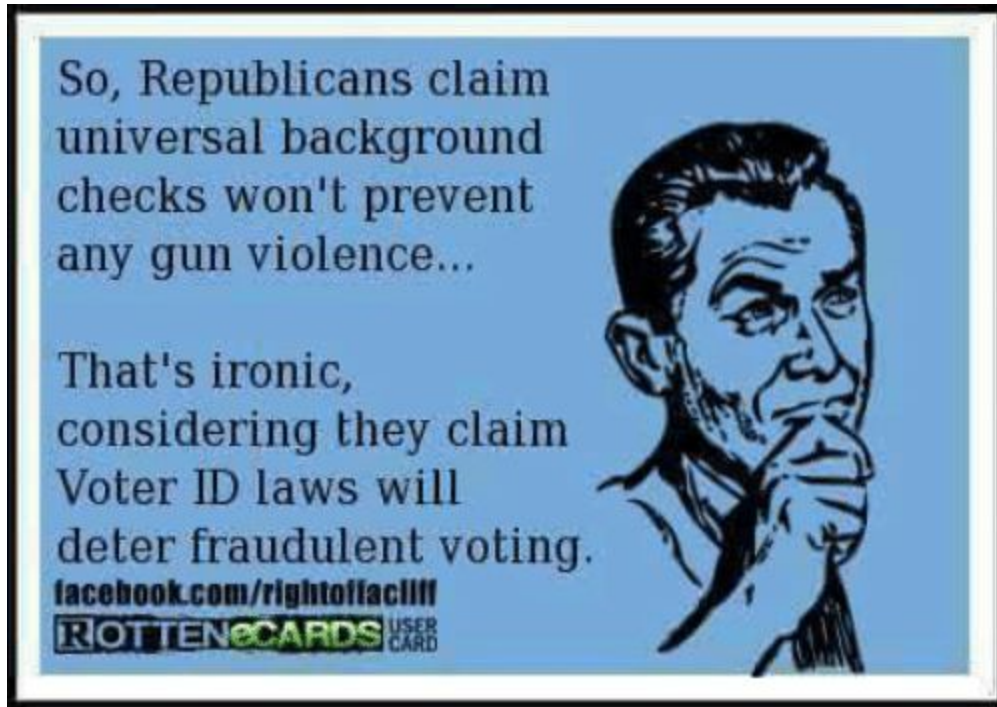


## AFF Brief

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



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## Definitions

### Universal Background Checks

#### **Universal background checks close prevent the transfer of arms between unlicensed persons (Krouse - Congressional Research Service).**

William J. Krouse (Specialist in Domestic Security and Crime Policy/Congressional Research Service), "Gun Control Legislation in the 113th Congress." January 8 2015. <https://fas.org/sgp/crs/misc/R42987.pdf> HS.

The Administration's 23 executive actions, under the plan, range from directing the Attorney General to work with U.S. Attorneys to ensure that firearms-related criminal cases are prosecuted to directing the CDC to research the causes and prevention of gun violence.<sup>12</sup> The Administration periodically updated a report chronicling its progress in implementing these executive actions.<sup>13</sup> This report does not focus on the President's plan in its entirety. Rather, this report provides an overview of federal firearms laws as a basis for examining the three most salient legislative proposals included in the President's plan. Those proposals would have (1) **required background checks for intrastate firearms transfers between unlicensed persons at gun shows and nearly any other venue, otherwise known as the "universal background checks" proposal**; (2) increased penalties for gun trafficking; and (3) reinstated and strengthened an expired federal ban on detachable ammunition magazines of over 10-round capacity and certain "military style" firearms commonly described as "semiautomatic assault weapons," which are designed to accept such magazines. This report also briefly examines counter-proposals designed to increase both open and concealed firearms carrying privileges under certain circumstances.

#### **Summary of federal law (Giffords Law Center).**

NA (Giffords Law Center to Prevent Gun Violence). "Universal Background Checks." 2017 <http://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background-checks/> HS.

**Federal law imposes various duties on federally licensed firearms dealers. Firearms dealers must, among other things: Perform background checks on prospective firearm purchasers.** Maintain records of all gun sales. Make those records available to law enforcement for inspection. Report certain multiple sales. Report the theft or loss of a firearm from the licensee's inventory.<sup>31</sup> **Federal law imposes none of these requirements on unlicensed sellers,**

**however.** The Gun Control Act of 1968 provides that persons "engaged in the business" of dealing in firearms must be licensed.<sup>32</sup> Although Congress did not originally define the term "engaged in the business," it did so in 1986 as part of the McClure-Volkmer Act (also known as the Firearms Owners' Protection Act). That act defined the term "engaged in the business," as applied to a firearms dealer, as "a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms."<sup>33</sup> **Significantly, however, the term was defined to exclude a person who "makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms."**<sup>34</sup>

According to a 1999 report issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives, the current definition of "engaged in the business" often frustrates the prosecution of **"unlicensed dealers masquerading as collectors or hobbyists but who are really trafficking firearms to felons or other prohibited persons."**<sup>35</sup>

## Summary of state law (Giffords Law Center).

NA (Giffords Law Center to Prevent Gun Violence). "Universal Background Checks." 2017

<http://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background-checks/> HS.

Nineteen states and Washington DC have extended the background check requirement beyond federal law to at least some private sales.

### **Nine states (California, Colorado, Connecticut, Delaware, Nevada, New York, Oregon, Rhode Island, Washington) and DC require universal background checks at the point of sale for all transfers of all classes of firearms, including purchases from unlicensed sellers;**

Maryland and Pennsylvania do the same for handgun purchases only. Four states (Hawaii, Illinois, Massachusetts, and New Jersey) require any firearm purchaser, including a purchaser from an unlicensed seller, to obtain a permit issued after a background check, and four more states (Iowa, Michigan, Nebraska, and North Carolina) do the same only for handgun purchasers. Illinois also requires a background check whenever a firearm is sold at a gun show.<sup>36</sup> Voters in Washington and Nevada adopted universal background checks laws by ballot initiative in 2014 and 2016 respectively. STATE LAWS CLOSING

THE PRIVATE SALE LOOPHOLE Background Checks at the Point of Transfer **The most comprehensive approach to ensuring that guns are not sold to prohibited persons is through a requirement for a background check at the point of transfer of any firearm. Processing transfers by private sellers through licensed dealers or a law enforcement agency helps to ensure that a background check will be conducted prior to any transfer.** States that Require a Background Check at the Point of Transfer: **California Colorado Connecticut Delaware**

**District of Columbia Maryland (handguns and assault weapons only) Nevada New York Oregon Pennsylvania (handguns only) Rhode Island Washington California, Colorado, Delaware, Nevada, New York, Oregon, and Washington generally require all firearm transfers to be conducted by or processed through licensed dealers, who conduct background checks on prospective firearm purchasers or recipients.**

In the District of Columbia, firearms may be sold and transferred only by or to a licensed dealer. Rhode Island requires all sellers to obtain a completed application form from the prospective purchaser and to submit the form to law enforcement for purposes of conducting a background check. Connecticut requires any person transferring a firearm to either submit a form to law enforcement or conduct the transfer through a licensed dealer, so that a background check is conducted for every sale or transfer. Maryland and Pennsylvania require a background check for every prospective handgun sale or transfer, and provide that the background check may be conducted either by a licensed dealer or a designated law enforcement agency.

## Transfer of Ownership

### **The most recent bill to expand background checks exempts temporary transfers, gifts from family members, and a transfer for immediate self defense (Radelat - The Connecticut Mirror).**

Ana Radelat (The Connecticut Mirror). "Murphy introduces background-check gun bill as 'long-haul strategy'." October 25, 2017.

<https://ctmirror.org/2017/10/25/murphy-introduces-background-check-gun-bill-in-long-haul-strategy/>

Washington – Sen. Chris Murphy on Wednesday reintroduced a background-check gun bill he's been trying to make law since a gunman killed 20 first graders and six educators in Newtown at the end of 2012. Nearly five years later, Congress has yet to approve a substantive gun control measure, even the least controversial of those gun control advocates have proposed – a bill that would expand FBI background checks of gun buyers. Murphy's bill, co-sponsored by Sen. Richard Blumenthal and 27 other senators but lacking any Republican support, would close the "gun show" loophole, which allows gun sellers at these events to avoid running information about potential buyers through the FBI's National Instant Criminal Background Check System, or NICS. The "Background Check Expansion Act" would require background checks for all sales, including online purchases and those collectors make out of their homes. Private sellers would be required to visit a licensed firearms dealer to run the NICS check before a gun sale is finalized. **The bill would exempt from background checks sales between law**

**enforcement officers, temporary loans of firearms for hunting and sporting events and gifts of a**

**firearm to an immediate family member or for immediate self-defense.** Murphy initially tried to negotiate the background check bill with Republicans who would support it. But on Wednesday he said, "We made a strategic decision to introduce a strong bill." "We would have had to water it down to get Republican support," he said. He also said the legislation is a "platform" that could be altered to win GOP backing. On Wednesday Murphy, Blumenthal and other bill sponsors joined gun violence victims and gun control advocates to

introduce the bill at a press conference on the U.S. Capitol grounds. Murphy said mass slayings, such as the one that claimed 58 lives in Las Vegas on the night of Oct. 1, are a uniquely American phenomenon. One reason is the loopholes in the background check system, he said, and stronger federal laws are needed.

## Firearm Trafficking

### Trafficking is making guns that were legal for illegal purposes

**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/yprp/CBC%20White%20Paper%20Final%20Report%20022013.pdf> //DF

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.<sup>11</sup> Cook and colleagues<sup>7</sup> 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.<sup>8</sup> Point sources are the venues linked to many known crime-involved firearms, usually licensed retailers.<sup>12</sup> 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).

### Trafficking is moving guns from legal to illegal markets – ex. Straw purchases

**Krouse 13** William J. Krouse [Specialist in Domestic Security and Crime Policy], 3-1-2013, "Gun Control Proposals in the 113th Congress: Universal Background Checks, Gun Trafficking, and Military Style Firearms," Congressional Research Service, <https://www.files.ethz.ch/isn/161992/206155.pdf> //DF

Criminal "gun trafficking" essentially entails the movement or diversion of firearms from legal to illegal markets.<sup>29</sup> Therefore, it follows that the entire GCA is arguably a statutory framework designed to combat gun trafficking domestically, particularly interstate gun trafficking.<sup>30</sup> ATF has developed a nationwide strategy to reduce firearms trafficking and violent crime by preventing convicted felons, drug traffickers, and juvenile gang members from acquiring firearms from gun traffickers.<sup>31</sup> Gun trafficking cases include, but are not limited to, the following activities: • straw purchasers or straw purchasing rings; trafficking in firearms by corrupt federally licensed gun dealers; • trafficking in firearms by unlicensed dealers (i.e., persons who deal in firearms illegally as the principal source of their livelihood); • trafficking in stolen firearms; and • trafficking of secondhand firearms acquired from unlicensed persons at gun shows, flea markets, and other private venues.<sup>33</sup> Unlike other forms of contraband, almost all illegal firearms used criminally in the United States were diverted at some point from legal channels of commerce.<sup>34</sup> ATF works to reduce firearms-related crime with two approaches, industry regulation and criminal investigation.

## Straw Purchase

### Having someone who can pass background checks make the gun purchase

**Cooper 13** Michael Cooper, Michael S. Schmidt and Michael Luo, 4-10-2013, "Gun Law Loopholes Let Buyers Skirt Background Checks," New York Times, <http://www.nytimes.com/2013/04/11/us/gun-law-loopholes-let-buyers-skirt-background-checks.html> //DF

Cases like the Wisconsin spa shooting are at the heart of the debate raging in Washington over whether to expand background checks for all gun purchases — a proposal the Senate plans to take up on Thursday. Ms. Haughton's brother, Elvin Daniel, a hunter who belongs to the

National Rifle Association, has traveled to Washington to call for expanded background checks. “I feel that had there been a background check, had that been in place, my sister would still be with us today,” he said Wednesday. Opponents of expanded background checks, including the National Rifle Association, argue that they would not prevent criminals from acquiring guns, since many get them through back-market sales or theft, or by getting “straw purchasers” — people who can pass background checks — to buy guns on their behalf.

## AFF Offense

## Economy

### 200 bil mufucka (Swanson – NIH)

Jeffrey Swanson (National Institute of Health). Gun Violence, Mental Illness, And Laws That Prohibit Gun Possession: Evidence From Two Florida Counties. Published 12/13/16. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5154170/>.

**Gun violence kills about ninety people every day in the United States, a toll measured in wasted and ruined lives and with an annual economic price tag exceeding \$200 billion.** Some policy makers suggest that reforming mental health care systems and improving point-of-purchase background checks to keep guns from mentally disturbed people will address the problem. Epidemiological research shows that serious mental illness contributes little to the risk of interpersonal violence but is a strong factor in suicide, which accounts for most firearm fatalities. Meanwhile, the effectiveness of gun restrictions focused on mental illness remains poorly understood. This article examines gun-related suicide and violent crime in people with serious mental illnesses, and whether legal restrictions on firearm sales to people with a history of mental health adjudication are effective in preventing gun violence. Among the study population in two large Florida counties, we found that 62 percent of violent gun crime arrests and 28 percent of gun suicides involved individuals not legally permitted to have a gun at the time. Suggested policy reforms include enacting risk-based gun removal laws and prohibiting guns from people involuntarily detained in short-term psychiatric hospitalizations.

## Social Movements

### One standard deviation increase in mobilization makes it three times more likely that legislation will pass (Chen – University of Michigan)

Anthony Chen (University of Michigan). Did the Civil Rights Movement Have a Direct Impact on Public Policy? Evidence from the Passage of State Fair Housing Laws, 1959-1965 published 9/24/04 url:

<http://fordschool.umich.edu/research/papers/PDFfiles/04-005.pdf>

The foregoing models provide evidence that the civil rights movement had a positive effect on the passage of state fair housing legislation, even when controlling for public opinion, including only a linear time counter. But when a control for the previous passage of civil rights legislation is added, their effect diminishes in magnitude and significance. But to what extent does leaving out public opinion overestimate the effect of social movements? Table 5 presents the odds ratios associated with standard-deviation increases in civil rights mobilization and public opinion.<sup>12</sup> Column A reports the standardized odds ratios for Model 2 and Model 3 as specified in Table 4. Column B reports the standardized odds ratios for the same models with public opinion excluded from the specification. A comparison of Column A and Column B shows that the odds ratio for civil rights mobilization for each model is higher in specifications excluding public opinion. For instance, when public opinion is excluded from Model 2, **increasing civil rights mobilization by one standard-deviation makes it 2.93 times more likely that a state will pass fair housing legislation.** However, when public opinion is included in Model 2, then a one standard-deviation increase in civil rights mobilization makes it only 2.59 times more likely that fair housing legislation will pass. This supports the argument (Burststein and Linton 1998) that models of policy-making that exclude public opinion may overestimate the impact of interest organizations. But it should be born in mind that the effect of interest organizations—here the civil rights movement—falls only slightly. In fact,

it remains large and statistically significant across specifications. While the effect of public opinion is equally large and significant, it does not cancel out the effect of the civil rights movement.

## **In a meta-analysis of 183 studies efficacy increases collective action by 38% (Spears – Cardiff University)**

### **Russell Spears (Cardiff University).**

Russell Spears (Cardiff University). Toward an Integrative Social Identity Model of Collective Action: A Quantitative Research Synthesis of Three Socio-Psychological Perspectives . Published 2008.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.576.5638&rep=rep1&type=pdf> .

**Independent Effects of Identity, Injustice, and Efficacy on Collective Action** As can be seen in Table 1, random effects analysis **showed that mean effect sizes** of all three predictors differed significantly from zero, **rang[e]ing from .34 to .38**.<sup>10</sup>

According to Cohen's (1988) guidelines, these effects are of medium size (for comparison purposes, the equivalent ds range from 0.72 to 0.83).

**Descriptively**, therefore, injustice, **efficacy**, and identity all have equally **[has a] strong relationships with collective action**. However, we have synthesized these effects independently of each other and hence conclusions about their unique predictive strengths cannot be drawn without assuming that the three predictors are uncorrelated.<sup>11</sup> The distribution of the effect sizes for all three predictors was, as expected and as can be seen in Figures 1A–1C, highly heterogeneous: For injustice, effects ranged from moderately negative ( $r = -.28$ ) to strongly positive ( $r = .73$ ). It should be noted, however, that the negative effects were relatively isolated events. For efficacy, effects ranged from essentially zero ( $r = -.03$ ) to strongly positive ( $r = .80$ ). For identity, effects were in a similar range ( $r = -.23$  to  $r = .82$ , with the negative effect isolated). As can be seen in Table 1, the significance of the QW statistic for all three samples confirms that the samples are highly heterogeneous. The existence of this much heterogeneity is testament to the diversity of the literature in terms of its methods, measures, par-

## **Activism gap leads to NRA success (Spitzer – SUNY)**

Robert J. Spitzer (SUNY). The Politics of Gun Control. Published 10/19/17.

<https://play.google.com/books/reader?printsec=frontcover&output=reader&id=qZY6DwAAQBAJ&pg=GBS.PP1>.

The second and related reason for the opinion-policy gap is the consequence of pressure-group politics. It is well understood that Congress responds to pressures from organized interest groups, especially when broader public tides subside. As former senator J. William Fulbright (D-AR) once observed, the legislator does not serve "constituents as a community, but the best-organized, best-funded, and most politically active interest groups within the constituency." The political scientist Graham Wootton calls this "special-interest democracy." A central part of this special interest democracy is not only its effective use of pressure politics, but election mobilization, especially when the electoral contests are less visible with lower turnout, such as primary elections and special elections (as was the case with the 2013 Colorado special election discussed earlier). **Polls show that, while consistent majorities of Americans support stronger gun laws, gun rights supporters are much more likely to vote based solely on the gun issue than gun safety proponents and are also more likely to engage in other political activities, such as attending a meeting or contributing money. According to one survey, 25 percent of those who support gun rights are likely to take political action based on the gun issue, compared with only 5 percent of those who support stronger gun laws. This "activism gap" is key to understanding the NRA's political successes.**

## **Outcomes depend on the mobilization of public opinion (Spitzer – SUNY)**

Robert J. Spitzer (SUNY). The Politics of Gun Control. Published 10/19/17.

