

## Keeping Handguns From Criminal Offenders

By MARK H. MOORE

**ABSTRACT:** Gun control policies must strike a balance between conserving legitimate use of handguns and reducing criminal use. Current federal law seeks to accomplish this objective by discriminating between safe and unsafe gun owners — allowing the former and prohibiting the latter from owning guns. An important practical problem soon arises: containing guns within the entitled sector. Analysis of the current supply system suggests that gun offenders acquire guns from many different sources: purchases from licensed dealers, private transfers, thefts, and black markets. Among these, legitimate purchases seem most important in supplying assaulters, and thefts seem to be the most important in supplying armed robbers. The “black market” turns out to be difficult to distinguish from the other sectors. To the extent it is distinct, it seems to be populated primarily by small-scale, impermanent enterprises, rather than durable firms. Analysis of how existing institutions might be deployed against this system leads to the conclusion that local enforcement capacities and federal regulatory efforts are the most important operational capacities to develop. Federal criminal investigation capabilities are important only for limited purposes.

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*Mark H. Moore is the Guggenheim Professor of Criminal Justice Policy and Management at the Kennedy School of Government, Harvard University. He was formerly director of planning and evaluation for the Drug Enforcement Administration of the U.S. Department of Justice. He is currently engaged in a collaborative analysis of gun control policies with Philip J. Cook of Duke University.*

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FOR DECADES, gun control policy in the United States has struggled with a fundamental dilemma. On one hand, intuition and empirical evidence suggested that widespread gun availability intensified violent crime. This offered some justification for generally reducing gun availability. On the other hand, most guns seemed to be used for legitimate purposes, and those who owned the guns seemed to value them highly. Thus potential gains in reducing crime could be secured only at the price of inflicting losses on those who wished to use guns for self-defense, recreation, or collecting.

It is the genius of our governmental system that it handles value conflicts such as these by searching for policies that protect some of all the expressed values. Thus the history of gun control policies is a continuing search for instruments that strike a balance between protecting legitimate uses of guns and reducing harmful uses. Sometimes the focus has been on the guns themselves. We have distinguished "safe" from "unsafe" guns and sought stringent controls—even bans—over particularly dangerous guns. Gun control policies have focused on "gangster-type weapons," "Saturday night specials," and handguns. Weapons such as .22 rifles and shotguns are only occasionally proposed as targets of regulation. Other times, gun control policies have focused on particular uses of guns. Particularly harsh penalties are advocated for those who use guns in crimes; tighter restrictions on gun use are imposed in cities than in rural areas; and possession of guns is treated more leniently than carrying them in city streets. In short, whether gun control policies are aimed at the guns or the uses, the basic thrust of our policies

is to discriminate among guns and uses in an effort to protect legitimate uses while cutting down on bad uses.

#### DISCRIMINATING BETWEEN SAFE AND UNSAFE GUN OWNERS

Probably the most obvious discriminatory policies, however, are those that seek to distinguish safe and responsible gun owners from less reliable people and that entitle the former and proscribe the latter from acquiring, possessing, or carrying guns. This idea is embodied in the Gun Control Act of 1968, which establishes classes of proscribed users—convicted felons, adjudicated mental defectives, drug abusers, and minors. Such policies have great intuitive appeal. It makes sense to keep guns—particularly handguns—out of the hands of criminals. The practical value of such policies, however, depends fundamentally on two factors: (1) how precisely the line between safe and unsafe gun owners can be drawn and (2) how effectively guns can be contained within the entitled sector. If many gun crimes are committed by people who did not appear dangerous before they committed the offense, or if guns migrate easily from entitled to proscribed users, then the real effects of discriminatory policies will be less substantial than we might hope.

Drawing the line between safe and unsafe gun owners presents many challenging issues. Among them are the following: (1) whether the presumption should be that people are safe and responsible unless clear evidence or irresponsibility exists, or that people are unsafe unless they can present evidence of competence and good character; (2) how deeply conceivable



extensions of the current line would cut into the current population of gun offenders at what price in terms of prohibiting gun ownership among people who would not have committed gun crimes; (3) what characteristics of people can be practically and conveniently observed, given current record-keeping procedures and statutory guarantees of privacy; and so on. Many of these issues are usefully addressed in the article by Philip J. Cook and James Blöse in this issue.

