

THE TRUTH ABOUT GUN DEALERS IN AMERICA

STOPPING THE SMALL NUMBER OF “BAD APPLES” THAT
SUPPLY VIRTUALLY EVERY CRIME GUN IN THE U.S.



**5% OF
GUN DEALERS
SUPPLY
90% OF
CRIME GUNS
ANNUALLY**

Brady Campaign
& Brady Center

To Prevent Gun Violence

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Executive Summary: ‘Bad Apple’ Gun Dealers: The Primary Driver of Gun Crime in America

More than 400,000 people are victimized by gun violence in the United States each year. How is it so easy for dangerous people to get guns? Where do all of these guns come from? It turns out that virtually all crime guns come from a relatively small number of gun dealers that we call “bad apple” gun dealers. Just 5 percent of gun dealers in the U.S. sell 90 percent of crime guns, and they often do it with business practices that they know are irresponsible or even illegal. “Bad apple” dealers not only supply almost the entire U.S. criminal market with its guns, they give a bad name to the 86 percent of dealers who sell no crime guns in a given year.

This report explains what “bad apple” gun dealers are, how they contribute to gun violence in America, and how they can be stopped. It provides information about the extent of the problem, including that there are roughly 3,000 “bad apple” gun dealers in the country (Section II). It makes clear that factors like sales volume and bad luck are not accurate or sufficient explanations for why such a small percentage of gun dealers supply so many of the guns used in crime.

Using examples, the report identifies three major pathways of guns from “bad apple” gun dealers to dangerous and high risk people. These are: straw purchasing (people passing background checks but illegally buying guns for others); gun trafficking (people buying guns to illegally resell without a license); and illegally selling or otherwise providing guns “off the books” (dealers transferring guns without running federally required Brady background checks on buyers) (Section III).

The report provides accounts of some of the top crime gun sellers in the country, who have collectively supplied thousands of guns used in crime over the years. In particular, it highlights three dealers and their disproportionate contribution to crime in three cities: Chuck’s Gun Shop and Pistol Range and Chicago; Don’s Guns and Galleries and Indianapolis; and Arrowhead Pawnshop and New York (Section IV).

It also details the stories of gun violence victims whose pain and suffering was caused by irresponsible gun dealers’ practices, discussing how the toll goes beyond individuals and is felt by families, friends, coworkers, and communities (Section V). The violence enabled by “bad apple” gun dealers can manifest as gang violence, domestic violence, hate crimes, or attacks on law enforcement. Specific case studies illustrate how victims and survivors have fought back against “bad apple” gun dealers through the courts. The work of the Brady Campaign and a diverse coalition of national and local partners have organized to put public pressure on “bad apple” gun dealers.

Finally, this report offers suggestions for what communities, media, law enforcement, and gun dealers can do to prevent gun crime (Section VI). It describes the effectiveness of protesting “bad apple” gun dealers, the importance of asking the right questions about gun violence, and the need to publicize statistics on the role of “bad apple” gun dealers who are contributing to gun violence. It explains how gun dealers can reduce dangerous people’s access to guns—and, correspondingly, gun crime, deaths, and injuries—by adopting reasonable business practices such as those set out in the Brady Code of Conduct (Appendix A).

For lawmakers in particular, it recommends the following:

- Enact the *Stop Illegal Trafficking in Firearms Act*, debated by Congress in 2013, to give law enforcement more effective tools to stop straw purchasing and trafficking;
- Establish licensing of dealers at the municipal or state level and stronger requirements for better recordkeeping, security practices, and employee background checks;
- Eliminate the Tiahrt Amendment, which prevents the ATF from publicly releasing or sharing certain data on crime gun traces, as the agency had previously done;
- Work with local law enforcement to commission research reports based on trace data to publicly expose “bad apple” gun dealers to reform or shut them down;
- Limit the number of guns an individual can buy within a specific time frame (for example, one handgun per month) to address high-volume sales;
- Remove restrictions that prevent the ATF from doing its job by, for example, repealing portions of the Firearm Owners’ Protection Act that limit routine dealer inspections by ATF to one per year and establish an unnecessarily high legal standard for revocation of a dealer’s license;
- Enact the proposed *Equal Access to Justice for Victims of Gun Violence Act* to allow “bad apple” gun dealers and gun manufacturers to be held liable for negligence and product liability, just like every other industry in the United States. Since 2005, the *Protection of Lawful Commerce in Arms Act* (PLCAA) has impeded some civil litigation against irresponsible gun dealers and manufacturers;
- Support local and national groups that are attempting to spotlight the poor business practices of “bad apple” gun dealers, putting public pressure on them to reform.

Introduction: The Big Opportunity

Every day in cities across America, lives are damaged and cut short by gun violence. Every evening, the local news reports how a young child, innocent bystander, or law enforcement officer was injured or killed due to gunfire. Murders and other violent crimes take an immense toll on our communities as guns are used in hundreds of thousands of crimes each year, from incidences of domestic violence to armed robberies.

Often the crime is committed by a dangerous person who cannot legally purchase or possess a firearm. Only rarely does anyone ask how these dangerous people are able to get guns they cannot legally buy. The answer is strikingly simple: “bad apple” gun dealers. “Bad apple” gun dealers are the small minority of federally licensed gun sellers that are the source of nearly all of the guns used in crimes (“crime guns”). Gun crime in America is a problem caused almost entirely by a few “bad apple” gun dealers.

The Brady Campaign and Center to Prevent Gun Violence have launched a major national campaign to “Stop Bad Apple Gun Dealers,” in response to one of the most significant opportunities available to dramatically reduce gun injuries, crimes and deaths. This multi-faceted campaign seeks widespread adoption of best practices found in Brady’s Code of Conduct, which, when followed, will dramatically reduce the possibility that a gun dealer will supply guns to criminals. The goal of the Stop Bad Apple Gun Dealers Campaign is to reform or shut down 50% of the few thousand “bad apple” gun dealers that supply virtually the entire criminal market, thereby having a major impact on the number of crime guns flowing into our communities and onto our streets.

Brady’s Stop Bad Apple Gun Dealer Campaign is using a number of tools to accomplish this goal:

- **Engaging** members of underrepresented communities that are the most impacted by guns sold by “bad apple” gun dealers;
 - **Encouraging** gun dealers to adopt the Brady Code of Conduct;
 - Brady’s team of accomplished and experienced attorneys and legal partners are **litigating** impactful lawsuits on behalf of victims of irresponsible gun dealers who supply crime guns through negligent or illegal sales; and
 - **Activating** the broader public through petitions, public relations, stories in the press, and reports like this one.
- Through public engagement, hard work, and a major on-going investment by Brady in the Stop Bad Apple Gun Dealers campaign, these strategies will reduce the number of crime guns, one “bad apple” gun dealer at a time. Legal victories put a price on bad behavior by shifting the cost of irresponsible business practices and victim compensation to dealers.
- Public pressure by a diverse coalition of groups, victims, and survivors of gun violence puts a spotlight on “bad apples.” As a result, more and more gun dealers will adhere to the best practices found in the Brady Gun Dealer Code of Conduct because they seek either to do the right thing or to avoid consequences. Ultimately, this will create the pressure for reform necessary to end the scourge of “bad apple” gun dealers once and for all. Reforming or shuttering 50 percent of “bad apple” gun dealers will result in tens of thousands of fewer gun crimes and gun deaths.
- Together, we can save countless lives by stopping “bad apple” gun dealers.**
- **Organizing** in communities that are impacted by gun violence, alongside coalition partners across the country, to protest and to put public pressure on “bad apple” gun dealers that supply the crime guns that are devastating those communities;

“Bad Apple” Gun Dealers 101

Q: What are “bad apple” gun dealers?

“Bad apple” gun dealers are the relatively small number of licensed gun dealers that supply virtually every crime gun in the U.S. Just 5 percent of gun dealers sell 90 percent of crime guns, and they often do it with business practices that they know are irresponsible or even illegal. By reforming or shutting down these “bad apple” dealers we can dramatically reduce gun crimes and gun deaths in our nation.

Q: Why call these gun dealers “bad apples”?

Because it only takes a few “bad apples” to spoil the bunch. These “bad apple” gun dealers ruin the work other dealers do to keep guns out of the hands of prohibited and dangerous people.

The “bad apples” are compromising the safety of our communities and giving a bad name to the vast majority of gun dealers who run responsible businesses and do not supply dangerous people.

Q: How do guns get from “bad apple” gun dealers to dangerous people?

Some “bad apple” gun dealers sell guns to straw purchasers (people who are able to pass background checks and buy guns for others), to gun traffickers (people who buy guns to illegally resell without a license) or to dangerous persons they know or should know are likely to harm themselves or others with a gun.

“Bad apples” sometimes illegally sell guns “off the books” (in other words, sell guns without running federally required Brady background checks on buyers), and often claim those guns were lost, stolen, or misplaced.

Still other “bad apples” have inadequate security measures that enable their guns to be easily stolen.

Q: Where are “bad apple” gun dealers?

An ATF study found that in cities like New Orleans and Pittsburgh, more than 60 percent of crime guns come from a few local “bad apple” gun dealers.⁴ A report from the City of Chicago found that just four stores on the outskirts of the city supplied nearly 20 percent of the city’s crime guns traced from 2009 to 2013.⁵ Such “bad apple” gun dealers can develop well established reputations among local criminals as easy sources of guns.

However, many “bad apple” gun dealers — frequently from states with lax gun laws — also supply guns that are trafficked hundreds of miles away. For example, 75 percent of the guns recovered and traced in New York City originated more than 250 miles away.⁶ Profiled below is Georgia-based gun shop Arrowhead Pawnshop, which has been a major source of crime guns in New York City. Georgia has been among the top five states supplying guns to New York State for the past eight years.⁷

Interestingly, the ATF study found that many cities, like Washington, DC, and Los Angeles, are markets for both local “bad apple” gun dealers and long-distance trafficking.⁸

5%

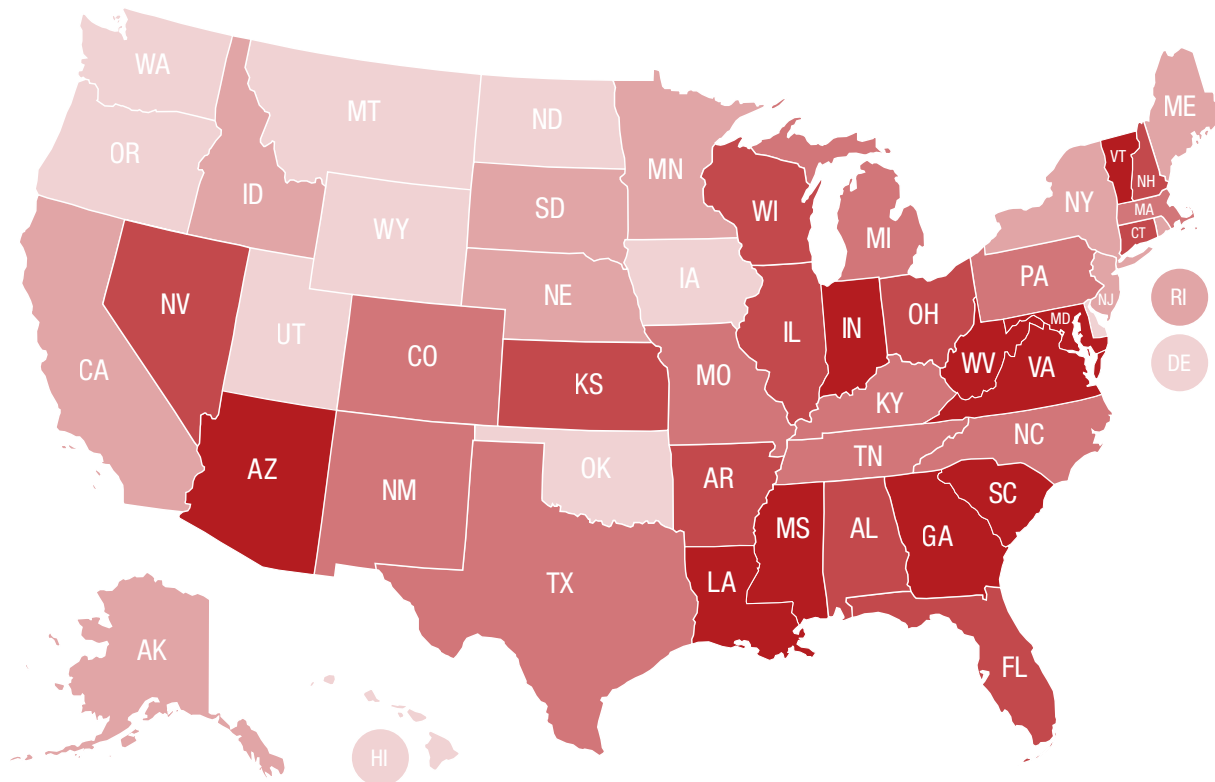
About 5% of
gun dealers...

90%

sell about 90% of
the guns recovered
from crime

Bad Apple Gun Dealers in Your State

5% of Gun Dealers Supply 90% of Crime Guns



(per 100,000 population)

10 Fewest Bad Apple Gun Dealers
0 to .11

10 between .12 and .21

10 between .22 and .29

10 between .3 and .48

10 Most Bad Apple Gun Dealers
.46 or greater

Source: Unpublished ATF data from 1989-1997 analyzed on behalf of the Brady Center

Q: Are there “good apples”?

Of course. In fact, about 86 percent of all dealers are “good apples” that sell no crime guns in a given year.⁹

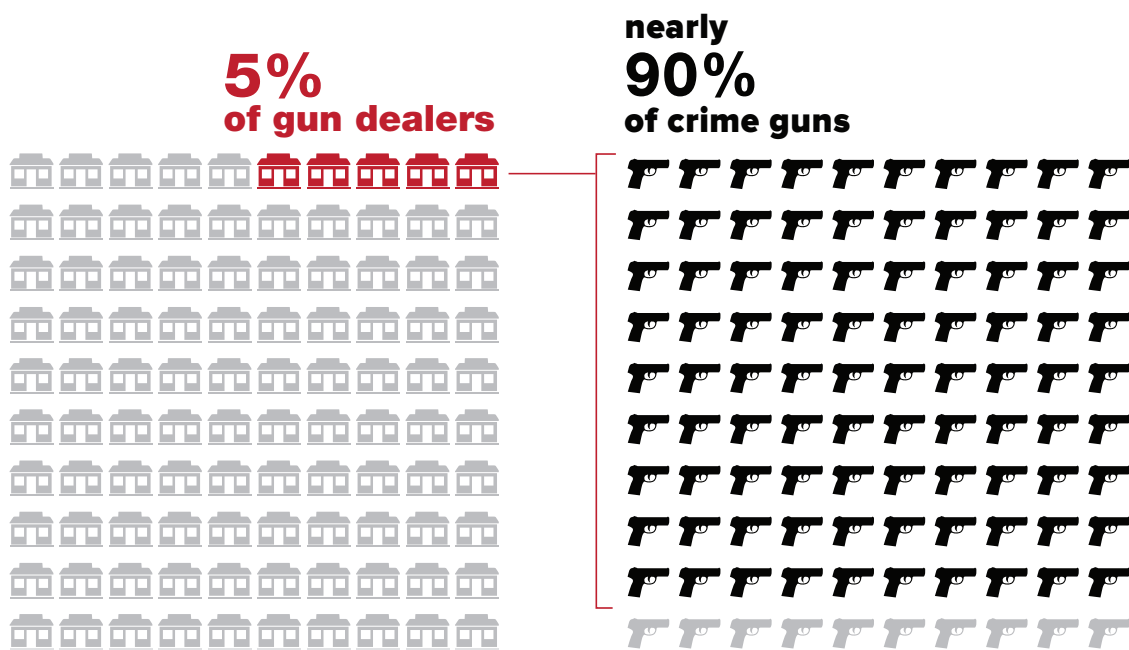
Gun dealers are not required to complete any sale when they are concerned that a purchaser — even one who completes a Brady background check — may be a straw purchaser, trafficker, or other dangerous person.

