

Date: January, 26th, 2010

Re: Firearms Violations at the Sharonville Convention Center

To: Sharonville Mayor's Office, Sharonville City Council, Sharonville Police Department, Hamilton County Commissioners, Ohio Attorney General, US Attorneys' Office Southern District of Ohio

From: Brian Rothenberg, Executive Director
ProgressOhio
251 S. 3rd St.
Columbus, OH 43215
614 441-9145

BACKGROUND

Federal and state laws make it simple for anyone to buy a handgun at a gun show without undergoing a background check. In practice, basically anyone without a federal firearms license is allowed to rent a booth at a gun show and sell guns without performing basic background checks and record keeping. This is known as the "gun show loophole."

The main requirements placed on unlicensed dealers (private sellers) are:

- don't "engage in the business of selling firearms"
- don't sell to people you reasonably believe couldn't pass a background check
- don't sell to people who aren't residents of your state.

This is surely a low bar, as there are tighter regulations on the sale of cold decongestants. Yet, an investigation last year by the New York Mayor's office¹ found repeated evidence that the first two requirements were being violated in Ohio:

- At the Sharonville gun show, a "private seller" stated that he sold 348 assault rifles a year. A "private seller" recorded at the Sharonville, Columbus and Dayton shows had an employee.
- The majority of the time, private sellers sold to investigators who explicitly told them they didn't believe they could pass a background check.

INVESTIGATION

ProgressOhio recently conducted its own investigation to see if the third requirement, no private sales across state lines, was also being violated at the Sharonville venue.

¹ <http://www.gunshowundercover.com>

During the weekend of December 19th, 2009, ProgressOhio visited the Bill Goodman Gun & Knife Show at the Sharonville Convention Center to observe the prevalence of out-of-state vehicles at the show. Out-of-state vehicles were seen pouring into the show.² During a 53 minute sample time period, a car was videotaped entering every 3.5 minutes on average. During the course of the weekend, this would mean over 250 out-of-state cars. Likewise, a count was conducted on January 23rd, 2010 and over 30 out-of-state vehicles were parked at the convention center at a single time.

To be clear, we are not implying that each, or even the majority, of the people in these cars were violating federal law. It is legal for them to purchase accessories, ammunition or knives from anyone and long guns (rifles and shotguns) from federally licensed dealers. If they are dealers themselves, they are free to purchase any legally available weapon.

However, it is a farce to believe that of the hundreds of non-Ohio residents attending the show, not a single one bought a gun illegally. This is particularly true in light of the New York Mayor's office investigation, which plainly documents violations of the federal firearms law at the same facility.

The volume of non-resident attendees is consistent with the Sharonville Convention Center's stated priority of "generat[ing] the greatest infusion of new dollars into the local economy, *generally by attracting the greatest number of out of town attendees.*" However, unless changes are made, it is inconsistent with maintaining a lawful atmosphere. Not requiring identification, when some of your vendors cannot legally sell to some of your customers, is akin to a concession stand blindly selling alcohol at a high school football game.

PUBLIC INTEREST

The violations in Sharonville are of particular interest to ProgressOhio because they are taking place at a publicly-owned facility. Hamilton County is embarking upon a 30 year commitment to contribute approximately \$40 million in public funds to the Sharonville Convention Center facility. Taxpayers in Sharonville will be spending \$30 million of their money on the center.³ Federal stimulus dollars have also been sought out.⁴

The costs to taxpayers may not end there. Officials should be aware - by ignoring these violations, they are increasing their potential exposure to lawsuits.

While the documented violence caused by guns illegally sold at such shows is not the focus of this document, we'd be remiss not to mention it as being of vital public interest.

PROPOSAL

There is a simple remedy which would greatly decrease the illegal trafficking of guns at the Sharonville Convention Center. Background checks should be mandatory for all gun sales on the premises, thus closing the gun show loophole.

² <http://www.youtube.com/watch?v=aUNealNmeDE>

³ http://www.wmub.org/News/WMUBnews_article.asp?ID=7077

⁴ <http://www.wlwt.com/download/2009/0225/18794033.pdf>

Attendees of the most recent show who were interviewed by the Cincinnati Enquirer agreed, saying of the gun show loophole, "It's just a way for criminals to buy weapons," and "This makes it tough on people are doing it legally."⁵

It's not just those attendees who agree. A 2009 poll of gun owners, conducted by noted conservative Frank Luntz, found that 85% of non-NRA members and 69% of NRA members agree background checks should be required on all gun show sales.⁶ Seven states across the country have already passed background check legislation, putting private and licensed sellers on an even playing field.

Even the namesake of the show, promoter Bill Goodman, agrees in theory, saying in October, 2009, "I don't see anything wrong with the background check myself. I don't want to see anybody packing a weapon if they are not qualified to do so."⁷

It is not our aim to infringe upon anyone's Second Amendment rights. We are only asking that the federal firearms laws be observed. The most expedient, common sense way to do this is through a governing body requiring background checks at the Sharonville Convention Center. If such steps are not taken, we will continue to monitor the situation and encourage the public and law enforcement agencies to do the same.

⁵<http://news.cincinnati.com/article/20100123/NEWS01/301230008/1055/NEWS/Group+seeks+limits+on+gun+sales>

⁶<http://articles.latimes.com/2009/dec/16/opinion/la-ed-guns16-2009dec16>

⁷<http://blogs.tennessean.com/politics/2009/gun-show-organizer-doesnt-oppose-stricter-background-checks/>