No matter where the line is finally drawn, however, one must eventually confront the practical problem of policing the line and containing handguns within the entitled sector. This is hardly a trivial problem. In any given year, several million handguns change hands through sales, gifts, loans, and thefts. The transactions are managed by a wide variety of institutions ranging from commercial enterprises, through informal private arrangements, to more or less well-organized criminal activities. Deployed against this complex system is a relatively limited network of federal, state, and local enforcement organizations. To make the most of the limited control capabilities, it is important to develop some sense for the relative importance of the varied sources in supplying criminal offenders.

#### CURRENT CONCEPTIONS OF SOURCES OF GUNS TO OFFENDERS

Three more or less well-developed ideas dominate current conceptions of the sources of guns to offenders. One view is based on the observation that states with relatively lax gun control laws tend to supply states with tighter gun con-

trol policies.<sup>1</sup> Put more directly, a larger fraction of guns used in crimes in Boston were originally purchased out-of-state—and specifically in loose-control states, such as South Carolina and Florida—than is true of guns used in crimes in Dallas—which were bought primarily in Texas.<sup>2</sup> This fact clearly suggests the difficulty of protecting “local options” in establishing gun control policies, and establishes some federal interest in the gun control area. But to some, the finding suggests a great deal more. The interstate flow of handguns used for crime conjures up an image of well-organized interstate gunrunning operations that buy handguns cheaply in South Carolina, Florida, and Texas and sell the guns expensively—and exclusively to criminals barred from legitimate markets—in cities such as New York, Chicago, and Washington.

The mere fact of interstate migrations of handguns need not imply the existence of such operations, of course. The pattern we observe could be the result of a simple southern/rural to northern/urban migration that carries guns along as personal possessions and cultural practices. The people carrying the guns interstate need not be economically motivated, organized in large stable firms, nor inclined to sell to criminals. Moreover, focusing on the interstate flow of guns ignores the fact that while this is part of the problem for some states—including those that contain a large fraction of the nation’s violent crime—interstate gun flows are a negligible problem for many other states, and

1. Bureau of Alcohol, Tobacco and Firearms, *Project Identification: A Study of Handguns Used in Crime* (Washington, D.C.: U.S. Department of the Treasury, 1976).

2. *Ibid.*, pp. 11–17.



to commit a crime at the time they acquired the gun, it may be unreasonable to suppose that criminal gun purchasers take special precautions in arming themselves. Moreover, since licensed dealers and private individuals can be tricked by purchasers—or actively collude with them—gun purchasers may be able to find anonymity and untraceable guns in sectors that do not resemble black markets. Finally, if people want stolen or untraceable guns they can always steal them themselves. In short, the basic assumption in this third view—that there will be a specialized black market in guns—may turn out to be false. Since the demand for criminal guns can be met in other ways, a specialized black market may not arise.

This review of current conceptions and knowledge reveals confusion about the sources of guns to criminal offenders. The purpose of this article is to begin a more systematic investigation by bringing some conceptual order and empirical evidence to bear. The first step is to identify various sectors and mechanisms that transfer handguns and to make rough estimates of the volume of transfers managed within the sectors and their vulnerability to proscribed or criminally motivated gun owners. This step is important because it fixes conceptions about possible sources of supply and aids our quantitative intuitions about their relative importance. The next step is to present a small amount of empirical information about proximate sources of supply for criminal offenders. Although the evidence is too weak to allow a confident assessment about the relative importance of the varied sources of supply, it does check and give some emphasis to the more general discussion of sources of supply. Finally, we will

consider how existing control efforts are deployed against the various sources of supply. To the extent that important sectors are ignored or underemphasized, a *prima facie* case for some redeployment can be developed.