Grassroots activism. Social regulatory politics is not confined to an "inside the beltway" struggle in Washington, DC. It emerges in states, cities, towns, and villages across the country. Unlike issues on which national political figures may provide leadership for the rest of the country,

**pressure from the political grassroots can have a profound effect on how national political leaders respond to these issues.** Public opinion. Public opinion can be mobilized behind change, but such mobilization is likely to be sporadic. Most citizens hold opinions on social regulatory issues but do not share the same such as an assassination or a mass murder, or longer-term issue shifts, such as the rising fear of crime, play a vital role in public-issue consciousness. More important, **the outcome of a political controversy** may vary according to **the ability of key groups to mobilize and sway popular sentiment in the aftermath of a pivotal event.**



## **Social movements need to advance their cause to provide an incentives for membership (Spitzer – SUNY)**

Robert J. Spitzer (SUNY). The Politics of Gun Control. Published 10/19/17.

The political scientist James Q. Wilson identified four kinds of member incentives: material, specific solidary, collective solidary, and purposive. Material incentives are tangible rewards, including money, services, or gifts. Specific solidary incentives include intangible rewards such as honors, the bestowal of rank or office, and the granting of special respect or deference. Collective solidary incentives are also intangible but can be acquired only through a group experience, such as the enjoyment, comradeship, and esteem one might feel by belonging to a group.

Purposive incentives are those that might be most nearly considered ideological—those based on the support of a cause or ideal; **the satisfaction of membership comes from belief in and advancement of a cause, not from receiving immediate concrete benefits.**

<sup>49</sup> In the case of NRA members, one can observe each of these incentives. People who join the NRA receive several concrete benefits for their \$35 dues, including a magazine subscription, a cap bearing the NRA logo, travel and auto discounts, a Visa card (for which members must apply), \$1,000 in firearms insurance and \$10,000 in personal accident insurance (although the terms of these policies are very narrow), information on and access to hunter tours and sporting events, and other information and expertise on gun-related activities. Although certainly a draw to some, these modest incentives alone are hardly adequate to explain the zealotry of NRA membership.

## **Costs and benefits determine mobilization (Gross – Princeton University)**

Kristin Gross (The Gun Control (Participation) Paradox). Princeton University. Published 2010.

<http://assets.press.princeton.edu/chapters/s8328.pdf>.

In broad terms, chapter 7 concludes that **the answer to [why “Most people want [gun control], but they don’t mobilize to get [it]”]** the gun control participation paradox **boils down to which side has better exploited the American political system to alter the costs and benefits of individual participation.** I argue that the opponents of gun control have accommodated themselves better to the stubborn realities and political inconveniences of a fragmented, federalist system than have the supporters of gun control, whose strategies may have been rational in a policy sense but were politically naive. The struggles of the gun control “movement” stem both from choices that leaders made and from choices that were thrust upon them by a politically savvy and implacable foe. At the same time, the gun control case illuminates a broader set of issues in contemporary American politics. In particular, it highlights the seductive lure of elite politics. Modern liberals, including **gun control advocates, model themselves on the civil rights movement, but in doing so they misread the lessons of history.** The civilrights movement’s national legislative triumphs, which outlawed discrimination in all public places (1964) and put the weight of federal law enforcement behind local voting rights (1965), came after decades of local organizing around modest measures—changing seating patterns on a bus route or at soda fountains, for example. The civil rights movement stands for the proposition that there are no quick fixes in American politics, but contemporary liberal reformers draw from the movement exactly the opposite conclusion. **The gun control case serves as a cautionary tale. The Founding Fathers meant for political reform to be slow and difficult. Movements that adapt their strategies to that reality will expand; movements that do not adapt will falter.**

## **Policy passage increases participation in gun control related social movements (Gross – Princeton University)**

Kristin Gross (Princeton University). Disarmed: The Missing Movement for Gun Control in America. Published 12/16/10.

[https://books.google.com/books?id=FFgQC1hZnp0C&dq=gun+control+reform+and+momentum+for+social+movements&source=gbs\\_navlinks\\_s](https://books.google.com/books?id=FFgQC1hZnp0C&dq=gun+control+reform+and+momentum+for+social+movements&source=gbs_navlinks_s).

body of law—is particularly suited to democracies characterized by inter-est-group pluralism, porous and fragmented institutional structures, highly competitive panics, and classical liberal political cultures. The Founding Fathers designed the U.S. system, with its separation of powers and checks and balances, precisely to stymie swift, bold policy change. In short, incrementalism may be the only strategy that has a chance of succeeding in the United States, at least in normal times. Strictly speaking, incrementalism refers to policy making, not participation. However,

**the gun control case shows that there is a clear link between the policy-making strategies that advocates embrace and the scope and duration of popular participation they might expect.**

Incrementalism encourages participation by bolstering individuals’ sense of collective efficacy. People participate when they are reasonably



hopeful that their participation will contribute to a desired outcome. To calculate that probability, rational individuals not only assess the (prospective) probability of the activity's success should they join, but also the (retrospective) record of success when others have been involved. To attract participants, then, advocates need to demonstrate that their efforts have momentum: past successes snowballing into probable future successes. In other words, **to gain strength, movements need already to be moving.**

**Incrementalism encourages conflict expansion by favorably altering the perception of organizational momentum, both past and future, thereby increasing the estimated benefit/cost ratio of individual participation. In sum, policy incrementalism encourages popular political participation;**

**rational-national policy agendas discourage it.** They are movement constraining. The gun control case elucidates an important dynamic in contemporary America: "the policy-politics paradox." Advocates for sociopolitical reform often face an agonizing trade-off between pursuing legislation that would work ("good policy") and political strategies that would be effective in securing that legislation ("good politics"). Although sensible policy and smart politics should go hand in hand, in fragmented democracies these goals are more typically at odds. Good policy makes for bad politics; good politics makes for bad policy! In the face of this policy-politics paradox, gun control supporters opted for sound policy, in effect forgoing a movement-building strategy in the interest of moral and ideological purity. Gun rights supporters, on the other hand, put politics above policy ideals. They systematically chipped away at gun regulations to achieve the comprehensive result they ultimately desired. Thus, gun rights advocates pursued a politics-driven strategy that has largely succeeded in mobilizing supporters; gun control advocates pursued a policy-driven strategy that has largely failed to deliver the legislative results they desired. American social movements often divide over the question of whether to pursue a slow, laborious, incremental approach that involves seemingly

### **Incrementalism builds movement (Gross – Princeton University)**

Kristin Gross (Princeton University). *Disarmed: The Missing Movement for Gun Control in America*. Published 12/16/10.

CHAPTER FIVE Changing the Calculation: Policy Incrementalism and Political Participation It is difficult to draw a man out of his own circle to interest him in the destiny of the state. . . . But if it is proposed to make a road cross the end of his estate, he will see at a glance that there is a connection between this small public affair and his greatest private affairs. . . . Thus far more may be done by entrusting to the citizens the administration of minor affairs than by surrendering to them in the control of important ones. —Alexis de Tocqueville, *Democracy in America*<sup>1</sup> SOCIALIZING THE COSTS OF PARTICIPATION, and personalizing the benefits, are two ways by which issue advocates can expand political conflict to their advantage. This chapter considers a third mechanism: increasing the expected value of social benefits relative to the expected value of personal costs. The individual's cost-benefit assessment improves when he calculates that a minor investment of political resources (individual costs) will produce the desired policy outcome (social benefits). This is what I have termed the participation payoff. In a decentralized, fragmented democracy, an expected participation payoff is increased when social-movement organizations pursue policy incrementalism: small policy steps that might be expected to aggregate toward ever larger political goals. In the United States, all bona fide social movements have proceeded incrementally. **Perhaps the most important reason that gun control has never generated a**

**mass movement is that gun control advocates spurned incrementalism in favor of a "rational national" strategy of policy change. The rational-national strategy favored bold, comprehensive, nation-spanning gun control laws that offered little opportunity for broad-based participation. The alternative—incrementalism—is significantly more conducive to movement building.**

Vertical incrementalism—the process of making policy at lower levels of government and allowing those successes to influence policy making at higher levels—is particularly important in federalist systems, in which policy-making authority is decentralized. Horizontal

incrementalism—**expanding the scope or severity of an existing**<sup>146</sup> • Chapter Five **body of law—is particularly suited to democracies characterized by interest-group pluralism, porous and fragmented institutional structures, highly competitive parties, and classical liberal political cultures.**

### **The Brady Bill increased the strength of the gun control movement (Gross – Princeton University)**

Kristin Gross (Princeton University). *Disarmed: The Missing Movement for Gun Control in America*. Published 12/16/10.

THE BRADY BILL **When gun control organizations finally did unite around an incremental policy, they managed both to drum up political participation and to secure a new gun control law.**

Many factors affected the Brady Bill's passage, including the fact that pro-control Democrats controlled the presidency Mobilizing around Modest Measures • 177 and both branches of Congress in the wake of the 1992 election. However, political opportunities do not guarantee policy outcomes. Gun control advocates won passage of the Brady Bill in large part because they built a broad coalition to agitate for it, and that coalition was possible because the bill proposed—and built on—incremental, rather than comprehensive, change. Passed in 1993, and effective the following year, the Brady Bill was designed to plug a loophole created twenty-five years before with the passage of the Gun Control Act. The 1968 act had

barred certain classes of presumably high-risk people, such as drug addicts and minors, from purchasing handguns. However, the law contained no mechanism by which gun sellers could verify that the would-be purchaser was not in one of these restricted groups. The Brady Law created that enforcement mechanism. The law required people buying handguns from federally licensed sellers to undergo a federal background check to determine whether they were eligible to own a weapon. The law then imposed a five-day waiting period during which the background check was to be conducted. Thus, the Brady Law was a horizontally incremental step in two respects. It represented a modification of one piece of existing law, rather than imposing an entirely new regulatory regime. And, while making it harder for ineligible individuals to buy a handgun, the law did not extend ownership restrictions to anybody not already covered by the law. Besides representing a strategy of horizontal incrementalism, the Brady Bill was also, and less obviously, an example of vertical incrementalism. **Its major provisions were modeled on laws that at least eighteen states had passed, mostly since the mid-1960s. Thus, scores of members of Congress had experience with these laws and had confidence, if not in the laws' effectiveness, at least in their ability to be implemented without seriously infringing the rights of gun owners. With the twin virtues of being modest and road tested in the states, the policy prescriptions embodied in the Brady Bill galvanized participation in the short term and set the gun control campaign on a trajectory of expansion. In the short term, the Brady Bill ignited a broad array of interest groups that had been sympathetic.**

### **Collective efficacy increases the durability of social movements (Earp – UNC)**

Anne Earp (UNC). Explaining Variation in Gun Control Policy Advocacy Tactics Among Local Organizations. Published 2003. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.833.3890&rep=rep1&type=pdf>.

8 Likewise, the political effectiveness of local and state MADD chapters, in helping to enact anti-drunk driving state legislation, has been attributed to their victim-based leadership and memberships.<sup>48</sup> **Organizations with a stronger sense of collective efficacy, a group's shared belief in its ability to effectively carry out its actions,**<sup>59</sup> **appear more likely to engage in diverse advocacy actions.** It may be **because the gun control issue is highly contentious and the progun opposition powerful and intimidating**<sup>13-15</sup> **that those groups strongly believing their efforts will make a difference are the ones most willing to experiment with various types of advocacy tactics.** Several studies have suggested that **groups with a heightened sense of collective efficacy persist longer in their efforts in the face of opposition and commit themselves more vigorously to realizing their goals than groups with a lower sense of efficacy.**<sup>59</sup>

## Social Movements Overview

*This argument responds to backlash, lack of enforcement etc...*

**Start off with an overview.** If we pass a Universal Background Check bill that will lead to the strengthening of the gun control movement.

The pro-gun control movement is weak in the status quo and needs a win. Scottile in 2016 writes that: **The gun-control movement is broken after the inability to pass a bill after Sandy Hook**

Policy passage would increase participation in gun control related social movements (Gross – Princeton University)

**the gun control case shows that there is a clear link between the policy-making and popular participation to gain strength, movements need already to be moving.**

Historically, efficacy of a movement increases collective action significantly. In a meta-analysis of 183 studies efficacy increases collective action by 38% (Spears – Cardiff University)

### **IMPACT A. Getting rid of NRA Influence**

The NRA is successful because of the disparity in mobilization between gun rights group and gun control groups (Spitzer – SUNY)

**25 percent of those who support gun rights are likely to take political action based on the gun issue, compared with only 5 percent of those who support stronger gun laws. This “activism gap” is key to understanding the NRA’s political successes.**

### **IMPACT B. More policies in the future**

One standard deviation increase in mobilization makes it three times more likely that legislation will pass (Chen – University of Michigan)

**Increasing mobilization by one standard-deviation makes it 2.93 times more likely that a state will legislate.**

### **Uniqueness – The pro-gun control movement is weak in the status quo and needs a win. Scottile in 2016 writes that**

**Sottile 16** Alexis Sottile, 7-7-2016, "Why the Gun-Control Lobby Is Playing Catch-Up With the NRA," Rolling Stone, <span><http://www.rollingstone.com/politics/news/why-the-gun-control-lobby-is-playing-catch-up-with-the-nra-20160707>> //DF

Still, there's much work left to do to approach anything like the successes of the NRA, or even the LGBTQ movement. Back at the Gays Against Guns meeting, Murphy discusses a conference call he'd been on with three longtime gun-control advocates, who had implored him to bring the LGBTQ movement's fearlessness to bear on the gun issue — the goal being to flip Congress in the upcoming election and ultimately pass a new national assault-weapons ban. **The gun-control movement is "still broken after the inability to pass a bill after**

**Sandy Hook**," Murphy says. Talk turns to next steps, visibility and a shaming campaign aimed at politicians and corporations who've taken money from the NRA. "There are corporations such as Hertz Rent a Car who give discounts to [NRA members]. It's vacation season. They want our business. It's them or us. They have to choose," says GAG member Ken Kidd, to riotous applause. The discussion then turns to developing talking points to counter NRA arguments such as "guns don't kill people, people kill people." In the back of the room, GAG member Billy Erb stands up. "How about, 'from my warm, living heart,' instead of 'from my cold, dead hands?'"

### **Policy passage would increase participation in gun control related social movements (Gross – Princeton University)**

Kristin Gross (Princeton University). Disarmed: The Missing Movement for Gun Control in America. Published 12/16/10.

[https://books.google.com/books?id=FFgQC1hZnp0C&dq=gun+control+reform+and+momentum+for+social+movements&source=gbs\\_navlinks\\_s](https://books.google.com/books?id=FFgQC1hZnp0C&dq=gun+control+reform+and+momentum+for+social+movements&source=gbs_navlinks_s).

body of law—is particularly suited to democracies characterized by inter-est-group pluralism, porous and fragmented institutional structures, highly competitive panics, and classical liberal political cultures. The Founding Fathers designed the U.S. system, with its separation of powers and checks and balances, precisely to stymie swift, bold policy change. In short, incrementalism may be the only strategy that has a chance of succeeding in the United States, at least in normal times. Strictly speaking, incrementalism refers to policy making, not participation. However, **the gun control case shows that there is a clear link between the policy-making** strategies that advocates embrace and the scope **and** duration of **popular participation** they might expect. Incrementalism encourages participation by bolstering individuals' sense of collective efficacy. People participate when they are reasonably hopeful that their participation will contribute to a desired outcome. To calculate that probability, rational individuals not only assess the (prospective) probability of the activity's success should they join, but also the (retrospective) record of success when others have been involved. To attract participants, then, advocates need to demonstrate that their efforts have momentum: past successes snowballing into probable future successes. In other words, **to gain**

**strength, movements need already to be moving.** Incrementalism encourages conflict expansion by favorably altering the perception of organizational momentum, both past and future, thereby increasing the estimated benefit/cost ratio of individual participation.

**In sum, policy incrementalism encourages popular political participation; rational-national policy**

**agendas discourage it.** They are movement constraining. The gun control case elucidates an important dynamic in contemporary America: "the policy-politics paradox." Advocates for sociopolitical reform often face an agonizing trade-off between pursuing legislation that would work ("good policy") and political strategies that would be effective in securing that legislation ("good politics"). Although sensible policy and smart politics should go hand in hand, in fragmented democracies these goals are more typically at odds. Good policy makes for bad politics; good politics makes for bad policy! In the face of this policy-politics paradox, gun control supporters opted for sound policy, in effect forgoing a movement-building strategy in the interest of moral and ideological purity. Gun rights supporters, on the other hand, put politics above policy ideals. They systematically chipped away at gun regulations to achieve the comprehensive result they ultimately desired. Thus, gun rights advocates pursued a politics-driven strategy that has largely succeeded in mobilizing supporters; gun control advocates pursued a policy-driven strategy that has largely failed to deliver the legislative results they desired. American social movements often divide over the question of whether to pursue a slow, laborious, incremental approach that involves seemingly

**Historically, efficacy of a movement increases collective action significantly. In a meta-analysis of 183 studies efficacy increases collective action by 38% (Spears – Cardiff University)**

**Russell Spears (Cardiff University).**

Russell Spears (Cardiff University). Toward an Integrative Social Identity Model of Collective Action: A Quantitative Research Synthesis of Three Socio-Psychological Perspectives . Published 2008.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.576.5638&rep=rep1&type=pdf> .

**Independent Effects of** Identity, Injustice, and **Efficacy on Collective Action** As can be seen in Table 1, random effects analysis **showed that mean effect sizes** of all three predictors differed significantly from zero, **range**ing **from .34 to .38**.<sup>10</sup>

According to Cohen's (1988) guidelines, these effects are of medium size (for comparison purposes, the equivalent ds range from 0.72 to 0.83).