Responsible dealers readily explain their strict standards and vigilant scrutiny of customers. One gun dealer described his business practices as follows:

“You ask some pertinent questions.”

“Sometimes, unfortunately...we actually turn away sales that people are eligible to buy, but they said or did the wrong thing.”

“If something’s amiss, you just refuse the sale.”¹⁰



SOURCE: Bureau of Alcohol, Tobacco, and Firearms, *Commerce in Firearms* (2000)

Q: How can you tell a “bad apple” from a “good apple”?

As the business practices of a gun dealer are generally not readily apparent without more information, the best indicator of a “bad apple” gun dealer is the number of crime guns it supplies. This is determined by analyzing the number of guns recovered in crimes that are then traced back to a dealer.

When police recover crime guns, they ask the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to determine the history of the guns. The ATF first contacts the manufacturer and, using the serial number on the gun, identifies the distributor or the Federal Firearms Licensee (FFL) to whom the gun was sold. ATF then contacts that company — and every other purchaser in the chain — until it determines the FFL that originally sold it in retail, and the individual who first purchased the gun. Nearly all guns are first sold by an FFL. While a small percentage of crime guns are traced to a dealer with no history of supplying criminals, a few dealers surface again and again as a source of multiple crime guns. These are the “bad apples.”

Successfully traced guns represent only a fraction of the guns used in crime each year, because there are many crime guns that are not recovered, and many guns that are recovered cannot be completely traced for reasons such as inadequate records or

because their serial numbers have been removed. Nevertheless, the ATF has successfully traced hundreds of thousands of guns, and consistently shown a pattern of a small percentage of “bad apple” dealers supplying a disproportionate amount of crime guns. Based on the reported data, there is no indication that any significant source of crime guns is missing from the analysis.

Q: Don’t most dangerous and prohibited people obtain guns through theft?

No, despite the numbers of thefts each year, the vast majority of guns used in crime are not stolen. A recent news story reported that only about ten to fifteen percent of guns used in crimes are stolen, according to the ATF. This is consistent with publicly available data and studies, which point to theft as a source of roughly 10 to 20 percent of crime guns. An ATF study of trafficking investigations found that 14% of trafficked guns were first stolen.

Nonetheless, the theft of guns from FFLs, residences and common carriers is an important issue and is a critical reason why we need to make sure all people responsible for firearms store the weapons safely and securely. Almost 184,000 guns were reported as stolen in 2012 by the ATF.¹¹ Up to 80 percent of stolen guns are not recovered.¹²

Q: Don't crime guns often originate from "bad apple" gun dealers by chance rather than as a result of their practices?

No. Most gun dealers do not sell even one gun used in a crime. Trace statistics show that about 90 percent of crime guns are supplied by the same 5 percent of "bad apple" gun dealers. Data released over the past fifteen years consistently shows that this is not a result of chance: many of the same "bad apples" are continually the source of crime guns.

Q: Does a gun dealer's large volume of sales explain its large number of crime gun traces?

No. In 2000, ATF inspected the nearly 1 percent of gun dealers that supply almost 60 percent of crime guns.¹³ They found that 75 percent of these dealers had violated federal law, including "significant" violations of recordkeeping requirements, and participation in sales to potential gun traffickers and prohibited persons.¹⁴ The rate of violations for these "bad apple" gun dealers was more than double the rate of a random sample of the entire industry.¹⁵ ATF stated unequivocally that "sales volume alone cannot be said to account for the disproportionately large number of traces associated with these firearm dealers."¹⁶ A study of the worst of the "bad apple" gun dealers found that they are three times as likely to have committed violations of the law as "good apples."¹⁷

Q: How do "bad apple" gun dealers supply dangerous people with guns?

The irresponsible business practices employed by "bad apple" gun dealers that lead to criminal access to guns can vary. In many of these cases, "bad apple" gun dealers fail to:

- Ask appropriate questions of the potential customer to determine if they are illegal straw buyers;
- Gather enough information from customers to determine if they would be responsible gun owners;
- Pay attention to red-flag indicators that would lead a responsible dealer to refuse a sale;¹⁸
- Employ appropriate anti-theft measures; or
- Complete background checks and maintain proper records.

Q: What would the Brady Gun Dealer Code of Conduct require "bad apple" gun dealers to do?

The Brady Gun Dealer Code of Conduct (included at Appendix A) requires a gun dealer to commit to doing all that it reasonably can to prevent dangerous people from obtaining and using firearms. This includes implementing policies and practices that will:

- Prevent sales of guns to straw purchasers or gun traffickers;
- Refuse to sell to persons prohibited from buying guns or too dangerous to possess guns;
- Only sell a gun when the buyer completes and is affirmatively cleared by a Brady background check;
- Prevent criminals from obtaining firearms through thefts;
- Ensure that employees are responsible, law-abiding people that are prepared to be effective gatekeepers;
- Assist law enforcement in investigating and preventing criminal access to guns; and
- Maintain insurance for victims who are entitled to compensation.

The Problem in Depth: How Legal Channels Supply Illegal Markets

Guns in the United States almost universally start out as “legal” guns: they are produced by licensed manufacturers or imported by licensed companies.

Manufacturers or importers sell guns to wholesale distributors, which provide them to licensed gun dealers for retail sale. (Some manufacturers also sell directly to retail dealers.) Federal law requires anyone engaged in the business of selling guns to obtain a license and to sell guns only to people who complete a background check.

Licensed gun dealers are required to conduct Brady background checks before transferring a firearm. These Brady checks determine if the purchaser is a felon, is a fugitive, is a domestic abuser, has been involuntarily committed to a mental health facility, or is otherwise a “prohibited purchaser” not legally allowed to own guns. Federal law also prohibits gun dealers from selling guns to anyone they know or have reasonable cause to believe is prohibited and requires important rules related to recordkeeping. Gun dealers must also comply with state gun sale laws, which are sometimes more rigorous; for example, in California and Maryland, purchasers are only allowed to purchase one handgun per month.¹⁹

Since its enactment in 1993, Brady background checks have been an overwhelming success, stopping over 2.4 million prohibited purchasers from acquiring firearms.²⁰ Despite these federal and state requirements, a disproportionate number of guns are getting from “bad apple” gun dealers to crime scenes. “Bad apple” gun dealers supply the criminal gun market either by intentionally engaging in or being willfully blind in supplying dangerous people with guns, including through: (1) sales to straw purchasers; (2) sales to gun traffickers; or (3) inadequate security and “off-the-books” sales.

Straw Purchases

A “straw purchase” is a sale where the actual buyer of a gun has another person fill out the paperwork as the buyer and pass the federally required background check in their place. Straw purchasing is illegal under federal law, punishable by up to 10 years in prison and a \$250,000 fine. It is one of the most prevalent ways by which guns go from licensed gun dealers to the criminal market.²¹ In 2014, the United States Supreme Court reiterated that federal law prohibits straw purchases of firearms.²²



A review of ATF's gun trafficking investigations found that 41% of its cases involved straw purchasing from a gun dealer.²³ While it is possible that some straw purchases may not be detectable to even the most vigilant gun sellers, many are easily recognized by indicators and can be prevented by reasonable business practices, such as those in the Brady Gun Dealer Code of Conduct.

A leading gun industry trade association has recognized that “[as] a retailer, you’re the first line of defense against straw purchases...The retailer must use whatever information is at his or her disposal to make a sound judgment as to whether a straw purchase is going down or not.”²⁴ As a result, it is extremely important that gun dealers have effective practices to screen for straw purchasers. The industry, in collaboration with the ATF, provides gun dealers a tool kit known as “Don’t Lie for the Other Guy” that identifies certain red flags that indicate when a straw purchase is likely taking place. The non-exhaustive list of indicators of a straw purchase includes the following:

- Suspicious behavior;
- Real purchaser waiting in car;
- Real purchaser waiting outside the store;
- Purported customer has little knowledge about guns;
- Deference to companion;
- Money changing hands in the store;
- Attempting to purchase gun when companion has selected/pointed at the weapon;

- Re-entering the store with a second person and trying to buy same gun denied to the first person;
- Same last name/address as customer denied previously.

Some “bad apples” have such poor business practices that their employees are never trained to properly identify straw purchasers. Other stores either consciously ignore the red-flag indicators or intentionally break the rules because they think they will never get caught. For instance, an employee of Sports Authority in Michigan was caught on tape in 1999 in a government sting exposing straw purchasing. The employee told the undercover buyer, “This is called a straw purchase. It is highly illegal,” as he sold the purported straw buyer a handgun.²⁵



Examples of other FFLs who have been charged with intentionally selling guns to dangerous people include:

- American Choice Firearms and Ammo in Illinois, whose owner is alleged to have intentionally sold firearms to a felon and falsified the paperwork to hide the illegal sales.²⁶

PROFILE 1

A straw purchase that led to a child's death

This story of a straw purchase and the gun violence that resulted from it demonstrates the tragic cost of irresponsible business practices.

10-year-old Faheem Thomas-Childs was walking through the gates of his elementary school on a cold Wednesday morning in Philadelphia in 2004. A gun battle broke out between rival gangs, and as dozens of bullets flew around them, students ran screaming, parents and school employees trying to protect them.

Thomas-Childs was the most seriously injured victim of the shooting. He was shot in the face and, while he was able to speak to police following the shooting, he soon lost consciousness. Thomas-Childs underwent brain surgery, but he never recovered. The 10-year-old remained on life support for five days before succumbing to his injuries on February 16, 2004.

How did the Ruger .45 used to shoot Faheem end up in the shooter's hands? It was allegedly sold in a straw purchase by American Gun and Lock, a local gun dealer.

According to the civil complaint filed by Faheem's mother, a gang member and convicted felon — banned from possessing guns — reportedly picked out the Ruger, supplied the money, and even paid a “handling fee” to the store once it became clear that a straw purchase was taking place. Meanwhile, Nathaniel Giles, the alleged straw purchaser accompanied the felon to the store and filled out the paperwork, giving the sale the appearance of legality.

From there, the gun made its way to a gang member, who cut short the young life of Faheem Thomas-Childs.

As detailed in Appendix D, Faheem's mother, represented by the Brady Center, brought a lawsuit against American Gun and Lock, which was settled in 2007.

- Hesle's Gun Shop in Texas, which reportedly knowingly sold firearms, hundreds of magazines, and thousands of rounds of ammunition for use by Los Zetas, the Mexican drug gang.²⁷
- Ponderosa Trading Company in Georgia, which allegedly instructed a prospective buyer to bring his mother to the shop as a straw purchaser and did not keep records of the sale in order to circumvent laws against selling weapons to convicted felons.²⁸

Gun Traffickers

Another means by which “bad apple” gun dealers feed the criminal gun market is by supplying traffickers. The ATF defines trafficking as “the illegal diversion of legally owned firearms from lawful commerce into unlawful commerce, often for profit.”²⁹ While straw purchasing is a specific tactic that many traffickers use to obtain guns, trafficking more broadly covers the acquisition of guns by any means

for the purpose of illegally reselling them. In one ATF study, gun dealers were involved in only 6 percent of ATF trafficking investigations, but accounted for 47 percent of all of the guns that were investigated, including one case that involved 30,000 guns.³⁰

Traffickers often purchase several guns over a short period of time. One study found that guns sold in multiple sales, defined as the purchase of more than one gun by a single person within a five business-day period, make up 25 percent of crime guns.³¹

Gun dealers are required to report multiple sales of handguns to the ATF. However, ATF inspections focused on high-risk gun dealers found that 22 percent of them had not complied with this rule.³² According to the ATF, “these violations make it more difficult for ATF to detect illegal traffickers in handguns.”³³ In addition, gun traffickers may time purchases to evade the five-day reporting requirement, leaving only the gun dealer in a position

PROFILE 2

The tragic consequences of gun trafficking

33-year-old Perry Bruce Jr. was a resident of Williamsport, a small city in the central part of Pennsylvania. Like many newcomers to the area, he had moved to Williamsport from Philadelphia. Along with the new residents came the establishment of a local narcotics trade, and the town became a center of gun trafficking in the state in the mid-1990s.

Over the course of several years, Bruce trafficked dozens of firearms that he bought from area gun dealers. He then traded the guns for drugs and money, according to press reports and court records. At least eight of the guns that Bruce trafficked were recovered in Philadelphia, products of the Williamsport-Philadelphia pipeline.

Bruce bought at least ten guns over two years from one gun dealer in particular, Sauers Trading. The gun dealer should have known that it was dealing with a trafficker and taken steps to halt sales to him before someone got hurt. Instead, Sauers continued to sell guns to Bruce, including a .44 caliber Rossi model 720 revolver purchased in 1997.

Less than two years after it was purchased, the Rossi was apparently ditched by a drug dealer under an abandoned car in South Philadelphia, where it was found by a group of young children who were playing in the area. One of them picked it up and, thinking it was a toy, fired it, striking 7-year-old Nafis Jefferson in the head as he rode his bicycle home. He died six hours later.

Without the irresponsible actions of Bruce and Sauers Trading, feeding guns from across the state into the heart of Philadelphia, Nafis would likely be alive today.

As detailed in Appendix D, the Brady Center represented Jefferson's mother Tennille in a successful lawsuit against Sauers that was settled in 2007.

to identify and to prevent the acquisition of guns by traffickers and the criminals they supply.

Inadequate Security and Off-The-Books Sales

“Bad apple” gun dealers also contribute to the country’s gun violence problem when guns leave their store without a record of legal sale and then end up being used in crime. Often times dealers claim these guns are “missing” or stolen. The ATF has published reports showing that a small number of gun dealers have between 15,000 and 20,000 guns reported as lost or stolen each year. The ATF reported that about 20 percent of gun-trafficking investigations involved guns reported as lost or stolen from gun dealers.³⁴ Between 2004 and 2011, the ATF determined that almost 175,000 guns were missing from dealers.³⁵

Gun dealers are entrusted with the important responsibility of serving as gatekeepers to lethal weapons for the general public, and are therefore required by federal law to maintain inventory, sales records, and other kinds of documentation. However, in enforcement work against potentially problematic dealers, the ATF found that 16 “bad apple” gun dealers each had 200 or more guns that left their stores without a record of legal sale.³⁶ In 2003, the ATF found that Trader Sports of San Leandro, California alone had lost or otherwise failed to account for at least 1,723 guns.³⁷ In 2005, the ATF found that the Kesselring Gun Shop in Burlington, Washington, had almost 2,400 guns that the store claimed were lost, stolen, or otherwise unaccounted for.³⁸

Some thefts are unavoidable. Other thefts are facilitated by poor security practices on the part of gun dealers. Some guns that are reported as lost or stolen are actually sold “off the books” without a Brady background check by gun dealers who then use theft as an alibi for their illegal conduct.

