



# NORTH CAROLINIANS AGAINST GUN VIOLENCE EDUCATION FUND

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## **Shut-off the Iron Pipeline: Stop Illegal Gun Trafficking**

*North Carolina has one of the most severe gun trafficking problems in the nation and it has gotten worse. We have gone from being the 4th to the 2nd largest supplier of guns used in crime to New York and probably New Jersey. We have gone from being the 7th to the 5th largest supplier of handguns used in crime across the country. Our state is an integral part of the "iron pipeline" that sends illegal crime guns to places like New York City in exchange for drugs that come back to our community. In our state, over half of the guns used in crime were acquired illegally.*

### **How do criminals get guns?**

While the vast majority of firearms are legally sold to law-abiding citizens in our country, there are still more than 300,000 gun crimes each year (1). Many of these crimes are perpetrated by those who cannot legally buy or possess guns, such as convicted felons, domestic abusers, and juveniles, yet they somehow get their hands on guns anyway. How does this happen?

According to the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF), 89% of crime guns changed hands at least once from the time of their original purchase from a licensed firearms dealer, who conducted a background check, to being connected with a crime (2). Such an overwhelming percentage of secondhand guns used in crime points to a serious problem of "gun trafficking," the practice of moving guns from legal to illegal sources.

There are four major gun trafficking channels that supply criminals: 1) stolen guns; 2) illegal sales by corrupt licensed dealers; 3) "straw purchases" - purchases made by those who can pass a background check who in turn give or sell the gun(s) to criminals; 4) private sales - sales made by private individuals who are not licensed dealers, and who do not have to conduct a background check to sell guns. In most states, including North Carolina, private individuals may sell guns without background checks at gun shows, through newspaper classified ads, over the Internet, or simply from their kitchen tables (3).

### **How can we stop Gun Trafficking?**

#### ***1. Enforce Crime Gun Tracing***

One of the first steps in stopping gun trafficking is to find out where exactly the crime guns are coming from. This involves "gun tracing," which is the tracing of crime guns by law enforcement back to their original purchase through their serial numbers. Gun tracing helps law enforcement determine how and when a gun was diverted from the legal market to crime, and possibly identify individuals who deliberately trafficked the gun. For example, here in North Carolina in 2002, Durham Police Department investigators working with ATF agents determined that several guns used in street crimes were sold illegally from a single booth at a rural Orange County flea market. By tracing the guns back to their common source, NC and Federal law enforcement were able to arrest and convict the men running the booth and shut down one prominent source of crime guns. In 1999, North Carolina passed into law a requirement that all guns used in crime be traced by law enforcement back to their original sources. NCGV is supportive of efforts to vigorously enforce this law, such as the Justice Department's Project Safe Neighborhoods which provides federal resources to state and local law enforcement to help stop the flow of guns to criminals.

#### ***2. Enforce Current Gun Laws Against Criminals***

Once crime guns are traced, and criminal gun traffickers discovered, they must be prosecuted to the full extent of the law. Unfortunately, this is not always the case. According to a report by the Americans For Gun Safety Foundation, thousands of gun crimes are not prosecuted by federal law enforcement. In North Carolina, from

2000-2002, there were only 23 federal prosecutions for illegal gun trafficking, despite that in 2000 alone, 3,308 crime guns were traced to sources in NC, including 1,421 crime guns used in other states. Of an estimated 22,000 firearms stolen in NC from 2000-2002, there were only 16 federal prosecutions for stealing firearms (4). There are several reasons for the surprisingly small number of gun crime prosecutions including, insufficient resources for law enforcement, weak penalties for convictions, and poorly defined laws for execution. NCGV supports providing law enforcement with the resources they need to prosecute and convict gun traffickers. We also support strengthening penalties for gun trafficking at both federal and state levels in order to keep gun trafficking criminals off the streets.

### ***3. Close Loopholes in Background Check System***

Requiring criminal background checks for all gun buyers from federally licensed dealers has stopped close to one million prohibited purchasers from obtaining guns since the Brady background checks began in 1994 (5). However, not all gun sales must go through a background check. Private sellers, who sell guns "from their personal collections," do not have to conduct background checks in most states, including North Carolina. Private sales account for 40% of all gun sales in the U.S., which means two out of every five guns sold change hands without a background check (6). Private sales are conducted at gun shows, through newspaper classified ads, and over the Internet. Criminals have learned of these "loopholes" in the law and have exploited them to avoid background checks and purchase guns illegally.

In order to stop gun trafficking to criminals, we must ensure that gun purchasers undergo a background check. It is estimated that nearly 120,000 illegal gun purchases could be prevented a year by extending background checks to private sales (7).

### **What is NCGV doing to stop Gun Trafficking?**

In 2002, NCGV worked with legislators, law enforcement groups, and national organization, Americans for Gun Safety, to introduce House and Senate bills in the NC General Assembly to combat gun trafficking. The legislation would create a statewide task force of law enforcement to investigate and prosecute those involved in gun trafficking; it would also increase penalties for felons with firearms and for those who obliterate serial numbers on firearms.

The legislation received endorsements from Governor Michael Easley, the NC Association of Chiefs of Police, the NC Association of District Attorneys, the Police Benevolent Association, the Fraternal Order of Police, the NC Association of Educators, and many other organizations from the health care, religious, and social activist communities. Twenty-one prominent North Carolinians also endorsed the legislation in an open letter to the General Assembly.

***NCGV continues to work and support efforts to stop gun trafficking through collaboration with law enforcement, lawmakers, and organizations and individuals concerned about public safety.***

1. Americans for Gun Safety, [http://ww2.americansforgunsafety.com/the\\_issues\\_gun\\_traffic.ASP](http://ww2.americansforgunsafety.com/the_issues_gun_traffic.ASP).
2. Bureau of Alcohol, Tobacco, and Firearms. "Crime Gun Trace Reports," 1999.
3. Bureau of Alcohol, Tobacco, and Firearms. "Following the Gun: Enforcing Federal Laws Against Firearms Traffickers," 2000.
4. Americans for Gun Safety, <http://w3.agsfoundation.com/enforcement.html>.
5. Department of Justice, Bureau of Justice Statistics, [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov).
6. Cook, P.J. and Ludwig, J. Guns in America: National Survey of Private Ownership and Use of Firearms. National Institute of Justice Research in Brief, 1997.
7. Educational Fund to Stop Gun Violence, [http://efsgv.org/content/resources/frame\\_resc\\_intro.html](http://efsgv.org/content/resources/frame_resc_intro.html).

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