

We negate resolved: The United States should require universal background checks for all gun sales and transfers of ownership.

Contention One: Bad Vibes

In the 2018 midterms, the democrats are primed to substantially increase their influence in congress
Cillizza of CNN reports in 2017 that

Chris Cillizza (CNN Editor-at-large). "Democrats have won 6 GOP-held seats in 2017. Republicans have won 0 Democratic seats." September 13, 2017. <http://www.cnn.com/2017/09/13/politics/special-elections-oklahoma-new-hampshire/index.html>

Washington (CNN) On Tuesday night, Democrats flipped two Republican-held state legislative seats -- one in Oklahoma, one in New Hampshire -- that Donald Trump carried in the 2016 election. That makes six turnovers from Republican to Democrat in contested state House and Senate races so far in 2017 -- and 26 out of 35 races (at the state legislative and congressional level) in which the Democratic nominee has overperformed Hillary Clinton's showing last November. (Worth noting: Republicans have yet to flip a Democratic-controlled seat so far this year.) Republicans will, rightly, note that in each of the contested special elections for US Congress, Democrats may have improved on Clinton's performance but they weren't able to actually win. Close doesn't count in politics. Which is true! As is the fact that Republicans picked up a massive amount of state legislative seats in the Obama era -- well over 900 -- and were bound to give some of them back eventually. And that each race, of course, is unique -- and not necessarily indicative of any broader national trend. But, we also know from the history of congressional wave elections that there do tend to be canaries in the coal mines -- a race or a set of races that reveal that something is happening out in the country that we need to pay attention to. And the numbers I cited above suggest that something just might be happening. Let's look at the two races on Tuesday night. In New Hampshire, a Democrat named Charlie St. Clair won a special election by 12 points for the seat vacated by Republican Robert Fisher. Fisher became a national news story when it was revealed that he had founded the controversial "Red Pill" forum on Reddit and had expressed a number of misogynistic views in that space. While Fisher's implosion undoubtedly impacted the GOP brand in the district, it is still somewhat remarkable that St. Clair won a seat so convincingly that Trump carried by 17 points in November 2016. (And a seat where Republicans had a 12-point registration advantage.) In Oklahoma, Democrat Jacob Rosecrants scored a 20-point victory in a Norman-based seat that had been held by Republican Scott Martin, who resigned to become the head of the local Chamber of Commerce. Rosecrants had essentially been running for the seat for the last two years, having lost to Martin by 20 points last fall. In that 2016 general election, Trump carried the district by 11 points, however. As the Oklahoman newspaper notes, Rosecrants' win is the third Democratic pickup of a Republican-held state legislative seat already this year. (Don't get too excited, Democrats. With Rosecrants' victory, Democrats now control just 28 of the 100 seats in the Oklahoma state House.) Tuesday's results come hard on the heels of a trio of retirements in the past week from Republican members of Congress who represent swing seats. Of the 23 members who represent districts that Clinton carried in 2016, two are already heading for the exits in 2018: Reps. Ileana Ros-Lehtinen (Florida) and Dave Reichert (Washington). Several others -- like Dave Trott in Michigan -- are leaving seats where Trump won by less-than-convincing margins. And, as The New York Times' Nate Cohn noted -- citing Daniel Donner's data -- Wednesday morning on Twitter, the number of Republican open seats is running far ahead of where it's been in election cycles of the recent past. It's no secret that open seats are far more likely to flip party control than when an incumbent runs. Which is why Republicans are doing all they can right now to convince wavering members to stick around for another term. But, **combine Trump's unpopularity, historic midterm patterns for the president's party and the early-warning signs in state legislative seat and that is looking like a tougher and tougher sell.**