**Descriptively**, therefore, injustice, **efficacy**, and identity all have equally **[has a] strong relationships with collective action**. However, we have synthesized these effects independently of each other and hence conclusions about their unique predictive strengths cannot be drawn without assuming that the three predictors are uncorrelated.<sup>11</sup> The distribution of the effect sizes for all three predictors was, as expected and as can be seen in Figures 1A–1C, highly heterogeneous: For injustice, effects ranged from moderately negative ( $r = -.28$ ) to strongly positive ( $r = .73$ ). It should be noted, however, that the negative effects were relatively isolated events. For efficacy, effects ranged from essentially zero ( $r = -.03$ ) to strongly positive ( $r = .80$ ). For identity, effects were in a similar range ( $r = -.23$  to  $r = .82$ , with the negative effect isolated). As can be seen in Table 1, the significance of the QW statistic for all three samples confirms that the samples are highly heterogeneous. The existence of this much heterogeneity is testament to the diversity of the literature in terms of its methods, measures, par-

## **IMPACT A. Getting rid of NRA Influence**

**The NRA is successful because of the disparity in mobilization between gun rights movements and gun control groups**

Robert J. Spitzer (SUNY). The Politics of Gun Control. Published 10/19/17.

<https://play.google.com/books/reader?printsec=frontcover&output=reader&id=qZY6DwAAQBAJ&pg=GBS.PP1>.

The second and related reason for the opinion-policy gap is the consequence of pressure-group politics. It is well understood that Congress responds to pressures from organized interest groups, especially when broader public tides subside. As former senator J. William Fulbright (D-AR) once observed, the legislator does not serve "constituents as a community, but the best-organized, best-funded, and most politically active interest groups within the constituency." The political scientist Graham Wootton calls this "special-interest democracy." A central part of this special interest democracy is not only its effective use of pressure politics, but election mobilization, especially when the electoral contests are less visible with lower turnout, such as primary elections and special elections (as was the case with the 2013 Colorado special election discussed earlier). **Polls show that, while consistent majorities of Americans support stronger gun laws, gun**

**rights supporters are much more likely to vote based solely on the gun issue than gun safety**  
**proponents and are also more likely to engage in other political activities, such as attending a meeting**  
**or contributing money. According to one survey, 25 percent of those who support gun rights are likely**

**to take political action based on the gun issue, compared with only 5 percent of those who support stronger gun laws. This “activism gap” is key to understanding the NRA’s political successes.**

## **IMPACT B. More policies in the future**

### **One standard deviation increase in mobilization makes it three times more likely that legislation will pass (Chen – University of Michigan)**

Anthony Chen (University of Michigan). Did the Civil Rights Movement Have a Direct Impact on Public Policy? Evidence from the Passage of State Fair Housing Laws, 1959-1965 published 9/24/04 url:

<http://fordschool.umich.edu/research/papers/PDFfiles/04-005.pdf>

The foregoing models provide evidence that the civil rights movement had a positive effect on the passage of state fair housing legislation, even when controlling for public opinion, including only a linear time counter. But when a control for the previous passage of civil rights legislation is added, their effect diminishes in magnitude and significance. But to what extent does leaving out public opinion overestimate the effect of social movements? Table 5 presents the odds ratios associated with standard-deviation increases in civil rights mobilization and public opinion.<sup>12</sup> Column A reports the standardized odds ratios for Model 2 and Model 3 as specified in Table 4. Column B reports the standardized odds ratios for the same models with public opinion excluded from the specification. A comparison of Column A and Column B shows that the odds ratio for civil rights mobilization for each model is higher in specifications excluding public opinion. For instance, when public opinion is excluded from Model 2, **increasing civil rights mobilization by one standard-deviation makes it 2.93 times more likely that a state will pass fair housing legislation.** However, when public opinion is included in Model 2, then a one standard-deviation increase in civil rights mobilization makes it only 2.59 times more likely that fair housing legislation will pass. This supports the argument (Burstein and Linton 1998) that models of policy-making that exclude public opinion may overestimate the impact of interest organizations. But it should be born in mind that the effect of interest organizations—here the civil rights movement—falls only slightly. In fact, it remains large and statistically significant across specifications. While the effect of public opinion is equally large and significant, it does not cancel out the effect of the civil rights movement.

## **Federal Gun Registry**

### **Helps cop fight crime by allowing them to track the movement of firearms (Yaccino – NYT)**

Steven Yaccino (New York Times). Chicago City Council Reluctantly Ends Gun Registry. Published 9/11/13.

<http://www.nytimes.com/2013/09/12/us/chicago-city-council-reluctantly-ends-gun-registry.html>.

The change, which the Council made reluctantly, comes as Chicago is trying to control a rash of gun violence that drew national attention when the city’s homicide count surpassed 500 last year. The Chicago Police Department has cited gang activity and a flow of firearms from suburbs and from across the Indiana border into the city, which continues to pursue more aggressive gun restrictions. **Chicago’s homicide rate has declined 22 percent in the past year, according to the Police Department.** There have been 295 homicides in Chicago this year, compared with 377 during the same period last year. That is still more than the number of homicides in other large cities like New York and Los Angeles during the same time frame. **Continue reading the main story Criminal experts say the gun registry database in Chicago, which contains more than 8,000 gun owners and about 22,000 firearms, has helped the police better understand the movement of weapons in the city as they put in place new law enforcement strategies.** Adam Collins, a spokesman for the Police Department, said in a statement that officers would be able to use a new online database of permit holders maintained by the Illinois State Police under the law.

# Popular Support for Universal Background Checks

## Support for Universal Background Check is around 90% in almost every single poll (Kertscher - Politifact).

Tom Kertscher (Politifact). "Do 90% of Americans support background checks for all gun sales?" October 3, 2017.

<http://www.politifact.com/wisconsin/statements/2017/oct/03/chris-abele/do-90-americans-support-background-checks-all-gun-/> HS.

In the first hours after the Las Vegas mass shooting, many leading elected officials in Wisconsin issued statements about prayer and condolences, but Milwaukee County Executive Chris Abele went further. Abele, a Democrat who holds a nonpartisan office, said in a tweet on Oct. 2, 2017: Americans have overwhelmingly supported common sense gun reform. 90% support universal background checks. Elected officials must act. In 2015, we rated as True a claim that polling showed nearly 74 percent of National Rifle Association members support requiring background checks for all gun sales. The statement was made by Wisconsin state Sen. Lena Taylor, D-Milwaukee. So, what about Abele's claim about all Americans? **The latest polls and our checks with four polling experts indicate support is at 90**

**percent, give or take a few percentage points.** Recent polls Here's a look at national polls done in 2016 or 2017 on this question.

<i>Poll</i>	<i>Date</i>	<i>Question</i>	<i>Percent support/favor</i>
Quinnipiac University	June 2017	Do you support or oppose requiring background checks for all gun buyers?	94%
Washington University American Panel Survey	July 2016	Do you support or oppose requiring background checks for all gun buyers, no matter where the gun is purchased?	84%
CBS News	June 2016	Do you favor or oppose a federal law requiring background checks on all potential gun buyers?	89%
Morning Consult	June 2016	Do you support requiring all sellers to run background checks on anyone who buys a gun?	86%*
Public Policy Polling	Mar. 2016	Do you support or oppose requiring a criminal background check of every person who wants to buy a firearm?	84%
CBS News/New York Times	Jan. 2016	Do you favor or oppose a federal law requiring background checks on all potential gun buyers?	88%

## UBC has broad support

**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

The United States should adopt a comprehensive background check policy— one that requires all firearm transfers (with certain exceptions) to include a background check on the person acquiring the firearm and the retention of a permanent record. This would establish a simple, single, equitable structure for retail commerce in firearms. Two pitfalls should be avoided. First, the policy should not be limited to transfers at gun

shows (an approach known as closing the “gun show loophole”). Gun shows account for only a small proportion of private-party firearm transfers, and most crime-involved firearms acquired at gun shows are acquired from licensed retailers. Second, the policy should not exempt holders of concealed weapon permits and other firearm-related licenses. A small but important fraction of such individuals are in fact prohibited persons. Few policy proposals on any subject have such broad public support. In January 2013, 88.8% of the population overall, 84.3% of firearm owners, and 73.7% of members of the National Rifle Association supported background checks for all firearm transfers.

**87% of republicans and 84% of gun owners support requiring background checks for gun purchases made at gun shows and online. Even Paul Ryan has said closing the loopholes are “reasonable” and “obvious” (Kohn - CNN).**

Sally Kohn (CNN Political Commentator). “Who wants background checks? Most Republicans.” January 5, 2016.  
<http://www.cnn.com/2016/01/05/opinions/kohn-gop-guns/index.html> HS.

(CNN) Polls show a strong majority of Americans — including **87% of Republicans and 84% of gun owners — believe background checks should be required for gun purchases made at gun shows or online. This is a simple, broadly supported, common-sense policy.** So isn't it a good thing that in the face of persistent congressional inaction, President Obama is taking executive action to do just that? No, says Republican Speaker of the House Paul Ryan — who has endorsed fixing the background check loophole but is against Obama fixing it. According to reporting by the Huffington Post, in January 2013 **Ryan called closing the so-called gun-show loophole in background checks “reasonable” and “obvious.”** In fact, Ryan told the editorial board of the Milwaukee Journal-Sentinel that he recalled thinking the loophole was a problem when he first arrived in Congress. “There is a loophole here. We should address that,” Ryan told the board in the 2013 interview.

# Closing Gun Control Loopholes

## General

### **The primary market is licensed retailers; the secondary market is unlicensed retailers**

**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/yprp/CBC%20White%20Paper%20Final%20Report%20022013.pdf> //DF

In 1995, Philip Cook and colleagues published a study that has done much to shape and clarify our understanding of how firearm commerce operates.<sup>7</sup> Buying and selling by licensed retailers is now referred to as the primary market for firearms; both new and used firearms are involved. The secondary market consists of transfers by unlicensed private parties such as the individual attendees at gun shows.<sup>7,8</sup> The secondary market is much larger than is commonly thought. It is widely reported that approximately 40% of all firearms transactions occur directly between private parties. This estimate comes from the National Survey of Private Ownership of Firearms in the United States, for which data were collected in November–December 1994.<sup>9</sup> Respondents reported acquiring 251 firearms in the two years prior to the survey. Of these, 59.8% were obtained at a gun store, pawnshop, or other licensed retailer. Another 29.6% were acquired from a member of the family, a friend, or acquaintance; 3.9% at a gun show or flea market; 2.8% through the mail; and 3.8% from other sources. Some of those obtained at a gun show or through the mail were also likely purchased from a licensed retailer. 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 colleagues<sup>7</sup> 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,<sup>10</sup> 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.<sup>11</sup>



### **A large number of guns, especially ones used in crimes, weren't acquired with background checks**

**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

Firearm-related criminal violence remains an important threat to the nation's health and safety. To help prevent firearm violence, federal statute prohibits felons, those convicted of domestic violence misdemeanors, and certain others from acquiring or possessing firearms. Persons who acquire firearms from licensed gun dealers and pawnbrokers must provide identification and undergo a background check to verify that they are not prohibited persons. A permanent record is kept, in case the firearm is later used in a crime. But perhaps 40% of all firearm acquisitions, and at least 80% of those made with criminal intent, are made from private parties. No identification need be shown; no background check is conducted; no record is kept.

### **Most criminals report using guns that were privately acquired**

**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

As discussed earlier, data from many sources suggest that 40% of all firearm transfers nationwide are private-party transactions. For those who commit crimes with the firearms they acquire, that percentage at least doubles. This is a key point in weighing the merits of a comprehensive background check policy. Four large-scale surveys of persons incarcerated for firearm-related felonies in the 1990s, all supported by the Department of Justice, asked these inmates where they acquired the firearm they used in the crime for which they were incarcerated. The results fell into a narrow range; between 12% and 21% of these inmates acquired their weapons from licensed retailers.<sup>60-62</sup> Vitti and colleagues recently reported a parallel analysis of data from the 2004 Survey of Inmates in State Correctional Facilities, the last such survey to be conducted.<sup>34</sup> These investigators improved on the prior work by determining whether the inmates were already prohibited from possessing firearms at the time of acquisition. Overall, 13.4% of respondents obtained their firearms from licensed retailers. For those who were already prohibited persons, purchases from licensed retailers fell to just 3.9%. The majority (69.6%) got their firearms from a friend, family member, or the street; 1.0% stole them; 7.8% named other sources; and 17.7% did not answer the question. (The findings beg the question: How were the prohibited persons able to purchase firearms from licensed retailers? Surrogate or straw purchases and false identification are both likely possibilities.)

### **40% of gun sales take place at gun fairs/shows or over the internet (Economist).**

No Author (The Economist). "Why America doesn't have universal background checks for gun-buyers." Nov 6, 2015. <https://www.economist.com/blogs/economist-explains/2015/11/economist-explains-0> HS.

IN TOO many neighbourhoods it is easier to buy a gun than a book or fresh vegetables, Barack Obama said in a speech to international police chiefs on October 27th in Chicago. Mr Obama renewed his call for universal background checks for buyers of guns, which he has tried, unsuccessfully, to get Congress to vote into federal law for years. Two years ago he was close to reaching his goal, but the bipartisan Manchin-Toomey bill to extend background checks to gun sales over the internet and gun shows was nixed by the Senate. The police bosses are on the president's side. Their job would be much easier if fewer guns were in circulation and if all buyers of guns were to undergo checks of their background, especially their criminal and mental-health history. The proliferation of guns is one of the reasons for the substantial rise in violent crime in many American cities this year, they say. Current rules on background checks apply only to licensed gun dealers but up to 40% of gun sales take place at gun fairs or over the internet, which do not require such checks. The American public is overwhelmingly on the president's side too. According to a poll published in August by the Pew Research Centre, 85% of those surveyed are in favour of expanded background checks for gun owners. Almost 80% support laws to prevent people with a mental illness from buying a gun and 70% back the creation of a federal database to track all gun sales. So why is there still no federal law on background checks?

### **An estimated 40% of all firearms transferred in the US are acquired from unlicensed sellers without a background check (Travis - National Institute of Justice).**

Jeremy Travis (National Institute of Justice). "Guns in America: National Survey on Private Ownership and Use of Firearms." May 1997. <https://www.ncjrs.gov/pdffiles/165476.pdf> HS.

The most common motivation for owning firearms was recreation. Forty-six percent possessed a gun primarily for protection against crime. • **There were 13.7 million firearm transactions in 1993–1994, including 6.5 million handguns. About 60 percent of gun acquisitions involved federally licensed dealers.** • About 211,000 handguns and 382,000 long guns were stolen in noncommercial thefts in 1994.

### **Federal law fails to require background checks by every person who sells or transfers a gun—known as universal background checks—letting individuals prohibited by law obtain guns (U.S. Department of Justice).**

No Author (U.S. Department of Justice). “Review of ATF’s Project Gunrunner.” November 2010. <https://oig.justice.gov/reports/ATF/e1101.pdf> HS.

The gun dealer retains a copy of the Form 4473 as a permanent record of the transfer of the weapon. This enables ATF to determine who originally purchased a gun if it is subsequently seized by law enforcement investigating a crime involving the gun. Individuals who buy guns from an unlicensed private seller in a “secondary market venue” (such as gun shows, flea markets, and Internet sites) are exempt from the requirements of federal law to show identification, complete the Form 4473, and undergo a National Instant Criminal Background Check System check. Therefore, according to ATF and other Department officials we interviewed, **individuals prohibited by law from possessing guns can easily obtain them from private sellers and do so without any federal records of the transactions.** According to these officials, gun shows are a primary source of weapons for Mexican drug cartels. Generally, ATF can most readily trace a gun to the individual who first purchased it from a gun dealer. ATF has limited ability to trace used firearms sold by gun dealers and generally cannot trace privately sold guns to the private purchaser. Regulatory Function ATF regulates the firearms industry through licensing and inspections of gun dealers. The objective of ATF’s application inspections is to ensure that only qualified individuals receive a license to sell guns.

### **The private gun sale/transfer market is a leading source of guns used in crimes (Braga - The New England Journal of Medicine).**

Anthony A. Braga (The New England Journal of Medicine). “Private-Party Gun Sales, Regulation, and Public Safety.” August 5, 2010. <http://www.nejm.org/doi/full/10.1056/NEJMp1006326#t=article> HS.

Today, private parties can buy and sell many guns a year while claiming not to be engaged in the business. **Perhaps 40% of all gun sales nationwide — roughly 6.6 million transactions in 2008 — are made by private parties.** Moreover, private parties can sell handguns to anyone 18 years of age or older; licensed retailers cannot sell handguns to anyone under 21 years of age. **The private-party gun market, sometimes called the informal gun market, has long been recognized as a leading source of guns used in crimes.** Although private-party sales are primarily a convenience for the law-abiding purchaser (since they involve no paperwork, no background check, and no waiting period), **such sales are also the principal option when the prospective purchaser is a felon, a domestic-violence offender, or another person prohibited by law from owning a gun. Private-party sales facilitate the diversion of guns from legal commerce into criminals' hands:** although it is always illegal for certain classes of people to buy a gun, it is illegal to sell a gun to such people only if the seller knows or has reasonable cause to believe that he or she is doing so. **Unscrupulous private sellers may simply avoid asking questions that would lead to such revelations.**<sup>1</sup> These two parallel systems of gun commerce are most readily seen in operation at gun shows, where they operate literally side by side.<sup>1</sup> Large gun shows function as the big-box retailers of gun commerce: hundreds of vendors, both licensed retailers and private parties, display thousands of guns and compete for the business of thousands of potential buyers. It is very likely that most gun sales at gun shows are legal. Nonetheless, these shows have repeatedly been identified as important sources of guns used in crimes.<sup>2</sup> **One ATF investigation of gun-show trafficking involved 10,000 guns that became available for criminal use; another involved 7000.**<sup>2</sup> In this respect, gun shows may be seen as criminogenic pumps, bringing large numbers of buyers seeking guns for criminal purposes together with retailers or private sellers who will ask no questions.

**Universal background checks don’t just apply for the gun show loophole, it applies to all private firearm sales and transfers (Law Center to Prevent Gun Violence).**

No Author (Law Center to Prevent Gun Violence). "Universal Background Checks."

<http://smartgunlaws.org/gun-laws/policy-areas/background-checks/universal-background-checks/> HS.

