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# Buying and Selling

# 3

Private party sales and straw purchases were described in Chapter 1; the main purpose of this chapter is to demonstrate what they look like. It begins with a brief summary and expansion of the earlier discussion.

Because of their anonymity, private party sales allow guns to be purchased by prohibited persons. According to ATF's estimate, 25% to 50% of gun sellers who rent table space at gun shows are unlicensed vendors.<sup>1</sup> Gun shows are studded with "Private Sale" signs that convey to all this message: no paperwork, no background check, no waiting period, no recordkeeping. Individual attendees who bring guns to sell are also very common. In a prior study, as many as 31.6% of gun show attendees were armed, and many of these were unambiguously offering their guns for sale.<sup>2</sup>

Again, private party gun sales are generally legal transactions under federal law and the laws of most states—at least from the seller's point of view. The key is that while it is always illegal for a prohibited person to buy a gun, it is only illegal to sell a gun to a prohibited person if the seller knows or has "reasonable cause to believe" that he is doing so.<sup>3</sup> Some private party handgun sellers make a point of checking the buyer's driver's license to be sure that they are not making an illegal sale to an out-of-state resident; most do not. Background checks are generally not an option. Asking questions about the buyer's eligibility to



*An attendee with two rifles for sale, San Antonio, Texas.*

*I can sell you this for 9½ (\$950). And there's no paperwork at all.*

*—An unlicensed vendor offering “a jet-black AR-15 with all the extras: short barrel, telescoping stock, 30-round magazine and a menacing-looking flare launcher” to a reporter, Tucson, Arizona.<sup>4</sup>*

*They have a friend—usually a girlfriend with no record—buy three or four. Sometimes they all pitch in to buy them. Other times someone will go up, buy four guns, then come back and sell three of them to cover the cost of the one they keep. It's a right-to-your-door deal.*

*—A San Francisco narcotics officer on how straw purchases are used to acquire assault rifles in Reno for resale in the Bay Area.<sup>5</sup>*

*There are plenty of signs. [Straw purchasers] don't understand how the gun works. They don't know what the gun is. They come in and point at it and say: “I'll take that gun.” It's so unusual for somebody to buy and expensive gun and pay for it in cash, and quite often with small bills...[Y]ou just think that this can't be right.*

*—Licensed retailer Dave LaRue of Legendary Guns in Phoenix, Arizona, on straw purchases.<sup>6</sup>*

purchase guns probably guarantees unpleasantness and risks the loss of the sale. Such questioning was never observed.

Some licensed retailers also appear to operate as unlicensed vendors. Individual retailers own guns personally, not just through their business, and can presumably buy and sell those guns on an occasional not-engaged-in-the-business basis as can any other private party. A retailer may also transfer ownership of a gun from his business to himself as an individual prior to selling it. Whatever the preceding chain of events may be, at a gun show it is not uncommon to see a licensed retailer who also displays guns marked with a “Private Sale” sign. Based on the observations made for this report, those guns tend to be assault rifles.

If private party sales may provide guns for criminal use, straw purchases, it can be argued, are designed to do so. By masking the identity of the real purchaser, they make gun buying possible for prohibited persons and for traffickers who are acquiring guns in large numbers and need for that fact to remain undisclosed. Straw purchases are a felony under federal law but are a major source of crime guns nonetheless. There is no evidence, however, on whether purchases from licensed retailers are more likely to be straw purchases if made at a gun show than if made at a gun store.

The straw purchases that were observed for this report make it clear that the salesperson is sometimes fully aware that the person with whom he is dealing is acting as an agent for someone else. The openness and seeming sense of impunity with which these transactions were conducted was striking. In others, the real purchaser and the straw purchaser make their arrangements surreptitiously, and a reasonably vigilant salesperson might not realize that he was participating in an illegal transaction.

On two occasions, retailers identified straw purchases in progress and aborted them. At other times, a suggestive set of circumstances, such as the purchase of an assault rifle by a young woman with little knowledge of guns, could easily have led to a question or two that would have uncovered the truth. But again, asking those questions raises the risk of losing a sale, either by offending a legitimate buyer or scaring off a possible straw purchaser. Losing the sale means a drop in income for what is usually a very small business. Given in addition that law enforcement's presence is minimal, it might be (and apparently often is) judged better not to ask.

ATF’s investigative records have established that corrupt gun sellers, whether licensed retailers or private parties, serve as “hotspots” for straw purchases and for private party sales that serve criminal purposes.<sup>7,8</sup> Another example of corrupt behavior by a licensed retailer is the off-paper purchase, in which the retailer simply sells the gun without initiating a background check or recording the sale. The retailer might later report that gun to have been stolen.

Examples of suspect and illegal gun purchases and of an aborted straw purchase, beyond those presented in the photographs that follow, are in Table 3-1.

*These are on paper and these are off paper.*

*—A licensed retailer indicating which of his guns require a Firearms Transaction Record and a background check and which do not, Indianapolis, Indiana.*

Table 3-1. Examples of suspect and illegal gun purchases and an aborted straw purchase

Location and Nature of Activity	Narrative Summary
<p>Multiple private party sales, likely in support of gun trafficking</p> <p>Phoenix, AZ</p>	<p>A male attendee in his thirties is observed carrying an assault pistol in each hand. He approaches another attendee with a similar pistol and buys that gun for cash without examining it; the transaction lasts less than one minute. Within five minutes he has purchased high-capacity magazines and cases for each of the guns, which he identifies to the magazine vendor as a MAC 11 and two TEC 9s. Less than a minute later he bargains with another attendee for a new Romanian AK rifle with two 30-round magazines, but they are unable to agree on a price. A confederate appears; he and the confederate examine an Uzi pistol, then realize the vendor is a licensed retailer and move on. The purchaser hands one of his guns to the confederate, who leaves the show, while the purchaser continues to shop. Total elapsed time: 12 minutes.</p>
<p>Illegal private party sales</p> <p>San Jose, CA</p>	<p>An unlicensed vendor and an attendee who has brought a shotgun for sale walk to the corner of the room, and the shotgun is exchanged for cash. There is no paperwork. The vendor returns to his table and places the gun on display for sale. Later in the show, the same vendor purchases another shotgun under similar circumstances. Direct private party sales like these are illegal in California.</p>

