be subsidizing the cost of establishing and maintaining firearms businesses.

-- A \$375-\$500 annual user fee would reduce the current number of licensees (280,000) to an estimated 40,000 to 70,000.

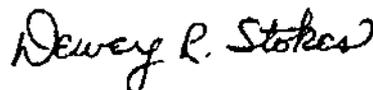
-- By directing the funds resulting from the \$375-\$500 user fee to ATF, all new and renewal FFL applicants would be inspected to ensure compliance with the law.

-- Since a \$375-\$500 user fee would virtually eliminate dealers operating from their residences, it would support the efforts of local law enforcement and zoning officials in enforcement of their laws.

-- The increased fee will not affect firearms dealers that engage in the business as a primary source of income. In fact, these dealers would benefit from the reduced competition they are experiencing from people who are mere hobbyists, but licensed as dealers.

If you wish to discuss this matter in more detail, please call me at (614) 221-0180.

Sincerely,



Dewey R. Stokes  
National President

**INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS****2011 Crystal Drive, Suite 208 Arlington, VA., 22202****703/979-0290****Fax 703/979-0294****AFL/CIO**

July 26, 1993

Honorable Paul Simon  
United States Senate  
Washington, DC 20510

Dear Senator Simon:

The International Brotherhood of Police Officers encourages and supports the imposition of an annual user fee in the range of \$375 to \$500 for issuance of Federal Firearm Licenses (FFL).

At the annual rate of only \$10 that is currently imposed by the Gun Control Act, the number of licensed dealers is approximately 280,000. From a law enforcement perspective, this volume of licensed dealers is not only excessive, but is problematic in our effort to control crime. Additionally, with the current inspector staffing level for the Bureau of Alcohol, Tobacco and Firearms (ATF), their approximate 220 inspectors who conduct inspections of dealers cannot ensure that all 280,000 dealers are operating within the law.

According to a recent study conducted by the ATF, the vast majority of firearms dealers operate from their residences in quantities that indicate they have no intention of engaging in the business for support or livelihood. These dealers are merely operating as hobbyists.

There are several reasons for our support of an annual user fee in the range of \$375 to \$500, including:

\* At the current \$10 rate, the American taxpayer is subsidizing the issuance of Federal Firearms Licenses. Obviously, the cost of processing, issuing and maintaining firearms licenses far exceeds the current rate.

\* ATF currently has approximately 220 inspectors dedicated to the firearms program. A fee of \$375 to \$500 would reduce the number of licensees to approximately 50,000. By directing the funds generated from the \$375 - \$500 user fee to ATF, all firearms dealers could be inspected.

Senator Paul Simon  
July 26, 1993  
Page Two

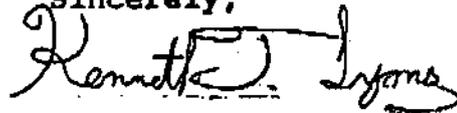
\* Local law enforcement and zoning officials would be supported in their efforts to control the proliferation of dealers that do not meet state and local licensing and zoning requirements. Dealers currently operating from their residences would be greatly reduced, if not eliminated.

\* A vast majority of firearms dealers who derive their primary source of income from their firearms business are opposed to the current \$10 annual fee. A \$375 to \$500 user fee would discourage the abundance of hobbyists who negatively affect the operations and livelihoods of storefront-type dealers.

To summarize, we strongly encourage and support imposition of an annual user fee in the range of \$375 to \$500 for Federal Firearms Licensees, and the direction of the resultant funds to ATF for additional staffing to ensure the integrity and legality of all firearms dealers.

If you want to discuss this matter further, please feel free to call me at (703) 979-0290.

Sincerely,



Kenneth T. Lyons  
National President



**Bureau of Alcohol, Tobacco and Firearms  
Office of Compliance Operations  
Firearms and Explosives Division**

# Operation Snapshot



**July 12, 1993**

# **OPERATION SNAPSHOT**

## **BACKGROUND**

Since passage of the Gun Control Act of 1968 (GCA) there has been a steady increase in the population of Federal firearms licensees (FFL's) in the United States. In 1968 there were about 87,000 licensees. Today there are over 287,000. In 1968 we did not have sufficient resources to inspect all licensees; nor do we today. Given our current commitment of resources, we project that it would take over ten years to inspect each and every licensee.