By far the most dangerous gap in federal firearms laws today is the background check loophole. Although federal law requires licensed firearms dealers to perform background checks on prospective purchasers, it does not require unlicensed sellers to do so. An estimated 40% of all firearms transferred in the US are acquired from unlicensed sellers without a background check.<sup>1</sup> According to the US Department of Justice, because federal law fails to require background checks by every person who sells or transfers a gun—known as universal background checks—"individuals prohibited by law from possessing guns can easily obtain them from private sellers and do so without any federal records of the transactions."<sup>2</sup> "The private-party gun market," one study observed, "has long been recognized as a leading source of guns used in crimes."<sup>3</sup> **Although this loophole is frequently referred to as the "gun show" loophole, because of the particular problems associated with gun shows, it applies to all private firearm sales, regardless of where they occur.**<sup>4</sup> The internet has significantly increased illegal buyers' ability to find sellers willing to transfer firearms to them without background checks.

### **1/3 of criminal gun offenders were legally allowed to purchase guns, however, under stricter laws they would not have been unable to obtain guns (Vittes - BMJ Medical Journal).**

Katherine A. Vittes (BMJ Medical Journal). "Legal status and source of offenders' firearms in states with the least stringent criteria for gun ownership." June 23, 2010. <http://injuryprevention.bmj.com/content/early/2012/06/22/injuryprev-2011-040290> HS.

Background Gun possession by high-risk individuals presents a serious threat to public safety. U.S. federal law establishes minimum criteria for legal purchase and possession of firearms; many states have laws disqualifying additional categories for illegal possession. Methods We used data from a national survey of state prison inmates to calculate: 1) **the proportion of offenders, incarcerated for crimes committed with firearms in 13 states with the least restrictive firearm purchase and possession laws, who would have been prohibited if their states had stricter gun laws**; and 2) the source of gun acquisition for offenders who were and were not legally permitted to purchase and possess firearms. Results **Nearly three of ten gun offenders (73 of 253 or 28.9%) were legal gun possessors but would have been prohibited from purchasing or possessing firearms when committing their most recent offense if their states had stricter prohibitions.** Offenders who were already prohibited under current law acquired their gun from a licensed dealer, where a background check is required, five times less often than offenders who were not prohibited (3.9% vs. 19.9%;  $\chi^2=13.31$ ;  $p\leq 0.001$ ). Nearly all (96.1%) offenders who were legally prohibited, acquired their gun from a supplier not required to conduct a background check. Conclusions Stricter gun ownership laws would have made firearm possession illegal for many state prison inmates who used a gun to commit a crime. Requiring all gun sales to be subject to a background check would make it more difficult for these offenders to obtain guns.

### **States that had UBCs for handgun sales had 35% fewer gun death per capita compared to states without UBCs (Law Center to Prevent Gun Violence).**

No Author (Law Center to Prevent Gun Violence). "Universal Background Checks."

<http://smartgunlaws.org/gun-laws/policy-areas/background-checks/universal-background-checks/> HS.

When background checks are required, they are extremely effective at keeping guns out of the hands of dangerous, prohibited persons. Since the federal background check requirement was adopted in 1994, over 3 million people legally prohibited from possessing a gun—mainly convicted felons, domestic abusers, and the dangerously mentally ill—have been denied a firearm transfer or permit.<sup>13</sup> In 2014 alone, 147,000 prohibited people were blocked from acquiring guns by NICS, the federal background check system.<sup>14</sup> **The Data Confirms that Universal Background Check Laws are Effective and Save Lives From 2009 to 2012, states that required background checks on all handgun sales or permits had 35% fewer gun deaths per capita than states without that background check requirement.**<sup>15</sup> Researchers have also found that, after adjusting for population, states that require background checks on all handgun sales experience less than half as many mass shooting incidents (52% fewer) as states without that background check requirement.<sup>16</sup> States with background checks have 63% fewer mass shootings by individuals who are prohibited from possessing guns and 64% fewer mass shootings involving domestic violence.<sup>17</sup> States with comprehensive background check laws also experience 48% less gun trafficking, 38% fewer deaths of women shot by intimate partners, and 17% fewer firearms involved in aggravated assaults, per capita.<sup>18</sup>

# Gun Show

## Gun shows in Nevada increased gun deaths in California?

**Whitcomb 17** Dan Whitcomb, 10-23-2017, "Nevada gun shows tied to firearm violence in California: study," U.S.,

<https://www.reuters.com/article/us-usa-guns-study/nevada-gun-shows-tied-to-firearm-violence-in-california-study-idUSKBN1CS2P8> //DF

Firearms-related deaths and injuries increased 70 percent in parts of California in the weeks after gun

shows in neighboring Nevada, which has fewer regulations on such events, a University of California, Berkeley study

released on Monday found. The research could help prevent gun deaths by charting a pattern between where weapons are purchased at gun shows and where shootings take place, according to the authors. The study, which was partly funded by the National Institutes of Health, examined firearm injury rates before and after California and Nevada gun shows between 2005 and 2013 in areas of California near the shows. Researchers found that rates of firearm injuries were steady after California gun shows but increased significantly, from 0.67 to 1.14 per 100,000 people, in California regions near the Nevada shows. The authors of the study, which will be published in an upcoming issue of Annals of Internal Medicine, say California's stricter gun regulations could help explain why there was an increase after

Nevada gun shows and not California shows. Another possible explanation for the difference is that California gun

buyers are bypassing that state's 10-day waiting period by driving into Nevada to make their purchase.

"Better understanding the long-term effects of gun show policies, and the patterns of acquisition and use of firearms, would provide important evidence to inform future efforts to prevent firearm injuries," the study concludes. The new research comes just weeks after wealthy retiree and gambler Stephen Paddock opened fire on an outdoor music festival on the Las Vegas strip, killing 58 people before taking his own life. A gun show scheduled for Las Vegas later that week was canceled in the aftermath of the massacre. An editorial accompanying the study called on Congress to fund more research into the way public policy affects firearms-related injuries and deaths. "The recent mass shooting in Las Vegas, Nevada, was a painful reminder that injuries and deaths resulting from access to guns continue to bedevil many parts of U.S. society," said Ali Rowhani-Rahbar and Frederick Rivara of the University of Washington, who were not involved in the study.

## There are disincentives to conduct background checks at gun shows; vendors can also sell illegally

**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

We do not know, or even have a good estimate, of how many prohibited persons acquire firearms each year through private-party transfers.

Recall, however, that when background check requirements for transfers by licensed retailers were first put in place in some states by the Brady Act, as many as 9.4% of prospective purchasers were found to be prohibited persons.<sup>24</sup> These individuals were presumably aware that a background check was going to be performed, as this major policy change was much discussed at the time. It is not unreasonable to speculate that a similar or higher percentage of private-party transfers that do not involve background checks are made to prohibited persons. Some private-party handgun sellers at gun shows make a point of checking the buyer's driver's license to be sure that they are not making an illegal transfer to an out-of-state resident.<sup>21</sup> Asking questions about the buyer's eligibility to purchase firearms, theoretically

something that private-party sellers could do, probably guarantees unpleasantness (or worse) and risks the loss of the sale. In

observational research at nearly 80 gun shows, such questioning was never observed.<sup>21</sup> Other private

party vendors serve as "hotspots," making repeated transfers that serve criminal purposes.<sup>21,65</sup>

## Some gun vendors will sell to people who could not pass a background check

**Cooper 13** Michael Cooper, Michael S. Schmidt and Michael Luo, 4-10-2013, "Gun Law Loopholes Let Buyers Skirt Background Checks," New York Times, <http://www.nytimes.com/2013/04/11/us/gun-law-loopholes-let-buyers-skirt-background-checks.html> //DF

But the checks have blocked purchases. Since 1998 the F.B.I. has rejected more than a million would-be sales, and when state-level rejections are factored in the number of denials is closer to two million — usually because the would-be buyers are convicted felons, or fugitives from justice, or mentally ill, among other reasons. How many of those rejected buyers were able to buy guns without background checks, from private sellers or over the Internet, is difficult to say, in part because restrictions imposed by Congress make it difficult for law enforcement officials to track firearms sales. While private sales at gun shows account for a small proportion of private gun sales, researchers say, they have been found vulnerable to abuses. When New York City sent undercover private investigators to try to buy guns from private sellers at gun shows in 2009, it reported that 19 of the 30 sellers they approached agreed to sell them guns even after they were told that the buyers "probably couldn't pass" a background check.

## ISIS literally uses our lax gun laws as propaganda to encourage attacks

**Hawkins 17** Derek Hawkins, 5-5-2017, "Islamic State magazine steers followers to U.S. gun shows for 'easy' access to weapons," Washington Post,

[https://www.washingtonpost.com/news/morning-mix/wp/2017/05/05/islamic-state-magazine-steers-jihadists-to-u-s-gun-shows-for-easy-access-to-weapons/?utm\\_term=.458f66709c7d](https://www.washingtonpost.com/news/morning-mix/wp/2017/05/05/islamic-state-magazine-steers-jihadists-to-u-s-gun-shows-for-easy-access-to-weapons/?utm_term=.458f66709c7d) //DF

It appeared to be the first time anyone from the Islamic State had spoken openly about the organization's views on U.S. gun control, as The Washington Post reported at the time. Now, the Islamic State has spelled out its position in writing. In the most recent issue of Rumiyah, its glossy multilingual propaganda magazine, the Islamic State encouraged recruits in the United States to take advantage of laws that allow people to buy firearms without having to present identification or submit to background checks. Recruits should seek out gun shows and online sales in particular, said the write-up in the magazine, which was released Thursday. "The acquisition of firearms can be very simple depending on one's geographical location," the piece read. "In most U.S. states, anything from a single-shot shotgun all the way up to a semi-automatic AR-15 rifle can be purchased at showrooms or through online sales — by way of private dealers — with no background checks, and without requiring either an ID or a gun license." "With approximately 5,000 gun shows taking place annually within the United States," it added, "the acquisition of firearms becomes a very easy matter." A caption under a photo of what appeared to be a gun show read: "Gun conventions represent an easier means of arming oneself for an attack." The instructions appeared in an article titled "Just Terror Tactics" that recommended taking and killing hostages in the name of the Islamic State. It said firearms were an ideal weapon and told fighters to target people in crowded, public, enclosed areas to maximize the number of fatalities. As an example, it cited the assault on a gay nightclub in Orlando last summer, in which an American citizen claiming allegiance to the Islamic State shot and killed 49 people and injured dozens of others. Rumiyah's article said that fighters should consider ambushing and robbing a gun shop or hunting store if they're unable to purchase guns legally. The article also cautioned against asking others for assistance. "If one does not possess any direct or informal contact with any gun dealers, he should abstain from randomly asking people whom they consider 'trustworthy' for help in acquiring them," it read, "as in many cases this can lead to one falling into the trap of police sting operations or, at the very least, bringing upon oneself unnecessary suspicion." Gun control advocates have warned that some terrorism suspects would have no trouble buying guns through legal channels in the United States. They argue in favor of closing a "gun show loophole" and "online sales loophole" — what they believe are gaps in federal law that allow people to buy firearms from unlicensed dealers without identification or a background check. Legislation supporting such a move has been shot down in Congress year after year.

## Private Sales

### Most criminal guns come available from private 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 colleagues<sup>7</sup> 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,<sup>10</sup> 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.<sup>11</sup> Cook and colleagues<sup>7</sup> 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.<sup>8</sup> Point sources are the venues linked to many known crime-involved firearms, usually licensed retailers.<sup>12</sup> 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).

## Internet

### **The internet is becoming a growing platform to engage in private arms sales (Law Center to Prevent Gun Violence).**

No Author (Law Center to Prevent Gun Violence). "Universal Background Checks."

<http://smartgunlaws.org/gun-laws/policy-areas/background-checks/universal-background-checks/> HS.

According the US Department of Justice, because federal law fails to require background checks by every person who sells or transfers a gun—known as universal background checks—"individuals prohibited by law from possessing guns can easily obtain them from private sellers and do so without any federal records of the transactions."<sup>2</sup> "The private-party gun market," one study observed, "has long been recognized as a leading source of guns used in crimes."<sup>3</sup> Although this loophole is frequently referred to as the "gun show" loophole, because of the

particular problems associated with gun shows, it applies to all private firearm sales, regardless of where they occur.<sup>4</sup> **The internet has significantly increased illegal buyers' ability to find sellers willing to transfer firearms to them without background checks. As of September 2013, about 67,000 firearms were listed for sale online from private, unlicensed sellers.**<sup>5</sup> 29% of ads by private sellers on armslist.com (a popular website for firearm sales) were posted by

high-volume private sellers who posted five or more ads over an eight-week period.<sup>6</sup> **According to an undercover investigation by the City of New York, 62% of private online firearm sellers agreed to sell a firearm to a buyer even after the buyer had told the seller that he or she probably could not pass a background check.**<sup>7</sup> When private sellers don't run background checks, people known to be dangerous can easily obtain guns, often with deadly consequences. For example, in 2012, a gunman killed three people, including his wife, and injured four others at a spa in Wisconsin, after buying a gun through a private seller he found online. The shooter was prohibited from purchasing guns due to an active domestic violence restraining order against him, but was able to buy the gun anyway because the seller was not required to run a background check.<sup>8</sup>

<http://www.politifact.com/truth-o-meter/statements/2016/jan/05/barack-obama/obama-violent-felons-can-buy-guns-online-without-b/>

"Violent felons aren't allowed to buy guns, period," said Adam Winkler, a law professor at the University of California Los Angeles. **"But they can take advantage of the loophole in federal law that allows gun sales, including some gun sales over the Internet, to purchase from non-licensed sellers, who don't have to conduct a background check."**

<https://www.thetrace.org/2016/01/internet-gun-sales-background-checks/>

**"A violent felon can buy [a gun] over the Internet with no background check, no questions asked,"** he said from the East Room, echoing a familiar refrain of advocates. Almost immediately, conservative critics pounced.

<https://www.thetrace.org/2016/01/internet-gun-sales-background-checks/>

**Gun auction sites are a sales platform for both FFLs and private, unlicensed parties. Gunbroker.com claims to be the largest such site on the internet, with more than 143,000 firearms currently listed.**

<https://everytownresearch.org/reports/thousands-of-guns-no-background-check-required/>

**The internet is also a burgeoning venue for gun sales in Maine.** Between September 2014 and March 2016, the website Armslist.com — just one of many web markets available in the state — **hosted over 700 ads for unlicensed gun sales.** That's more than 500 gun ads posted annually by unlicensed sellers in Maine.

[https://www.washingtonpost.com/news/wonk/wp/2013/08/05/is-it-really-so-easy-to-buy-a-gun-over-the-internet/?utm\\_term=.a0b92269cc2d](https://www.washingtonpost.com/news/wonk/wp/2013/08/05/is-it-really-so-easy-to-buy-a-gun-over-the-internet/?utm_term=.a0b92269cc2d)



Groups like Mayors Against Illegal Guns have long argued that firearms **sales facilitated by the Internet enable some illicit buyers to avoid background checks** — which are designed to keep guns out of the hands of convicted felons or the mentally ill. But how do these online sales work, exactly? And what sort of regulations have been proposed?

## Guns from Other States

**A nation-wide universal background check would help states that already have strict gun restrictions because people just bring guns across state lines -> for example more than 50% of the guns confiscated from Chicago police come from out of state (Economist).**

No Author (The Economist). "Why America doesn't have universal background checks for gun-buyers." Nov 6, 2015.

<https://www.economist.com/blogs/economist-explains/2015/11/economist-explains-0> HS.

The politically powerful National Rifle Association and other pro-gun groups oppose universal background checks or indeed any law that could restrict gun sales. They invoke the Second Amendment of 1791, which protects "the right of the people to keep and bear arms". And they argue that guns prevent crime. After one particularly horrific mass-shooting, the killing of 20 small children and six adults at Sandy Hook Elementary School in Connecticut in 2012, Wayne LaPierre, the boss of the NRA, declared that school employees should have been armed because "the only thing that stops a bad guy with a gun is a good guy with a gun". As the NRA and other pro-gun lobbies seem to be able to intimidate Congress to an extent that it won't try again to pass a law to tighten gun legislation any time soon, several states passed their own stricter gun laws. **New York, California, Massachusetts, Illinois, Rhode Island and Maryland have some of the strictest gun laws in the country. Several of these states require background checks at private sales. And even though studies show that the rates of murders and suicides are lower in states with strict gun laws, these states could be doing even better if it weren't for their neighbours with lax gun laws. Illinois, for instance, borders Wisconsin and Indiana, two states with hardly any restrictions on gun sales. In Chicago, which has especially restrictive gun laws, more than half of the guns confiscated by police come from out-of-state.** No wonder then that Chicago's police chief is one of the most vocal advocates of universal nation-wide background checks for gun buyers.

## Impact: Restricting Guns From Criminals

**Universal background checks take guns out of criminals hands because 1- they prevent criminals from acquiring guns legally and 2- they choke the supply of new guns into the underground market. (Webster - New Republic).**

Daniel Webster (New Republic). "Guns Kill People. And If We Had Universal Background Checks, They Wouldn't Kill So Many." June 24, 2015.

<https://newrepublic.com/article/118286/facts-about-gun-control-and-universal-background-checks> HS.

