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FIREARM ABUSE —

A RESEARCH AND POLICY REPORT

by

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CONTENTS

ACQUISITIONS
vii

PREFACE	vii
ACKNOWLEDGMENTS	ix
GLOSSARY	xi
INTRODUCTION	3
PART I: THE ROLE OF FIREARMS IN CRIME	
1 Uniform Crime Reports Data	12
2 Frequency of Police Confiscations of Firearms in the Sample Cities	27
3 Types of Firearms Confiscated	50
PART II: FIREARM COMMERCE	
4 An Overview of Firearm Commerce	91
5 Post-Retail Interstate Commerce	100
6 The Age of Confiscated Handguns	115
7 Stolen Firearms	126
PART III: POSSIBILITIES FOR CHANGE	
8 Improving Federal Enforcement Efforts	139
9 Local Police Policies and Procedures	162
10 Concluding Observations: New Approaches to Firearm Abuse	177
APPENDIX A: PUBLISHED UCR STATISTICS CONCERNING FIREARMS AND CRIME	181
APPENDIX B: CITY PROFILES	192
APPENDIX C: GUN CONTROL ACT OF 1968	203

LIST OF TABLES

Chapter 1

1. Ranks in Crime Index, Murder, Robbery, and Aggravated Assault: Sample Cities, 1974 19
2. Firearm Abuse and Murder Rates and Ranks: Sample Cities, 1974 21
3. Choice-Availability and Murder Measures and Ranks: Sample Cities, 1974 23
4. Summary of Rankings in Selected Categories: Sample Cities, 1974 25

Chapter 2

5. Firearm Confiscations: Sample Cities, 1974 Estimates 31
6. Firearm Confiscation, Abuse, and Choice-Availability Ranks: Sample Cities, 1974 34
7. Percentage of Firearm Confiscations by Location of Confiscation: Sample Cities 44
8. Projected Location Confiscation Rates Per 1,000 Population: Sample Cities, 1974 46
9. Relationship between Location of Confiscation and Abuse Rate: Sample Cities, 1974 48

Chapter 3

10. Percentage Distribution of Reported Firearm Confiscations by Type of Firearm 52
11. Brands of Firearms Most Frequently Confiscated: Nine-City Sample 56
12. Brands of Firearms Most Frequently Confiscated: Individual Cities 58
13. Inexpensive Handguns among Brands Most Frequently Confiscated: Individual Cities 61

14. Leading Brands in ATF Trace Requests: 1974, 1975, and Nine-City Confiscation Sample	66
15. Prices of Firearms Confiscated in New York: October 1975	68
16. Price of Firearms by Crimes Charged, New York: October 1975	73
17. Comparison of Brands of Firearms Most Frequently Confiscated in the Cities and those Involved in ATF Trace Requests, by Specific Crime	75
18. Confiscated Firearms in Nine-City Sample Compared to 1975 ATF Trace Requests	80
19. Comparison of Handgun Production, Confiscations, and Trace Requests	82
20. Confiscated Handguns by Caliber: Seven Sample Cities	85
21. Confiscated Handguns by Caliber: Five Crime Categories	88

Chapter 4

22. Net Firearms Production for Civilian Market, 1966-68 and 1973-75	93
23. Major Producers of Firearms	97

Chapter 5

24. Percentage of Traceable Handguns Purchased In-State: ATF Project Identification, Fifteen-City Sample	104
25. Percentage of Handguns Traced In-State, by Type of State Law: ATF Project Identification, Fifteen-City Sample	106
26. Top Ten Brands of Handguns Originating at Retail in Florida, Georgia, South Carolina, and Virginia: ATF Project Identification, New York Sample	109
27. Location of Last Known Purchaser: New York City Traces	112

Chapter 6

28. Age Analysis of Handguns Confiscated in Project Identification Cities	117
29. Time between Last Retail Purchase and Police Confiscation: New York, 1973 and Philadelphia, 1974	119
30. Age of Firearms Confiscated by New York Police: October 1975	122

Chapter 7

31. Time between Firearm Theft and Confiscation by New York
Police: October 1975 131
32. Stolen Firearms by Manufacturer: October 1975, New York
Sample 136

Appendix A

33. Reported Robberies by Type of Weapon Used: The Nation,
1974 191

LIST OF FIGURES

1. Firearm Confiscations per 1,000 Population: Sample Cities, 1974 Estimates	33
2. Relationship of Confiscations to Firearm Abuse: Sample Cities, 1974	38
3. Age of Project Identification Handguns: New York, 1973; Philadelphia, 1974	121
4. Murder Rate per 100,000 Population: The Nation, 1965-1974	182
5. Number and Percentage of Reported Murders by Type of Weapon Used: The Nation, 1965-1974	183
6. Murder Rates per 100,000 Population by Type of Weapon Used: The Nation, 1965-1974	185
7. Reported Numbers of Law Enforcement Officers Feloniously Killed: The Nation, 1965-1974	186
8. Aggravated Assault Rates per 100,000 Population by Type of Weapon Used: The Nation, 1965-1974	187
9. Robbery Rates per 100,000 Population: The Nation, 1965-1974	190

PREFACE

The reality of policing in America includes dealing with citizens who possess firearms in the tens of millions. So huge is the domestic arsenal of privately held firearms that American police must be aware that a firearm may be at hand in any situation they encounter. Tragically, in thousands of situations a year, the potential for firearm abuse is realized.

Surprisingly, as extensive as that problem is, the police have had relatively little information to guide them in seeking to limit firearm abuse. Indeed, this study represents the first sustained effort to examine, from the police perspective, the problem of firearm abuse by using police records. As such, the report is only a beginning step toward establishing a body of useful knowledge about the problem and policy alternatives for dealing with it.

Some intriguing information has been developed. For example, a significant finding emerges from an examination of samples of firearms confiscated in ten cities. Data show the frequency with which higher-priced, well-known brands of handguns appear in the samples of firearms believed to be involved in murder, robbery, assault and other felonies. This evidence clearly indicates that the belief that so-called Saturday Night Specials (inexpensive handguns) are used to commit the great majority of these felonies is misleading and counterproductive and can confuse the police administrator in confronting the problem of firearm abuse.

The variations in firearm confiscation rates among the ten cities studied in this report suggest that police policy and procedures in these cities should be studied further so that police efforts to confiscate illegally possessed firearms can be improved.

The report's examination of the efforts of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms and those of local police suggests that much more can be done within the framework of current laws to curb firearm abuse. This is not to ignore another suggestion in the report, that the extensive interstate commerce in firearms indicates that strong federal laws would be helpful in controlling firearm abuse.

This study could not have been undertaken without the cooperation of ten major American police departments whose chief executives committed themselves to thorough research of the firearm problem. The type of comparative, cross-city research involved in the study is all too rare in American policing, but it is vital that such research be done if we in policing are to learn from one another. The Foundation is grateful to the chiefs and staffs of the ten departments for their valuable assistance.

Patrick V. Murphy
President
Police Foundation

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Many persons contributed in several valuable and constructive ways to the Police Foundation's firearm abuse project. Patrick V. Murphy was the principal person involved in initiating the project. Without his early and continuing support and advice, the project would not have begun.

Professor Franklin L. Zimring of the University of Chicago Law School, a consultant to the project, provided guidance in the direction of the research and in evaluation of the data, and helped to edit several drafts of the report.

Jay L. Kriegel contributed critical advice in planning the research and in editing the final draft of the report. Lucy Friedman and Herbert Sturz of the Vera Institute of Justice and Joseph H. Lewis of the Police Foundation reviewed final drafts of the report and made valuable suggestions for its improvement.

Ina Smalzer of the Police Foundation helped to design and verify the report's tables and worked diligently in the preparation of several drafts of the report. Mara Adams of the Foundation provided patient, professional copy editing, is responsible for the presentation of the tables in this report, and designed the publication.

Finally, the officials of the various law enforcement agencies throughout the United States who participated in the project must be recognized. The chief executives of the police departments of Atlanta, Baltimore, Boston, Chicago, Detroit, Houston, New York, Philadelphia,

San Francisco, and Washington, D.C., and the subordinates they designated; Director Rex D. Davis of the Bureau of Alcohol, Tobacco and Firearms; and officials of the Federal Bureau of Investigation, provided the substance of this report. In each agency the number of people who cooperated is such that together they would comprise a roster of more than 100 men and women, ranging from the chief in each city to ballistic experts, property room officials, and detectives. Their cooperation was much more than a matter of routine courtesy. It involved providing information that had never been kept before, thus requiring time-consuming retrieval and culling of old log books or files. This process was often complicated by our later requests for more or different information. I hope this report justifies the patient and eager cooperation that these men and women gave the project.

Steven Brill
Firearms Project Director

Joan L. Wolfle
Program Officer

GLOSSARY

Five terms are used in several chapters in this report. Each is defined and explained in the text when it is introduced. However, to assure that their meanings can be referred to conveniently, they are also presented below.

1. Firearm Abuse Rate

This is the number of murders, robberies, and assaults reported to UCR in each city that were committed with firearms per 100,000 residents of that city. It is called a firearm abuse rate because it measures the reported rate at which firearms were abused by citizens to commit the three major crimes of violence. As such it can be regarded as a general measure of the reported frequency with which citizens in a city were attacked or threatened with firearms by others. In all cases in the text, the firearm abuse rates refer to UCR data for the year 1974. It is introduced in Chapter 1.

2. Firearm Choice-Availability Measure

This term represents the percentage of all murders, robberies, and assaults reported to UCR in a given city that were committed with firearms. The firearm choice-availability measure is not the same as the firearm abuse rate: The abuse rate measures the number of such crimes which were committed with firearms, while the choice-availability measure measures the percent of all such reported crimes that involved firearms. For example, if a city of 100,000 people had 10,000 reported murders, robberies, and assaults of which 6,000 were committed with firearms, its firearm abuse rate would be $.1 \frac{(10,000)}{(100,000)}$ and its firearm choice-availability measure would be

$$.6 \frac{(6,000)}{(10,000)}$$

The term choice-availability measure is labeled as such because it is hypothesized that measuring the percent of murders, robberies, and assaults that are committed with firearms presents some indication of the volume of firearms that are available for use and the frequency with which people choose to use them. It measures how often someone committing one of these crimes had access to and decided to use a firearm. If two cities of equal size have the same number of reported robberies, assaults, and murders, but in one city 50 percent of these crimes are committed with firearms and in the second city only 20 percent are, it may be assumed that in the first city (1) firearms are more available; (2) people are more willing to use them; or (3) both.

In all instances, the firearm choice-availability measures presented in the text refer to UCR data for the year 1974.

3. Firearm Confiscation Rate

This is the number of firearms that the police in each of the ten participating cities reported that they confiscated from civilians in 1974 per 1,000 residents of the city. It should be noted, as is explained in the text, that a confiscated firearm is not necessarily a firearm that was illegally possessed or used in a crime. Some 20 to 25 percent of confiscated firearms were simply found by police or turned in voluntarily by citizens.

4. Police Effort Measure

This represents a tentative attempt to measure the way in which police practices and procedures affect firearm confiscation rates in a city, independent of the volume of firearm abuse in that city. The volume of firearm abuse is isolated from this measure by making it an inverse factor. This is done by dividing the confiscation rate in a city by its abuse rate. Thus if two cities

have confiscation rates of .5 but the first city has an abuse rate of 200 and the second city an abuse rate of 400, the first city will have a police effort measure of $.0025 \frac{(.5)}{200}$, while the second city will have an effort measure of $.00125 \frac{(.5)}{400}$.

It must be emphasized that this effort measure is not meant to imply anything positive or negative about any police department. It is too speculative to be interpreted this way. Moreover, several factors that could contribute to a low effort measure--such as exceptionally careful regard for constitutional rights against unreasonable search and seizure--could hardly be regarded as reflecting negatively on a department.

5. Inexpensive Firearms

These are firearms that sold at retail in 1976 for \$60 or less.

FIREARM ABUSE

A RESEARCH AND POLICY REPORT

INTRODUCTION

The question of what to do about firearm violence has always stirred strong opinion and emotion. But the intensity of the debate has never been matched by efforts to understand the issues involved. There has been little in the way of research that could give police and other public officials the information they need to develop sound policy and practical procedures for coping with civilian firearm abuse.¹

In April 1975, the Police Foundation began an effort to gather at least some of the information. This report is the result of that effort. It provides initial, tentative data having to do with four aspects of the firearm abuse problem:

1. The possibility of improving the data local police departments and federal law enforcement agencies now collect on the role of firearms in crime and how people who commit crimes obtain firearms;
2. The role of firearms in crime generally and of specific types of firearms--expensive handguns, inexpensive handguns, conventional shotguns, rifles, etc.--in specific categories of crime;
3. The commerce in firearms, including interstate traffic, the problem of firearm thefts, and the age of firearms used in crime; and
4. An assessment of federal and local police efforts to enforce current firearm laws, including the performance of the United States Treasury

1. Throughout this study the term "firearm abuse" denotes the use of a firearm to commit a crime. The term "firearm" denotes the category of weapons that includes both handguns and long guns. In no place are firearms and handguns synonymous; where one is used the other cannot be substituted, and the use of one as opposed to the other is always deliberate.

Department's Bureau of Alcohol, Tobacco and Firearms (ATF), the agency responsible for enforcing federal firearm laws and for regulating the firearm industry.

The project began with an effort to enlist the cooperation of those who could provide the data and the guidance necessary for it to succeed. Project staff approached ATF, the Federal Bureau of Investigation (FBI), and the chief police executives of the cities of Atlanta, Baltimore, Boston, Chicago, Detroit, Houston, New York, Philadelphia, San Francisco, and Washington, D.C., and asked them to help in the study. All agreed, and in each case designated one or more appropriate officials to work with the Police Foundation project director as liaison to the project. ATF supplied data on firearm traces, and many ATF officials were available for hours of interviews regarding ATF policies and procedures. The FBI supplied data from the Uniform Crime Reports (UCR) section and from the National Crime Information Center (NCIC). The ten cities supplied files of ballistics reports and police incident reports² associated with firearm confiscations. In each city, personnel from the police department's ballistics unit, property clerk's office, planning and intelligence units, detective squads, and other commands were available for interviews. Project staff chose the cities on the basis of size and geographic balance. They represent 10 of the nation's 15 largest cities and nearly every region of the country.

The perspective throughout this report is law enforcement oriented. In a country where, in 1974, firearms were reportedly used to commit 14,083 murders, 197,753 robberies, and 114,053 aggravated assaults, no one debates the need to curb firearm abuse. The debate is over how to do it. Researchers

2. In all cases the names of any defendants were deleted.

can approach this question by gathering available data and attempting to analyze what it should mean to law enforcement agencies. For example, in assessing the potential impact of a proposed law to ban "cheap" handguns, police should know--and be able to tell other public officials--how many such firearms are now used in crimes, as compared with other types of firearms. Or, in assessing the potential impact of a state law restricting purchase of firearms, police should know the extent to which the enforcement of other restrictive state laws has been undermined by a more lenient law in a neighboring state.

Police have enormous discretion in enforcing most laws regarding firearms. Another aspect of this project was a tentative attempt to analyze how police use that discretion. This study suggests that they apply it in varying ways, but with uniformly insufficient information about the consequences.

Police are also the keepers of the arrest, incident, and property confiscation records that tell the only detailed story of the role of firearms in crime in America. Yet the information contained in these records has never been gathered in a systematic analysis of the firearm problem.

Our goal, then, is to suggest to the police some answers to a police issue by using police data.

Part I focuses on the role of firearms in crime. Chapter 1 outlines what the FBI's Uniform Crime Reports now tell us about firearm abuse, and discusses the data on firearm abuse that UCR does not now collect and report. The ten sample cities in which new data were collected and analyzed are then introduced and new measures and methods of firearm abuse analysis using the data are presented. A "firearm abuse rate" and a "firearm choice-availability measure" are introduced as tentative, new tools

for understanding a city's firearm abuse problem. The choice-availability measure seems to be related generally to each city's overall murder rate, a finding which, if confirmed in more scientifically drawn samples, would suggest that a locality's overall murder rate is in some way related-- independent of criminal propensity in that locality--to the number of firearms available there.

Chapter 2 presents data on the number of firearms confiscated from civilians by the police in each of the ten cities in 1974. We attempt to explain the wide variations among the cities in their firearm confiscation rates. Differences in the volume of firearms available and being misused in a city seem to explain some of the differences in confiscation rates, but variations in police efforts to confiscate illegally possessed firearms in each city may also account for a portion of the variations. The confiscations are then analyzed in each city on the basis of where they occurred--in a residence, in or around an automobile, on the street, or in a business establishment--and the differences among the cities are again discussed.

Chapter 3 analyzes a sample of confiscated firearms in nine of the ten participating cities. Although firearms confiscated by police are not an exact sample of firearms used in crime, they are the best sample currently available. The analysis begins by classifying the firearms confiscated in each city as either handguns or long guns, classifying them by manufacturer, and cross-tabulating on the basis of the crime in which the firearms were believed to have been involved. This method yields previously unavailable information on the quality and the specific brand names of firearms believed

to have been used in murder, robbery, or assault, or seized in arrests for illegal weapons possession. In general, handguns manufactured by a handful of companies seem to be the firearms used most often in all crimes in all the cities. Contrary to popular belief, these handguns are not more likely to be inexpensive (costing less than \$60). Smith and Wesson is the manufacturer whose products were found most frequently in most of the samples, with Colt products most frequently in second place. Included also is a study of the caliber of handguns confiscated in various cities that were involved in these crimes. It indicates that higher caliber handguns (greater than a .32 caliber) are involved in crime with approximately the same frequency as low caliber handguns (less than .32).

Part II is a discussion of firearm commerce.

Chapter 4 contains an overview of the firearm industry. It attempts to provide the best available information on firearm production, importation, distribution, and sales, and discusses the problems involved in obtaining this information.

Chapter 5 analyzes post-retail interstate commerce in handguns. We found, as other studies have, that this interstate traffic undermines state efforts to enforce firearm laws. Data on traced handguns previously gathered by ATF, as well as data obtained and analyzed from new traces yield a pattern of traffic in which handguns are transported from states with little or no restrictions on handgun purchases into states with stringent state and local firearm laws.

Chapter 6 attempts to shed light on the way in which the production and sale of firearms affects their availability and use by analyzing the "age" of firearms confiscated in several cities. The samples indicate a surprisingly short period between the time a firearm is purchased at retail and

the time it becomes involved in a crime and confiscated by the police. The chapter includes a discussion of what the finding that such firearms are relatively "new" means in terms of the nature of the firearm commerce pipeline.

Chapter 7 focuses on a special problem related to firearm commerce--firearm thefts. The traces--supplemented by a study conducted by the Intelligence Division of the New York City Police Department, by available NCIC data, and by a burglary study conducted in Houston--suggest that hundreds of thousands of firearms are stolen each year and that stolen firearms make up a large portion of the criminal arsenal--perhaps as much as 20 to 25 percent. However, we found that no federal, state, or local law enforcement agency keeps count of stolen firearms or of the circumstances of firearm thefts or makes any special effort to curb them. The chapter includes data indicating that police confiscate many stolen firearms from persons reportedly using them to commit crimes almost immediately after they have been stolen.

Part III focuses on federal and local efforts to enforce existing firearm laws.

Chapter 8 discusses the work of ATF in enforcing the federal firearm laws, outlining ATF's deficiencies and poor use of existing legal authority to combat firearm abuse. The chapter includes several suggestions for improvement of ATF efforts, including more vigorous monitoring of the records that ATF-licensed dealers and manufacturers are required to keep, more extensive collection of data from these licensees, new requirements for theft-reporting and theft-prevention, and an adjustment of enforcement priorities. These improvements would require no change in the current law.

Chapter 9 discusses police procedures and policies in the ten participating cities with regard to the enforcement of state and local firearm laws.

The discussion, which is necessarily tentative because the information-gathering process was limited to a small number of general interviews at each police department, includes an assessment of police efforts to enforce existing firearm laws, with suggestions for more aggressive enforcement. The chapter also discusses current police procedures for the disposal of confiscated weapons and combatting firearm thefts, and outlines possible improvements in these areas.

Chapter 10 concludes with brief observations on what the data in the preceding chapters suggest about the potential effectiveness of various federal legislative efforts.

We cannot emphasize enough that this report must be regarded only as a first step. The only certain finding here is that research is possible and productive. The best we can claim is to have skimmed the surface and to have pointed the way to the additional work that is possible. There is much more to be done. We hope this report encourages new efforts.

PART I: THE ROLE OF FIREARMS IN CRIME

CHAPTER 1
UNIFORM CRIME REPORTS DATA

An Overview of Available Data

Given the cost of crime in the United States, we know surprisingly little about it. We count national unemployment or price changes much more accurately than we count robberies or burglaries. Pollsters measure television viewing habits or political attitudes far more precisely than police measure the methods, motives, or even the frequency of crime. Indeed, despite the reality of each criminal event, the overall picture of crime in the United States is sketched in vague brush strokes.

The primary statistical reports on crime are the Uniform Crime Reports (UCR) tabulated and published by the FBI. UCR faces three major obstacles to complete an accurate data collection. First, unlike other attempts at mass data gathering, crime measurement depends almost completely on the voluntary reports of citizens. The pitfalls of such a system are obvious; what one citizen in one city considers to be a robbery or an assault worth reporting to the police may be something that another citizen in another city may decide is not worth reporting, or may report differently. With these difficulties come the second problem of depending on a highly decentralized system of data-gathering. Although UCR is a national program, it relies on receiving reports of crime from about 12,000 law enforcement agencies throughout the country. These police agencies, whose jurisdictions represent 94 percent of the national population, participate in UCR on a voluntary basis. The extent and efficiency of their participation depends wholly on which UCR forms they complete and send to Washington in time to be included in the UCR annual report. Despite UCR's best efforts to make these reports

standard, different law enforcement agencies approach the task of reporting crime with different methods, different definitions, different priorities, and different degrees of success.¹ The third obstacle facing UCR has to do with the information that does get reported. Much of it is vague and inexact, in part because of the limits on specificity inherent in any attempt to record all the 9 million crimes that occur annually, and in part because in some cases UCR neglects more significant questions.

The UCR data having to do with firearms as instruments of crime are found in the reports of three of the "Part I" crimes--murder, robbery, and aggravated assault.² Except for murder, these data are highly unreliable. However, they do provide the best general sketch available of the role of firearms in selected violent crimes. Appendix A presents UCR data on the trends in these three crimes for the years 1965 through 1974. They indicate that there has been a steady increase in the reported abuse of firearms during this time, and that in 1974 firearms were used in 14,211 murders (including 128 felonious killings of law enforcement officers), 114,053 aggravated assaults, and 197,753 robberies.³ These total more than 326,000 reported incidents--893 a day--of firearms being used illegally to assault or threaten citizens. Between 73 percent and 82 percent of the murders committed with firearms involved a handgun; long guns accounted for between 18 percent and 27 percent.

1. It should also be noted that, for the most part, these data are not audited. See Franklin E. Zimring, "Crime Demography and Time in Five American Cities," forthcoming.

2. The other index crimes are forcible rape, burglary, larceny, and auto theft.

3. It should be noted that if a robbery involved an aggravated assault, only the robbery--the highest charge--would be recorded by UCR. Conversely, a robbery that also results in a murder is reported only as a murder.

These data indicate clearly that firearms, especially handguns, are major instruments of murder, robbery, and aggravated assault. However, little else is clear about firearms and crime. According to the FBI, UCR was established in 1930 with "the fundamental objective of . . . [producing] a reliable set of criminal statistics on a national basis for use in law enforcement administration, operation and management."⁴ It seems to fall short of that goal in the area of firearm abuse. A police chief reviewing the UCR sees that firearms are a problem. But although the chief is responsible for protecting the citizens of a city or town from persons who obtain firearms for illegal purposes, he is given little information about how they obtain firearms, or in what circumstances police are likely to confront civilians illegally possessing them. Although the chief may suspect that many firearms used in crime have been stolen from lawful owners, he cannot assess the order of magnitude of firearm thefts, much less obtain information on the circumstances of such thefts that might indicate precautions he could take to prevent them. Although the chief knows that police across the country are seizing large quantities of firearms used in crimes, it is impossible to determine from UCR figures how the number seized compares with the number added to the open market each year.

In addition to the FBI, the other federal agency that might collect such data is the Bureau of Alcohol, Tobacco and Firearms (ATF). ATF is responsible for enforcing all federal firearm legislation, including the provisions of the Gun Control Act of 1968 governing the licensing and regulation of firearm manufacturers, importers, and dealers. ATF also

4. Federal Bureau of Investigation, Crime in the United States: Uniform Crime Reports, Washington, D.C.: U.S. Government Printing Office, 1975, 2.

traces firearms suspected of having been involved in a crime when federal, state, or local police request the agency to do so. The bureau's policies, operations, and general effectiveness are discussed in Chapter 7 below. ATF does not collect any data concerning firearm crimes, thefts, or confiscations, except for the limited information in these areas having to do with the activities of its own special agents.

In short, serious gaps exist in federal data collection with regard to firearms and crime. These gaps appear in the following categories:

- The number of firearms used in crime. UCR tabulates the number and percentage of murders, robberies, and aggravated assaults committed with firearms. However, there are no distinctions among the specific types of firearms--handguns, shotguns, and rifles--used in reported robberies or aggravated assaults. Sawed-off shotguns (a partially concealable weapon as compared with conventional shotguns), considered to be more dangerous to police and civilians than handguns, are not distinguished at all--even for murder. More significantly, there has been no analysis of the cost, caliber, concealability, or manufacturers of firearms. Thus, police and other public officials are able only to guess at the efficacy of legislative proposals, such as those that would ban inexpensive, small caliber handguns. Federal and local officials are unable to plan enforcement strategies or assess what kind of additional monitoring or regulation of the production and distribution patterns of manufacturers whose weapons seem to be used most often in crimes may be necessary.

- Firearm thefts. Neither ATF nor UCR collects information on firearm thefts, even though such thefts may be the source of one-fifth of the firearms now being used in crimes (see Chapter 7). The FBI's National Crime Information Center (NCIC), a data bank designed to allow police to

pool reports on stolen and confiscated property and on fugitives from justice, does receive reports of stolen firearms. But the reporting is voluntary and in such form that NCIC officials say they cannot now determine how many stolen firearms are reported each year, or during any other specific time period, without a prohibitively expensive computer programming effort.

- The firearm pipeline. ATF does not keep track of the number of firearms coming into civilian hands each year as compared with the number leaving civilian hands, nor does ATF make effective efforts to assess the average "age" of firearms used to commit crimes. ATF does keep an overall count of firearms manufactured or imported for civilian use each year, but the bureau does not share this information with other police agencies or the public. ATF also does not tabulate sales by manufacturer or by region of the country and does not keep count of firearms removed from circulation by police confiscation. An accurate measure of confiscations each year, along with a detailed count of manufacturing and import volume and an analysis of the "age" of firearms used in crimes, could suggest to police where, how, and when a change in manufacturing or import volume could affect the supply of firearms available for use in crimes. Similarly, a measure of fluctuation in a national count of firearms confiscated by police from people possessing them illegally could become an important barometer of national firearm abuse. Differences in rates of confiscation among cities could provide information about the effectiveness of local restrictions on firearm possession or about the comparative efficiency of police efforts to enforce laws against the illegal possession of firearms. Reporting on the circumstances in which police confiscated firearms from civilians who possessed them illegally could help police departments develop more efficient strategies for seizing these firearms.

- How firearms are obtained illegally. Closely related to the inquiry into the firearms pipeline is the question how are firearms obtained illegally. Despite all the debate over whether legislation could keep criminals from obtaining firearms, neither UCR nor ATF now collects data on how criminals obtain firearms. Tentative studies by ATF suggest that illegal interstate trafficking in firearms undermines strong state or local firearm laws, but there is now no systematic effort to pinpoint the major methods and areas of operation of that illicit market, nor to determine ways to combat it.

These information gaps are described here because much of what follows is the result of a limited experiment in filling them. The following chapters report on tentative efforts to collect some of these data in ten of the nation's largest cities.

The rest of this chapter sets the scene for that effort by reviewing the UCR data available in the ten participating cities.

UCR Data in the Sample Cities

Our major research concerns firearms seized by police in Atlanta, Baltimore, Boston, Chicago, Detroit, Houston, New York, Philadelphia, San Francisco, and Washington, D.C. These cities were chosen because of their size and their geographic location: they represent nearly every region of the country, 10 of the nation's 15 largest cities, and 9 percent of the nation's population. They also represent the full range of state and local firearms control laws--from Houston, with virtually no control on purchases of firearms other than the federal law, to New York, with the most stringent combination of state and local laws.

Although data are not presented here comparing the overall experience of the ten cities to the nation as a whole in terms of reported crime and

firearm abuse, unpublished UCR data made available by the FBI to the Police Foundation indicate that the rate of reported robbery, assault, and murder in the ten cities combined is much higher than in the nation as a whole, and that the rate of such crimes committed with firearms is similarly higher. The data also indicate that firearms play about the same role in such crimes in the ten cities (on the average, about 62 percent of the murders, 26 percent of the assaults, and 43 percent of the robberies) as they do in the nation as a whole, and that a rapid increase in these crimes in the ten cities has been paralleled by a similar but flatter trend in the nation as a whole.

In this chapter, we compare the cities to each other with a view toward developing new methods of analyzing firearm abuse.

Table 1 shows how the cities rank in rates of reported overall crimes ("Part I" or "Crime Index" crimes), and in murder, robbery, and aggravated assault.

In Table 1, no city maintains the same rank for more than two of the four categories. For example, Boston reported the highest overall crime rate, yet was eighth in murder rate. New York was second lowest in crime index and lowest in murder rate but was third highest in rate of aggravated assault.⁵ This table may mean that crime reporting, as compared to actual crimes, in the various cities is so erratic (even among different categories of crime in the same city) that no consistent patterns will emerge in such a

5. The crime index, as defined by UCR, includes all reported murder, forcible rape, robbery, aggravated assault, burglary, and larceny. Yet property crimes dominate the crime index to such an extent that even a slight increase in one city's burglaries or larcenies--or in its efficiency in reporting them--will boost its overall crime index significantly. For example, a 2 percent national increase in burglaries in 1974 would have had more effect on the national crime index than would a 100 percent increase in the number of reported murders.

Table 1: RANKS IN CRIME INDEX, MURDER, ROBBERY, AND AGGRAVATED ASSAULT*
SAMPLE CITIES, 1974

CITY	CRIME INDEX	MURDER	ROBBERY	AGGRAVATED ASSAULT
Boston	1 (10,634.62)	8 (21.52)	2 (1164.23)	5 (417.79)
Atlanta	2 (9908.35)	1 (56.21)	6 (887.37)	2 (686.15)
Detroit	3 (9587.61)	2 (48.93)	1 (1389.53)	4 (478.80)
Baltimore	4 (8604.40)	4 (33.18)	3 (1152.14)	1 (719.97)
San Francisco	5 (8246.46)	9 (21.38)	8 (654.27)	7 (395.87)
Washington, DC	6 (7557.95)	3 (38.45)	4 (1098.34)	8 (388.79)
Chicago	7 (7377.49)	5 (29.42)	7 (793.81)	6 (400.91)
Houston	8 (6874.79)	6 (24.91)	9 (546.79)	10 (120.91)
New York	9 (6736.10)	10 (20.50)	5 (1009.97)	3 (532.17)
Philadelphia	10 (4300.31)	7 (23.10)	10 (529.94)	9 (275.63)

SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1974

*Based on rate per 100,000 population, which is in parentheses

presentation of the data. Or it may mean that each city has a different kind of crime problem: In one city burglary rates may be relatively high, while in another city robbery rates may be exceptionally high.

Table 2 explores the relationship between firearm abuse and reported crime in each of the cities. Here, the cities are ranked by their "firearm abuse rates." This rate is the combined number of reported murders, robberies, and aggravated assaults committed with firearms in each city in 1974 per 100,000 residents. It provides a clearer measure of the frequency of firearm crime in each city because it sets forth the rate at which firearms were used to commit the three major crimes of violence. Thus, it reports on the rate at which citizens were threatened by individuals with firearms.

Table 2 shows wide variations in rates of firearm abuse among the cities. For example, Detroit's abuse rate was almost four times greater than San Francisco's.

The table also suggests a relationship between each city's reported abuse rate and its overall murder rate. The cities with the five highest abuse rates also had the five highest murder rates, and three of the five ranked in exactly the same order.⁶ Among the lowest five cities, the rankings shifted between the two categories, but not drastically.

6. In discussing this possible correlation and many that follow, exact measures of statistical significance might have been helpful. Indeed, in many such instances statistical significance could thereby have been asserted (for example the "R" for relationship between the reported abuse rates and the murder rates in the 10 cities was .92). In many other instances the Rs were not significant. Because the samples used throughout are so unscientifically drawn and the data so speculative, we decided that we would only discuss in the most general terms what the relationships may be and what they may suggest, rather than clothe them in the higher order of legitimacy that exact "R" measures might connote.

Table 2: FIREARM ABUSE AND MURDER RATES AND RANKS
SAMPLE CITIES, 1974

CITY	ABUSE		MURDER	
	Rate	Rank	Rate	Rank
Detroit	1075.43	1	48.93	2
Atlanta	905.70	2	56.21	1
Washington, DC	735.96	3	38.45	3
Baltimore	609.59	4	33.18	4
Chicago	558.35	5	29.42	5
Boston	475.56	6	21.52	8
Houston	450.94	7	24.91	6
New York	450.21	8	20.50	10
Philadelphia	323.52	9	23.10	7
San Francisco	272.56	10	21.38	9

SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1974

The abuse rate, as we said earlier, is the reported rate at which citizens in a given city use firearms to commit a murder, an aggravated assault, or a robbery. The indication that relative differences in these rates seem to correspond to relative differences in the overall murder rate suggests that the murder rate is related to access to and use of firearms in all crime.

However, in one important way the statement of that relationship is specious. An abuse rate in a city reflects not only the tendency to use firearms, but also the propensity of the citizens toward violent crime. A murder rate also reflects that propensity toward violence.

Table 3 attempts to remove this violence-propensity factor from the analysis of firearm use in a city. Here a "firearm choice-availability measure" is introduced.

The choice-availability measure is the percentage of reported murders, robberies, and aggravated assaults committed with a firearm in each city. It is called a choice-availability measure because, rather than measuring the frequency rate at which firearms are used in crimes, it measures how often someone committing a murder, robbery, or assault had a firearm available and chose to use it. It attempts to measure the availability of firearms in a given city and citizen willingness to use them. It differs from the abuse rate, because it measures the percentage of crimes that involved firearms, not the number or rate of such crimes.

There are large differences among cities in these firearm choice-availability measures. A firearm was about three times as likely to be involved in a murder, assault, or robbery in Houston as in San Francisco, and more than twice as likely in Houston as in Baltimore, Boston, or New York.

Table 3: CHOICE-AVAILABILITY AND MURDER MEASURES AND RANKS
SAMPLE CITIES, 1974

CITY	AVAILABILITY		MURDER	
	Percentage	Rank	Rate	Rank
Houston	65.1	1	24.91	6
Detroit	56.1	2	48.93	2
Atlanta	55.6	3	56.21	1
Washington, DC	48.2	4	38.45	3
Chicago	45.6	5	29.42	5
Philadelphia	39.0	6	23.10	7
Baltimore	32.0	7	33.18	4
Boston	29.7	8	21.52	8
New York	28.8	9	20.50	10
San Francisco	25.4	10	21.38	9

SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1974

The table suggests a relationship between this independent measure of choice-availability and each city's overall murder rate. With the exceptions of Baltimore and Houston, the cities had similar rankings in each of the two categories. The relationship is suggestive enough that the potential of expanding this comparison to include many more cities with scientifically drawn samples may be worthwhile in future efforts to assess the impact of firearm availability on violent crime. The data here suggest that this choice-availability measure could be an important tool for measuring the firearm abuse problem in a given city.