However, In the past, pushes for gun control legislation have led to tremendous political costs for the democratic party. For example Riley of the Atlantic explains in 2016: Russell Riley, 16, 6-25-2016, **Bill Clinton's Costly Assault Weapons Ban**, Atlantic, <https://www.theatlantic.com/politics/archive/2016/06/when-bill-clinton-passed-gun-reform/488045/>, 10-30-2017, (NK) For those who question whether anything will ever be done to curb the use of military grade weaponry for mass shootings in the United States, history provides some good news—and some bad. The good news is that there is, within the recent past, an example of a president—namely Bill Clinton—who successfully wielded the powers of the White House to institute a partial ban of assault weapons from the nation's streets. The bad news, however, is that **Clinton's victory [on the temporary ban] proved to be so costly to him and to his party that it stands as an enduring cautionary tale in Washington about the political dangers of taking on the issue of gun control.** [.....]When asked if this bill was a key element, Griffin said: "Absolutely. Yes. I'd say, for 40 of those seats, yes. For [Judiciary Committee] Chairman [Jack] Brooks (of Texas) to lose his seat [after 42 years]? Foley? These guys had been safe forever. And they voted against all this stuff but they were still targeted politically because their president was for the [assault weapon] ban." **The political price for passing the ban included the loss of Congress to the Republicans in**

1994, endangering Clinton's agenda, and creating the partisan conditions on Capitol Hill that produced his own impeachment.

Even Clinton himself, looking back on the assault weapon ban in his memoir, *My Life*, concluded that he had likely "pushed the Congress, the country, and the administration too hard." But history may ultimately judge Clinton less harshly than his contemporaries. As the roster of mass shootings lengthens, a careworn weariness may put Clinton's stubborn insistence on a weapons ban in a different light. Perhaps this will be one of those rare occasions, noted by John F. Kennedy in *Profiles in Courage*, when a costly act of political conviction is rewarded in time. "Sometimes, but sadly only sometimes," Kennedy observed, history produces "the vindication of their reputations and their principles."

Author David Cole furthers this. He writes that the 1990's efforts for stricter gun control:

David Cole (The New York Review of Books). "The Terror of Our Guns." July 14, 2016.

<http://www.nybooks.com/articles/2016/07/14/terror-of-our-guns/>

Little has been done to address gun violence in the United States. Congress has not passed a gun control law since it sought to ban assault weapons in 1994, and that law proved largely ineffectual. It is remarkably difficult to define an "assault weapon." They are semiautomatic, which means they fire a new bullet with each trigger pull, while automatically reloading. But most guns made today are semiautomatic, so the ban on assault weapons focused on the cosmetic military appearance of certain guns, and was easily evaded by alterations in design. Moreover, while gun rights proponents are hard-pressed to offer a legitimate reason for civilians to own assault weapons, they are used in a very small proportion of gun crimes. Most crimes involve ordinary handguns. So the assault weapon ban did little if anything to advance gun safety and Congress let it lapse in 2004. The most tangible effect of the ban on assault weapons was to **set off a backlash against gun**

control by American voters in the 1994 midterms, in which the Democrats lost control of the House of Representatives for the first time in forty years. **Having learned their lesson, most members of Congress have steered clear of gun**

control ever since. Meanwhile, the few states that have enacted relatively stringent gun control laws, such as New York and California, reap little benefit as long as neighboring states have lax laws. Of the 8,793 guns recovered from crimes in New York in 2011, for example, 82 percent came from out of state. The costs of the right to bear arms are not limited to victims of gun violence. The inability of gun laws to keep guns off inner-city streets prompted one of New York City's most controversial policing tactics—the policy of aggressively stopping and frisking young black and Hispanic men in the city's high-crime areas. The police said the policy was driven by a desire to deter young men from carrying guns, as a means of reducing gun violence. Some argue that it may have worked, pointing to the fact that violent crime in New York City dropped precipitously while the policy was in place, even as it held steady in the rest of the state.¹ I have questioned that assessment in these pages, noting that between 2004 and 2012, police found guns in less than one percent of all stops; that crime began to fall long before the stop-and-frisk policy was instituted; and that general crime levels have not risen since the practice ceased.²

That's really important, because those who are anti-gun control are much more likely to make a decision in an election based on the candidate's position on guns. Miller of The Lancet Public Health

Journal in 16 writes: B.T. Miller (The Lancet Public Health Journal). "Policy misperceptions and support for gun control legislation."