Why should we believe guns per se are the problem? Isn't it true that guns don't kill people—people kill people? Guns are not the sole reason why the U.S. has such unusually high homicide rates, but our lax gun laws may be the most important determinant. Rates of non-lethal violent crime, adolescent fighting, and mental illness in the U.S. are average compared with other high-income countries. Guns don't kill people by themselves, but guns substantially increase the ability of people to kill others and themselves. Many people own firearms and pose no threat to public safety. But when individuals with a history of violence, substance abuse, or serious mental illness can access firearms due to our weak gun laws, the risk of lethal violence increases greatly. OK, so we've never really tried to make background checks truly universal. Why should we believe that will work? When criminals get guns, they get them from friends, family, or from an underground market source. **Without universal background check requirements, there is little deterrent to selling guns to criminals or gun traffickers. State laws mandating universal background checks deter the diversion of guns to criminals. The most comprehensive screening and background check processes, where potential gun purchasers apply in person for permits to purchase handguns, are associated with lower homicide and suicide rates.** But won't there still be a whole bunch of guns out there, being sold illegally and falling into the hands of criminals? Yes, some criminals will be able to steal or purchase guns already in circulation. But many of the estimated 300 million guns in civilian hands can't be



easily acquired by criminals. Lots of gun owners lock their guns in safes or have other ways to secure their firearms, practices that can be increased by laws and educational campaigns. And it's not as easy or risk free for criminals to buy guns in the underground market as is commonly believed. Duke economist Philip Cook has studied Chicago's underground gun market and said, "there may be a lot of guns, but there is a shortage of trusted sellers." **With greater accountability measures and choking the supply of new guns into the underground market, street prices will rise and fewer dangerous people will have guns.** Better regulation of gun sales is only part of the solution. Policies should make it extremely risky for criminals to illegally carry and use guns, and we must expand efforts to diffuse conflicts involving high-risk individuals before they are settled with guns.

### **85% of crime related guns have gone through at least one private party transfer (Wintemute - UC Davis).**

Garen Wintemute (UC Davis School of Medicine). "Background Checks for Firearm Transfers." February 2013.

<https://www.ucdmc.ucdavis.edu/vprp/CBC%20White%20Paper%20Final%20Report%20022013.pdf> //NS

One of the most valuable tools for solving firearm-related crimes and mapping criminal firearm trafficking networks is firearm tracing—reconstructing a firearm's chain of ownership. Traces are conducted by ATF in response to requests from law enforcement agencies all over the world. In 2011, ATF received more than 225,000 firearm trace requests from law enforcement agencies in the United States.<sup>68</sup> A completed trace ordinarily begins with the firearm's manufacturer and ends with its first retail sale. But **more than 85% of the crime-involved firearms ATF is asked to trace** are in the possession of someone other than their first retail purchaser when those crimes are committed, and the percentage is even higher for firearms recovered from juveniles and youth.<sup>69-71</sup> These firearms **have gone through at least one private party transfer.** Because they are undocumented, private-party transfers create missing links in the chain of evidence connecting the first retail purchaser and the criminal from whom the firearm has been recovered. Finding those missing links can be impossible, or at best very expensive. The utility of restoring those links for law enforcement purposes, partly through comprehensive background checks, will be discussed later.

## Impact: Gun Deaths

### **States that required background checks on all handgun sales or permits had 35% fewer gun deaths per capita than states without that background check requirement (Law Center to Prevent Gun Violence).**

No Author (Law Center to Prevent Gun Violence). "Universal Background Checks."

<http://smartgunlaws.org/gun-laws/policy-areas/background-checks/universal-background-checks/> HS.

When background checks are required, they are extremely effective at keeping guns out of the hands of dangerous, prohibited persons. Since the federal background check requirement was adopted in 1994, over 3 million people legally prohibited from possessing a gun—mainly convicted felons, domestic abusers, and the dangerously mentally ill—have been denied a firearm transfer or permit.<sup>13</sup> In 2014 alone, 147,000 prohibited people were blocked from acquiring guns by NICS, the federal background check system.<sup>14</sup> **The Data Confirms that Universal Background Check Laws are Effective and Save Lives From 2009 to 2012, states that required background checks on all handgun sales or permits had 35% fewer gun deaths per capita than states without that background check requirement.**<sup>15</sup> Researchers have also found that, after adjusting for population, states that require background checks on all handgun sales experience less than half as many mass shooting incidents (52% fewer) as states without that background check requirement.<sup>16</sup> States with background checks have 63% fewer mass shootings by individuals who are prohibited from possessing guns and 64% fewer mass shootings involving domestic violence.<sup>17</sup> States with comprehensive background check laws also experience 48% less gun trafficking, 38% fewer deaths of women shot by intimate partners, and 17% fewer firearms involved in aggravated assaults, per capita.<sup>18</sup>

### **In states that have closed background check loopholes there was a 47% reduction in women shot to death by their partner, 53% reduction in law enforcement officials killed by guns, and 48% less gun trafficking (Everytown for Gun Safety).**

No Author (Everytown for Gun Safety Support Fund). "Mass Shootings in the United States: 2009-2016." April 11, 2017.

<https://everytownresearch.org/reports/mass-shootings-analysis/> HS.

Policymakers have long recognized that it's dangerous for felons, domestic abusers, or those with serious mental illnesses to have guns. That is why people with such records are legally prohibited from buying or possessing firearms. The harm posed when guns get into the wrong hands is particularly evident in mass shootings. In more than one-third—34%—of mass shootings (53), the shooter was prohibited from possessing

firearms at the time of the shooting. The federal background check system is designed to enforce legal prohibitions and keep guns out of the hands of dangerous people. Under federal law, licensed dealers are legally required to run a background check on potential buyers. When someone who is not legally allowed to have a gun attempts to make a purchase from a licensed dealer, the background check stops the sale. In fact, between 1994-2016, the background check system has blocked over 3 million gun sales to prohibited purchasers.<sup>12</sup> **But there's a loophole in the federal system. Federal law only requires background checks for gun sales at licensed dealers—a gap referred to as the unlicensed sale loophole. Nineteen states and Washington, DC have acted to close this dangerous loophole by requiring background checks on all handgun sales.**<sup>13</sup> There is strong evidence that closing this loophole saves lives. **In states that have done so, 47 percent fewer women are shot to death by their intimate partners, 53 percent fewer law enforcement officers are killed with guns, and there is 48 percent less gun trafficking in cities.**<sup>14</sup> In the absence of laws that close the unlicensed sale loophole, criminals and other prohibited people can easily avoid background checks simply by buying guns from unlicensed sellers—including strangers they meet online.

### **States that closed the background check loophole saw 52% fewer mass shootings (Everytown for Gun Safety).**

No Author (Everytown for Gun Safety). "New Research: States with Background Checks Experience Fewer Mass Shootings." 11/12/15. <https://everytown.org/press/new-research-states-with-background-checks-experience-fewer-mass-shootings/> HS.

**States that Have Closed Background Check Loophole Saw 52 Percent Fewer Mass Shootings Between January 2009 and July 2015 than States that Did Not** NEW YORK – **Everytown for Gun Safety Support Fund today released new research showing that, controlling for population, states that require background checks for all handgun sales experienced 52 percent fewer mass shootings between January 2009 and July 2015 than states that do not require background checks for all handgun sales. The research employs the FBI's widely-used definition of mass shooting in which four or more people are murdered with guns.** Among the findings included in Everytown's latest mass shootings analysis: Between January 2009 and July 2015 there were 133 mass shootings. There were 37 mass shootings in states where background checks were required for all handgun sales and 96 mass shootings in states where background checks are not required. Nearly 40 percent of the 133 incidents were perpetrated by assailants who were prohibited by federal law from possessing guns. States that require background checks on all handgun sales experienced 63 percent fewer mass shootings committed by people prohibited from possessing firearms and 64 percent fewer domestic violence mass shootings. "This is just the latest piece of evidence that Americans are safer from gun violence in states where a handgun buyer must pass a criminal background check before buying the firearm," said Everytown for Gun Safety Research Director Ted Alcorn. "We already know that closing the loophole that allows guns to be sold without background checks online and at gun shows is essential for reducing gun violence. In addition to seeing fewer mass shootings, the states that have closed this loophole see 46 percent fewer women shot and killed by intimate partners and 48 percent fewer law enforcement officers killed with handguns."

### **An empirical analysis finds that the federal implementation of UBCs could reduce national mortality by 57% (Keiser - Lancet Public Health Journal).**

Bindu Kalesan (School of Public Health at Boston University/Lancet Public Health Journal). "Firearm legislation and firearm mortality in the USA: a cross-sectional, state-level study." March 10, 2016. <https://www.ncbi.nlm.nih.gov/pubmed/26972843>

The nine laws associated with an increase in the risk of firearm-related deaths were a requirement for the dealer to report records to the state for retention, allowing police inspection of stores, limiting the number of firearms purchased, a 3-day limit for a background-checks extension, background checks or permits during gun shows in states without universal background-check requirement (ie, closure of the gun show loophole), integrated or external or standard locks on firearms, a ban or restrictions placed on assault weapons, law enforcement discretion permitted when issuing concealed-carry permits, and stand-your-ground. In 2009, of four analysed states (Alaska, Florida, California, and New York), Alaska had only stand-your ground (a permissive law), low unemployment, and the highest rates of firearm ownership, non-firearm homicide, and export, with an overall firearm mortality rate in 2009 of 14.9 per 100000 people (table 2). Using the 2009 data and the overall firearm mortality rate of 20.27 per 100000 people in 2010, the predicted IRR was 2.74 (95% CI 2.29–3.30). **Predicted firearm mortality risk would be reduced the most with laws for** firearm identification (by 84%), **universal background checks (by 61%),** and ammunition background checks (by 82%). In 2009, Florida had stand-your-ground and CAP laws, and an overall firearm mortality of 12.5 per 100000 people. In 2010, the overall mortality was 12.06 per 100 000 people (IRR 2.09 [95% CI 1.84–2.37]), and predicted risk of firearm mortality would be reduced the most by firearm identification (by 66%) and ammunition background-check laws (by 63%). In 2009, California had 20 firearm laws (seven associated with reduced mortality, eight associated with increased mortality, and five inconclusive), and overall mortality of 8.37 per 100000 people. In 2010, overall mortality was 7.88 per 100000 (IRR 1.36 [95% CI 1.20–1.54]); predicted risk of firearm mortality would be reduced the most by laws implementing owner theft reporting (by 26%) and ammunition background checks (by 76%). New York had 15 firearm laws in

2009 (five associated with reduced mortality, six associated with increased mortality, and four inconclusive), and an overall firearm mortality of 4.96 per 100,000 people. Overall mortality in 2010 was 5.22 per 100,000 people (IRR 0.90 [95% CI 0.79–1.01]), and the laws that would reduce predicted firearm mortality risk the most were universal background checks (by 65%) and ammunition background checks (by 84%; data for the remaining 46 states are in the appendix). Table 3 presents the change in national firearm mortality rate with federal-level implementation of the three firearm laws most strongly associated with reduced mortality. With 2009 overall firearm mortality at the national rate, **if a law for universal background checks was implemented federally, overall firearm mortality could reduce from 10.35 to 4.46 per 100,000 (57% reduction)**. Similarly, in the presence of federal ammunition background checks, overall firearm mortality could decrease to 1.99 per 100,000 (81% reduction), and with firearm identification requirements to 1.81 per 100,000 (83% reduction). On the basis of our model, federal implementation of all three laws could reduce national overall firearm mortality to 0.16 per 100,000. When the results of the adjusted analysis were stratified for homicide and suicide, they showed that six laws were associated with a significant reduction in firearm-related homicide deaths, the largest reduction with background checks for ammunition and firearm identification (table 4). Five laws were associated with increased homicide deaths and 14 had inconclusive associations. Firearm identification and permit processes involving law enforcement were associated with reductions in firearm-related suicide deaths, but three laws were associated with an increase and the remaining 20 were inconclusively associated. Results of the sensitivity analyses of effectiveness of firearm law classifications on overall, homicide, and suicide firearm-related deaths, and firearm laws on the change in firearm-related mortality rate from 2008 to 2010, were similar to the main findings (appendix).

## Impact: Domestic Violence

**Firearms lead to a 3x increase in homicide risk within homes and women who were killed by their partner or close relative were 7x more likely to live in homes with 1 or more guns (Johns Hopkins).**

No Author (Johns Hopkins Bloomberg School of Public Health). "Intimate Partner Violence and Firearms."

[https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/IPV\\_Guns.pdf](https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/IPV_Guns.pdf) HS.

**Compared to homes without guns, the presence of guns in the home is associated with a 3-fold increased homicide risk within the home. The risk connected to gun ownership increases to 8-fold when the offender is an intimate partner or relative of the victim and is 20 times higher when previous domestic violence exists.**<sup>6</sup>

A study of risk factors for violent death of women in the home found that women living in homes with 1 or more guns were more than 3 times more likely to be killed in their homes. The same study concluded that **women killed by a spouse, intimate acquaintance, or close relative were 7 times more likely to live in homes with 1 or more guns and 14 times more likely to have a history of prior domestic violence compared to women killed by non-intimate acquaintances.**<sup>7</sup> **Family and intimate assaults with firearms are 12 times more likely to result in death than nonfirearm assaults.**<sup>8</sup> This research suggests that limiting access to guns will result in less lethal family and intimate assaults.<sup>8</sup>

## Impact: Violent Crime

**Universal background checks reduces violent crime in areas with high poverty rates by 10% (McCarthy - Georgetown).**

Shane McCarthy (Georgetown University). "THE RELATIONSHIP BETWEEN UNIVERSAL BACKGROUND CHECK LAWS FOR FIREARM SALES AND RATES OF VIOLENT CRIME AT THE STATE LEVEL." April 28, 2017.

[https://repository.library.georgetown.edu/bitstream/handle/10822/1043958/McCarthy\\_georgetown\\_0076M\\_13603.pdf?sequence=1](https://repository.library.georgetown.edu/bitstream/handle/10822/1043958/McCarthy_georgetown_0076M_13603.pdf?sequence=1) HS.

In Table 5, models (5) through (8) interact the key independent variable with several other controls. Model (5) includes an interaction between the existence of a universal background check law and a variable indicating whether a state's poverty rate is above the median in my state-year sample. Poverty rates have been identified as one of the key correlates of rates of violent crime (Kleck & Patterson, 1993; Kwon et al., 2005; Ludwig et al., 2000; Murray, 1975; Rosengart et al., 2005; Rudolph et al., 2015; Sen & Panjamapiromb, 2012; Summer et al., 2008; Webster et al., 2014). The universal background check coefficients in this model indicate that there is a significant difference between high and low poverty states in the law's relationship with violent crime rates. For low-poverty states, the model shows that the existence of a universal background check law is associated with an increase in the rate of violent crime of 21.46 per 100,000 residents, but this relationship is not statistically significant. However, in high poverty states the law is associated with a change in the violent crime rate of (21.46 - 63.47) -42.01 per 100,000

residents. The F-test for the joint significance of this interaction term and the key independent variable indicates that **the negative relationship between background check laws and violent crime rates is statistically significant in high poverty states, and this overall coefficient represents a reduction in the violent crime rate of about 10% of the average rate across all observations.** Model (6) introduces an interaction term between my background check variable and a state's proximity to another state without some type of universal background check law in place. We might expect proximity to have some association with a background check law's correlation with violent crime rates because criminals may be able to thwart background checks easily by travelling to an adjacent state to purchase a firearm. I find that the presence of a universal background check law has no statistically significant association with rates of violent crime either in states that are or are not adjacent to other states without such laws. without such laws.

### **When Missouri repealed a law requiring all handgun purchases to show that they passed a background check there was a 25% increase in firearm homicides (Webster - Johns Hopkins).**

Daniel Webster (Johns Hopkins Bloomberg School of Public Health/Journal of Urban Health). "Repeal of Missouri's Background Check Law Associated with Increase in State's Murders." February 17, 2014.

<https://www.jhsph.edu/news/news-releases/2014/repeal-of-missouris-background-law-associated-with-increase-in-states-murders.html>

Update May 15, 2014: This news release has been updated to reflect corrections in the Journal of Urban Health, which has published an Erratum to: "Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides" by Daniel W. Webster, Cassandra Kercher Crifasi, and Jon S. Vernick. To read the published Erratum, please click here. The Erratum concerns estimates generated from regression analyses due to errors identified in the data for certain covariates used in those analyses. The corrected data are very similar to, but are more accurate than, the findings previously published. As a result of the errors, three corrections have been made to the news release: 1. Missouri's 2007 repeal of its permit-to-purchase (PTP) handgun law contributed to a fourteen percent increase in Missouri's murder rate through 2012 (updated from sixteen percent; first paragraph of press release). 2. The law's repeal was associated with an additional 49 to 68 murders per year in Missouri between 2008 and 2012 (updated from 55 to 63 additional murders per year; second paragraph of press release). 3. **The repeal of Missouri's PTP law was associated with a twenty-five percent increase in firearm homicides rates.** (updated from twenty-three percent; sixth paragraph of press release). Corrected News Release - May 7, 2014: **Missouri's 2007 repeal of its permit-to-purchase (PTP) handgun law, which required all handgun purchasers to obtain a license verifying that they have passed a background check**, contributed to a fourteen percent increase in Missouri's murder rate, according to a new study from researchers with the Johns Hopkins Center for Gun Policy and Research.

<http://www.politifact.com/punditfact/statements/2015/oct/05/joe-scarborough/msnbcs-joe-scarborough-tiny-fraction-crimes-commit/>

In 2004, the government conducted its periodic Survey of Inmates in State and Federal Correctional Facilities. It found that among inmates who had a gun when they committed their crime (16 percent of all prisoners), **about 11 percent had bought the firearm at a retail store, a pawn shop, a flea market or a gun show. Another 37 percent had gotten it from a friend or family member. About 40 percent said they got it illegally on the black market, from a drug dealer or by stealing it.**

<https://everytownresearch.org/gun-violence-by-the-numbers/#DailyDeaths>

**Data from the U.S. Centers for Disease Control and Prevention (CDC) show that on an average day, 93 Americans are killed with guns.** To calculate this, Everytown relies on a five-year-average of data from the CDC, whose National Vital Statistics System contains the most comprehensive national data, currently available through 2015. **On average there are nearly 12,000 gun homicides a year in the U.S.**

<http://fortune.com/2017/06/14/steve-scalise-mass-shooting-2017/>

he violent, high-profile tragedies have understandably captured the nation's attention. But **they contribute to 154 mass shootings, 6,880 gun-related deaths, and 13,504 firearm injuries in 2017 alone, according to the watchdog group Gun Violence Archive.**

## Impact: Suicides

### **State with Universal Background Checks see lower suicide rates, and the proportion of suicides committed with a firearms precipitously declines (Anestis - American Journal of Public Health).**

Michael Anestis (American Journal of Public Health). "Suicide Rates and State Laws Regulating Access and Exposure to Handguns." October 2015. <https://www.ncbi.nlm.nih.gov/pubmed/26270305> HS.