The choice-availability measure was introduced so that the problem of firearm abuse in a city could be observed independent of that city's propensity toward violence. It is not influenced in any way by the number of murders in a given city, yet it seems to correspond to city murder rates. In most cases, where a city had a relatively high choice-availability measure, its overall murder rate (the number of murders per 100,000 people) was also relatively high; and where the measure was relatively low, the murder rate was relatively low. This finding suggests some relationship between choice-availability measures and the frequency of murder in each city.

Table 4 explores other possible relationships. Each city is ranked according to its rates of murder and robbery, its crime index, and its abuse rate and choice-availability measure.

In Table 4 there appears to be little relationship between overall crime index and choice-availability measures or abuse rates, or between overall reported robbery rates (robbery with or without firearms) and

Table 4: SUMMARY OF RANKINGS IN SELECTED CATEGORIES
SAMPLE CITIES, 1974

CITY	CRIME INDEX	MURDER	ROBBERY	ABUSE	AVAILABILITY
Boston	1	8	2	6	8
Atlanta	2	1	6	2	3
Detroit	3	2	1	1	2
Baltimore	4	4	3	4	7
San Francisco	5	9	8	10	10
Washington, DC	6	3	4	3	4
Chicago	7	5	7	5	5
Houston	8	6	9	7	1
New York	9	10	5	8	9
Philadelphia	10	7	10	9	6

SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1974

choice-availability measures or abuse rates.⁷ The most striking correlation, again, seems to be between overall murder rates and abuse rates. Generally, where a city's abuse rate is relatively low, its choice-availability measure is also relatively low. The major exception is Houston, which ranked first in the choice-availability measure but seventh in abuse rate.

As noted, there is a suggested relationship between overall murder rates and choice-availability measures. The one exception in this regard again seems to be Houston, where the murder rate was relatively low but the choice-availability measure was relatively high. Of the cities in this study, Houston has the most permissive law concerning firearm ownership.

The UCR data, as presented in the foregoing tables, provide strong evidence that the firearm abuse problems in the ten sample cities vary dramatically but that some measures seem to correspond to others in ways that could, with further study, shed new light on the roles firearm abuse and firearm choice-availability play in crime. These measures are presented here to suggest the possible paths new analysis of UCR data might take and to provide a context for presenting and analyzing the rates and circumstances of firearm confiscations in these cities.

7. The apparent absence of a strong relationship between overall robbery rates and firearm abuse rates is surprising, considering that robberies with firearms, which made up the major factor in abuse rates (because there are many more reported robberies with firearms than there are murders or assaults), account for 40 to 50 percent of all the robberies. Thus, the same ingredient, robberies with firearms, is an important part of both numbers.

CHAPTER 2

FREQUENCY OF POLICE CONFISCATIONS OF FIREARMS IN THE SAMPLE CITIES

The major effort to collect original data for this project concerned firearms confiscated by police from civilians. When police arrest a suspect with a firearm, the firearm is always confiscated. It may be confiscated permanently or temporarily, simply because the police do not want a person in custody to have a firearm--even if he owns and carries it legally.¹ However, a confiscation does not always mean that the firearm has been seized from someone arrested. In this report, a confiscation is defined as an event during which police seize a firearm from a civilian, find a firearm, or recover a firearm at the scene of a crime and keep it either temporarily or permanently.

Previous ATF studies have attempted to use confiscated firearms as a sample of the weapons used by "criminals"--the rationale being that examining the kinds of firearms seized by police offers the only concrete data on the weapons people who commit crimes actually use. We depend heavily on that rationale in much of the research that follows, but only with the following important caveats:

- Not all firearms confiscated by police have been involved in crimes or seized from arrestees. In our study of samples of firearms confiscated, we tried to determine how many were confiscated as the result of the commission of a crime or an arrest. The data indicate that approximately 20 to 25 percent of the firearms confiscated were simply found by the police while on routine patrol, or were turned in voluntarily by civilians. Moreover, many firearms that would otherwise be considered to have been confiscated (because they were in police

1. Police policies on the return of weapons confiscated from arrestees vary widely. These variations are discussed in Chapter 9.

custody in the property room) were actually firearms owned by police officers who submitted them for safeguarding, for testing, or as evidence in a pending case.

Using police records in each city, we attempted to link confiscated firearms to specific crimes. Where we succeeded, these confiscated firearms unrelated to crime do not intrude on the sample. But where we are referring to confiscated firearms in general--as in the discussion of confiscation rates and the location of confiscations--we believe it appropriate to refer to confiscated firearms only as firearms likely (with about 75 to 80 percent likelihood) to have been involved in a crime.

- Arrestees are not a valid sample of "criminals." They are only people who have been arrested for allegedly committing crimes. Until convicted, all are presumed innocent, and many are so found by the legal process.
- Conversely, not all criminals are arrested.
- Finally, illegal possession of a firearm dominates the crimes involved in confiscations. They represent approximately 50 to 60 percent of the crime-involved firearms in each of the samples. Thus, firearms confiscated by police cannot generally be considered murder, aggravated assault, or robbery weapons. However, as shown in Chapter 3, in our samples the types of firearms involved in illegal weapons cases seem to be no different from those involved in murder, robbery, or aggravated assault.

We stress these caveats because they have not always been spelled out.

Studies conducted by ATF usually refer to confiscated firearms as "crime guns." For example, of the 195 firearms submitted to ATF's Project Identification by the Minneapolis Police Department, 50 were not confiscated as a result of their involvement in any crime, but were either police officers' firearms turned in for inspection or citizens' firearms turned in for safekeeping.² Yet the subtitle of the ATF report on its Project Identification is "A Study of Handguns Used in Crime."³

2. See U.S. Congress, House Committee on the Judiciary, Subcommittee on Crime, Firearms Legislation, Hearings on H.R. 11193, 94th Cong., 1st sess., February-September 1975), Serial No. 11, Part 1, 445, (hereafter cited as Hearings on H.R. 11193).

3. Project Identification: A Study of Handguns Used in Crime, Washington, D.C.: Bureau of Alcohol, Tobacco and Firearms (ATF P 3310.1[5/76]), 1976, 3, 9 (hereafter cited as Project Identification).

Similarly, a subsequent study conducted by ATF found that only 197 of 300 randomly selected firearms on file that had been confiscated by the police and traced by ATF actually had been involved in any crime at all, though the same study called all the firearms involved "crime guns."⁴ ATF's frequent reference to confiscated firearms as firearms recovered in "street crimes" is more inaccurate. Our studies of the locations and circumstances of confiscation indicate that, of the firearms that were involved in a crime, most were not involved in street crimes.

We have attempted to associate the firearms in our confiscation samples with the specific crimes in which police incident and arrest reports indicate the firearms were involved. More important, we have tried to screen out as many of the noncrime firearms as possible. These efforts notwithstanding, the confiscated firearms are nothing more and nothing less than the best currently available sketch of firearms possessed by people who may have committed a crime.

Even with these limits, confiscations and measuring of confiscation rates can be an important tool of crime control analysis in several ways:

- o The number of firearms confiscated each year is one general measure of the number of times police faced a firearm during that time. To be sure, it is an approximate measure, for all the reasons mentioned above, and also because it does not account for the number of occasions when police faced a firearm but were unable to confiscate it. But it is the only such concrete measure available.

4. "Project 300 Study," Washington, D.C.: Bureau of Alcohol, Tobacco and Firearms (FY 76-77), 1976, 1, (hereafter cited as Project 300).

- Confiscation rates may suggest differing firearm abuse problems in one city as compared with another, or they may suggest a comparative measure of police performance in the various cities. The analysis in this chapter examines both possible variables--the nature of the abuse problem and police performance. The tentative conclusion is that both factors are at work in causing confiscation rates to differ so radically among the sample cities.
- Firearm confiscations provide a partial measure of "outflow" in firearm commerce. This measure could be significant in evaluating any proposal to limit the supply of firearms.
- Confiscated firearms offer the most probable sample of firearms used to commit crimes. Examining the types of firearms confiscated yields an approximate reading of the types, the manufacturers, and the calibers of firearms used to commit crime. For all its limits, it is the least imperfect view available of the criminal's arsenal.

Confiscations in the Ten Cities

Before considering the types of firearms found in this ten-city sample, we will focus on some of the surprising differences among the individual cities in the number of firearms their police departments confiscate each year.⁵

Table 5 lists the number of firearms police departments in the ten sample cities confiscated in 1974. Because police recordkeeping often was incomplete, some of the totals are based on samples, and some are based on 1975 data.⁶

For the ten sample cities combined, 61,988 firearms were confiscated in 1974. No data are collected nationally on firearm confiscations.

5. Here an additional caveat must be added. In all cities there is inevitably some leakage that allows police officers to confiscate firearms but not report them as confiscated. This is a problem we can acknowledge but not measure.

6. Atlanta and Detroit are based on 1975 data; data for 1974 were unavailable. However, other samples indicate that confiscations in these cities did not increase or decrease significantly between 1974 and 1975.

Table 5: FIREARM CONFISCATIONS
SAMPLE CITIES, 1974 ESTIMATES

CITY	NUMBER CONFISCATED
Atlanta	2,676
Baltimore	3,420
Boston	1,728
Chicago	18,838
Detroit	5,136
Houston	4,050
New York	15,240
Philadelphia	6,137
San Francisco	1,746
Washington, DC	3,017
TOTAL	61,988

SOURCE: Individual City Original Data Sample

Figure 1 puts the confiscations reported in each city in comparative perspective. It measures the reported or estimated number of 1974 confiscations on a per capita basis and presents a "confiscation rate" (reported confiscations per 1,000 population) for each of the sample cities.

Figure 1 indicates a wide disparity in the rates at which police confiscated firearms in the sample cities. For example, Chicago police confiscated almost three times as many firearms per 1,000 population (5.7) in 1974 as the New York police (2.0) and twice as many as the San Francisco (2.6) and Boston police (2.8).⁷

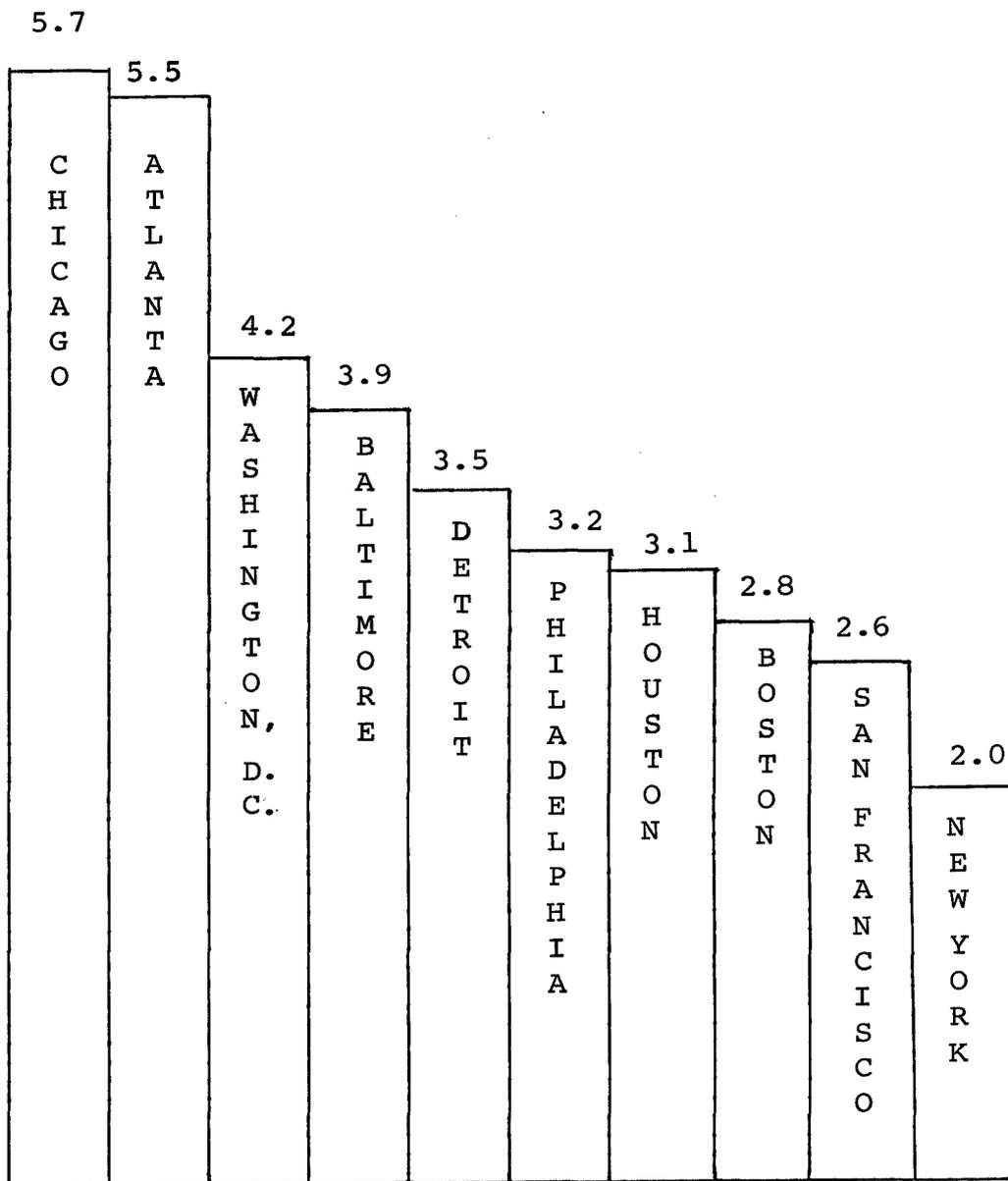
Two factors could be important in understanding these differences. First, it may be that there is simply less of a firearm problem in the cities with lower confiscation rates. Second, it may be that police aggressiveness or efficiency in confiscating firearms accounts for these differences.

Table 6 attempts to isolate the first possible factor. It compares each city's ranking in firearm confiscation rates to its ranking in the firearm abuse rates (the number of reported murders, robberies, and assaults committed with firearms per 1,000 persons) and in the choice-availability measure (percentage of murders, robberies, and aggravated assaults committed with firearms).

7. In four cities, we were able also to obtain 1975 confiscation data, Baltimore's rate increased to 4.3; New York's rate declined to 1.8; Philadelphia's rate declined to 2.8; and San Francisco's rate increased to 2.9.

If the focus is changed slightly and 1974 confiscations per sworn police officer in each city are considered, instead of confiscations per 1,000 people, the cities would rank as follows: 1) Houston, 1.73; 2) Atlanta, 1.68; 3) Chicago, 1.42; 4) Baltimore, .96; 5) Detroit, .95; 6) San Francisco, .89; 7) Philadelphia, .74; 8) Boston, .69; 9) Washington, D.C., .65; 10) New York, .49. Thus, five cities have the same ranking for rate of confiscations per officer as they had for rate of confiscations per 1,000 population. Washington, D.C.--which has the most officers per 100,000 city residents of any major police department in the nation--and Houston showed wide variations, while Chicago, Philadelphia, and San Francisco differed only slightly.

FIGURE 1

FIREARM CONFISCATIONS PER 1,000 POPULATION
SAMPLE CITIES, 1974 ESTIMATES

SOURCE: Individual City Original Data Sample; Uniform Crime Reports, Federal Bureau of Investigation, 1974

Table 6: FIREARM CONFISCATION, ABUSE, AND CHOICE-AVAILABILITY RANKS
SAMPLE CITIES, 1974

CITY	CONFISCATION*	ABUSE**	AVAILABILITY***
Chicago	1 (5.7)	5 (558.35)	5 (45.6)
Atlanta	2 (5.5)	2 (905.70)	3 (55.6)
Washington, DC	3 (4.2)	3 (735.96)	4 (48.2)
Baltimore	4 (3.9)	4 (609.59)	7 (32.0)
Detroit	5 (3.5)	1 (1075.43)	2 (56.1)
Philadelphia	6 (3.2)	9 (323.52)	6 (39.0)
Houston	7 (3.1)	7 (450.94)	1 (65.1)
Boston	8 (2.8)	6 (475.56)	8 (29.7)
San Francisco	9 (2.6)	10 (272.56)	10 (25.4)
New York	10 (2.0)	8 (450.21)	9 (28.8)

SOURCE: Individual City Original Data Sample; Uniform Crime Reports, Federal Bureau of Investigation, 1974

*Rate per 1,000 population in parentheses

**Rate per 100,000 population in parentheses

***Percentage in parentheses

The firearm problem in each city, as measured by the abuse rate, seems to have some relationship to the confiscation rate. The cities with the five highest and five lowest abuse rates were also the cities with the five highest and five lowest confiscation rates. Four cities had the same rankings, and in three the rank moved up or declined by only one or two. This finding suggests that a city may have a lower confiscation rate in part because there are fewer firearms being abused in that city. Chicago, Philadelphia, and Detroit, however, show major changes in confiscation rate rankings as compared with rankings of abuse rates, suggesting that other factors, including those having to do with police effort and performance, may have more impact (positively in Chicago and Philadelphia and negatively in Detroit) than in the other cities.

The choice-availability measures also seem to correspond generally to the confiscation rates. Two cities kept the same rank in choice-availability and confiscation rates, and four more dropped or increased by only one ranking. Baltimore, Chicago, Detroit, and Houston showed more pronounced deviations. This might suggest generally that in cities where firearms are least available and/or less often chosen for use in crime, fewer firearms are confiscated. If our choice-availability measure really does measure a combination of choice and availability, this would hardly be surprising. But because we are more certain about the confiscation rates actually measuring confiscations than we are about the choice-availability measure really measuring availability and criminal preferences, the most significant indication from the apparent relationship between the two is that it provides some limited data supporting the legitimacy of the choice-availability measure as a measure of the number of firearms available and likely to be used in a locality.

We must emphasize again that these measures of the firearm problem-- abuse rates and choice-availability measures--are, at best, crude. Our use of them is tentative. But the relationships indicated between these rates and measures and the confiscation rates suggest that at least some part of the wide variation in confiscation rates is explainable by the nature and the severity of the firearm problem in a given city.

Figure 2 attempts to measure the other possible factor in confiscation rates: police effort. It has been postulated that each city's abuse rate-- the rate of reported aggravated assaults, robberies, and murders committed with a firearm--measures in a general way the severity of the city's firearm abuse problem. This would in turn suggest the relative frequency with which the police are likely to encounter civilians who have firearms for criminal purposes. Thus, if a city's confiscation rate is measured against its abuse rate, a picture of how police in the city are responding to the abuse problem should emerge. Figure 2 explores this relationship between each city's confiscations and its crimes involving firearms. The number of confiscations is divided by the number of murders, robberies, and aggravated assaults committed with a firearm (the firearm abuse rate),⁸ yielding what we will tentatively call a "police effort measure." It is intended to isolate police effort by making the prevalence of firearm abuse an inverse factor.

Thus, if two cities had the same confiscation rates, but the first city had a higher abuse rate, it would have the lower "police effort measure," because its confiscation rate would be divided by a larger number. Similarly, if two cities had the same abuse rates--that is, the

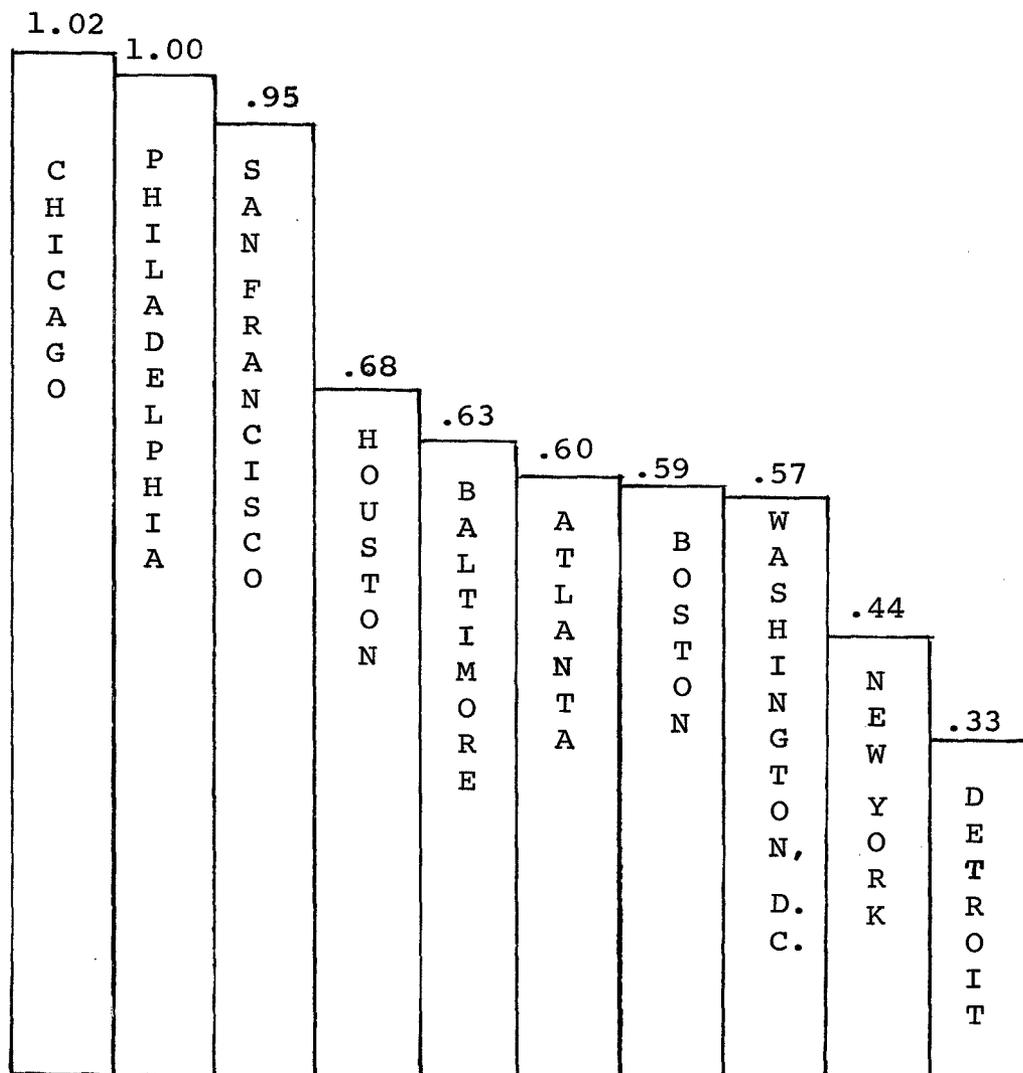
8. Actually, the confiscation rates are divided by abuse rates, but because each rate is based on the city's population, the denominators cancel each other out.

same rate with which firearms were used to commit murders, robberies, and assaults--but the first had a lower confiscation rate, the first city would again have the lower "effort measure." We must emphasize that this "police effort measure" cannot be read as implying anything positive or negative about a police department. It is far too speculative to be interpreted this way. Moreover, a low effort measure could result from several factors, such as exceptionally careful attention to constitutional safeguards against unreasonable search and seizure, that could hardly be regarded as reflecting negatively on a police department or its members. This police effort measure is simply a shorthand term for isolating and grouping together under one label all those factors that have to do with police practices and procedures that might affect confiscation rates.

Figure 2 indicates sharp differences among the ten sample cities in this effort measure. Three clusters seem to have formed: the first, a high effort cluster that includes Chicago, Philadelphia, and San Francisco with measures of .95 to 1.02; the second, a middle effort cluster with measures ranging from .57 to .68 that includes Atlanta, Baltimore, Boston, Houston, and Washington; and the third, a low effort cluster with measures of .33 and .44 for Detroit and New York respectively.

As with the confiscation rates given in Figure 1 and Table 6, no obvious explanations for these differences are available. Measures of police aggressiveness in conducting searches in these cities might explain these differences, but no such measures are now undertaken. A more qualitative, less exact analysis of police procedures--such as the circumstances in which a car is searched during a traffic stop, or the guidelines used in the various police departments for determining when to conduct a stop-and-frisk action--might also help explain the differences in Figure 2. Such analyses could

FIGURE 2

RELATIONSHIP OF CONFISCATIONS TO FIREARM ABUSE
SAMPLE CITIES, 1974

SOURCE: Individual City Original Data Sample; Uniform Crime Reports, Federal Bureau of Investigation, 1974

also suggest procedures by which other police agencies might confiscate more illegally possessed firearms.

We conducted a first attempt at such an analysis in the ten participating cities. The results seem to confirm the potential of more systematic efforts.

In each city, we interviewed police officials about their policies for combatting criminal use of firearms, with emphasis on strategies and policies for seizing and confiscating firearms from those possessing them illegally. Generally, the police policy in this area, as expressed in the interviews, seemed to be reactive as opposed to aggressive or self-initiating. Police do not seek out illegal firearms the way they seek out illegal drugs. When they come across illegal firearms in the course of other work, such as the making of arrests for other crimes or the enforcement of traffic laws, they will confiscate the firearms and make arrests. They do little more than that. However, in Chicago--the city with the highest confiscation rate and the highest confiscation-to-firearm-abuse "effort" measure--the interviews gave the impression that a more aggressive firearm confiscation policy was at work. For example, it was reported in Chicago that an officer who confiscates a firearm often receives special notation on the record, even if it later turns out that the search that yielded the firearm was such that the evidence it produced would be inadmissible in court.⁹ Similarly, Philadelphia, another high-effort city, also emerged in the interviews as a department that encourages police to be especially aggressive in seeking illegal firearms. In contrast, New York appeared to have a policy of greater restraint in carrying out searches and seizures.

9. Interview with Sgt. Michael Boyle in Deputy Superintendent Killacky's office; Chicago, Illinois, August 22, 1975.

To be sure, police aggressiveness is difficult to measure, and policy in this area, even assuming that it does translate consistently into street action, is impossible to quantify from the impressions gained during open-ended interviews of the kind that we conducted.

However, the sharp variations among city rates of confiscations and measures of effort in the data presented, and the first impressions drawn from the interviews, suggest that this is an area in which differences in police policies and practices may have an effect previously unnoticed. Further study is necessary to make these effort measures more exact than the tentative ones postulated here and to identify what police in the various cities do and do not do that affects confiscations of illegally possessed firearms. For example, it might be helpful for a future study to compare how police departments set policy in light of the Supreme Court's decisions on stop-and-frisk actions, or to examine police guidelines for searching cars stopped for traffic violations.

Location of Confiscations

To begin the effort to take confiscation analysis beyond the general volume data discussed above, we also conducted an analysis of the location of the confiscations. After selecting a sample of confiscations in each city, we collected and examined police records associated with the incidents involved in each of the confiscations to determine whether the firearm was confiscated a) on the street; b) in an automobile; c) in a residence; or d) at a business establishment.

These four categories generally included the following kinds of circumstances:

A street confiscation usually involved a firearm taken from someone who was walking the streets. Typically, the officer stopped someone who he

reported appeared to be carrying a firearm, or the officer arrested someone for another crime and then found that he was carrying a firearm. However, in a few cases, a street confiscation meant that the firearm actually was found in the street.

A confiscation from an automobile usually occurred when a police officer found a firearm either on a defendant's person or in or around the automobile during an investigation of a possible traffic violation.

A confiscation from a residence usually involved a situation in which police were called to a home to quell a domestic dispute and found a firearm that had been used or was in danger of being used. However, confiscations from residences also included firearms found during narcotics raids or similar police activities.

A confiscation from a business establishment occurred most often when the firearm was seized from someone who was in a bar or other commercial establishment open to the public.¹⁰ In some instances, police seized a firearm from the owner of the business, who used it for self-protection.

In a small number of instances in each city, the confiscations did not fit into any of these categories. The most frequent situation that could not be categorized was the case of the confiscation that took place in a school or on a bus or train. These "other" confiscations never exceeded more than 9.8 percent in any city.

Houston, which participated in other aspects of the study, was unable to provide any such sample of firearm confiscations. Baltimore provided

10. Subsampling indicated that about two-thirds of the confiscations from a business occurred when patrons of a commercial establishment had their firearms seized in this way.

at our request, a sample of firearms confiscated during September 1974 which reportedly had been used to commit a murder, a robbery, or an assault. This sample included only 52 firearms, thus making the Baltimore sample the smallest among the nine cities, but the only true crime-specific one. The other eight city samples include all firearms confiscated from civilians during a given time period. These eight samples are not ideal because they do not cover the same time periods. The information we sought was unprecedented and thus was extremely difficult for the police departments to gather. Accordingly, we gratefully accepted a sample from the time period for which it was least burdensome for the department to supply the data.

The following is a description of the sample provided by each of the eight cities:

Atlanta: Police Foundation staff gathered information from original police arrest and incident reports¹¹ supplied for the month of December 1975 for all arrests and incidents involving the confiscation of a firearm (223).

Boston: Police Foundation staff gathered information from police arrest and incident reports supplied for the months of December 1975 and January 1976 for all arrests and incidents involving the confiscation of a firearm. Because in many incidents the information was incomplete, a sub-sample was used.

Chicago: Chicago provided the broadest sample in the study. For the period of October 1, 1975 through December 31, 1975, any police officer confiscating a firearm was required to fill out a special form designed by Police Foundation staff in cooperation with the deputy superintendent's office. The form provided for a description of the firearm, the circumstances and location

11. The names of civilians were deleted from these police records.

of the confiscation, and the criminal charges, if any, associated with the confiscation.

Detroit: Members of the Detroit Police Department completed forms similar to those used in Chicago for the period of November 10, 1975, through December 10, 1975.

New York City: The New York City Police Department provided information involving all confiscations taking place during the period October 1, 1975, through October 7, 1975. The department recorded the information on forms similar to those used in Chicago. In addition, the department's ballistics unit keeps detailed daily and monthly records of confiscations. These records for the entire years of 1974 and 1975 were made available for separate study.

Philadelphia: Philadelphia police also used the forms devised for Chicago, and completed them for all confiscations during a 30-day period in March and April 1976.

San Francisco: San Francisco provided all arrest and incident reports involving confiscations for the period October 1, 1975, through December 31, 1975.

Washington, D.C.: Police Foundation staff examined original police records in Washington, D.C., covering the period October 1, 1975, through October 31, 1975.

In Table 7, each city sample is broken down according to the percentage of firearms confiscated on the street, in or around an automobile, in a residence, or in a business establishment.

Table 7: PERCENTAGE OF FIREARM CONFISCATIONS
 BY LOCATION OF CONFISCATION,
 SAMPLE CITIES

CITY	LOCATION					TOTAL NUMBER
	Street	Auto	Residence	Business	Other	
Atlanta	23.5%	26.2%	31.0%	15.0%	4.3%	187
Boston	17.9	17.9	42.0	12.5	9.7	112
Chicago	29.7	22.4	31.3	10.7	5.9	441
Detroit	21.0	17.3	45.3	10.3	6.1	428
New York	43.0	12.8	30.2	8.9	5.1	179
Philadelphia	29.1	15.1	37.0	10.2	8.6	392
San Francisco	23.0	13.7	48.1	12.0	3.2	291
Washington, DC	27.6	14.2	54.0	2.7	1.5	261

SOURCE: Individual City Original Data Sample

Table 7 indicates wide variations among the cities in the location of firearm confiscations. For example, 54 percent of Washington, D.C.'s confiscation sample came from residences, compared to only 30.2 percent of the New York sample. Both samples were taken from the same time period (October 1975), so that seasonal fluctuations would not have been at work. There may have been some differences in how the location classifications on the reporting forms which several of the departments filled out for the study were interpreted. But our random checking indicated that the explicitness of the categories was such that differences of this kind were likely to be minor and random.

Table 8 clarifies the comparisons introduced in Table 7 by estimating the rates of confiscations by locations in each of the eight cities. Here, the percentages shown in Table 7 are applied to the overall city confiscation rates first shown in Table 4 above. For example, inasmuch as 29.7 percent of the confiscations in the Chicago sample took place on the street, and Chicago's overall rate of confiscation per 1,000 population was 5.7, Chicago's street confiscation rate is projected as 29.7 percent of 5.7, or 1.69.¹²

The projected rates of confiscations by location shown above vary more dramatically than the overall confiscation rates. For example, Chicago's and Atlanta's rates of automobile confiscations were more than five times that of New York. On the other hand, New York's rate of street confiscation was 72 percent greater than that of Boston.

In Figure 2 we attempted an effort measure for each city by dividing each city's confiscation rate by its abuse rate. Table 9 carries this

12. Note that the location information was drawn from a 1975 sample, but the confiscation rate was determined for 1974, except in Atlanta and Detroit.

Table 8: PROJECTED LOCATION CONFISCATION RATES PER 1,000 POPULATION,
SAMPLE CITIES, 1974

CITY	LOCATION CONFISCATION RATES					CONFISCATION RATE
	Street	Auto	Residence	Business	Other	
Atlanta	1.29	1.44	1.70	.82	.25	5.5
Boston	.50	.50	1.17	.35	.28	2.8
Chicago	1.69	1.27	1.78	.61	.35	5.7
Detroit	.73	.60	1.58	.36	.23	3.5
New York	.86	.25	.60	.17	.12	2.0
Philadelphia	.93	.48	1.18	.32	.29	3.2
San Francisco	.59	.35	1.25	.31	.10	2.6
Washington, DC	1.15	.59	2.26	.11	.09	4.2

SOURCE: Individual City Original Data Sample; Uniform Crime Reports, Federal Bureau of Investigation, 1974

attempt further by dividing each city's location confiscation rates by its abuse rate. As with Figure 2, the rationale here is that if the abuse rate is a denominator in the equation, the higher it is in a given city, the lower the city's effort measure will be.

The variations indicated in this table are dramatic. For example, Chicago's measure of automobile firearm confiscation effort is approximately 50 percent higher than that of any other city. Detroit and New York's automobile confiscation effort measures are far lower than the other cities, and San Francisco's residential confiscation measure triples Detroit's and far exceeds that of any other city. There is no apparent explanation for these differences. The fact that residential confiscation effort measures show such great variation is particularly puzzling. It might otherwise be assumed that the location confiscation rate least likely to be associated with variations in police aggressiveness or efficiency of police practices would be the residential confiscation rate because, other than the instances in which a residential confiscation occurs during a narcotics raid or other similar police activity, such confiscations would occur only when police are called to a residence and not when, as in street or auto searches, they undertake an action on their own initiative. However, the fact that residential confiscations effort measures vary as widely as the other location effort measures here suggests either that police effort is a factor in these confiscations, or that our effort measure is not the barometer we hoped it was.

If the "effort measure" we have posited is even remotely related to real police effort, the wide variations in these location effort measures suggest that differences in police policies and procedures have a strong impact on the number of firearms confiscated from

Table 9: RELATIONSHIP BETWEEN LOCATION OF CONFISCATION AND ABUSE RATE,
SAMPLE CITIES, 1974

CITY	STREET	AUTO	BUSINESS	RESIDENCE
Chicago	.302	.227	.109	.319
Philadelphia	.287	.148	.098	.364
San Francisco	.216	.128	.113	.458
Atlanta	.142	.158	.090	.188
New York	.191	.055	.037	.133
Boston	.105	.105	.073	.246
Washington, DC	.156	.080	.014	.307
Detroit	.067	.055	.033	.147

SOURCE: Individual City Original Data Sample; Uniform Crime Reports,
Federal Bureau of Investigation, 1974

civilians in each city. Identifying these policies and procedures should be a high priority of further attempts to study firearm confiscations.

CHAPTER 3

TYPES OF FIREARMS CONFISCATED

A principal reason for examining police firearm confiscations is that they yield the best, most tangible evidence available of the kinds of firearms actually used by people who commit crimes. But, for many reasons, the sample of confiscated firearms is not perfect. Not all confiscations involve firearms used to commit crimes and not all firearms used to commit crimes are confiscated. However, with the screening efforts we made, we can safely say that 75 to 80 percent of the firearms in the samples from each city were firearms involved in crimes.¹

The importance of this sample is that many proposals to curb firearm abuse are based on an assumption about the types of firearms criminals use. Proposals to ban all handguns assume that handguns, not long guns, are the favorite crime weapon. Proposals to ban only small or inexpensive handguns assume that these are the firearms most frequently used to commit crimes. Proposals to restrict further the interstate sale of firearms through federal licensing or registration assume that the firearm used to commit a crime is likely to have moved across state lines.