January 16, 2016. [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)00042-8/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)00042-8/fulltext) HS.

Among those people who strongly supported universal background checks, correct information about existing laws predicted support for stricter gun laws. Whereas 74% (95% CI 69-79) of those who incorrectly believed that the USA has universal background checks supported stricter gun laws, 89% (86-92) of those who knew that some gun sales do not require background checks supported stricter laws. We recorded no such relation among those who did not strongly favour universal background checks. **We also identified evidence of an**

engagement gap: among voters who thought gun laws should be less strict than at present, 71% (95% CI 65-78) **said they would never vote for a political candidate who did not share their position on gun**

control, compared with just 34% (30-37) **of those who support stricter gun laws.** However, the role of policy misperceptions in this domain is not well studied. Public education about the limits of existing laws could be an important way to mobilise support for new legislation.

The **Impact** is Cutting Medicaid and Medicare.

Barabak of the LA Times explains that:

Mark Z. Barabak (Los Angeles Times). "Here's why the 2018 Senate election will be crucial for President Trump and his Democratic foes." February 17, 2017. <http://www.latimes.com/politics/la-na-pol-trump-2018-senate-20170217-story.html>

In the partisan battle zone that is Washington, there is one conquest that could turn the fight decisively in Republicans' favor: winning 60 seats in the U.S. Senate. **With control of the House, a filibuster-proof Senate majority could empower President Trump and his congressional allies to push through legislation** and approve high-level appointees, such as Supreme Court nominees, **with Democrats in the minority powerless to stop them.** That is why the 2018 midterm election is shaping up as crucial for Trump and congressional Republicans, as well as Democrats fighting to protect President Obama's legacy and hold the line on further GOP advances. After Democrats netted two seats in the Senate last year, Republicans hold a 52-48 majority, meaning the GOP would need a gain of eight seats to reach a filibuster-proof margin.

Himmelstein of the Washington Post finds that:

About The, 17, 01-23-2017, Repealing the Affordable Care Act will kill more than 43,000 people annually, Washington Post, https://www.washingtonpost.com/posteverything/wp/2017/01/23/repealing-the-affordable-care-act-will-kill-more-than-43000-people-annually/?utm_term=.8c00c6296379, 11-3-2017, (NK)

Now that President Trump is in the Oval Office, thousands of American lives that were previously protected by provisions of the Affordable Care Act are in danger. For more than 30 years, we have studied how death rates are affected by changes in health-care coverage, and we're convinced that an ACA repeal could cause tens of thousands of deaths annually. The story is in the data: **The biggest and most definitive study** of what happens to death rates when Medicaid coverage is expanded, published in the **[by the] New England Journal of Medicine**, found that for every 455 people who gained coverage across several states, one life was saved per year. Applying that figure to even a conservative estimate of 20 million losing coverage in the event of **[found] an ACA repeal [would] yield an estimate of 43,956 deaths annually.** With Republicans' efforts to destroy the ACA now underway, several commentators have expressed something akin to cautious optimism about the effect of a potential repeal. The Washington Post's Glenn Kessler awarded Sen. Bernie Sanders (I-Vt.) four Pinocchios for claiming that 36,000 people a year will die if the ACA is repealed; Brookings Institution fellow Henry Aaron, meanwhile, predicted that Republicans probably will salvage much of the ACA's gains, and conservative writer Grover Norquist argued that the tax cuts associated with repeal would be a massive boon for the middle class.