Universal background checks. **Our results indicated that states with a law in place that required universal background checks at the point of transfer or before obtaining a permit to purchase a handgun from a private seller exhibited a lower overall suicide rate** (11.42 vs 16.49;  $F = 29.49$ ;  $P < .001$ ;  $R^2 = 0.38$ ;  $pg2 = 0.38$ ), **a lower firearms suicide rate** (4.53 vs 9.74;  $F = 49.41$ ;  $P < .001$ ;  $R^2 = 0.50$ ;  $pg2 = 0.50$ ), **and a lower proportion of suicide deaths resulting from firearms** (36.8% vs 58.8%;  $F = 44.13$ ;  $P < .001$ ;  $R^2 = 0.47$ ;  $pg2 = 0.47$ ). Our results were unchanged after accounting for the effects of poverty, population density, age, education, and race/ethnicity, because states with such laws in place exhibited lower overall suicide rates (12.45 vs 15.97;  $F = 10.16$ ;  $P = .003$ ;  $R^2 = 0.51$ ;  $pg2 = 0.19$ ), lower firearm suicide rates (5.90 vs 9.05;  $F = 15.14$ ;  $P < .001$ ;  $R^2 = 0.67$ ;  $pg2 = 0.26$ ), and a lower proportion of suicides by firearms (44.9% vs 54.8%;  $F = 11.58$ ;  $P = .001$ ;  $R^2 = 0.77$ ;  $pg2 = 0.21$ ). These results are listed in Tables 2 and 3.

### **Background checks decrease immediate availability, making suicides with guns more difficult to carry out**

**Mencimer 13** Stephanie Mencimer, 3-13-2013, "Research: Less Access to Guns Does Reduce Suicide," Mother Jones, <http://www.motherjones.com/politics/2013/03/suicides-vs-handgun-background-checks/> //DF

That's why **simple things that can delay access to a gun, like mandatory background checks for all handgun purchases—including private sales—like those that would be required by a new bill recently passed by a Senate committee, can make a big difference in preventing suicide. States with such a requirement have a gun suicide rate 50 percent lower than states that don't, even when their non-gun suicide rates are about the same.** One reason this holds true is that, research shows, **suicide is often an impulsive act, and one that people haven't given much thought.** That's especially true in gun suicides, where the majority of victims don't have a documented serious mental illness. **If some in a crisis simply can't access a gun quickly, they may not try suicide at all, or they may try a less-lethal means that offers more chance that they'll be saved.** And **most people who survive a suicide attempt don't go on to take their own lives at a later time.** It's no coincidence that as American armed forces are plagued with high rates of suicide, Ft. Drum, in upstate New York, stands out with a lower rate of suicide among military personnel than most military bases across the country. New York State has some of the nation's tightest gun laws, and Col. (Ret.) Elspeth Cameron Ritchie, a psychiatrist and former adviser to the Army surgeon general, explained to Stars and Stripes last year that in New York, "it's not so easy to get drunk, get a gun and shoot yourself." Ritchie's isn't just idle speculation, either. The Israeli Defense Forces, much like American troops, was seeing a disturbing number of suicides in the ranks in 2006. In an effort to bring down the numbers, the IDF banned soldiers from bringing their rifles home with them on the weekends. Suicides fell by 40 percent, according to a study by Israeli psychiatrists.

### **Background checks for private handgun sales decrease suicide (Everytown for Gun Safety)**

No Author (Everytown for Gun Safety), "State Background Check Requirements and Suicide", <http://everytown.org/documents/2015/01/suicide-background-checks-fact-sheet.pdf>

Loopholes in federal and state law make it easy for people who are a danger to themselves to get guns. But Everytown's research shows that common-sense public safety laws can help reduce gun suicides and save lives. Simply put, background check laws make people safer: controlling for population, there are 48 percent fewer gun suicides in states that require background checks for private handgun sales than in states that do not. METHODOLOGY Everytown compared the number of people who committed suicide with guns and without guns over a five-year period (2008-12) in states that did or did not require background checks for unlicensed, "private" handgun sales. Data were obtained

from the Centers for Disease Control and Prevention's Fatal Injury Reports on December 2, 2014.<sup>1</sup> RESULTS Throughout the study period, **14 states and the District of Columbia required all gun buyers to undergo a background check before buying a handgun in an unlicensed sale, and 36 states did not.**<sup>2</sup> During that period, **the CDC recorded 27,749 gun suicides in the former group of states, and 69,257 in the latter. Adjusting for population, there were 48 percent fewer gun suicides in states that require background checks for all handgun sales than in states that do not. There was no similar difference in non-firearm suicide rates.**

## Social Movements

### Momentum/Efficacy

## Racism

**The people who own guns are often also the one who fear black violence.**

Michael Daly (National Institute of Health). "Racism, Gun Ownership and Gun Control: Biased Attitudes in US Whites May Influence Policy Decisions." *PubMed Central (PMC)*. Public Library of Science, n.d. Web. 23 Oct. 2017.  
<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3815007/>>

Given the importance of guns and gun-control to US public health, and the urgent need for appropriate policy to reduce gun-related harms, it is vital to examine the psychological and sociocultural reasons for the paradoxical attitudes of many US citizens and politicians to gun-control. **US whites have twice the rate of gun ownership of blacks, oppose gun control to much greater extent than blacks,** but are considerably more likely to kill themselves with those guns, than be killed by others or blacks. While the literature suggests that racism in whites shapes fear of black violence and support for policies that disadvantage blacks, no research has examined whether racism is related to gun ownership and attitudes to gun-control in US whites. This study investigated whether racism is related to gun ownership and opposition to gun control in US whites. We hypothesized that, after accounting for known confounders (i.e., age, gender, education, income, location, conservatism, political identification, anti-government sentiment), **anti-black racism** would be **[is]** **associated with having a gun in the home, and opposition to gun controls.**

Michael Daly (National Institute of Health). "Racism, Gun Ownership and Gun Control: Biased Attitudes in US Whites May Influence Policy Decisions." *PubMed Central (PMC)*. Public Library of Science, n.d. Web. 23 Oct. 2017.  
<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3815007/>>

Notwithstanding these limitations, **the results indicate that symbolic racism is associated with gun-related attitudes and behaviours in US whites.** The statistics on firearm-related suicides and homicides in the US might reasonably be expected to convince US citizens that action on reducing gun ownership and use would be beneficial to their health. Yet, **US whites oppose strong gun reform more than all other racial groups, despite a much greater likelihood that whites will kill themselves with their guns (suicide), than be killed by someone else** [1]. Black-on-black homicide rates would benefit most from gun reform, and, quite logically, blacks support these reforms even if whites do not [3], [47]. Symbolic racism appears to play a role in explaining gun ownership and paradoxical attitudes to gun control in US whites. **In other words, despite certain policy changes potentially benefitting whites, anti-black prejudice leads people to oppose their implementation.** This finding is consistent with previous research showing that symbolic racism is associated with opposition to US policies that may benefit blacks, and support for policies that disadvantage blacks, and critically, goes beyond what is explained by other important confounders.



## Racist people are more likely to have guns

Michael Daly (National Institute of Health). "Racism, Gun Ownership and Gun Control: Biased Attitudes in US Whites May Influence Policy Decisions." *PubMed Central (PMC)*. Public Library of Science, n.d. Web. 23 Oct. 2017.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3815007/>

After adjusting for all explanatory variables in the model, symbolic racism was significantly related to having a gun in the home. Specifically, **for each 1 point increase in symbolic racism, there was a 50% greater odds of having a gun in the home** (see Table 1), **and there was a 28% increase in the odds of supporting permits to carry concealed handguns** (see Table 3). The relationship between symbolic racism and opposing a ban on guns in the home (27% increase in odds), was reduced (17% increase in odds) and became non-significant when the outcome 'having a gun in the home' was entered in the model (see Table 2). This is unsurprising as, in effect, opposition to gun control policy is conflated with having a gun already, and reflects self-interest [38]. Thus the gun ownership variable mediated the relationship between symbolic racism and opposition to a ban on handguns in the home. It is noteworthy that symbolic racism still maintained its significant relationship with support for permits to carry concealed handguns in the presence of having a gun in the home.

## Registry

### There are three separate databases that NICS uses – there are substantial problems with this

**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

Today, NICS background checks are run on three FBI databases: the Interstate Identification Index, which contains criminal history information; National Crime Information Center data, which includes persons subject to domestic violence restraining orders and arrest warrants; and the NICS Index, which contains information on persons prohibited for other reasons, such as severe mental illness. The Department of Homeland Security's Immigration and Customs Enforcement (ICE) data are searched as well.<sup>15</sup> The checks are only as good as the data on which they rely. A 2004 report<sup>25</sup> documented widespread unavailability of mental health records, records for misde- meanor crimes of domestic violence, and protection orders. Many cases have come to light before and since of serious crimes committed by firearm purchasers who were prohibited persons but were not identified during background checks because the data were not available.<sup>26</sup> Russell Weston, who killed 2 police officers at the United States Capitol in 1998, had been committed in Montana with a diagnosis of paranoid schizo- phrenia. The diagnosis was not reported, and he was able to purchase the firearms he used for the murders at a gun shop in Illinois. Most famously, Seung-Hui Cho was able to purchase handguns, despite an outpatient mental health commitment by a Virginia judge, because the commitment was not reported to NICS. In 2007 he used those fire- arms to kill 32 students and teachers at Virginia Tech.<sup>26</sup> The NICS Improvement Act Amendments were adopted shortly after the Virginia Tech incident and in direct response to it. Many states have received grants to make improvements in their recordkeeping and reporting practices. A related program, the National Criminal History Improvement Program, has been in existence since the mid-1990s. Its awards to states have exceeded \$500 million. Important gaps remain. In the most recent survey by the Bureau of Justice Statistics,<sup>27</sup> only 16 states, representing 26% of persons with criminal histories, reported that 80% or more of recent arrests had final dispositions recorded. Only 37 states maintained central files of protection orders. As of November 2012, the NICS Index contained records for approximately 4,000 people subject to domestic violence restraining orders, 90,000 people convicted of domestic violence misdemeanors, and 18,600 unlawful users of or addicts to controlled substances (Table 2).<sup>28</sup> All of these are gross undercounts.



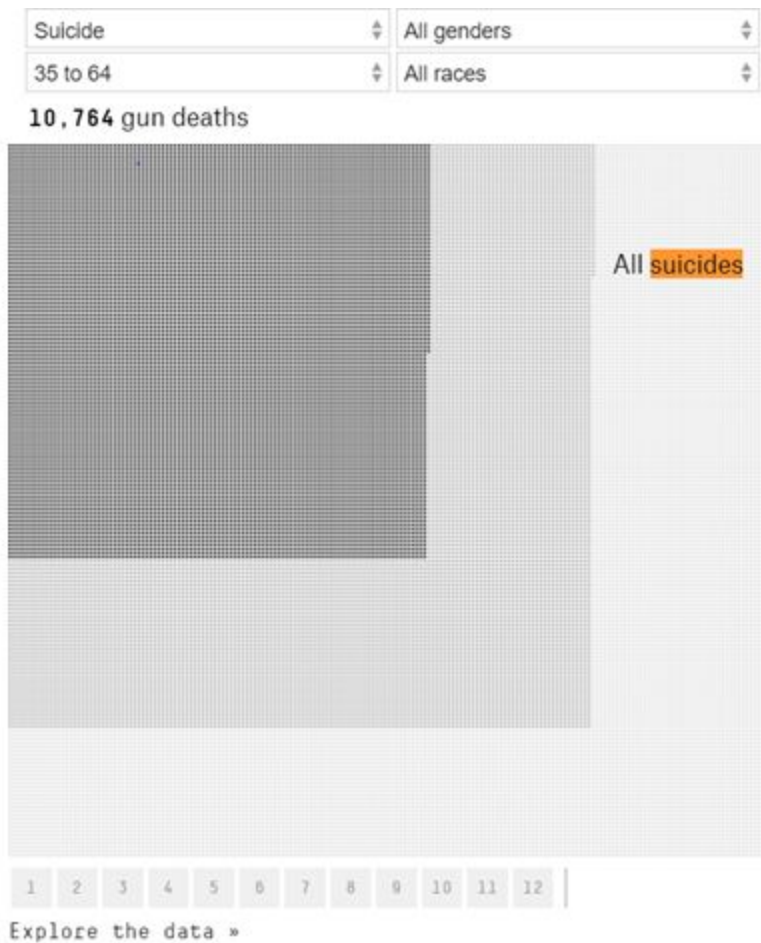
# Frontlines

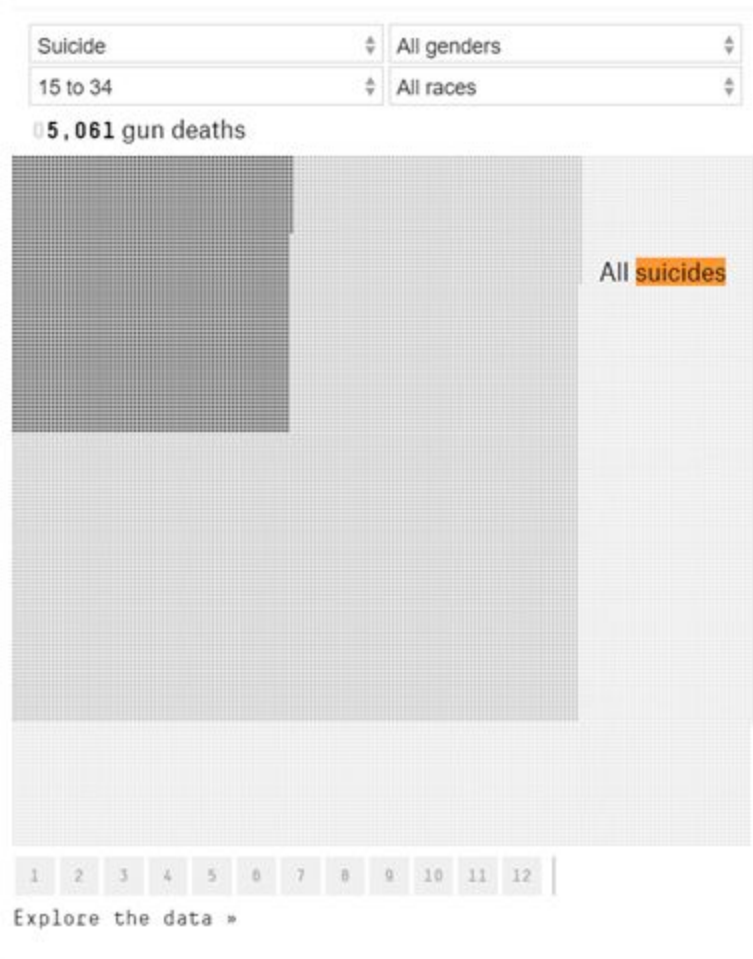
## Frontlines to Suicide

R/T Kids get guns from their parents

**The majority of people who commit suicides are between the ages of 35-64, not 15-34 (Baker – FiveThirtyEight)**

Maggie Koerth Kaker (FiveThirtyEight). Mass Shootings Are A Bad Way To Understand Gun Violence. Published 10/3/17.  
<https://fivethirtyeight.com/features/mass-shootings-are-a-bad-way-to-understand-gun-violence/>.





## Responses to NEG

### R/T Backlash

In order to prove this my opponents need to show that there was/is a strong probability that other types of gun control legislation would have gotten passed without UBCs. Insofar as state legislators and congress can't even pass gun control legislation after mass shooting you should prefer the 100% likelihood that voting pro puts restrictions on gun purchases.

## **1. The vast majority of NRA members support background checks on private sales (Drake – Pew Research Center) which means that the NRA wouldn't be able to mobilize widespread backlash against UBCs**

Bruce Drake (Pew Research Center). 5 facts about the NRA and guns in America. Published 4/24/14.

<http://www.pewresearch.org/fact-tank/2014/04/24/5-facts-about-the-nra-and-guns-in-america/>.

Although a measure to expand background checks on gun sales failed in the Senate last year, **Americans who live in a household where they or someone else is an NRA member overwhelmingly favored the idea of making private gun sales and sales at gun shows subject to such checks. About three-quarters (74%) backed these expanded checks compared with 26% who opposed them.** But far fewer people in NRA households supported proposed bans on assault-style weapons or high-capacity ammunition clips. How widespread is gun ownership? Our February 2013 survey found that 37% of adults reported having a gun in their household, with 24% saying they personally owned the gun and 13% saying it was owned by someone else in their home. The survey also found that 58% of people who did not have a gun in their household said that having a gun would make them feel uncomfortable.

Jason M. Moore (American Public University). "The Influence of External Factors (Lobbyists) Regarding Major Policy Decisions on Gun Rights and How they Affect Public Impressions Regarding Federal Government." February 2015.