Location and Nature of Activity	Narrative Summary
<p>Private party purchases and attempted straw purchases, using a shopping list</p> <p>Milwaukee, WI</p>	<p>Two men who speak little English walk the aisles of the show for some time, carrying a list of desired guns that includes “AR15” and “UZI.” They purchase two handguns from an unlicensed vendor. They approach a licensed retailer, point to a shotgun, and ask, “Uzi?” When he indicates that it is not, they point to the same gun again and ask, “AR-15?” He again says no and refers them to the licensed retailer at the next table who has AR-15s. When the men learn that a background check is required, they leave the show.</p>
<p>Straw purchase</p> <p>Phoenix, AZ</p>	<p>A young man buys two new Jimenez 9mm pistols from a licensed retailer. He walks a few steps away and hands one of the guns to a colleague. That man returns to the retailer, who has seen the transfer, with questions about the gun. The retailer answers, and does not ask about the second transfer.</p>
<p>Straw purchase</p> <p>Indianapolis, IN</p>	<p>A middle-aged woman purchases a Jimenez pistol by check; she passes the background check without incident. A man who has been watching from about 40 feet away walks to the table and takes the pistol from the retailer. The retailer mentions that he recently took a bad check, to which the woman responds that she worked at a bank and would be in big trouble if she did that.</p>
<p>Straw purchase for a partner</p> <p>Ventura, CA</p>	<p>A man and his female partner are negotiating the purchase of a handgun from a licensed retailer. She has not qualified for the state-required Handgun Safety Certificate (HSC). His may be out of date, and he does not have it with him. This conversation ensues:          He: So how do I go about buying this gun for her?          Salesperson [sharply]: For who?          He: Oh. Uh, for me.          Salesperson: Well, you can buy it now and take the [HSC] test at the store. We can do it that way.          [There is a discussion of the attendees’ marital status. If they were married, he could transfer the gun to her. They are not.]          Vendor: Okay. Whose name is this going to be in?          He: It’s going to be in my name.          Vendor: Fine. We can do that.</p>

Location and Nature of Activity	Narrative Summary
<p>Straw purchase for a juvenile</p> <p>Albuquerque, NM</p>	<p>A boy no more than 16 years old and an adult woman are looking at handguns displayed by a licensed retailer. He indicates to her the Lorcin 9mm pistol he wants, while the salesperson watches. She buys that gun and a Raven .25 pistol from the salesperson, who gives both guns to her. With the salesperson still watching, she puts the Raven in her purse and hands the Lorcin to the boy.</p>
<p>Straw purchase in reverse (the real purchaser interacts with the salesperson, pretending to be the straw purchaser)</p> <p>Albuquerque, NM</p>	<p>The real purchaser (hereafter Man #1) selects an inexpensive pistol from a licensed retailer, but uses the driver's license of the man accompanying him (the straw purchaser, hereafter Man #2) to complete the Firearms Transaction Record. The salesperson observes this. When given the completed form by Man #1, she initiates this conversation:</p> <p>Salesperson: So you're Jose.          Man #1: Yes, I'm Jose.          Salesperson: What's your full middle name?          There's a "J" here.          Man #1 (in a loud voice to Man #2, who is standing some 20 feet away): Jose, what's your middle name?          Man #2: Julian.          Man #1 (to salesperson): Julian.          Salesperson (to Man #1): How do you spell that?          Man #1 (to Man #2): How do you spell that?          Man #2: J-U-L-I-A-N.          Salesperson (to Man #1): YOU'RE purchasing this gun, right?          Man #1: Yeah.          Salesperson: I need to see some identification.          Man #1 (to Man #2): Jose, she needs to see some identification.          Man #2 walks up and shows his identification to the salesperson.          Salesperson: I shouldn't....OK.          The salesperson completes the form. She initiates a background check on Man #2 and eventually gives the paperwork to Man #2 and the pistol to Man #1.</p>

Location and Nature of Activity	Narrative Summary
Possible simultaneous straw purchases  Chantilly, VA	Two Filipinos with diplomatic identification cards are completing Firearms Transaction Records to purchase handguns; a third man advises both of them. They ask about the need to certify that they are the actual purchasers of the firearms. The advisor responds, "You have to say 'yes'." There is further discussion in Tagalog, after which the advisor repeats, "You have to say 'yes'."
Likely off-paper sales in support of gun trafficking  McDonough, GA (suburb of Atlanta)	The show is small and sparsely attended. Two men approach a licensed retailer to discuss the purchase of multiple handguns. A pile of blank Firearm Transaction Records sits in front of the salesperson. After a few moments, one of the men loudly announces, "I'm from New York." The entire show goes quiet. The salesperson pushes the forms to the side, draws the men into a huddle, and negotiations continue.
Aborted straw purchase  Sacramento, CA	An elderly man wishes to buy a handgun from a licensed retailer but has not brought identification and has not taken the state's required Handgun Safety Course. His family is present and wants his son to buy the gun for him. The salesperson declines, saying "He can buy it for himself."

### INTRODUCTION TO THE PHOTOGRAPHS

The entrance to Crossroads of the West gun shows at the Arizona State Fairgrounds in Phoenix is the site of a uniquely active marketplace for undocumented private party gun sales (3-10, 3-11). No-sales signs were recently posted, however, for reasons that have not been made public.

Unlicensed vendors stand to gain by identifying themselves as such (pages 3-12 to 3-15). The sign may simply say "Private Sale," but the implications—no paperwork, no background check—are lost on no one. Except for machine guns and other weapons subject to the terms of the National Firearms Act, which must be sold by retailers with special licenses, their inventory can include guns of any type and can be indistinguishable from that of a small licensed retailer.

On occasion, private sale signs refer only to some of the guns on display or even single guns (pages 3-16 to 3-18). In such

cases, the guns referred to most often seem to be assault weapons.

Unlicensed vendors, though claiming not to be “engaged in the business” as defined by statute, are not making just occasional sales over the course of a year (pages 3-19 to 3-25). Busier vendors sell multiple guns per day.