Contention 2: Black Market

A Universal Background Check would enlarge a gun black market for two reasons

First, causing a short-term spike in gun sales. Keller at the New York Times in 2016 explains:

Keller 16 Josh Keller, 6-13-2016, "What Happens After Calls for New Gun Restrictions? Sales Go Up," New York Times, <https://www.nytimes.com/interactive/2015/12/10/us/gun-sales-terrorism-obama-restrictions.html> //DF

Fear of gun-buying restrictions has been the main driver of spikes in gun sales, far surpassing the effects of mass shootings and terrorist attacks alone, according to an analysis of federal background check data by The New York Times. During the previous record month, December 2012, Mr. Obama called for new buying restrictions after the mass shooting at Sandy Hook Elementary School. "President Obama has actually been the best salesman for firearms," Brian W. Rutenbur, an analyst with BB&T Capital Markets, a financial services firm, said last month. These estimates, based on data first reported in 1998, undercount total sales, because some sales are not recorded in states that do not require background checks for private sales. **Gun sales rose in New Jersey in 2013 after Gov.**

Chris Christie proposed measures that included **expanding background checks** and banning certain rifles. (Mr. Christie later vetoed one of the most stringent parts of the proposals.) **The dynamic shows** a Catch-22 for gun control proponents: **Pushing for new restrictions can lead to an influx of new guns.** When Maryland approved one of the nation's strictest gun-control measures in May 2013, gun sales jumped as buyers tried to beat the **October deadline specified in the measure**, which banned most semiautomatic rifles.

Criminals have the greatest incentive to stock up on weapons since they will no longer be able to access them with a universal background check. Once the guns are bought legally, they can be trafficked to other criminals.

Most criminals acquire guns through a large number of small-scale sales:

Wintemute 13 Garen Wintemute [Baker–Teret Chair in Violence Prevention and Professor of Emergency Medicine, the University of California, Davis], 2013, "Background Checks for Firearm Transfers," Violence Prevention Research Program, University of California, Davis, <http://www.ucdmc.ucdavis.edu/vprp/CBC%20White%20Paper%20Final%20Report%20022013.pdf> //DF

These data are old, and the number of observations is small. But there are other similar estimates suggesting that this approximately 60/40 split between the primary and secondary markets is accurate. Cook and colleagues⁷ note a Los Angeles Times poll from 1992 in which 59% of persons in Southern California who had purchased a firearm recently had done so from a store. They cite other surveys going back to the 1970s that reported similar results. Most recently, in the 2004 National Firearms Survey,¹⁰ 55% of 566 firearm owners reported that their most recent acquisition had been from a store; another 8% reported purchasing their firearm from a licensed seller at a gun show (Unpublished data, National Firearms Survey). Even in the late 1960s, at the time Congress was debating the Gun Control Act, at least 25% of all firearm acquisitions occurred through the private-party transfers that would be exempted from the terms of the Act.¹¹ Cook and colleagues⁷ point out that, as for other commodities, there are a legal market and an illegal market for firearms. The movement of firearms from the legal to the illegal market is the illegal market's chief source of supply. Firearm trafficking is the intentional diversion of firearms from the legal to the illegal market. Finally, in considering how firearms become available for use in crime, it is useful to consider point sources and diffuse sources of those firearms.⁸ **Point sources are the venues linked to many known crime-involved firearms, usually licensed retailers.**¹² **Private-party sellers are generally among the diffuse sources that supply firearms for criminal use through many small-volume transactions between individuals, dispersed in time and place. Diffuse sources,** taken together, **are the leading proximate source of crime-involved firearms** (more on this below).

However, a Universal Background Check would eliminate many diffuse sources that criminals use:

Arkadi Gerney is a Senior Fellow at the Center for American Progress. Chelsea Parsons is Associate Director of Crime and Firearms Policy at the Center, December 13, 2013, The Gun Debate One Year After Newtown, <https://www.americanprogress.org/issues/guns-crime/reports/2013/12/13/80795/the-gun-debate-1-year-after-newtown/>

Additionally, requiring background checks for all guns sales would dramatically shrink the size of the market for guns available for sale without a background check. **If background checks were required for all gun sales,** including those by private sellers, **prohibited purchasers would no longer be able to easily buy guns at gun shows, on the Internet, or through other sales by well-intentioned, law-abiding private sellers. Instead, the only option for criminals to acquire guns would be through the black market** or theft. Contrary to the assertion of many in the gun lobby, obtaining guns on the black market is not particularly easy and comes with high risk. Closing off other channels to acquire guns without a background check would therefore make it much more difficult for criminals to easily obtain guns when they cannot submit to a background check.