#### POTENTIAL SOURCES OF SUPPLY

For our purposes, four possible sources of supply to offenders will be distinguished and analyzed: federal licensees, private transferors, thefts, and the black market. As one might expect, currently available information will support precise estimates of neither the volume of transfers in these sectors, nor the proportion of the transfers involving proscribed or criminally motivated persons. For purposes of policy design, however, this imprecision need not be a problem. In fact, a healthy degree of uncertainty in our estimates is useful, since it urges us to diversify control efforts. Diversification is sensible not only because we are currently uncertain about which sectors are most important, but also because whatever the current reality is, we expect it to change as control efforts are tried. After all, the supply system is interdependent and reacts to specific control efforts. Consequently, if we were to focus our attack narrowly in accord with precise estimates of the relative importance of given sectors, we would soon find out that the problem had changed. In effect, since both uncertainty and the expectation of dynamic adjustments counsel a broadly diversified control effort, we can tolerate substantial uncertainty in our estimates.

#### *Federal licensees*

The federally licensed retail sector probably accounts for the largest



even states that import many guns used for crime also have a problem of intrastate flows of guns to crime.

A second view is based on a different observation about guns for crime. Zimring has observed that "new guns"—that is, those sold new at retail within the last few years—are "over-represented" among criminal guns when compared with their estimated share of the total stock of handguns.<sup>3</sup> The most direct and powerful implication of this finding is that reductions in the flow of guns will produce a greater effect on crime than equal reductions in the existing stock. This is good news for those who would like to impose restrictions on production, since it suggests that such efforts will be more effective sooner than would be true if all guns were equally likely to end up in criminal uses. But again, this important fact is stretched still further. Some use this fact to support the hypothesis that the most troublesome source of supply is commercial dealers. Since new guns are overrepresented, and since new guns are more likely to have come into the hands of the offender directly from a dealer, it seems most important to crack down on licensed dealers.

The reasoning here is, again, pretty loose. To say new guns are overrepresented is not the same as saying they are the most important source of supply to criminal offenders. Since the vast majority of the guns are old, they can be significantly underrepresented among criminal guns and still account for very large fractions of all these guns. Furthermore, a new gun is one that was

sold at retail in the last five years. Five years is plenty of time for a gun to be privately resold, lent, or stolen. Thus while some positive correlation may exist between the age of a gun and the probability that its current possessor bought it from a licensed dealer in a commercial transaction, the correlation will be far from perfect. In any event, the fact that new guns are overrepresented among criminal guns falls short of establishing the proposition that licensed dealers should be the dominant focus of regulatory and enforcement efforts.

A third view is based on the idea that there is something special about people who commit crimes with handguns and that, as a result, they will patronize a specialized black market catering to their special needs or characteristics. Sometimes the argument is that since offenders want untraceable guns, they seek out people who deal in stolen guns, are specialists in removing identifying marks, ask no questions about the purchaser, and create no records of the transaction. Other times the argument is that people who commit gun offenses commonly associate with people who deal in stolen goods including guns, and that they naturally purchase guns from such people, since it is inexpensive, convenient, and relatively safe. Such views find empirical support in Brill's finding that stolen guns figured prominently among criminal guns in New York City.<sup>4</sup>

While this third view also seems plausible, one can, again, raise objections. Since many crimes are committed by people who did not intend

3. Franklin E. Zimring, "Street Crime and New Guns: Some Implications for Firearms Control," *J. Criminal Justice*, 4:95-107.

4. Steven Brill, *Firearm Abuse: A Research and Policy Report* (Washington, D.C.: Police Foundation, 1977), pp. 106-7.



number of transactions. If we assume that most newly produced or imported guns move through this sector, and that inventories held by dealers are either small or constant, then we can guess that approximately 1.5 to 2.0 million transfers of new guns occur each year in the sector.<sup>5</sup> This establishes a lower bound for transfers in this sector. There may be more. The reason is that some portion of the resale activities may be conducted by federally licensed retail dealers. After all, many of the people holding federal licenses are essentially private collectors, rather than large retail dealers. And even large retail dealers typically sell used guns as well as new guns. So it seems reasonable to guess that some 1.5 to 2.3 million handgun transfers occur in this sector.

An important question is how many of the transfers involve proscribed persons. If compliance with federal law were perfect, of course, the answer would be none. But there is little reason to believe that compliance is perfect. Dealers can be easily deceived by their customers. They may even collude with them to overlook disqualifying characteristics. Even close investigation might fail to disclose such acts. We also know, however, that there is only about a 10 percent chance that a dealer will be investigated in any given year. It seems reasonable to assume, then, that federally licensed dealers are vulnerable to proscribed persons.