While gun dealers are obvious targets for burglaries, as the gun industry’s trade association states, “there is a strong economic incentive to protect their inventory.”³⁹ Thus, experts agree that the frequent loss of large quantities of guns is a strong indicator that the gun dealer is engaged in illegal, off-the-books gun sales to skirt required background checks or recordkeeping.

An Irresponsible Gun Dealer Supplies the DC Snipers

The Washington, DC area was terrorized for nearly a month in the fall of 2002 as two snipers shot people in the course of everyday life: Prem Kumar Walekar, refilling his cab with gasoline; Linda Franklin, in a Home Depot parking lot; Conrad Johnson on the steps of the bus he drove. Walekar, Franklin, Johnson and seven other people were killed in the attacks, and three others were wounded. They were all victims of bullets fired from a Bushmaster rifle that originated at Bull’s Eye Shooter Supply in Washington State without any record of a legal sale.

Bull’s Eye was a “bad apple” gun dealer that had a problem with “lost” guns. The store repeatedly had been cited for violations by ATF, at one point for having upwards of 200 guns that had left the store without a record of legal sale.⁴⁰ Experts have found that having numerous “missing” guns can indicate that a dealer is illegally selling guns “off the books,” without legal background checks. Neither perpetrator could legally buy a gun. The Bushmaster XM-15 they used was one of those “lost” guns that Bull’s Eye had no record of selling.

The shootings that resulted illustrate the massive harm that can be caused by a single gun from a “bad apple” gun dealer.

As detailed in Appendix D, nine of the victims brought a lawsuit against both Bull’s Eye and Bushmaster.⁴¹ The victims were represented by Brady and the companies settled for \$2.5 million. That won’t bring back Walekar, Franklin, Johnson, or the other victims, but it sends a message that gun companies are responsible for what happens when they run their business the wrong way and cause harm. After Brady brought the civil lawsuit, ATF ultimately shut down Bull’s Eye.

The Problem in Depth: Top Sellers of Crime Guns

In the universe of “bad apple” gun dealers, some have a greater impact than others. In 1998, 55,990 guns were traced back to their original seller by ATF.⁴² A mere 0.2% of gun shops — 132 stores — were responsible for about 27% of these crime guns.⁴³ As explained above, research has shown that this concentration of crime guns is not explained by the dealers’ sales volume, local crime rates, or buyer demographics.⁴⁴

Based on published sources,⁴⁵ Brady has generated the following list of some of the top sellers of crime guns in the country:

Some top sellers of crime guns in the country:

- **Arrowhead Pawn & Gun Shop**
(Jonesboro, GA)
- **Atlantic Gun & Tackle**
(Bedford Heights, OH);
- **Candler Road Pawn Shop /
Lakewood Avenue Pawn Shop, Inc.**
(Decatur, GA)
- **Chuck’s Gun Shop & Pistol Range**
(Riverdale, IL)
- **Don’s Guns & Galleries**
(Indianapolis, IN)
- **Guns & Ammo**
(Memphis, TN)
- **Hyatt Gun Shop**
(Charlotte, NC)
- **Lone Wolf Trading Company**
(Glendale, AZ)
- **Midwest Guns**
(Lyons, Illinois)
- **Realco**
(Forestville, MD)
- **Shooters of Jacksonville**
(Jacksonville, FL)
- **Shore Galleries**
(Lincolnwood, Illinois)
- **Southern Police Equipment Company**
(Richmond, VA)
- **Vance Outdoors**
(Columbus, OH)
- **Westforth Sports**
(Gary, IN)

1%

About 1%
of gun
dealers...

57%

supplied 57%
of crime guns

Chuck's Gun Shop & Pistol Range — Supplying Chicago

Michael Ceriale was a rookie Chicago police officer in 1998 when he was shot and killed by a Gangster's Disciple gang member with a .357 revolver.⁴⁶ Scott Patrick is another murdered police officer. He was an Indiana state trooper who, in 2003, pulled over a motorist and was shot and killed with a .380 caliber semi-automatic handgun.⁴⁷

What these victims have in common is that the guns used to kill them came from Chuck's Gun Shop & Pistol Range, a Chicago-area gun store that has been in operation for nearly 50 years. According to press reports, the murder weapons were straw purchased at Chuck's.

2,599 people were shot and wounded or killed in 2014 in Chicago. The Mayor's office and police department have recently noted that violence in Chicago is "directly linked to the number of illegal guns available in the city," with "a small handful of [local] gun stores... responsible for a disproportionate number of crime guns recovered on Chicago's streets." From 2009 to 2013, more than 1,500 guns found at Chicago crime scenes were traced to Chuck's, the most of any gun dealer and more than the next two gun dealers combined.⁴⁸ During the same time period, the average number of crime guns traced back to other neighboring gun dealers was three.

Responding to allegations of the straw purchase that killed Officer Scott Patrick, Chuck's owner John Riggio told a reporter, **"Everything has happened here...Whose fault is that? I can't control what happens when someone leaves the shop."**⁴⁹

But is Chuck's trying to control what happens inside the shop? Nationwide, from 1996 to 2000, more crime guns were traced to Chuck's — 2,370 — than any other gun dealer in the country.⁵⁰ Over the course of an undercover investigation in the late 1990s by Chicago police, Chuck's Gun Shop & Pistol Range sold pistols, rifles and large-capacity magazines (some of which were illegal under federal law at the time) to people they knew to be residents of Chicago and instructed the buyer on how to avoid attention from the ATF.⁵¹

more than
372
gun homicides
in Chicago in 2014



SOURCE: Tom Rowley. "2 Chicago moms' sons were murdered. Now they're suing 3 suburban towns." *Washington Post*. August 4, 2015."

Don's Guns — Supplying Indianapolis

**"I don't want to make any money.
I just love to sell guns."**

That's what Don Davis tells TV viewers in one of his trademark low-budget ads. What he doesn't tell you is to whom he is selling guns.

Don's Guns in Indianapolis, IN has been repeatedly identified as one of the top sellers of crime guns in the nation. From 2006 through 2009, 1,190 crime guns it had sold were traced back to the store, the third most in the country.⁵²

In 2014, Indianapolis police officer Perry Renn was killed with a gun bought at Don's.⁵³ Another gun from Don's was carried but not fired during the murder of 3-year-old Angel Thompson by members of the gang Gangster Disciples.⁵⁴ A member of a different Chicago gang bought six guns from Don's, at least two of which were recovered from felons.⁵⁵ In June 2002, two members of the Indianapolis Colts football team were held up with an assault rifle purchased from Don's.⁵⁶

The list goes on and on. In the late 1990s, Don's was reportedly the nation's leading seller of Saturday Night Specials to people buying two or more guns.⁵⁷ Saturday Night Specials are small, cheap handguns that are inordinately used in crime. Don Davis's response to this revelation? "I'm proud of it...Poor people need guns more than rich people do....People in the inner city, in the big city, those are the people who need to protect themselves."⁵⁸

Indianapolis had 135 homicides in 2014, and guns were used in 79.3% of them.⁵⁹ A study by the ATF in 2000 found that nearly 70% of the crime guns recovered in Indianapolis originated in just ten gun stores.⁶⁰ Don's is the local gun store that repeatedly appears on lists of the nation's top crime gun providers.

Number of crime guns traced back to Don's Guns:

1996 to 2000

2,294

(second most of gun dealers in the U.S.)

2005

431

(fourth most of gun dealers in the U.S.)

2006 to 2009

1,190

(third most of gun dealers in the U.S.)

Arrowhead Pawnshop — Supplying New York City

How does the nation's fifth leading supplier of crime guns account for the high number of recovered crime guns that originated from his store?⁶¹

“I’m just unlucky, I guess.”⁶²

That’s what the owner of Arrowhead Pawn in Jonesboro, GA told a reporter — on condition of anonymity — when his shop was found to be the top out-of-state source of crime guns recovered by New York’s police department in 2009.⁶³ According to data from the ATF, about 12% of guns recovered in New York City are traced to just 14 dealers.⁶⁴

The connection between Arrowhead Pawn and New York City has tragically continued into the present. On December 20, 2014, NYPD officers Wenjian Liu and Rafael Ramos were shot and killed while sitting in their patrol car in Brooklyn. The shooter, Ismaaiyl Brinsley, had shot and wounded his ex-girlfriend Shaneka Thompson outside of Baltimore prior to traveling to New York. Brinsley used a pistol that was traced back to a sale from Arrowhead Pawn in 1996.⁶⁵

Between 1996 and 2000, 705 crime guns were traced to Arrowhead Pawn nationwide.⁶⁶ From 2006 to 2009, 1,720 crime guns were traced to Arrowhead Pawn.⁶⁷

New York City had 328 homicides and about 1,390 shootings in 2014.⁶⁸ Nearly 70% of the guns recovered by police in New York State in 2013 originated out of state, frequently from states with lax gun sale laws like Georgia.⁶⁹ Georgia has been among the top five states supplying guns to New York for the past eight years.⁷⁰ As recently as 2010, Arrowhead was reportedly the leading out-of-state source of guns recovered by the New York Police Department in crimes.⁷¹

nearly

70%

of the guns recovered
by police in New
York State in 2013
originated out of state

Holding Gun Dealers Accountable Through the Courts

Victims and Survivors Fight Back

Police officers, first responders, children, and others from all professions and walks of life have been killed or seriously wounded with guns sold by irresponsible dealers in negligent or illegal sales. Moreover, shootings resulting from the practices of “bad apple” gun dealers don’t just affect individuals: they affect families, schools, religious and social communities, and entire towns and cities. Mothers lose children, schools lose students, communities lose vital members. While gun violence affects everyone, it has a disproportionate racial impact, with African Americans almost 10 times as likely to be victims of gun homicides as non-Hispanic Caucasians.⁷² Latinos are more than twice as likely to be victims as non-Hispanic Caucasians.⁷³

In this section, we take a look at a few of the victims and survivors of gun violence harmed by irresponsible gun dealers’ actions and what these individuals have done to fight back through the courts. Lawsuits brought by victims that hold gun dealers accountable for reckless, negligent, and/or illegal activities are a major tool to reform the gun industry.

Over the past 25 years, more than 50 lawsuits have been filed, several of which are profiled below. Brady’s lawyers have represented victims in taking on reckless or negligent gun dealers and achieved positive results for victims, their families, and the public. Some of these lawsuits have forced irresponsible gun dealers out of business or spurred ATF to revoke their licenses. Others have forced gun dealers to implement responsible business practices, and have led dealers who were not sued to adopt sensible reforms. Still other Brady lawsuits have forced gun dealers to pay significant monetary damages, providing compensation to victims while creating a powerful incentive for other dealers to employ responsible business practices or pay the price for their negligence.

Many of these lawsuits have established legal precedent throughout the country, allowing gun dealers to be held accountable to victims injured or killed as a result of irresponsible business practices. These trailblazing lawsuits have cleared the way for future legal action against irresponsible gun dealers. The states in which Brady has

more than

84%

decrease in the number of guns recovered by New York City police from “bad apple” gun dealers

achieved these positive holdings include Alaska, California, Florida, Indiana, Kansas, Massachusetts, Mississippi, New York, Ohio, Utah, Washington, and West Virginia.

Academic researchers have found that civil lawsuits that hold gun dealers accountable have a strong positive impact on the gun violence problem.⁷⁴ For example, one study found that public nuisance suits brought by New York City against 25 out-of-state “bad apple” gun dealers led to a more than 84% decrease in the number of guns recovered by New York City police from those stores.⁷⁵ Similarly, lawsuits by the cities of Chicago and Detroit led to “significant reductions in the flow of new handguns to criminals. Guns recovered by police within a year of retail sale by an in-state gun dealer dropped 62% in Chicago and 36% in Detroit after lawsuits were filed there.”⁷⁶

The story of the former leading supplier of Philadelphia crime guns, Lou’s Loan, shows the impact of taking legal action against just one reckless gun dealer.⁷⁷ Between 1996 and 2000, 441 crime guns were traced to Lou’s, ranking it as one of the top 45 suppliers of crime guns in the country, and the worst in Pennsylvania.

14-year-old Anthony Oliver, Jr. was killed with a gun that Lou’s sold to a trafficker. Anthony’s parents had enough and brought a civil lawsuit against Lou’s. The Brady Center represented Anthony’s parents and a settlement was reached. The ATF shut down Lou’s by revoking its license on July 31, 2006. Homicides by firearm in Philadelphia dropped immediately.⁷⁸



Victims of Domestic Abuse:

The Case of Shirley and Zeus Graham

Guns and domestic violence are a deadly combination. Women killed by guns are most often killed by a gun in their own home. Every year, more than 500 women in the United States are murdered by an intimate partner with a gun.⁷⁹ Parents killing children is the second leading form of family homicide.⁸⁰

Zeus Graham was a happy eight-year-old in Kansas. He was in the third grade.⁸¹ He liked to play baseball and soccer, and to ride his bike and wrestle.⁸² He loved to read, especially Harry Potter books.⁸³ He loved school, was very bright, and had a silly sense of humor.⁸⁴ He said he wanted to be a fire chief, like his uncle, when he grew up, and also an attorney and maybe even the president.⁸⁵

On a September night in 2003, Zeus was shot and killed by his father, who then committed suicide.⁸⁶ The shooter was prohibited from possessing guns because he was a convicted felon, having served five years in prison for attempted rape and attempted kidnapping.⁸⁷ But he was able to get a shotgun earlier that day at rural Kansas dealer Baxter Gun and Pawn, which he visited with his grandmother.⁸⁸ According to sworn testimony from his grandmother, he told one of the owners of Baxter that he was a felon, yet the dealer had his grandmother fill out the paperwork and complete the background check for the gun, while he handed over cash to pay.⁸⁹ The store proceeded with the sale, and he walked out with a gun.⁹⁰

That night, he called Zeus' mother, his estranged wife Elizabeth Shirley, telling her that he had bought a gun and that he would kill Zeus if she didn't come to his house. By the time she called police and called him back, Zeus was dead.⁹¹

Elizabeth Shirley was forever deprived of her son.⁹² With all of his plans, Elizabeth said she would have loved to know what Zeus would have become.⁹³

In spite of what she's gone through, Elizabeth said, she doesn't want sympathy.⁹⁴ Rather, she wants

more than

1,700

homicides were committed by a family member in 2011

In almost

25%

of murders, the relationship between the victim and perpetrator is known

understanding and help so nothing like this happens to another family.⁹⁵ Her son's killer should not have been able to get that shotgun.⁹⁶

This, she said, is the reason why she enlisted Brady's help in her lawsuit to hold the gun dealer accountable.⁹⁷ On behalf of Elizabeth, Brady achieved a major legal victory when the Kansas Supreme Court recognized that gun dealers owe the "highest standard of care" when selling guns.⁹⁸ The owners of Baxter Gun & Pawn later settled the case for the maximum amount available under their insurance policy, as well as a financial payment from their personal assets. Elizabeth said she doesn't want anyone to have to go through what she did, and hopes her lawsuit and her story will save lives.⁹⁹ Having to buy a casket for an 8-year-old is something no parent should experience, she said.¹⁰⁰



Victims of Hate Crimes: Ricky and Sherialyn Byrdsong

One of the most pernicious forms of violence are hate crimes. “Bad apple” gun dealers have supplied some of the perpetrators of these crimes. The story of Ricky Byrdsong and Won-Joon Yoon demonstrates the harm caused by one irresponsible gun dealer.



