The Facts about Gun Shows

By David B. Kopel

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lose the gun show loophole," demands Handgun Control, Inc. The major obstacle to Congress’s complying with HCI’s wishes appears to be the desire of many Democrats to preserve gun shows as a campaign issue in the 2000 election. But if the voters learn the facts about gun shows, they will discover that there is no gun show loophole, no gun show crime problem and no reason to adopt federal legislation whose main effect would be to infringe on First and Second Amendment rights.

Despite what some media commentators have claimed, existing gun laws apply just as much to gun shows as they do to any other place where guns are sold. Since 1938, persons selling firearms have been required to obtain a federal firearms license. If a dealer sells a gun from a storefront, from a room in his home or from a table at a gun show, the rules are exactly the same: he can get authorization from the FBI for the sale only after the FBI runs its “instant” background check (which often takes days to complete). As a result, firearms are the most severely regulated consumer product in the United States — the only product for which FBI permission is required for every single sale.

Conversely, people who are not engaged in the business of selling firearms, but who sell firearms from time to time (such as a man who sells a hunting rifle to his brother-in-law), are not required to obtain the federal license required of gun dealers or to call the FBI before completing the sale.

Similarly, if a gun collector dies and his widow wants to sell the guns, she does not need a federal firearms license because she is just selling off inherited property and is not “engaged in the business.” And if the widow doesn’t want to sell her deceased husband’s guns by taking out a classified ad in the newspaper, it is lawful for her to rent a table at a gun show and sell the entire collection.

If you walk along the aisles at any gun show, you will find that the overwhelming majority of guns offered for sale are from federally licensed dealers. Guns sold by private individuals (such as gun collectors getting rid of a gun or two over the the weekend) are the distinct minority.

Yet HCI claims that “25-50 percent of the vendors at most gun shows are unlicensed dealers.” That statistic is true only if one counts vendors who aren’t selling guns (e.g., vendors who are selling books, clothing or accessories) as “unlicensed dealers.”

Denver congresswoman Diana DeGette says that 70 percent of guns used in crimes come from gun shows. The true figure is rather different, according to the National Institute of Justice, the research arm of the U.S. Department of Justice. According to an NIJ study released in December 1997 (“Homicide in Eight U.S. Cities,” a report that covers much more than homicide), only 2 percent of criminal guns come from gun shows.

That finding is consistent with a mid-1980s study for the NIJ, which investigated the gun purchase and use habits of convicted felons in 12 state prisons. The study (later published as the book Armed and Considered Dangerous) found that gun shows were such a minor source of criminal gun acquisition that they were not even worth reporting as a separate figure.

At the most recent meeting of the American Society of Criminology, a study of youthful offenders in Michigan found that only 3 percent of the youths in the study had acquired their last handgun from a gun show. (Of course some criminal gun acquisition at gun shows is perpetrated by “straw purchasers” who are legal gun buyers acting as surrogates for the individual who wants the gun. Straw purchases have been federal felonies since 1968.)

According to the educational arm of HCI, the group’s own survey of major-city police chiefs found only 2 out of 48 who said that guns from gun shows (both “legal and illegal sales” according to the questionnaire) were a major problem in their city.
Although the horrible murders at Columbine High School have energized anti-gun activists, no proposed federal law would have made any difference. The adults who supplied the Columbine murder weapons (Robin Anderson and Mark Manes — the latter a son of a longtime HCI activist) were legal purchasers.

Since every gun show takes place entirely within the boundaries of a single state, Congress has no legitimate constitutional basis, under its “interstate commerce” power, to attempt to control gun shows.

Nevertheless, both houses of Congress have passed gun show legislation. The House bill does only what the gun control advocates claim to want: the imposition of federal background checks on personal sales at gun shows.

The Senate version — passed 51-50 thanks to Vice President Gore — goes much further, setting the stage for gun shows to be outlawed. The Senate bill gives the secretary of the Treasury nearly unlimited power to regulate gun show sales.

In the past, Treasury has abused its administrative authority over firearms to ban certain guns, so, similar treatment for gun shows can be expected. For example, the Treasury banned the import of various rifles that were popular for competitive target shooting. Although a federal statute specifically orders Treasury to allow the import of “sporting” firearms, Treasury claimed that only firearms that were recommended by hunting guides were “sporting.”

The Senate version also imposes a tax on gun show promoters and allows the secretary of the Treasury unlimited power in setting the tax level. One can bet that, in this case, the power to tax really will be the power to destroy.

Gun shows are huge gathering points for people who are interested in Second Amendment issues. Gun rights groups frequently set up booths at gun shows to distribute literature and recruit members. Gun shows are places where Americans properly exercise their First and Second Amendment rights, and neither gun show patrons nor vendors deserve the mean-spirited campaign of abuse to which they have been subjected.

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Interesting Facts About Guns. 1. The company Daisy Outdoor Products sold windmills and gave a complementary BB gun with every purchase. The BB guns became so popular that they stopped selling windmills and started selling BB guns. – Source. 2. Over the past 50 years, gun owners have been responsible for over $2 billion in wildlife conservation in the United States due to the 10% tax on guns and ammo. – Source. 3. President Garfield’s assassin purchased the gun that he thought would look good in a museum. – Source. 4. Russians astronauts take guns into space to protect themselves against bears. Recent attacks on American gun shows are not about law enforcement or punishing the guilty; they are about exploiting a lack of knowledge on the part of the general public and paving the way for universal firearm registration and, if history is anything to go by, confiscation. 

Recently, I ran into someone I hadn’t seen since my high school days—let’s call him “Danny.” As for those of you who know the facts, remember, whether writing or speaking, we only convince people one person at a time. So, what are gun shows? Gun shows offer a variety of firearms and accessories that you can’t find under one roof in even the largest gun shops. Studies have shown that states with stricter gun control laws have lower rates of suicides using guns. Surprisingly, these states also have fewer suicides overall, suggesting that the people who killed themselves with guns might not have used other methods if those guns had not been available. There’s also the matter of violent crime. Unsurprisingly, this affects the distribution of gun violence between the two genders. For example, since 1966, FBI records show that only one woman has committed a mass shooting in the US, which occurred when the mentally disturbed Jennifer San Marco shot six postal workers in 2006. Some have argued that the machismo associated with the gun culture has had a part to play in previous massacres.