Individual attendees who have brought guns to sell take some effort to make that clear (pages 3-26, 3-27). They will stand inside the entrance of the show or walk the aisles, waiting for an approach by a potential buyer. Negotiations are informal and take a few minutes at most; the transactions are always for cash (pages 3-28 to 3-33). Not all these negotiations proceed to a sale, of course, and an individual may spend several hours at the show before selling his gun (pages 3-34, 3-35).

Some individual attendees sell on a larger scale. If long guns are involved, the inventory can become heavy over the course of a day and require some means of moving it around the show (pages 3-36, 3-37). A few attendees work as gun traders, actively buying and selling throughout the day (pages 3-38 to 3-41). This can create an interlocking network of private party sales that persists for hours (pages 3-42, 3-43).

In 17 states, at least some private party sales are illegal at gun shows. They still occur (pages 3-44, 3-45. See also photos 4-6 on page 3-31 and San Jose transaction in Table 3-1.)

Straw purchases (pages 3-46 to 3-65) are illegal everywhere. The straw purchasers are often females, buying perhaps for their partners. In some cases the salesperson cannot have been unaware that he was participating in a straw purchase. Cell phones have emerged as a means of conducting straw purchases without the need for the real purchaser to be present. There appear to be hotspots for straw purchasing—licensed retailers at which multiple straw purchases occur over the course of the day or even at the same time.

Off-paper sales (pages 3-66, 3-67) are probably less common than straw purchases, but a single instance would seem sufficient to identify a retailer, or at least a specific salesperson, as corrupt.

*If you get the money, we'll sell it to you. It's not hard to find assault rifles, they're just expensive. The cartels are offering a pretty penny. Or drugs. No paperwork, nothing. Just an Arizona license. And proof you're over 21. [Want] fifteen? We can get it for you. Most people just want two or three at the most.*

*—Jacob Allerd, age 19, who with his father and brother works as an unlicensed vendor at gun shows in Arizona.<sup>10</sup>*

*At every show, there are guys who come and stand outside and offer money to people bringing their guns in. Half a dozen guys, maybe more. They buy anything they think they can make a buck on, then sell it on the street. I don't trust them.*

*—Virginia licensed retailer Jim Caton<sup>3</sup>*



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*Private party sale of a Colt Anaconda revolver and an SKS rifle with bayonet. The buyer, on the left, counts out money (1) while the seller kneels (2) to remove a For Sale sign. Money changes hands (3), and the buyer takes possession of the revolver (4) and then the rifle (5).*

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## The Arizona State Fairgrounds, Phoenix, Arizona

The open space just inside the entrance to Crossroads of the West gun shows at the Arizona State Fairgrounds may be the largest and most active marketplace for undocumented private party gun sales in the United States. Dozens of sellers are present at any one time. Though guns of all types are for sale, assault rifles appear to be most in demand. In Photo 7, the man at the left is the seller; he also appears in Photo 8.

Conditions have recently changed, however. Gun sales have been prohibited (12). A reduced group of sellers and buyers now congregate 50 yards away (13), while a few transactions still go on in the area where the signs are posted (14 The sign is at right. The men at right center have a handgun to sell and the group at left is negotiating another sale.)





## Unlicensed Vendors

These unlicensed vendors have posted signs declaring their status to potential buyers. The photographs were taken in Jackson, MI (1); Orlando, FL (2 Note the requirement for compliance with state law.); Dallas, TX (3,4); Milwaukee, WI (5); Akron, OH (6 The yellow sign in the center reads "PRIVATE COLLECTION."); Tucson, AZ (7 Several "PRIVATE PARTY SALES" signs are on the table.); Milwaukee, WI (8,9 This vendor displays a sign for his gunsmithing business, but a second sign reads "ALL GUNS ARE PRIVATE SALE. NO PAPERWORK. NO TAX."); Tucson, AZ (10-12 This vendor is selling AR and conventional rifles. He is not from Arizona, where the show is taking place).





## Unlicensed Vendor, Phoenix, Arizona

This unlicensed vendor is a regular at shows in Phoenix. On this day he has approximately 30 guns for sale, including two AR pistols (2,4) and AR, AK, and SKS rifles (3). His display is marked by four large private party signs in English and Spanish (4).



1



2



3



4

### Unlicensed Vendor with Police Handguns, Milwaukee, Wisconsin

This unlicensed vendor has a unique inventory. The sign behind the three pistols in front of him reads "MILWAUKEE POLICE GLOCKS 40 cal. Excellent condition with 2 hi cap mags." They are selling for \$350. He explains to a customer that a friend of his, a licensed retailer, has bought about 25 of them. The guns, as he shows the customer (3), are stamped to identify them as property of the Milwaukee Police Department. They are not for sale at the show, but the sign gives the name and phone number of the seller. Next to these guns are four more pistols in a case marked "PRIVATE SALE."





## Private Sale Signs

These assault weapons are being offered for private sale. The sellers are sometimes licensed retailers, and sales of their other guns will require completion of a Firearms Transaction Record and a background check. The photographs were taken in Jacksonville, FL (1); Waukesha, WI (2); Dallas, TX (3-5,8,9); Phoenix, AZ (6); Houston, TX (7).





## Assault Rifles for Private Sale, Tucson, Arizona

Prospective buyers are negotiating for two never-fired AR rifles with a seller who appears to be a licensed retailer (1,2), while John Wayne looks on. The guns come with extra magazines (3); the signs indicate that they are for private sale.



## Unlicensed Vendor Sales to Possible Gun Traffickers, Phoenix, Arizona

This unlicensed vendor (1), who has approximately 40 handguns on display, completes multiple undocumented sales of handguns for cash over the course of the day. Among them are sales to each of the two men at the right in Photo 2. Identification is neither requested nor produced, and the transactions take less than five minutes to complete.

In Photo 3, four men who have already bought six handguns are buying custom accessories for them. As the show closes, they purchase two Glock pistols from the vendor in Photo 1. All four men bring their wallets out to muster sufficient cash. Again, no questions are asked; the vendor makes no effort to determine who of the four men is actually purchasing the two handguns. As the men move toward the exit with their eight handguns, they are briefly followed by two Phoenix Police Department Gang Unit officers in tactical uniforms and body armor. One of the officers remarks, "They'll just take 'em out on the street and sell 'em."