Sherialyn Byrdsong likes to say that her husband Ricky Byrdsong, Jr. was a good man.¹⁰¹ A religious man. A family man. He was head basketball

coach at Northwestern University and an inspiration to many. He was a loving father.

On the weekend of July 4, 1999, while Ricky was jogging with his and Sherialyn’s two children, he was shot and killed. Ricky was murdered by a domestic violence offender and white supremacist, who killed Byrdsong and graduate student Won-Joon Yoon, and wounded nine others. The racism-fueled shooting spree spanned two states and lasted three days. The assailant was a follower of a white supremacist “church” and targeted Jews, African-Americans, and Asian-Americans, who were “mud people” according to his racist beliefs.

The perpetrator was prohibited from buying guns because he was subject to a domestic violence protective order. He had tried to buy a gun from a federally licensed firearms dealer, but couldn’t pass a background check. Instead, he bought two guns through a classified ad from a gun trafficker named Donald Fiessinger. The assailant bought his guns from Fiessinger less than ten days before beginning his rampage. Over two years, licensed gun dealer Old Prairie Trading Post in Pekin, IL, had sold Fiessinger over 70 guns, mostly the cheap handguns known as “Saturday Night Specials.”¹⁰²

Brady represented Sherialyn Byrdsong, the family of Won-Joon Yoon, and other victims in a lawsuit against Old Trading Post, Fiessinger, and the manufacturer of the gun, Bryco Arms. Fiessinger was indicted for illegally selling firearms shortly after the shootings; Old Prairie’s owner was also indicted and convicted for participating in illegal sales. Bryco and the store declared bankruptcy during the lawsuit.



Victims of Gang Violence: Officer Thomas Wortham IV

Chicago has become notorious as a center of gang violence. In 2012, the Chicago police found that there were 600 gangs with a combined 70,000 members operating in the city.¹⁰³ In 2011, there were 144 gang-related homicides.¹⁰⁴

almost
83% of murder victims
in Chicago were
shot with handguns

On the night of May 19, 2010, Chicago police officer Thomas Wortham IV was visiting his parents at their home in the Chatham neighborhood in the city’s South Side. He had just returned from National Police Week events in Washington, D.C. and New York City, where he had run a race in honor of a fallen Chicago officer killed the year before.

After showing his parents pictures from the events, Officer Wortham left the house and walked toward his motorcycle. His father, retired police Sergeant Thomas Wortham III, watched him from the doorway. Suddenly, a group of gang members appeared, pointed a pistol at the younger Wortham, and demanded he surrender his motorcycle. Officer Wortham drew his service weapon, while his father ran into the house to get his own gun. In the exchange of gunfire that followed, one of the gang members killed Officer Wortham.

Thomas Wortham IV dedicated his life to public service.



He had served two tours in Iraq before becoming a police officer, and in his spare time, he served as the head of a community advisory board, working to stop gun violence in the neighborhood where he grew up. Just a few days before he was killed, he told the Chicago Tribune, “When people think of the South Side of Chicago, they think violence.”

He continued, “We’re going to fix it, so it doesn’t happen again.”¹⁰⁵ Three days later, he became a victim of that very violence.

The .45 caliber pistol used to kill Thomas Wortham was first sold in a multiple sale of three handguns to a straw purchaser at Ed's Pawn Shop in rural Byhalia, Mississippi. The actual buyer was a trafficker who ran the guns to Chicago.

Brady filed a lawsuit for Officer Wortham's parents against Ed's, alleging that the pawn shop failed to recognize obvious warning signs that the sale was a straw purchase. These warning signs included that the buyer, whom they hadn't seen before, bought three handguns, and that he paid in cash. A year after the Wortham's filed their suit, Ed's settled and agreed to go above and beyond the law to help stop straw purchases and trafficking by videotaping all handgun sales and by contacting law enforcement whenever a customer buys more than one handgun in thirty days.

The Wortham story provides an example of the reforms gun dealers can take to stop supplying guns to criminals.



Law Enforcement Under Fire: Kenneth McGuire - Two New Jersey Cops Finally Get Justice

Guns in criminal hands are the biggest threat to the safety of law enforcement officers. Guns were the leading cause of officer deaths in 2014.¹⁰⁶ Ken McGuire's story is one of the many involving officers who are shot. Four years into his service with the Orange, NJ police department, his career was ended by a gun sold to a straw purchaser by Will Jewelry and Loan.

On January 12, 2001, Orange Police Detective David Lemongello was on a stakeout at a gas station that had been repeatedly robbed.¹⁰⁷ Lemongello spotted an individual who matched the description of a suspect in the robberies. At the order of his supervisor, Lemongello got out of his car and called out to him.

The perpetrator turned around and shot Lemongello three times, hitting him in the lung, stomach and arm, before fleeing the scene. Lemongello radioed for help. Officer McGuire, who was a mile away, quickly arrived at the scene and pursued him into a backyard, where he was hiding in some bushes. The assailant began shooting, and Officer McGuire returned fire. The assailant was killed, while

McGuire was shot in the leg and the stomach. He lost 17 units of blood, parts of his internal organs and sensation in his foot. His career as a police officer was over.

McGuire was furious when he found out how a convicted felon, prohibited from owning a gun, had obtained the Ruger 9mm pistol used in the shootings. The gun was straw purchased six months earlier from Will Jewelry and Loan, a pawn shop 500 miles away in South Charleston, West Virginia. Using a straw purchaser with a clean record, gun trafficker James Gray picked out 12 guns in view of a store employee. The straw purchaser filled out the forms and handed over thousands of dollars in cash.

"Can there be any doubt that the pawn shop knew [they] were selling 12 handguns destined for a crime? What legitimate gun owner would buy 12 handguns at a time? These are all questions you have to think about," said McGuire.

With Brady's lawyers representing them, McGuire and Lemongello filed a lawsuit against Will Jewelry and Loan. The pawn shop ultimately settled the case for \$1 million (insurance policy limits) and, even more important to McGuire, they changed their business practices. The pawn shop no longer sells more than one handgun per month per customer. Seeing the outcome of the lawsuit and the devastation caused by gun trafficking, two other nearby gun dealers voluntarily adopted this policy as well.

"We...sent a message to gun dealers across the country: those who put the almighty dollar ahead of public safety in selling guns will pay a high price," said McGuire.

almost

47

police officers are shot and killed in the line of duty each year



about

2,178

police officers are shot and wounded in assaults each year

What We All Can Do

“Bad apple” gun dealers represent a primary driver of America’s gun crime problem. Just a handful of reckless, irresponsible gun dealers supply the guns used to threaten, injure, and kill hundreds of thousands of people every year. Preventing the gun violence enabled by these dealers will save countless lives in communities across the nation.

Stopping or reforming “bad apple” gun dealers is a challenge that must be met with sensible solutions. Through concerted effort by lawyers, activists, interest groups, policy-makers, law enforcement, and the media, the “bad apple” gun dealers that flood our streets and communities with crime guns can be identified and reformed, or shut down if they refuse — all without harming law-abiding gun owners and the 86 percent of America’s gun dealers who take their responsibilities seriously.

What Gun Sellers Can Do: Adopting the Brady Code of Conduct¹⁰⁸

Gun dealers are crucial gatekeepers that stand as the front line of defense to prevent dangerous people, straw purchasers, and traffickers from obtaining guns. Most gun dealers, like most gun owners, are business owners who want to do all they can to ensure that firearms are only possessed by responsible, law-abiding people. Responsible gun sellers know that their families, friends and communities are safer when they keep guns out of the wrong hands. By employing reasonable business practices, a gun dealer can reduce dangerous people’s access to guns—and, correspondingly, gun crime, deaths and injuries.

Brady encourages gun dealers to adopt the Code of Conduct included in this report as Appendix A. It defines some policies and practices gun dealers should adopt to prevent the diversion of guns into the illegal market. Each element of the proposed Code has been suggested by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), been imposed as a legal requirement in certain states, been accepted by dealers as part of litigation settlements, or been urged as a standard by major gun industry trade associations.

The Code cannot—and does not—contemplate the unique circumstances a particular gun seller faces

in his or her community, nor the discrete facts of any particular sale. Nor does it include every reasonable business practice that gun dealers should employ to prevent dangerous people from obtaining guns, nor does it remove the gun dealers’ duty to exercise reasonable care in selling firearms. But, implementing the Code, in addition to following all applicable federal, state and local laws regarding gun sales, will dramatically decrease the probability that a dealer will be a source of guns for criminals, straw purchasers, gun traffickers, and other prohibited or dangerous people.

What Business and Corporate Leaders Can Do: Urge Dealers to Protect Vulnerable Communities by Adopting Proven Industry Best Practices

From Main Street to Wall Street, businesses, professional associations, and societies including local chambers of commerce, Rotary Clubs, and Jaycees can bring their professional experience and industry knowledge to a conversation with gun dealers and the gun industry about adopting best business practices. Every retailer knows the value of regular inventory audits and reporting as well as background checks on employees, yet these same measures aren’t required of gun dealers. Every business knows the value of



fostering a safe and secure environment for commerce through improving public safety, yet gun dealers are not required to video record gun sales. These are the basic good business values reflected in Brady's Gun Dealer Code of Conduct.

The same best business practices accepted across many industries must be employed by gun dealers, and who better to deliver the message than fellow business leaders who understand competing priorities. Indeed, for poorer neighborhoods and communities of color that are disproportionately impacted by gun violence, corporate America has developed a strong record of outreach by partnering with activist groups like Rainbow PUSH, the NAACP, Urban League, NCLR, and others to reach beyond the board room and to hold accountable corporations, businesses, and industries across the country.

Gun violence is at epidemic levels in the United States, especially among communities of color and our nation's youth. By agreeing to address the 5 percent of "bad apple" gun dealers, business and corporate leaders can also highlight those dealers large and small that already take their civic responsibilities seriously to promote and protect the public's safety as well as the corporate bottom line.

Business owners and employers can also speak in practical terms about the dangers posed by guns to employers and employees alike, as well as in various other public venues, where no background checks or other common sense gun laws are in place. Finally, corporate America can speak with unique insight about community relations where a village like Riverdale, Illinois, home to a well-known crime gun supplier whose business has grave implications on its neighbors in Chicago, or where states like Georgia, Nevada, and Arizona with lax gun laws don't show concern for the crime guns flowing from inside their borders into states with strong gun laws like California, New York, and New Jersey. Certainly, some of the leading corporations in



America, as well as worldwide, are headquartered out of Chicago and have reach into Indiana, Mississippi, and elsewhere around the country, where most crime guns ending up on Chicago streets are originally sold in retail. Likewise among the leaders of the software and technology industries of Silicon Valley, they have the ability to reach into Arizona, Georgia, Texas, and elsewhere with jobs and commerce at stake.

What Communities Can Do

Communities can play an important role in reducing gun violence enabled by the practices of "bad apple" gun dealers. They can identify who the "bad apple" gun dealers are that are supplying guns to their area. By developing contacts with the local police and the press, activists on the ground can push for the release of information on how guns are getting to the streets of their communities. Many of the questions outlined below for members of the media are also useful for local activists to ask.

The source of many crime guns is frequently a local "bad apple" gun dealer. Grassroots activists against gun violence can bring attention to their practices and push for reform or closure. A good example in Chicago is the Rainbow PUSH Coalition which has, for years, protested against top crime gun seller Chuck's Gun Shop & Pistol Range (discussed in Section IV). In Cleveland, Greater Cleveland Congregations is working to stop Atlantic Gun and Tackle from flooding that city's streets with guns. Similarly, in Philadelphia, Heeding God's Call, an interfaith group against gun violence, helped to close down local top crime gun seller Colosimo's Gun Center. With sufficient local pressure, many more "bad apple" gun dealers can be given the impetus to reform or shut their doors.

The news media can play a critical role in exposing the practices of "bad apple" gun dealers impacting their communities.

Brady is organizing protests of “bad apple” gun dealers to educate and activate communities impacted by gun violence. On September 6, 2014, in front of Chuck’s Gun Shop & Pistol Range, Brady launched the “Stop Bad Apple Gun Dealers” campaign. Standing with Brady were victims and activists, including Father Michael Pfleger, Bishop James Duke of the National Action Network, and allies from Saint Sabina Church and the Illinois Council Against Handgun Violence. Together, the groups joined with people from across the Chicagoland area in calling for an end to the reckless, irresponsible and/or illegal acts of gun dealers like Chuck’s.

Brady continued its series of protests with an event held in Phoenix on December 6, 2014. The policies and practices of “bad apple” gun dealers have undoubtedly led to many of the several thousand gun murders in Arizona in the past decade, victims of which were more than twice as likely to be Latino. Windy City Pawn Brokers, a member of a consortium of gun dealers called the Arizona Pawn Group, is one such gun dealer that has put the public at risk. In 2002 and 2003, the store sold 102 guns in just three high-volume sales to straw purchasers and interstate gun traffickers. In response, Brady stood with representatives of Arizonans for Gun Safety, Moms Demand Action, former board member of National Council of La Raza Daniel Ortega, Reverend Jose Olagues, U.S. Representative Ruben Gallego, Arizona State Representative Reginald Bolding, and Jose Guzman and Lupe Sanchez, whose 17 year-old son was killed in an act of gun violence, prompting them to form Parents and Relatives of Murdered Children. Chris Kitaeff, a federally licensed gun dealer, highlighted how gun dealers could prevent dangerous people from getting guns and the need to adopt the Brady Code of Conduct.

The third stop on Brady’s national campaign to highlight and end the practices of “bad apple” gun dealers was in Philadelphia. On April 24, 2015, Brady was joined by its New Jersey Million Mom March Chapter, Heeding God’s Call, Mothers in Charge, CeaseFire PA, and others to protest area gun dealer Firing Line. At least 64 guns connected to crime had been traced to Firing Line. Brady and its partners called on the gun dealer to commit to Brady’s Code of Conduct and thereby reduce the chances that one of its guns would end up in the hands of dangerous people.

On June 6, 2015, Brady returned to Chicago to protest Chuck’s with a diverse group of partners, including Rainbow PUSH coalition, Chicago Citizens for Change, People for a Safer Society, Kids off the Block, Hadiya’s Promise, Purpose Over Pain, and GPAC. Standing with victims and survivors of gun violence, the groups protested Chuck’s again, showing that they will not go away until the gun dealer reforms its practices.