The quantitative question, of course, is how vulnerable federally licensed dealers are. The Bureau of Alcohol, Tobacco and Firearms (ATF)

conducted detailed reviews of the activities of licensed dealers in Washington, Boston, and Chicago in 1977. Nearly 70,000 transfers were reviewed. The estimated rate of illegal sales and questionable purchases varied from 0.6 percent—in Washington, D.C.—to 4.0 percent—in Chicago.<sup>6</sup> If we apply these numbers to our estimates of 1.5 to 2.3 million transfers in this sector, we can calculate that some 9000 to 90,000 transfers involving proscribed people occur each year in the federally licensed sector.

#### *Private transfers*

The private transfer sector is probably the next largest sector. Two different methods can be used to generate rough estimates of the annual number of private transfers. One method takes advantage of a 1968 survey of gun owners which indicated that about 34 percent of current gun owners acquired used guns in private transfers.<sup>7</sup> If we assumed that this proportion were constant over time, then we could compute the annual number of transfers by multiplying the number of new guns sold each year by 0.34.<sup>8</sup> If the num-

6. "Interim Report: Analysis of Operation CUE (Concentrated Urban Enforcement)" (Washington, D.C.: Bureau of Alcohol, Tobacco and Firearms, Feb. 1977), pp. 187, 191.

7. George D. Newton and Franklin E. Zimring, *Firearms and Violence in American Life* (Washington, D.C.: National Commission on the Causes and Prevention of Violence, 1968), pp. 13-14.

8. The reason is that all of these new guns would contribute new gun owners who would respond in a survey that they acquired new guns from a retail dealer. In order for the proportion of such responses to remain constant, then, some people who were previously in this group would have to sell to a different group who would then respond that they had bought an old gun from a private source. Note that this is not a behavioral requirement. It is a mathematical

5. Franklin E. Zimring, "Firearms and Federal Law: The Gun Control Act of 1968," *J. Legal Studies*, IV:133-98 (1975).



ber of new handguns sold, then, were 1.5 to 2.2 million, this method would suggest that some 500,000 to 700,000 guns were exchanged in private transfers.

Unfortunately, there is no particular reason to assume that the proportion of gun owners claiming a given source would be constant. In fact, it seems quite likely that at the time this survey was taken, the world of gun ownership was changing rapidly. Specifically, annual sales of handguns were increasing. If new gun purchases from retail dealers were in fact increasing dramatically, the method just described would produce an inflated estimate of the number of private transfers. The reason is that the survey data would be asking people about sources of guns in a period when retail sales had been modest—thereby producing an inflated estimate of what the fraction who acquired their guns in private transfers would soon be. Then, the error would be compounded by applying this inflated rate of private transfers to a dramatically increasing number of new retail purchases. Thus the estimate of 500,000 to 700,000 is likely to be high.

An alternative method for estimating the number of private transfers yields a lower bound. This estimate is based on an analysis of how often guns are re-registered in states and cities that require registration. In Chicago from 1968 to 1977, 623,000 guns were registered. Of this number 60,000 were re-registered.<sup>9</sup> Since re-registrations indicate transfers, a simple calculation suggests that the

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requirement imposed by our assumption of a constant proportion of people reporting different sources of handguns.

9. These numbers came from an interview with an official of the Bureau of Gun Registration in Chicago, IL.

annual rate of gun transfers in Chicago was approximately 1.0 percent. Since people may be careless about reporting changes, and since the existence of the registration system may deter transfers, this estimate is likely to be low as an estimate of a national rate of private transfers. Still, if one applies this rate to an estimated 30 to 40 million handguns currently in private hands, one can calculate that 300,000 to 400,000 handguns change hands each year.<sup>10</sup> Taken together, the two methods suggest that somewhere between 300,000 and 700,000 old guns change hands in private transfers each year.

How many of these handguns end up in the hands of proscribed or criminally motivated people is even more uncertain. In principle, of course, this sector is extremely vulnerable to proscribed persons, since the private transferors are under no federal obligation to avoid transfers to proscribed individuals.<sup>11</sup> Moreover, there is virtually no regular scrutiny of this activity, and it is hard to imagine how such small-scale, intimate events could be brought under public scrutiny. In practice, however, the vulnerability of this sector may be determined by the "social proximity" of legitimate current owners to proscribed individuals. If people in the "underworld"

10. The estimate of 30 to 40 million handguns comes from calculations that reconcile production and importation data with national survey data on handgun ownership.