Since As a result, the black market for illegal guns will increase with a background check:

Ridgeway 13 Greg Ridgeway [Ph.D., Deputy Director, National Institute of Justice], 1-4-2013, "Summary of Select Firearm Violence Prevention Strategies," National Institutes of Justice, <https://www.firearmsandliberty.com/PDF-News/nij-gun-policy-memo.pdf> //DF

To understand the value of background checks it is essential to understand the source of crime guns. Several sporadic attempts have been made to learn how criminals acquire guns. For example, a 2000 study by the ATF found the following distribution of sources. These figures indicate informal transfers dominate the crime gun market. **A perfect universal background check system can address the gun shows and might deter many unregulated private sellers. However, this does not address the largest sources (straw purchasers and theft), which would most likely become larger** if background checks at gun shows and private sellers were addressed. **The secondary market is the primary source of crime guns.** Ludwig and Cook (2000) compared **states that introduced Brady checks to those states that already had background checks and found no effect of the new background checks.** They hypothesized that the **background checks simply shifted to the secondary market those offenders who normally purchased in the primary market.** Supply sources can vary in different parts of the country. An NIJ funded study of the Los Angeles illicit gun market noted: "Results showed that many crime guns were first purchased at local—that is, in county—licensed dealers, rather than from out of state. That is, contrary to the conventional wisdom that crime guns were being trafficked across state borders from places with less stringent regulations, such as Arizona and Nevada, we found that a majority of the guns used in crimes were purchased in Los Angeles County." Thus, gun markets can be highly local.

Strengthening a gun black market is harmful for two reasons:

First, it makes gun crimes harder to police:

Schatz 15 Bryan Schatz, 5-14-2015, "When homemade, untraceable, military-style semi-automatic rifles go bad," Mother Jones, <http://www.motherjones.com/politics/2015/05/homemade-untraceable-assault-weapons/> //DF

To get around the background check requirement, home builders buy “unfinished lower receivers” (also known as ULRs or “80 percent lower receivers” because they’re 80 percent complete). For AKs, these amount to pre-drilled metal platforms that must be bent into shape to become operational. When it comes to the law, it’s just a hunk of metal until it’s bent, and so long as you bend the receiver yourself to finish the gun, you don’t have to stamp in a serial number or pass any background checks. Though building at home is largely considered a gun hobbyist’s pastime, a Fusion investigation last year revealed that these guns are increasingly being used in violent crimes. **Since parts kits and unfinished lower receivers can be purchased without background checks, they leave little to no paper trail. As far as law enforcement is concerned, the finished weapons don’t even exist.**

From the Fusion investigation: It’s impossible to know how many weapons built with unfinished receivers there are, since they’re not regulated, but two vendors, Dimitri Karras of Ares Armor in California, and another based in Florida, told Fusion they expect to sell around 75,000 unfinished receivers this year. An agent from the California Department of Justice told Fusion that the growth in unfinished receivers in the last two years is unlike anything he’s seen in more than a dozen years on the job. The **California** Department of Justice and ATF agents in California—**the epicenter of the homemade gun industry, likely because of its stringent gun laws**—told Fusion that they **were finding more and more of these guns at crime scenes and in the hands of organized crime.**

Untraceable guns increase the incentive to commit crime since criminals feel that they can get away with them.

