

# ***ST. LOUIS POST-DISPATCH (MO)***

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## **Study of U.S. Gun Law Finds 7,030 Illegal Buys**

**By Curt Anderson, The Associated Press**

[WASHINGTON, DC] – More than 7,000 people who should have been kept from buying guns were able to buy them anyway in 2002 and 2003, according to a report released Monday.

The government rarely prosecutes such cases, according to Glenn A. Fine, the Justice department's inspector general.

Federal law requires gun buyers to wait up to three business days before getting their weapons so the FBI can run background checks on them. Of the 17 million gun purchases in the last two years, 122,000 were denied because of the checks.

If the background check isn't completed within the period, however, the law says the purchase must go through. In 2002 and 2003, there were a combined 7,030 "delayed denial" cases in which the FBI found that a prohibited person was able to get a gun after the time expired, the report said.

The Bureau of Alcohol, Tobacco, Firearms and Explosives retrieved the weapon in 97 percent of those cases. But that sometimes took a year or longer, ample time for an illegal buyer to use the gun to commit a crime.

The study did not say how many times that occurred but gave some examples. In one case, a prohibited buyer fired the illegally purchased weapon at another person's car. He was charged with aggravated assault.

The ATF gave several reasons for its failure to retrieve the guns more quickly, including staffing shortages, technology problems and lack of adequate timeliness standards. The review also found that ATF agents did not consider it a priority to track down the illegal gun purchasers because they are not viewed as dangerous.

"We were also told that 'bad guys' generally do not purchase their firearms through legitimate dealers" but instead do so illegally, at unregulated gun shows or flea markets or through other means, the review said.

The study also found that federal prosecutors brought charges in only 154 of the 122,000 illegal purchase cases.

Many U.S. attorneys believe cases are difficult to bring to a jury, the review said, partly because a denial can occur because of seemingly minor offenses that happened long ago. Examples include a man who stole a pig in 1941, a person convicted of check forgery in 1959 and someone with an attempted burglary conviction dating to 1963.

Congress set up the three-day waiting period for buying firearms when it passed the Brady Act in 1993. The delay was meant to ensure that fugitives, people convicted of crimes, illegal aliens, people involved in domestic violence, drug addicts and others cannot buy guns from federally licensed dealers. Those dealers are required to submit forms to the FBI's National Instant Criminal Background Check System before any weapon can be bought.

As of June, the review found a backlog of 2,819 standard denial cases – those in which the illegal purchaser tried and failed to get a gun – that the FBI had referred to the ATF for investigation.

In a written response, ATF Director Carl Truscott said he agreed that “general timeliness standards” should be adopted and that his agency is moving to ensure that agents react faster and document gun-retrieval cases more meticulously.

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