Historically, we have based our inspection targeting on some assumptions that we have made about the entire FFL population. We assumed that the vast majority of licensees were residential dealers, but couldn't, with any degree of certainty, calculate how many there were. We suspected that a large number of dealers obtained their Federal firearms license but never engaged in the business contemplated by that license. It seemed that a significant number of dealers were found in violation of the GCA during our compliance inspections, but again, we couldn't quantify the results.

In an effort to bring the Federal firearms licensee population into perspective, Operation Snapshot was conceived. We needed to know who the average licensee was; what kinds of activities and how much of these activities he/she engaged in; and a whole host of other questions which, when answered, would provide us basic information relative to the firearms industry.

Given that our resources would not permit an inspection program that targeted each and every licensee, we developed a program that would provide us the information we needed based on a statistical sampling of the entire firearms dealer population. This program, when completed, would provide us information about Federal firearms licensees within defined degrees of accuracy.

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## **METHODOLOGY**

**In January of 1992 there were approximately 287,000 Federal firearms licensees, including manufacturers, importers, dealers, pawnbrokers, and collectors. Of that number, 244,042 licensees were dealers authorized to deal in firearms other than destructive devices. These dealers are commonly referred to as Type 01 dealers.**

**Using a software package designed for the task, ATF selected a random sample of 400 Type 01 dealers. Each dealer in the sample was inspected. ATF inspectors used a uniform workplan and questionnaire to ensure the accuracy of the information being gathered. In those instances where licensees had discontinued business, their records were examined at the ATF's Out of Business Records Center.**

**The rates of occurrence of specific findings, which are reflected in terms of percentages, can be projected to the entire Type 01 dealer population. The projections, based on a sample size of 400 dealers, will result in a precision rate of plus or minus 5%, with a confidence level of 95%. For example, Operation Snapshot inspections found that 26% of the dealers have commercial premises from which to conduct business. Therefore, we can project, with a 95% level of confidence, the true percentage rate of dealers having commercial premises will be between 21% and 31% of the total dealer population.**

## **CONCLUSION**

**As a result of the information gathered during the course of Operation Snapshot, we can now conclude, with a high degree of probability, certain characteristics about the Federal firearms licensee population in the United States.**

## **LOCATION AND BUSINESS CHARACTERISTICS**

- **THE TYPICAL FEDERAL FIREARMS DEALER**
  - **IS A SOLE OWNER**
  - **IS A 45-YEAR OLD MALE**
  - **HAS HELD A LICENSE FOR 7 YEARS AND 4 MONTHS**
  
- **85% OF DEALERS HAVE OTHER SOURCES OF INCOME OR EMPLOYMENT OTHER THAN A FIREARMS BUSINESS**
  
- **56% OF DEALERS HAVE THEIR BUSINESS LOCATION IN OR WITHIN 25 MILES OF A CITY HAVING A POPULATION OVER 100,000 PEOPLE**
  
- **74% OF DEALERS CONDUCT THE FIREARMS BUSINESS IN THEIR HOMES**
  
- **18% OF DEALERS ARE LOCATED IN COMMERCIAL PREMISES WHERE OTHER GOODS ARE SOLD TO THE PUBLIC (e.g., sporting, hardware and general merchandise)**
  
- **8% OF DEALERS ARE LOCATED AT OTHER COMMERCIAL PREMISES NOT ASSOCIATED WITH SALE OF GOODS TO THE PUBLIC (e.g., medical, real estate, insurance office, auto repair, beauty shop, etc.)**

