

First study of gun shows California laws reduce illegal gun purchases

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The potential for gun shows to serve as places where criminals obtain firearms can be curbed through increased regulation without adversely affecting attendance or business, according to a pioneering study published this week in *Injury Prevention*, an international peer-reviewed journal for health professionals.

The study, based on field observations made by Garen J. Wintemute, director of UC Davis' Violence Prevention Research Program, also found that undocumented gun sales between private parties and illegal "straw purchases" in which a person with a clean record buys a weapon for someone with a criminal record were much more common at gun shows in states with little regulation.

The take-home message of the study, which compared gun shows in California, where they are tightly regulated, with gun shows in states with little government oversight, is that "regulation works," Wintemute said.

Wintemute, a 55-year-old professor of emergency medicine at the UC Davis School of Medicine, is a leading researcher in the field of injury epidemiology and the prevention of firearm violence. Selected in 1997 by Time magazine as one of 15 international "heroes of medicine," Wintemute is the author of over 50 published scientific articles on gun violence and prevention.

Stephen P. Teret, director of the Center for Law and the Public's Health

at Johns Hopkins University in Baltimore, said Wintemute’s gun show study was “enormously important” because it marked the first time anyone had systematically recorded both questionable and blatantly illegal transactions at gun shows.

While gun shows — commonly held at convention centers or county fairgrounds — have long been suspected as a venue where criminals can obtain firearms, “before this no one to my knowledge has actually gone to these shows and observed what guns were being sold and to whom, or checked whether laws were being adhered to,” said Teret, a leading expert in addressing gun violence as a public health problem.

“It’s real shoe-leather epidemiology,” added Teret, who has co-authored papers with Wintemute on the public health impacts of gun violence. “Now for the first time the public policy discussion on gun shows can be based on data rather than speculation.”

The study, titled “Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies,” was funded by the Chicago-based Joyce Foundation and the Broad Foundation of Los Angeles and was approved by the UC Davis Institutional Review Board. It is based on observations Wintemute made while visiting 28 gun shows — eight each in California and Nevada, six in Arizona, four in Texas and two in Florida — between April 2005 and March 2006. California was chosen because it tightly regulates gun shows — requiring for example that gun show promoters be licensed — while the other four states don’t regulate gun shows at all. The four states were chosen because they are the leading sources of guns used in crimes in California.

Wintemute’s first challenge was to find some way to eavesdrop on gun transactions without attracting notice. At first he tried recording his observations by speaking into a hidden tape recorder that he carried with

him, but the quality of the recordings were poor.

“Then I realized that everybody (at the gun shows) was using cell phones,” he recalled in a recent interview.

Wintemute decided to do likewise. He recorded his observations by calling up his voice mail, the capacity of which he had expanded for the study. The voice mail messages were then transcribed by members of Wintemute’s staff. He made visual recordings of the gun shows by taking pictures with a hidden camera.

Wintemute expected to find reduced attendance and commercial activity at gun shows in California due to the more restrictive regulatory climate. Instead, while shows in the other states were larger, “the number of attendees per gun vendor was higher in California,” Wintemute wrote in the report.

“Gun shows can be regulated so as to diminish their importance as sources of crime guns without greatly diminishing attendance or commercial activity,” the report said.

Another surprise was the straw purchases. Wintemute thought they would be uncommon no matter the location of the gun show because federal law bans straw purchases nationwide. Instead, he reported seeing “24 definite and three probable straw purchases” in the four comparison states, and “one straw purchase and one probable straw purchase” in California.

Some were fairly blatant. On three occasions, all outside California, he observed straw purchasers buying multiple guns in a single transaction. He even saw a licensed retailer at a gun show in Florida processing multiple straw purchases simultaneously.

Also in Florida, Wintemute saw a woman in her twenties buying a rifle with a bayonet and 30-round magazine from a licensed retailer while her male partner, who had selected the firearm, stood 15 feet away while she completed the paperwork. As the background check was being run on her, the man talked with the retailer about the rifle and then bought ammunition for it once the background check had been completed.

Straw purchases, particularly in the comparison states, were “out in the open, with no evidence that the buyer or seller felt the need to hide their conduct,” Wintemute said. “So I infer from that that there’s no substantial effort to enforce [the federal law banning straw purchases] at gun shows.”

As he anticipated, the sale of assault weapons and undocumented private party gun transactions were far less common at gun shows in California than at gun shows in the other states.

Private party sales that do not require the buyer to undergo a background check have long been suspected as a way for criminals to get guns. In the comparison states, such sales are not regulated. In California, private party sales can take place, but they must be processed by a licensed retailer, the buyer must submit to a background check, and the transaction is documented.

Wintemute witnessed no private party gun sales between attendees at shows in California and just two involving an apparently unlicensed gun vendor. In contrast, the number of private party sales at shows in the four other states “appeared about equal in number to sales involving licensed retailers.”

Private party sales, at least the ones observed by Wintemute, tended to be brief, “don’t ask, don’t tell” transactions. “They generally required less than five minutes to complete and sometimes less than one minute,”

Wintemute wrote in the report. “In only one sale between attendees was identification or verification of in-state residence requested. It was uncommon in sales involving an unlicensed vendor.”

Some of the private party sales Wintemute saw appeared to involve firearms likely to end up in criminal hands. At a gun show in Phoenix in September 2005, for example, he witnessed four young men buying eight handguns over the course of a day — including two Glock pistols from an unlicensed vendor who did not request any identification or verify in-state residence status. As the young men left the show, Wintemute overheard a gang unit officer from the Phoenix police department who was present at the gun show comment: “They’ll just take ‘em out on the street and sell ‘em.”

Among the many other observations included in Wintemute’s report: Only 30 percent of gun vendors, both at shows in California and in the other states, were identifiable as licensed retailers; armed attendees were five times as common in the comparison states; and at one show in Nevada, one third of the cars in the parking lot had California plates — an indication, Wintemute said, that California residents travel to out-of-state gun shows to obtain firearms.”.

Wintemute now plans to conduct “parallel studies” in other regions of the country that compare gun shows in more regulated states to gun shows in less regulated states. Eventually, he hopes to train others to become observers at gun shows — and possibly to go one step further than he did and notify local police when they witness an illegal transaction.

Source: University of California, Davis

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