The following analysis of the types of firearms involved in police confiscations in nine cities is a first effort to identify the types of firearms most frequently used to commit crimes. Because these data are not routinely gathered or analyzed by the participating police

1. Between 50 and 60 percent of the crimes are charges of illegal weapons possession.

departments, there are certain to be errors and weaknesses in this effort. The same problems described in the confiscation location analysis apply here: The samples have the same inconsistencies of time periods and collection methods.

It is important to note that the size of firearms in the confiscation samples and the relative ease of concealing them were not considered. Other than dividing firearms into long gun and handgun categories (and finding that handguns dominate the samples about four to one over long guns), we did not examine size (handgun barrel length) as a factor. However, our analysis of confiscations by manufacturer and by caliber suggests a parallel approach that a future study examining handgun barrel length might use.

Handguns, Rifles, and Shotguns

Table 10 presents a breakdown of the confiscated firearms on the basis of whether they were handguns, rifles, or shotguns.

As Table 10 indicates, the majority of the firearms included in the city confiscation samples were handguns--81.8 percent of the total. The variation in percentage of handguns to the total of all firearms on a city-by-city basis ranged from a low of 63.6 percent in Detroit to a high of 88.3 percent in Atlanta. Shotguns comprised 10.9 percent of the total number of firearms in the nine cities, with a range among the individual cities of 8.6 percent to 19.9 percent. Included in the category of shotguns were 206 sawed-off shotguns, a total of 3.7 percent of the overall sample. Of particular note is the high percentage of sawed-off shotguns among all shotguns confiscated in several of the individual cities--approximately 75 percent in New York, 21 percent in Detroit, and 40 percent in Baltimore. Rifles comprised 7.3 percent of the total sample, with a city-by-city range of

Table 10: PERCENTAGE DISTRIBUTION OF REPORTED FIREARM CONFISCATIONS
BY TYPE OF FIREARM

CITY	N=	HANDGUNS	LONG GUNS	
			Shotguns*	Rifles
Atlanta	223	88.3%	9.4% (.9%)	2.2%
Baltimore	52	80.8	9.6 (3.8)	9.6
Boston	153	71.9	18.3 (7.8)	9.8
Chicago	3568	85.4	9.3 (3.4)	5.3
Detroit	428	63.6	19.9 (4.2)	16.6
New York	179	78.2	8.9 (6.7)	12.8
Philadelphia	392	75.0	14.0 (6.1)	11.0
San Francisco	291	79.0	8.6 (2.7)	12.4
Washington, DC	261	78.9	14.6 (2.7)	6.5
Combined Cities	5547	81.8%	10.9% (3.7%)	7.3%

SOURCE: Individual City Original Data Samples

*Percentage of sawed-off shotguns in total sample indicated in parentheses and included in shotgun percentage total

2.2 percent to 16.6 percent. Included in the samples, but not specifically identified, were a number of sawed-off rifles, as well as a number of handguns that had been converted to fully-automatic weapons.

The percentage distribution by type of firearms in the nine confiscation samples combined parallels UCR's percentage distribution of firearms used to commit reported murders, the only offense for which UCR provides a specific breakdown of types of firearms used. Our confiscation sample shows a distribution of 81.8 percent, 10.9 percent, and 7.3 percent for handguns, shotguns, and rifles respectively, while the UCR murder data, presented in Appendix I, show a distribution of 79.4 percent, 13.2 percent, and 7.4 percent for handguns, shotguns, and rifles respectively in 1974.

Manufacturers of Firearms Confiscated--An Overview

Table 11 distinguishes the types of firearms confiscated in the nine cities according to the manufacturers of the weapons. Information of this kind, suggesting what specific brands of firearms are most often used to commit crimes, has long been sought by police and other officials searching for ways to curb firearm abuse.

The use of the term "manufacturer" in the listings that follow is not always precise. Occasionally, the name found on a firearm and recorded by police is actually the name of an importer or distributor who may be distributing the products of one or more manufacturers. For example, Browning is a distributor of products manufactured by companies in Belgium and Japan.²

2. Since the 1968 law, imported firearms sold in the United States must bear the name of both the manufacturer and the importer, but police often label the firearm by the latter instead of the former.

Also, many manufacturers are actually assemblers of the parts that other companies have produced. For example, R.G. Industries assembles parts made by other companies.

Although there are many instances in which names of distributors or importers appear on a firearm and are labeled as manufacturers by the police, as well as instances in which manufacturers are actually assemblers, only a few such names appear in the following tables. The tables list only the names of the ten manufacturers³ whose products appeared most frequently in the samples. Distributors, importers, or assemblers were not often among the ten names that appeared most frequently in the confiscation samples. However, the complications are such that the use of the term "manufacturer" in these tables and the text may on occasion actually denote the corporate entity that can be considered the primary force causing the firearm to be commercially available. For this reason, its name appears on the firearm, and on our lists.

Our best information indicates that two of the manufacturers listed actually are two different arms of the same company. Although spokesmen for R.G. Industries and for Rohm refused to provide the Police Foundation with any information about these firms, ATF officials reported that R.G. Industries is actually a subsidiary of Rohm. Thus, a description of the corporate entity that, as defined above, is the primary force behind the firearms being commercially available might have listed Rohm and R.G. together and combined their totals in the confiscation samples. Similarly, the most frequent occupants of the top two positions on these lists

3. In some instances, there are fewer than ten manufacturers listed because fewer than ten had substantial numbers of their products represented in the sample.

--Smith and Wesson and Colt--are subsidiaries of large conglomerates. Smith and Wesson is a subsidiary of Bangor Punta Corporation, and Colt Firearms is a division of Colt Industries.

Other factors still unknown concerning corporate entities, relationships, operations, and sales volume might also be relevant to an attempt to measure the firearm abuse problem in terms of specific manufacturers.⁴

But because basic information on operations, sales volume, and prices in the firearm industry is unavailable, improved analysis awaits a much-needed comprehensive study of the American firearm industry.

Table 11 lists the ten brands of firearms most frequently confiscated in the nine cities combined. These ten brands represent 55 percent of the firearms confiscated. The "Other" category represents the remaining 45 percent. It includes some 60 other manufacturers or distributors.

Of the firearms in the samples, the brand confiscated most often was Smith and Wesson, a maker of moderate- and high-priced firearms. In all, 626 of the 5,547 firearms, or 11.3 percent, were made by Smith and Wesson. The second brand of firearms most frequently confiscated by police in the nine cities was Colt, also a maker of moderate- and high-priced firearms. Of the 5,547 firearms, 617, or 11.1 percent, were Colt products. Thus, almost one of every four confiscated firearms was a Smith and Wesson or Colt product.

It is interesting to note that of the manufacturers listed, only four--Firearms Import and Export, R.G., Rohm, and Clerke--are engaged

4. Sales volume data, for example, might be especially important in analyzing a manufacturer's representation in the samples. They would suggest an answer to the basic question whether a manufacturer's products were represented in proportion to its share of sales volume in the firearm market. Using only the limited rank order sales volume information made available by ATF, a first attempt at answering that question is presented in Table 29.

Table 11: BRANDS OF FIREARMS MOST FREQUENTLY CONFISCATED
NINE-CITY SAMPLE

BRAND	PERCENTAGE OF TOTAL	NUMBER CONFISCATED
1. Smith and Wesson	11.3	625
2. Colt	11.1	617
3. Harrington & Richardson	8.7	483
4. R.G. Industries	4.6	253
5. Rohm	4.2	235
6. Clerke	3.7	207
7. Firearms Import & Export Co.	3.4	190
8. Savage	2.7	150
9. Charter Arms	2.6	145
10. Iver Johnson	2.5	139
Others	45.1	2,503

SOURCE: Individual City Original Data Sample

NOTE: Percentages may not equal 100 because of rounding

predominantly in the manufacture of inexpensive⁵ handguns commonly known as Saturday Night Specials.⁶ Together, these four brands represent only 15.9 percent of the firearms in the sample.⁷

Of the manufacturers listed, only one, Savage, is engaged predominantly in the manufacture of long guns, and it represents only 2.7 percent of the firearms in the sample.⁸

Table 12 lists the brands most frequently confiscated in each of the nine cities.

5. Throughout this report, an "inexpensive handgun" means a handgun which generally sold in 1976 for a retail price of \$60 or less. A "moderate- or high-priced" firearm is one selling for more than \$60. "High-priced" firearms are defined as those selling for \$120 or more.

6. "Saturday Night Special," a phrase coined in Detroit to describe inexpensive handguns used to commit murder, robberies, and other crimes during weekend outbursts of violence, has many definitions. Some define it as a small handgun, others as an inexpensive handgun, and still others as an inexpensive and low quality handgun, with "low quality" often measured by the melting temperature of the firearm's metal parts. The most popularly accepted definition of the weapon seems to focus on its low cost and low quality, while the majority of proposals in Congress using the term focus on the combined factors of size, quality, and cost in that order of priority.

7. This is not the same as saying that all inexpensive handguns represent 15.9 percent of the firearms confiscated. There are other inexpensive handguns included in the "Other" category (of firearms not made by those manufacturers grouped in the top ten). However, inexpensive handguns appear from subsample analyses we undertook not to have been any larger a part of this "Other" category than they were of the top ten. The "Other" category includes approximately 60 manufacturers or distributors in this table and in the tables presented below. Further discussion of the role of inexpensive handguns as compared to all firearms is found below.

8. Other manufacturers in the list such as Browning do make some long guns. The accurate breakdown of all the firearms in the confiscation samples by long gun vs. handgun is given in Table 10.

Table 12: BRANDS OF FIREARMS MOST FREQUENTLY CONFISCATED, INDIVIDUAL CITIES

ATLANTA N=223		BALTIMORE N=52		BOSTON N=153		CHICAGO N=3568		DETROIT N=428		NEW YORK N=179		PHILADELPHIA N=392		SAN FRANCISCO N=291		WASHINGTON, D.C. N=261			
	%		%		%		%		%		%		%		%		%		
R.G. Industries	14.8	Harrington & Richardson	17.3	Smith and Wesson	14.4	Colt	12.0	Smith and Wesson	9.6	Smith and Wesson	13.4	Harrington & Richardson	13.8	Colt	13.1	Smith and Wesson	11.9		
Smith and Wesson	12.6	Colt	9.6	Colt	13.7	Smith and Wesson	11.4	Colt	7.2	Colt	7.8	Smith and Wesson	11.0	Smith and Wesson	8.9	Colt	10.0		
Clerke	9.9	Smith and Wesson	9.6	Harrington & Richardson	7.8	Harrington & Richardson	9.2	Harrington & Richardson	7.2	Rohm	7.8	Colt	9.9	R.G. Industries	6.2	Harrington & Richardson	9.2		
Colt	7.2	FIE	7.7	Savage	5.2	Rohm	4.8	Savage	6.8	FIE	6.1	R.G. Industries	4.1	Ruger	5.5	FIE	6.1		
FIE	4.5	Iver Johnson	5.8	Charter Arms	4.6	Clerke	4.2	Remington	4.2	Harrington & Richardson	4.5	Savage	3.8	Winchester	4.1	Iver Johnson	5.4		
Criterion		All Others	50.0	Winchester	4.6	R.G. Industries	4.2	Rohm	4.2	R.G. Industries	4.5	Sears	3.6	Harrington & Richardson	3.4	R.G. Industries	5.0		
Die & Metal	4.0			Iver Johnson	3.9	FIE	3.7	Winchester	3.3	Winchester	3.3	Browning	3.4	Winchester	2.8	Remington	3.4	Winchester	3.4
Rossi	3.6			Sears	3.9	Charter Arms	3.1	Sears	3.0	Clerke	3.4	Clerke	3.4	Iver Johnson	2.6	Rohm	3.1	Remington	2.7
Harrington & Richardson	3.1			Remington	3.3	Iver Johnson	2.6	Marlin	2.8	Marlin	2.8	Rossi	3.4	Rohm	2.6	Browning	2.4	Savage	2.7
Omega	2.7	Marlin	2.6	Sears	2.4	Ruger	2.8	Ruger	2.8	All Others	45.8	All Others	45.9	High Standard	2.4	Rohm	2.7		
High Standard	2.2	All Others	35.9	All Others	42.6	All Others	42.6	R.G. Industries	2.8					High Standard	2.4	Rohm	2.7		
Taurus	2.2							All Others	46.0					All Others	47.4	All Others	41.0		
All Others	33.2																		

SOURCE: INDIVIDUAL City Original Data Sample

NOTE: Percentages may not equal 100 because of rounding.

The prominence in Table 12 of firearms by the same manufacturers in the different sample cities and in the different regions of the country represented by these cities suggests that the firearm market is highly integrated on a nationwide basis and involves a strong flow of interstate commerce. At least insofar as confiscations are an indicator, firearms commerce is not a local or regional enterprise. Colt, with headquarters in Hartford, Connecticut, was the leading manufacturer of the firearms confiscated in San Francisco as well as of those in Chicago, and it was in the top four in every city. Smith and Wesson, headquartered in Springfield, Massachusetts, was first in Boston, Detroit, New York, and Washington, D.C., and second in Atlanta, Chicago, Philadelphia, and San Francisco. And R.G. Industries, which has its headquarters in Miami, Florida, was first in Atlanta, third in San Francisco, and among the leaders in all the other cities. To be sure, there are differences among the cities in terms of which particular manufacturer is the most represented. But the differences seem not to have a regional pattern and do not negate the more general observation that if a manufacturer's products appear frequently in one city it is likely that they will appear frequently in others.

A second significant finding in Table 12 is that the prominence of the moderate- and high-priced handgun manufacturers, as opposed to manufacturers of inexpensive handguns, among the confiscations in each city and in the nine sample cities combined seems to contradict the widespread notion that so-called Saturday Night Specials are the favorite crime weapon. It seems that expensive firearms are found in these samples as often as inexpensive ones.

Table 13 attempts to classify the confiscated firearms according to their cost. For each city, we identified the ten manufacturers whose products appeared most often in the sample and classified each such "top ten" manufacturer on the basis of whether or not it generally produces inexpensive firearms. The table gives the percentage of products made by those manufacturers who were in the "top ten" in each city that were produced by the manufacturers of the inexpensive handguns.

The inexact nature of the classification here must be emphasized. It is impossible to classify accurately the price of firearms merely by knowing their manufacturer. The classification will often be incorrect because a manufacturer that usually produces high-priced firearms may also make one inexpensive model, while the producer of inexpensive firearms may also make expensive models. For example, R.G. Industries, classified above as a producer of inexpensive handguns, also produces a model (RG Model 88) costing \$139.95.⁹ However, we classified each brand name in such a way that we believe that if there were any errors, they were on the side of more handguns being classified as inexpensive.¹⁰

Beyond the classification problems inherent in Table 13, it should be noted again that the percentages given represent only the percentage of the total firearms confiscated which were made by manufacturers of inexpensive handguns whose products were among the brands--usually a "top ten"--most frequently confiscated in each city. This table does not attempt to identify the percentage of all inexpensive handguns in the entire sample in

9. John T. Amber, ed., Gun Digest, 1976 Deluxe Edition, Northfield, Illinois: DBI Books, Inc., 1975, 296.

10. When in doubt, we assumed the firearm brand was inexpensive.

Table 13: INEXPENSIVE HANDGUNS AMONG BRANDS MOST FREQUENTLY CONFISCATED
INDIVIDUAL CITIES

CITY	PERCENTAGE OF BRANDS MOST FREQUENTLY CONFISCATED THAT WERE INEXPENSIVE
Atlanta	59.1
Baltimore	15.4
Boston	-0-
Chicago	29.4
Detroit	13.0
New York	46.4
Philadelphia	12.3
San Francisco	17.6
Washington, D.C.	23.4

SOURCE: Individual City Original Data Sample

NOTE: Of brands listed among the top ten, Clerke, R.G., Rohm, FIE, CDM, Rossi, and Omega products were those classified as generally being inexpensive handguns. "Inexpensive" was defined as a handgun costing \$60 or less.

each city, but instead attempts to identify what percentage of the firearms made by the manufacturers whose products were among the ten brands most frequently confiscated in each city might be classified as inexpensive.¹¹ We assumed, but could not verify except by spot checks, that the percentage of the inexpensive handguns classified as such among those represented by the "top ten" manufacturers in each city sample is not radically different from the percentage that all inexpensive firearms represent in the entire sample.

In one way, these confiscation samples are probably biased in favor of lowering the percentage of expensive firearms that are found. This is because if police fail to report some confiscations and keep the firearms for their personal use or for sale, it seems more likely that they would do so with an expensive firearm. We have no reason to believe that such leakage occurs on a large scale, but to the extent that it does, it probably steers the sample toward underrepresenting expensive firearms.

The limits of this sample notwithstanding, some observations about Table 13 seem worthwhile. First, in only one city did the firearms assumed to be inexpensive handguns represent more than half of those confiscated among the manufacturers most often represented. In seven of the nine sample cities inexpensive firearms represented less than 30 percent of the confiscated firearms, suggesting that inexpensive handguns are not used as weapons of violent crime any more often than other handguns.

11. As noted, in some instances, less than ten brands were listed, because fewer than ten had more than two firearms represented in the sample.

In New York and Atlanta the percentages of firearms assumed to be inexpensive handguns among the top ten manufacturers were 46 percent and 59 percent respectively, as compared with none in Boston and 12 percent in Philadelphia. No matter how inexact the sample may be, these variations probably represent significant differences in the types of firearms used in each city by people committing crimes.

Atlanta--where the percentage of inexpensive handguns in the sample seems to have been the highest--is the one city in the sample in which inexpensive handguns are singled out by local law and the sale of them is prohibited. Atlanta was also the city in the ATF "Project Identification" study with the highest percentage of what the report called inexpensive handguns.

There appears to be no explanation for these intercity variations based on geography: The three cities closest to each other--Boston, New York, and Philadelphia--vary most dramatically. Nor do state or local restrictions on the purchase of firearms seem to be a factor: New York, with the most stringent state restrictions, is the city with the second highest percentage of inexpensive handguns; Atlanta, which, as noted, has the highest percentage, is among the cities with the most lenient overall state and local restrictions on firearms laws--its Saturday Night Special ban notwithstanding. The differences revealed in this table represent the evidence partially negating our hypothesis that the firearm market is a national one, with no regional or local deviations. This may be simply a function of our sampling weaknesses or it may be the result of other unknown factors. It merits the attention of future research.

One independent indicator of the types of firearms assumed to be involved in crimes can be compared to the results shown above. Each year ATF tabulates the manufacturers of firearms for which they received trace requests from law enforcement agencies.¹²

12. ATF, as a service to state, city, and federal law enforcement agencies will upon request trace the commercial path of a firearm from manufacturer to last retail purchaser. This may help police clear crimes or strengthen their evidence against a defender.

It can generally be assumed that a trace request involves a firearm involved in some crime. The major weakness of using trace requests as a sample of firearms used in crime, however, is that not all confiscated firearms involved in crime are traced. Most are not, and the distribution of those that are is uneven. Not all police agencies take advantage of ATF's tracing services, and firearms involved in more serious crimes are more likely to receive the attention that a trace request signifies. (Thus, for example, ATF receives more trace requests for firearms involved in murder than for those involved in assault.)

Table 14 lists the top ten manufacturers, or primary sources, whose products were involved most frequently in trace requests in the United States in 1974 and 1975 and compares their rankings with the nine-city confiscation samples as reported in Table 11. The top ten represent approximately 58 percent of all firearms involved in trace requests, with the remaining 42 percent in the "Other" category including as many as 60 manufacturers.

As shown, the top two manufacturers in the nine-city sample--Smith and Wesson and Colt--also were the two manufacturers whose products were most frequently traced by ATF in 1974 and 1975. Except for the changes in one manufacturer in each year--R.G. Industries in 1974 and Marlin in 1975--the top ten manufacturers for trace requests were the same in 1974 and 1975. Six of the top ten in the nine-city confiscation sample were also in the top ten of 1974 ATF trace requests and five were in the 1975 ATF top ten trace request list.

A Price Survey

Because there are so many pitfalls in classifying firearms with no knowledge other than who manufactured, imported, or distributed them, we made an attempt to pinpoint the actual retail price of each firearm

Table 14: LEADING BRANDS IN ATF TRACE REQUESTS:
1974, 1975, AND NINE-CITY CONFISCATION SAMPLE

ATF TRACE REQUESTS				NINE-CITY CONFISCATION SAMPLE	
1974		1975			
(N=33,184)	%	(N=34,719)	%	(N=2,503)	%
Smith & Wesson	12.8	Smith & Wesson	13.3	Smith & Wesson	11.3
Colt	10.9	Colt	10.9	Colt	11.1
Winchester	5.7	Winchester	6.6	Harrington & Richardson	8.7
Rohm	5.2	Remington	5.5	R.G. Industries	4.6
Remington	4.6	Harrington & Richardson	4.5	Rohm	4.2
Harrington & Richardson	4.1	Ruger	3.9	Clerke	3.7
R.G. Industries	4.1	Rohm	3.9	Firearms Import & Export	3.4
Ruger	3.8	Firearms Import & Export	3.5	Savage	2.7
Firearms Import & Export	3.8	Browning	3.3	Charter Arms	2.6
Browning	2.9	Marlin	2.9	Iver Johnson	2.5
All Others	42.2	All Others	41.6	All Others	45.1

SOURCE: Individual City Original Data Sample; Department of Treasury,
Bureau of Alcohol, Tobacco and Firearms

NOTE: Percentages may not equal 100 because of rounding.

confiscated in one city. In New York, with the help of Detective Richard Salvesen of the police department's Intelligence Division,¹³ an estimate of the January 1976 retail price of the same model firearm as the one confiscated was made for each of the 144 firearms,¹⁴ using in most cases firearms catalogs providing the retail prices. In other instances where Det. Salvesen could ascertain only the wholesale price, an estimated 25 percent retail mark-up was added.¹⁵ In cases where he could not find the firearms in a catalog, Police Foundation staff surveyed local Washington, D.C., and Virginia firearms retailers to ascertain a retail price.

These prices do not necessarily represent the price paid for the firearm by the person from whom it was seized. In some instances the firearm may have been purchased years earlier at lower prices, or may have been purchased as a used product at a price lower than retail. In other instances, the firearm may have been purchased on the black market at a higher price, or stolen at no cost to the user. What this survey does represent, however, is a reading of the market cost of the firearms confiscated in New York, based on their 1976 retail prices.

Table 15 presents the results of this limited New York survey.

13. Det. Salvesen deserves our special thanks for this difficult work.

14. These firearms represent a partially different sample from the one otherwise used to classify confiscations in New York. This was a special sample of confiscated firearms for which traces were attempted, chosen in consecutive order from the Ballistics Squad logbook of firearms received during the first two weeks of October 1975.

15. This is probably a low estimate of mark-up. However, we decided to account in some way for discounts and, in any case, to err if at all on the side of a conservative price estimate. Such estimates are extremely difficult because, among other things, they do not account for a lag between the date the wholesale price was estimated and the date the firearm was sold by the retailer.

Table 15: PRICES OF FIREARMS CONFISCATED IN NEW YORK,
OCTOBER 1975

	\$60 and under	\$61-120	\$121 and up
Number (N=144)	44	58	42
Percent	30.6	40.3	29.2

SOURCE: Individual City Original Data Sample

The table shows that 30.6 percent of the firearms retailed for \$60 or less--the price used to categorize inexpensive handguns. A total of 69.5 percent of the firearms cost more than \$60, with 29.2 percent retailing for more than \$120. The 144 firearms surveyed had an average retail price of \$101.61. Because one firearm (a \$1,250 rifle) was so expensive, the most expensive and least expensive firearms in the sample were excluded, yielding an average price of \$98.37.

This finding--and the parallel result indicated by our more inexact classification by manufacturer in Tables 11, 12, and 13--contradicts ATF's previous conclusion in its report of "Project Identification," a study of confiscated firearms undertaken in 1973, 1974, and 1975. Upon completing Project Identification, ATF reported:

Therefore, the only conclusion to be safely made from the "Class" data is that a substantial majority of handguns used in street crimes is of low quality with a market value of less than \$50. This conclusion is based on the fact that 5,336 (56 percent) of the handguns traced never exceeded \$50 in value and of the remaining 4,176 at least some portion of this represents handguns which, although originally valued in excess of \$50, had market values of less than \$50 at the time of police acquisition due to depreciation, condition, age, lack of demand, etc. . .¹⁶

We believe our finding differs from ATF's for the following reasons:

1. Prescreening by ATF: ATF officials and officials in the New York Police Department who worked on Project Identification told us that the police departments that participated were asked to prescreen the firearms they included in the samples submitted to ATF in order to exclude certain older models of firearms. Tracing the firearms in the sample was a major aspect of ATF's study, and ATF officials believed that these older models

16. Project Identification, 9.

(made before 1968) would not be traceable because the same recordkeeping requirements were not in effect before 1968. However, these older firearms also were more likely to be higher quality firearms. Unlike most manufacturers of inexpensive firearms, manufacturers like Colt and Smith and Wesson have been in business since before the beginning of the century. Also, higher priced firearms are the ones most likely to have lasted longer. Thus, although prescreening made sense in terms of the tracing operation, it presents a weakness in ATF's sample. While ATF does not know how many firearms were prescreened because they were sold before 1968, we do know that in our new sample of 144 firearms selected for tracing in New York that were confiscated in October 1975, 18--or 12 percent--were not traceable for this reason.

2. ATF Classification Problems: According to officials of the New York City Police Department, and to the catalogs we checked, ATF's procedure for classifying the firearms made many weapons in their sample seem to be less expensive than they actually were. Thus, ATF classified Galesi as a Class III firearm (\$50 or under) when, in fact, the one Galesi in our sample had a retail price of \$85. Similarly, ATF classified all Rossi firearms as Class III's, whereas, the two Rossis in our sample sold for \$112 and \$107 respectively. This illustrates the pitfalls of using only the manufacturer's name to classify a firearm--a pitfall we also risked in Table 13, but which we avoided with this firearm-by-firearm price survey.

3. Neglect of Black Market Premiums: ATF's statement that 56 percent never exceeded \$50 in value, and its stress on the depreciation probable among those that once did exceed \$50, presents an unbalanced account of the factors affecting the market value of firearms that have most likely been confiscated

from people who were arrested. Again the error is in favor of making the firearms seem less expensive. ATF is careful to acknowledge that a confiscated firearm, because of age and depreciation, could have a value lower than its retail price, yet nowhere is it acknowledged that it is at least as likely that because of black market conditions in some localities, a \$50 firearm could have an actual street market value of \$100 or more.¹⁷ This is not a difference reflected in the percentages by class of firearms found in this study's tables as compared to ATF's, but it is a significant difference in the way the data are interpreted in order to reach conclusions.

4. Exclusion of Long Guns: ATF did not include long guns in their survey. As our study indicated, long guns account for approximately 20 percent of all confiscated firearms. Naturally, inexpensive handguns will be a higher percentage of handguns confiscated than they will be of firearms (handguns and long guns) confiscated.

5. Inflation: Needless to say, some of the difference in price may be the result of inflation. Our prices were calculated in January 1976. ATF's were calculated in late 1973 or 1974.¹⁸ However, this cannot account for more than a minor portion of the disparity, if any, since ATF used \$50 or less to define an inexpensive handgun, and we used \$60.

No matter how accurate ATF's analysis of its sample in Project Identification may have been, the sample was of confiscated handguns and not a sample of "handguns used by criminals," as the ATF report indicated.

17. During an interview on April 15, 1975, ATF officials explained, with regard to black market factors, "We didn't consider it a problem."

18. ATF officials could not tell us precisely when the prices were calculated.

Prices of Firearms Involved in Specific Crimes

Table 16 represents a first effort to extract crime-involved firearms from firearms not involved in crime in a sample of confiscated weapons and to determine the retail prices of the crime-involved firearms. Of the 144 firearm confiscations in the New York sample, we were able to ascertain that 117 were involved directly in a crime. (This does not mean that the other 27 of the 144 firearms were not involved in crimes; it means only that there were 117 for which the corresponding police incident reports were available and indicated definitely that the firearm was seized from someone arrested for a crime.) Table 16 details the prices of the firearms and the crime for which the person possessing the firearm was arrested in each of the 117 cases. In this table, as in the one that follows, the crime listed as involved in the confiscation denotes the most serious crime alleged in an arrest. Thus, if someone is arrested for robbery and for illegal weapons possession, the confiscation involving that arrest will be listed in the robbery category.

Of these 117 firearms which we could confidently call crime weapons, 38--or 32.5 percent--had an estimated retail value of \$60 or less. Seventy-nine--or 67.5 percent--cost more than \$60. Of the robbery firearms, 12 of 15 cost more than \$60. Of 13 assault firearms, four cost \$60 or less, seven cost \$61 to \$120, and two cost more than \$120. Four of six firearms seized from people arrested for narcotic offenses retailed for less than \$60. Of the firearms seized for illegal possession of a weapon, 25 of 70 retailed for \$60 or less; 26 cost between \$60 and \$120; and 29 cost more than \$120.

In 1973, a study of firearm commerce by the New York City Police Department Intelligence Division found that a black market in handguns in that city

Table 16: PRICE OF FIREARMS BY CRIMES CHARGED
NEW YORK, OCTOBER 1975

CHARGE	PRICE			TOTAL NUMBER
	\$60 and under	\$61-\$120	\$121 and up	
Murder	0	0	0	0
Robbery	3	9	3	15
Assault	4	7	2	13
Narcotics	4	1	1	6
Weapon Pos- session	25	26	19	70
Burglary	0	2	0	2
Other	2	5	4	11
Total	38	50	29	117

SOURCE: Individual City Original Data Sample

sharply inflated legitimate retail prices of firearms that are sold second-hand on the streets.¹⁹ The indication that the firearms confiscated in the sample had an average retail price of about \$100, combined with the reality of black market inflation, suggests that illegally owning and carrying a firearm in New York is a far more expensive proposition than the assumption about the prevalence of Saturday Night Specials might lead one to believe.

The City Samples and Trace Requests--Specific Crimes

Table 17 lists, by brand name, the percentage of firearms involved in ATF trace requests and the firearms confiscated in the nine-city sample, for each of five major crimes: murder, robbery, aggravated assault, narcotics, and illegal possession of weapons. The rank of each of the top ten brands is also given.

Murder

Because the murder sample for the nine cities includes only 73 firearms, conclusions from Table 17 must be postulated with extreme caution. The table indicates that of the 73 confiscated firearms in the nine-city sample alleged in police reports to have been involved in murders, 14 were made by Colt, and four each by Clerke, Harrington and Richardson, and Sears. It happens that this particular sample--the smallest and therefore most unreliable of all the samples examined--contains the one instance of major variation when compared with the other sample; for this sample, unlike all those that follow, shows Sears firearms to be among the

19. "Handgun Study - New York City, 1973," New York City Police Department, unpublished paper, 1973, (hereafter cited as NYPD Handgun Study).

Table 17: COMPARISON OF BRANDS OF FIREARMS MOST FREQUENTLY CONFISCATED IN THE CITIES AND THOSE INVOLVED IN ATF TRACE REQUESTS, BY SPECIFIC CRIME

BRANDS	MURDER				ROBBERY				ASSAULT				NARCOTICS				WEAPONS POSSESSION			
	9 Cities N = 73		ATF N = 2020		9 Cities N = 246		ATF N = 1520		9 Cities N = 744		ATF N = 999		8 Cities N = 466		ATF N = 746		8 Cities N = 1634		ATF N = 941	
	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
Browning	--	--	2.9	8	--	--	2.7	8	3.1	8	3.0	8	--	--	2.9	10	2.6	9	--	--
Charter Arms	4.1	5	--	--	2.8	8	--	--	--	--	2.4	10	--	--	--	--	3.3	8	--	--
Clerke	5.5	2	--	--	4.1	6	3.2	7	3.0	10	2.4	11	3.2	7	--	--	3.9	6	2.9	8
Colt	19.2	1	12.0	2	10.2	1	13.0	2	8.6	3	11.3	2	13.9	1	13.8	2	10.2	2	11.7	2
Firearms Import and Export Co.	--	--	4.5	5	--	--	4.9	5	4.6	5	4.0	5	--	--	4.0	6	3.6	7	5.1	6
Harrington and Richardson	5.5	3	4.7	4	6.9	3	5.9	3	9.3	2	6.3	4	6.4	3	3.4	8	8.9	3	9.7	3
High Standard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	2.2	9	--	--	2.8	9
Iver Johnson	--	--	--	--	2.8	9	--	--	--	--	--	--	2.8	9	--	--	2.6	10	4.5	7
Marlin	--	--	--	--	--	--	--	--	--	--	--	--	--	--	3.8	7	--	--	--	--
Remington	4.1	6	2.7	9	--	--	--	--	3.0	11	--	--	3.9	4	4.8	5	--	--	--	--
R.G. Industries	--	--	3.7	6	5.3	4	3.8	6	4.7	4	3.3	7	3.9	6	--	--	5.4	4	5.1	5
Rohm	--	--	5.6	3	4.9	5	5.2	4	3.9	7	7.9	3	3.9	5	--	--	4.6	5	5.8	4
Ruger	4.1	7	2.6	10	--	--	--	--	--	--	3.5	6	--	--	5.4	3	--	--	2.7	10
Savage	4.1	9	--	--	3.3	7	2.5	10	4.0	6	--	--	--	--	--	--	--	--	--	--
Sears	5.5	4	--	--	--	--	--	--	3.1	9	--	--	3.0	8	--	--	--	--	--	--
Smith & Wesson	4.1	8	17.4	1	9.8	2	14.6	1	13.2	1	12.3	1	9.4	2	16.2	1	11.8	1	11.8	1
Taurus	--	--	--	--	2.8	10	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Winchester	--	--	3.5	7	--	--	2.6	9	--	--	2.5	9	--	--	5.4	4	--	--	--	--
All Others	43.8	--	40.5	--	47.2	--	41.6	--	39.7	--	41.0	--	49.6	--	37.4	--	43.0	--	38.0	--

leaders and, more significant, does not show Smith and Wesson products as being the first or second most frequently appearing product. In this column, "All Others" denotes all brands having fewer than three firearms represented in the sample.

In the column listing and ranking the ten manufacturers whose firearms most often appeared in ATF's 1975 traces involving murder, Smith and Wesson and Colt products were the most frequently represented. Of 2,020 trace requests received in murder cases, Smith and Wesson accounted for 17.4 percent and Colt for 12.0 percent.

Robbery

In the nine-city sample only handguns are represented in the group of manufacturers whose products were most frequently confiscated in connection with reported robberies. Smith and Wesson and Colt are the manufacturers whose products were most frequently confiscated in the nine-city sample. Together, the two makers of moderate- to high-priced handguns represent 20 percent of the firearms in the robbery sample. This is the same approximate portion that the two represent in the nine-city sample for all confiscations, in the overall 1974 trace request sample, in the overall 1975 ATF trace request sample, in the nine-city murder sample, and in the ATF 1975 murder trace request sample. Of the ten manufacturers having seven or more firearms in this robbery sample, three--R.G., Rohm, and Clerke--are generally regarded as producers of inexpensive handguns.

R.G. and Rohm, reportedly two parts of the same company, when combined had the same number of firearms represented in the nine-city robbery sample as Colt.

The top three manufacturers in the ATF robbery case trace request sample are the same as those in the nine-city sample. Only three of the

ten manufacturers listed in each sample were different. Again, Smith and Wesson and Colt were in first and second place.

Aggravated Assault

In the nine-city sample for aggravated assault, Smith and Wesson, Colt, and Harrington and Richardson changed the positions they occupied for murder and robbery, while continuing as the three products most frequently found in the nine-city sample. R.G. and Rohm, when combined, again had the same number as Colt.