## **BUSINESS VOLUME AND ACTIVITY**

### **DURING THE 12 MONTHS PRECEDING THE OPERATION SNAPSHOT INSPECTIONS**

- **7% OF DEALERS HAD MULTIPLE HANDGUN SALES (SALE OF 2 OR MORE HANDGUNS TO THE SAME PERSON DURING A 5-DAY PERIOD)**
- **20% OF DEALERS DEALT IN HANDGUNS HAVING A RETAIL VALUE OF LESS THAN \$200**
- **3% OF DEALERS HAD DISPOSED OF FIREARMS AT GUNSHOWS**
- **4% OF DEALERS DISPOSED OF FIREARMS ONLY TO THEMSELVES**
- **8% OF DEALERS DID GUNSMITHING**
- **2% OF DEALERS HAD THEFTS**

## **BUSINESS VOLUME AND ACTIVITY**

### **FIREARMS ACQUISITIONS**

**DURING THE 12 MONTHS PRECEDING THE OPERATION SNAPSHOT  
INSPECTIONS**

- **45% OF DEALERS ACQUIRED NO FIREARMS**
- **36% OF DEALERS ACQUIRED 1 TO 10 FIREARMS**
- **13% OF DEALERS ACQUIRED 11 TO 50 FIREARMS**
- **6% OF DEALERS ACQUIRED OVER 50 FIREARMS**

## **BUSINESS VOLUME AND ACTIVITY FIREARMS DISPOSITIONS**

**DURING THE 12 MONTHS PRECEDING THE OPERATION SNAPSHOT  
INSPECTIONS**

- **46% OF DEALERS DISPOSED OF NO FIREARMS**
- **34% OF DEALERS DISPOSED OF 1 TO 10 FIREARMS**
- **13% OF DEALERS DISPOSED OF 11 TO 50 FIREARMS**
- **7% OF DEALERS DISPOSED OF OVER 50 FIREARMS**

## **BUSINESS VOLUME AND ACTIVITY**

### **FIREARMS INVENTORY**

**DURING THE 12 MONTHS PRECEDING THE OPERATION SNAPSHOT INSPECTIONS**

- **59% OF DEALERS MAINTAINED NO INVENTORY OF FIREARMS**
- **25% OF DEALERS MAINTAINED AN INVENTORY OF 1 TO 10 FIREARMS**
- **10% OF DEALERS MAINTAINED AN INVENTORY OF 11 TO 50 FIREARMS**
- **6% OF DEALERS MAINTAINED AN INVENTORY OF OVER 50 FIREARMS**

## **INSPECTION HISTORY AND RESULTS**

- **9% OF DEALERS HAD PREVIOUSLY BEEN THE SUBJECT OF AN APPLICATION INVESTIGATION BY ATF**
- **10% OF DEALERS HAD PREVIOUSLY BEEN THE SUBJECT OF A COMPLIANCE INSPECTION BY ATF**
- **34% OF DEALERS WERE FOUND TO HAVE FEDERAL FIREARMS VIOLATIONS**
- **7% OF DEALERS WERE FOUND TO HAVE VIOLATIONS FOR WHICH A FOLLOWUP INSPECTION WAS REQUIRED**
- **4% OF DEALERS COULD NOT ACCOUNT FOR THE DISPOSITION OF ONE OR MORE FIREARMS**
- **12% OF DEALERS SURRENDERED THEIR LICENSE DURING THE ATF INSPECTION**
- **3% OF DEALERS WERE OUT OF BUSINESS BEFORE THE ATF INSPECTION**