## Multiple Purchases from Unlicensed Vendors, Dallas, Texas

This man is buying two semiautomatic pistols for \$885 cash (1,2). The transaction takes about three minutes (3). He tucks the guns under his belt (4) and one minute later is at another unlicensed vendor (5) where he buys a third pistol, this one still in its original box. He again pays in cash. The vendor places a red dot on the gun, indicating that it has been purchased at the show (6), while the purchaser retrieves the ammunition magazine from the box. He takes just the gun, leaving the box with the vendor (7). He places that gun in a pocket and moves on to look at assault weapons. Identification is not requested or provided in either case; there is no paperwork. Total time for both transactions: 4 minutes, 21 seconds.





## Unlicensed Vendor Sales, Reno, Nevada

This unlicensed vendor (1) has 31 handguns and 28 rifles or shotguns for sale. In the first transaction (2), a young man prepares to purchase a pistol while a second man looks on from a distance and then joins him (3), at which point the vendor gives this second man the gun. At the moment of purchase, for \$550 cash (4), the vendor also looks at the first man's driver's license (5). There is no paperwork of any kind. The two men share possession of the gun (6) while the vendor recounts the money. As they leave, the man whose driver's license was not checked has the gun (7).

Two hours later, this vendor sells a handgun to another customer (8), again without paperwork and, in this case, without an identification check (9,10).







## Multiple Sales by Unlicensed Vendor, San Antonio, Texas

This unlicensed vendor (1) with three salespeople has 41 long guns (including three AK rifles on bipods) and 24 handguns on display. Over 37 minutes, the vendor sells one of the AK rifles to these two men (2) and three handguns to these two women (3, at left), who were accompanying the men. The handguns include a badly used Lorcin .380 pistol, which sells for \$95. In the case of the rifle, the salesman encourages the men to purchase a 65-round drum magazine, arguing that the ammunition capacity they want is too great for a standard high-capacity magazine. As for the Lorcin, the buyer simply points to the gun, the salesman names the price, and she then hands him the money and takes possession of the gun. Nothing else is said, and the transaction lasts only a few seconds.



1



2



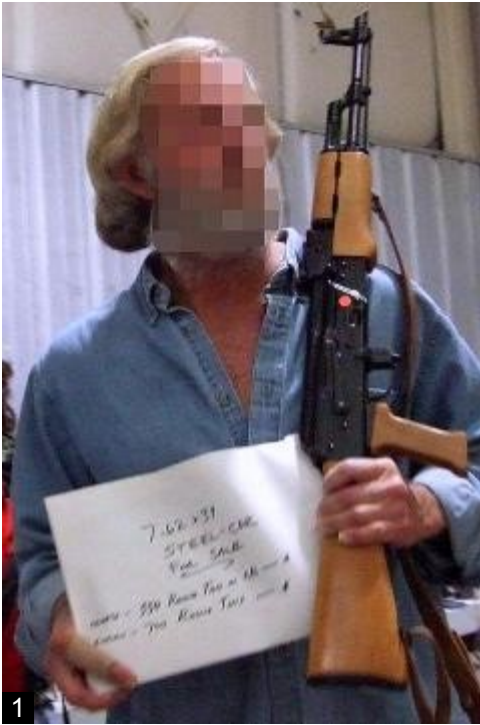
3



4

## Unlicensed Vendor Sale, Reno, Nevada

This young man (1) is interested in buying a shotgun from this unlicensed vendor (2), who has 78 shotguns and rifles on display. The two men look at guns together (3). The vendor identifies himself as a "private guy" and asks, "Do you have a Nevada driver's license?" The buyer replies that he does, and the vendor continues, "As long as you're okay with the law and have a Nevada driver's license, we're fine. I don't have to make a phone call, I'm a private guy." He never asks to see the driver's license, however, and it is never produced. The transaction proceeds with no paperwork of any type. The sale is for cash (4). The buyer asks if the vendor takes credit cards; he replies, "No, we're not a business. We don't do that."



## Attendees with Guns for Sale

These men are selling rifles (this page) and handguns (opposite page). The photographs were taken in Phoenix, AZ (1,8,11); Houston, TX (2,3,9,10); Las Vegas, NV (4); Tucson, AZ (5); Dayton, OH (6); Tampa, FL (7,12).





## Attendee Sale of an Assault Pistol, Houston, Texas

This man (1) has an AK rifle and a TEC type pistol for sale. Thirty-five minutes later, he encounters a prospective buyer for the pistol (2). Negotiations last about 10 minutes (3), after which the buyer reaches for his money (4) and walks away with the gun (5).



1



2



3



4

## Attendee Sales, Phoenix, Arizona and San Antonio, Texas

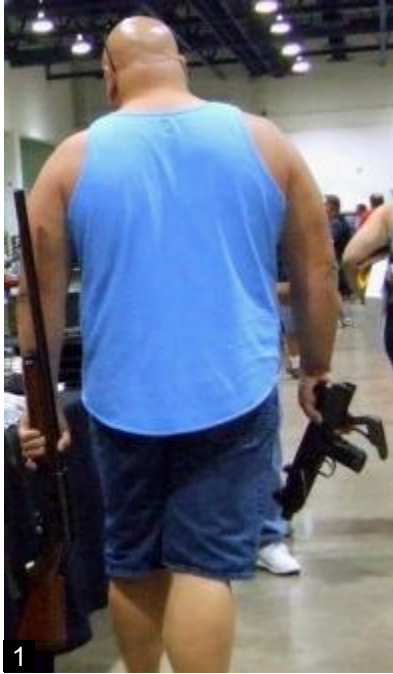
In Phoenix, the man on the left (1) pays for and takes possession (2) of a pistol-grip shotgun in a transaction that lasts less than one minute.

In San Antonio, the man on the left (3) shows a pistol to a man who appears to be in his 50s (center) and another in his 20s. The younger man pays for the gun (4), but the older man takes possession of it.



## One Attendee Sale Declined, Another Completed, Dallas, Texas

This man (1) has an AR rifle and two handguns for sale. He is explaining to a potential buyer on the phone that he cannot sell a handgun to him, since the potential buyer does not live in Texas. An hour later, he has sold his rifle but sees another that he likes (2). He inspects this gun (3) and, less than five minutes later, buys it (4). An additional transaction is conducted out of the back of the seller's Jeep (5,6).