The ATF column listing the manufacturers whose products appeared most often in ATF trace requests involving aggravated assault cases corresponds with the nine-city sample almost as much as it did for robbery cases. Again, most of the manufacturers listed as the most frequently found in the ATF trace requests are also listed in the nine-city sample: Four of the top five in each category are the same, and Smith and Wesson leads both tabulations with 12.3 percent and 13.2 percent of the two totals.²⁰

Narcotics

For this category, Baltimore is excluded from the city confiscation samples because only confiscations involving murder, robbery, and assault cases were included in the Baltimore sample. Smith and Wesson and Colt are again the two leading products. Their combined portion of the total--23.3 percent--was approximately what it has been in the other samples.

The ATF column indicates that, as with the other categories of crime, narcotics cases yielded product samples in the eight cities and in the ATF

20. Although ATF tabulates assaults on police officers separately, this figure is included in the total of all assaults in the ATF column. In the special count of the 196 traces involving cases of assaults on police officers in 1975, Smith and Wesson and Colt were again the two products most frequently represented, with 14.8 percent and 12.8 percent of the totals, respectively.

trace requests that were remarkably similar, with Smith and Wesson and Colt again producing the most frequently represented products.

Illegal Possession of a Weapon

In this category there are only eight cities in the confiscation sample, with Baltimore again excluded. The examination of 1,634 firearms confiscated in arrests in the eight cities in which illegal possession of weapons was the highest offense charged indicates that, as with many of the other categories, the products of Smith and Wesson, Colt, and Harrington and Richardson appeared most frequently. However, inexpensive handguns did seem to play a slightly larger role than in other crime samples. In fact, if the R.G. and Rohm categories were combined, R.G.-Rohm would move into third place, ahead of Harrington and Richardson, and just behind Colt. Some long guns appear in this listing, but they represent a much lower portion of the total than they did in the other case samples. This is not surprising given the fact that in most jurisdictions covered in the eight-city sample the restrictions on carrying long guns are much more lenient than they are with regard to handguns. Therefore, fewer arrests for illegal long guns possession are to be expected.

The ATF column indicates that, as in the eight-city sample, Smith and Wesson, Colt, and Harrington and Richardson were the products most frequently confiscated in this national sample of illegal firearms possession cases. The only major difference in the two samples of firearms confiscated in illegal weapons possession cases seems to be that the ATF trace requests had a higher portion--62 percent as compared with 57 percent--of firearms concentrated among the ten manufacturers whose products appeared most often, and a correspondingly lower proportion of "All Others."

Table 18 is a graphic summary of Table 17 and of the foregoing discussion. The columns represent the top ten manufacturers of 1) all the firearms confiscated in the eight- or nine-city²¹ samples; 2) only these firearms confiscated in these cities that were specifically connected with cases of murder, robbery, assault, narcotics, and illegal weapons possession; 3) all firearms involved in ATF trace requests in 1975; and 4) firearms involved in ATF trace requests for these specific crimes.

In all, only 15 manufacturers of a possible 40 are represented in the four columns of ten items shown in Table 18. Although the samples are from vastly different sources, the products represented are remarkably similar. Smith and Wesson and Colt--makers of high quality handguns--are consistently ahead of other manufacturers, with the R.G. and Rohm products (when combined) usually close behind. The only possibly significant differences seem to appear in the column that presents the data on all ATF trace requests; there, two long gun manufacturers--Winchester and Remington--move up to third and fourth place.

The sample that is most definitive in terms of being the best sample of firearms actually used in crime is the city sample involving the five crimes. Here, we know with near certainty that the firearms confiscated were reportedly involved in one of five specific crimes. In this sample, Smith and Wesson, Colt, and Harrington and Richardson were the three most popular firearms. However, if the R.G.-Rohm relationship noted above is considered and the two are combined, R.G.-Rohm would move into third place.

21. As noted, for murder, robbery, and assault cases, Baltimore was included; for narcotics and weapons possession cases, Baltimore was not included.

Table 18: CONFISCATED FIREARMS IN NINE-CITY SAMPLE
 COMPARED TO 1975 ATF TRACE REQUESTS

NINE-CITY SAMPLE		ATF 1975	
Five Crime Categories	All	Five Crime Categories	All
Smith & Wesson	Smith & Wesson	Smith & Wesson	Smith & Wesson
Colt	Colt	Colt	Colt
Harrington & Richardson	Harrington & Richardson	Harrington & Richardson	Winchester
R.G. Industries	R.G. Industries	Rohm	Remington
Rohm	Rohm	Firearms Import & Export	Harrington & Richardson
Clerke	Clerke	R.G. Industries	Ruger
Firearms Import & Export	Firearms Import & Export	Ruger	Rohm
Savage	Savage	Winchester	Firearms Import & Export
Charter Arms	Charter Arms	Browning	Browning
Browning	Iver Johnson	Remington	Marlin

SOURCE: Individual City Original Data Sample; Department of Treasury, Bureau of Alcohol, Tobacco and Firearms

The similarities in terms of manufacturers represented in the different crime-specific samples suggests that, except to some degree in the simple illegal possession cases, there are generally no differences in the types of firearms involved in particular categories of crime.

Indeed, the key variable may simply be the number of firearms each manufacturer produces each year. Table 19 presents the best information available to the Police Foundation regarding the number of firearms produced by the major handgun manufacturers and compares how these handgun manufacturers ranked in the crime-specific city confiscation samples and the crime-specific ATF 1975 trace request sample.

We eliminated long gun manufacturers here because we know from the UCR data presented above that handguns predominate over long guns as crime weapons. Indeed, although Smith and Wesson and Colt handguns ranked number one and two in representation in every sample, two long gun manufacturers--Remington and Winchester--produce the largest number of firearms in the United States.²² Thus, the purpose of Table 19 is to determine if production volume is a factor in how people who commit crimes choose among the handgun products that are available to them.²³

ATF denied our request for specific production volume data and instead supplied only a rank-ordering of the production volume of the major manufacturers. It was ATF's position that these data constituted a trade secret

22. Letter (T:APP 3300) from Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms to Police Foundation.

23. Of course, this comparison is not exactly the same as comparing the volume of available handguns by brands. Handguns have long lives, and their availability would depend on production volume over a number of years, which in turn would depend on how long a manufacturer has been in business and what its sales history is. This information was not available to us.

Table 19: COMPARISON OF HANDGUN PRODUCTION,
CONFISCATIONS AND TRACE REQUESTS

PRODUCTION VOLUME	FIVE CRIME CATEGORIES ONLY	
	Nine-City Confiscations	ATF 1975 Trace Requests
Smith & Wesson	Smith & Wesson	Smith & Wesson
Colt	Colt	Colt
Ruger	Harrington & Richardson	Harrington & Richardson
Harrington & Richardson	R.G. Industries	Rohm
High Standard	Rohm	Firearms Import & Export
R.G. Industries	Clerke	R.G. Industries
Charter Arms	Firearms Import & Export	Ruger
Clerke	Charter Arms	Browning
Firearms Import & Export	Iver Johnson	Clerke
Sterling	Browning	High Standard Iver Johnson

SOURCE: Individual City Original Data Sample; Department of Treasury,
Bureau of Alcohol, Tobacco and Firearms

and thus could not be released. It was the opinion of the Police Foundation's outside counsel, however, that such basic information, which is routinely reported to the public with regard to other industries, is not a trade secret and is, in fact, required to be released by ATF under the Freedom of Information Act.²⁴

Although the meaning of Table 19 is limited by ATF's refusal to provide exact production data, the table does suggest several possible conclusions. Seven of the ten manufacturers listed as the leading volume handgun producers also appear in the city crime-specific confiscation samples as among the ten manufacturers whose products were confiscated most often. The major exception is Sterling Arms, whose products did not appear frequently in the confiscation samples. Ruger and High Standard, the other exceptions, did not place among the top ten but did rank among the top 15 in the confiscation samples. All but three of the leaders in the ATF trace requests of firearms associated with the five crimes were among the top volume producers. Smith and Wesson was the leader in all three columns and Colt was consistently second. Harrington and Richardson was third in two columns and fourth in the other.

The ideal comparison would not compare last quarter 1975 production volumes (as provided by ATF and presented here) with confiscations that occurred during 1975. As shown below, the typical firearm confiscated in 1975 was most probably produced during 1973 or 1974. However, if we assume that the last quarter 1975 data supplied by ATF are a good general

24. Counsel's opinion is available from the Police Foundation upon written request. Although the Foundation took several preliminary legal steps to obtain the information, it did not pursue the matter further because of the delay in publication such action would have necessitated.

index of production, we can conclude that Smith and Wesson and Colt had the same relatively high positions of representation in handguns confiscated in connection with crimes as they did in overall production and (presumably) sales. Similarly, most of the other manufacturers seem to have produced handguns in approximately the same relative proportion in which their products were confiscated in connection with crimes. Thus, it can be hypothesized that people use various brands of handguns to commit crime in approximate proportion to how many are produced and sold to the general public. In short, Table 19 suggests that various brands of handguns are used to commit crime in the same general proportion that they are produced and sold. People who commit crimes with firearms seem to choose handguns over long guns but, having made that choice, do not seem to have a favorite brand or brands of handguns that they use in numbers disproportionate to their availability.

Handguns by Caliber

Having examined the distribution of firearms in the confiscation sample by manufacturer, and having seen earlier that approximately 80 percent of all the firearms were handguns, we now examine how the handguns were distributed by caliber. Table 20 presents data on the caliber of handguns represented in the city samples. Data on caliber were obtainable in seven of the ten cities.

Table 20 classifies the handguns by whether they were more or less than .32 caliber, because .32 caliber is generally considered the dividing point between the small handguns that are often referred to as Saturday Night Specials and larger handguns. Indeed, .32 caliber was the measure ATF used in classifying its Project Identification handguns by caliber.²⁵

25. ATF classified .32-caliber or less as one of the defining characteristics of a Saturday Night Special.

Table 20: CONFISCATED HANDGUNS BY CALIBER
SEVEN SAMPLE CITIES

CITY	<.32	.32	>.32	UNKNOWN	TOTAL NUMBER
Atlanta	40.1%	18.8%	41.1%	--	197
Baltimore	42.9	28.6	28.6	--	42
Boston	28.2	13.6	55.5	2.7%	110
Chicago	32.7	18.2	46.6	2.5	1,778
Philadelphia	31.3	30.3	38.4	--	294
San Francisco	36.5	11.7	48.7	3.0	230
Washington, DC	39.3	20.4	37.4	2.9	206
All Cities	33.8	19.1	45.0	2.1	2,857

SOURCE: Individual City Original Data Sample

Table 20 indicates approximately the same kind of variation among the cities that was observed in the classification of inexpensive handguns by manufacturer in Table 13. As in Table 13, in which Boston had the lowest percentage of inexpensive handguns, of the seven sample cities Boston has the lowest percentage of less-than-.32 caliber handguns and the highest percentage of more-than-.32 caliber handguns. This apparent correlation is not surprising because manufacturers of lower priced firearms (the variable in Table 13) will most likely be making smaller caliber handguns (the variable here).

For the seven sample cities the percentage of less-than-.32 caliber handguns in each sample falls between 28 percent and 43 percent, and the range of larger-than-.32 caliber handguns is about 28 percent to 55 percent. These boundaries are also reflected in the percentages calculated for the total of all the handguns confiscated and classified by caliber in the seven-city sample. In the seven cities combined, 33.8 percent of the handguns confiscated were less than .32 caliber; 19.1 percent were .32 caliber; and 45.0 percent were greater than .32 caliber.²⁶ Thus, more handguns in the sample were larger than .32 caliber than were smaller ones. Only two of the seven sample cities had more handguns of less-than-.32 caliber than handguns of higher-than-.32 caliber.

26. As with other totals for the confiscation sample, this one is skewed toward Chicago since its firearm sample represented more than half of all the firearms.

In Table 21, attempts were made to classify the handguns in the confiscation samples by caliber and by the crime in which police records indicate it was involved. This table should be read with special caution because the samples for the crime categories are so small.

The table indicates that murder cases involved the highest percentage of high caliber handguns, while robbery cases involved the lowest percentage. However, the distribution of calibers was essentially consistent, again suggesting that no particular caliber handgun is associated with one category of crime. This suggestion is strengthened by the consideration that the murder sample includes only 50 handguns, and that the prevalence of larger caliber handguns may be less a matter of a perpetrator's choice than it is a phenomenon associated with the simple fact that larger caliber handguns used to assault someone are more likely to kill than lower caliber handguns.

Table 21: CONFISCATED HANDGUNS BY CALIBER
FIVE CRIME CATEGORIES

OFFENSE	<.32	.32	>.32	UNKNOWN	TOTAL NUMBER
Murder	24.0%	16.0%	52.0%	8.0%	50
Robbery	38.0	21.6	39.2	1.2	171
Aggravated Assault	33.8	21.9	42.6	1.7	517
Narcotics	33.6	15.6	48.6	2.2	321
Firearm Related	34.7	19.1	44.0	2.1	1,177
Totals Five Categories	34.4	19.4	44.1	2.1	2,236

SOURCE: Individual City Original Data Sample

PART II: FIREARM COMMERCE

Part II of this report examines the patterns of commerce that produce and distribute the hundreds of thousands of firearms used in crimes each year.

CHAPTER 4

AN OVERVIEW OF FIREARM COMMERCE

In 1968 a staff report to the National Commission on the Causes and Prevention of Violence entitled Firearms and Violence in American Life¹ estimated that there were approximately 90 million firearms in civilian hands in the United States. The estimate was based on an analysis of production and importation data, on estimates of firearms received from military surplus by veterans, and on estimates of firearms taken out of circulation by loss or depreciation. The staff report further estimated that of these 90 million firearms, 24 million were handguns, 35 million were rifles, and 31 million were shotguns. It was also noted that two public opinion polls² indicated that there are firearms in approximately half of all American homes, and many have more than one. Firearm ownership seemed to be highest in the South and lowest in the East; ownership of rifles and shotguns was higher in rural areas than in large cities; and handgun ownership was highest in large cities.

The staff report also said that annual sales of long guns had doubled from 1962 to 1968, and that handgun sales had quadrupled during the same

1. Much of this overview information is drawn directly from the report's chapter summaries. See, George D. Newton, Jr. and Franklin E. Zimring, Firearms and Violence in American Life: Staff Report to the National Commission on the Causes and Prevention of Violence, Washington, D.C.: U.S. Government Printing Office, 1970 (hereafter cited as Firearms and Violence).

2. One by Gallup Associates, the other by Louis Harris Associates. Firearms and Violence, 6; see also, Douglas R. Murray, "Handguns, Gun Control Laws and Firearm Violence," Social Problems, 23:1, 81-93.

period. Over the ten-year period, 1959 through 1968, 10 million handguns had been sold to civilians in the United States; 2.5 million were sold in 1968 alone. Firearms do not wear out when cared for properly; thus, the staff report found that almost half of all long guns and more than half of all handguns were acquired secondhand. Half of all purchases of new or used firearms were from sporting goods stores, hardware stores, or other firearm dealers; about half of the secondhand firearms were obtained from friends or other private parties.

In testimony in 1975 before the Subcommittee on Crime of the Committee on the Judiciary of the House of Representatives, ATF Director Rex Davis estimated that the number of handguns owned by civilians had grown from 27.9 million when the staff report was completed in 1968³ to 40.1 million⁴ by the end of 1974--an increase of 43.7 percent. This six-year increase--which is a greater gain than that measured during any ten-year period in this century--took place during the first six years that the Gun Control Act of 1968 was in effect. Director Davis also estimated a total firearms inventory in the United States of 135.8 million handguns and long guns.⁵

Table 22 compares the number of firearms thought to have been placed in circulation for civilian purchases in 1973 through 1975 with the number added in the years 1966 through 1968.

The table indicates that 45 percent more firearms were added to the civilian market in the three-year period, 1973-1975, than in 1966-1968.

3. Firearms and Violence, 17.

4. U.S. Congress, Committee on the Judiciary, Subcommittee on Crime, Firearms Legislation: Hearings on H.R. 11193, 94th Cong., 1st sess., 1975, 264 (hereafter cited as Hearings on H.R. 11193).

5. Hearings on H.R. 11193, 265.

Table 22: NET FIREARMS PRODUCTION FOR CIVILIAN MARKET,
1966-68 and 1973-75
(in millions)

YEAR	VOLUME		YEAR	VOLUME
1966	3.5		1973	5.7
1967	4.1		1974	6.6
1968	5.3		1975	6.4
Total	12.9		Total	18.7

SOURCE: 1966-1968 Data - Firearms & Violence, 18; 1973-1975 Data - Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, Forms 4483-A and 4531

There are major problems inherent in this and other tables bearing firearm production statistics, for the most part because ATF--the agency responsible under the law for collecting and disseminating these data--has in the past published incomplete data. Thus, there are no data for long gun production and importation available for 1969 through 1973 and the information available for other periods has been subject to doubt. In 1975, ATF told the Subcommittee on Crime that 900,700 handguns were imported and 1,623,298 produced domestically in 1973.⁶ However, it turned out that the Census Bureau had estimated in a report to Congress that 247,700 handguns had been imported, whereupon ATF admitted a clerical error and told the Subcommittee that it had overcounted and that 247,700 was correct.⁷ Six months later the Police Foundation received a report from ATF that 559,435 handguns had been imported and that 1,734,174 had been produced domestically.⁸

These problems of data collection and analysis make it impossible to do more than estimate that about 2 to 2.5 million handguns and 3.5 to 4 million long guns are being acquired by civilians each year.

According to ATF, there are between 140 and 150 manufacturers licensed to produce firearms in the United States. However, it estimates that only 60 are actively in the business of regular manufacturing.⁹ Of these manufacturers, about 50 percent are predominantly long gun makers, and 50 percent produce mostly handguns. About 200 foreign companies produce firearms

6. Hearings on H.R. 11193, 266.

7. U.S. Congress, House Committee on the Judiciary, Subcommittee on Crime, Federal Firearms Act of 1976: Report to Accompany H.R. 11193, 94th Cong., 2d sess., 1976, H. Rept. 94-1103, 39 (hereafter cited as Report No. 94-1103).

8. Letter (T:PD:JHS, 3300) from Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, dated June 2, 1976.

9. Telephone conversation with an ATF official, September 18, 1976.

or firearms' parts which are imported to the United States. According to ATF, the leading sources of imported firearms for 1975 were Brazil, with 20.8 percent of the total; Italy, with 19.2 percent; West Germany, with 15.0 percent; and Japan, with 13.0 percent. For handguns only, the leaders were Italy, with 36.5 percent; West Germany, with 29.6 percent; Brazil, with 14.2 percent; and Spain, with 12.6 percent.¹⁰

The Police Foundation also attempted to obtain data covering the production volume of individual manufacturers. This information is now reported to ATF by each licensed manufacturer in a quarterly report. As noted, ATF refused to provide the information. The Subcommittee on Crime requested this same production information from ATF. Its request was also refused. The subcommittee then attempted to gather these data (concerning only handgun manufacturers) from the manufacturers themselves. However, they did not subpoena the information; they relied only on voluntary reporting. As a result, according to the Subcommittee, only 12 out of 32 manufacturers "responded satisfactorily."¹¹ The Subcommittee refused to disclose those responses to the Police Foundation. According to the Subcommittee counsel, the chairman, Representative John Conyers of Michigan, had made a "gentleman's agreement" to keep this information confidential.¹²

ATF, however, did provide the Police Foundation with a rank-order list of the ten highest production volume manufacturers of handguns, of long

10. Letter (T:PD:JHS, 3300) from Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, dated June 2, 1976.

11. Report No. 94-1103, 38.

12. Telephone communication from Subcommittee counsel.

guns, and of all firearms for one quarter of fiscal year 1976. The three lists are presented in Table 23.

Although complete production data for each manufacturer were not available to the Subcommittee on Crime, the Subcommittee's report noted that the "four largest" manufacturers accounted for 55 percent of the total 1974 domestic handgun production of 1,894,872 units.¹³ If the rank-ordering for 1974 (the Subcommittee's reference) and for October 1 to December 31, 1975 (the time period for which ATF furnished us with rank-order information) of handgun manufacturers by volume are the same, this would mean that Smith and Wesson, Colt, Ruger, and Harrington and Richardson together produced 1,042,180 handguns for civilian use in 1974.

Below the manufacturer level, the available information on firearms commerce is more sparse. We know little more than that in fiscal year 1974 there were 144,362 "firearms dealers" licensed in ATF. However, many of these "dealer" licensees are actually firearm owners who take advantage of the low licensing fee of \$10 and the fact that 98.9 percent of the applicants are granted to get licenses so that they can enjoy wholesale prices and receive firearms in interstate commerce. Director Davis has estimated that "approximately 30,000, or slightly more than one fifth, of all currently licensed dealers are actually seriously engaged in the retail firearms business."¹⁵ Andrew Molchan, president of the National Association of Federally Licensed Firearms Dealers, testified before the Subcommittee on Crime that an estimate of 20,000 to 25,000 "might be pushing it."¹⁶

13. Report No. 94-1103, 22.

14. Ibid., 26.

15. Ibid., 19.

16. Ibid., 19.

TABLE 23: MAJOR PRODUCERS OF FIREARMS

HANDGUNS	LONG GUNS	HANDGUNS AND LONG GUNS COMBINED
1. Smith and Wesson	1. Remington	1. Remington
2. Colt	2. Winchester	2. Winchester
3. Ruger	3. Marlin	3. Marlin
4. Harrington & Richardson	4. Savage	4. Smith and Wesson
5. High Standard	5. Colt	5. Colt
6. R.G. Industries	6. Ithaca	6. Ruger
7. Charter Arms	7. Ruger	7. Savage
8. Clerke	8. Mossberg	8. Ithaca
9. Firearms Import & Export	9. Harrington & Richardson	9. Harrington & Richardson
10. Sterling	10. Smith and Wesson	10. Mossberg

SOURCE: Production figures reported during the second quarter of Fiscal Year 1976 (October 1 through December 31, 1975), made available to Police Foundation project director in letter (T:AAP,3300) from Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms.

There is no way of telling how many wholesale distributors serve this unknown number of actual retail dealers. Distributors and retailers now obtain the same licenses, and ATF has never attempted to distinguish between them. The Subcommittee did report that the four largest handgun manufacturers--Smith and Wesson, Colt, Ruger, and Harrington and Richardson--". . . have in place regional distributorship systems through which retail dealers must obtain their products."¹⁷ The Subcommittee also estimated that "a very small percentage of the existing dealer population--probably not more than one percent--can be categorized as 'wholesalers' . . ."¹⁸ This would mean that there are at most some 1,444 (1 percent of 144,362) wholesale distributors of firearms--a number that becomes more significant in our discussion of problems of regulation and of preventing the theft of firearms from manufacturers, from wholesalers, from retailers, and from shippers.

In short, the best available information is that:

- There are 60 active licensed firearm manufacturers in the United States.
- Four foreign countries--Brazil, West Germany, Italy, and Japan--provide most of the imports.
- There are about 1,500 firearm wholesalers and about 25,000 to 30,000 active retailers.
- Together, this chain of commerce injects about six million firearms a year into the civilian market, including approximately 2 to 2.5 million handguns. Counting losses and wear, it is safe to

17. Ibid., 28-29.

18. Ibid., 29.

estimate that the civilian firearms supply in the United States is increasing at the rate of 5,400,000 per year.

CHAPTER 5

POST-RETAIL INTERSTATE COMMERCE

We have observed circumstantial evidence of interstate commerce in firearms: The same products of the same manufacturers seem to predominate in the confiscation samples of each of the nine sample cities, without regard to the state or region of the country in which the city was located.

This chapter expands on that observation by using previous and new studies to analyze evidence of interstate commerce that occurs following the initial retail sale of the firearms. The focus here is on handguns as opposed to all firearms. This is because handguns comprise more than 80 percent of the firearms in the confiscation samples and seem to be involved in an equal portion of reported murders (the only specific crime category for which a breakdown by type of firearm is available from UCR), and because handguns have been the focus of the previous studies of interstate firearms commerce that will be reanalyzed here.

ATF's Project Identification

In 1973, ATF began a study of handguns confiscated by police in various cities throughout the country. The 16 cities included in the study were Atlanta, Boston, Charlotte, Dallas, Denver, Detroit, Kansas City, Louisville, Los Angeles, Miami-Dade County, Minneapolis-St. Paul, New Orleans, New York, Oakland, Philadelphia, and Seattle. Each city sent to ATF a complete description (manufacturer, type, model, finish, caliber, chambers or magazine capacity, serial number, and country of origin) of the handguns confiscated by the police department over a given time period. ATF then analyzed this information, focusing on two basic issues:

- The types of handguns police were seizing: The shortcomings of ATF's work in this area--in classifying the quality of the weapons and in assuming that all the handguns were "crime handguns," or "street crime handguns"--have already been described.

- The commercial path that the handguns had traveled: This aspect of the ATF study was a first attempt to analyze handgun commerce in the United States.

In tracing a firearm, ATF determines its commercial path by means of a series of phone calls. First, an ATF staff member calls the manufacturer and asks when and to whom the firearm bearing the serial number of the product in custody was sold. Next, the staff person calls the wholesaler or retailer whom the manufacturer has named and asks to whom he sold the firearm. This process continues until the firearm is traced to a sale by a retail dealer to an individual purchaser. In theory, a trace should continue until the firearm is traced back to the person from whom the police confiscated it. But, although the Gun Control Act of 1968 requires that manufacturers, wholesalers, and retailers keep records of firearm transfers, individual purchasers are not required to do so. Therefore, a trace beyond the first retail purchaser is usually impossible, and it was not attempted in Project Identification.¹ In Project Identification a "successful" trace was one that reached the first retail purchaser or, in fact, a trace that

1. ATF made such an attempt, in 1975, to trace handguns beyond the first retail purchase. Only 74 of 300 traces succeeded in tracking the path of the firearm from the manufacturer to the person from whom it was seized by police. See Project 300.

reached a retail dealer in the state from which the trace was requested.² Thus, ATF reported that it received 10,617 handguns for tracing and successfully traced 7,815--or 74 percent³--to the point at which the firearm was purchased at retail or was in the stock of a retail dealer in the same state where it was confiscated.

The ATF study revealed that in cities where state and local laws restricted the purchase of handguns, the handguns were purchased at the retail level in localities which did not have such restrictions and then transferred to strict restriction jurisdictions where they were seized. Thus, in New York only 4 percent of the seized handguns that were traceable had been purchased from retailers in New York State. Of the remainder that were traceable to sources within the United States, 56.4 percent came from four southern states: 24.4 percent from South Carolina; 13.3 percent from Florida; 10.4 percent from Georgia; and 8.3 percent from Virginia. These four states had few or no restrictions on the purchase of handguns in 1973 when the firearms were seized. On the other hand, Project Identification

2. ATF's reasoning here is that once it has followed the firearm to the same state as the origin of the trace request, its path is no longer an interstate matter, and therefore no longer a federal responsibility. It should be noted that the in-state path of the firearm is nonetheless a continuation of interstate commerce, and that most local and state police have no means of their own to trace firearms in their own jurisdictions because most do not license dealers or require dealer recordkeeping.

3. This success percentage seems to be overstated. For example, New York police report that they submitted 3,328 handgun descriptions for tracing, whereas ATF says they received only 2,931. If New York is correct, and its records indicate it is, its "success" rate would be 77 percent; if ATF is correct, the figure was 87 percent. The reported 100 percent successful rate in New Orleans is even more unlikely. Even ATF officials acknowledged during interviews with Foundation staff that many untraceable handguns from New Orleans were prescreened and not counted as "received." ATF's own records show that in all traces, not just those for Project Identification, its average "success rate" was about 60 percent in 1974 and 1975.

found that in cities where there were few or no state restrictions on handgun purchasing, most of the handguns traced were purchased at retail in the same state. For example, 87 percent of the Dallas handguns had retail origins in Texas.

Table 24 summarizes the Project Identification findings in this regard, as reported by ATF. Detroit is excluded from these tables. For reasons which ATF did not explain, most firearms traced to Michigan from its Detroit tabulation in Project Identification were excluded. No count was kept of how many Michigan handguns there were.

Table 24 indicates, first, that in many states handguns are moving in a way that violates the purpose of the 1968 Gun Control Act. The act makes it illegal for the resident of one state to purchase a firearm in another state. The intent of this provision was to aid states in enforcing whatever restrictions on firearm purchases they might decide to enact.⁴ Yet the composite rate of retail purchases from other states among all 15 cities was 63 percent--which means that more than half of this sample of handguns confiscated in the 15 cities between 1973 and 1975 moved in commerce that the 1968 act was intended to preclude.⁵

More significant, in states that have attempted to restrict the purchase of handguns the flow of retail purchases from other states was most pronounced. Thus, the sample shows that New York's stringent handgun purchase laws, the toughest in the nation, seem to assure that handguns used

4. Thus, the preamble of the 1968 act says that a major purpose of the new law is to help states and local governments in their efforts to curb violent crime. The act is reprinted in Appendix C.

5. The unweighted mean of out-of-state purchases was 60 percent.

Table 24: PERCENTAGE OF TRACEABLE HANDGUNS PURCHASED IN-STATE
ATF PROJECT IDENTIFICATION
FIFTEEN-CITY SAMPLE

CITY	PERCENTAGE
Atlanta	81
Boston	35
Charlotte	43
Dallas	87
Denver	78
Kansas City	35
Louisville	82
Los Angeles	82
Miami-Dade Co.	83
Minneapolis-St. Paul	74
New Orleans	62
New York	4
Oakland	74
Philadelphia	54
Seattle	76

in crimes within its borders will have come from states where there are no such controls. This is hardly surprising; it is how all black markets work, including the illegal drug market. But it indicates that a major purpose of the 1968 act--to help states help themselves--has not been achieved by the act's simple prohibition, with no real enforcement mechanism, on the sale of firearms in one state to residents of another state.

Table 25 documents the way in which the post-retail purchase movement of handguns across state lines is related to whether a state has enacted firearm restrictions. The 15 cities in the sample are grouped into two categories based on the nature of the handgun laws in the states where the city is located. Category I includes those cities in which state law requires a permit and prior approval from law enforcement authorities before a handgun may be purchased. Such prior approval means that the purchaser's identity is verified, that the purchaser is screened for the possibility of a criminal record, and that the purchase is delayed so that it cannot be a spur-of-the-moment transaction. Category II includes those cities where state law does not require such prior approval.⁶

Table 25 indicates a relationship between the strength of state laws and the extent to which handguns flowed into that state from other states. The four cities classified as Category I cities were also the four cities with the lowest percentages of handguns originating in-state. Noting this trend, ATF concluded in its Project Identification report that "it is apparent . . . with a few exceptions, the percentage of out-of-state purchases is directly proportional to the strength of the local firearms regulations."⁷

6. We use state laws as the criteria because we are measuring interstate purchases. If the focus were on local laws not applied statewide, we would have to be able to measure intercity purchases.

7. Project Identification, 13.

Table 25: PERCENTAGE OF HANDGUNS TRACED IN-STATE BY TYPE OF STATE LAW
ATF PROJECT IDENTIFICATION FIFTEEN-CITY SAMPLE

STATE LAW	CITY	PERCENTAGE
I. Prior Approval Required	Boston	35
	Charlotte	43
	Kansas City	35
	New York	4
	Average	29
	(Unweighted mean)	
II. No Prior Approval Required	Atlanta	81
	Dallas	87
	Denver	78
	Louisville	82
	Los Angeles	82
	Miami-Dade Co.	83
	Minneapolis-St. Paul	74
	New Orleans	62
	Oakland	74
	Philadelphia	54
	Seattle	76
	Average	76
	(Unweighted mean)	

In this table, New York--the city with the most restrictive state law--had by far the highest percentage of out-of-state handguns in the sample. Philadelphia, the Category II city with the lowest percentage of in-state handguns, is in a state whose law requires a 48-hour waiting period and an advance notice of purchase to be filed with the appropriate local law enforcement agency during that waiting period. This law almost puts Philadelphia in Category I.

In December 1973, the New York City Police Department's Intelligence Division, which worked with ATF on the Project Identification study, concluded in its own analysis of the results that "since 97 percent of the handguns traced to states . . . were not purchased by those arrested with them, we must assume the existence of an extensive black market."⁸ In interviews, police officials in New York explained that this black market may involve a casual single transaction in which a New Yorker visiting another state buys a handgun and gives it to a friend or resells it at a premium (this is often distinguished as a "grey market"); it may involve the planned movement of several handguns from another state into New York by an individual or group intending to use them to commit crimes; or it may involve an organized network, parallel to that used by narcotics dealers, in which people make a business of moving handguns into New York and distributing them to people who sell them illegally. The Intelligence Division report described one of these operations:

. . . Illustrative of this point is a gunrunning operation recently ended by federal and local authorities. Four residents of South Carolina, exercising their privilege, purchased over 3,000 handguns from a licensed dealer, Rufus Roberts, in Greenville, South Carolina, between February and October of 1972.

8. NYPD Handgun Study, 21.

The fact that five hundred of these handguns were purchased in a single transaction violated neither state^[9] nor federal law. Ultimately federal statutes were violated when the weapons were transported interstate. Unfortunately, before the operation was uncovered, most of these handguns were introduced into New York City and onto the streets where, this study reveals, they were used to murder, rob, burglarize, and assault . . . In all, 67 of these guns were recovered in New York City during the course of this study, between January 1, 1973, and July 31, 1973.¹⁰

News Analysis

In one of the cities that participated in Project Identification, New York, we attempted to reanalyze the project data to find out more about the type of handguns moving in illegal interstate commerce. We focused on one question: Were the handguns moving illegally in interstate commerce--the black market firearms--different from those that were purchased in the same state? We approached this question by examining the brands of firearms traced to four states in the South which New York police believed were major sources of black market firearms.

Table 26 lists the top ten brands of handguns seized in New York City that originated with retail purchases in Florida, Georgia, South Carolina, and Virginia.¹¹ According to our analysis, 1,364 of the firearms seized were successfully traced and 773 of them were traced to these

9. The South Carolina law was subsequently changed to prohibit the purchase of more than one handgun over a 30-day period, unless the would-be purchaser's first purchase is lost or stolen.

10. NYPD Handgun Study, 18.

11. Samples of successfully traced firearms add an additional complicating factor to any analysis of firearms by manufacturer. If a manufacturer has poor records, or has been in business for a long time (before recordkeeping requirements), its firearms are less likely to be traceable and therefore less likely to appear in samples such as these.

Table 26: TOP TEN BRANDS OF HANDGUNS ORIGINATING AT RETAIL IN
 FLORIDA, GEORGIA, SOUTH CAROLINA, AND VIRGINIA
 ATF PROJECT IDENTIFICATION, NEW YORK SAMPLE

MANUFACTURER	NUMBER SEIZED	PERCENTAGE OF TOTAL*
1. Clerke	166	12.2
2. R. G. Industries	156	11.4
3. Firearms Import & Export	99	7.3
4. Criterion Die & Metal	67	4.9
5. Rohm	65	4.8
6. Harrington & Richardson	39	2.9
7. General Precision	31	2.3
8. Amadeo Rossi	29	2.1
9. Smith & Wesson	20	1.5
10. Colt	18	1.3
10. Galesi	18	1.3
Total	708	51.9

* N = 1,364; the total number successfully traced--all states

four states.¹² Of those traced to the four states, 708--92 percent of the four-state total--can be attributed to ten manufacturers.

Table 26 indicates a difference in the type of handguns found in the black market sample as compared with the firearms represented in all the city confiscation samples in Chapter 3. Manufacturers of inexpensive handguns appear on this list much more frequently than they did in the confiscation sample lists of the trace requests lists presented in Chapter 3.