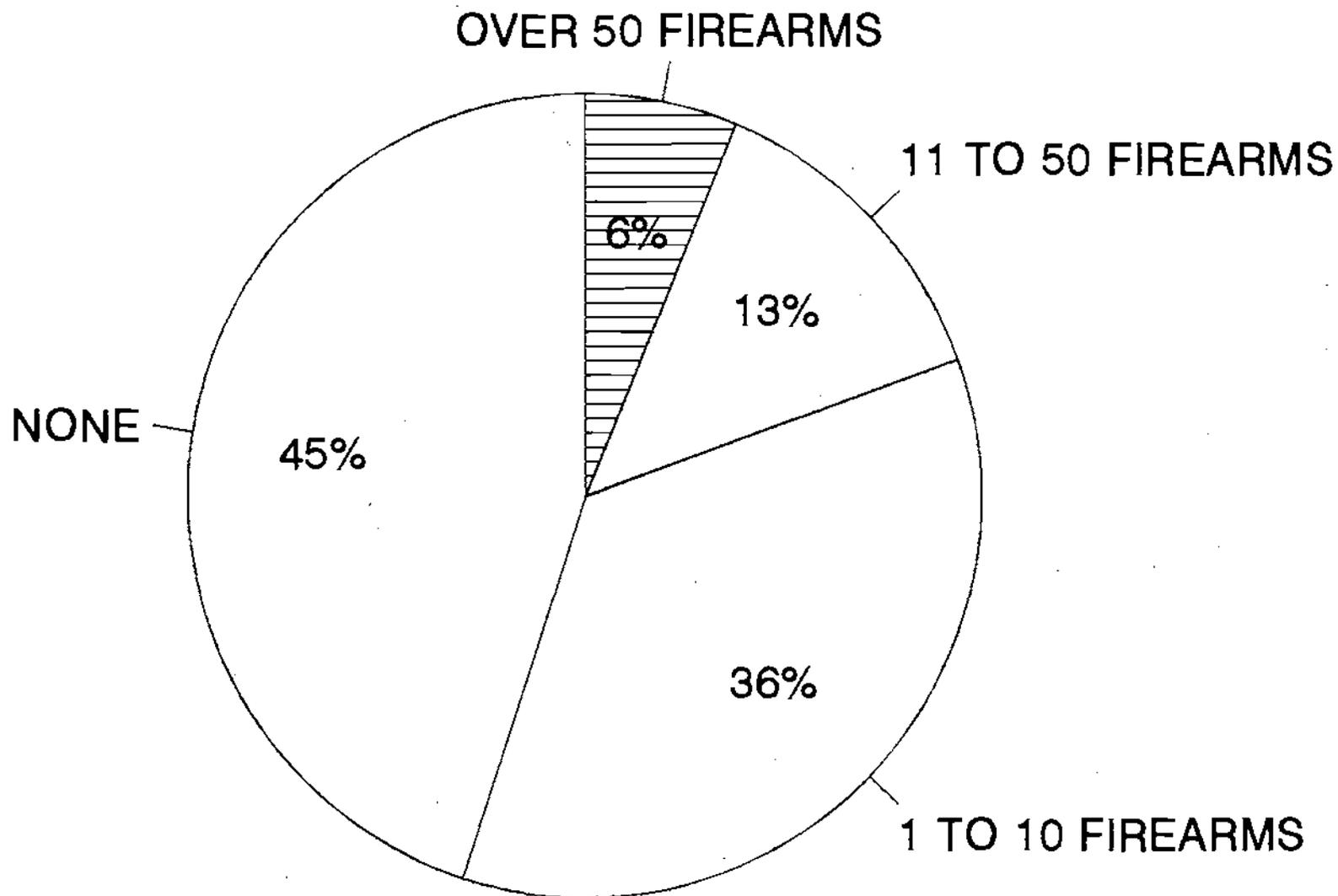
## **STATE AND LOCAL LICENSING**

- **35% OF DEALERS ARE REQUIRED TO HAVE A STATE OR LOCAL FIREARMS LICENSE BUT ONLY 6 OF 10 COMPLY**
- **65% OF DEALERS ARE NOT REQUIRED TO BE LICENSED FOR FIREARMS UNDER STATE OR LOCAL LAWS**