## Attendee Sellers, Las Vegas, Nevada and Denver, Colorado

In Las Vegas, this man (1) is carrying what appears to be an Uzi with a collapsible stock. The gun is marked with a green dot (2), indicating that it was brought into the show and not purchased there. He tells a potential buyer (3) that he has ten of these guns, all new, and is selling them for \$1,550 apiece. There is no sale.

In Denver (4-6), the man on the left sells a rifle to the man on the right. Direct private party sales are illegal at gun shows in Colorado.





## Attendee Sale of an Assault Rifle, Jacksonville, Florida

This young man (1,2) is selling a pre-ban "like new" Colt AR rifle with six 30-round magazines, a 90-round magazine, and an ammunition box. He appears younger than 18 years of age, the minimum for legal ownership of a long gun. A potential buyer looks over the gun (3) and learns that it actually belongs to the boy's mother, who is carrying the magazines (4). After more inspection (5) and negotiation, a price is agreed to and cash is produced (6). The buyer takes possession of the gun (7) and is seen later (8) shopping for accessories. His hat identifies him as an officer of the Baldwin Police Department.



4



5



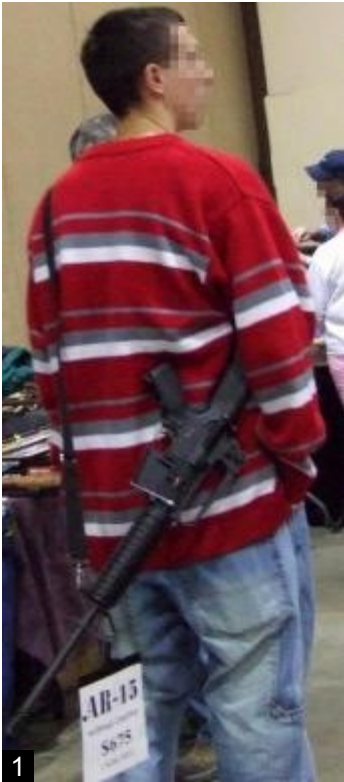
6



8



7



## Attendee Sale, Reno, Nevada

This young man (1) is selling an AR 15 rifle for \$675. He browses (2), walks the aisles (3), and browses some more (4) until a prospective buyer approaches (5). There is interest (6), but no sale (7). Twenty minutes later, another man inspects the gun (8,9). He also says no. Another 10 minutes pass, and the first prospect has reconsidered (10). This time competition develops (11), and one of these men also has a handgun of his own to sell (12). The crowd dissipates, however, and only the first prospective buyer remains (13). He eventually declines again. The young man offers the gun to the unlicensed vendor who has been watching all this activity from 15 feet away (14). He buys the gun, and the young man completes a bill of sale (15). A few minutes later the potential buyer from Photos 8 and 9 approaches the rifle's new owner (16) but learns the gun is now selling for \$850.





## Attendee Seller, Dallas, Texas

This man is using a modified baby stroller to carry the guns he is selling (1). Note the hardware added so that two long guns can be displayed and the signs on the sides of the stroller. In Photo 1, he has only one rifle on display. A moment later, he makes rendezvous with a woman pushing a second stroller (2), which carries an infant and several handguns. He restocks (2,3) and is just on his way when a potential buyer approaches (4).



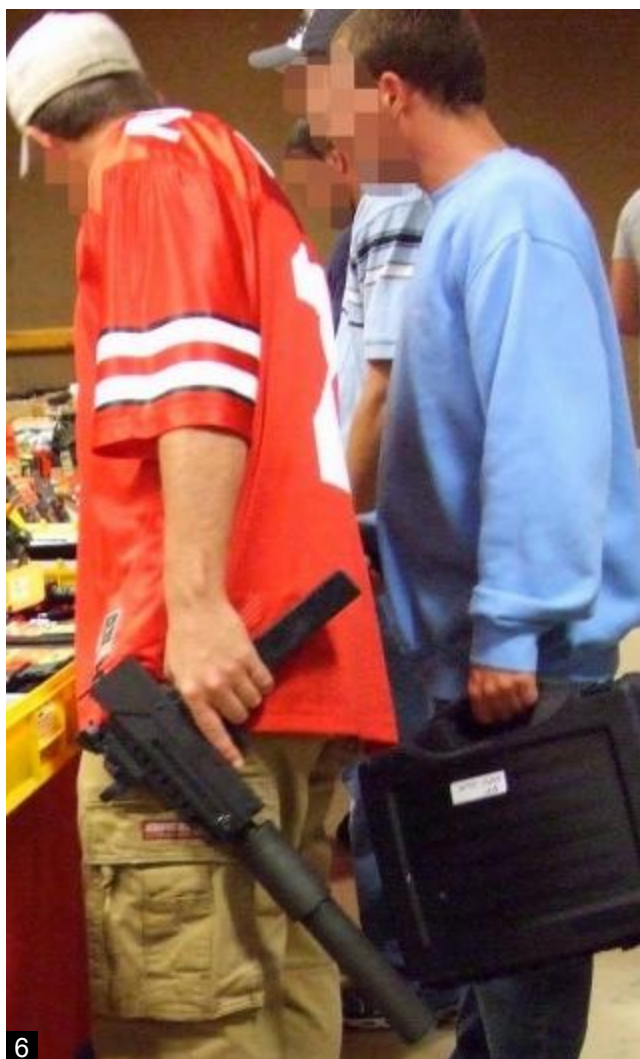
## Attendee Sellers, Las Vegas, Nevada

These two men (1) have four rifles to sell. Presumably because the guns are heavy, the men are using a wheelchair to transport and display them. The “Make Offer” sign and the novelty of the wheelchair attract many potential buyers (2,3), and two of the rifles are sold (4).



## Attendee Gun Trader, Dayton, Ohio

The man in the red jersey apparently both sells and buys guns. His initial inventory includes a Mossberg 500 shotgun with a pistol grip and several semiautomatic pistols. Over approximately half an hour, several potential buyers examine his guns (1-4) but no one buys. An hour and a half later he has acquired a new gun (5—a MAC type assault pistol fitted with a suppressor (probably a dummy) and a high-capacity magazine—and he is browsing for body armor and accessories (6). He continues to patrol the aisles (7), having by this time disposed of at least one handgun and the shotgun. The man in the blue sweatshirt, who is always nearby, is a porter; he carries the inventory while the man in red buys and sells.