Although the categorization of the handguns from the four southern states as black market is simplistic and inexact--many of them are not black market and many from other states are--the assumption is rational enough and the differences between all the firearms confiscated compared with those confiscated in the four states are sharp enough that a tentative hypothesis is possible. It would seem from this sample that the economics of the firearms black market is such that the least expensive handguns are the major traffic items. This may be because the black marketeer assumes that the going street rate for his product will not increase proportionately if he spends \$100 for it at the start instead of \$20. Thus, he would prefer to make five \$20 investments rather than one \$100 investment. Such economic considerations, of course, work in an opposite direction if the firearm is stolen rather than purchased.

The differences in the sample may mean that the higher-priced firearms being used to commit crime are more likely to have come from thefts than from legal purchases.

12. Our figures differ from the numbers ATF reported in Project Identification because we found, in auditing ATF's Project Identification data, that ATF had duplicated a large number of its traces and had counted them twice.

What the differences do not mean, however, is that most handguns being used in crimes are inexpensive to the persons using them. Some may be weapons with low retail list prices, but even they are costly. The New York City police believe that the premium being paid for black market handguns is such that even the least expensive weapons will often sell for as much as \$100 on the street. An ATF memo in 1975 reported that in 1974 in Boston ATF agents making undercover purchases paid an average of \$87.21 per handgun.¹³

New Traces

To update our knowledge of the interstate movement of handguns, we asked the New York City Police Department to submit a new sample of confiscated firearms to ATF for tracing. The New York police chose a random sample of 144 firearms they had seized during the first two weeks of October 1975. Of these, 94 firearms were successfully traced to the state in which they were originally purchased at retail. This sample, of course, is extremely small, and at best can only suggest the hypotheses that a larger sample might confirm.

Table 27 indicates that in the new New York sample, a much higher percentage--19 percent--of the firearms originated in New York compared with those confiscated in New York in 1973 and used in Project Identification (4 percent). However, 81 percent were traced to states other than New York. As with the Project Identification sample, South Carolina, with 17 percent of the sample, was the leading out-of-state supplier, followed

13. ATF's public affairs office gave a copy of this memo to the Police Foundation project director on September 29, 1976.

Table 27: LOCATION OF LAST KNOWN PURCHASER, NEW YORK TRACES
OCTOBER 1975

STATE	NUMBER	PERCENTAGE	STATE	NUMBER	PERCENTAGE
Alabama	2	2.1	New Mexico	1	1.1
Arkansas	2	2.1	New York	18	19.1
California	1	1.1	North Carolina	3	3.2
Connecticut	4	4.3	Ohio	3	3.2
Florida	9	9.6	Oklahoma	1	1.1
Georgia	7	7.4	Pennsylvania	2	2.1
Indiana	2	2.1	South Carolina	16	17.0
Kentucky	2	2.1	Texas	6	6.4
Louisiana	1	1.1	Virginia	11	11.7
Michigan	2	2.1	West Virginia	1	1.1

SOURCE: Department of Treasury, Bureau of Alcohol, Tobacco and Firearms,
Form 5000

by Virginia, Florida, and Georgia. Thus, the flow of firearms from the South to New York seems to have continued.

Between the first six months of 1973, when the New York sample confiscations in Project Identification took place, and October 1973, when the confiscations in the second New York sample occurred, South Carolina passed laws prohibiting the sale of Saturday Night Specials and the sale of more than one handgun to the same person in a given month. The Saturday Night Special law took effect on July 9, 1973,¹⁴ and the multiple purchase prohibition took effect on June 17, 1975.¹⁵ Also, ATF, in attempting to curb major black market dealing promulgated a regulation effective July 1, 1975, requiring any dealer who sells more than one handgun to the same person over a five consecutive work-day period to report that sale to ATF.¹⁶ Because Table 27 contains such a small number of handguns and because its sample was drawn so soon after these changes in law and regulations, the sample can reveal little about how these changes have affected the supply of handguns in New York. However, the South Carolina law on Saturday Night Specials had been in effect for more than two years when the second New York sample was taken. It is interesting to note that of the three handguns in the October 1975 sample that traces indicate were purchased in South Carolina after that law took effect, none were inexpensive handguns (two were Colts, one was a Smith and Wesson), whereas in the 1973 sample a high proportion of the South Carolina handguns could be classified as inexpensive handguns.

An adequate evaluation of those changes in law and ATF regulations, however must allow more time for them to be in effect and requires much longer

14. South Carolina Legislative Act No. 419 of 1973.

15. South Carolina Legislative Act. No. 250 of 1975.

16. The effect and enforcement of the ATF regulation is discussed more fully in Chapter 8.

samples. All that is clear from these data is that post-retail interstate commerce in handguns is a widespread means for circumventing state laws restricting handgun purchases.

CHAPTER 6

THE AGE OF CONFISCATED HANDGUNS

The ATF Project Identification study attempted, in the samples received from Dallas, Denver, Kansas City, Oakland, Miami-Dade, Minneapolis-St. Paul, Philadelphia, Seattle, Boston, Charlotte, Louisville, and Los Angeles, to determine how long the handguns were in circulation before they were confiscated by the police. Assuming that most handguns confiscated by police were used in crimes, determining the age of these handguns should yield some notion of how recently a handgun involved in crime was likely to have been purchased at retail and how recently it may have been manufactured. This, of course, would not provide any information about how the handguns traveled from the retailer to the individuals who used them in crimes--often a long, complicated path--but it could provide basic intelligence on the velocity of that trip.

In its study, ATF did not attempt to determine the exact age of the handguns. Instead the handguns were divided into two categories: 1) those purchased before the effective date of the Gun Control Act of 1968 (October 22, 1968), and 2) those purchased after the act. One problem with the method ATF used was that, in many cases, the trace was carried out only to the point of delivery to the last known dealer, rather than to the point at which it was sold at retail. In such cases, the date of that dealer's receipt of the firearm was used as the date the handgun entered circulation. ATF acknowledged this possible inaccuracy but could not specify the number of cases in which it occurred. ATF's informal requests that the police agencies submitting the handguns for tracing not submit handguns that were obviously

too old to trace also impaired the sample. In interviews, the ATF officials who conducted Project Identification were unable to estimate how often, with what efficiency, and in which cities this screening took place.

Dividing the handguns into the pre- and post-Gun Control Act categories, ATF reported that 66 percent had been purchased at retail after the 1968 act and 34 percent purchased before. Table 28 presents this data, as reported by ATF, for the 12 cities in which ATF analyzed the age of the handguns.

ATF reported a range among the cities of 21 to 63 percent of handguns purchased before the 1968 Gun Control Act. Every city but Kansas City fell within a 25 to 42 percent range. However, the confiscations in each of the cities took place at different times. For example, the Dallas sample is believed to have been taken from confiscations that occurred in July through September 1974, while the Boston sample is believed to have been taken from first quarter 1975 confiscations. This discrepancy makes intelligent comparison between cities impossible. Moreover, ATF did not keep accurate records of exactly when the confiscations occurred in each city. In fact, the period from which the sample confiscations were taken in at least one city, New York, is definitely misreported in the ATF Project Identification report; and the same mistake was most probably made in other cities.¹

1. ATF's Project Identification report states that the New York handguns were confiscated from July to December 1973; in fact, police records which Foundation staff rechecked and verified indicate they were confiscated from January through July 1973. The problem is that ATF recorded the time during which they traced the gun as the time during which it was confiscated. ATF officials were unable to assure us that they did not make the same mistake in the other cities; in fact, ATF officials conceded in interviews that the same mistake is likely to have occurred elsewhere and thereby to have impaired other attempts to use ATF's age data for more sophisticated analysis.

Table 28: AGE ANALYSIS OF HANDGUNS CONFISCATED
IN PROJECT IDENTIFICATION CITIES

CITY	PERCENTAGE PRE-G.C.A.*	PERCENTAGE POST-G.C.A.
Boston	30	70
Charlotte	28	72
Dallas	41	59
Denver	38	62
Kansas City	63	37
Louisville	21	79
Los Angeles	21	79
Miami-Dade Co.	25	75
Minn.-St. Paul	35	65
Oakland	42	58
Philadelphia	31	69
Seattle	40	60

SOURCE: Department of Treasury, Bureau of Alcohol, Tobacco and Firearms

* Gun Control Act of 1968

This problem renders impossible any more elaborate attempt to use the ATF data as it stands to pinpoint the age of the handguns when they were confiscated.

New Analysis

We attempted to further ATF's efforts at age analysis through auditing and reanalyzing the ATF data from the Project Identification New York and Philadelphia samples and through a new tracing sample requested by the New York City Police Department.

In Philadelphia and New York we were able to ascertain the date of the confiscations in the Project Identification sample. (In New York they took place during the first seven months of 1973; in Philadelphia they took place from July 1, 1974, to October 1, 1974.) Accordingly, Table 29 measures the time period between the last retail purchase of each of the handguns in the two city samples and the time each was confiscated.²

Table 29 indicates a prominence of relatively new handguns among those confiscated. This trend is more pronounced in New York than in Philadelphia, but it is significant in Philadelphia. In New York, the handguns that were confiscated most often were those purchased at retail within one year before the confiscation. These included 344--or 28 percent--of the handguns. A handgun purchased between one and two years before the confiscation made up the largest group in the Philadelphia sample and the second largest group in the New York sample. In all, 74 percent of the New York handguns

2. In New York the actual dates of confiscation were available for all handguns; in Philadelphia the actual dates were unavailable. Therefore, a confiscation date of August 15--halfway between the earliest possible date and the latest possible date of the confiscations--was used for each handgun.

Table 29: TIME BETWEEN LAST RETAIL PURCHASE AND POLICE CONFISCATION
HANDGUNS--NEW YORK, 1973; PHILADELPHIA, 1974

CITY	TIME SPAN												
	< 1 mo	1<6 mo	6 mo.<1 yr	1<2 yr	2<3 yr	3<4 yr	4<5 yr	5<6 yr	6<7 yr	7<10 yr	10<15 yr	<15 yr	Total
New York	34	151	159	278	190	99	95	78	58	54	31	8	1,235
	→		Total < 1 yr = 344										
Philadelphia	6	46	55	109	83	80	43	29	41	65	33	40	630
	→		Total < 1 yr = 107										

and 60 percent of the Philadelphia handguns were less than four years old. Figure 3 presents these findings in a different form.

A recent study using the ATF data from eight Project Identification cities,³ including Philadelphia but not New York, found the same phenomenon of newer handguns dominating the confiscation statistics.⁴ Again, a problem with any such study is that ATF assumptions as to exactly when the handguns were confiscated are inaccurate.⁵ Nevertheless, the overall finding seems to hold: Despite the long, useful life of most handguns, the handguns that police are confiscating are relatively new.

This finding is reinforced in Table 30, which shows data from our new sample of New York firearms. Unlike the ATF samples that were available for past studies, this sample was chosen exclusively for this research project by the Police Foundation in order to pinpoint the time period during which the confiscations took place. The cost of this precision is that the sample is small--only 144 firearms.

Of these, ATF originally was able to trace 77. However, Det. Salvesen in the Intelligence Division of the New York City Police Department was able to complete seven more traces by asking ATF to recheck its records and by contacting police agencies and firearms companies on his own. Also, for the purposes of age analysis, we computed from other trace samples in

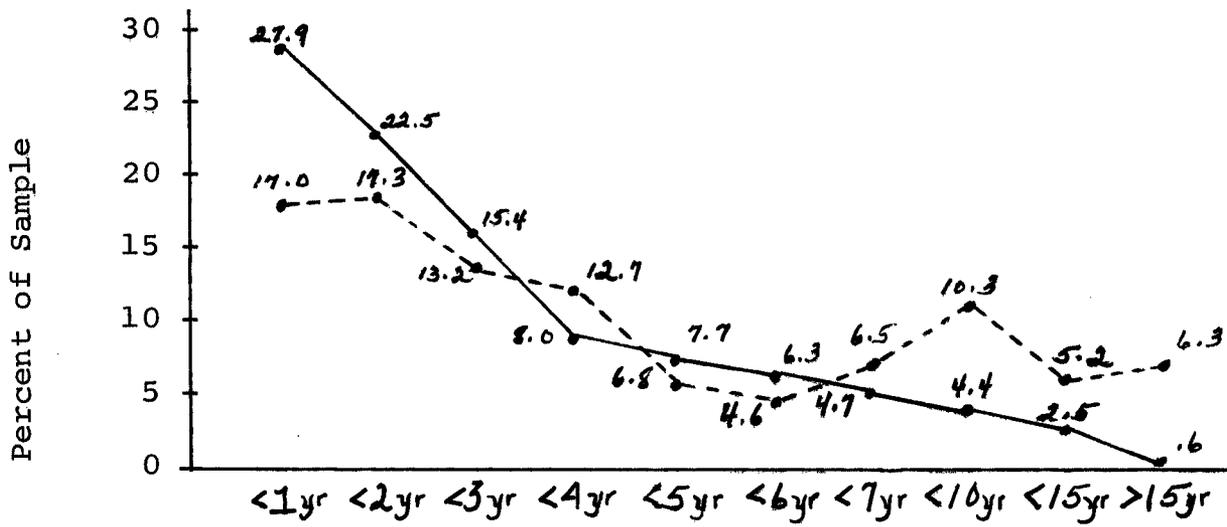
3. Dallas, Denver, Kansas City, Oakland, Miami-Dade, Minneapolis-St. Paul, Philadelphia, and Seattle.

4. Franklim E. Zimring, "Street Crimes and New Guns: Some Implications for Firearms Control," Journal of Criminal Justice, 4:2, 1976, 95-107.

5. This inaccuracy produced a bias in Professor Zimring's analysis of the Project Identification New York sample. He was told and he reported that the confiscations all took place during December 1973. In fact, this mistake reinforces the theory that new firearms predominate, because what Zimring assumed were 18-month-old firearms were actually six- to twelve-month old weapons.

FIGURE 3

AGE OF PROJECT IDENTIFICATION HANDGUNS
 NEW YORK, 1973; PHILADELPHIA, 1974



KEY:

New York —————

Philadelphia - - - - -

Project Identification and from this sample that it takes an average of two months for a firearm to be purchased at retail once it is delivered to a retail dealer. Thus, in ten cases where the trace was carried only as far as a dealer purchase, including three where Det. Salvesen obtained additional information, we added two months and used that as the time the firearms entered circulation. Finally, for 18 other firearms we ascertained that the reason for ATF's inability to trace them was that they had been sold before the recordkeeping requirements of the 1968 act. These are included in Table 30 under the seven years or older category. With these adjustments we obtained a total of 109 firearms available for age analysis.

The 28 firearms that were found to be stolen are not included in this age analysis. Their age is analyzed separately in Chapter 7. In previous studies, some stolen firearms were included and others were not, depending, haphazardly, on whether records of their retail dispositions were available.⁶ As Chapter 7 indicates, confiscated firearms that we know were stolen have a remarkably different age history from others because the fact that they were stolen seems to make them more likely to be used quickly in crimes. Table 30, therefore, describes only those firearms which made their way into police custody through confiscations without being stolen.

Overall, Table 30's sample is so small and the differences among the age categories so minor that it presents nothing conclusive. But the table does seem to suggest that the firearms four to five years old are most heavily represented in the sample, with the three-to-four year category in

6. ATF officials told us during an interview on August 19, 1976, that the stolen-nonstolen distinction was not made. If a firearm was stolen after it was shipped to a retailer, we can assume its age was calculated on the basis of the date of the retailer's receipt of the firearm and included by ATF in its samples.

second place, and the less than one year and one-to-two year-old firearms tied for the third position. The more than seven-year-old category is larger but it represents firearms spanning a time period between 1917 (the date of the oldest firearm in the sample) and 1968.⁷

Overall, the table suggests a result different from that found with the much larger 1973 New York sample, where the less than one-year-old firearms were the most prevalent. As we shall see in Chapter 8, the difference might be explained by the exclusion of stolen firearms from this new sample. Nonetheless, the "newness" of the firearms as compared with the age of the existing firearms stockpile is also indicated in this sample. Seventy-one of the 109 firearms--or 65 percent--entered civilian circulation after October 1970.⁸

The prevalence of relatively new firearms in these samples--despite the fact that firearms rarely wear out from age and have been manufactured and sold by the millions throughout the past three decades--suggests that the pipeline from manufacturer to criminal use may take less time than might be expected. Thus, changes in that pipeline--such as limits on the manufacture of handguns or certain types of handguns--might have a more immediate dry-up effect than authorities have thought. However, any limit on new firearms would, of course, encourage greater use of older, stock-piled weapons. These data make the question of the degree to which this would happen that much more relevant.

7. This total includes the 20 firearms that ATF listed as having been too old to meet the recordkeeping requirements necessary for a trace.

8. Our best estimate is that on the average there is a ten-month span between factory shipment and retail purchase, indicating that 65 percent were manufactured and shipped from the factory after January 1, 1970.

To the extent that these age data are accurate, they also present a serious new question: If new firearms are the ones being used in crime and being confiscated by police, where are all the old ones? Do they have a shorter lifetime in terms of wear than had been previously assumed and are they, therefore, out of circulation and not so available for recycling as is commonly believed? Or, were they acquired more frequently than the newer products by law-abiding citizens who still have them or have stored them away? Or, is there another explanation? This could be an important set of policy questions associated with evaluating the impact of any future firearm control initiatives.

CHAPTER 7
STOLEN FIREARMS

An important area for study that emerged from ATF's Project Identification is the role of stolen firearms in crime. In Project Identification, ATF reported that 6 percent of the confiscated firearms had been stolen. However, at that time it appeared that this estimate was low because the only firearms ATF listed as stolen were those that had been reported stolen to the FBI's National Crime Information Center (NCIC). Reporting the theft of a firearm is not required under federal nor under most state and local laws, and many police believe that such reports often are not made.

In a later study¹ completed in April 1976, ATF traced a sample of 300 confiscated handguns more intensively than they had attempted in Project Identification. As part of that effort, ATF agents attempted to go beyond NCIC in determining whether a firearm had been stolen. As a result the bureau reported that 66 firearms--or 22 percent--had been stolen, but that only 14 of them had been reported stolen to local police. None had been reported stolen to NCIC. To be sure, there may be some overreporting here, particularly among the retail purchasers who may have told ATF special agents untruthfully that their firearm was stolen when the agents asked them to explain how their weapon had come to be confiscated by the police. However, as will be shown, this overreporting may be offset by the underreporting of thefts from firearm manufacturers that the new ATF study appears to have missed.

1. Project 300.

The efforts made by the Intelligence Division of the New York City Police Department with the October 1975 New York sample gives added weight to an estimate that at least 20 percent of the firearms in a confiscation sample have been stolen. Their findings underscore the reporting problem. When the October 1975 New York trace requests were first given to ATF, the bureau reported that five of the 144, or 3 percent, had been stolen. However, when Det. Salvesen attempted his own follow-up traces of weapons that ATF was unable to trace, he discovered 28 stolen firearms--or 19.5 percent--including eight firearms presumed to have been stolen from factories. In each of these factory theft cases ATF had reported only that the records were "missing" at the factory, but sources at the factory told Det. Salvesen that the firearms most probably had been stolen. He was also told that in most cases when a firearm is stolen from a factory, the manufacturer's response to the ATF trace request says only that the record of the firearm is missing. In 15 other cases Det. Salvesen found that a dealer or owner had been the victim of a firearm theft but that there was no ATF record of the theft even though the theft had been reported to local police, and in some cases to NCIC.

In theory, all police departments report all thefts of firearms to NCIC, but according to the section chief of NCIC, many stolen firearms are never reported to NCIC.² One problem, as noted, is that not all police report to NCIC what has been reported to them. A more significant problem is that it is likely that a firearm theft never will be reported to the police. Someone who has not had to register the firearm, or who has ignored a request to register it, is not likely to report its theft.

2. Interview with Frank B. Buell, Section Chief, NCIC, April 15, 1976.

The experience of handgun license holders in New York suggests one way to estimate the magnitude of the firearm theft problem. As with projecting national firearm confiscation rates from the city sample rates, the extrapolation here should be done only as an exercise in sketching an order of magnitude.

Handgun licensees in New York are required to report thefts of their handguns. New York City police believe that the majority of such thefts are reported because an owner might otherwise be accountable for what happens to the handgun after it is stolen. In 1975 the police department received reports of 228 handguns stolen from licensees. (The approximately 28,000 handgun owners who actually register their weapons and obtain licenses are a small minority in New York; their handguns are the only ones referred to here.) New York police estimate that these 28,000 licensees owned 90,000 handguns in 1975.³ That amounts to a reported theft rate of 253 per 100,000 handguns. If we apply that rate to all handguns and assume, as ATF does, that there are 40 million handguns in the United States, then we can guess that there were 101,200 handguns stolen in the United States last year just from individuals. This excludes thefts from all nonindividual sources, such as those occurring in transit, or from manufacturers, distributors, dealers, or the military. It also excludes all long guns, which outnumber handguns by more than two to one in the firearms stockpile. If we assume that as many long guns are stolen each year as handguns, our total national estimate is approximately 200,000 thefts, again just from individuals. It is important to remember that this may be an overly conservative estimate. Even in New York it is unlikely that all thefts were reported, and New York's

3. Interview with Pamela D. Delaney, New York City Police Department, August 11, 1976.

few and well-screened licensees may be more responsible and live in areas of the city less prone to theft than other firearm owners. On the other hand, handguns may be especially desirable objects of theft in a city where their retail sale is so controlled and their black market sale inflates prices; further, New York's burglary and larceny rates are higher than those in most areas of the country. Nonetheless, this estimate suggests that firearm thefts number in the hundreds of thousands each year.

Houston's experience provides another perspective leading to the same general conclusion. There, the Police Foundation received data from a special study of burglaries indicating that in the first quarter of 1976 there were 944 firearms reported stolen in burglaries, and that there were 9,737 reports of burglaries. A Houston Police Department planning officer noted that, other than cash or jewelry, a firearm, especially a handgun, is the most likely object of a burglary. It is small, portable, and easily saleable on a black market.⁴ As the officer explained, "In many burglaries a gun is one of the items stolen. We think they are fenced to people running them up north. There's a lot of money in it, and if you're burglarizing a house in a poor neighborhood, it could be the most expensive thing to carry off."⁵

Several factors make Houston, like New York, an atypical American locality in terms of firearm ownership and reported theft.⁶ But even if the factors don't balance

4. Interview with Officer J. R. Bench, Houston Police Department, Houston, Texas, February 17, 1976.

5. Interview with Officer Bench.

6. On the one hand, Houston probably has a higher firearm ownership rate than most other urban centers. On the other hand, its reported burglary rate is relatively low. One factor that would make Houston a more accurate barometer in general for reported thefts is that since there are no restrictions against having firearms in a home there, a firearm stolen in a burglary is more likely to be reported to police.

out, Houston's experience and an extrapolation from it are at least worth noting. The Houston ratio of approximately one firearm theft for every ten reported burglaries, when applied to the 2,750,000 burglaries reported in the United States in 1975, yields an estimate of 275,000 firearms stolen last year in reported burglaries alone.

The firearm theft problem is particularly serious because a stolen firearm, more so than one purchased at retail or even one bought on the black market is, by definition, automatically in the hands of someone who has committed a crime and someone to whom it is not traceable if used in a crime. The theft problem also suggests a significant weak link in any new attempt to restrict firearm ownership to law-abiding citizens. Although the numbers are not clear, the volume of thefts suggested above indicates that the number of stolen firearms probably equals the total number of firearms involved in all reported violent crimes. Thus, firearms that start out in the hands of law-abiding citizens may now theoretically supply enough weapons through thefts to commit all the firearm crimes in the United States each year, assuming that each firearm used in a crime is used to commit only one crime.

The Age of Stolen Firearms

Suspicion that a stolen firearm is especially dangerous is given some added weight by the following analysis of the age of stolen firearms. Table 31 calculates the age of the stolen firearm in the October 1975 New York sample based on the date of the theft compared to the date of the confiscation--that is, it measures the period between the time the firearm was

Table 31: TIME BETWEEN FIREARM THEFT AND CONFISCATION BY NEW YORK POLICE
OCTOBER 1975

<6 mo	6 mo <1 yr	1 yr <2 yr	2 yr <3 yr	3 yr <4 yr	4 yr <5 yr	5 yr <6 yr	6 yr <7 yr	>7 yr
9	2	2	4	1	2	0	0	2

stolen and when it was confiscated. The sample is so small that it must be examined with extreme caution.⁷

As Table 31 indicates, nine of the 22 firearms--or 40.9 percent--were stolen less than six months before being confiscated. In fact, further examination reveals that seven of the nine were stolen within 30 days of the confiscation,⁸ and most significantly, six had been stolen within ten days. For example, on October 5, 1975, a burglar stole a handgun in Clifton, New Jersey; it was seized by New York police four days later from a person arrested in Harlem for illegal possession of a weapon.

A sample far larger than this one must be used before we can posit anything definitive about the age of stolen firearms.⁹ But the data shown above support the proposition that these are the most dangerous firearms in circulation because they are the ones that most quickly become involved in crimes. These firearms have a remarkably shorter time span between theft and confiscation (presumably in a crime-related arrest) than the period between purchase and confiscation of the firearms purchased at retail. This showing, combined with the prevalence of stolen firearms in the overall sample, suggests that curbing firearm theft could have a significant, fast impact on the supply of firearms available for use in crime. In short, theft control may be an important part of "spigot" control in terms of firearms used in crimes.

7. Only 22 of the 28 presumed stolen firearms are shown; for the other six, a date of theft was impossible to ascertain.

8. Detective Salvesen reported no reason to believe that any of these firearms were untruthfully reported stolen by an owner who wanted to be absolved of responsibility for the weapon. In fact, three of the owners were retired police officers.

9. The sample may be skewed toward newer thefts, inasmuch as it may be more likely that the six thefts for which a date was unknown may have been less recent, but this is by no means certain.

Types of Firearms Stolen

Logic would dictate that stolen firearms are expensive firearms, because they would be the most desirable objects of theft.¹⁰ The small sample in Table 32 proves nothing, but it does suggest that, unlike firearms purchased for black market sale, those stolen are moderate- to high-priced firearms.

The only inexpensive handguns in the 28-firearm sample are the two made by Firearms Import & Export and the one made by Criterion Die & Metal.

Location and Methods of Firearm Thefts

The foregoing data suggest that thefts are a major source of firearms used in crimes, and that stolen firearms have a low street age and are not usually inexpensive. But none of this information sheds light on exactly how firearms are stolen. Some additional information in this regard is available, but it is extremely limited. In analyzing the 365 stolen firearms found in the 1973 Project Identification New York sample, the New York City Police Department's Intelligence Division reported the following breakdown of the location of the thefts:

Burglaries and robberies	128
From manufacturer	20
From dealers	58
In transit	96
Unknown	63

The term "in transit" means that the firearm was being shipped to either a distributor or a dealer by a manufacturer, distributor, or another dealer. However, this breakdown is based only on the firearms in the 1973 Project Identification sample that were reported stolen. Given the Intelligence

10. The exception to this rule would be burglary. A burglar presumably simply steals what happens to be there.

Division's finding for the October 1975 sample that firearms stolen from a manufacturer frequently were reported only as "records missing," the "from manufacturer" category is likely to be understated. Similarly, thefts of firearms in transit often go unreported.¹¹

In all, Det. Salvesen's investigation of 28 stolen firearms in the October 1975 sample yielded:

- Thirteen from individuals (46 percent of the thefts and 9 percent of all the firearms);
- Six thefts from manufacturers (21 percent of the thefts and 4 percent of all the firearms);
- Five thefts in transit (18 percent of the thefts and 3 percent of all the firearms); and
- Four thefts from distributors or retailers (14 percent of the thefts and 3 percent of all the firearms).

It is important to note that the indication here that more than half of the thefts were from manufacturers, shippers, distributors, or dealers--that is, not from individuals--contradicts the assumption now made by ATF officials, as expressed to us in interviews, that most thefts are from individuals. However, in many ways their New York sample may not be typical. First, firearms stolen from people who do not have licenses to possess them are not included because they are not reported. According to all estimates of firearm ownership in New York, these people number in the hundreds of thousands, as

11. Accordingly, a .38 Smith and Wesson seized from someone arrested in the Bronx for illegal possession on October 4 had been one of several in a distributor's shipment to Australia that had been stolen from a New York pier on August 9, 1975. The theft had never been reported.

compared to the approximately 28,000 handgun licensees. Similarly, many firearms that came from outside New York might have been stolen from individuals after they were purchased from a retailer, yet might not have been reported here as stolen. These would be listed in the ATF sample as successfully traced. Given these possibilities, Detective Salvesen's investigation cannot be read as evidence that nonindividual thefts (thefts from manufacturers, distributors, dealers, or transporters) constitute the majority of firearm thefts, but it does indicate that these nonindividual thefts may be a serious problem.

During our interviews, ATF officials disputed this possibility, noting at one point that nonindividual thefts "probably . . . would equal less than 1 percent" of all stolen firearms.¹² One problem associated with understanding better the sources of firearm theft is that ATF does not require the dealers, distributors, and manufacturers that it licenses to report thefts. The data presented in this chapter, as tentative as it may be, suggest clearly that more law enforcement and regulatory attention should be given to the problem of firearm thefts.

12. Interview, April 15, 1976.

Table 32: STOLEN FIREARMS, BY MANUFACTURER
OCTOBER 1975, NEW YORK SAMPLE

MANUFACTURER	NUMBER
Smith and Wesson	11
Colt	6
High Standard	2
Firearms Import & Export	2
Plainfield	1
Criterion Die & Metal	1
Harrington & Richardson	1
Browning	1
Ruger	1
Remington	1
Sauer	1
Total:	<u>28</u>

PART III: POSSIBILITIES FOR CHANGE

In the last seven chapters we have presented data suggesting the following characteristics of firearms used in crimes, as represented in the confiscation samples:

They are mostly handguns, distributed in national, not just local, markets. The handguns are as likely to be expensive as they are to be inexpensive, have usually moved in interstate commerce after retail purchase if confiscated in a city with strong state restrictions on handgun purchases, and are relatively new in comparison with the nation's overall firearms stockpile. The handguns frequently have been stolen from individual owners, manufacturers, transporters, distributors, or dealers, although such thefts often are not reported.

Part III offers some observations concerning the implications of these findings for efforts to curb firearm abuse.

CHAPTER 8

IMPROVING FEDERAL ENFORCEMENT EFFORTS

The law enforcement agency charged with enforcing the Gun Control Act of 1968 is the Bureau of Alcohol, Tobacco and Firearms of the United States Department of Treasury.¹

The 1968 act has three objectives:

1. To curb the interstate traffic in firearms that undermines state and local efforts to regulate firearm possession and ownership. Thus, the law requires that a retail purchaser be a resident of the state in which the purchase is being made.

2. To deny firearms to minors, narcotics abusers, convicted felons, the mentally ill, and fugitives from justice. Accordingly, the law requires a retail purchaser to swear that he is not included in one of these categories.

3. To curb the importation of firearms which the Secretary of the Treasury determines are not suitable for sporting purposes. Accordingly, the act gives the Secretary the authority to ban importation of certain firearms based on criteria having to do with their quality.

This study has not examined the enforcement of the third objective of the act. Other research has found that the prohibition on imports of inexpensive handguns has been circumvented by the widespread importation of parts for such handguns that are assembled and sold in the United States.²

1. Until it was designated a bureau in 1972, ATF was a division of the Treasury Department's Bureau of Internal Revenue. The Treasury Department has always had jurisdiction over firearms laws, because these statutes have previously been concerned with tax law.

2. Franklin E. Zimring, "Firearms and Federal Law: The Gun Control Act of 1968," The Journal of Legal Studies IV:1, 167-170.

Neither have we directly examined enforcement of the second aspect of the act--denying firearms to certain classes of would-be purchasers. But ATF's own studies indicate that felons and others within the prohibited categories are continuing to obtain firearms.³

We did examine enforcement of the first goal of the act--preventing interstate commerce in firearms and thereby insulating states that attempt, with their own laws, to restrict firearm purchases. We found that interstate commerce has not been curbed and that state and local restrictions continue to be undermined accordingly. The prevalence of relatively new firearms in the confiscation samples indicates that this is not a matter of waiting for the 1968 act to take effect. The premise of this chapter is that the failure of the act to achieve these first two objectives--to keep firearms from undesirables and to help states make their own laws work--is, in part, a matter of enforcement.

The 1968 act has inherent deficiencies that would have prevented ATF or any other agency from enforcing it with total success. First among them is the requirement that any prospective purchaser of a firearm simply swear that he is not a felon, a fugitive, a narcotics abuser, or other category of person prohibited from purchasing firearms. There is no provision, such as a police check during a waiting period, for ascertaining the truthfulness of the purchaser's statement. Another weakness is that the penalties for illegally selling or transferring firearms to ineligible purchasers are no more severe under the 1968 act than those for the purchase or possession of a

3. In fact, according to ATF's "Project 300" report, they are purchasing them freely at retail simply by lying on the form they must sign declaring that they are not felons, fugitives, addicts, etc. Of the 300 handgun purchases investigated in "Project 300," 6 percent of the first retail purchasers were, themselves, convicted felons, and 40 of the 256 that were traced ended up in the hands of felons.

a firearm by an ineligible person. Thus, the job of apprehending black marketeers has no greater legal priority than the job of apprehending illegal purchasers.⁴ Those weaknesses notwithstanding, in working with ATF data and interviewing ATF and local police officials, it became obvious to us that ATF in some ways has not taken advantage of the law enforcement and regulatory opportunities that the 1968 act did offer. Our observations of some possibilities for improvement follow.

Overview

Our observations stem from three general considerations. First, ATF should begin to give more attention to its regulatory and monitoring responsibilities as compared with its responsibilities for prosecuting individual violations of the law. Second, ATF should develop research and policy planning capacity. Third, ATF should improve its working relationships with local police agencies.

Thefts

Our data indicate that stolen firearms are a major factor in the failure of the 1968 act to keep firearms away from persons prohibited from purchasing them. Under Section 923(g) of the 1968 act, ATF could require that manufacturers, distributors, and dealers immediately report the theft of any of their firearms.⁵ So far, ATF has declined to do so. As a result, many--if not most--thefts go unreported.

4. See Subchapter D, Section 5871 of the act.

5. Section 923(g) of Title I of the act states, in part, that "each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary [of the Treasury] may by regulation prescribe.

(Continued)

In 1975, ATF decided that it needed a better understanding of the theft problem. Instead of requiring its licensees to report thefts, ATF sent a postcard to dealers in one region asking them to report voluntarily how many firearms had been stolen from them in the previous year. Only two-thirds of the dealers responded to this request for information. There was no follow-up effort to contact those who did not reply or to check the accuracy of the answers of those who did.

If ATF promulgated a regulation requiring licensees to report all thefts to local police and to the bureau, law enforcement officials would be informed of thefts promptly, and would have an opportunity to recover the stolen weapons and apprehend the thieves. Regulations might also be considered that would require licensees to take various security precautions to prevent thefts. For example, a requirement that dealers have burglar alarms or other theft-prevention systems might decrease the number of thefts from dealers. (It might also lessen the problem of casual firearm owners who obtain dealer licenses and thereby add to ATF's inspection workload, because obtaining such a license would involve greater burdens than it now does.) A requirement that manufacturers install metal detectors at their factory gates, as many now do, might have some impact on these thefts. Locks, alarms, employee screening, or other security requirements for transporters might help curb in-transit theft.

5. (Continued)

Such importer, manufacturer, dealer, and collector shall . . . submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulation prescribe." ATF officials, including the bureau's general counsel, readily acknowledged during interviews that, under this section, regular reports of theft could be among the records of disposition that the Secretary could, by regulation, require.

In the event that such requirements cannot be enforced by regulations,⁶ ATF could seek legislation providing them with authority to promulgate such rules for its licensees.