11. The rules governing the conduct of dealers in the Gun Control Act of 1968 apply only to federally licensed dealers. There is also a requirement that everyone "engaged in the business of selling" guns must acquire a federal license. Unfortunately, "engaged in the business of selling" is not defined. Court interpretations have been varied, but it seems fairly clear that a private person selling or trading a few guns a year is not a "dealer" under the meaning of the act.



have few friends or relatives in the "straight world" who own guns, it may be hard for chains of "private transfers" to develop that start in legally entitled sectors and end up in proscribed sectors. The social distance may simply be too great. On balance, then, it is unclear whether the private transfer sector is more or less vulnerable to proscribed persons than the federally licensed sector: once approached, private transferors may yield to proscribed persons more easily than licensed dealers, but it requires more personal connections and initiative to make the approach.

### *Thefts*

The third transfer mechanism is thefts. For analytic purposes, it is useful to distinguish between thefts from manufacturers, shippers, licensed dealers, and individuals. Data gathered by ATF on thefts from manufacturers and shippers are sufficient to indicate that thefts from these sources are a relatively insignificant part of the problem.<sup>12</sup> The greater problems lie with licensed dealers and private owners. Two different surveys of licensed dealers have been undertaken by ATF to determine the number of handguns stolen. A 1975 survey of 30,000 licensed dealers in the Midwest revealed that handguns were stolen from these dealers at an annual rate of about 1 handgun for every 10 dealers.<sup>13</sup> A more recent survey of a

sample of 328 licensed dealers drawn from all licensees indicated an annual rate of handgun thefts of approximately 1 handgun for every 25 dealers.<sup>14</sup> If these rates are applied to the population of 170,000 federal licensees, one can calculate that approximately 7000 to 17,000 handguns are stolen from federal licensees each year.

Estimates of the number of handguns stolen from private individuals can be generated by two different methods. First, for those cities or states with comprehensive gun registration systems, we can ask what fraction of the guns are reported stolen each year. This is an imperfect method, since we do not really expect the registration system to be comprehensive, nor do we expect perfect reporting on the theft of weapons. Still, on the basis of data from New York City, Brill estimates a reported theft rate of 253 per 100,000 handguns.<sup>15</sup> If we assumed that New York City's experience were typical of the rest of the United States, we could calculate that some 100,000 to 115,000 handguns were stolen from private individuals each year.

Second, we can investigate the burglary reports from selected cities and determine the fraction of household burglaries that yielded a stolen handgun. Table 1 presents available data from several cities. The differences in the fraction of burglaries resulting in a loss of a handgun may reflect many factors, and knowledge of these factors may be very important in estimating a true national estimate of the yield of handguns in burglaries. For our purposes, how-

12. See data reported in Mark H. Moore, "The Supply of Handguns: An Analysis of the Potential and Current Importance of Alternative Sources of Handguns to Criminal Offenders," mimeographed, pp. 52-55 (May 1979).

13. "Handgun Crime Control—1975-1976," Hearings Before the Sub-Committee to Investigate Juvenile Delinquency of the Committee of the Judiciary, U.S., Senate 94th Congress, 1st sess., p. 2004.

14. "Firearms Theft Study," Bureau of Alcohol, Tobacco, and Firearms, mimeographed (1979), p. 6.

15. Steven Brill, *Firearm Abuse: A Research and Policy Report*, Police Foundation (Washington, DC: 1977), p. 104.



TABLE 1

FRACTIONS OF RESIDENTIAL BURGLARIES YIELDING A HANDGUN: SELECTED CITIES AND YEARS

CITIES AND YEARS	NUMBER OF RESIDENTIAL BURGLARIES	NUMBER OF GUNS STOLEN IN RESIDENTIAL BURGLARIES	PERCENTAGE OF BURGLARIES INVOLVING THEFT OF A HANDGUN
Houston, 1976	6339	901	14.2
St. Louis, 1975	13,547	1047	7.7
St. Louis, 1976	12,410	840	6.8
Durham, North Carolina	534	37	6.9
Atlanta, 1977	12,446	699*	5.6*
Los Angeles, 1977	63,928	1422*	2.2*

SOURCES: Correspondence, Houston Police Department; supplementary data from the St. Louis Metropolitan Police Department; Philip J. Cook, "Crime in Durham" (Duke University); data collected from the files of the Atlanta Police Department; and supplementary data provided by the Los Angeles Police Department.