Second, it fuels violence:

Fontinelle 15 Amy Fontinelle, 1-17-2015, "The Mechanics Of The Black Market," Investopedia, <http://www.investopedia.com/articles/economics/12/mechanics-black-market.asp> //DF

Violence is another problem inherent in black markets. Because these markets are unregulated, participants can't rely on legitimate police protection in the event of theft or other crimes. If a drug dealer's stash of methamphetamines is stolen by a rival dealer, he can't ask the police to help him get his merchandise back. The dealer might send one of his employees to shoot the thief and reclaim the stolen goods, compounding the effects of the original crime. Another argument against black markets is that because their participants don't pay taxes, a heavier tax burden falls on law-abiding citizens. The Bottom Line Black markets will continue to exist as long as we have regulations and taxes. Laws that prevent people from buying and selling the goods and services they desire and taxes that prevent people from keeping what they feel is their fair share of earned income will always cause people to hide their activities from law enforcement agencies, tax authorities and other regulators.

Australia’s gun buyback created a black market

Penn State 16 3-30-2016, "Firearms in Australia’s Black Market," Sites at Penn State, <http://sites.psu.edu/kalavritinosguncontrol/2016/04/01/firearms-in-australias-black-market/> //DF

When something is made illegal it is inevitable that a black market for that good will form. Cocaine, marijuana, heroin, meth, and many more illegal substances are not excessively difficult for someone to obtain if they put their mind to it. The US government learned this during prohibition and now is relearning it as the war on drugs comes to an end. Why then would anyone assume that banning guns would mean that no one could access them? Australia is learning this the hard way. **In 1994, Australia passed huge firearm legislation** that banned huge numbers of semi-automatic firearms and created a buyback program that was intended to get them out of the hands of civilians. The buyback was not optional of course. If you refused to sell your firearm then you would be arrested and tried for possession of an illegal weapon. **The intention of these laws was to reduce the crime rate within the country. Instead, the laws paved the way for an illegal gun trade to form in Australia that “Police admit they cannot eradicate...”** as mentioned by the south Australian newspaper the Adelaide Advertiser. Many of the people that are being supplied these weapons are not even criminals. According to The Sporting Shooters’ Association of Australia and Franz Csaszar—a professor at the University of Vienna—**the buyback program saw a compliance level of around 19-20 percent.** So people who are otherwise law-abiding citizens were made criminals by a law passed that was intended to target criminals.

This has increased gun crimes:

Gutowski 15 Stephen Gutowski, 11-11-2015, "Australia Sees Spike in Gun Crime Despite Outright Ban," Washington Free Beacon, <http://freebeacon.com/issues/australia-sees-spike-in-gun-crime-despite-outright-ban/> //DF

Australia has seen a rise in gun crime over the past decade despite imposing an outright ban on many firearms in the late 1990s. Charges for crimes involving firearms have increased dramatically across the island nation's localities in the past decade according to an analysis of government statistics conducted by The New Daily. It

found that gun crimes have spiked dramatically in the Australian states of Victoria, New South Wales, South Australia, and Tasmania. In Victoria, pistol-related offenses doubled over the last decade. In New South Wales, they tripled. The other states saw smaller but still significant increases. Experts said that the country's 1996 ban on most semi-automatic firearms has actually driven criminals to those guns. "The ban on semi-automatics created demand by criminals for other types of guns," professor Philip Alpers of the University of Sydney told The New Daily. "The criminal's gun of choice today is the semi-automatic pistol." Gun control advocates in the country insist that the problem is too little regulation. They said, while most modern firearms are illegal and all legal firearms owners must obtain licenses from the government, ammunition is not controlled tightly enough. "There is very little regulation of ammunition purchase," Samantha Lee, a spokesperson for Gun Control Australia, told the publication. "In most jurisdictions you can purchase ammunition because you have a firearm licence and there is no restriction on the type you can purchase – so if you own a rifle you can still purchase ammunition for a handgun."

Third, it fuels gang and cartel violence.