ATF officials, including Director Davis, said in interviews that the bureau does not plan theft-reporting or antitheft security regulations because they would be too burdensome on ATF licensees.⁷

General Regulation of Manufacturer, Distributor, and Dealer Recordkeeping

ATF's hesitation to promulgate theft-reporting requirements for the industry is paralleled in several other areas having to do with the bureau's regulatory mandate and overall implementation of the Gun Control Act of 1968. As with theft reporting, in these areas regarding other forms of recordkeeping, ATF has been reluctant to do more than request voluntary reporting from its licensees. In areas where federal law specifically authorizes the filing of reports with ATF, the agency has failed in eight years to exercise its authority to collect basic data.

As noted, under Section 923(g) of the 1968 act, manufacturers, distributors, and dealers of firearms are required to keep records of the disposition of all their firearms and ammunition and to "submit to the Secretary [of the Treasury] such reports and information with respect to such records and the contents thereof as he shall by regulation prescribe." This

6. The theft of a firearm from a licensed manufacturer or dealer involves the "disposition" of a firearm possessed by a licensee. As such, it is an ATF concern under Section 923(g). However, in such cases a record of the disposition--i.e., who received the firearm--is impossible because the firearm has been stolen. Thus, a theft is one kind of disposition which, by definition, undermines the recordkeeping mandated by the act. The Secretary, using Section 923(g) and the broad power to promulgate regulations for implementation granted to him by Section 926, would therefore be empowered to take reasonable steps, by regulation, to prevent such thefts.

7. Interviews, at ATF offices in Washington, D.C., April 15, May 5, and May 26, 1975.

section empowers ATF to obtain from a manufacturer, distributor, or dealer the information necessary to complete a trace. Yet, except for one regulation promulgated in 1975 requiring dealers to report certain multiple sales, ATF has not promulgated any regulations for its licensed manufacturers and dealers to report firearm dispositions regularly. Instead, in all Project Identification reports and in our interviews, ATF officials have repeatedly referred to the "voluntary cooperation" of the licensees in providing information to them, including the information necessary to complete a trace, which is required to be available under the 1968 act.

This failure to use the law represents only one aspect of an excessive concern for licensees. We found that apart from not requiring regular reports, ATF also does not monitor the quality of recordkeeping by its licensees.

The problem of traces that do not succeed because of poor manufacturer recordkeeping is illustrative. More than one-third of all attempts by ATF to trace a firearm to the first retail purchaser now fail. According to ATF records, of the 13,954 traces that failed in 1975, 13 percent failed because factory records were unavailable, and 21 percent failed because dealer records were unavailable. The "factory records unavailable" category does not include the trace attempts that failed because the firearm was manufactured before recordkeeping requirements. The fact that more than a third of the unsuccessful traces fail because manufacturer or dealer records which the law requires to be available in good order are not available suggests widespread lack of compliance with the 1968 act by manufacturers and dealers. In fact, under the law, each time ATF requests a trace and the record is not available, the ATF official requesting the trace by definition becomes aware of an incident of noncompliance with the law. However, we found that ATF has no explicit policy or procedure for disciplining,

admonishing, or taking notice of a licensee who fails to produce a required record of the disposition of a firearm when requested to do so by an ATF tracing officer.

The tracing program, in fact, could provide an excellent means of spot-checking recordkeeping compliance. But ATF has no procedure for coordinating information on unsuccessful traces between its tracing program and its regulatory division, which would allow reports of deficient records as revealed by trace requests to be followed up with investigations. In fact, ATF officials told us that there are no established policy guidelines that determine when regulatory investigations might be opened.

In an interview, ATF officials were unable to recall an instance of any investigation stemming from deficient manufacturer recordkeeping as revealed by trace requests.⁸ Instead, when a manufacturer responds to a trace request by failing to produce the required records, the bureau apparently accepts that response because, as one official explained, the manufacturer "doesn't have to go to all this trouble for us."⁹

Other ATF officials and field agents told us that a manufacturer, distributor, or dealer will sometimes report that the record of a firearm is unavailable because it is too time-consuming to retrieve the record, or because the firearm was stolen. Thus, as noted previously, Detective Salvesen in New York turned five unsuccessful traces into successful ones merely by asking the licensee a second time for the information, and he found eight more which he was able to classify as presumably stolen even though the manufacturers had only reported that the records were unavailable.

8. Interview, April 15, 1976, at ATF Washington, D.C. headquarters.

9. Interview, May 26, 1976, at ATF Washington, D.C. headquarters.

ATF's regulatory division apparently exercises little supervision over licensee recordkeeping. To a great extent, this is the result of inadequate manpower, but it is also a function of ATF's misplaced priorities. Little, if any, attention has been focused on the records that manufacturers, distributors, and dealers are required to keep as a condition of their licenses. For example, although the two largest manufacturers of handguns had unsuccessful trace levels in 1975 of 34.6 percent and 45.2 percent, ATF's records show that these manufacturers received no letters of admonishment in 1974 or 1975 for faulty or careless recordkeeping, nor, in fact, did any of the other ten largest manufacturers.¹⁰ Similarly, ATF's officials reported that they thought that no manufacturers or distributors had had their licenses revoked in the last two years. However, they could not be certain because they do not keep a record of license revocations broken down on the basis of whether the licensee was a manufacturer, a distributor, or a retailer. In all, only seven of 188,000 licensees had their licenses revoked in 1975.¹¹

The major shortcoming of ATF's recordkeeping supervision involves the bureau's hesitation to apply Section 923(g) of the 1968 act to require that all licensees' records on the disposition of their firearms be sent, on a regular basis, to ATF, where they could be centralized on a computer. There is no question that this procedure could be required under that section of the act.

10. Letter (T:PD:JHS, 3300), from Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, dated June 2, 1976.

11. Ibid.

Although in extreme emergencies¹² a trace conducted in ATF's normal fashion can be completed in less than an hour, in most cases the process takes several days to several months. The personnel necessary for ATF's manual phone-to-phone traces is such that ATF estimates that one tracer can complete an average of no more than ten traces per day. ATF often holds requests to various manufacturers until tracers can handle several with one phone call. This time lag severely limits the value of a trace to the local police who requested it. Interviews with police officials revealed that this is the principal reason that police departments do not request traces more often.

This could be changed if ATF required, as it could by regulation, that manufacturers, distributors, and dealers send notice of each firearm transfer to ATF. To reduce the recordkeeping burden on licensees to a minimum, all that they would need to do under such a system would be to send ATF, on a monthly basis, the records (or copies) of firearms dispositions which, under current regulations, they now must keep on their premises. The records could be in a form that would permit ATF to enter the disposition information on a computer for easy storage and retrieval.

By receiving dispositions on this basis and by comparing these disposition reports to the licensee's overall reports of sales volume, ATF could identify recordkeeping deficiencies and thefts as they occur. They now are discovered years later when a trace, requested because the firearm has become involved in a crime, cannot be completed.

12. According to Director Davis, the trace on the handgun used to assault Governor George Wallace was completed in about 30 minutes (Interview, May 5, 1976).

In our interviews, ATF officials, including Director Davis, noted that the bureau had the authority to require such reports.¹³ However, no such regulations have been promulgated, we were told, because the bureau, in one official's words feared "inconveniencing" the manufacturers and because some members of Congress might look upon this as a form of "registration."¹⁴ One ATF official said that requiring such reports of dispositions would be "theoretically possible, but politically impossible."¹⁵

This single ATF action could most immediately improve the effectiveness of the tracing program and of ATF's overall regulatory efforts. It is essential if ATF is to play an active enforcement role under the 1968 act. The bureau must have complete, current information to monitor compliance with the law and set enforcement priorities. It is the information that Congress authorized in Section 923(g).

In the absence of such regulations ATF's mandate under the 1968 act to monitor the firearm industry remains an effort based almost completely on the industry's sharing of the information it decides is convenient to provide.

Another episode is illustrative. In 1972, ATF decided to keep count of the number of firearms being manufactured each year. Again, it could have required this information. Instead, ATF asked each manufacturer to furnish it voluntarily. In return for providing this information "voluntarily," the manufacturers received a promise from ATF not to make the data available to the public. Thus, ATF, citing a promise which it never had to make, turned down a request from the House Judiciary Committee's

13. Interviews, December 3, 1975, April 15, 1976, May 5, 1976.

14. Interview, April 15, 1976.

15. Ibid.

Subcommittee on Crime for the data, as well as a similar request from the Police Foundation.

ATF's reluctance to become an aggressive monitor and regulator of firearms commerce by asserting its authority under the 1968 act should not be taken as a reflection on the conscientiousness of its ranking executives. They do not have the stature or independence in the Executive Branch to make critical policy decisions. That is the responsibility of senior officials in the Treasury Department and the White House, who can provide the political support and financial resources necessary for such an aggressive posture. These officials have never given ATF's top command any direction or encouragement to adopt a different regulatory attitude.

ATF and Monitoring Analysis of Firearms Commerce

The insufficient information ATF collects from its licensees, especially regarding the disposition of firearms, is symptomatic of the bureau's shortcomings in monitoring those aspects of firearm commerce that are directly related to enforcement of the 1968 act. For example, although ATF is charged with preventing the illegal interstate sale of weapons, the bureau keeps no count of how many weapons are sold at retail in the various states. Had ATF gathered such data it might have seen, for example, that South Carolina retailers were selling many more firearms per state resident than several other states and it might have suspected, therefore, that South Carolina was a source of black market firearms flowing into northeastern areas. It was only after Project Identification traced 24.4 percent of the New York firearms to South Carolina that the bureau took notice of this phenomenon. Even now, ATF collects no data on sales by state or by locality within a

state--data that, again, could pinpoint possible sources of the black market operations that ATF is responsible for combatting.¹⁶

The following lists the kinds of information ATF should begin to collect in its efforts to enforce the 1968 act.

1. The number and types of firearms sold in the various states and localities each year. This kind of information is directly in keeping with the purpose of the 1968 act to aid states and localities in their own enforcement efforts.¹⁷

2. The names of the major transporters of firearms, where they operate, and how many firearms are stolen from them each year. In this way, theft in transit could be monitored and prevented.

3. The names of the highest volume retailers in a given locality.

The logic here, as with state-by-state data, is simple: If ATF knew where and to whom the bulk of firearms were being shipped, it could concentrate its enforcement efforts accordingly, and its inspections and other regulatory functions could be apportioned according to rational priority.¹⁸

4. A breakdown of the reasons that trace requests made of each manufacturer and dealer fail. In this way, those with the worst records could be spotted systematically.

16. At the request of the House Judiciary Committee Subcommittee on Crime in 1975, ATF did a count of licensees in several localities. It found that Greenville, South Carolina, the site of at least one known black market operation, had more than 75 times the number of dealers per resident as New York City and 32 times as many as Chicago.

17. The preamble of the 1968 act states that its purpose is "to provide support to federal, state, and local law enforcement officials in their fight against crime and violence . . ."

18. During an April 18 interview, an ATF official said that the bureau could require dealers to report their sales volumes, "if it were politically expedient."

5. The number of thefts from licensees each year and, by sampling, a breakdown of the circumstances of those thefts. This information could suggest appropriate security precautions.

Each of these data items could be collected by ATF pursuant to its authority under the 1968 act. No new law is needed. These items represent the basic areas of information that a regulatory agency should find necessary for adequate oversight. There is no legal or policy reason that firearms commerce should be treated so differently from other regulated commerce that these basic tools of analysis are bypassed.

Should ATF begin to gather these data on a systematic basis, the information should be shared with other enforcement agencies, legislative bodies, and the general public. ATF is the one agency with authority and responsibility to license all participants in firearm commerce, to conduct traces, and to keep track of firearm production and sales throughout the United States. As such, ATF has a monopoly on access to the sources of data and information pertaining to firearm commerce in this country.

A final aspect of improved federal law enforcement effort in the collection and analysis of firearm abuse data relates to the role of the FBI's National Crime Information Center (NCIC). Much of the information and many of the hypotheses in this report were based on our data collected from several cities relating to the firearms police confiscated in those cities during 1974 and 1975. Their presentation suggests new paths for analysis of firearm abuse. A nationwide UCR or NCIC count of firearms confiscated by police might be helpful in this regard, as would a breakdown, perhaps by sampling, of what kinds of firearms are confiscated.

The FBI collects a great deal of this information in raw form in its NCIC computer. NCIC is now geared to receive and record reports of

firearms recovered by police who want to know whether the firearm they have just seized has been reported as stolen. However, we estimate that, at most, 5 percent of the firearms actually confiscated by police are reported to NCIC. Moreover, the NCIC computer does not now keep a separate count of the firearms that are reported confiscated as opposed to those reported stolen. The only count we were able to obtain was an estimate of recovered firearms and stolen firearms combined that were reported to NCIC by federal, state, and local police in March 1976. The mechanism and potential, however, for complete reporting is there. NCIC might consider reprogramming its computer accordingly and directing increased effort at encouraging participating police agencies to report all confiscated firearms. This would provide more data of the kind we collected and found useful.

More systematic reporting of firearm confiscations would have several corollary benefits. It would help in solving firearm theft cases--the reason it was included in NCIC--and perhaps aid in solving the other crimes in which the firearms may have been used. Moreover, as we report in Chapter 9, we found that a more vigorously enforced requirement that recovered firearms be reported to NCIC could help to ensure the efficiency and integrity of local police property storage procedures.

The ATF Tracing Program

ATF's tracing program can be an important tool for local law enforcement officials. Our interviews with local police chiefs confirmed that a firearm trace occasionally helps to solve a case or to strengthen a case against a defendant who has already been arrested. However, as currently carried out these instances are the exception rather than the rule. In no city did we find that the tracing program was a consistent, continual source of aid to the police.

One obstacle to more success in the tracing program is no fault of ATF's. The fact that the 1968 act did not require individual retail purchasers to record and report their transfers of firearms makes it unlikely that ATF will be able to trace a firearm all the way from the manufacturer to the person who had the firearm when the police seized it. Thus, in its latest study, ATF attempted to trace 300 randomly selected firearms beyond the retail purchaser by interviewing the purchaser and then the person to whom the purchaser reported transferring the firearm. ATF succeeded in only 74 of the 300 cases in following the firearm all the way to the person from whom it was seized by the police. Moreover, this "forward tracing" beyond the retail sale was part of a special study: It is never done with trace requests except in extreme cases.¹⁹ Normally, the trace only goes as far as the first retail purchaser. Traces only succeeded that far in 1975 in 60 percent of the 34,720 trace attempts.²⁰ The result is that in the October 1975 New York City trace sample only two of 144 firearms were traced back to the person from whom they were seized.

Although gaps in the law are responsible for much of the problem, there are improvements that can be made in the absence of legislative changes. These include:

- Keeping information on the disposition and movement of each firearm on a computer. This would not only make tracing faster, it would also identify recordkeeping problems before the records are needed in a trace and encourage their correction. Beyond requiring a change in ATF's regulatory

19. Officials were unable to say how many others were done last year except to estimate that it was a "handful."

20. Letter (T;PD:JHS, 3300) from Rex D. Davis, Bureau of Alcohol, Tobacco and Firearms, dated June 2, 1976.

attitude, this would also require giving ATF enormous computer capability and a research and planning capacity that it does not now have to receive and store such data.

- Storing the records of dealers who go out of business in a way that makes them accessible to ATF tracing personnel. According to our interviews, such records are now stored randomly in boxes at the regional ATF office nearest the defunct dealer. In practice this system makes the records inaccessible for tracing; they are simply forgotten, and "records unavailable, dealer out of business" is recorded on the trace request. "Once the records get sent to the regional office, forget it," an ATF agent in New York told us. "They're buried."

We were told that ATF is moving to correct this problem by having all such records shipped to the Washington headquarters where they will be arranged and stored in a way that will make them available to the tracers. However, as of December 1, 1976, the records that had arrived in Washington had not yet been assembled in a way that makes them usable.

- Making police aware of the potential usefulness of tracing. We found police use of the tracing program to be haphazard. Some departments that happened to know about it, used it; others did not. ATF officials reported that they had not acted to close this communication gap for fear that uniform awareness of the program would lead to more trace requests than they could handle. Pending an appropriate increase in resources, a more efficient solution to this capacity problem would be for ATF to set trace priorities and initiate a nationwide effort to inform police agencies of the program. At present, ATF does not know which police departments make extensive use of its tracing program, why they use it, or how well it works.

- Setting standards for classifying the requests and making and enforcing rules governing the circumstances of requesting a trace. This step would assist in handling an increased volume of trace requests. Among those police agencies who use the program we found no consistent understanding of ATF's priorities in conducting a trace. Although ATF lists three classification labels for priorities on its trace request form ("urgent," "expedite," and "routine"), they are not explained well and there is no indication that compliance with the labeling requirement is ever monitored or enforced. Thus, the priorities are not followed with any consistency. What one police officer would call a "priority" trace might be classified as "routine" by a second officer in the same or another police department, and as "urgent" by a third.

- Instructing local police about how to request a trace. At present, many traces are unsuccessful because the requesting police officer does not correctly read the serial number or model designation of the firearm.²¹ In fact, in many cases, the officer does not supply the correct name of the manufacturer.

Standard Serial Numbering

One complaint voiced frequently in interviews with ATF tracing officials and with officials at the FBI's NCIC was that manufacturers now number their firearms in any way they wish, with any imaginable number and letter combination. This practice, we were told, often results in incomplete traces and the recording of incorrect information in the NCIC computer because a police officer misreads the number (perhaps not realizing that a letter is part of the number) or because two firearms from different manufacturers have the same

21. We understand ATF is considering the publication of an instruction manual.

or nearly the same number. To illustrate the mistakes that are now possible, a police officer in a ballistics unit during an interview called in his own handgun to NCIC and got back a report that it was stolen. "Standard numbering, with a standard number of digits would be a dream," said the NCIC section chief. "That way we could code it for manufacturers, for year made, and for a great deal of other data. We wouldn't have so many mistakes." He cited as an analogy the standard serial numbering system now used for automobiles.²²

During our interviews, ATF officials took the position that the agency did not want to burden manufacturers with the retooling that such a requirement would necessitate. Section 923(i) of the 1968 act mandates that ATF promulgate regulations for effective serial numbering.²³ Such a regulation requiring standard numbering should be promulgated.²⁴

Enforcement of the Multiple Purchase Reporting Requirement

In 1974, ATF did promulgate one regulation that has great potential for curbing illegal trafficking in handguns. In response to indications from Project Identification that handguns being confiscated in New York and other areas had been purchased in bulk by black marketeers in states such as South Carolina, ATF required that beginning

22. Interview with Frank B. Buell on April 15, 1976.

23. Section 923(i) reads, in part: "Licensed importers and licensed manufacturers shall identify, by means of a serial number . . . , in such manner as the Secretary shall by regulation prescribe, each firearm imported or manufactured by such importer or manufacturer." The only regulation now promulgated--178.92--requires only that the numbering be legible, not susceptible to altering or removing, and not duplicated on any of that licensee's other products.

24. Police Commissioner Donald Pomerleau of Baltimore also suggested in an interview that all serial numbers be stamped in an inside part of the firearm so that they could not be filed down easily.

on July 1, 1975, any retailer who sells more than one handgun in a period of five consecutive workdays to the same person must report those sales immediately to ATF. In this way, ATF would know, for example, if someone were purchasing several hundred handguns a month and could decide to investigate why.²⁵ In many respects, this is a model of the kind of enforcement measures that ATF should be undertaking in the other areas already discussed: Licensees were required to supply ATF with critical law enforcement information, and enforcement was strengthened without any change in the law. But perhaps because ATF promulgated the regulation reluctantly, the bureau has, by its own account, failed to use it effectively. According to interviews conducted with Police Foundation staff, as of September 1, 1976, ATF headquarters officials knew of no investigation that had been opened because of the reporting requirements, and no effort had been made to monitor whether dealers were abiding by it. In fact, 14 months after the regulation went into effect, ATF's top management did not know how many reports had been filed or where the reports had come from. Reports are sent only to the regional office closest to the retailer. According to ATF headquarters officials, the local ATF agent may then, on a case-by-case basis, with no explicit supervisory guidelines, investigate the purchaser-- if he has the time and inclination.²⁶ This still may have had a significant deterrent effect on black marketeers (provided they know about it) but the maximum impact of the rule as an enforcement tool has not been achieved, and it seems that ATF is not attempting to evaluate the rule or determine whether

25. As logical as the regulation seems, ATF at first told New York City officials in 1973 that such a requirement would be too burdensome on the retailer. It was only 18 months later that they reached a different conclusion.

26. Interview, April 15, 1976, Washington, D.C.

it is being obeyed. As with centralizing the information on the disposition of all firearms and the analysis of the states and areas in which they are being purchased, it would seem that ATF should be taking advantage of these multiple purchase reports by analyzing where they are taking place and concentrating enforcement efforts accordingly.

ATF Internal Priorities For Firearm Law Enforcement

We offer here a tentative observation about changes ATF could make in using its current personnel and any additional personnel it might receive. In interviews with ATF headquarters officials and with ATF and police personnel in various cities, there were indications of a general imbalance of efforts in favor of lower-level criminal arrests for illegal purchase or possession of a firearm (arrests which could easily have been passed on to local police), as opposed to regulation of commerce and arrests for high-level firearms black marketeering. In addition to ATF's attitude of reluctance toward its regulatory responsibilities, its neglect in this area is also characterized by the fact that it has more than twice as many special agents as inspectors. Inspectors doing monitoring and analysis described above, such as finding the key areas of theft or possible black market sources, could have more law enforcement impact than could additional agents making isolated arrests.

ATF also does not now have an effective research and policy planning unit to develop inspection, regulation, and enforcement strategies consistent with the bureau's mandate under the 1968 act.

Beginning in February 1976, ATF initiated a "Concentrated Urban Enforcement" program (CUE) in Boston, Chicago, and Washington. According to ATF, the program is intended to "reduce the criminal misuse of firearms and explosives by the concentration of personnel and other investigative

resources" in these cities.²⁷ As of November 1, 1976, ATF did not yet have information on how the plan is working or on what the results are. However, it appears from our interviews to lack the priority of interrupting black market traffic.²⁸

Federal Priorities and ATF

In one respect the criticism we have leveled at ATF is unfair; most of the improvements suggested require not only better and more energetic application of resources, but more resources as well. At present, ATF is understaffed and underfunded to a degree that ensures its inability to carry out its law enforcement mandate.

As of April 24, 1976, ATF had 3,892 employees. Of these, 1,522, classified as special agents, were charged with criminal enforcement functions. Another 745, classified as inspectors, were charged with regulatory functions. And 1,625 were administrative and support personnel.²⁹

In addition to firearm laws, these ATF agents, inspectors, and support personnel are responsible for enforcing laws and collecting taxes relating to explosives, liquor, tobacco, and wagering. Many ATF special agents are also frequently called upon to assist the Secret Service in providing protection for dignitaries.³⁰

27. Letter from ATF Public Affairs Office, received October 29, 1976.

28. In addition to ATF officials, Professor Franklin Zimring, who has been a consultant to ATF on the CUE project and to the Police Foundation on this project, was interviewed on this subject.

29. Letter (T:PD:JHS, 3300) from Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, dated June 2, 1976.

30. According to Director Davis, (letter, ibid.) at the height of the presidential primary season, from January through May 1976, 23,590 man-days were spent assisting the Secret Service in this way. This is the equivalent of tying up more than 200 of ATF's 1,522 special agents full-time for that period.

In theory, no ATF special agents or inspectors specialize in tobacco revenue collection, liquor law implementation, wagering law enforcement, firearm law enforcement, candidate and dignitary protection, or other areas of ATF responsibility.³¹ Accordingly, ATF is unable to provide a breakdown of what portion of the bureau's efforts are devoted to firearm law enforcement as opposed to other responsibilities, although Director Davis did note during an interview that firearm law enforcement is now his "highest priority" and has been getting "increasingly more attention" in recent years.³² However, ATF's nonfirearm responsibilities are also burdensome. Thus, the ATF Midwest regional director testified before the House Subcommittee on Crime of the Judiciary Committee that of 192 inspectors in his region, 133 were currently assigned to on-premises inspection of liquor distilleries.³³ Some of the results of ATF's current staffing shortages are apparent. During our interviews we were told that as many as 50 percent of all ATF licensees had never been inspected since they were originally licensed in 1968, although it is an ATF goal to carry out such compliance inspections at least once every three years.³⁴ Even if all 2,267 ATF agents and inspectors did only compliance investigations, they could probably not inspect all

31. "We would like to think of them [ATF personnel] as experts in all fields," Director Davis said in an interview on May 5, 1976.

32. Interview with Director Davis, May 5, 1976, Washington, D.C.

33. Hearings on H.R. 11193, 1028.

34. The quality of the inspection is a separate issue associated with the bureau's practices and aggressiveness. ATF does not now receive reports of inspections carried out by local authorities in jurisdictions where dealers are regulated by state or local law, nor do the local authorities receive ATF inspection reports. Such sharing of information could save scarce manpower resources.

156,000 licensees every three years. This manpower shortage underscores the need for ATF to collect information that will tell the bureau which of its licensees deserve highest priority for inspections. It also provides convincing testimony that ATF cannot carry out its current functions, much less additional ones of the kind suggested, until it receives additional funds for new personnel.

The illegal sale of firearms in many cities may be the most widespread serious federal crime now being committed. It is certainly a federal crime that has the most serious impact on the level of violent street crime in the nation's cities. Yet Congress and the Executive Branch have never given ATF the resources--nor the supervision--that in any way suggests an appreciation of the nature of this law enforcement problem. Certainly ATF's work has received far less attention in Washington than that afforded the enforcement of federal drug laws by the Drug Enforcement Administration or the enforcement of other federal laws by the FBI. White House attention in monitoring ATF's work has been minimal in the last decade, and until the House Subcommittee on Crime held hearings beginning in 1974, Congressional scrutiny of ATF's firearms enforcement performance was nonexistent. Part of the problem may be the result of ATF's historic reluctance to work for higher priority funding as aggressively as it could, and this in turn may be the result of ATF's status as one of 13 bureaus--and perhaps the most obscure one at that--within the Treasury Department.

No matter what has caused the neglect, it is clear that any improvement in the federal effort to curb the problem should begin with a revitalized Bureau of Alcohol, Tobacco and Firearms that becomes an agency funded, managed, and scrutinized by Congress and the Executive Branch as a matter of highest priority.³⁵

35. As an alternative, removing firearms laws from ATF's jurisdiction and placing enforcement responsibility with the FBI might be considered.

CHAPTER 9

LOCAL POLICE POLICIES AND PROCEDURES

In the preceding chapter, we observed how improved federal enforcement policies might stem the flow of firearms to people who commit crimes, even within the context of the current law. But as with most law enforcement problems, whether the most effective policy initiatives are found at the state, federal, or even international level, the burden of coping with civilian firearm abuse falls on local police. They are the front line enforcers, beneficiaries, and victims of current state and federal firearm laws, and any new laws that may be enacted. No matter how long a path of interstate commerce a firearm travels, the end of the line almost always comes when a local police officer seizes the weapon from an individual who possesses it illegally, who has used it to commit a crime, or who may be using it against the officer.

To be sure, police discretion and flexibility in curbing illegal firearm possession or firearm abuse is severely limited, even in jurisdictions where there are strict local firearm laws. These limits notwithstanding, one of the premises of this study was that local police are not powerless in the battle against firearm abuse.

In Chapter 2, we noted wide variations in the rates at which police confiscate firearms from civilians. Although Chapter 4 suggested that these differences are probably related to firearm choice-availability and abuse rates, we also suggested that police practices and policies in each city in seeking out illegally possessed firearms must be playing some role. However, we concluded that a clear definition of that role and a description of the most effective practices and policies that generate these sharp differences must await further study.

In this chapter, we explore differences among the cities that are less tangible than confiscation rates. We focus on more general police practices in enforcing firearm laws and in handling the firearms that are confiscated. In ten cities--Atlanta, Baltimore, Boston, Chicago, Detroit, Houston, New York, Philadelphia, San Francisco, and Washington, D.C.--the police chiefs allowed us to review their departments' procedures and policies for combating firearm abuse. We found that variations in department efforts can make a difference. Perhaps more important, we found that their strengths and weaknesses could make a critical difference in the future, should more restrictive federal, state, or local firearm laws be enacted.

What follows is a description of these findings. They are not meant to be definitive; they are merely first impressions gathered from an initial attempt to review police efforts in this area. The interviews conducted in each city were not formally structured, and they depended on the knowledge of those individuals the police chiefs designated to work with the Police Foundation on the project. Participants ranged from the police chiefs themselves, in some cities, to planning, ballistics, and property room officers in others. In all cases we found the departments fully cooperative and willing to answer our questions. However, an additional word of caution is necessary: There are obviously areas in which stated department policy and actual practice vary. We attempted to draw out these differences in the interviews, but did not go beyond those designated to be interviewed to seek this information.

We hope that pointing out the weaknesses and strong points in these cities will assist other police officials in evaluating and improving their own operations.

Combatting Firearm Thefts

None of the ten cities reported any special effort to combat firearm thefts. In all but one city there were no special theft-prevention programs. In New York, however, firearm dealers are locally licensed. As a condition of their licenses, they must have central station burglar alarms, keep firearms and ammunition on display in locked showcases or secured with trigger locks, and must take a variety of other theft-prevention measures.

In no city was special investigative priority given to firearm theft cases, nor are firearm thefts counted separately on a continuous basis in any city. Our observations in Chapter 6 regarding the possible extent of the theft problem and the frequency with which stolen firearms appear in the confiscation arsenal suggests that investigation of the problem should be more aggressive. As a first step, firearm thefts should be counted separately and their circumstances noted, as thefts of automobiles are. Also, a pilot program that provides special priority to investigations of burglaries involving firearm thefts may be worth trying.

Firearm Laws: Local Enforcement Efforts

Local police efforts to combat violations of local, state, and federal firearm laws are minimal. With the exception of a modestly staffed program in New York, we found no special efforts to enforce firearm laws other than the confiscations and arrests that police make for illegal weapons possession. The development of informants, undercover buys, and other tactics used to combat and deter the flow of illegal drugs are not matched by similar efforts with respect to illegal firearms.¹ Police make many arrests for illegal

1. This analogy is not completely on point and is not meant to endorse without reservation the nation's approach to enforcing drug laws. However, it does suggest that the more aggressive tactics used to combat contraband

(Continued)

possession of firearms, but these arrests usually are the result of other investigations, or random encounters with citizens carrying weapons illegally. They are not the product of a sustained special effort to combat the illegal sale of firearms. To be sure, in cities where state law does not restrict firearm purchases, a would-be criminal could, of course, buy a firearm at retail. However, in localities where there are strict laws and purchasers are screened and restricted, such enforcement efforts against illegal sales might be possible.

The Firearms Investigation Unit of the New York City Police Department is the one minor exception we found in the way of efforts to curb illegal firearm sales. The unit which, as of July 1, 1976, consisted of a sergeant and five investigators, is far too small to have a significant impact on New York's black market problem. But it is an example of some of the work that can be done in this area. Established in 1973 in response to intelligence reports that firearms were being sold illegally in after-hours clubs and "juice bars" and that many such weapons were being transported in bulk shipments from southern states, the unit operates under the Public Morals Division of the Organized Crime Control Bureau. It works exclusively on violations of the firearm laws, using undercover agents to make black market buys and to develop confidential informants. According to Police Commissioner Codd's office, in 1975 the unit made "23 high-level arrests" and seized a total of

1. (Continued)

narcotics may be used to interrupt illegal firearm commerce. Several factors suggest that the methods now used to stem drug trafficking might be more successful in combatting illegal firearm traffic. First, unlike illegal drugs, illegal firearms start out with a written record of their manufacture (a serial number) and their first retail sale (the ATF Form 4473 required under the Gun Control Act of 1968). Second, firearms are much more difficult to transport and store in large numbers than are illegal drugs, thus making illegal sales operations more susceptible of detection. Third, purchasers of illegal firearms are less likely to be "regular customers"--i.e., they do not need a new weapon every day--than are purchasers of illegal drugs, thus making black market firearm operations more susceptible to undercover purchases.

854 weapons, including 16 rifles, 18 sawed-off shotguns, and 820 handguns.² These results are minor compared to the magnitude of New York's illegal firearms commerce. Nonetheless, as a squad devoted exclusively to curbing such trade, the unit has at least made black marketeering in firearms more risky for some of those who engage in it.

A common police response to suggestions that more sustained efforts be made to enforce firearm laws is that the courts do not take these violations seriously enough for police efforts to be effective. It is true that weapons possession arrests rarely result in harsh punishment. But the disposition of arrests for possession should not be the central factor governing police strategy in this regard. Although the problem of illegal drugs is not completely analogous, it is possible to make a comparison to arrests for possession of illegal drugs for individual use. These arrests also do not usually result in harsh punishment. Chances for conviction and punishment are lessened in both instances because such arrests are subject to special evidentiary problems. Also, courts and prosecutors give possession cases relatively low priority. Indeed, society generally views the "passive" crime of possession as less serious than the active events of sale or theft. Yet possession is obviously part of the process of sale and commerce, and in narcotics cases monitoring possession helps police to identify and apprehend persons responsible for large-scale commerce. Thus, police often use information provided by those they apprehend for illegal possession in efforts to seek sellers of illegal drugs.

We were unable to find any police department or prosecutor's office in the participating cities that attempted to "turn" defendants arrested for

2. Letter from Pamela Delaney, Police Commissioner's Office, September 22, 1976.

illegal firearm possession--that is, to encourage them to reveal where they obtained the firearm in return for prosecutorial concessions. In an interview, Bronx District Attorney Mario Merola said that attempting to "turn" weapons possession defendants would "be a great idea," but only if a special court were established for weapons cases so that they would get special attention, thereby giving the defendant a realistic threat that lack of cooperation could result in severe punishment.

Suggestions that increased police efforts and resources be directed at illegal firearms traffic imply an availability of resources and manpower that are usually in scarce supply. It may be that local efforts would not be worth the extra expense and manpower until new federal laws effectively curb the interstate flow of firearms. Until then, any of the several states that have no restrictions on the purchase of firearms can be the source of illegal firearms for use in crime in states that do have restrictions. Yet it does seem that putting pressure on illegal commerce in firearms where there has never been any pressure before, through more concentrated enforcement efforts, would have to have some effect in making firearms less freely available in a city where there are strict state or local laws. Demand for illegal firearms is not as constant as the demand for addictive drugs may be, and with increased pressure on sellers the number of firearms available through illegal channels might be decreased. It is important to note that no new state or federal laws are likely to work without more vigorous local efforts.

A different kind of strategy by local police to dry up the supply of firearms available for use in crime was the Baltimore Bounty Program, initiated by Baltimore Police Commissioner Donald D. Pomerleau in August 1974. Under the program, the Baltimore police paid \$50 in cash for any operable

firearm (later limited to handguns) turned in at a district police station, and promised not to seek prosecution for illegal weapons possession with regard to these firearms. In one sense the program was dramatically successful: More than 13,000 firearms were collected by the police and thereby removed from circulation. In fact, the bounty program was so successful that the city ran out of funds to finance it, and it was suspended on November 6, 1974, less than three months after its initiation and after more than \$600,000 had been spent. In another respect, the program was not successful: Firearm crimes did not decline in Baltimore, probably because removing even this number of firearms failed to reduce significantly the available supply. Still, future crimes may have been prevented by removing firearms that were being kept in the homes of law-abiding citizens where they might have been stolen or used in spur-of-the-moment assaults.

"Drying up" the supply of firearms in Baltimore was not Commissioner Pomerleau's real strategy. Instead, he theorized that paying a \$50 bounty would curb firearm crimes because, with the bounty, even the least expensive firearm would be worth \$50. People who might commit crimes would, therefore, not be able to purchase any firearms for less, since the potential seller could get \$50 from the police.³ The data in Chapter 8 detailing the high frequency of moderate- to high-priced firearms being used in crimes suggest that this strategy failed because the proposed \$50 bounty was not high enough to be relevant. Our data also indicate that in many cities a black market premium also sets more than a \$50 price on all firearm purchases, with apparently little impact on the would-be criminal's ability or willingness to obtain firearms.