How the News Media Can Better Cover “Bad Apple” Gun Dealers

The news media can play a critical role in exposing the practices of “bad apple” gun dealers impacting their communities. In the past, such media coverage has led stores to change sales practices and thereby has helped decrease gun violence. The media can shine a light on gun trafficking and straw purchasing by digging into incidents of gun violence to highlight the everyday flow of guns from “bad apple” gun dealers to the streets.

Media outlets should be aware that simply because a gun dealer conducted a Brady background check, that does not mean that the sale was legal or that the dealer did nothing wrong. The dealer may have sold the gun illegally or negligently. Straw purchasers, for example, are people with clean records who can pass a Brady background check, but that does not mean that their activities are legal; straw purchasing is a crime.

When covering a gun crime or other story involving a gun, the media can inform the public where the gun came from and determine if a “bad apple” dealer was involved by asking some key questions:

- What was the make and model of the gun?
- How did the shooter get the gun?
- What was the name and address of the store that the gun was traced to?
- Was the gun sold directly to the shooter by the gun dealer?
- Was the gun sold to a straw purchaser or gun trafficker?
- What were the circumstances of the gun sale?
- Was there a video tape of the sale?

- Were there indicators that would suggest that the sale might have been intended for the criminal market or dangerous hands?
- Did the gun dealer ask enough questions to make sure that the sale was legitimate and not a straw purchase or other dangerous sale?
- Did the gun dealer who sold it fulfill all of their legal obligations in selling the gun?
- Did the purchaser buy other guns from the dealer?
- How much time passed between the sale of the gun and the commission of the crime?
- Was the shooter legally prohibited from owning a gun, i.e. a minor, a felon, previously committed to a mental institution, subject to an order of protection, or otherwise disallowed from owning a gun?

What Law Enforcement Can Do

The police and other law enforcement agencies are on the front lines of the fight against gun violence; as profiled above, their members are often victims of guns from “bad apple” gun dealers. To help protect public safety and officer safety, law enforcement agencies should trace every gun that they recover, and, within the boundaries of the law, release information publicly about the sources of crime guns in their communities. Law enforcement agencies should also work collaboratively with other agencies to identify “bad apple” gun dealers in their jurisdictions and name them publicly.

Releasing information to explain the source of crime guns and to identify “bad apple” dealers will educate the public and can impact “bad apples.” On the other hand, keeping information from the public can have tragic consequences.¹⁰⁹

Another particularly effective tactic against “bad apple” gun dealers has been undercover sting operations in conjunction with lawsuits on behalf of the public. When this strategy was used by Chicago, it reduced the diversion of new guns to criminals by 46%.¹¹⁰ In Detroit, it reduced the number of new crime guns sold by in-state dealers by almost 36%.¹¹¹



Provided they have adequate resources, federal law enforcement agencies must do their job as well. The ATF can work with local law enforcement agencies to promote interjurisdictional efforts to identify, reform, and potentially prosecute “bad apple” gun dealers. This should include focused inspections of “bad apple” gun dealers on an annual basis. Past ATF investigations of dealers with a significant number of traces showed a high number of legal violations.¹¹² The ATF should also publicly release a list of “bad apple” gun dealers on an annual basis. An investigation by President Clinton’s administration showed that a small number of “bad apple” dealers were supplying the majority of crime guns; that the dealers were selling crime guns disproportionate to the volume of guns they sold and that the “bad apple” gun dealers were committing violations of the law at a much higher rate than other dealers. The Clinton administration took action, they revoked the licenses of some “bad apples” and they recommended further enforcement action be taken against over the many of the rest. The progress halted by the Bush administration can be regained.

Members of law enforcement often purchase guns for personal use. They can choose to buy these firearms from gun dealers that have sound business practices rather than from the “bad apple” gun dealers that are creating a dangerous environment for law enforcement and the public

What States and Municipalities Can Do

Municipalities and states have an important role to play in dealing with “bad apple” gun dealers. They can

serve to complement federal policymaking, supported by research that has found that state-level gun violence prevention measures work.¹¹³

Municipalities and states should pursue increased regulation of gun dealers because these policies are associated with decreased gun trafficking and lower homicide rates.¹¹⁴ This can include a requirement that dealers be licensed at the municipal or state level and be required to implement effective recordkeeping, security practices, and employee background checks.

High volume sales can be eliminated by limiting the number of guns an individual can buy within a specific time frame (for example, one-handgun-per-month). A study showed that in the 18 months after Virginia implemented a one-handgun-per-month law, crime guns recovered from Virginia in the northeastern U.S. dropped as a share of all guns recovered from 35% to 16%.¹¹⁵

Outside of legislation, municipalities and states can create market pressure for reform by taking their business away from “bad apple” gun dealers. For example, the group Arms With Ethics reported that 14 Florida municipalities are obtaining firearms for their police departments only from vendors that adhere to best practices.¹¹⁶

Municipalities and states can also play a role in bringing public attention to the problem of gun violence and “bad apple” gun dealers. For example, the City of Chicago worked with the University of Chicago’s Crime Lab to analyze data on the source of the city’s crime guns. Through this collaboration of policymakers, law enforcement, and academic researchers, valuable information was made public in the city’s “Tracing the Guns” report.¹¹⁷ Other municipalities and states should replicate the work of the City of Chicago in their own jurisdictions.

What Congress Can Do

There are a number of steps that federal policymakers can take to strengthen protection of the public from gun violence enabled by “bad apple” gun dealers.

First, Congress should eliminate the Tiahrt Amendment, a provision first introduced in 2003 that was

subsequently amended and reattached each year to the appropriations legislation that funds the ATF, with the current version having been attached to the 2012 appropriation bill.¹¹⁸ The Tiahrt Amendment prevents the ATF from publicly releasing certain data on crime gun traces, as the agency had previously done. Tiahrt uniquely prevents ATF from complying with its duties under the Freedom of Information Act (FOIA), and prevents ATF from requiring gun dealers to follow best practices and submit inventories.

While the provision was falsely promoted as a means to protect law enforcement investigations, existing FOIA provisions already prevent sensitive investigative information from being released to the public. The Tiahrt Amendment is little more than a shield from necessary scrutiny for “bad apple” gun dealers.¹¹⁹ By hiding the names of “bad apple” gun dealers and the number of traced crime guns they sell, the Amendment allows the gun industry to keep the public in the dark about which dealers are responsible for supplying the majority of crime guns. This is a disservice to both the public and to the hard-working, responsible business people who make up most of the gun dealers in the country.

Second, the Stop Illegal Trafficking in Firearms Act, debated by Congress in 2013, would strengthen current law against straw purchasing and trafficking. Currently, straw purchasers must be prosecuted at the federal level for providing false information on forms, and dealers can be prosecuted for aiding and abetting those offenses. This legislation would explicitly make straw purchasing for a prohibited purchaser a federal crime. It would also explicitly make gun trafficking a federal crime akin to drug trafficking, a critical step to allow law enforcement to prosecute individuals who buy guns intending to resell them.

Third, Congress must Finish the Job and require Brady background checks whenever a firearm is sold. Background checks serve two important purposes. The first is to prevent prohibited and dangerous people from getting access to firearms by identifying felons, domestic abusers and the dangerously mentally ill at the point of sale. The second is to provide law enforcement with an effective tool to identify and

prosecute gun traffickers. If each seller is required to retain proof of the background check when they transfer a gun, then straw purchasers and gun traffickers can be prosecuted when they turn a gun over to a buyer who cannot pass a background check. The investigation and prosecution of gun traffickers for failing to complete background checks will assist law enforcement in cracking down on those who supply the criminal gun market.

Fourth, Congress should give ATF all of the tools it needs to do its job. It should repeal portions of the Firearm Owner's Protection Act that limit routine dealer inspections by ATF to one per year and establish an unnecessarily high legal standard for revocation of a dealer's license. A report by the Department of Justice's Inspector General found that "ATF's inspection program is not fully effective for ensuring that [Federal Firearms Licensees] comply with federal firearms laws because inspections are infrequent and of inconsistent quality, and follow up inspections and adverse actions have been sporadic."¹²⁰ In 2012, ATF reported that it did not meet its goal of inspecting all gun dealers on a cyclical basis, resulting in over 58% of gun dealers having not been inspected within 5 years.¹²¹ Further, ATF has not been able to conduct sufficient inspections on the "high-risk" gun dealers that ATF believes are more likely to be involved in gun trafficking.¹²²

The ATF requires adequate funding to ensure uniformly high quality, frequent inspections of gun dealers with effective follow up and enforcement. In addition, the ATF should be provided with the policy tools it requires: permission to terminate the licenses of dealers who have been convicted of felonies; permission to establish anti-theft security standards for gun dealers; and the power to levy a greater variety of administrative sanctions against dealers found in violation of the law.¹²³

Fifth, the proposed Equal Access to Justice for Victims of Gun Violence Act would also help strengthen public safety against the practices of "bad apple" gun dealers. This legislation would allow "bad apple" gun dealers and gun manufacturers to be held liable for negligence and product liability, just like every other industry in the United States. Since 2005, the Protection of Lawful Commerce in Arms Act (PLCAA) has impeded some civil litigation against irresponsible gun dealers and manufacturers, enabling them to supply the criminal gun market, often with no cost or risk of being held accountable. Victims of gun violence have a right to hold accountable those who contributed to their situation, just as victims of any other product do. The Equal Access to Justice for Victims of Gun Violence Act would restore their access to that right.



Acknowledgments and Notes

The Brady Campaign and Center to Prevent Gun Violence are national non-profit organizations that develop and implement extensive public health and safety programs, engage in policy advocacy, and utilize the courts to reduce gun deaths and injuries in the United States. Through its legal action work, Brady represents victims of gun violence in cases against irresponsible gun sellers and owners. Through its public health and safety programs, Brady's goal is to inspire safer attitudes and behaviors around the 300 million guns already in homes and communities across the nation. Through its legislative and grassroots mobilization efforts and its network of

Million Mom March and Brady chapters, Brady seeks to expand the use of Brady background checks and to engage gun violence survivors and impacted communities.

If you have any questions about any part of this report, or would like a copy, please contact us via the form at <http://www.bradycampaign.org/contact> or write to Organizing, Brady Campaign and Center to Prevent Gun Violence, 840 First Street, NE, Ste 400, Washington, DC 20002. The report is also available at:

<http://www.bradycampaign.org/our-impact/campaigns/stop-bad-apple-gun-dealers>

The Brady Campaign and Center to Prevent Gun Violence are national non-profit organizations that develop and implement extensive public health and safety programs, engage in policy advocacy, and utilize the courts to reduce gun deaths and injuries in the United States.

Throughout this report, we consciously attempted to minimize the specific naming of any “shooters” often generally referred to as “the assailant,” unless it is deemed absolutely necessary to name the individual perpetrator. This is for three main reasons: to minimize any infamy of the individual perpetrator; to deter “copycat” behavior; and to maintain the focus on the individuals assaulted, injured, and killed. While it is tempting to draw attention to the extent of the ongoing problem of unchecked sales of guns by creating “poster boys” of these assailants, various experts have repeatedly stressed the need to minimize public attention to them as individuals. Indeed, the FBI has launched “Don’t Name Them,” a national campaign to encourage the media to rethink the way they cover these stories by not focusing as much on the shooters. However, we do name individual sellers and “straw purchasers” whenever possible, and encourage their use as persuasive and identifiable examples as they are all too often not identified, named, or brought to justice for their part in irresponsibly providing the guns to these dangerous and prohibited people.

Appendix A: Brady Gun Dealer Code of Conduct

The gun dealer commits to do all that it reasonably can to prevent dangerous people from obtaining and using firearms, including, but not limited to, doing the following:

1. Prevent sales of guns to straw purchasers or gun traffickers.

Law enforcement has long recognized that many criminals obtain guns through straw purchasers and gun traffickers who buy guns from licensed gun dealers in order to supply the criminal market. It is the duty of gun dealers to deny sales where there is a sufficient likelihood or suspicion that it is a straw purchase—that is, that the gun is not intended for the person completing the required federal form (Form 4473). Gun dealers should therefore do all they reasonably can to prevent sales to straw purchasers or gun traffickers, including, but not limited to:

- Screen for and refuse to sell to straw purchasers, including by observing and asking questions of prospective purchasers to determine if they are buying for someone else.
- Maintain records of all trace requests received from ATF and all purchasers that bought a gun later traced to crime to identify such potential purchasers if they attempt to purchase another firearm.
- Screen for and refuse to sell guns or ammunition to purchasers that exhibit signs of alcohol intoxication, drug use or possession, or mental instability.
- Prohibit dealer personnel from directing a customer as to how to answer questions or forms required to be completed in connection with the sale.
- Limit purchases of handguns to one per 30 days per civilian, non-law enforcement customer.

2. Prevent sales to persons prohibited from buying guns or too dangerous to possess guns.

As a result of the landmark Brady Law, federally-licensed gun dealers must check the buyer's background to make sure that he or she is not prohibited from possessing guns. Brady background checks have stopped more than 2.4 million gun sales to prohibited purchasers including

convicted felons, domestic abusers, fugitives from justice, and other dangerous individuals. Gun dealers should therefore do all they reasonably can to ensure that background checks are as effective as possible, including, but not limited to:

- Refuse to transfer a firearm until a background check has been completed and the purchaser is cleared to purchase the firearm.
- Search state court and criminal government databases that may provide information on whether the potential purchaser is prohibited.
- Refuse to sell a firearm to a potential purchaser if the dealer has information that the purchaser may be a danger to themselves or others.
- Refuse to sell firearms at gun shows unless all firearm sales at such shows are conducted only upon completion of a background check.
- Perform background checks for private sellers for a reasonable fee.

3. Prevent criminals from obtaining firearms through thefts.

Criminals sometimes obtain guns from gun dealers through theft, and those guns, necessarily, end up in the hands of criminals. Gun dealers should therefore do all they reasonably can to develop a safety plan to protect the dealership and deter theft, including, but not limited to:

- Develop a plan that includes adequate locks, exterior lighting, surveillance cameras, alarm systems and other anti-theft measures and practices. The plan shall address the safe storage of weapons and ammunition that is displayed during business hours
- Electronically record the make, model, caliber or gauge, and serial number of all firearms that are acquired no later than one business day after their acquisition and electronically record their purchaser no later than one business day after their disposition. Monthly backups of these records shall be maintained in a secure container. All firearms acquired but not yet disposed of must be accounted for through a daily electronic inventory check that is maintained at a secure location.

- Provide immediate notification of any and all loss or theft of any firearms to local and federal law enforcement authorities.