\* Involves all firearms, not just handguns.

ever, it is sufficient to guess that the national yield lies between 3 percent and 10 percent. Applying this rate to annual numbers of household burglaries produces an estimate of approximately 60,000 to 200,000 handguns stolen each year.

Thus it seems reasonable to assume that some 65,000 to 225,000 handguns are stolen each year. The vast majority of them—60,000 to 200,000—come from household burglaries. This is an impressive number—even when compared with the volume of other more common transfers.

What makes this number even more impressive, however, is a strong presumption that virtually all stolen guns end up in the hands of proscribed or dangerous people. This is true partly because the immediate possessor of a stolen gun is, by definition, a thief. But it is also true that stolen guns are particularly attractive to people who intend to commit violent crimes with guns because they are virtually impossible to trace. Thus whether the thief keeps it for himself or transfers it to a fence, colleague, or black-market dealer for future sales, the gun has crossed more or less irrevocably into the proscribed sector.

### *The black market*

So far, we have examined ways in which proscribed persons might arm themselves directly by penetrating the legitimate sector without the aid of intermediaries. It is possible, however, that some specialized institutions might develop to channel guns from legitimate to proscribed sectors. In fact, if we give our romantic fancies free rein, we can imagine specialized firms, operating on commercial scales, well known within the underworld, but largely invisible to the legitimate world, selling untraceable guns at premium prices to Mafia hit men and professional armed robbers. In fact, it is precisely this notion that justifies sophisticated federal criminal investigations of gun dealers. If such firms existed, it would be important to know something about the volume of transfers that flowed through them.

The fact of the matter is, however, that we know relatively little about this sector. It may be that we are ignorant because it is hard to observe illegal activity directly. But it could also be true that this sector does not exist—or at least not in the form we imagine. After all, the most important reason to believe that special-



ized black-market firms exist is our strong belief that a specialized demand for handguns composed of people with avowedly criminal intentions exists and that this demand cannot be satisfied through the other mechanisms and sectors we have identified.

But what our analysis of the other sectors has revealed is that all sectors are vulnerable to proscribed individuals. A licensed dealer may have an unrecorded inventory of used guns dealt under the counter. A private individual legally entitled to own a gun can transfer it to a proscribed person without risk of prosecution. And a proscribed person who wants a gun may steal it for himself or may acquire it from a friend or acquaintance who is a thief without the assistance of a specialized institution. In short, some portion of the specialized demand that could stimulate the black market can, in fact, be satisfied through the less specialized institutions already examined. If enough of that specialized demand is satisfied through the less specialized institutions, the black-market firms may not arise at all.

Moreover, as one thinks about how the illegal market might be structured, it becomes apparent that the particular characteristics of black-market firms will be decisively influenced by the characteristics of the competing supply mechanisms. This is obvious in the case where these other supply mechanisms substitute for the black-market firms. But it is also clear that these other supply mechanisms will directly shape the activities of the relatively specialized institutions that do come into existence.

Since the black-market firms will themselves be supplied by these other mechanisms, the particular way in which these other mechanisms "leak" guns to black-market

firms will have an important effect on the size and longevity of black-market firms. If a shipment of 50 to 100 guns is stolen, for example, then the disposal of these guns may require the development—or short-term use—of a relatively large and durable institution. It must be capable of managing 50 to 100 illegal transactions, each with a new customer. On the other hand, if a few guns are stolen in a series of household burglaries or are purchased under the counter from licensed dealers, they may be disposed of through relatively small and impermanent operations or through a larger institution that has wide underworld contacts, but does not exist solely to supply guns—for example, fencing operations. In short, the smaller and more unpredictable the "leaks" of guns from the other sectors, the less likely will be the development of large, durable institutions dealing specifically in handguns for proscribed individuals.