# OPERATION SNAPSHOT

## FIREARMS ACQUISITIONS 1 YEAR BEFORE INSPECTION

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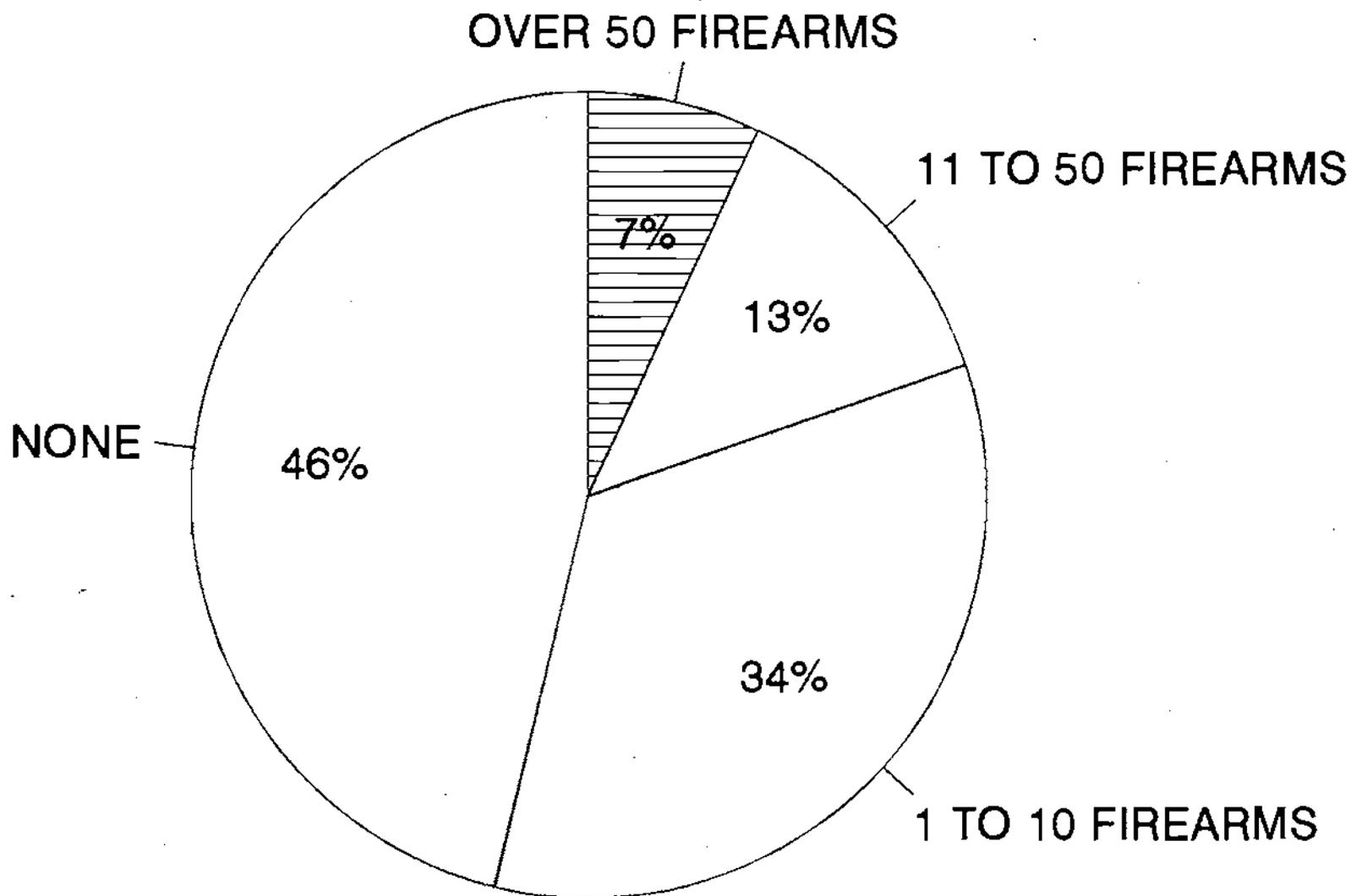
.(Dealers whose records or business could not be located are included in the NONE category.)