4. Ensure that employees are responsible, law-abiding people that are prepared to be effective gatekeepers.

To be an effective gatekeeper, gun dealers should employ responsible, diligent, law-abiding people, and develop and provide resources to equip its employees with the tools to keep guns out of the wrong hands. Gun dealers should therefore do all they reasonably can to employ responsible people that are trained to adhere to comprehensive and current compliance policies and procedures, including, but not limited to:

- Conduct pre-employment background checks on all potential employees, including contacting references and prior employers, as well as conducting a criminal history check that is the same as what gun buyers have to complete.
- Require that all new employees attend a training session prior to selling any firearms, and on an annual basis thereafter. The training sessions shall cover, at a minimum, the law governing firearm transfers; how to recognize straw purchases; how to recognize indicators that a person is attempting to purchase firearms illegally and may be diverting them for later sale or transfer, and how to respond to those attempts.
- Review the circumstances surrounding each firearm at issue in each ATF Trace Request, including a review of the videotape or electronic recording of the sale. Any sales person who participates in a clear or obvious straw purchase in violation of store policy or law will be terminated and dealer will seek and support criminal prosecution, as appropriate.
- Annual review and update of compliance policies, procedures and training materials; develop new policies, procedures and training materials that would have detected and prevented past sales to gun traffickers, straw purchasers or other dangerous people.
- Produce a bi-annual report of the store's safety and compliance record, and make it available to the public; specifically highlighting the total number of guns

traced to the store in the prior 6 months broken down by month; the number of known straw purchases either attempted or completed within the past 6 months broken down by month; and the number of violations cited by the ATF over the past 6 months.

5. Assist law enforcement to investigate and prevent criminal access to guns.

A gun dealer is the principal agent of federal enforcement in restricting criminals' access to firearms. Law enforcement relies on gun dealers to provide information to initiate, expand and pursue successful prosecutions of criminals that are unlawfully trying to obtain firearms. The gun dealer is often the "eyes and ears" for law enforcement and will be in possession of unique information that will be of vital assistance to law enforcement. Gun dealers should therefore do all they reasonably can to assist law enforcement, including, but not limited to:

- Immediately notify local and federal authorities of any suspected straw purchasers, prohibited purchasers or dangerous individuals who attempt to obtain guns.
- Immediately notify local and federal authorities of any multiple handgun purchases that occur within any ninety day period.
- Videotape (including audio) and/or electronically record (including audio) the point-of-sale of all firearms transactions and maintain the videos or electronic recordings for at least 5 years.

6. Maintain insurance for victims who are entitled to compensation.

Most businesses maintain adequate insurance to potentially compensate victims of wrongful conduct who are entitled to compensation. Victims of gun violence whose injury or loss was caused by the irresponsible practices of a gun dealer deserve to be compensated for their injuries. A responsible gun dealer should not keep profits that resulted from its failure to keep guns out of the wrong hands. Gun dealers should therefore secure liability insurance that will insure the dealer against liability for damage to property and for injury to, or death of, any person as a result of the sale, lease or transfer of a firearm or ammunition. Participating retailers will phase in the provisions of Code of Conduct within 6 months.

Appendix B: 50 “Bad Apple” Gun Dealers With 200 or More Traces From 1996 to 2000

Adapted from Americans for Gun Safety Foundation List¹²⁴

“Bad apple” gun dealer	Traces (1996 to 2000)	City	State
Chuck's Guns	2370	Riverdale	IL
Don's Guns & Galleries, Inc.	2294	Indianapolis	IN
Southern Police Equipment Company, Inc.	1181	Richmond	VA
Lakewood Avenue Pawn Shop, Inc.	1024	Decatur	GA
Atlantic Gun & Tackle Dist. Co, Inc.	909	Bedford Heights	OH
Realco Guns, Inc.	897	Forestville	MD
Hyatt Coin & Gun Shop, Inc.	847	Charlotte	NC
Bradis Inc.	820	Camby	IN
Pop Guns	745	Indianapolis	IN
Suburban Sporting Goods	712	Melrose Park	IL
Arrowhead Pawn Shop, Inc.	705	Jonesboro	GA
Westforth Sports, Inc.	694	Gary	IN
Lee, Billy and Susan (The Gun Store)	646	Doraville	GA
Guns and Ammo	610	Memphis	TN
Shawnee Gun Shop Inc.	588	Overland Park	KS
Lou's Gun Shop & Police Supply	574	Hialeah	FL
Vance's Shooters Supplies, Inc.	556	Columbus	OH
Green Top Sporting Goods, corp	554	Glen Allen	VA
Cash Indiana Inc.	537	Lake Station	IN
Degoff's Inc.	534	Mechanicsville	VA
Blythes Sport Shop, Inc.	514	Griffith	IN
Carter's Shooting Center, Inc	479	Spring	TX
Kransner Loan Co., Inc.	461	Memphis	TN
Cash Indiana Inc.	451	Chesterton	IN
Woods Gun Shop, Inc.	426	Tarrant	AL
Bill's Gun Shop and Range	373	Robbinsdale	MN

“Bad apple” gun dealer	Traces (1996 to 2000)	City	State
Shooters Shop Inc.	371	West Allis	WI
Jack's Loan Office, Inc.	365	Gary	IN
Nelms, Shawn Felix	353	Dallas	TX
Lone Wolf Trading Company	334	Glendale	AZ
Specialty Arms	322	Laverne	TN
Gat Guns, Inc.	316	Dundee	IL
Alston Vincent Gun Shop, Inc.	271	Baltimore	MD
Miami Police Supply, Inc.	266	Miami	FL
Moreland Pawn Shop, Inc.	263	Atlanta	GA
Cash America Inc. of Louisiana	256	New Orleans	LA
Wallace & Wallace, Inc.	254	Smyrna	GA
Moss Pawn Shop	248	Jonesboro	GA
Outdoor World	247	Capitola	CA
Stahl, George W.	245	Tempe	AZ
Hialeah Range and Gun Shop, Inc.	243	Hialeah	FL
Atlantic Guns, Inc.	242	Silver Spring	MD
The Gun Cellar	235	Birmingham	AL
Dixie Gun & Pawn, Inc.	225	Mableton	GA
Superior Pawn Company	225	Virginia Beach	VA
On Target, Inc.	224	Severn	MD
Bob Cheek Shooting Supply	216	Plainfield	IN
Patriot Services, Inc.	210	Richmond	VA
The Shooters Shop	208	Philadelphia	PA
Ron Peterson Guns, Inc.	200	Albuquerque	NM

* Data from “Selling Crime: High Crime Gun Stores Fuel Criminals”. Americans for Gun Safety Foundation. January 2004.

Appendix C: Gun Violence and Crime Guns, 2013¹²⁵

State	Violent gun crime	% of crime guns from in-state	Number of gun stores in state	Major out-of-state contributors to guns recovered in state	Number of crime guns exported to other states	% total crime interstate guns exports in U.S.
Alabama	4767	80%	1142	Georgia (161), Mississippi (90), Florida (86)	1638	3.4%
Alaska	701	85%	666		290	0.6%
Arizona	6661	79%	1321	California (177)	2026	4.2%
Arkansas	3611	76%	1219	Texas (94)	759	1.6%
California	33122	71%	2225	Arizona (1100), Nevada (699), Texas (449), Oregon (349), Washington (322)	1732	3.6%
Colorado	3792	69%	1499		779	1.6%
Connecticut	1839	56%	417	Texas (22)	256	0.5%
Delaware	1289	60%	128	Pennsylvania (88), Maryland (36), Virginia (25)	247	0.5%
District of Columbia	2484	4%	6	Virginia (236), Maryland (169), North Carolina (65)	20	0.0%
Florida	23679	79%	2650	Georgia (460), Alabama (212), Texas (198)	3024	6.3%
Georgia	13128	77%	1860	Florida (303), Georgia (284), South Carolina (252), North Carolina (110), Texas (100)	3061	6.4%
Hawaii	16	48%	127	California (14)	34	0.1%
Idaho	466	61%	811	Washington (45), California (38), Oregon (29)	414	0.9%
Illinois	1324	53%	2064	Indiana (937), Mississippi (288), Wisconsin (236)	861	1.8%
Indiana	5615	84%	1440	Kentucky (118)	1946	4.1%
Iowa	829	69%	1308	Nebraska (46), Illinois (25), Texas (21)	414	0.9%
Kansas	2659	71%	1049	Missouri (147)	501	1.0%
Kentucky	2486	73%	1417	Indiana (165), Ohio (77), Tennessee (45)	1542	3.2%
Louisiana	6939	81%	1191	Texas (270), Mississippi (184)	1060	2.2%

State	Violent gun crime	% of crime guns from in-state	Number of gun stores in state	Major out-of-state contributors to guns recovered in state	Number of crime guns exported to other states	% total crime interstate guns exports in U.S.
Maine	126	78%	506	New Jersey (10)	232	0.5%
Maryland	5275	56%	521	Virginia (510), North Carolina (184), West Virginia (155), Florida (133), Georgia (102)	557	1.2%
Massachusetts	3873	42%	384	New Hampshire (121), Maine (91)	244	0.5%
Michigan	12827	70%	2274	Ohio (182), Kentucky (113), Indiana (94)	797	1.7%
Minnesota	2439	71%	1454	Wisconsin (83)	339	0.7%
Mississippi	1970	75%	911	Louisiana (73)	1494	3.1%
Missouri	8100	74%	2223	Kansas (140), Illinois (137)	941	2.0%
Montana	316	71%	1050	California (15), Washington (14)	296	0.6%
Nebraska	1140	67%	669	Iowa (85), Missouri (39), Kansas (35)	209	0.4%
Nevada	3599	63%	504	California (224), Arizona (122)	1073	2.2%
New Hampshire	384	66%	402	Maine (8), Massachusetts (8)	303	0.6%
New Jersey	7121	22%	325	Pennsylvania (363), Virginia (189), North Carolina (186), Georgia (158), South Carolina (137), Florida (135)	246	0.5%
New Mexico	2050	72%	612	Texas (78), Arizona (39), California (20)	466	1.0%
New York	12141	31%	1722	Virginia (423), Pennsylvania (342), Florida (337), Georgia (331), North Carolina (327)	553	1.2%
North Carolina	10354	72%	2218	South Carolina (323), Virginia (302)	2001	4.2%
North Dakota	78	64%	432	Minnesota (10)	127	0.3%
Ohio	7499	80%	2361	Kentucky (309), West Virginia (140), Indiana (117)	1723	3.6%
Oklahoma	3380	74%	1403	Texas (66), Arkansas (26)	798	1.7%
Oregon	1052	72%	1488	Washington (159), California (133)	748	1.6%
Pennsylvania	10618	79%	2422	Ohio (142), Virginia (127), Florida (113), West Virginia (102)	2000	4.2%

State	Violent gun crime	% of crime guns from in-state	Number of gun stores in state	Major out-of-state contributors to guns recovered in state	Number of crime guns exported to other states	% total crime interstate guns exports in U.S.
Rhode Island	641	66%	85	Massachusetts (10), Florida (9)	60	0.1%
South Carolina	8074	73%	1045	North Carolina (243), Georgia (156), Florida (80)	1797	3.8%
South Dakota	229	73%	528		145	0.3%
Tennessee	12463	67%	1450	Georgia (257), Mississippi (246), Kentucky (168), Alabama (106), Florida (98)	1257	2.6%
Texas	31617	83%	5655	Louisiana (239), Oklahoma (143), California (110), Florida (106)	2814	5.9%
Utah	953	76%	692	California (31), Idaho (24), Texas (20)	463	1.0%
Vermont	83	77%	308	New Hampshire (14)	147	0.3%
Virginia	4420	79%	1618	North Carolina (158), Florida (87), Georgia (77)	2574	5.4%
Washington	2907	70%	1084	Oregon (164), Idaho (102), California (86)	922	1.9%
West Virginia	515	69%	926	Ohio (37), Virginia (24), Kentucky (20)	982	2.1%
Wisconsin	4567	82%	1531	Illinois (63), Mississippi (45)	641	1.3%
Wyoming	124	62%	598	Montana (7), Colorado (7)	220	0.5%

Appendix D: Legal Cases Against Gun Dealers

The Brady Center currently represents victims of gun violence in lawsuits against gun dealers across the country, including in Florida, Indiana, Missouri, New York, Pennsylvania and Wisconsin. The following are some of the past lawsuits in which the Brady Center has represented victims of gun violence in suits they brought against gun dealers who allegedly contributed to the shootings by supplying dangerous people with guns.

Anderson v. Bryco Arms Corp. (Circuit Court, Cook County, Illinois)

White supremacist Benjamin Smith went on a hate-fueled shooting rampage over July 4th weekend, 1999. Over the course of three days, Smith drove across Illinois and Indiana, randomly shooting at African Americans, Asian Americans, and Jewish people, killing two and wounding nine. Smith was subject to a domestic violence restraining order and was ineligible to buy guns, so he found a trafficker selling cheap Saturday Night Specials through classified ads. The trafficker, Donald Fiessinger, had bought over 70 cheap Davis handguns from Old Prairie Trading Post in Pekin, IL over a two year period, and resold them to buyers like Smith.

On June 29, 2000, the victims filed suit against Old Prairie, whose owner was indicted four months later and convicted for violating federal gun laws. The lawsuit also named the gun's manufacturer and distributor. All of the defendants eventually declared bankruptcy.

Arnold v. American Security et al. (Court of Common Pleas of Philadelphia County)

Faheem Thomas-Childs, 10, was shot and killed while walking to school in Philadelphia on February 11, 2004 by gang members in a shootout. Faheem's family filed suit against American Gun and Lock, the original seller of the Ruger pistol used to kill Faheem, alleging that the dealer negligently sold the murder weapon in a straw sale to gang members. The store even charged a "handling fee" for the straw purchase. The suit also named the gun's manufacturer. The defendants' motions to dismiss were denied on June 23, 2006, and their request for an appeal was denied in September 2006. The parties settled the case in March 2007.

Gilland v. Sportsmen's Outpost, Inc. (Superior Court, Hartford, CT)

Connecticut mother Jennifer Magnano was shot and killed on August 23, 2007 by her abusive husband Scott, who despite being subject to multiple domestic violence restraining orders was able to acquire a gun from local dealer Sportsmen's Outpost. Records indicated that he was flagged by the store as a "suspicious customer," but that did not prevent him from ultimately getting access to a firearm from the dealer, who claimed the gun was stolen. A suit was filed against the dealer on September 8, 2009. After several years of litigation, the case ended in a settlement in February 2014.

Jefferson v. Amadeo Rossi, S.A., et al. (Court of Common Pleas of Philadelphia County)

Eight-year-old Nafis Jefferson was shot and killed by a playmate who found a gun under a car on their South Philadelphia street on April 19, 1999. The gun had been left there by a drug dealer, and was originally sold by Sauers Trading, a dealer in Williamsport, PA. It was one of at least ten guns that Sauers had sold to gun trafficker Perry Bruce, a drug user. When questioned, Sauers' owner said he had never asked Bruce what he was doing with the guns because "it wasn't any of my business."

On behalf of Nafis' mother Tennille Jefferson, Brady and local co-counsel filed suit against Sauers and the gun's manufacturer and distributor on April 18, 2001. Philadelphia judge Nitza Quiñones Alejandro rejected the defendants' motions for summary judgment on July 16, 2004, clearing the case for trial. The manufacturer and distributors were voluntarily dismissed from the case the previous month. The court approved a settlement between Sauers and Ms. Jefferson on August 20, 2004; the media reported a settlement figure of \$850,000.