## Attendee Gun Trader, San Antonio, Texas

This man (1) has an assault pistol in his left hand, an Uzi carbine slung across his chest, and a rifle receiver in his right hand. He is moving from one gun seller to another (1,2), attempting to sell all three. An hour and a half later (3-6), he has disposed of these items and is selling a MAC type pistol with a suppressor and a lever action rifle. Not long after, a buyer looks at the MAC (7) but in the end deals cash from a substantial wad of bills for what appears (8) to be a mini revolver. An hour later, the trader has sold the lever action rifle and is offering an AK rifle to a licensed retailer (9). Another attendee, who himself is carrying two rifles and a case of handguns for sale, has a look at the AK (10) but does not buy it.



5



6



7



8



9



10



## Interlocking Attendee Transactions, Tampa, Florida

Seller #1 patrols the long line of people waiting to enter the show (1); he has a rifle and a handgun for sale. Just inside, seller #2 (2, near left) shows handguns to two prospective buyers. Simultaneously and nearby, seller #3 (3, orange shirt) shows two men a MAC type pistol with a dummy suppressor. (The orange plastic tie on this and other guns in the photos mark them as having been brought into the show by attendees.) An hour later, still at the entrance to the show, seller #1 examines a pistol being sold by another party (4); he has disposed of the two guns he carried in Photo 1 and has acquired another (blue box). Seller #2 has also apparently sold his first two guns (5) and is now displaying a pistol. At this moment, seller #4 approaches (6), wearing a sandwich board to advertise his inventory and attracting several prospective buyers. He sees seller #2 and they converse (7); seller #3, sitting a few feet away (8), has had no luck.

Some time later, a young man approaches the author to ask if he has any guns to sell. A few minutes after that, the man negotiates for a pistol with an unlicensed vendor at a table (9), but does not buy it. He is immediately approached by seller #5 (10) and inspects a rifle and revolver. He declines, and without a pause seller #5 offers his guns to the same vendor (11).

Two minutes later, again at the entrance to the show, seller #3 gets an inquiry about his MAC from seller #1 (12). (There is no sale; seller #3 will leave the show with his gun.) At the same



6



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11



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13



14



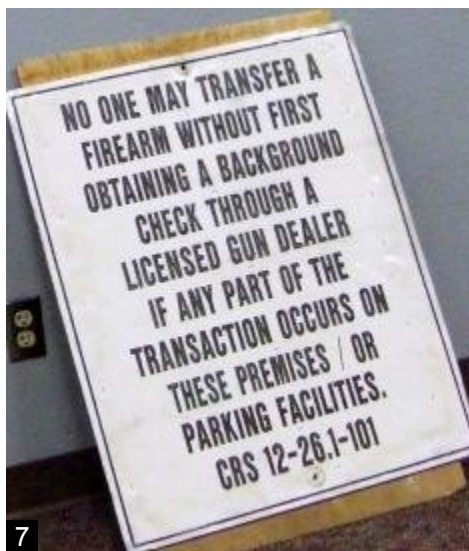
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time, and 15 feet away, the young man from Photos 9-10 encounters seller #4 and negotiates for a pistol (13). Shortly thereafter, seller #1 disposes of the gun he had acquired in photo 4. It appears that the man paying for the gun (14) is not the man who receives it (15).



## Attendee Sale, Denver, Colorado

This young man (1), who appears to be about 16 years of age, is walking the aisles of the show with a rifle to sell; a “For Sale” sign protrudes from the barrel. After about 10 minutes, he encounters a prospective buyer (2). In less than two minutes, the rifle has been shown to a third party (3) who buys it for cash (4). Identification is not requested or provided, and there is no paperwork. A few seconds later, the young man (5) and the buyer (6) walk away rapidly; the buyer leaves the show. About 50 feet away are a police officer, a sign indicating that such transactions are illegal (7), and the transfer station where the required background checks can be conducted (8).





## Apparent Straw Purchase, Phoenix, Arizona

The real purchaser (1, at left) hands money to the straw purchaser, who puts it in his pocket (2). After the real purchaser points out the gun he wants to buy (3), the straw purchaser initiates the transaction. A clerk completes a sales receipt for the gun (4)—the AK rifle with extra magazines in the background. Meanwhile, the straw purchaser fills out a Firearms Transaction Record, while the real purchaser looks on (5) and occasionally assists (6). The paperwork completed, a salesperson contacts the National Instant Criminal Background Check System (7,8), and the straw purchaser is cleared to buy the gun (9). He pays the salesperson (10), and the real purchaser helps package the gun (11). (The real purchaser appeared to have become aware that this transaction was being observed. He picked up the gun but handed it to the straw purchaser, who carried it out of the show.)







## Apparent Straw Purchase, Tampa, Florida

The straw purchaser, the woman at the center of Photo 1, has already completed a Firearms Transaction Record. The salesperson is requesting a background check on her while the real purchaser, at right in Photo 1, remains uninvolved (2). She is buying a customized SKS rifle with a high-capacity magazine and a bayonet (3). Having passed the background check, the woman pays the salesperson (4) and completes final paperwork (5). The real purchaser then takes possession of the gun (6) and goes to purchase a case for it (7). He is unable to remove the rifle's ammunition magazine to check the fit of the case (8) and returns to the salesperson for assistance. The salesperson removes the magazine, with some effort (9), and gives the rifle back to the real purchaser (10). As the real purchaser turns away, another man approaches and offers to buy the gun from him (11). He declines.





## Apparent Straw Purchase, West Palm Beach, Florida

The salesman (1) and the young man at the center of Photo 2 have discussed several handguns while two young women look on, and the young man has picked out one to buy. The woman at the right in Photo 2 is the straw purchaser. She provides her identification to the salesman. Looking at the man, the salesperson says, "You understand there is a 5 day wait?" The man nods, and the salesperson continues, "We'll call you when we're ready. This is a big operation. You don't just go over and get the paperwork." The couple leaves (3), and the woman and her friend look at jewelry nearby (4) while the man looks after a young child. After waiting with many other buyers (5), the woman is seated and completes the Firearms Transaction Record (6) while the others look on (7). Her credit card is used. Immediately afterward, the group walks to the jewelry vendor where the young man makes a purchase (8).