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# OPERATION SNAPSHOT

## FIREARMS DISPOSITIONS 1 YEAR BEFORE INSPECTION

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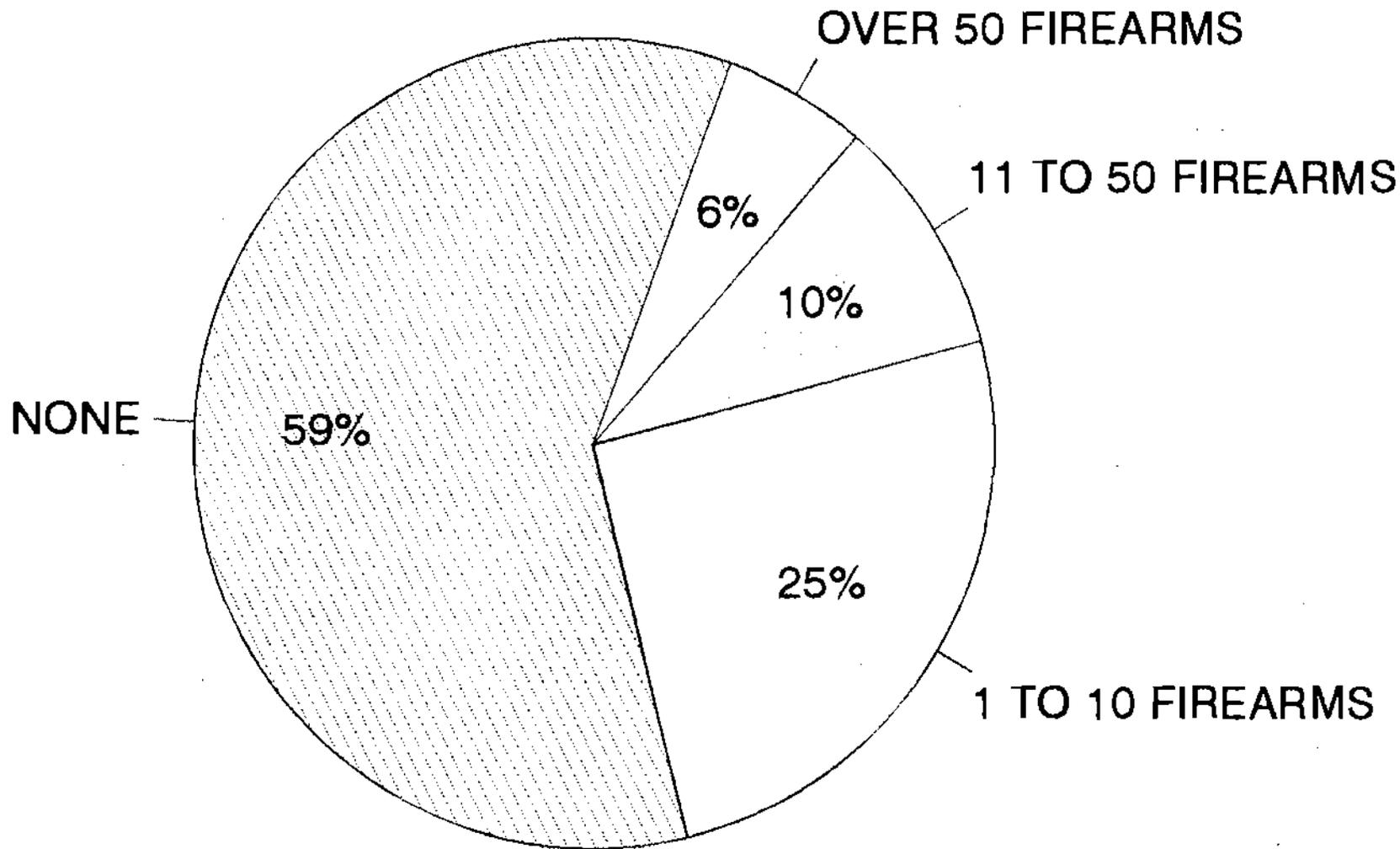
• (Dealers whose records or business could not be located are included in the NONE category.)

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# OPERATION SNAPSHOT

## FIREARMS INVENTORY AT TIME OF INSPECTION

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