Conrad Johnson, et al. v. Bull's Eye Shooter Supply, et al. (Superior Court of the State Of Washington, Pierce County)

The families of several victims of the Beltway snipers brought a lawsuit against Bull's Eye Shooter Supply, the dealer that supplied the gun used by the snipers, and

Bushmaster, the gun's manufacturer. The suit alleged that Bull's Eye had such negligent business practices that the Bushmaster XM-15 used in the shootings left their store without a legal sale. It also alleged that Bushmaster was negligent in continuing to supply guns to the store, even after ATF audits revealed dozens of violations of federal law. The defendants ultimately agreed to settle the case for \$2.5 million. This marked the first time a manufacturer paid damages for negligence leading to gun violence.

Johnson v. Carter's Country (District Court of Harris County, Texas)

Rodney Johnson was shot and killed on September 21, 2006 after pulling over a motorist for speeding and arresting him for driving without a license. The shooter was a felon and an undocumented immigrant whose gun had been allegedly sold in an illegal straw purchase by Texas dealer Carter's Country. Brady and local co-counsel filed suit for Joslyn Johnson, the widow of Houston police officer Rodney Johnson, on September 22, 2008. The suit ended in a settlement in April 2011.

Lemongello and McGuire v. Will Jewelry and Loan, et al. (Circuit Court of Kanawha County, Charleston, West Virginia)

Kenneth Lemongello and David McGuire were two New Jersey law enforcement officers who were shot and wounded by a felon with a 9mm Sturm Ruger pistol originally sold by a West Virginia pawn shop. The gun was sold in a multiple sale to a gun trafficker through a straw purchase.

The two law enforcement officers filed suit against the pawn shop and Sturm Ruger, the gun's manufacturer, in 2002. Both defendants' motions to dismiss were denied, although Sturm Ruger's motion for summary judgment was later granted. On June 23, 2004, the pawn shop agreed to settle the case for \$1 million—the first time a gun seller paid damages for its role in facilitating gun trafficking to dangerous people. The store, and several others in the Charleston, WV area, voluntarily adopted a rule of one handgun per customer per month as a result of the suit.

Oliver v. Lou's Loan, et al. (Court of Common Pleas of Philadelphia County)

14-year-old Anthony Oliver of Philadelphia was shot and killed by a friend playing with a .25 caliber handgun on

July 23, 2004. The gun was one of several that had been sold to a gun trafficker by Lou's Loan of Upper Darby, PA, then a top supplier of crime guns in Pennsylvania. Brady and local co-counsel represented Oliver's family in a suit against Lou's and the manufacturer of the gun. The defendants' motions to dismiss were denied on July 23, 2006, and review was denied September 22, 2006, clearing the case for trial. The parties reached a settlement in March 2007. Lou's license was revoked by ATF in July 2006, likely in part because of the attention brought to the dealer's record by Brady through this lawsuit.

Shirley v. Glass, et al. (Cherokee County, Kansas District Court, Eleventh Judicial District).

Elizabeth Shirley's 8-year old son Zeus was killed on September 5, 2003. Earlier that day, the grandmother of Shirley's estranged ex-husband Russell Graham had driven him to local gun dealer Baxter Gun & Pawn, where one of the store owners, Joe George, showed them a shotgun Russell had called about. According to testimony in the case, after Russell told Mr. George that he was a felon, Russell's grandmother was allowed to fill out the form and conduct the background check, while Russell paid for the gun. That night, Graham shot and killed Zeus before turning the gun on himself.

After the trial court dismissed the case, the Kansas Court of Appeals unanimously reversed the decision, finding that the gun dealer and the Georges could be liable for Zeus Graham's death under the theory of negligent entrustment. The decision established a new precedent for Kansas courts, which had never before found that a seller of a product could be liable for negligent entrustment, or that a gun dealer could be liable for shootings resulting from the negligent entrustment of firearms to dangerous people. Because negligent entrustment was only one of the theories of liability in the case, Shirley appealed to the Kansas Supreme Court, which ruled on July 19, 2013 that the Georges could also be liable for Zeus's death under the theory of simple negligence and found that gun dealers must use "the highest standard of care" to avoid supplying guns to felons and other dangerous people. The owners of Baxter Gun & Pawn Shop later settled the case for the maximum amount available under their insurance policy, as well as a financial payment from their personal assets.

Tucker v. Cary Jewelry & Pawn, et al. (Wake County Superior Court, North Carolina)

Wake County, North Carolina Sheriff's Investigator Mark Tucker was shot and killed on February 12, 2004 by a felon with a straw purchased shotgun. The shooter had obtained the weapon by offering a beer to his friend, a mentally challenged man, in exchange for agreeing to buy a gun for him. The suit alleged that the pair visited dealer Cary Jewelry & Pawn together, but were denied a sale because the straw purchaser was intoxicated; they returned three days later, and were sold the gun, despite the straw purchaser listing his address as a local homeless shelter, and having \$120 in cash to buy the weapon. Brady and local co-counsel filed suit against the dealer for Tucker's widow on October 17, 2005.

Before trial, the parties reached a settlement in which the owner of the dealer, who had stopped selling guns, agreed that if he or his family ever sold firearms again, they would take steps to prevent straw purchasing.

Tuft & Hinckley v. Rocky Mountain Enterprises, Inc., et al. (Salt Lake City, Utah, Third Judicial District Court)

Carolyn Tuft was a victim of a mass shooting at the Trolley Square mall in Salt Lake City on February 12, 2007, in which Tuft was wounded, and her 15-year-old daughter Kirsten Hinckley was killed. The shooter, 18-year-old Sulejman Talovic, was armed with a Mossberg 12-gauge pump action shotgun with a pistol grip. Sportman's Fast Cash Pawn in West Valley City, UT sold the gun to the 18-year-old Talovic, even though the minimum age to buy a shotgun without a shoulder stock is 21; the owner of the dealer was indicted and pled guilty to completing the sale.

Brady and local co-counsel filed suit for Tuft on February 8, 2008, and defeated the defendants' motions to dismiss and motions for summary judgment. The Utah Supreme Court denied review of the decision, creating precedent in Utah and clearing the case for trial. The case ended in a settlement in March 2013.

Wortham et al v. Ed's Pawn Shop & Salvage Yard et al. (United States District Court for the Northern District of Mississippi, Oxford Division)

Officer Thomas Wortham IV, a Chicago police officer and Iraq veteran, was shot and killed outside his parents' home

in May 2010 by gang members attempting to steal his motorcycle. The gun used to kill Wortham was bought in an illegal straw purchase from Ed's Pawn Shop in Byhalia, Mississippi. The Worthams' suit against the dealer for Wortham's parents alleged that Ed's knew or should have known that the buyer was a straw purchaser, based on certain indicators. These included that: 1) the sale was all in cash (\$1500); 2) the buyer bought three handguns in a single sale; and 3) the buyer was a new customer the store.

In April 2014 the plaintiffs reached a settlement with the dealer, which agreed to reform its business practices and implement new security procedures to help prevent illegal sales.

City Lawsuits

On October 30, 1998, Brady, on behalf of the City of New Orleans and its then-Mayor, Marc Morial, filed the first lawsuit in the nation by a government entity against the gun industry. The suit sought to recover damages for taxpayers and the community caused by the gun industry's negligent business practices, including its supplying of "bad apple" gun dealers. Over time, 34 government entities, of which Brady represented 29, filed similar lawsuits against the gun industry, seeking redress for its contribution to gun violence. These cities included Boston, Cincinnati, Gary, Los Angeles, New Orleans, Newark, St. Louis, New York, San Francisco, Washington, DC, as well as Miami-Dade County and many others. In addition, Brady provided assistance in similar suits brought by the State of New York and the NAACP.

These municipal lawsuits led to a settlement with one of the nation's leading firearms manufacturers, Smith & Wesson, which promised to reform its distribution practices to prevent the supply of guns to irresponsible gun dealers and gun traffickers, and to incorporate life-saving safety features into its guns to prevent unintentional shootings. While none of the cases were ultimately tried, several of the lawsuits won important legal precedents recognizing that gun manufacturers, distributors and dealers can be held legally responsible for gun violence caused in part by negligent business practices — including decisions by the Supreme Courts of Indiana and Ohio. In discovery, Brady attorneys questioned numerous gun industry executives and whistleblowers under oath, exposing for the first time how gun manufacturers engaged in "willful blindness" to profit off of the criminal market by supplying corrupt gun dealers and distributing guns in ways that repeatedly supply traffickers.

Endnotes

- 1 Number of “bad apple” gun dealers derived from Bureau of Alcohol, Tobacco, Firearms and Explosives. “Listing of Federal Firearms Licensees (FFLs) - 2014” and Bureau of Alcohol, Tobacco, and Firearms (ATF), *Commerce in Firearms in the United States* at A-23, February 2000.
- 2 Wintemute, Garen J. “Disproportionate sales of crime guns among licensed handgun retailers in the United States: a case—control study.” *Injury prevention*, 15, no. 5 (2009): 291-299; Braga, Anthony A., and David M. Kennedy. “The illicit acquisition of firearms by youth and juveniles.” *Journal of Criminal Justice* 29, no. 5 (2001): 379-388; Kennedy, David M., Anne M. Piehl, and Anthony A. Braga. “Youth violence in Boston: Gun markets, serious youth offenders, and a use-reduction strategy.” *Law and Contemporary Problems* (1996): 147-196; Moore, Mark H. “Keeping handguns from criminal offenders.” *The Annals of the American Academy of Political and Social Science* 455, no. 1 (1981): 92-109; Pierce, Glenn L., LeBaron Briggs, and David A. Carlson. *The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategies: a Report to the United States Department of Treasury, Bureau of Alcohol, Tobacco & Firearms, Office of Enforcement*, Washington. Northeastern University, 1996; Wachtel, Julius. “Sources of crime guns in Los Angeles, California.” *Policing: An International Journal of Police Strategies & Management* 21, no. 2 (1998): 220-239.
- 3 ATF, *Commerce in Firearms* at A-23.
- 4 Bureau of Alcohol, Tobacco, and Firearms, *Crime Gun Trace Reports* at 43 (2000). July 2002. <https://www.atf.gov/file/56941/download>. Accessed June 26, 2015.
- 5 City of Chicago — Office of the Mayor — Chicago Police Department. *Tracing the Guns: The Impact of Illegal Guns on Violence in Chicago*. May 27, 2014. <http://www.cityofchicago.org/dam/city/depts/mayor/Press%20Room/Press%20Releases/2014/May/05.27.14TracingGuns.pdf>. Accessed January 5, 2015.
- 6 ATF, *Crime Guns Trace Reports* at 43.
- 7 Lerner, Kira. “Gun used in NYPD Murders Was Sold At Pawn Shop Where Guns Regularly End Up In Criminals’ Hands.” *ThinkProgress*. December 24, 2014. <http://thinkprogress.org/justice/2014/12/24/3606826/nyc-police-pawnshop/>. Accessed January 6, 2015.
- 8 ATF, *Crime Guns Trace Reports* at 43.
- 9 ATF, *Commerce in Firearms* at Appendix A-23
- 10 Calcagno, Frank. *News 8 WROC-TV*. May 20, 2014.
- 11 ATF, “2012 Summary: Firearms Reported Lost or Stolen”. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives. June 17, 2013. <https://www.atf.gov/sites/default/files/assets/Firearms/2012-firearms-reported-lost-and-stolen.pdf>. Accessed May 13, 2015.
- 12 Langton, Lynn. “Firearms Stolen During Household Burglaries and Other Property Crimes, 2005-2010”. Department of Justice, Bureau of Justice Statistics. November 2012. <http://www.bjs.gov/content/pub/pdf/fshbopc0510.pdf>. Accessed May 13, 2015.
- 13 Bureau of Alcohol, Tobacco, and Firearms, *ATF Regulatory Actions: Report to the Secretary on Firearms Initiatives*, November 2000.
- 14 Ibid.
- 15 Ibid.
- 16 Ibid.
- 17 Americans for Gun Safety Foundation 2004
- 18 Red-flag indicators discussed in Section 3.
- 19 Cal. Penal Code § 27505(a), (b), <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=27001-28000&file=27500-27590>. Accessed Sep. 15 2014; Md. Code Ann., Pub. Safety §§ 5-128(a), (b),), 5-129, <http://mgaleg.maryland.gov/webmgal/frmStatutesText.aspx?article=gps§ion=5-129&ext=html&session=2014RS&tab=subject5>. Accessed Sep. 15 2014.
- 20 Karberg, Jennifer, Ronald J. Frandsen, Joseph M. Durso, Allina D. Lee. “Background Checks for Firearm Transfers, 2012 - Statistical Tables”. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. December 2014. <http://www.bjs.gov/content/pub/pdf/bcft12st.pdf>. Last accessed Sept. 24, 2015.
- 21 Bureau of Alcohol, Tobacco, Firearms and Explosives. “Don’t Lie For the Other Guy Campaign”. <https://www.atf.gov/publications/factsheets/factsheet-dont-lie-campaign.html>. Accessed Dec. 29 2014.
- 22 *Abramski v. United States*, 134 S. Ct. 2259, 189 L. Ed. 2d 262, 2014 U.S. LEXIS 4170, 82 U.S.L.W. 4495, 24 Fla. L. Weekly Fed. S 859, 2014 WL 2676779 (U.S. 2014)
- 23 Braga et al 2012.
- 24 National Shooting Sports Foundation, Inc. (NSSF) and United States of America. “Don’t Lie for the Other Guy (Video).” (2002). <https://www.youtube.com/watch?v=NS6PMT-hnF4>. Accessed January 1, 2015.
- 25 Wayne County. Untitled video. Wayne County, Michigan.
- 26 Criminal complaint, *United States v. Patrick Sean Keiran*. 1:14-cr-00372. United States District Court Northern District of Illinois Eastern Division. <https://ecf.ilnd.uscourts.gov/doc1/067114390084>. Accessed Dec. 29, 2014.
- 27 Contreras, Guillermo. “Gun dealer prosecutions few.” *San Antonio Express-News*. November 2, 2013. <http://www.expressnews.com/news/local/article/Gun-dealer-prosecutions-few-4949843.php>. Accessed Sep. 15 2014.
- 28 Criminal Complaint. “*United States v. William Arnold Debow*”. United States District Court for the Southern District of Georgia. March 26, 2014. <https://ecf.gasd.uscourts.gov/doc1/05712202942>. Accessed September 15, 2014.

29 Department of the Treasury, Bureau of Alcohol, Tobacco & Firearms, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers* at 3 (June 2000).

30 Braga et al 2012.

31 Koper 2014.

32 ATF, ATF Regulatory Actions: Report to the Secretary on Firearms Initiatives at 7.

33 Ibid.

34 ATF, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*, at ix.

35 Gerney, Arkadi and Chelsea Parsons. "Lost and Stolen Guns from Gun Dealers." Center for American Progress. June 18, 2013. <http://cdn.americanprogress.org/wp-content/uploads/2013/06/GerneyInventoryBrief-1.pdf>. Accessed January 5, 2015.