## Apparent Straw Purchase, Phoenix, Arizona

The real purchaser, the man on the right (1), has just handed the woman next to him a roll of currency and is selecting a handgun (1,2) . After he decides (3), she contacts a salesperson and initiates the Firearms Transaction Record (4). This becomes awkward because one hand is taken up by the money she has just been given. As she writes, the real purchaser watches (5) and checks her work (6). The paperwork completed (7), the salesperson initiates a background check (8), which she passes; her clearance is noted on the Firearms Transaction Record (9). She pays (10) and is given the gun (11). They walk away with the gun in her possession and leave the show immediately.





## Apparent Straw Purchase, Dayton, Ohio

The two men in the left foreground (1) are negotiating the purchase of a handgun from a licensed retailer (1,2), while the younger couple at the right in Photo 1 look on. The young man in that couple has cash in his right hand (3), which he appears to be making ready for the man in front of him. The negotiations are not successful, and he and the young woman separate from the two men. Ten minutes later, they are at another licensed retailer. He has given her the money and indicates the gun he wants her to purchase(4); it is an AK rifle. She contacts a salesperson (5) and completes the Firearms Transaction Record, while the man behind her (green jacket) looks on with an expression of apparent disgust (6,7).

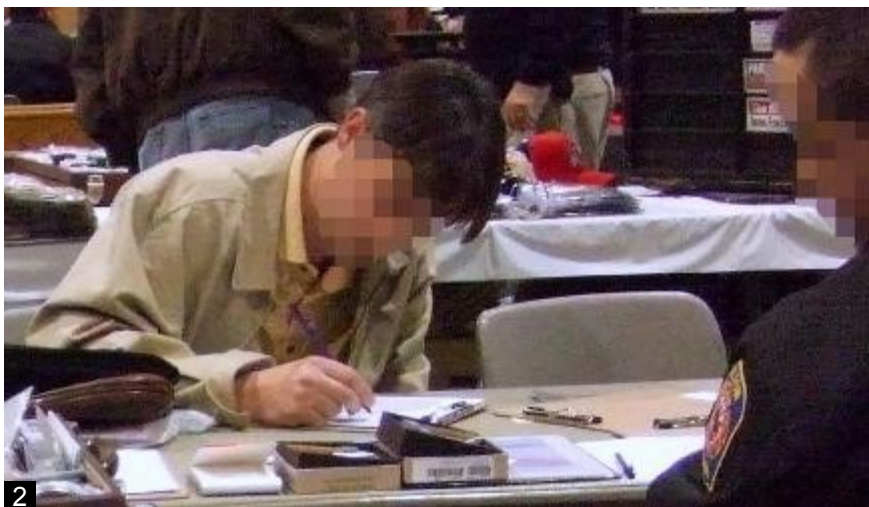






## Apparent Straw Purchase for Two Guns, Las Vegas, Nevada

As Photo 1 is being taken of these Saturday night special handguns made by descendants of California's "Ring of Fire" manufacturers, a young man just to the left makes a phone call: "Hi. I was just thinking about getting Lisa [the name has been changed] a little purse gun. Do you think she'd be down with that or do you think she'd just throw it in the drawer and forget about it?" And after a moment, "I know you can carry. If I got one for each of you, would you be sure that she gets to the concealed carry class?" There follows some discussion about what metal finish the person on the other end of the call wants on his or her gun. The young man picks out two inexpensive pistols and quickly processes paperwork (2) at this licensed retailer, which is based in Iowa. The young man and the salesman then join a line of people waiting at a transfer station (3). The salesman has the two handguns being bought in this transaction, and the buyer is carrying two others. The buyer completes additional paperwork (4), and his two guns are added to the pile growing behind the clerk at the transfer station (5). This case illustrates the ambiguity of some surrogate purchases; the buyer in this case may be purchasing these guns as gifts.





## Apparent Straw Purchase, Tampa, Florida

These four men (1) have been shopping for guns at a very large licensed retailer. The man second from the left, with an AR rifle slung on his back, initiates the purchase of four semiautomatic pistols (2). An AR pistol lies on the clipboard, and three Glocks are in boxes beneath it. The salesman at the right in Photo 3 does the initial paperwork; he is concerned that this might be a straw purchase, but the buyer insists that all the guns are for himself. (At a prior show, the salesman's boss, at left in Photo 3, aborted a straw purchase. Those buyers simply went elsewhere.) The apparent straw purchaser completes the paperwork at the retailer's workstation (4), where an ATF "Don't Lie for the Other Guy" mat lies between him and the salesperson. The AR pistol is there, too; the three Glocks are at the right. While his colleagues look on (5), he deals out separate stacks of bills to pay for the guns (6).





## **Cell Phones: 21st-Century Straw Purchasing? West Palm Beach, Florida; Houston, Texas; Tampa, Florida**

1. In West Palm Beach, this man (1) is giving detailed individual reports on the manufacturer, price, and condition of the AR rifles in front of him. The conversation continues for about five minutes.

2. In Houston, this man (2) is having a similar conversation, reporting in detail on a number of handguns.

3. Also in Houston, this woman (3) has several conversations over the course of the day while examining handguns (4). She is joined by two young men (5), who examine guns she shows them (6). They eventually leave with three handguns, after buying extra magazines (7).

4. In Tampa, this man (8) is taking a photograph of a Desert Eagle .50 caliber pistol. The salesperson, seen approaching from the right, takes the gun (9) while commenting to his partner that they need to make "hands off" signs. His concern is not that a photograph was taken, but that the slide of the pistol is open. The man takes another picture (10) before walking away. (This man also figures in the narrative on pages 3-42 and 3-43.)