Given these difficulties, it is necessary to change our approach in analyzing the black-market firm. Instead of defining it as a distinct sector and estimating its size, we shift to a more qualitative approach. We seek to answer the following question: if a person advertises himself as a criminal who needs a handgun, who responds to his demand? It could turn out to be the black-market firms we imagine. Or it could turn out to be something that resembles the other sectors we have identified. The great virtue of posing the question in this form is that review of investigative files created by ATF undercover agents will produce the empirical evidence we need to answer it. After all, the agents pose as criminals who want to buy guns and then accumulate and record information about the people who agree to do business with them.



suggests that ATF has an important regulatory role in controlling federal licensees.

The private transfer sector is currently no one's responsibility. To the extent one wanted to deter private individuals from transferring guns to proscribed individuals, he would have to rely on state or city laws prohibiting such transfers—federal laws would be irrelevant unless a person handled more than a few guns a year.<sup>18</sup> Enforcement would depend on undercover investigations in which police offered to buy guns after identifying themselves as proscribed persons. In principle, federal agents could do this—charging private sellers with “conspiracy” or “aiding and abetting” proscribed persons to possess handguns—but the cases would be difficult to develop and would yield returns that seemed small to sophisticated federal agents. Moreover, since there are only a few thousand federal criminal agents scattered throughout the country, it is difficult to believe that they would be much of a presence in controlling private transfers. A more plausible alternative would be to encourage local police departments to attack illegal gun transfers with the same vigor that characterizes current efforts against drug dealers. There are obvious difficulties with such an approach, but it is difficult to imagine alternative methods to prevent private transfers of handguns to proscribed individuals.

18. For a discussion of existing statutes regulating such transfers, see James Blose and Philip J. Cook, “Regulating Handgun Transfers: Current State and Federal Procedures and an Assessment of the Feasibility and Cost of the Proposed Procedures in the Handgun Crime Control Act of 1979” (Durham, NC: Institute of Policy Sciences and Public Affairs, 1980).

Thefts also seem to be most usefully attacked by local police departments. Since burglary and larceny are important local crimes, local police departments are already well organized to deter the offense, apprehend the offenders, and, to degree, attack fencing operations associated with burglaries. While one can, again, imagine a federal criminal effort to combat gun theft, it is hard to imagine that a few federal agents could substantially increase current local capacities. Of course, even local police departments with all their resources have not been particularly successful in controlling burglaries. But still, to the extent one wanted to focus on thefts as current data indicates we should, one would have to rely primarily on local police.

Black-market firms sound as though they should be the special focus of federal criminal investigations. We can imagine sophisticated undercover investigations disclosing elaborate conspiracies. The problem is that our analysis and data suggest that the black market in guns will have an elaborate structure. Chances are that the black-market firms will be small, impermanent, and hard to distinguish from private transfers and thieves disposing of stolen goods. In fact, the most elaborate operations are likely to be organized fencing operations. Few dealers may be worth a federal effort. The best approach is likely to be a high volume, relatively unsophisticated undercover investigations, patrol efforts and a few informants. This, again, can be mounted easily by local police.

This quick review suggests a surprising and important conclusion: the most important institutions for containing guns in the entitled



are local police departments—not federal agencies. They are well positioned and organized to discourage illegal private transfers, to discourage burglaries and disrupt fencing operations, and to control the black-market firms that are most likely to appear. To control federal licensees, one would have to rely on ATF, but we would be primarily interested in their regulatory programs, not their criminal enforcement program. In fact, it seems that the institution we need least in controlling transfers is a large, sophisticated federal criminal investigative capability. To the extent that we wanted ATF to take responsibility for a national program to keep guns out

of the hands of proscribed individuals, then, we would urge them to develop their regulatory programs and their liaison capabilities with local police, rather than an independent criminal investigative capacity. To the extent ATF developed and maintained independent criminal investigative capabilities, they should be deployed as follows: (1) as part of the effort to mobilize local police, (2) as substitutes for local police in areas where they are unwilling to pick up the local burden, or (3) used in a very small number of cases that involved large, interstate illegal firms. They cannot hope to contain guns in the entitled sector by themselves.