3. Interview with Commissioner Donald D. Pomerleau, Baltimore, February 26, 1975.

In another way, however, the Baltimore experiment was revealing. It provided evidence that a national buy-back program linked to any new federal legislative initiative could have a definite, though expensive, dry-up effect.⁴ Offering \$50 for firearms produced a volume of sellers that exceeded all expectations. If just 20 percent of the estimated 40 million handguns in civilian circulation were purchased in a similarly structured, national buy-back effort for \$50, the program would cost \$400 million, exclusive of administrative costs. To buy back 90 percent would cost \$1.8 billion.

Handling of Confiscated Firearms

Police in the ten cities confiscated 61,916 firearms in 1974. How efficiently they handled this arsenal is obviously of some significance. We found that as a general rule once a firearm is officially in police custody, it is carefully safeguarded. Security in each city's property room seemed to be tight, and no city reported losses of seized weapons. In some instances, however, we found weaknesses. They fell into three basic categories:

1. Initial Leakage

In all cities there is an inherent problem in ensuring that the officer who confiscates a firearm actually turns it in.⁵ We found no evidence this problem was widespread in any city, but in each

4. No analysis has yet been made of the types of firearms collected in the bounty program. Another weakness of an entirely voluntary buy-back program would appear to be that the lowest-risk firearms--those for which the owner has no use, including criminal use--are the firearms most likely to be turned in. An appealing research project in Baltimore would be one that tested this hypothesis by comparing the age and cost of the firearms turned in with the age of firearms confiscated by police in Baltimore during that time.

5. This poses yet another qualification to our confiscation statistics, since such confiscations would never be reported.

department those interviewed expressed the belief that such leakage was possible and that it probably happened on occasion. A problem in this regard is that someone who is caught illegally carrying a firearm is not likely to complain to police supervisors or anyone else in authority if the officer keeps the firearm without reporting it and lets him go. Similarly, someone arrested for another crime but who is carrying an illegal firearm is not going to complain if the officer takes it without reporting it.

A simple change in police reporting forms now being used might help marginally in some cities. The incident or arrest report forms used by some departments do not ask the officer if a firearm was confiscated. Having such a space on the form could help minimize oversights and other instances where a confiscation is not reported. A space with a "yes" or "no" answer required for the question, "Was a firearm confiscated?" would force the police officer to address the issue specifically. In fact, where there is such a space on current police forms we would recommend that it be made larger to emphasize the priority the department attaches to accurate reporting of firearm confiscations.

2. Procedure Immediately Following Confiscation

In some cities we found that poor procedures immediately following a confiscation can lead to confusion and perhaps some loss of firearms. In one city in particular, our request for ballistics records and the corresponding arrest or incident reports having to do with several confiscations led to the opening of more than a dozen internal affairs investigations concerning firearms that reportedly had been confiscated but apparently had never reached the ballistics unit for testing. In these cases the incident reports indicated that the officer had said a firearm was among the property confiscated; yet the ballistics unit and property clerk had no record of a firearm having been turned

in by the officer. Obviously this is the most easily identifiable aspect of leakage, because the officer did acknowledge at first that a firearm had been confiscated. Invariably these weaknesses resulted from systems in which firearms are not stored centrally once they are confiscated. Instead they are kept in a police officer's locker, or in a district station locker; the police officer is under no immediate responsibility to submit the confiscated weapon to someone whose sole responsibility is to receive and record it. Cities like Chicago, Baltimore, New York, and San Francisco had the most efficient, leakproof systems: Their property receiving or ballistics units are open 24 hours a day, and firearms must be stored there and carefully signed in and out. Rather than describe generally those procedures that seemed to be the most efficient, the following is a description of what happens when police confiscate a firearm in Chicago:

When a police officer seizes a firearm, he or she takes it to the district station. There are 23 district stations in Chicago. There, the officer prepares the necessary reports, and "inventories" the firearm on a five-copy form in a property inventory book. The inventory book includes information concerning: time of recovery, place of recovery, classification of the firearm as evidence or nonevidence, destination, manner obtained, owner or possessor, and a basic description of the item.

The police officer then signs the inventory book and presents it to the sergeant, who checks it and countersigns it. The first two copies remain with the firearm, and the third goes either to the arrestee or the desk sergeant.

The firearm is then kept in the sergeant's desk in the district office until a civilian police department messenger picks it up. A messenger usually comes to the district office four times a day. Upon receipt of the

firearm, the messenger signs the back of the fifth copy of the inventory form which remains in the inventory book. The messenger then takes the firearm to the firearms section of the crime lab.

At the firearms section, the technician now has the firearm and two copies of the inventory sheet. The second of the two copies of the inventory sheet goes to the "evidence and recovered property section," so that that section now knows the firearm is in the crime lab. The first copy always stays with the firearm. The fourth copy is forwarded to court with the defendant's other official papers.

The crime lab, which has a desk officer on duty 24 hours a day, runs a ballistics test on every firearm, and attempts to check the result of the test against evidence from outstanding homicide cases. The lab then writes a report on the firearm and sends the firearm with one copy of the report up to the property room. All property recovered by the Chicago police is stored on the seventh floor of the headquarters building, with tight security precautions maintained. There is a separate room with still tighter security within the property room where firearms are stored. Even police personnel are not allowed into the firearms property room unless specifically authorized.

The firearm can leave the property room, to go to court as evidence, only if the officer who confiscated it shows identification and signs the back of the second copy of the inventory form explaining the reason for taking it to court. The officer must return the firearm to the property room before the close of business the same day.

We found that the key aspects of systems like Chicago's were that (1) the crime lab is open 24 hours a day to receive confiscated firearms; (2) the property and ballistics units are in the same building; (3) the property is stored centrally; and (4) the records are duplicated so that

receipts of delivery and transfer are stored, and accounted for, centrally.

3. Property Room Security

Although no thefts of firearms from property rooms were reported, we saw more protection against this possibility in some cities than in others. Places where security was the least strong were property rooms in which firearms were not differentiated from any other property. We also found that storing weapons separately and limiting access to this area or room enhances the efficiency of recordkeeping and clerical work because it necessitates that one officer be specifically responsible for the inflow and outflow of firearms.

Disposal of Confiscated Weapons

In two of the ten cities, San Francisco and Houston, we found that state laws make it mandatory that police return many of the firearms that they confiscate, even if the person from whom the firearm was confiscated was carrying it illegally. Thus, in these cities, it was not unusual for someone to be arrested for illegal possession one night, plead guilty to the charge the next morning, and pick up the firearm that afternoon.⁶

Neither the Houston nor the San Francisco police department knew what percentage of the confiscated weapons is returned for civilian use, but a

6. This is possible if the defendant pleads guilty to a misdemeanor, as usually happens.

spot check of disposition records in San Francisco indicated that approximately 50 percent are returned.⁷

Beyond the substantive law enforcement policy questions involved, we found that this recycling of confiscated weapons, which police typically have seized in potentially dangerous confrontations with civilians, is destructive of police morale. In cities where all confiscated firearms are destroyed, police generally seemed to believe that even if the case against the person arrested were not disposed of as they hoped, they had at least, in one Chicago officer's words, "taken another gun off the streets." In the recycling cities, no such feeling of satisfaction was possible.

In the cities that destroy confiscated weapons, we found uniformly strong security procedures for that process. In most instances the firearms are disassembled, transferred to iron foundries by secured police vehicles, and there melted down under careful police watch.

Collection and Analysis of Firearm Abuse Data

We found generally poor collection and analysis of firearm abuse data in the ten cities, punctuated by a few excellent, isolated efforts in the individual cities.

Confiscations

Seven of the ten cities--Baltimore, Boston, Chicago, Detroit, New York, Philadelphia, and Washington, D.C.--regularly keep an annual count of firearms confiscated. However, they use this information essentially as a record of property room and ballistics activity. Our attempt to use this information in the preceding chapters suggests that it could assist in crime

7. While the project director was in the San Francisco property room, an attorney appeared and claimed as his "fee," with due authorization from his client, the four firearms that had been seized from his client the day before.

analysis by monitoring the frequency of firearm abuse and police confrontation with firearms, and by pinpointing the types of firearms being carried in various cities and within areas of the cities. New York is illustrative of this neglected potential. There, a wealth of carefully tabulated data on confiscations was available for this study from the ballistics unit, including the time periods and the precinct locations of confiscations. Yet, although the Police Foundation had this information, the ballistics unit has never been asked to share it with the department's own crime analysis unit. The various precinct and borough commanders do not know how their commands look in terms of police confiscations of firearms and other related firearm abuse indicators. Police departments should collect data on confiscations, including aggregate annual numbers, location of confiscations, and types of firearms confiscated.

Thefts

We found no attempt in any city to count thefts of firearms separately. Houston was a partial exception. There, a special burglary study included a count of firearms stolen in burglaries. New York keeps count of the value of firearms reported stolen, but was unable to retrieve the actual number. In Detroit, a computer printout listed an exact number of confiscated firearms that had been "stolen," but for no apparent reason, any confiscated firearm that has not been legally registered had been listed as "stolen."

NCIC Reporting

We found that police reporting of confiscated firearms to NCIC (to see whether the firearm had been reported stolen or involved in a crime elsewhere) is erratic. Invariably, there were problems in cities where no one had the specific responsibility to record the confiscations. In cities where there was a person or unit designated, reporting was more efficient.

Other Data

In general, the collection of other firearm abuse data seems to be dictated by what the FBI's Uniform Crime Reports' staff asks from police departments: Data on murders and aggravated assaults, by types of weapon, are collected. Since 1974, when UCR began including it, similar information on robbery has been collected. On the other hand, some cities, especially Chicago, frequently have collected more detailed data on types of firearms used in specific crimes. However, because of the work involved, these data collections were normally conducted as part of a special study rather than on a continuous basis. The studies and reports of this kind that were furnished to the project staff were extremely helpful. If they were shared more widely, they would certainly be of value to police officials in other cities.

CHAPTER 10

CONCLUDING OBSERVATIONS--NEW APPROACHES TO FIREARM ABUSE

It was not the purpose of this study to evaluate proposals for firearm legislation. However, some general observations about what the foregoing data say generally about some of the more frequently expressed ideas for legislation to combat firearm abuse may be useful.

1. The theft of firearms is a significant national problem that should be given careful attention by Congress and the Executive Branch. The apparent high volume of theft suggests that enough firearms are now stolen each year from law-abiding citizens to fill most criminal needs. Despite any disputes over legislative proposals to register firearms or otherwise regulate sale or possession, there should be general agreement on the urgent need to address the problem of firearm thefts. At a minimum, ATF should be required to collect basic data on thefts from its licensees, including volume and circumstances. This step is essential to planning future action that might include requirements that licensees take specific security precautions to prevent thefts.

2. ATF should centralize, monitor, and use data available from its licensees having to do with the distribution, sale, and disposition of firearms. ATF should also require standardization of serial numbers. These steps are essential for evaluating the effectiveness of the 1968 act, and for planning future enforcement strategy. Again this is a law enforcement need that transcends any debate about firearm registration or other new restrictions.

3. Higher priority oversight and funding from Congress and the Executive Branch are necessary to give ATF the resources and direction it needs to

enforce the law effectively. As currently funded and supervised, ATF is not doing the job that the 1968 act envisioned, and is not at all prepared to enforce any new laws that might be enacted.

4. Illegal interstate commerce in firearms found in cities that have strong state restrictions on firearm purchases provides evidence that the 1968 act has not fulfilled its goal of helping states combat firearm abuse with their own laws. Isolated state and local laws have not worked in keeping firearms from criminals. The 1968 act's provision that firearm purchasers need only swear that they are not felons, fugitives, narcotic abusers, or mental defectives--with no verification of the claim--has not been a realistic enforcement tool. Thus, we found firearms flowing from states with weak laws into states with strict laws in much the same way heroin and other illegal drugs enter the United States from places that have few or no restrictions on their production or sale. The most realistic enforcement efforts, therefore, require federal law or federally mandated uniform state laws.

5. The variation in confiscation rates found in the participating cities suggests that police policies and procedures in this regard should be examined further with a view toward developing the best method of confiscating firearms from persons possessing them illegally. Police policies for conducting searches for firearms consistent with constitutional safeguards deserve special attention.

6. The relatively young age of firearms in the samples of confiscated firearms that were traced suggests that new federal firearm legislation might have a faster impact than had previously been thought. It seems that older weapons are proportionately less often involved in crimes than their share of the firearm stockpile suggests they would be, and that the firearm involved in a crime usually has been manufactured no more than four years

previous to its confiscation. The relative "newness" of the firearms in the samples raises the further question of where all the old firearms are.

7. The analysis of brands of firearms seized, and the finding that the same manufacturers were represented in similar proportions in cities in every region of the country, suggests that firearms commerce flows in a national market and that regulating such commerce is appropriately a federal responsibility. We found a small number of manufacturers dominating the market in all cities, with no city showing a local manufacturer in a dominant position.

8. The analysis of types of firearms confiscated suggests that price is not a significant factor in the handguns used for the commission of crimes. The data indicate that expensive handguns are used as often as inexpensive ones. This finding bears directly on the potential of legislative proposals to ban certain types of handguns based on their quality. It also casts doubt on the potential of other proposals to tax firearms so that people prone to crime will not be able to afford them.¹

9. The data on firearms commerce reported by ATF, although not recorded precisely, suggest that the volume of commerce is so high that any registration or licensing effort requiring prescreening of firearms purchasers would require a massive paperwork and clerical effort. With millions of new firearms manufactured and sold each year and millions more transferred secondhand, any system intended to keep track of them and screen their owners--without limiting the volume of such manufacture and sale to drastically smaller absolute

1. ATF officials and executives of Colt Industries suggested this taxing strategy during separate interviews. Such proposals are further cast in doubt by the black markets in handguns flourishing in cities that have strict state law; it is arguable that in those cities such a "tax"--in the form of the heavy premium the purchaser pays to the black marketeer--has been tried with no success.

numbers--would involve a cumbersome and expensive government effort. Such a system may be worthwhile, but the difficulty of implementing it should be acknowledged and planned for realistically.²

10. The analysis of current local police efforts suggests a need for new approaches to the job of enforcing firearm possession laws. Attention should be focused on the sellers of illegal firearms, with possession violations used as a way of reaching higher-ups in the chain of illegal commerce. Any new firearm legislation, whether on the national, state, or local level should reflect this enforcement strategy by making the sale of a firearm to someone not authorized to own one a distinct and far more serious crime than simple possession.

A final, more general conclusion has to do with the tentative nature of the findings in the first two parts of this book. Much that was discussed concerns data and methods of analysis not previously used to understand the problems of firearm abuse. As such, it is inexact and some of it may prove to be incorrect. We hope, therefore, that nothing in this report puts any aspect of the issue to rest, but that it instead encourages further study and innovation in this area of police work.

2. For automobiles the bureaucratic problem has been made more manageable by using state licensing and registration systems rather than one massive national system. A parallel approach with firearms would involve a federal law mandating such statewide systems, with federal funding, and providing operational participation only when states do not enact their own systems.

APPENDIX A

PUBLISHED UCR STATISTICS CONCERNING FIREARMS AND CRIME

Murder

UCR collects information on murder on a supplementary homicide report, filed by participating police departments. The supplementary report provides the most detailed weapons data of all the uniform crime reports.

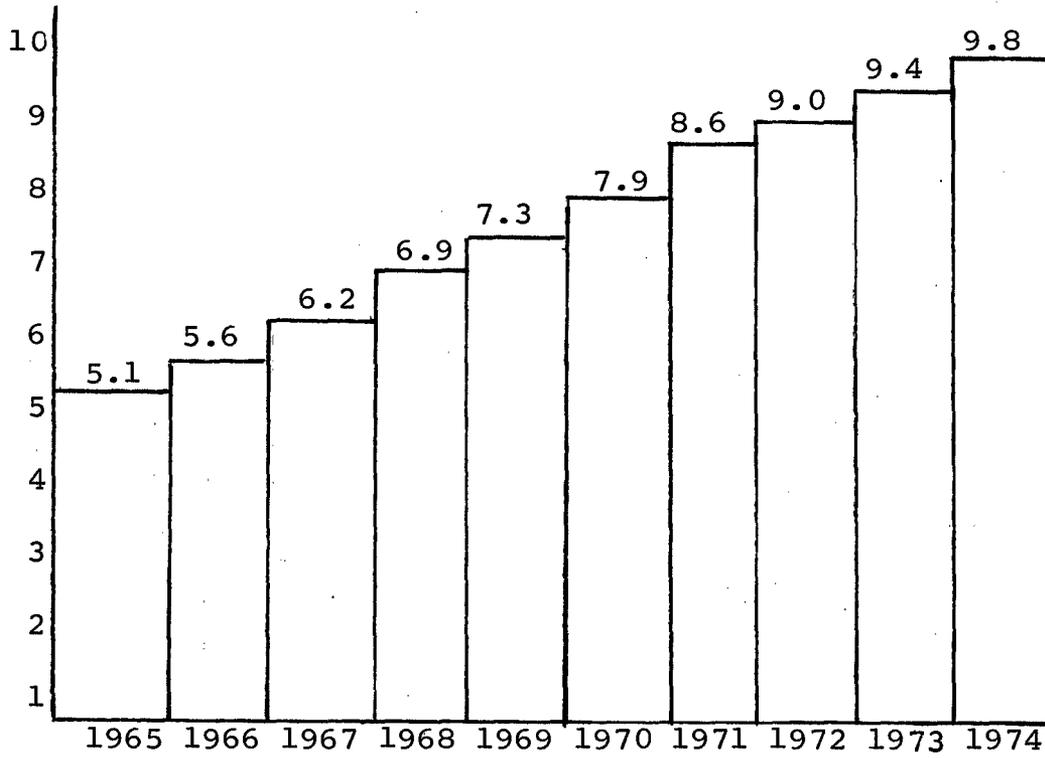
Figure 4 summarizes the trend in national murder rates reported by UCR since 1965.

The figure indicates that from 1965 through 1974 murder increased steadily in the United States. The 1974 reported murder rate, 9.8 per 100,000 population, was 90 percent higher than the 1965 murder rate of 5.1 per 100,000 population. In real numbers, this percentage increase means that murder in the United States increased from 9,960 to 20,710 per year in the ten-year period, and that a total of 154,600 Americans were homicide victims during that time.

In 1962, UCR began reporting the weapons used to commit murders, although it was not until 1966 that "firearms" were subdivided into "handguns" and "long guns." Figure 5 summarizes these reports for the years 1965 through 1974.

Figure 5 indicates that the role of firearms in reported murders increased from 1965 to 1968 and has since leveled off, with a slight increase again since 1971. Firearms have been used in approximately two-thirds of all reported murders since 1968. Overall, since 1965, handguns have been responsible for 44 to 54 percent of the reported murders, and long guns for 12 to 16 percent, depending on the year.

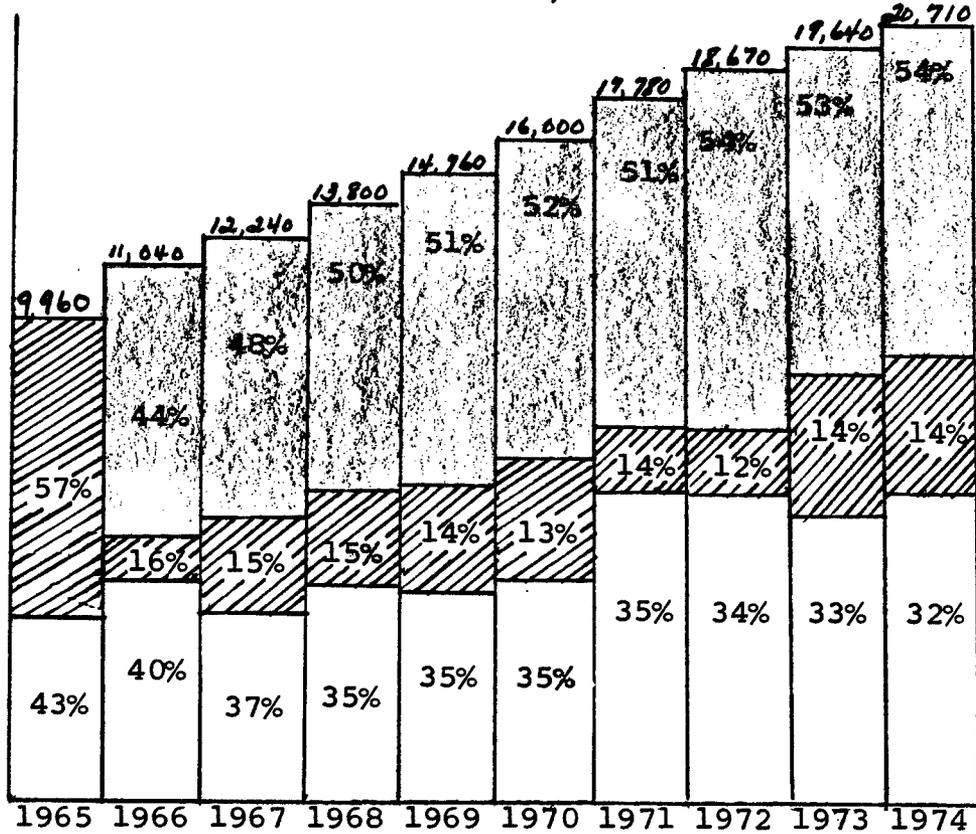
FIGURE 4

MURDER RATES PER 100,000 POPULATION
THE NATION, 1965-1974

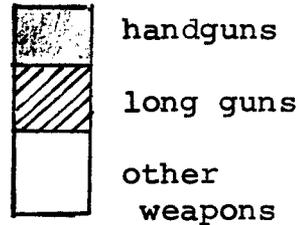
SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1975.

FIGURE 5

NUMBER OF REPORTED MURDERS AND PERCENTAGE
BY TYPE OF WEAPON USED
THE NATION, 1965-1974



KEY:



SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1965-1975

*All firearms: breakdown by handgun and long gun not available

As indicated in Figure 5, for those murders committed with firearms during these years, handguns were used approximately 75 percent of the time, and long guns 25 percent. The percentage for handguns as against long guns ranged from 73 percent in 1966 to 82 percent in 1972. Thus, as Figure 6 illustrates, an increase in the reported rate of murders committed with handguns has closely paralleled the increase in the overall murder rate.

Felonious Killings of Law Enforcement Officers

Since 1965, there has been a dramatic increase in the number of law enforcement officers feloniously killed. Figure 7 illustrates the major role of firearms, especially handguns, in this trend.

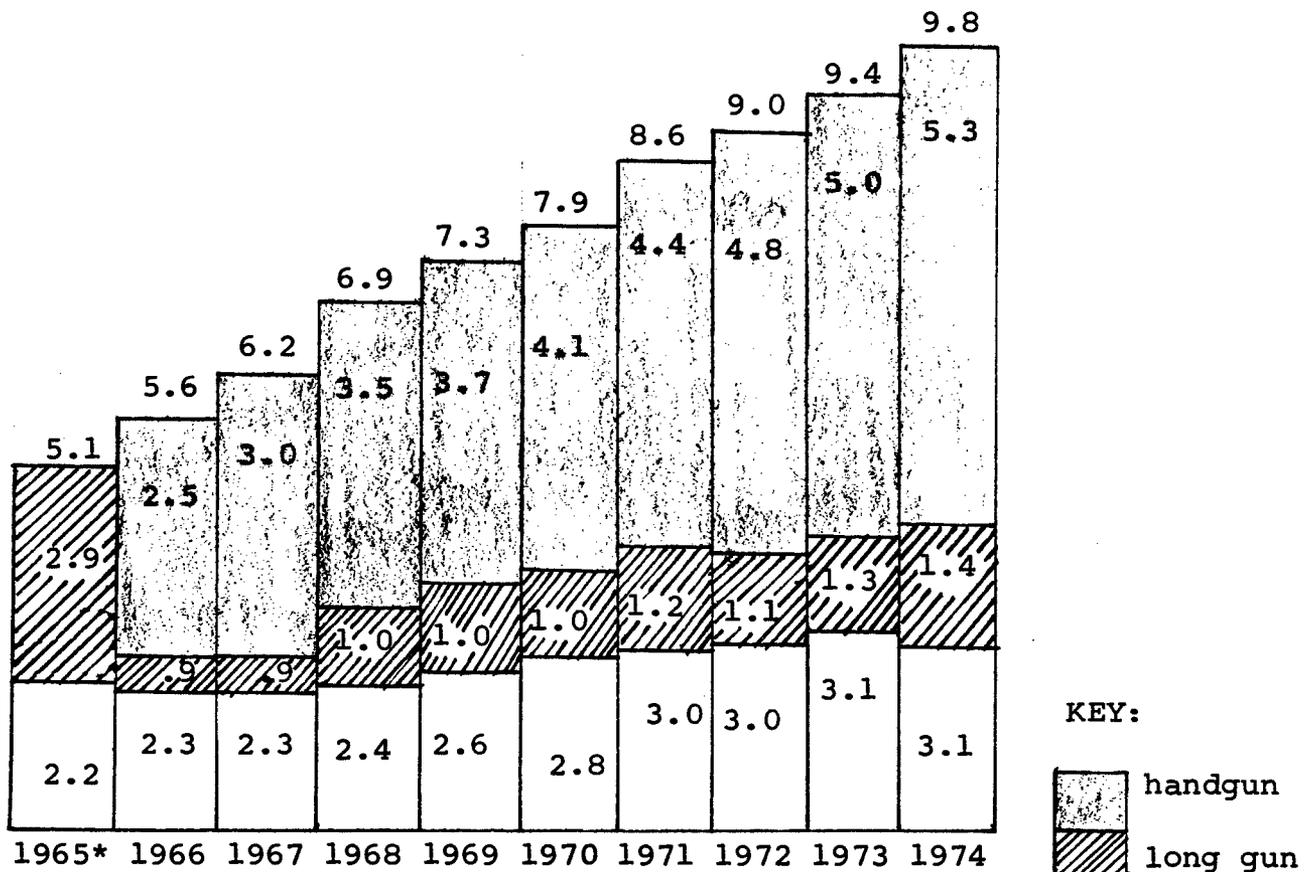
As the figure illustrates, law enforcement officers rarely were killed with weapons other than firearms. Killings of law enforcement officers with other weapons have not increased in any significant way since 1965. Of the 933 law enforcement officers killed between 1965 and 1974, 41 of them--only 4 percent--were killed with other weapons. Throughout the same period, handguns were responsible for 71 percent of the murders, and long guns for 25 percent. Figure 7 also indicates that the role of each of the three categories of weapons--handguns, long guns, and other weapons--has remained fairly constant over the ten-year period during which killings of law enforcement officers have increased so dramatically.

Aggravated Assault

UCR data on reported aggravated assaults are less reliable than the data on reported murders, because an assault is much more likely to go unreported. This shortcoming notwithstanding, the volume of incidents reflected in assault reports for the 1965-74 period, which Figure 8 summarizes, provides an overview of the frequency with which Americans have used

FIGURE 6

MURDER RATES PER 100,000 POPULATION
 BY TYPE OF WEAPON USED
 THE NATION, 1965-1974



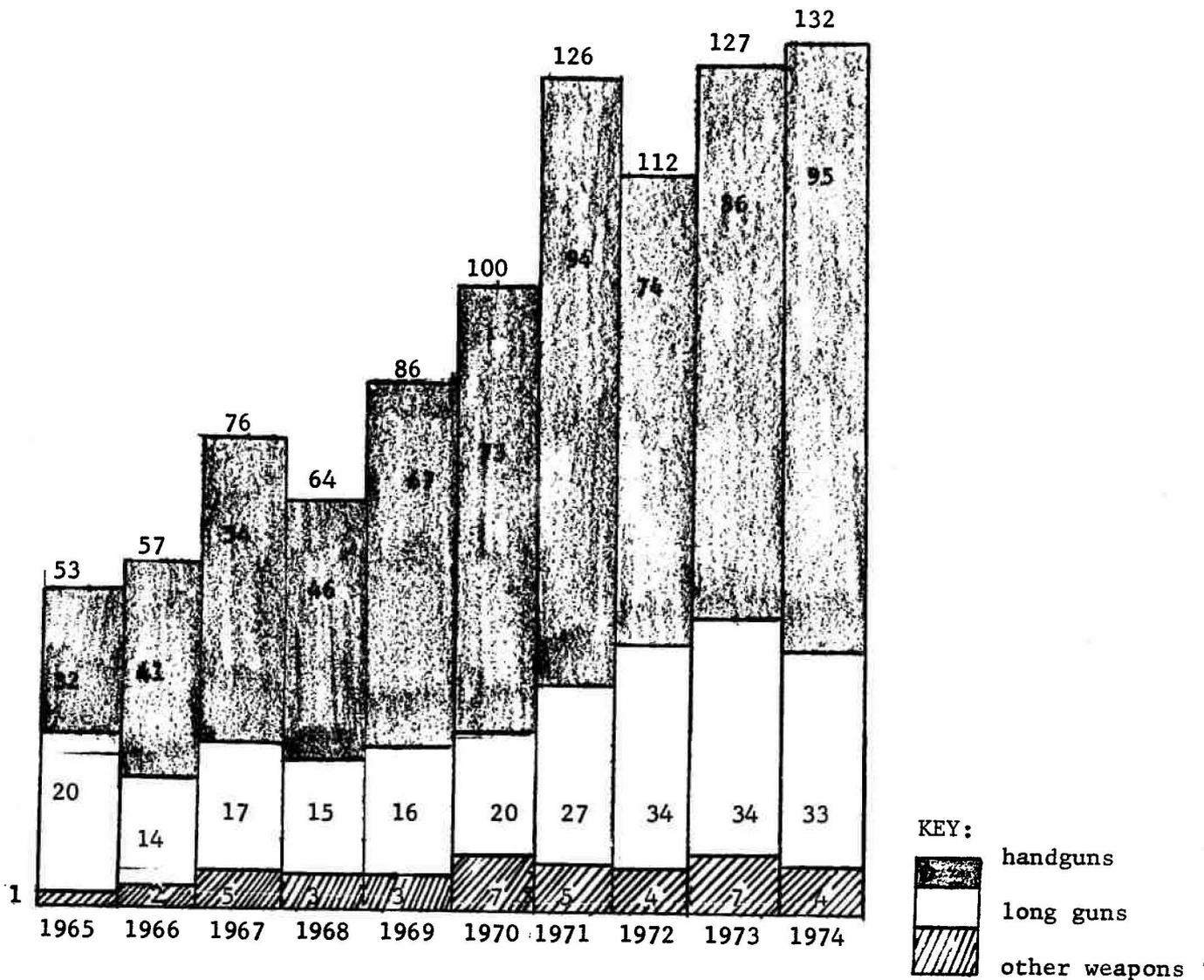
SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1965-1975

*A breakdown by type of firearm was not available

FIGURE 7

REPORTED NUMBER OF LAW ENFORCEMENT OFFICERS
FELONIOUSLY KILLED

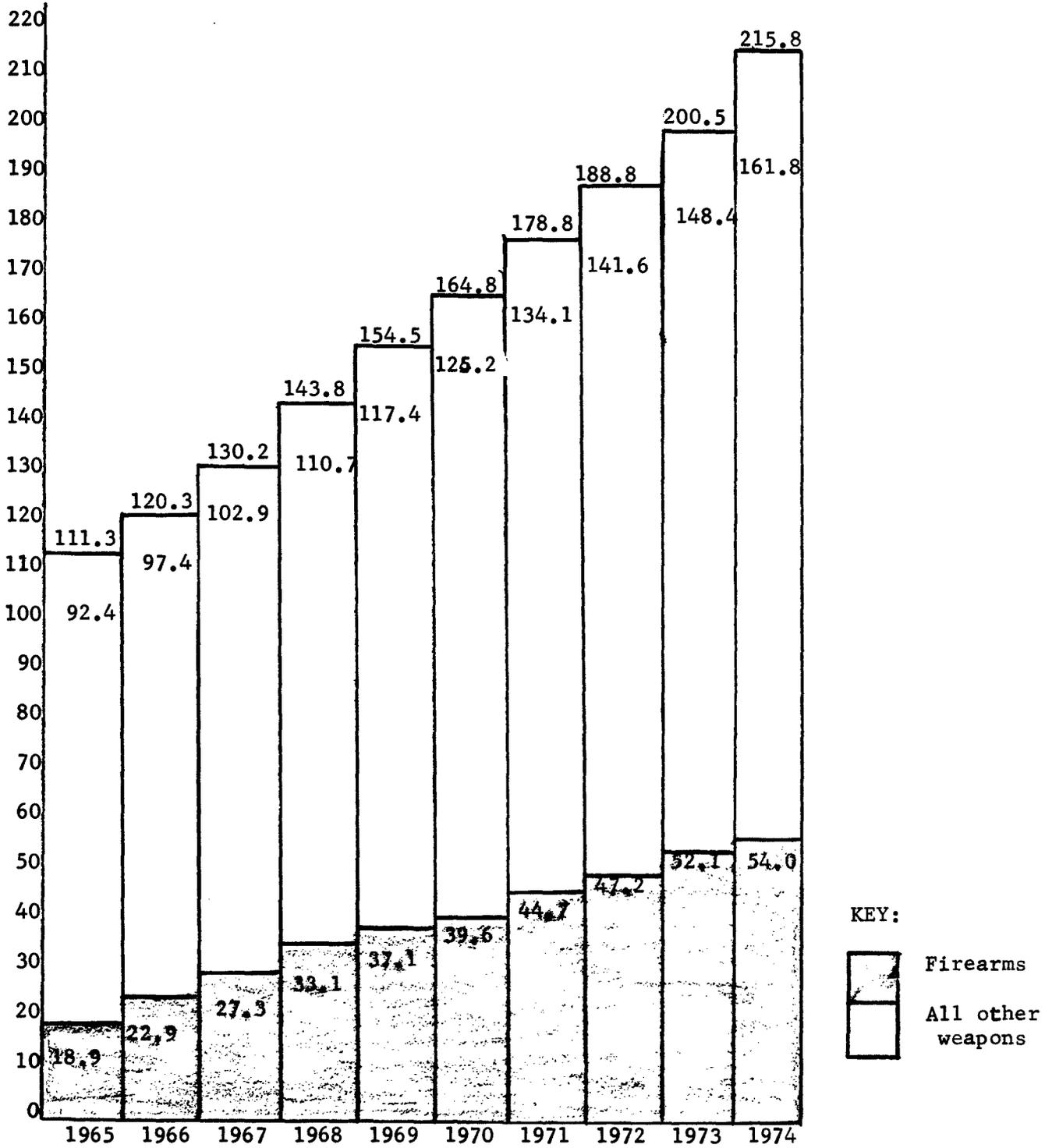
THE NATION, 1965-1974



SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1974
1965-1975

FIGURE 8

AGGRAVATED ASSAULT RATES PER 100,000 POPULATION
BY TYPE OF WEAPON USED
THE NATION, 1965-1974



SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1975

violence against each other during that time, and the role of firearms in that violence.

Since 1965 there has been a steady increase in the rate with which Americans attacked each other and a steeper increase in the rate at which they attacked each other with firearms. Figure 8 indicates that while the rate of reported assaults with other weapons increased 75 percent (to 161.8 from 92.4) since 1965, the rate of reported firearms assaults increased 185 percent (to 54.0 from 18.9). The real numbers behind these rates yield an alarming log of American violence. The number of reported aggravated assaults committed with a firearm increased from 36,606 in 1965 to 114,053 in 1974, or 212 percent. The total number of aggravated assaults with firearms during that period was 770,204.

