

Georgia's gun laws under fire in federal court

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The shot from a .380 Bryco was fired in Queens, but New York City officials say the trigger might as well have been pulled in Georgia.

New York officials said Adventure Outdoors in Smyrna shares responsibility for the Bryco — a relatively inexpensive gun that some consider a "Saturday-night special" — being used in a 2001 street crime, along with the man who fired the four shots.



ED PEEB/Associated Press
(ENLARGE)
New York City Mayor Michael Bloomberg (right) watches undercover video in 2006. The city is suing gun shops it says supply a significant number of weapons used in crimes in New York.

IN GEORGIA, GUNS CAN'T BE SOLD TO

- People with criminal histories.
- ... restraining orders for stalking.
- ... dishonorable discharges from the military.
- ... involuntary commitments for mental illness.
- And in most cases they cannot be sold to anyone younger than 18.

In a lawsuit that provided only sketchy details of the Queens crime, authorities complain Adventure Outdoors was the original source of at least 21 handguns, including the Bryco, recovered at New York crime scenes between 1994 and 2001.

"What is Adventure Outdoors supposed to do?" said the gun shop's attorney, John Renzulli.

New York also blames two other Georgia gun shops for some of its street crime. In a federal lawsuit, Mayor Michael Bloomberg points out at least 126 weapons first sold by the Gun Store in Doraville were recovered in New York crime investigations between 1996 and 2000 and an additional 18 from Toccoa Pawn and Variety in North Georgia were found at crime scenes 800 miles away in New York between 1994 and 2002.

Some Georgia gun dealers disagree.

"I don't think it's any easier to buy guns here," said France Tully, who owns Toccoa Pawn and Variety, one of the gun shops New York is suing.

Steve Hardin, a lobbyist with the Georgia Sports Shooting Association, a National Rifle Association affiliate, said the state simply "hasn't put any extra laws on top of the federal law. All gun dealers operate off federal law. Georgia law just doesn't restrict gun stores as much as New York does."

Discussions of the ease of buying guns in Georgia recently resurfaced when rapper T.I., a convicted felon whose real name is Clarence Harris Jr., was arrested in October on charges he used his bodyguard to make straw purchases of nine weapons, including machine guns, from the Gun Store.

Earlier this month, in a case receiving far less notice, an Acworth woman was convicted of seven counts of violating federal gun laws for making a straw purchase from Adventure. Ingrid Armeth, 46, bought the weapons for her ex-cop husband, Jedson Leist, who could not buy a handgun because he had been convicted of domestic abuse in a previous marriage.

Leist was convicted of 14 counts of violating federal gun laws.

"In Georgia, you've got a number of [gun shop] defendants who are notorious for their guns ending up at crime scenes," said John Feinblatt, the criminal justice coordinator for Bloomberg.

"We had an obligation to protect our citizens. ... We're not looking to put people in jail, and we're not looking to put people out of business."

Feinblatt said 85 percent of the guns New York police seize came from out of state, and "Georgia is one of the leading states for out-of-state guns." Feinblatt said New York authorities saw lawsuits as a way to stop straw purchases of guns that are bound for the Northeast.

Ted Novin of the National Sport Shooting Association, which represents the gun industry, said gun makers do not want to cut corners or see limits of the law stretched.

"No one hates straw purchases more than anyone in the [gun] industry," Novin said.

In an effort to do something to stop the flow of guns from Georgia, New York sued gun dealers here and in four other states, alleging they are sources for weapons that flow from jurisdictions with only the minimum of restrictions on gun sales to states where buying a gun is much more difficult or time-consuming.

Though data from the Bureau of Alcohol, Tobacco, Firearms and Explosives shows larger states such as California and Florida sell more guns in total, Georgia tops the list of states that are the sources of guns used in crimes in other states.

Many of those guns were bought in a "straw purchase," defined as someone legally allowed to buy a handgun who gets it for someone who is not.

According to federal databases, 9,500 guns originally sold by Georgia dealers were recovered at crime scenes in 2006, including 2,800 found in New York and other states.

Georgia leads the pack, some say, because it follows only the federal minimum restrictions on handgun purchases for all states: Handguns can't be sold to people with criminal histories, dishonorable military discharges, restraining orders for stalking, or involuntary commitments for mental illness.

In most cases, handguns cannot be sold in Georgia to anyone younger than 18.

Other states tack on additional restrictions while Georgia goes with the minimum.

Georgia's gun laws have contributed to its reputation as a source for guns moving up the "iron pipeline" — I-95, which skirts the Georgia coast — from South Florida to the Northeast.

"Unfortunately the states with weak gun laws are where criminals go to get guns. Georgia, Virginia, Texas, Florida are all in the top states because they are states with weak gun laws," said Daniel Vice, a senior attorney with the Brady Campaign to Prevent Gun Violence. "It's hard to get guns in New York. ...

"The reason gun traffickers go to Georgia to get guns is because it's easy."

Criminals mostly obtain guns from friends, family or in back-alley deals, he said. "Only about 8 percent of firearms used in crimes are from straw purchases," Feinblatt said. "There's really nothing we can do to stop someone from stealing a firearm. Straw purchasing is rare."

New York's two federal lawsuits name eight gun shops in Georgia and 19 stores in four other states. Earlier this year, four Georgia gun shops and 11 in other states settled the case and agreed to court-appointed monitoring of their sale practices.

A fifth Georgia shop — Gwinnett Pawn Shop — is no longer in business.

Still in litigation are three Georgia dealers and eight shops in other states. The lawsuit naming Outdoor Adventure and the Gun Store is scheduled to be heard in April in federal court in New York.

There is no date for the second case.

The gun shops argue there is little they can do to keep guns away from criminals.

"Guns can get to other places in a lot of different ways," said Renzulli, a New York-based attorney who represents several gun shops in the suit.

People move. They buy guns in private sales, which do not require paperwork. Weapons are stolen and get into the criminal network that way, Renzulli said.

The allegation against the gun dealers is they violated New York's public nuisance law by making sales to "straw purchasers" even though it should have been evident the customer was buying the weapon for someone who was legally not allowed to have one.

In the New York sting, a man would ask about guns and pay for them but have a woman with him in the store complete the paperwork, supposedly because the man was legally prohibited from buying a weapon.

Shops that fell for the sting were named in the suit.

"When these guns started showing up, why didn't they make an effort to contact us and tell us they had a problem up there instead of waiting for so many people to be killed and then file a lawsuit?" Tully asked.

She said eight of the 14 guns New York traced to her shop were taken in

a burglary years earlier, so she should not be held responsible for them being used in New York crimes.

"I feel like were getting a bum rap," Tully said.

"How am I to know where that gun is going? No more than the Ford Motor Co. will know if a drug dealer is going to use [one of Ford's cars in a drug business] when they buy it.

"There's too many illegal guns out there."