



# NORTH CAROLINIANS AGAINST GUN VIOLENCE EDUCATION FUND

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## **Closing the Gun Show Loophole**

### **What is the “Gun Show Loophole”?**

Gun shows are temporary markets for guns and ammunition, usually held at meeting halls or fairgrounds. In 1998, over 4,400 gun shows were advertised around the country - 170 were held in North Carolina, the 7th highest total in the nation (1).

Under current law, there are two categories of people who can sell guns: licensed dealers and private sellers. Licensed dealers are "engaged in the business" of selling firearms, and are required to conduct criminal background checks for all gun buyers. Private sellers, who sell guns from their "personal collections," are not required to conduct criminal background checks. At gun shows, it is estimated that at least 25% of those selling firearms are private sellers, thus creating easy access for convicted felons, domestic abusers, juveniles, and even terrorists to purchase guns with no background check, no questions asked (2).

### **Do criminals actually buy guns from gun shows?**

Yes. The access to sales with without background checks and the availability of large numbers of guns makes gun shows attractive to criminals and other prohibited purchasers. According to Federal Law Enforcement, 26,000 guns were sold and trafficked to prohibited purchasers from gun shows between 1996 and 1998, making gun shows America's second largest source of crime guns (3).

In 1999, Eric Harris and Dylan Klebold used three guns purchased from a gun show in the massacre at Columbine High School in Colorado. According to Harris and Klebold's friend, Robyn Anderson, the two walked around a gun show "asking sellers if they were private or licensed." Anderson eventually purchased the three guns from a private seller because she did not want to undergo a background check, saying later, "I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all" (4).

On September 10, 2001, a federal court in Michigan convicted Ali Boumelhem, a known member of the terrorist group Hezbollah, on weapons charges. He is currently serving prison time for attempting to smuggle guns to Lebanon. According to the Associated Press, "federal agents say they watched Boumelhem, a resident of Detroit and Beirut, travel to gun shows to buy gun parts and ammunition for shipment overseas."(5)

Muhammad Asrar, an illegal Pakistani immigrant living in Texas, is also in prison on weapons charges. He has admitted that he illegally bought firearms at Texas gun shows without undergoing a background check. He remains under investigation by a federal grand jury on suspicion of involvement with al-Qaeda. Asrar had obtained a pilots license, had looked into renting a Lear jet and had obtained photographs of skyscrapers in U.S. cities. The government has revealed substantial evidence that Asrar was planning terrorist activity.

In Florida, Conor Claxton, an admitted member of the Irish Republican Army, is currently serving a prison term for attempting to smuggle to Ireland guns bought in part at Florida gun shows (6).

### **How can we close the Gun Show Loophole?**

Closing the gun show loophole simply requires private sellers at gun shows to conduct the same instant criminal background checks that licensed dealers must conduct. Law-abiding North Carolinians have understood the need for, and undergone, instant criminal background checks for years. Closing the gun show loophole would merely involve private sellers implementing that same system.

Many people think that North Carolina already requires criminal background checks for private gun sales, but the truth is that only licensed dealers are required to conduct criminal background checks for gun sales. For *handgun sales* in North Carolina, licensed dealers as well as private sellers are required to ask for a Sheriff-issued pistol purchase permit. However, this requirement is easily avoided since there is no oversight for private gun sales. Undercover sting operations by law enforcement in Charlotte and Raleigh have discovered sales of handguns at gun shows occurring without permits. Furthermore, for *long gun sales*, including shotguns, rifles and assault rifles, while a licensed dealer must conduct a background check before selling a long gun, a private seller can legally sell a long gun without conducting a check.

### **Can't we just enforce existing laws instead of passing new ones?**

In order to enforce existing laws, we must give police the tools they need to do so - and the criminal background check is one of the most effective tools we can give them to prevent guns from falling into criminal hands. This means conducting background checks at gun shows - the second largest source for crime guns.

### **Won't closing the Gun Show Loophole violate the Second Amendment?**

No. No matter what your interpretation of the Second Amendment is, it is illegal for criminals, terrorists and juveniles to get guns. That's why we need criminal background checks at gun shows - to protect law abiding citizens while keeping guns out of the hands of those prohibited from owning them.

The gun lobby argues that closing the Gun Show Loophole will only hinder law-abiding citizens, since criminals will simply get their guns some place else. However, closing the gun show loophole merely involves unlicensed dealers implementing the same background check system as licensed dealers. The background check system has been in place for years. For 95% of buyers, background checks are completed within two hours and for 72% of buyers, the check is completed in a few minutes (7). Last year, the Justice Department reported that the National Instant Check System (NICS) had prevented sale to over 800,000 prohibited gun buyers since it began in 1994. If all sellers at gun shows conducted background checks, there would be even fewer guns obtained by prohibited buyers. Criminals will always try to obtain guns illegally, but that's no reason for us to make it easier for them.

## **Will closing the Gun Show Loophole put gun shows out of business?**

No. North Carolina has a long history of gun shows - one that law-abiding citizens participate in, but criminals abuse. Disrupting the criminal access to guns at gun shows is the safe, responsible thing to do. What's more, three of the five states that continue to host the most gun shows - Illinois, Pennsylvania, and California - closed the gun show loophole years ago.

In fact, a total of twelve states have acted to close the gun show loophole. In two of those states, voters themselves closed the loophole when their legislators refused to do so. On November 7, 2000, the citizens of Colorado overwhelmingly voted 70% - 30% in favor of a ballot initiative to close the gun show loophole in their state. On the same day, Oregonians voted 62% - 38% in favor of a similar initiative.

In 1999 and 2001, NCGV worked with lawmakers at the NC General Assembly to have legislation introduced that would close the gun show loophole. Both bills received a broad range of endorsements, including the NC Sheriffs Association, the NC Law Enforcement Officers Association, the NC Firearm Dealers Group, the Covenant with North Carolina's Children, the state Pediatric Society, and the NC Council of Churches.

NCGV continues to work toward passage of this important, commonsense measure to keep guns from criminals and juveniles and to protect the public safety.

NCGV also continues to support federal legislation to close the gun show loophole. In 2001-2002 we supported and lobbied on behalf of both the McCain-Leiberman and Reid bills in Congress. The gun show loophole must be closed at both the state and national levels.

### References

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**For more information contact:**

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