Final version R2R

We negate resolved: The United States should require universal background checks for all gun sales and transfers of ownership.

Contention One: Health Care

Cillizza of CNN reports this September that democrats have already turned six republican congressional seats and are primed to gain more control in Congress after the midterm elections due to Trump's unpopularity, historic midterm patterns for the president's party and early-warning signs in state legislatures.

Passing Universal Background Check legislation would kill support for democrats. Author David Cole writes that in the 1990's efforts for stricter gun control: set off a backlash against gun control by American voters in the 1994 midterms, in which the Democrats lost control of the House of Representatives for the first time in forty years.

Jacobs from NYU furthers that the tortuous road that the Brady Law's proponents had to traverse and the negative political fallout for the Democrats [shows that] even modest gun control takes monumental effort and imposes heavy political costs.

This is because gun control is highly polarized and a deciding factor for pro gun voters. Miller writing in the Lancet Public Health Journal finds that: voters who thought gun laws should be less strict than at present, 71% said they would never vote for a political candidate who did not share their position on gun control, compared with just 34% of those who support stricter gun laws.

The Impact is Cutting Medicaid and Medicare.

The 2018 midterms are extremely important as Barabak of the LA Times in 2017 explains that if they lose contested elections: a filibuster-proof Senate majority could empower Trump to push through [legislation, such as healthcare reform] with Democrats powerless to stop them.

The stakes are extremely high. Himmelstein of the Washington Post in 2017 finds that

The most definitive study of [Medicaid and death rates] found that ACA repeal yields 43,956 deaths annually. Even if a replacement plan comes together, it's likely to cover fewer people with much skimpier plans.

Contention Two: Black Market

A Universal Background Check would enlarge a gun black market for two reasons

First, causing a short-term spike in gun sales. Keller at the New York Times in 2016 explains:

Fear of gun-buying restrictions has been the main driver of spikes in gun sales

Gun sales rose in New Jersey in 2013 after Gov. Chris Christie proposed expanding background checks

The dynamic shows that pushing for new restrictions leads to an influx of new guns being bought.

Second, increasing the concentration. Criminals have the greatest incentive to stock up on weapons since they will no longer be able to access them with a universal background check. Once the guns are bought legally, they can be trafficked to other criminals.

Most criminals acquire guns through a large number of small-scale sales: Wintemute of the Violence Prevention Research Program describes that,

Most crime-involved firearms come from many small-volume transactions between individuals, dispersed in time and place

However, a Universal Background Check would eliminate the many diffuse sources that criminals use.

Gerney of the Center for American Progress concludes:

If background checks were required for all gun sales, prohibited purchasers would no longer be able to easily buy guns at gun shows, on the Internet, or through other sales by law-abiding

private sellers. Instead, the only option for criminals to acquire guns would be through the black market. As a result, the black market for illegal guns will increase with a background check. Ridgeway of National Institute of Justice concludes that

A perfect universal background check system might deter many unregulated private sellers. However, background checks simply shift offenders to the black market who normally purchased in the primary market.

Strengthening a gun black market is harmful for two reasons:

First, it makes gun crimes harder to police:

Schatz of Mother Jones furthers that,

To get around the background check requirement, home builders buy unfinished guns. As far as law enforcement is concerned, the finished weapons don't even exist. California, the epicenter of the homemade gun industry, likely because of its stringent gun laws were finding more and more of these guns at crime scenes and in the hands of organized crime. Untraceable guns increase the incentive to commit crime since criminals feel that they can get away with them.

Second, it fuels violence.

According to Penn State in 2016:

In 1994, Australia passed huge firearm legislation. The intention of these laws was to reduce the crime rate within the country. Instead, the laws paved the way for an illegal gun trade to form in Australia that "Police admit they cannot eradicate..."

This has led to a spike in gun violence. Gutowski at the Washington Free Beacon in 2015 finds: Australia has seen a rise in gun crime over the past decade despite imposing an outright ban on many firearms in the late 1990s