<http://digitalcommons.apus.edu/cgi/viewcontent.cgi?article=1037&context=theses>

In Virginia, the requirement of whether or not gun dealers should be required to conduct a background check before gun show purchases was heavily debated. The Virginia Tech massacre sheds significant light regarding this issue. The shooter during this incident was a student at the university with previous significant diagnosed mental health issues. Siebel (2008) found that the shooter was able to purchase the handguns without a background check. However, even if his background was checked, his mental condition was never registered in the National Instant Criminal Background Check System (NICS) and he would have been allowed to purchase the guns anyway. The take away from the Virginia Tech tragedy, according to Siebel (2008) "is for society to do a better job of checking gun buyers' backgrounds before every gun is sold" (p. 320). This incident was at the forefront of media attention in Virginia and the nation and easily met or exceeded the saliency constraint. Overwhelming support for better gun control was advocated by the majority of voting constituents. The rational or reasonable response would be to implement controls in the form of laws that would reduce the likelihood of an event like this ever occurring again. According to Brown (2013), "American voters say 48-38 percent that the government could use the information from universal background checks to confiscate legally-owned guns, but **voters still support universal gun background checks 91-8 percent, including 88-11 percent among voters in households with guns**" (p. 1). **This poll suggests that even though voters feel that more laws could infringe on their liberties to own and possess a gun, voters nonetheless realize that these types of controls may be needed in order to quell gun violence by individuals whose background suggests they should not be able to purchase a gun.** Disregarding the emotional toll the Virginia Tech massacre created at the campus, the pro-gun lobby wasted no time promoting their agenda. Siebel (2008) states, "instead of accepting the straightforward solution of universal, thorough, background checks, the gun lobby clamors for legislation that would prohibit colleges and universities from maintaining rules or regulations that bar students from carrying handguns on campus" (p. 320). As we can see, this incident that consumed Virginia's and the nation's attention would be yet another instance for lobbyists to debate and influence our lawmakers. In Virginia, during the 2009 General Assembly session, Senate Bill 1257 (SB1257) was introduced by Senator Henry Marsh, a Democrat from Richmond, and Senator Janet Howell, also a Democrat representing Reston. The bill would require criminal records to be checked at gun shows before a vendor could make a sale (RichmondSunlight, 2014). Conceding this view as debatable, a law such as this bill could have prevented the incident that occurred on the campus of Virginia Tech. A poll conducted statewide found that ninety-two percent of Virginians substantially supported legislation aimed at requiring background checks before a firearm is purchased (Polls Show How Virginians Feel About Gun Control, 2013). It is more than reasonable to assume that both republican and democrat constituents were in support of this legislation based on a ninety-two percent approval rating.

## **2. A. Passing gun control legislation isn't as toxic as my opponents say; backlash doesn't really occur because people are growing more sympathetic to the gun control cause. For example, in Colorado and Connecticut, governors whose seats were vulnerable in 2014 maintained office despite supporting gun control (Siddiqui – Guardian)**

Sabrina Siddiqui (The Guardian). Is enacting gun control a political risk? Congress blinks while states go it alone. Published 10/3/15. <https://www.theguardian.com/us-news/2015/oct/03/gun-control-oregon-shooting-congress-colorado-connecticut> <https://www.theguardian.com/us-news/2015/oct/03/gun-control-oregon-shooting-congress-colorado-connecticut>.

But for proponents of gun control, those explanations are thinly veiled excuses amid intense pressure from the National Rifle Association (NRA) and gun rights advocates. **A look at gun policy at the state level, however, provides evidence that new reforms are not as politically toxic as advertised.** While the gun lobby has chalked up victories in terms of loosening firearm restrictions in conservative states, **Americans have not in recent years kicked out of office those lawmakers who voted** against them – or, in some cases, **advanced comprehensive gun control packages.** One such litmus test occurred last year **in the 2014 midterm elections, when the odds were arguably stacked against gun control advocates.** **Democrats suffered heavy losses at the state and federal levels,** losing control over the US Senate and suffering defeats in key gubernatorial races across the country. **But two governors, Democrats who were deemed vulnerable, survived: Dan Malloy of Connecticut and John Hickenlooper of Colorado. Both signed into law sweeping gun reforms.** One could argue their constituents were behind those efforts – for Malloy, the action followed the 2012 massacre at Sandy Hook elementary school in Newtown. For Hickenlooper the legislation was prompted by the Aurora movie theater shooting that same year. But Hickenlooper, especially, was a top target for the NRA. Gun rights advocates had recalled in 2013 two state Democrats in Colorado who voted for his gun package, which expanded background checks and placed a ban on high-capacity magazines.

**B. Over time the gun lobby should lose its influence over constituents and politicians because as more people fear gun violence and become more sympathetic to the gun control lobby they won't be able to manipulate politics (hence less successful backlash) (Mardeusz – Trinity College)**

Julia

Mardeusz (Trinity College). An Intractable Issue? Gun Control in America, 1968-Present. Published 2016.

Should this case continue, it will be the first to make it to the discovery phase since the 2005 Protection of Lawful Commerce in Arms Act was signed into law.<sup>579</sup> This case has the possibility to create a precedent for other victims' families to work around the Protection of Lawful Commerce in Arms Act and legally challenge gun manufacturers in the future. If these cases continue to be litigated, and if they are ever won, they have the potential to become an impetus for gun safety laws and restrictions on who is eligible to buy certain classes of firearms, or even subject certain firearms to a ban. **If gun manufacturers are found liable for the injuries and deaths of shooting victims, it seems likely that the gun lobby could be more of an embarrassment than a friend to members of Congress. Although the current outlook for Congressional action on gun control is grim, action from PACS and through the courts could potentially compel elected representatives to act on this issue while minimizing the political backlash involved when taking a decisive stance on gun control**

## R/T Incrementalism

**1. What my opponents are telling you is empirically false. The pro gun movement has been gaining traction all over the country (Berman - Washington Post).**

Russell Berman (Washington Post). "The Split Between the States Over Guns." December 31, 2015.

<https://www.theatlantic.com/politics/archive/2015/12/the-growing-gap-in-state-gun-laws/422265/> HS.

If the state-level battle over gun laws has become a more evenly matched tug of war in recent years, both sides seem to be pulling harder. As gun-control advocates have stepped up efforts to restrict access in blue and purple states, the NRA and its legislative allies have argued that the key to preventing mass shootings is to arm more people in more places, such as schools and college campuses. Despite their defeats in Kansas, Maine, and Texas, gun-control advocates backed with millions from former New York Mayor Michael Bloomberg boast about stopping NRA-backed efforts to enact campus-carry laws in 14 of the 16 states where bills were introduced. "These are bills that would have sailed through the statehouses in the past," Watts said. The NRA counters that it has beat back even more efforts to restrict gun access and that, by its count, states in 2015 passed 10 times more bills that it supported than bills they opposed—a similar record to 2014 and an improvement over 2013. The suggestion by gun-control groups that they have the momentum in the states, said NRA spokeswoman Amy Hunter, "is a lie being pushed by Bloomberg in his efforts to convince the American people that he's gaining traction, when the truth is there is no appetite for more gun control." **The polls show this, the successful passage of hundreds of pro-gun bills shows this, as do**

**elections. Over the past three years, states across the country have signed into law nearly 300 new measures protecting and expanding Second Amendment rights. That's almost 10 times the number of new anti-gun laws.** Hunter said the NRA's biggest setback came just last week, when Virginia Attorney General Mark Herring announced that he would stop recognizing concealed-carry permits from residents of 25 states that have laxer gun laws. The change is the most aggressive such action to deny reciprocity by any state in the country, and it could open a new avenue of activism as states enact increasingly divergent gun policies. "Guns cross over state lines as easily as cars do," Watts said.

**Gun control legislation is at a dead end, not even mass tragedies are able to get stricter gun control passed through state legislators and congress -> after a mass shooting in states with republican controlled legislatures there was a 75% increase in the number of laws enacted to loosen gun restrictions and there was no significant effect on law in democratic controlled legislatures (Popp - Think Progress).**

Evan Popp (Think Progress). "The Disturbing Trend In State Gun Laws After A Mass Shooting." June 27, 2016.

<https://thinkprogress.org/the-disturbing-trend-in-state-gun-laws-after-a-mass-shooting-92ac5a9ff1d2/> HS.

Overall, at least 18 states have enacted some gun measures that loosened restrictions and at least 11 states passed legislation to, in some way, tighten gun laws thus far in the 2016 legislative session. At least five states enacted some of both and are included in both totals. Nine of the 13 states that only passed bills to loosen gun regulation were states where the legislature is controlled by Republicans. According to researchers at Harvard University Business School, loosening gun laws at the state level after a mass shooting is not uncommon. Their 2016 working paper uncovered a disturbing pattern: While a single mass shooting increases the number of gun-related measures introduced in those states' legislatures by 15 percent within a year after the event, that did not necessarily mean tighter controls. They found that **in states with Republican-controlled legislatures, the number of laws enacted to loosen gun restrictions increased by 75 percent after those states endured a mass shooting. And even in states where Democrats controlled the legislature, mass shootings had no significant effect on laws enacted afterwards.** The study analyzed mass shootings from 1989 to 2014 and the gun legislation that followed those events. It defined a mass shooting as "an incident in which four or more people, other than the perpetrator(s), are unlawfully killed with a firearm in a single, continuous incident that is not related to gangs, drugs, or other criminal activity."

**2. Incrementalism only leads to patchwork policy that always have gaps (Rostron - Maryland Law Review).**

Allen Rostron (Maryland Law Review). "Incrementalism, Comprehensive Rationality, and the Future of Gun Control." 2008.

<https://core.ac.uk/download/pdf/56357560.pdf>

This Article argues that **incremental policymaking has been one of the major impediments to progress toward more effective regulation of guns. This country's gun laws are an often incoherent patchwork of provisions.** Legislators pile new restrictions atop old ones, often in response to particular tragedies or narrow concerns, instead of crafting bills to achieve an optimal approach to the entire problem. **These laws contain unjustifiable gaps because policymakers draw odd lines between different types of guns, between licensed gun dealers and unlicensed individuals, between foreign and domestic sources of guns, and between state and federal government responsibilities. Gun control has been handled in a crudely instrumentalist manner, but it is an issue with a special need for a far more comprehensive approach.** The limited effectiveness of the incrementalist approach to gun control issues can be seen in three of the most controversial episodes relating to gun policy making in recent years: the uproar over police seizing citizen's guns in the New Orleans area in the aftermath of Hurricane Katrina,<sup>7</sup> litigation about whether several portions of the District of Columbia's strict gun laws violate the U.S. Constitution's Second Amendment,<sup>8</sup> and the mass shooting at the Virginia Tech campus.<sup>9</sup> Each vividly demonstrates the problems created by incrementalist approaches to gun control policy. Each involved legislators banning or heavily restricting guns in a special zone. In a nation awash with millions of guns subject to inadequate controls, the flow of weapons from other areas substantially undermines these efforts, whether the "gun-free zone" is a flood-ravaged region, the nation's capital city, or a college campus. Meanwhile, reasonable precautions such as background-check requirements are undercut because legislators do not apply them broadly and consistently. The ease with which the Virginia Tech shooter obtained a gun, despite the fact that a judge had previously declared him mentally ill and ordered treatment, is a tragic testament to the insufficiency of the scattershot nature of existing law.<sup>10</sup>

### 3. Incrementalism still triggers NRA backlash (Mardeusz - Trinity College)

Julia Mardeusz (Trinity College). "An Intractable Issue? Gun Control in America, 1968-Present." Spring 2016.

<http://digitalrepository.trincoll.edu/cgi/viewcontent.cgi?article=1595&context=theses>

The NRA and other gun-rights groups have consistently conflated gun control with an ever-present threat to people's rights and liberties. Writing for the Huffington Post, Dennis Henigan, a former Vice President of the Brady Campaign, explains how this argument effectively convinces the public that the government taking away people's guns and their rights to own guns is not only in the realm of possibility, but something that could very easily happen should gun-rights supporters ever let their guard down in the face of proposed gun control measures:

**For the NRA, the key to this strategy is the "slippery slope" argument—that every incremental**

**tightening of gun laws is but a step down the slippery slope to a general gun ban.** Some years ago, the NRA's

Wayne LaPierre described "the plan" which is "now obvious to all who would see: first, step, enact a nationwide firearms waiting period law.

Second step, when the waiting period doesn't reduce crime, and it won't, enact a nationwide registration law. Final step, confiscate all the

registered firearms." In the words of another NRA official, "what the opposition really wants is a total ban on the private ownership of all

firearms."238 When language like this is employed, gun-rights supporters remain in constant fear that their guns will be taken away and will

naturally want to resist this. Alarmist language, as employed by Mr. LaPierre and other NRA spokespeople, spurs the organization's membership into action.

### 4. While There has been incremental change in gun control legislation in recent years, there has also been incremental change in pro gun policy (DeBrabander - Wash Post)

Washington Post, 15, 10-6-2015, New gun laws pass often in the United States. But they usually make guns easier to get. 11-7-2017,

[https://www.washingtonpost.com/posteverything/wp/2015/10/06/obama-said-the-nation-has-been-inactive-on-gun-legislation-heres-why-heres-wrong/?utm\\_term=.8e8128608ed3](https://www.washingtonpost.com/posteverything/wp/2015/10/06/obama-said-the-nation-has-been-inactive-on-gun-legislation-heres-why-heres-wrong/?utm_term=.8e8128608ed3) (NK)

But the nation has not been inactive on gun legislation. **In recent years, many states have passed laws that make firearms easier to get, carry and use. Georgia passed its so-called "guns everywhere" bill last year, allowing people to carry firearms in restaurants and bars, government buildings and airports – even in churches, pending pastor's' approval. Less than a month after the massive biker brawl in Waco – in which nine people were killed, 18 were wounded and more than 100 firearms were recovered at the scene – Texas Gov. Greg Abbott signed open-carry and campus-carry laws that allow licensed handgun owners to visibly tote weapons in most places and concealed handguns in university buildings. And 23 states have adopted "stand your ground" laws, giving citizens broad leeway to wield their firearms on the street if they so much as feel a threat of bodily harm.** Local officials and school districts have taken action, too. After the Sandy Hook Elementary School shooting, many schools installed armed guards and, in some cases, supplemented them with armed and trained teachers and staff. **Many of these changes have come at the behest of the National Rifle Association,** which says being armed is the best protection against unexpected attacks. The NRA called Georgia's law the "most comprehensive pro-gun reform legislation introduced in recent history." Pushing for the Texas campus-carry law this year, the NRA insisted that gun owners, previously barred from carrying their weapons on Texas campuses, were "rendered defenseless against criminals."

## R/T Drop in Constituent Support

**1. TURN: in 2013 when there was a proposal to expand background check law for gun buyers there was backlash against 5 republican senators who voted against the proposal and an increase in support for the republican senator who co-sponsored the bill (Rosenfeld - Salon).**

Steven Rosenfeld (Salon Magazine). "Voters not taking failed gun control legislation lightly." 5/1/13

[https://www.salon.com/2013/05/01/voters\\_not\\_taking\\_failed\\_gun\\_control\\_legislation\\_lightly\\_partner/](https://www.salon.com/2013/05/01/voters_not_taking_failed_gun_control_legislation_lightly_partner/) HS.

Many of that state's voters work in the Boston area, where two days before the Senate's vote the Marathon bombings occurred, and a day after the vote the Tsarnaev brothers had a major gunfight with police using a handgun that they had obtained illegally. More recent polling

finds the backlash is growing—and not just in New England. **There have been drops in support for five senators who did not vote for the expanded background checks. Alaska Democrat Mark Begich, Alaska Republican Lisa**

**Murkowski, Arizona Republican Jeff Flake, Nevada Republican Dean Heller and Ohio Republican Rob**

**Portman all saw their approval ratings fall because of their vote, according to a Public Policy Polling**

survey released this week. In contrast, **Pennsylvania Republican Pat Toomey, who co-sponsored the gun buying amendment with West Virginia Democrat Joe Manchin, saw his rating jump to 48 percent in a new Quinnipiac poll.** These polls do not even present the full picture. North Dakota Democratic Senator Heidi Heitkamp was assailed in a Washington Post op-ed days after the vote by Bill Daley, one of the Democratic Party's most centrist leaders. The former Clinton administration Commerce Secretary, JP Morgan Chase executive and Obama ex-chief of staff wrote that Heitkamp "betrayed me," and demanded his \$2,500 donation back.

## R/T Focus on Statewide Reforms

**1. Prefer federal reform because 1- only blue states are passing gun-control legislation (red states are loosening restrictions) 2- the ability to cross state lines to purchase a gun makes strict gun policy in states ineffective -> only federal legislation can work (Lopez - Vox).**

German Lopez (Vox). "America's gun problem, explained." October 2, 2017.

<https://www.vox.com/2015/10/3/9444417/gun-violence-united-states-america>

What's behind that passion? Goss, who's also a political scientist at Duke University, suggested that it's a sense of tangible loss — gun owners feel like the government is going to take their guns and rights. In comparison, gun control advocates are motivated by more abstract notions of reducing gun violence — although, Goss noted, the victims of mass shootings and their families have begun putting a face on these policies by engaging more actively in advocacy work, which could make the gun control movement feel more relatable. There is an exception at the state level, where legislatures have passed laws imposing (and relaxing) restrictions on guns. In the past few years, for instance, Washington state and Oregon passed laws ensuring all guns have to go through background checks, including those sold between individuals. "There's a lot more going on than Congress," Goss said. **"In blue states, gun laws are getting stricter. And in red states, in some**

**cases, the gun laws are getting looser." But state laws aren't enough. Since people can simply cross state lines to purchase guns, the weaker federal standards make it easy for someone to simply travel to a state with looser gun laws to obtain a firearm and ship it another state.** This is such a common occurrence

that the gun shipment route from the South, where gun laws are fairly loose, to New York, where gun laws are strict, has earned the name "the Iron Pipeline." But it also happens all across the country, from New York to Chicago to California. **Only a federal law could address this issue — by setting a floor on how loose gun laws can be in every state. And until such a federal**

**law is passed, there will always be a massive loophole to any state gun control law.** Yet the NRA's influence and its army of supporters push many of America's legislators, particularly at the federal level and red states, away from gun control measures — even though some countries that passed these policies have seen a lot of success with them.

**2. 45 States have preemption laws that prevent future firearm regulation on a local level (Tartakovsky – Fordham University)**

Joseph Tartakovsky (Fordham University). Firearm Preemption Laws and What They Mean for Cities. Published 2013.

<http://www.gibsondunn.com/publications/Documents/Tartakovsky-Firearm-Preemption-Laws-ML-09.2013.pdf>.