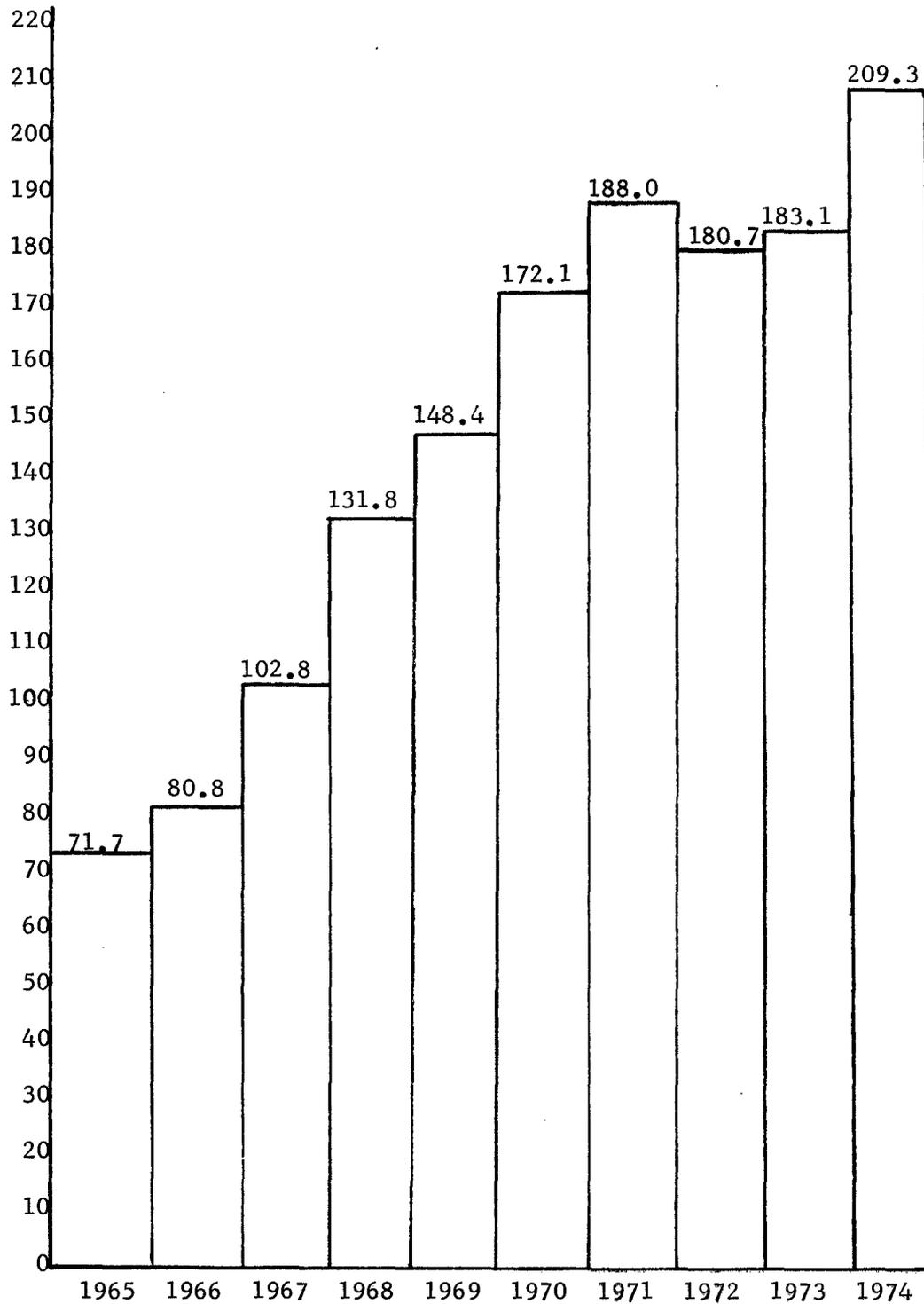
UCR does not keep records of the specific type of firearm--handgun or long gun--used in the commission of these crimes.

Robbery

Robbery is the most common violent property crime. Included in the robbery classification are holdups, muggings, or any other taking of property by force or threat of force. As such, this is probably the category of crime that includes the criminal acts most directly related to public fear of crime. The UCR count of reported robbery from 1965 through 1974 is shown in Figure 9.

Figure 9 indicates that the rate of reported robbery has increased dramatically since 1965. UCR did not begin tabulating and reporting the number of robberies committed with firearms as a percentage of all robberies until 1974. From 1968 through 1973 the only weapons classifications were armed robbery (weapon used) or strong-arm robbery (no weapon used except personal weapon such as feet or fists). In addition, during that time UCR

FIGURE 9

ROBBERY RATES PER 100,000 POPULATION
THE NATION, 1965-1974

SOURCE: Uniform Crime Reports, Federal Bureau of Investigation, 1975

estimated, by means of a survey conducted in 1967, that 63 percent of those crimes classified as armed robbery were committed with the use of firearms. If this survey was accurate, it would mean that for the years 1968 through 1973 firearms were used in approximately 40 percent of all robberies. This, in turn, would mean that the rate of firearm robberies increased from 52.7 per 100,000 residents in 1968 to 73.2 per 100,000 residents in 1973--an increase of 38.9 percent.

Table 33 summarizes the data reported in 1974, when UCR began keeping a specific count of firearm robberies.

Table 33 indicates that robbery with the use of a firearm was by far the largest category of reported robbery in 1974 (44.7 percent as compared to 34.1 percent for "strong-arm" robbery) and that 197,753 of them were reported that year. UCR does not divide the firearm category into handguns and long guns.

TABLE 33: REPORTED ROBBERIES BY TYPE OF WEAPON USED
THE NATION, 1974

	TOTAL	ARMED			STRONG ARM
		Firearm	Other Weapon	Total Armed	
Number	442,400	(197,753)	(93,789)	291,532	150,858
Percent	100	(44.7)	(21.2)	65.9	34.1
Rate per 100,000 Population	209.3	(93.5)	(44.4)	137.9	71.4

Source: Uniform Crime Reports, Federal Bureau of Investigation, 1974-1975

APPENDIX B
CITY PROFILES

ATLANTA¹

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	1	1	6	3	2	1
RATE ²	56.21	42.23	887.37	533.47	686.15	331.83
NUMBER	276	207	4357	2614	3369	1626

	RANK	RATE	MEASURE
ABUSE ³	2	905.70	--
AVAILABILITY ⁴	3	--	55.6

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	3	1	2	1	4	2
RATE	1.70	.82	1.29	1.44	.24	5.5
PERCENTAGE	31.0	15.0	23.5	26.2	4.3	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	6	4	6	2	5	6
MEASURE	.188	.090	.142	.158	.026	.60

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 490,767; sworn officers: 1586

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

BALTIMORE¹

OFFENSES

	MURDER		ROBBEPY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	4	4	3	4	1	2
RATE ²	33.18	22.81	1152.14	422.37	719.97	165.08
NUMBER	294	202	10,208	3738	6379	1461

	RANK	RATE	MEASURE
ABUSE ³	4	609.59	--
AVAILABILITY ⁴	7	--	32.0

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	--	--	--	--	--	4
RATE	--	--	--	--	--	3.9
PERCENTAGE	--	--	--	--	--	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	--	--	--	--	--	5
MEASURE	--	--	--	--	--	.63

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 885,634; sworn officers: 3527

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

BOSTON¹

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	8	8	2	7	5	7
RATE ²	21.52	11.34	1164.23	363.53	417.79	101.46
NUMBER	133	70	7195	2243	2582	626

	RANK	RATE	MEASURE
ABUSE ³	6	475.56	--
AVAILABILITY ⁴	8	--	29.7

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	7	4	8	5	3	8
RATE	1.17	.35	.50	.50	.27	2.8
PERCENTAGE	42.0	12.5	17.9	17.9	9.8	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	5	5	7	5	3	7
MEASURE	.246	.073	.105	.105	.057	.59

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 617,992; sworn officers: 2498

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

196
CHICAGO¹

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	5	5	7	5	6	5
RATE ²	29.42	20.03	793.81	415.78	400.91	123.73
NUMBER	970	659	26,172	13,679	13,218	4071

	RANK	RATE	MEASURE
ABUSE ³	5	558.35	--
AVAILABILITY ⁴	5	--	45.6

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	2	2	1	2	1	1
RATE	1.78	.61	1.69	1.27	.34	5.7
PERCENTAGE	31.3	10.7	29.7	22.4	5.9	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	3	2	1	1	2	1
MEASURE	.319	.109	.302	.227	.061	1.02

¹Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 3,296,936; sworn officers: 13,266

²Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	2	2	1	1	4	4
RATE ²	48.93	35.10	1389.53	902.34	478.80	140.21
NUMBER	711	509	20,190	13,084	6957	2033

	RANK	RATE	MEASURE
ABUSE ³	1	1075.43	--
AVAILABILITY ⁴	2	--	56.1

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	4	3	6	3	5	5
RATE	1.58	.36	.73	.60	.21	3.5
PERCENTAGE	45.3	10.3	21.0	17.3	6.1	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	7	7	8	7	7	10
MEASURE	.147	.033	.067	.0558	.020	.33

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 1,453,057; sworn officers: 5371

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

198
HOUSTON¹

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	6	6	9	6	10	10
RATE ²	24.91	18.57	546.79	382.88	120.91	51.21
NUMBER	380	245	7245	5054	1602	676

	RANK	RATE	MEASURE
ABUSE ³	7	450.94	--
AVAILABILITY ⁴	1	--	65.1

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	--	--	--	--	--	7
RATE	--	--	--	--	--	3.1
PERCENTAGE	--	--	--	--	--	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	--	--	--	--	--	4
MEASURE	--	--	--	--	--	.68

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 1,325,000; sworn officers: 2332

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	10	10	5	8	3	6
RATE ²	20.50	10.10	1009.97	326.70	532.17	113.84
NUMBER	1582	778	77,940	25,188	41,068	8777

	RANK	RATE	MEASURE
ABUSE ³	8	450.21	--
AVAILABILITY ⁴	9	--	28.8

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	8	7	5	8	6	10
RATE	.60	.17	.86	.25	.10	2.0
PERCENTAGE	30.2	8.9	43.0	12.8	5.0	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	8	6	4	8	6	9
MEASURE	.133	.037	.191	.0555	.022	.44

¹Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 7,716,600; sworn officers: 31,033

²Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

200
PHILADELPHIA¹

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	7	7	10	9	9	8
RATE ²	23.10	13.69	529.94	230.85	275.63	80.69
NUMBER	439	259	10,069	4363	5237	1525

	RANK	RATE	MEASURE
ABUSE ³	9	323.52	--
AVAILABILITY ⁴	6	--	39.0

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	6	5	4	6	2	6
RATE	1.18	.32	.93	.48	.28	3.2
PERCENTAGE	37.0	10.2	29.1	15.1	8.7	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	2	3	2	3	1	2
MEASURE	.364	.098	.287	.148	.086	1.00

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 1,899,898; sworn officers: 8245

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

201
SAN FRANCISCO¹

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	9	9	8	10	7	9
RATE ²	21.38	10.93	654.27	190.40	395.87	71.64
NUMBER	145	74	4436	1289	2684	485

	RANK	RATE	MEASURE
ABUSE ³	10	272.56	--
AVAILABILITY ⁴	10	--	25.4

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	5	6	7	7	7	9
RATE	1.25	.31	.59	.35	.08	2.6
PERCENTAGE	48.1	12.0	23.0	13.7	3.1	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	1	1	3	4	4	3
MEASURE	.458	.113	.216	.128	.029	.95

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 677,930; sworn officers: 1958

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

NOTE: All information is for 1974.

OFFENSES

	MURDER		ROBBERY		AGGRAVATED ASSAULT	
	All	With Firearm	All	With Firearm	All	With Firearm
RANK ²	3	3	4	2	8	3
RATE ²	38.45	23.51	1098.34	570.40	388.79	142.05
NUMBER	278	170	7941	4124	2811	1027

	RANK	RATE	MEASURE
ABUSE ³	3	735.96	--
AVAILABILITY ⁴	4	--	48.2

CONFISCATIONS⁵

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	1	8	3	4	8	3
RATE	2.26	.11	1.15	.59	.06	4.2
PERCENTAGE	54.0	2.7	27.6	14.2	1.5	100.0

CONFISCATION EFFORT⁶

	RESIDENCE	BUSINESS	STREET	AUTO	OTHER	TOTAL
RANK	4	8	5	6	8	8
MEASURE	.307	.014	.156	.080	.008	.57

¹ Source: Crime in the United States--1974-1975, Uniform Crime Reports, Federal Bureau of Investigation. Population: 723,000; sworn officers: 4597

² Rates are per 100,000 population, except for firearm confiscation rates, which are per 1,000 population. Ranks are orderings of rates of individual cities in the ten sample cities. A rank of one indicates the highest numerical rate; a rank of 10 indicates the lowest.

³ Source of confiscation data is the individual original data sample supplied to the Police Foundation by the city.

⁴ Firearm abuse rate is the total number of murders, robberies, and aggravated assaults committed with a firearm per 100,000 population.

⁵ Firearm availability measure is the percentage of total murders, robberies, and aggravated assaults committed with a firearm.

⁶ Confiscation effort measure is the number of confiscations divided by the total of murders, robberies, and aggravated assaults committed with a firearm.

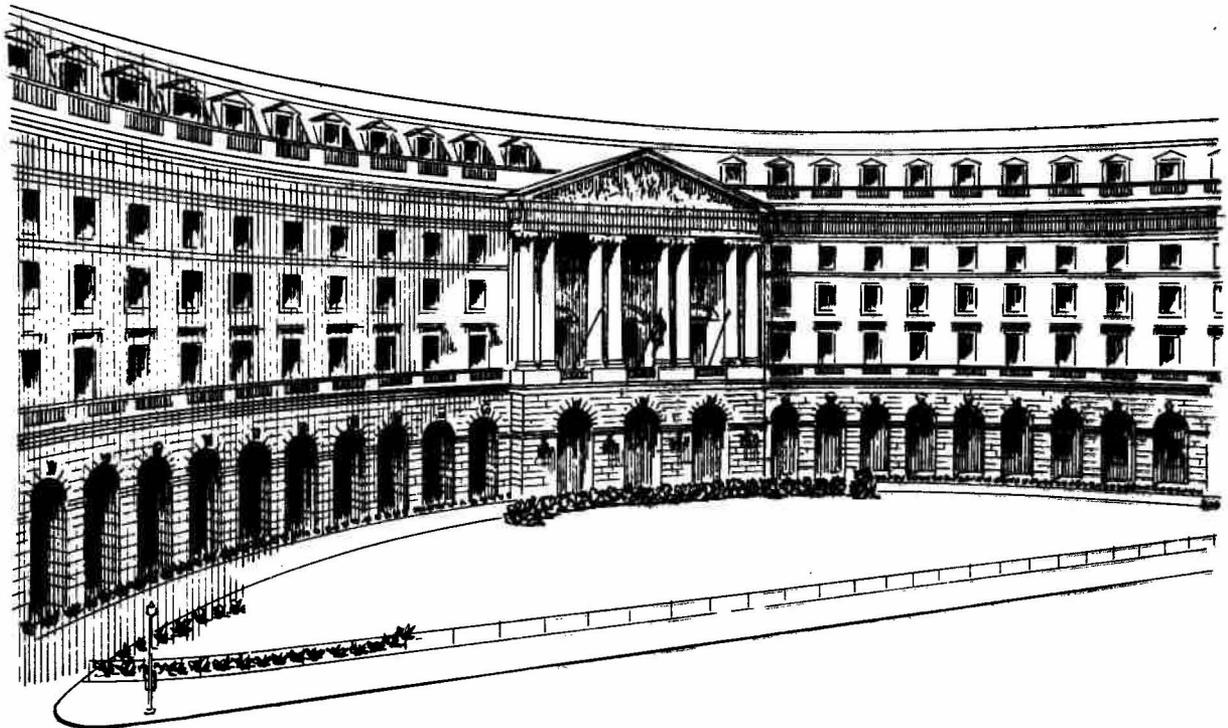
NOTE: All information is for 1974.



DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco & Firearms

APPENDIX C

GUN CONTROL ACT OF 1968
PUBLIC LAW 90-618
90th CONGRESS, H.R. 17735, Oct. 22, 1968



ATFP 5300.7 (7/75)
(replaces 627)

Title I. State Firearms Control Assistance

Purpose

Sec. 101. The Congress hereby declares that the purpose of this title is to provide support to Federal, State and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

SEC. 102. Chapter 44 of title 18, United States Code, is amended to read as follows:

"Chapter 44. Firearms

"Sec.

"921. Definitions.

"922. Unlawful acts.

"923. Licensing.

"924. Penalties.

"925. Exceptions: Relief from disabilities.

"926. Rules and regulations.

"927. Effect on State law.

"928. Separability clause.

"§ 921. Definitions

"(a) As used in this chapter—

"(1) The term 'person' and the term 'whoever' include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(2) The term 'interstate or foreign commerce' includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

"(3) The term 'firearm' means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

"(4) The term 'destructive device' means—
"(A) any explosive, incendiary, or poison gas—

"(i) bomb,

"(ii) grenade,

"(iii) rocket having a propellant charge of more than four ounces,

"(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

"(v) mine, or

"(vi) device similar to any of the devices described in the preceding clauses;

"(B) any type of weapon (other than a shotgun or a shotgun shell which the

Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

"(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes.

"(5) The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use 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.

"(6) The term 'short-barreled shotgun' means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(7) The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use 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.

"(8) The term 'short-barreled rifle' means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

"(9) The term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this chapter.

"(10) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) The term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) The term 'pawnbroker' means any person whose business or occupation includes

the taking or receiving by way of pledge or pawn, of any firearms or ammunition as security for the payment or repayment of money.

"(13) The term 'collector' means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics, as the Secretary shall by regulation define, and the term 'licensed collector' means any such person licensed under the provisions of this chapter.

"(14) The term 'indictment' includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"(15) The term 'fugitive from justice' means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"(16) The term 'antique firearms' means—

"(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

"(B) any replica of any firearm described in subparagraph (A) if such replica—

"(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

"(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

"(17) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(18) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(19) The term 'published ordinance' means a published law of any political subdivision of a State, which the Secretary determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

"(20) The term "crime punishable by imprisonment for a term exceeding one year" shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"(b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

"§ 922. Unlawful acts

"(a) It shall be unlawful—

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms or ammunition, or in the course of such business to ship, transport or receive any firearm or ammunition in interstate or foreign commerce;

"(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

"(A) this paragraph and subsection (b) (3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of repair or customizing;

"(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

"(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

"(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a rifle or shotgun obtained in conformity with the provisions of subsection (b) (3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

"(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity;

"(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or other than that in which its place of business is located if the transferor is a corporation or other business entity); except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes; and

"(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

"(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

"(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

"(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of a rifle or shotgun to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or delivery

for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee's business premises, (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes, and (C) shall not preclude any person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a State other than his State of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other State, from purchasing a rifle or shotgun in such other State from a licensed dealer if such person presents to such dealer a sworn statement (i) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other States, and (ii) identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail;

"(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity; and

"(5) any firearm or ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary.

"(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

"(1) the transferee submits to the transferor a sworn statement in the following form:

"Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions

* 26 U.S.C. § 4182 (c) Records, provides, "Notwithstanding the provisions of sections 922(b) (5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or component parts for the aforesaid types of ammunition."

of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are---

Signature ----- Date -----

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

"(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Secretary, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

"(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

"(d) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

"(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) is a fugitive from justice;

"(3) is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) has been adjudicated as a mental defective or has been committed to any mental institution.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

"(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed

importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter.

"(f) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

"(g) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

to ship or transport any firearm or ammunition in interstate or foreign commerce.

"(h) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) who has been adjudicated as a mental defective or who has been committed to any mental institution;

to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

"(j) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, or which constitutes, interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

"(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

"(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

"(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

"§ 923. Licensing

"(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

"(1) If the applicant is a manufacturer—

"(A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;

"(B) of firearms other than destructive devices, a fee of \$50 per year; or

"(C) of ammunition for firearms other than destructive devices, a fee of \$10 per year.

"(2) If the applicant is an importer—

"(A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$50 per year.

"(3) If the applicant is a dealer—

"(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;

"(B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$25 per year; or

"(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year.

"(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

"(c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(d) (1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

"(A) the applicant is twenty-one years of age or over;

"(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) and (h) of this chapter;

"(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

"(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and

"(E) the applicant has in a State (1) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (1i) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time.

"(2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

"(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

"(f) (1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the

parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

"*(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (1) any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

"(i) Licensed importers and licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

"(j) This section shall not apply to anyone who engages only in hand loading, reloading, or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others.

"§ 924. Penalties

"(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than \$5,000, or imprisoned not more than five

years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"*(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (1) any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, 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.

"(c) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.

"(d) Any firearm or ammunition involved in or used or intended to be used in, any violation of the provisions of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"§ 925. Exceptions: Relief from disabilities

"(a) (1) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

"(2) The provisions of this chapter shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

"(3) Unless otherwise prohibited by this chapter or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the

Secretary of the Treasury to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

"(4) When established to the satisfaction of the Secretary to be consistent with the provisions of this chapter and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

"(5) For the purpose of paragraphs (3) and (4) of this subsection, the term 'United States' means each of the several States and the District of Columbia.

"(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license, timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that the firearm or ammunition—

"(1) is being imported or brought in for scientific or research purposes, or is

for use in connection with competition or training pursuant to chapter 401 of title 10;

"(2) is an unserviceable firearm, other than a machinegun as defined in section 5845(b) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

The Secretary may permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

"§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including—

"(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of this license; and

"(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection.

The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"§ 927. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

"§ 928. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

SEC. 103. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

SEC. 104. Nothing in this title or the amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 105. (a) Except as provided in subsection (b), the provisions of chapter 44 of title 18, United States Code, as amended by section 102 of this title, shall take effect on December 16, 1968.

(b) The following sections of chapter 44 of title 18, United States Code, as amended by section 102 of this title shall take effect on the date of the enactment of this title: Sections 921, 922(1), 925(a)(1), and 925(d).

Title II. Machine Guns, Destructive Devices, and Certain Other Firearms

SEC. 201. Chapter 53 of the Internal Revenue Code of 1954 is amended to read as follows:

"Chapter 53. Machine Guns, Destructive Devices, and Certain Other Firearms

"Subchapter A. Taxes.

"Subchapter B. General provisions and exemptions.

"Subchapter C. Prohibited acts.

"Subchapter D. Penalties and forfeitures.

"Subchapter A. Taxes

"Part I. Special (occupational) taxes.

"Part II. Tax on transferring firearms.

"Part III. Tax on making firearms.

"Part I. Special (Occupational) Taxes

"Sec. 5801. Tax.

"Sec. 5802. Registration of importers, manufacturers, and dealers.

"Sec. 5801. Tax

"On first engaging in business and thereafter on or before the first day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special (occupational) tax for each place of business at the following rates:

"(1) IMPORTERS.—\$500 a year or fraction thereof;

"(2) MANUFACTURERS.—\$500 a year or fraction thereof;

"(3) DEALERS.—\$200 a year or fraction thereof.

Except an importer, manufacturer, or dealer who imports, manufactures, or deals in only weapons classified as 'any other weapon' under section 5845(e), shall pay a special (occupational) tax for each place of business at the following rates: Importers, \$25 a year or fraction thereof; manufacturers, \$25 a year or fraction thereof; dealers, \$10 a year or fraction thereof.

"Sec. 5802. Registration of Importers, Manufacturers, and Dealers

"On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in firearms shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business.

Where there is a change during the taxable year in the location of, or the trade name used in, such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Firearms operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"Part II. Tax on Transferring Firearms

"Sec. 5811. Transfer tax.

"Sec. 5812. Transfers.

"Sec. 5811. Transfer Tax

"(a) RATE.—There shall be levied, collected, and paid on firearms transferred a tax at the rate of \$200 for each firearm transferred, except, the transfer tax on any firearm classified as any other weapon under section 5845(e) shall be at the rate of \$5 for each such firearm transferred.

"(b) BY WHOM PAID.—The tax imposed by subsection (a) of this section shall be paid by the transferor.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"Sec. 5812. Transfers

"(a) APPLICATION.—A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary or his delegate a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

"(b) TRANSFER OF POSSESSION.—The transferee of a firearm shall not take possession of the firearm unless the Secretary or his delegate has approved the transfer and registration of the firearm to the transferee as required by subsection (a) of this section.

"Part III. Tax on Making Firearms

"Sec. 5821. Making tax.

"Sec. 5822. Making.

"Sec. 5821. Making Tax

"(a) RATE.—There shall be levied, collected, and paid upon the making of a firearm a tax at the rate of \$200 for each firearm made.

"(b) BY WHOM PAID.—The tax imposed by subsection (a) of this section shall be paid by the person making the firearm.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the stamp prescribed for payment by the Secretary or his delegate.

"Sec. 5822. Making

"No person shall make a firearm unless he has (a) filed with the Secretary or his delegate a written application, in duplicate, to make and register the firearm on the form prescribed by the Secretary or his delegate; (b) paid any tax payable on the making and such payment is evidenced by the proper stamp affixed to the original application form; (c) identified the firearm to be made in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (d) identified himself in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; and (e) obtained the approval of the Secretary or his delegate to make and register the firearm and the application form shows such approval. Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.

"Subchapter B. General Provisions and Exemptions

"Part I. General provisions.

"Part II. Exemptions.

"Part I. General Provisions

"Sec. 5841. Registration of firearms.

"Sec. 5842. Identification of firearms.

"Sec. 5843. Records and returns.

"Sec. 5844. Importation.

"Sec. 5845. Definitions.

"Sec. 5846. Other laws applicable.

"Sec. 5847. Effect on other law.

"Sec. 5848. Restrictive use of information.

"Sec. 5849. Citation of chapter.

"Sec. 5841. Registration of Firearms

"(a) CENTRAL REGISTRY.—The Secretary or his delegate shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

- "(1) identification of the firearm;
- "(2) date of registration; and
- "(3) identification and address of person entitled to possession of the firearm.

"(b) BY WHOM REGISTERED.—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

"(c) HOW REGISTERED.—Each manufacturer shall notify the Secretary or his delegate of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

"(d) FIREARMS REGISTERED ON EFFECTIVE DATE OF THIS ACT.—A person shown as possessing a firearm by the records maintained by the Secretary or his delegate pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be

considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

"(e) PROOF OF REGISTRATION.—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary or his delegate upon request.

"Sec. 5842. Identification of Firearms

"(a) IDENTIFICATION OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES.—Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary or his delegate may by regulations prescribe.

"(b) FIREARMS WITHOUT SERIAL NUMBER.—Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary or his delegate and any other information the Secretary or his delegate may by regulations prescribe.

"(c) IDENTIFICATION OF DESTRUCTIVE DEVICE.—Any firearm classified as a destructive device shall be identified in such manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5843. Records and Returns

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary or his delegate may by regulations prescribe.

"Sec. 5844. Importation

"No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary or his delegate, that the firearm to be imported or brought in is—

- "(1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or
- "(2) being imported or brought in for scientific or research purposes; or
- "(3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer;

except that, the Secretary or his delegate may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

"Sec. 5845. Definitions

"For the purpose of this chapter—

"(a) FIREARM.—The term 'firearm' means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of

less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary or his delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"(b) **MACHINEGUN.**—The term 'machinegun' means any weapon which 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. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"(c) **RIFLE.**—The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

"(d) **SHOTGUN.**—The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

"(e) **ANY OTHER WEAPON.**—The term 'any other weapon' means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

"(f) **DESTRUCTIVE DEVICE.**—The term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable

for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device, surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

"(g) **ANTIQUE FIREARM.**—The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(h) **UNSERVICEABLE FIREARM.**—The term 'unservicable firearm' means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

"(i) **MAKE.**—The term 'make', and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

"(j) **TRANSFER.**—The term 'transfer' and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

"(k) **DEALER.**—The term 'dealer' means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

"(l) **IMPORTER.**—The term 'importer' means any person who is engaged in the business of importing or bringing firearms into the United States.

"(m) **MANUFACTURER.**—The term 'manufacturer' means any person who is engaged in the business of manufacturing firearms.

"Sec. 5846. Other Laws Applicable

"All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall, insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821.

"Sec. 5847. Effect on Other Laws

"Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war.

"Sec. 5848. Restrictive Use of Information

"(a) **GENERAL RULE.**—No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, except as provided in subsection (b) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence.

(b) **FURNISHING FALSE INFORMATION.**—Subsection (a) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"Sec. 5849. Citation of Chapter

"This chapter may be cited as the 'National Firearms Act' and any reference in any other provision of law to the 'National Firearms Act' shall be held to refer to the provisions of this chapter.

"Part II. Exemptions

"Sec. 5851. Special (occupational) tax exemption.

"Sec. 5852. General transfer and making exemption.

"Sec. 5853. Exemption from transfer and making tax available to certain governmental entities and officials.

"Sec. 5854. Exportation of firearms exempt from transfer tax.

"Sec. 5851. Special (Occupational) Tax Exemption

"(a) **BUSINESS WITH UNITED STATES.**—Any person required to pay special (occupational) tax under section 5801 shall be relieved from payment of that tax if he establishes to the satisfaction of the Secretary or his delegate that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any person manufacturing firearms for, or on behalf of, the United States from compliance with any provision of this chapter in the conduct of such business.

"(b) **APPLICATION.**—The exemption provided for in subsection (a) of this section may be obtained by filing with the Secretary or his delegate an application on such form and containing such information as may be regulations be prescribed. The exemptions must thereafter be renewed on or before July 1 of each year. Approval of the application by the Secretary or his delegate shall entitle the applicant to the exemptions stated on the approved application.

"Sec. 5852. General Transfer and Making Tax Exemption

"(a) **TRANSFER.**—Any firearm may be transferred to the United States or any department, independent establishment, or agency thereof, without payment of the transfer tax imposed by section 5811.

"(b) **MAKING BY A PERSON OTHER THAN A QUALIFIED MANUFACTURER.**—Any firearm may be made by, or on behalf of, the United States, or any department, independent establishment or agency thereof, without

payment of the making tax imposed by section 5821.

"(c) **MAKING BY A QUALIFIED MANUFACTURER.**—A manufacturer qualified under this chapter to engage in such business may make the type of firearm which he is qualified to manufacture without payment of the making tax imposed by section 5821.

"(d) **TRANSFERS BETWEEN SPECIAL (OCCUPATIONAL) TAXPAYERS.**—A firearm registered to a person qualified under this chapter to engage in business as an importer, manufacturer, or dealer may be transferred by that person without payment of the transfer tax imposed by section 5811 to any other person qualified under this chapter to manufacture, import, or deal in that type of firearm.

"(e) **UNSERVICEABLE FIREARM.**—An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax imposed by section 5811, under such requirements as the Secretary or his delegate may by regulations prescribe.

"(f) **RIGHT TO EXEMPTION.**—No firearm may be transferred or made exempt from tax under the provisions of this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5853. Transfer and Making Tax Exemptions Available to Certain Governmental Entities

"(a) **TRANSFER.**—A firearm may be transferred without the payment of the transfer tax imposed by section 5811 to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(b) **MAKING.**—A firearm may be made without payment of the making tax imposed by section 5821 by, or on behalf of, any State, or possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(c) **RIGHT TO EXEMPTION.**—No firearm may be transferred or made exempt from tax under this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5854. Exportation of Firearms Exempt From Transfer Tax

"A firearm may be exported without payment of the transfer tax imposed under section 5811 provided that proof of the exportation is furnished in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Subchapter C. Prohibited Acts

"Sec. 5861. Prohibited Acts

"It shall be unlawful for any person—

"(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

"(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or

"(c) to receive or possess a firearm made in violation of the provisions of this chapter; or

"(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

"(e) to transfer a firearm in violation of the provisions of this chapter; or

"(f) to make a firearm in violation of the provisions of this chapter; or

"(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or

"(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or

"(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

"(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

"(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

"(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

"Subchapter D. Penalties and Forfeitures

"Sec. 5871. Penalties.

"Sec. 5872. Forfeitures.

"Sec. 5871. Penalties

"Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than \$10,000, or be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"Sec. 5872. Forfeitures

"(a) **LAWS APPLICABLE.**—Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

"(b) **DISPOSAL.**—In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it."

SEC. 202. The amendments made by section 201 of this title shall be cited as the "National Firearms Act Amendments of 1968".

SEC. 203. (a) Section 6107 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for subchapter B of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 6107. List of special taxpayers for public inspection."

SEC. 204. Section 6806 of the Internal Revenue Code of 1954 is amended to read as follows:

"Sec. 6806. Occupational Tax Stamps

"Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax."

SEC. 205. Section 7273 of the Internal Revenue Code of 1954 is amended to read as follows:

"Sec. 7273. Penalties for Offenses Relating to Special Taxes

"Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than \$10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed."

SEC. 206. (a) Section 5692 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for part V of subchapter J of chapter 51 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 5692. Penalties relating to posting of special tax stamps."

SEC. 207. (a) Section 201 of this title shall take effect on the first day of the first month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a) or any other provision of law, any person possessing a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 (as amended by this title) which is not registered to him in the National Firearms Registration and Transfer Record shall register each firearm so possessed with the Secretary of the Treasury or his delegate in such form and manner as the Secretary or his delegate may require within the thirty days immediately following the effective date of section 201 of this Act. Such registrations shall become a part of the National Firearms Registration and Transfer Record required to be maintained by section 5841 of the Internal Revenue Code of 1954 (as amended by this title). No information or evidence required to be submitted or retained by a natural person to register a firearm under this section shall be used, directly or indirectly, as evidence against such person in any criminal proceeding with respect to a prior or concurrent violation of law.

(c) The amendments made by sections 202 through 206 of this title shall take effect on the date of enactment.

(d) The Secretary of the Treasury, after publication in the Federal Register of his intention to do so, is authorized to establish such periods of amnesty, not to exceed ninety days in the case of any single period, and immunity from liability during any such period, as the Secretary determines will contribute to the purposes of this title.

Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" (18 U.S.C., Appendix)

Title VII. Unlawful Possession or Receipt of Firearms

Sec. 1201. The Congress hereby finds and declares that the receipt, possession, or transportation of a firearm by felons, veterans who are discharged under dishonorable conditions, mental incompetents, aliens who are illegally in the country, and former citizens who have renounced their citizenship constitutes—

(1) a burden on commerce or threat affecting the free flow of commerce.

(2) a threat to the safety of the President of the United States and Vice President of the United States,

(3) an impediment or a threat to the exercise of free speech and the free exercise of a religion guaranteed by the first amendment to the Constitution of the United States, and

(4) a threat to the continued and effective operation of the Government of the United States and of the government of each State guaranteed by article IV of the Constitution.

Sec. 1202. (a) Any person who—

(1) has been convicted by a court of the United States or of a state or any political subdivision thereof of a felony, or

(2) has been discharged from the Armed Forces under dishonorable conditions, or

(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

(4) having been a citizen of the United States has renounced his citizenship, or

(5) being an alien is illegally or unlawfully in the United States,

and who receives, possesses, or transports in commerce or affecting commerce, after the date of enactment of this Act, any firearm

shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

(b) Any individual who to his knowledge and while being employed by any person who—

(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

(2) has been discharged from the Armed Forces under dishonorable conditions, or

(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

(4) having been a citizen of the United States has renounced his citizenship, or

(5) being an alien is illegally or unlawfully in the United States,

and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, after the date of the enactment of this Act, any firearm shall be fined not more than \$10,000 or imprisoned for not more than two years, or both

(c) As used in this title—

(1) "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country;

(2) "felony" means any offense punishable by imprisonment for a term exceeding one year, but does not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of two years or less;

(3) "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted

to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle, or shotgun;

(4) "destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter;

(5) "handgun" means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand;

(6) "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use 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;

(7) "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use 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.

Sec. 1203. This title shall not apply to—

(1) any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison; and

(2) any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

ABOUT THE AUTHOR

Steven D. Brill, a graduate of Yale Law School, is an author who for two years has been project director of the Police Foundation's study of firearm abuse. In the early 1970s, Brill worked as an assistant to then Mayor John V. Lindsay of New York City. He has been a consultant to the Vera Institute of Justice and until recently was a contributing editor to New York Magazine. In 1977 he began work on a book about the Teamsters' Union.