36 ATF, ATF Regulatory Actions: Report to the Secretary on Firearms Initiatives at 6.

37 Brady Center to Prevent Gun Violence. *Trading in Death: Profile of a Rogue Gun Dealer: Trader Sports*. January 2006. <http://www.bradycampaign.org/sites/default/files/Trading-in-Death.pdf>. Accessed January 6, 2015.

38 Carter, Mike. "Skagit County gun shop may have been worst in U.S." *The Seattle Times*. April 26, 2014. http://seattletimes.com/html/localnews/2023468781_gundealeratfxml.html. Accessed January 6, 2015.

39 National Shooting Sports Foundation. "Lost and Stolen Guns." 2013. <http://www.nssf.org/factsheets/PDF/LostAndStolenGuns.pdf>. Accessed January 5, 2015.

40 Associated Press. "Tacoma gun shop linked to sniper rifle being sold." June 11, 2003. http://community.seattletimes.nwsources.com/archive/?date=20030611&slug=webgunshop11#_ga=1.225965017.273493175.1420826762. Accessed January 9, 2015.

41 Johnson v. Bulls Eye Shooter Supply, 2003 WL 21639244 (Wash. Super. June 27, 2003)

42 ATF, *Commerce in Firearms* at A-23.

43 Ibid. See also: Charles E. Schumer. "A Few Bad Apples: Small Number of Gun Dealers The Source of Thousands of Crimes". 1999; Americans for Gun Safety Foundation. *Selling Crime: High Crime Gun Stores Fuel Criminals*. 2004.

44 Wintemute et al. 2005.

45 Brady Campaign to Prevent Gun Violence. "The Ten Worst 'Bad Apple' Gun Dealers in America". 2003; Declaration of Sania Franken in Opposition to Motion for Preliminary Injunction filed in *Trader Sports, Inc. v. Gonzales*, No. C 06-001136 VRW (N.D. Cal.) ("Franken Decl."), at Exhibit A; Horwitz, Sari and James V. Grimaldi. "U.S. gun dealers with the most firearms traced over the past four years." *Washington Post*, December 13, 2010; City of Chicago — Office of the Mayor — Chicago Police Department. *Tracing the Guns: The Impact of Illegal Guns on Violence in Chicago*. May 27, 2014.

<http://www.cityofchicago.org/dam/city/depts/mayor/Press%20Room/Press%20Releases/2014/May/05.27.14TracingGuns.pdf>. Accessed January 5, 2015.

46 Kaiser, Robert L. "Man, We Are The Real Police." *Chicago Tribune*. August 16, 1999. http://articles.chicagotribune.com/1999-08-16/news/9908160062_1_michael-ceriale-cop-two-rookies. Accessed January 3, 2015.

47 Thompson, Cheryl. "The Story of Two Guns That Killed Police Officers." *Washington Post*. November 20, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/11/21/AR2010112103202.html>. Accessed January 3, 2015.

48 City of Chicago 2014. <http://www.cityofchicago.org/dam/city/depts/mayor/Press%20Room/Press%20Releases/2014/May/05.27.14TracingGuns.pdf>. Accessed January 5, 2015.

49 Thompson 2010.

50 Americans for Gun Safety Foundation 2004.

51 Bogus, Carl T. "Guns in the Courtroom." *Nation*, March 31, 2003.

52 Horwitz and Grimaldi 2010.

53 Heinz, Katie, Jack Rinheart and Rafael Sanchez. "Assault rifle used to kill Indianapolis officer purchased by suspect's mother", RTV6 ABC, July 9, 2014. <http://www.theindychannel.com/news/local-news/murder-charge-filed-in-officers-shooting-death>, accessed December 29, 2014.

54 Sweeney, Frank Main Annie. "How this gun got into the hands of a little girl's killer." *Chicago Sun Times*, May 2, 2004.

55 "Gary man held in gun sting accused of buying at least six guns for Chicago street gang." *Merrillville Post-Tribune*, February 4, 2004.

56 "Corrections and Clarifications", *Indianapolis Star*, December 2, 2003.

57 Olinger, David. "Bulk gun sales tied to crimes." *Denver Post*, December 19, 1999.

58 Olinger 1999.

59 Su, Haoyun. "2014 criminal homicides by the numbers". *Indianapolis Star*. January 2, 2015. <http://www.indystar.com/story/news/crime/2015/01/01/2014homicide/21123033/>. Accessed January 2, 2015.

60 Bureau of Alcohol, Tobacco and Firearms (ATF). *Crime Gun Trace Reports* (2000): Indianapolis. July 2002. <https://www.atf.gov/files/publications/download/ycgii/2000/cityreports/indianapolis.pdf>. Accessed March 20, 2015.

61 Horwitz and Grimaldi 2010.

62 Kemp, Joe. "Little Shop of Horror: Georgia store Arrowhead Pawn sold nine guns that made their way to New York". June 20, 2010. <http://www.nydailynews.com/news/crime/shop-horror-georgia-store-arrowhead-pawn-sold-guns-made-new-york-article-1.181634>. Accessed January 3, 2015.

63 Ibid.

64 Bureau of Alcohol, Tobacco and Firearms (ATF). *Crime Gun Trace Reports* (2000): New York. July 2002. <https://www.atf.gov/files/publications/download/ygcii/2000/cityreports/newyorkcity.pdf>. Accessed March 20, 2015.

65 Parascandola, Rocco, Edgar Sandoval, and Oren Yaniv. "Ismaaiyl Brinsley, hours before killing 2 NYPD cops, shot ex-girlfriend who stopped him from suicide." *New York Daily News*. December 22, 2014. <http://www.nydailynews.com/new-york/killer-ismaaiyl-brinsley-saved-life-article-1.2054181>. Accessed January 3, 2014.

66 Americans for Gun Safety Foundation 2004.

67 Horwitz and Grimaldi 2010.

68 Parascandola, Rocco, and Thomas Tracy. "Murders down, shootings up in New York City, Daily News finds". *New York Daily News*. January 1, 2015. <http://www.nydailynews.com/new-york/nyc-crime/murders-shootings-nyc-daily-news-finds-article-1.2062914>. Accessed January 3, 2015.

69 Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). "Firearms Trace Data - 2013". 2014. <https://www.atf.gov/content/About/statistics/firearms-trace-data-2013>. Accessed January 8, 2015

70 Lerner, Kira. "Gun used in NYPD Murders Was Sold At Pawn Shop Where Guns Regularly End Up In Criminals' Hands." *ThinkProgress*. December 24, 2014. <http://thinkprogress.org/justice/2014/12/24/3606826/nyc-police-pawnshop/>. Accessed January 6, 2015.

71 Blinder, Alan, Al Baker, and J. David Goodman. "Tracing the Gun Used to Kill 2 New York City Police Officers." *New York Times*. December 24, 2014. <http://www.nytimes.com/2014/12/25/nyregion/tracing-the-gun-used-to-kill-2-new-york-city-police-officers.html>. Accessed August 7, 2015.

72 "Fatal Injury Data". WISQARS, National Center for Injury Prevention and Control, CDC. <http://www.cdc.gov/injury/wisqars/fatal.html>. Accessed January 5, 2015

73 Ibid.

74 Webster, Daniel W. and Jon S. Vernick, Eds. *Reducing gun violence in America: Informing policy with evidence and analysis*. JHU Press, 2013.

75 Ibid.

76 Ibid.

77 Brady Center to Prevent Gun Violence. *Lethal Lou's: Profile of a Rogue Gun Dealer*. September 2006. <http://www.bradycampaign.org/sites/default/files/Lethal-Lous.pdf>. Accessed January 6, 2015.

78 "Homicides in Philadelphia". *Philly.com*. http://www.philly.com/philly/news/special_packages/inquirer/Philadelphia_Homicides_1988_2011.html. Accessed January 6, 2015.

79 Center for American Progress. "Fact Sheets: Protecting Women from Gun Violence." <https://www.americanprogress.org/issues/guns-crime/report/2014/10/14/92119/protecting-women-from-gun-violence/>. Accessed December 29, 2014.

80 Cooper, Alexia and Erica L. Smith. "Homicide Trends in the United States 1980-2008." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. November 2011. <http://www.bjs.gov/content/pub/pdf/htus8008.pdf>. Accessed January 5, 2015.

81 Brady Center to Prevent Gun Violence. "The Brady Center Remembers Zeus Graham: 1995-2003". *Legal Action*. Spring 2010.

82 Ibid.

83 Ibid.

84 Ibid.

85 Ibid.

86 *Shirley v. Imogene Glass*, 297 Kan. 888, 891-92 (Kan. 2013); Brief of Appellant at 8-9, *Shirley v. Glass*, No. 100337-A (Kan. Ct. App. 2009).

87 *Shirley v. Glass*, 297 Kan. 888, 889; Brief of Appellant at 3, *Shirley v. Glass*, No. 100337-A.

88 *Shirley v. Glass*, 297 Kan. 888, 890-91; Brief of Appellant at 4-6, *Shirley v. Glass*, No. 100337-A.

89 Deposition of Imogene Glass at 19-21; 27-29; 92-95, *Shirley v. Glass*, Case No. 05-CV-92 (Kan. Dist. Ct. Cherokee County, Dec. 19, 2006); *Shirley v. Glass*, 297 Kan. 888, 891.

90 *Shirley v. Glass*, 297 Kan. 888, 891; Brief of Appellant at 5, *Shirley v. Glass*, No. 100337-A.

91 *Shirley v. Glass*, 297 Kan. 888, 891-92; Brief of Appellant at 8-9, *Shirley v. Glass*, No. 100337-A.

92 Brady Center to Prevent Gun Violence. "The Brady Center Remembers Zeus Graham: 1995-2003". *Legal Action*. Spring 2010.

93 Ibid.

94 Ibid.

95 Ibid.

96 Ibid.

97 Ibid.

98 *Shirley v. Imogene Glass*, 297 Kan. 888, 901.

99 Brady 2010.

100 Ibid.

101 This section is derived in part from prepared remarks for Sherilyn Byrdsong. Brady Campaign Gala. 2013.

102 Cook, Philip. "The Saturday night special": An assessment of alternative definitions from a policy perspective." *Journal of Criminal Law and Criminology* (1981): 1735-1745.

103 CBS News. "By the numbers: Chicago area gangs". May 21, 2013. <http://www.cbsnews.com/news/by-the-numbers-chicago-area-gangs/>. Accessed January 5, 2015.

104 Research and Development Division, Chicago Police Department. *Chicago Murder Analysis*. 2011. <https://portal.chicagopolice.org/portal/page/portal/ClearPath/News/Statistical%20Reports/Murder%20Reports/MA11.pdf>. Accessed January 5, 2015.

105 "Chatham Residents Team up against Violence." *Chicago Tribune*. May 16, 2010. http://articles.chicagotribune.com/2010-05-16/news/ct-met-hoops-20100510_1_chatham-residents-cole-park-shootings. Accessed September 22, 2014.

106 "126 Law Enforcement Officer Fatalities Nationwide in 2014." National Law Enforcement Officers Memorial Fund press release. December 30, 2014. <http://www.nleomf.org/newsroom/news-releases/eoy-report-2014.html>. Accessed March 11, 2015.

107 This section is derived from Brady Campaign to Prevent Gun Violence. "Officer Ken McGuire Speaks at the DC LAP Event". YouTube, https://www.youtube.com/watch?v=E7D2rK_mQv8. Accessed September 19, 2014.

108 This section is derived from Brady Campaign and Center to Prevent Gun Violence. "Gun Dealer Code of Conduct", September 2, 2014. <http://www.bradycampaign.org/our-impact/resources/gun-dealer-code-of-conduct>. Accessed September 24, 2014.

109 Webster, Daniel W., et al. "Temporal association between federal gun laws and the diversion of guns to criminals in Milwaukee." *Journal of Urban Health* 89.1 (2012): 87-97.

110 Webster, Daniel W., Vernick, Jon S., and Teret, Stephen P. "How Cities Can Combat Illegal Guns and Gun Violence". Center for Gun Policy and Research, Johns Hopkins Bloomberg School of Public Health. Baltimore, MD. January 31 2008.

111 Webster, Daniel W., et al. "Effects of undercover police stings of gun dealers on the supply of new guns to criminals." *Injury Prevention* 12.4 (2006): 225-230.

112 ATF, ATF Regulatory Actions: Report to the Secretary on Firearms Initiatives at 7.

113 Webster, Daniel W., Jon S. Vernick, and Maria T. Bulzacchelli. "Effects of state-level firearm seller accountability policies on firearm trafficking." *Journal of Urban Health* 86, no. 4 (2009): 525-537.

114 Ibid.; Nathan Irvin, Karin Rhodes, Rose Cheney and Douglas Wiebe, "Evaluating the Effect of State Regulation of Federally Licensed Dealers on Firearms Homicide." *American Journal of Public Health*, Vol. 104, No.8 (August 2014)

115 Ridgeway, Greg. *Strategies for disrupting illegal firearm markets: A case study of Los Angeles*. Vol. 512. Rand Corporation, 2008.

116 Associated Press. "Miami-Dade leaders launch gun vendor initiative." *Washington Times*. February 18, 2014. <http://www.washingtontimes.com/news/2014/feb/18/miami-dade-leaders-launch-gun-vendor-initiative/>. Accessed March 20, 2015.

117 City of Chicago 2014.

118 112 P.L. 55, 125 Stat. 552.

119 Tang, Angela Jacqueline. "Taking Aim at Tiahrt." *Wm. & Mary L. Rev.* 50 (2008): 1787.

120 United States. Department of Justice, Office of the Inspector General, Evaluation and Inspections Division. *Inspections of Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms and Explosives*. 2004

121 US Department of Justice, Office of the Inspector General, Review of ATF's Federal Firearms Licensee Inspection Program. Washington DC, Department of Justice (April 2013).

122 Ibid.

123 United States Department of Justice. *Gun Violence Reduction: National Integrated Firearms Violence Reduction Strategy*.

124 Americans for Gun Safety Foundation 2004.

125 Statistics are from Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). "Firearms Trace Data - 2013". 2014. <https://www.atf.gov/content/About/statistics/firearms-trace-data-2013> unless otherwise stated. Accessed January 8, 2015; violent gun crime figures are the sum of murders, robberies, and assaults by firearm from Federal Bureau of Investigation. "Crime in the United States 2013". <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/cius-home>. Accessed January 8, 2015; Florida murder figure is from Florida Department of Law Enforcement. "Crime in Florida: January - December 2013." 2014. http://www.fdle.state.fl.us/Content/getdoc/f6d1f24d-053e-466b-a67e-3cbe2fd38de6/CIF_annual13.aspx. Accessed January 8, 2015; Number of gun stores in each state from sum of categories 1 and 2 in Bureau of Alcohol, Tobacco, Firearms, and Explosives. "Report of Active Firearms Licenses - License Type by State Statistics". December 10, 2013. http://www.atf.gov/sites/default/files/assets/FOIA/FFLs/2013/FFL-By-State/ffl_type_by_state_122013.pdf. Accessed January 8, 2015

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