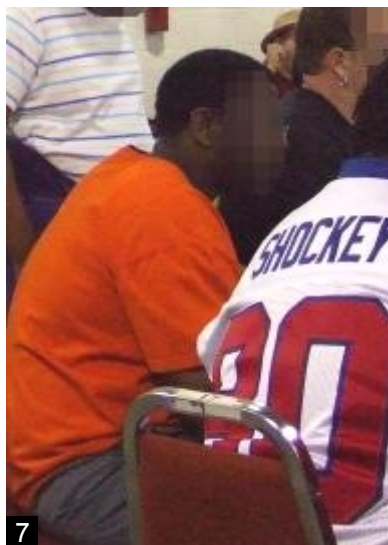
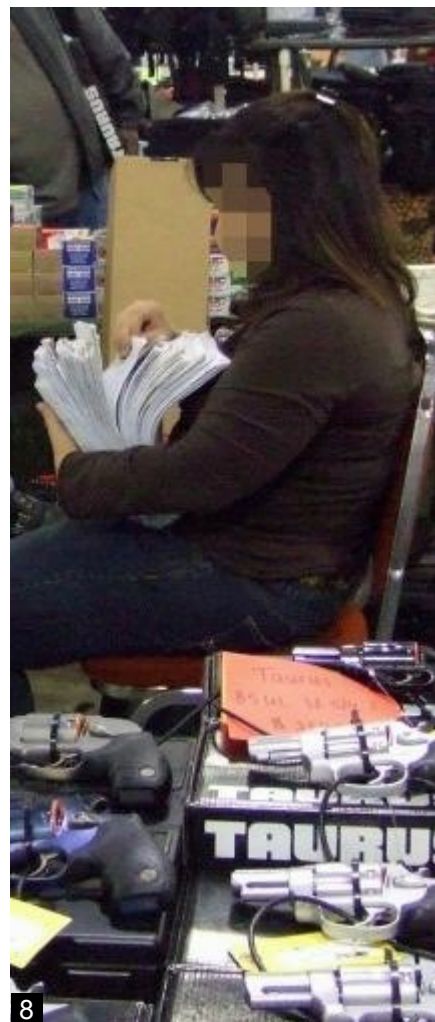


## A “Hotspot”: Multiple Apparent Straw Purchases, Jacksonville, Florida

At a large licensed retailer, several apparent straw purchases preceded almost simultaneously. In the first, this man has picked out a revolver (1) and has the money for the gun in his hand (2). The woman he is with completes the Firearms Transaction Record while he looks on and assists (3). When it is time to pay for the gun, he gives her the money; she returns the change to him. They wait together (4) while the background check is run on her.

Fifteen minutes later, the man on the right in Photo 5 is preparing to give cash to the man in the center, who has completed the Firearms Transaction Record for a handgun purchase. One minute after that, the same man provides the cash (6) for a purchase made by the man in the red T-shirt in Photo 7.

Other straw purchases appear to be occurring at the same time at this retailer, but it is not feasible to track them all. Judging by the large pile of Firearms Transaction Records this salesperson is holding (8), the retailer will sell many guns that day.



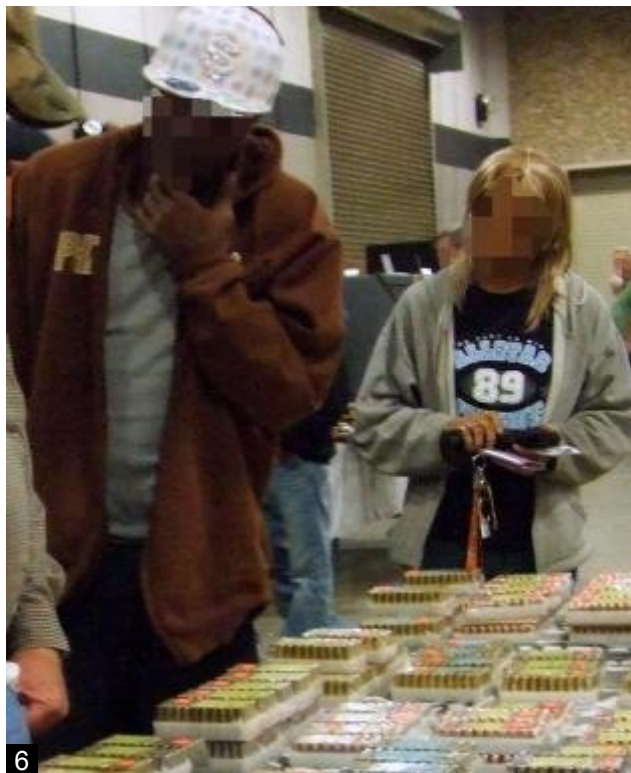




## A “Hotspot”: Serial Apparent Straw Purchases, Jackson, Mississippi

1. The woman at the right (1) is completing the Firearms Transaction Record for a handgun purchased from the salesman at the left while the man at the center looks on and advises her. He and she have several conversations with the clipboard held in front of their faces. The retailer requests a background check on her (2). She passes, and he notes this on the form (3). She counts out money to pay for the gun (4) and receives it from a second salesman (5). At this moment, that salesman asks her what caliber the gun is. She does not know. The man next to her answers the question for her. The purchase proceeds, and they leave the show immediately with the gun in her possession.

2. The young man on the left (6) is purchasing ammunition for the handgun being carried by the woman on the right (6, 7). Just before these photographs are taken, they enter the show and walk directly to the salesman in the white T-shirt in Photos 1-4. The young man points to a handgun marked with a price tag and asks the salesman, “That’s the lowest you’re going to take for this?” He agrees to buy it at that price. When the salesman brings him the Firearms Transaction Record, he jerks his thumb in the direction of the young woman, who is standing well behind him, and says, “she’s going to get it.” Without hesitation, the salesperson pivots and hands her the paperwork. She buys the gun with no difficulty. This occurs one hour after the transaction depicted in Photos 1-4.





## Apparent Off-Paper Sale, Jackson, Mississippi

The young man at the right (1) and two colleagues have been looking at guns together. He decides to buy this AR rifle, equipped with a sighting scope, from the salesman on the left. The salesman produces a Firearms Transaction Record. The young man puts pen to paper while his colleagues look on (2), but does not begin to write. They walk away without a word, taking the salesman by surprise, and begin an earnest conversation nearby (3). While they talk, the salesman leaves the room. He returns and approaches the three men, who are still in conversation. He and the would-be buyer speak for a moment, then go back to the table to complete a cash purchase of the rifle and two extra magazines—without paperwork (4,5). A few minutes later, the seller returns for help with the gun (6) as two police officers pass by (7). Shortly after that, and just a few feet away, the young man and his colleagues meet up with a private party selling a Street Sweeper shotgun (8).