But one less flashy trend in state firearm law has flown under the radar— though not yours, perhaps—because it seems either too innocuous or complex (at least to journalists). **These are newly strengthened or expanded state firearm preemption laws.**

**They generally bar a city or county from enacting firearm related regulations. Preemption laws historically have had a simple purpose: to resolve, in advance, conflicts between the laws of two jurisdictions by having the one with superior authority declare that in a particular area of law, its laws should be understood to displace the inferior jurisdiction's enactments on the same subject matter.** In

June I made a study of every state statute (and one constitutional provision) that contains a firearm-preemption provision. They vary impressively and are rife with exceptions and dizzying cross-references. But I was able to draw some conclusions and make some categorizations that I invented for the purpose. (The full list with citations is in Appendix A.) **•45 states have a preemption statute (or a constitutional provision, in NM's case) that restricts what their cities can and cannot do with regard to regulating guns. •12 states have what amount to absolute preemption provisions ("high").**



### **This means that on the face of the law no municipal regulation is allowed and no exceptions are**

**made**. These are AR, IN, IA, KY, MI, NM, OR, PA, RI, SD, VT, UT. •29 states are in the middle and allow local jurisdictions to regulate some aspects of guns ("medium"). This means that the state preempts local regulation but makes one or more exceptions. These are AL, AK, AZ, FL, GA, DE, ID, KS, LA, ME, MD, MN, MS, MO, MT, NB, NV, NC, ND, OH, OK, SC, TN, TX, WA, VA, WV, WI, WY. •Many states limit exceptions to firearm discharge within city limits and zoning ordinances. Other states make numerous exceptions. Alaska, a high-medium state, has most of the common exceptions: a city can regulate discharge of guns "when there is a reasonable likelihood that people, domestic animals, or property will be jeopardized"; it can apply zoning restrictions to gun dealers; it can prohibit guns in the "restricted access area of municipal government buildings"; and it can levy taxes on gun sales.<sup>25</sup> •Four states have partial pre-emption ("low"). This means that preemption exists but its scope is limited, say, to handguns only. These are AL, CA, CO, and IL.<sup>26</sup> •One state expressly permits local regulation of firearms. This is NJ. •Four states appear to have no firearm preemption statute. These are HI, NJ, MA, NY. HI and MA have extensive licensing requirements that presume local cooperation. •No statute mentions local "discretion." There are only exceptions to the pre-emption provisions. For example, five states specifically exempt

## R/T Impact

### **1. No impact – UBC is the most effective gun control policy, according to both experts and the public**

Bui 17 Quoctrung Bui, 1-10-2017, "How to Prevent Gun Deaths? Where Experts and the Public Agree," New York Times, [https://www.nytimes.com/interactive/2017/01/10/upshot/How-to-Prevent-Gun-Deaths-The-Views-of-Experts-and-the-Public.html?\\_r=0](https://www.nytimes.com/interactive/2017/01/10/upshot/How-to-Prevent-Gun-Deaths-The-Views-of-Experts-and-the-Public.html?_r=0) //DF

Our expert survey asked dozens of social scientists, lawyers and public health officials how effective each of 29 policies would be in reducing firearm homicide deaths, regardless of their political feasibility or cost. Policies deemed both effective and popular appear in the upper-right corner of the matrix. Less popular, less effective measures fall lower down and to the left. The two policies ranked most effective were those requiring all sellers to run background checks on anyone who buys a gun, and barring gun sales to people convicted of violent misdemeanors, including domestic assaults. The experts were more skeptical of other much-debated proposals, including a national gun registry and an assault weapons ban. The idea of requiring states to honor out-of-state concealed weapon permits was ranked low. The academics in our panel — many of the country's best empirical researchers on gun policy — were far more likely than the general public to support gun control. But nearly all of the policies that experts think could work have widespread support from the general public. While Americans remain sharply divided in their overall view of the tension between gun control and gun rights, individual proposals are widely favored. The most popular measures in our survey — policies like universal background checks and keeping guns from convicted stalkers — were supported by more than 85 percent of registered voters. Even the least popular idea, a law that would limit gun sales to people who had to demonstrate a "genuine need" for the weapon, was favored by nearly 50 percent.

## R/T Criminalization

This isn't how background checks work. You cannot go to jail for failing a background check, there is no impact.

## R/T General

## R/T Minority Criminalization

### **1. 80% of Black Americans support universal background checks (Huggins – Harvard University)**

Michael Huggins (Harvard Kennedy School). Is Gun Control Black Control? Black Politics and Gun Violence in America. Published 4/26/16. <http://www.challengestodemocracy.us/home/is-gun-control-black-control-black-politics-and-gun-violence-in-america/#sthash.UPsK5zQ2.dpbs>. Many black leaders charge our nation's original leaders with the creation of a violent America. Biondi commented that "armed militias stole land from the Native Americans and put down rebellion by enslaved Africans." Some black leaders argue that the constitution sanctioned the deployment of armed white men against black and brown individuals. The sanction of these armed militias formed America's gun culture. This culture remains deeply rooted in significant parts of rural, small town America. It has also been argued that the proliferation of Stand Your Ground laws and American overreliance on guns have perpetuated the gun culture. One reaction to the high rates of gun homicide has been a call to regulate the sale and production of handguns. **Eighty percent of black Americans support universal background checks for gun sales.** But this call for background checks and gun regulation has not been the only proposed solution. Some have advocated for more self-defense in the black community. Black Americans have engaged in self-defense against white vigilantes since the end of the Civil War and throughout the era of lynching. Professor Biondi illustrated how armed self-defense reemerged during the southern civil rights movement. She offered the example of how Martin Luther King, Jr., "the apostle of non-violence," considered carrying a gun after receiving death threats against his family and home.

## **2. When states have stricter gun laws there are less fatal encounters with the police because fewer people need to encounter police in the first place (Healy – LA Times)**

Melissa Healy (LA Times). When states have strong gun laws, they also have fewer fatal police shootings. Published 5/18/17. <http://beta.latimes.com/science/sciencenow/la-sci-sn-gun-laws-police-shootings-20170518-story.html>.

**Fatal shootings of civilians by police officers are less common in states with stricter gun laws than they are in states that take a more relaxed approach to regulating the sale, storage and use of firearms, new research says.** A study published Thursday in the American Journal of Public Health has found that fatal police shootings were about half as common in states whose gun laws place them in the top 25% of stringency than they were in states where such restrictions ranked in the bottom 25%. The new findings draw from an analysis of 1,835 firearms-related deaths involving a police officer in the United States — all such fatalities reported in the 22 months following Jan. 1, 2015. It found that, of 42 laws enacted by states, the ones most strongly linked to lower fatal police shootings were those that aimed to strengthen background checks, to promote safe firearm storage, and to reduce gun trafficking. "We suspect that because these states have more robust gun laws, they're better able to keep guns out of the hands of the wrong people," said the study's lead author, University of Indianapolis psychology professor Aaron Kivisto. **The likely result, he suggested, is that police in such states "are just less likely to encounter people in circumstances where they shouldn't have a gun."** The association held up even after researchers accounted for state differences in the density and demographics of its citizens.

## **3. TURN: Black people are the most likely to be the victims of firearm related homicides. Any aff solvency most greatly benefits minorities, because they have the most lives saved (Drake - Pew Research Center)**

Bruce Drake, 13, 05-21-2013, Blacks Suffer Disproportionate Share of Firearm Homicide Deaths, Pew Research Center, <http://www.pewresearch.org/fact-tank/2013/05/21/blacks-suffer-disproportionate-share-of-firearm-homicide-deaths/>, 11-6-2017, (NK)

In 2010, there were 31,672 deaths in the U.S. from firearm injuries, mainly through suicide (19,392) and homicide (11,078), according to CDC compilation of data from death certificates. Among racial and ethnic groups, **blacks are overrepresented among gun homicide victims; blacks were 55% of shooting homicide victims in 2010, but 13% of the population.** By contrast, whites are underrepresented; whites were 25% of the victims of gun homicide in 2010, but 65% of the population. For Hispanics, the 17% share of gun homicide victims was about equal to their 16% proportion of the total population. The black homicide death rate has declined 50% since its peak in 1993, and the number of black homicide deaths fell by more than a third (37%) from 1993 to 2010. The white homicide death rate has declined by 42% over that time, and the number of white homicide deaths declined 39%. The Hispanic shooting homicide rate fell 69% from 1993 to 2000, and the number of deaths declined by 40%. From 2000 to 2010, when the overall gun homicide rate decline slowed, the Hispanic rate fell 32%, while the black and white rates declined only 4%. Read more

## **Further warrants for the turn (DeFilipps - Vice)**

Even DeFilipps, 15, 7-6-2015, How America's Lax Gun Laws Help Criminals and Cripple Minority Communities, Vice, [https://www.vice.com/en\\_us/article/mvxd8/how-americas-lax-gun-laws-help-mass-murderers-and-cripple-minority-communities-706](https://www.vice.com/en_us/article/mvxd8/how-americas-lax-gun-laws-help-mass-murderers-and-cripple-minority-communities-706), 11-11-2017, (NK)

But these arguments also tend to ignore the devastating consequences that weak gun laws have had for minority communities. **According to data from the Centers for Disease Control, black Americans are twice as likely as whites to be victims of gun homicide. According to a report from the Center for American Progress, in 2010, 65 percent of gun murder victims between the ages of 15 and 24 were black, despite making up just 13 percent of the population. Gun homicide is also the leading cause of death for black teens in the US, a group that also suffers gun injuries 10 times more frequently than their white counterparts. The numbers may help explain why an overwhelming majority of black Americans—75 percent according to a 2013 Washington Post/ABC News poll—support stronger gun control laws.** Yet even in areas where local governments have enacted gun control measures, lax regulations elsewhere have sustained a robust network of unregulated private transactions that allow gun dealers to look the other way while supplying gangs and other criminals with a vast assortment of weapons. This network leaves a place like Chicago, which remains crippled by violence despite relatively strict gun laws, hard-pressed to keep weapons off the street—as this New York Times map illustrates, anybody in the city who wants a gun need only take a short drive outside Cook County to get to a jurisdiction with much weaker regulations. A similar situation has arisen in Maryland, which despite having some of the country's most stringent gun laws, has been plagued by violent crime in urban areas. Amid finger-pointing over the rioting that ravaged Baltimore earlier this year, it's worth pointing out that the majority of crime guns are trafficked in from outside the state. So while the gun policies Maryland has implemented—including a policy requiring individuals to pass a background check[s] and obtain a permit prior to buying a firearm—have been shown to reliably reduce gun violence, neighboring states like Pennsylvania, West Virginia, and Virginia have much looser requirements, making it easy for weapons to flow across the border.

## **5. TURN: Universal background checks reduces violent crime in areas with high poverty rates by 10% (McCarthy - Georgetown).**

Shane McCarthy (Georgetown University). "THE RELATIONSHIP BETWEEN UNIVERSAL BACKGROUND CHECK LAWS FOR FIREARM SALES AND RATES OF VIOLENT CRIME AT THE STATE LEVEL." April 28, 2017.

[https://repository.library.georgetown.edu/bitstream/handle/10822/1043958/McCarthy\\_georgetown\\_0076M\\_13603.pdf?sequence=1](https://repository.library.georgetown.edu/bitstream/handle/10822/1043958/McCarthy_georgetown_0076M_13603.pdf?sequence=1) HS.

In Table 5, models (5) through (8) interact the key independent variable with several other controls. Model (5) includes an interaction between the existence of a universal background check law and a variable indicating whether a state's poverty rate is above the median in my state-year sample. Poverty rates have been identified as one of the key correlates of rates of violent crime (Kleck & Patterson, 1993; Kwon et al., 2005; Ludwig et al., 2000; Murray, 1975; Rosengart et al., 2005; Rudolph et al., 2015; Sen & Panjamapiromb, 2012; Summer et al., 2008; Webster et al., 2014). The universal background check coefficients in this model indicate that there is a significant difference between high and low poverty states in the law's relationship with violent crime rates. For low-poverty states, the model shows that the existence of a universal background check law is associated with an increase in the rate of violent crime of 21.46 per 100,000 residents, but this relationship is not statistically significant. However, in high poverty states the law is associated with a change in the violent crime rate of (21.46 - 63.47) -42.01 per 100,000 residents. The F-test for the joint significance of this interaction term and the key independent variable indicates that **the negative relationship between background check laws and violent crime rates is statistically significant in high poverty states, and this overall coefficient represents a reduction in the violent crime rate of about 10% of the average rate across all observations.** Model (6) introduces an interaction term between my background check variable and a state's proximity to another state without some type of universal background check law in place. We might expect proximity to have some association with a background check law's correlation with violent crime rates because criminals may be able to thwart background checks easily by travelling to an adjacent state to purchase a firearm. I find that the presence of a universal background check law has no statistically significant association with rates of violent crime either in states that are or are not adjacent to other states without such laws. without such laws.

# R/T Unconstitutional

## **1. Congress has the authority to regulate the sale and transfer of weapons according to the Judicial Branch (Chu - Congressional Research Service).**

Vivian S. Chu (Legislative Attorney/Congressional Research Service). "Congressional Authority to Regulate Firearms: A Legal Overview." April 5, 2013. <https://fas.org/sgp/crs/misc/R43033.pdf> HS.

As described above, **Congress's authority under the Commerce Clause extends to regulating items that move through interstate commerce and commercial activities that affect interstate commerce. It is therefore relatively settled that Congress may regulate the manufacture and transfer of firearms.** For example, **the constitutionality of a federal semiautomatic assault weapons ban, which was in effect for ten years, was challenged under the Commerce Clause.** In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which included a provision making it unlawful to possess, manufacture, or transfer certain types of semiautomatic pistols, rifles, and shotguns (i.e., "assault weapons").<sup>40</sup> The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit), in *Navegar, Inc. v. United States*, addressed the question of whether the activities regulated under this act fell within one of the three categories of activity identified in *Lopez*.<sup>41</sup> Like the Court in *Lopez*, **the D.C. Circuit determined that** it was not required to analyze the act under the first or second categories because the **"[it] readily falls within category 3 as a regulation of activities having a substantial [e]ffect on interstate commerce."**<sup>42</sup> The court analyzed individually the act's prohibitions on manufacture, transfer, and possession. Regarding the manufacturing prohibition, the D.C. Circuit declared that "[t]he Supreme Court has repeatedly held that the manufacture of goods which may ultimately never leave the state can still be activity which substantially affects interstate commerce."<sup>43</sup> **Regarding the prohibition on transfers, the court similarly remarked that "the Supreme Court precedent makes clear that the transfer of goods, even as part of an intrastate transaction, can be an activity which substantially affects interstate commerce."**<sup>44</sup> **Based on these maxims, the court held that "it is not even arguable that the manufacture and transfer of 'semiautomatic assault weapons' for a national market cannot be regulated as activity substantially affecting interstate commerce."**<sup>45</sup>

**2. Courts are ready for gun control laws (Ex. 1) Maryland won a challenge against their assault weapon ban and (Ex.2) Florida won a case against the NRA. Overall, the gun lobby has lost 94 percent of Second Amendment legal battles and this one would be no different (US News – Glaze)**

Mark Glaze (US News). Firing Back at the Gun Lobby Maryland took on the NRA, and America appears ready to follow suit in support of gun safety. Published 3/14/17.

<https://www.usnews.com/opinion/articles/2017-03-14/maryland-case-shows-the-courts-are-ready-for-gun-control-laws>.

**When Maryland lawmakers banned assault weapons after the Sandy Hook tragedy, they had to know it would come under a fierce legal challenge from the gun lobby.** They made a bet that the country was ready to accept bolder solutions to our gun violence epidemic. **And this month they prevailed, winning an important victory in court. That victory has important lessons for a nation beset by catastrophic rates of gun violence.**

[OPINION: Take the Deal on Repeal] Importantly, **this was the second major legal defeat for the National Rifle Association this year. Earlier this month, an appeals court struck down Florida's so-called "docs vs. glocks" law,** which barred physicians from asking patients about gun ownership. The U.S. Court of Appeals for the 11th Circuit concluded –

in a 10-1 decision – that the Second Amendment does not bar physicians from talking to patients about the fact that unsecured guns kill kids.

**Five days later, the full U.S. Court of Appeals for the 4th Circuit upheld Maryland's ban on military-style assault weapons and ruled that such firearms are "beyond the Second Amendment's reach."** In a remarkable slap at the gun lobby, Reagan-appointed Judge J. **Harvie Wilkinson III offered this: "While courts exist to protect individual rights, we are not the instruments of anyone's political agenda,** we are not

empowered to court mass consequences we cannot predict, and we are not impaneled to add indefinitely to the growing list of subjects on which the states of our Union and the citizens of our country no longer have any meaningful say." **Together, these rulings**

**underscore the dawning acceptance that the American gun problem goes far beyond bad guys with**

**guns.** The twin decisions are major setbacks for the gun lobby, and not only because it has spent 40 years paying "scholars" and lawmakers to

support its "guns everywhere, for everyone" agenda and sell more firearms. **Six of the judges who rejected the NRA's arguments were appointed by presidents named Reagan or Bush. Even for conservative jurists, the NRA's push to monetize the Second Amendment has gone too far. They're not the only ones. The gun**

**lobby has lost 94 percent of its Second Amendment legal battles, and has had dozens of priority bills defeated in state legislatures across the country.** And 2016 saw key gun safety ballot initiatives pass in Nevada, California and Washington.

## R/T National Gun Registry

**1. De-link: Democrats don't support a gun registry. First, Obama said it wouldn't be included in a Democratic bill then Schumer said the same thing (Good - ABC News). Furthermore, according to current law the government destroys records of gun sales in 24 hours which won't change, and if this would lead us down a slippery slope it would have already happened because licensed guns dealers are already required to keep records of gun sales for 20 years (Amira - New Yorker).**

Dan Amira (The New Yorker). "Every Objection to Expanding Background Checks, Debunked." April 4, 2013.

<http://nymag.com/daily/intelligencer/2013/04/every-objection-to-background-checks-debunked.html> HS.

Background checks will lead to some kind of Big Brother-y national gun registry. Utah senator Mike Lee, to take but one example, says that background checks will be "accompanied by some sort of registration system" and that Americans "are not really comfortable with the idea of the government knowing exactly what firearm they purchase any more than they would be comfortable with the government knowing when or how often they go to church or what they eat for breakfast or what books they are reading from the library." **In fact, though, there won't be any kind of national gun registry (the White House has said Obama doesn't support it), and the government won't know what kind of gun you've purchased. According to current law, the government destroys records of gun sales in 24 hours and that's not going to change.** It is true that under the leading current proposal, private gun sellers who would come under the scope of universal background checks would be required to keep a record of their firearm sales. **Oklahoma senator Tom Coburn has said that he believes this would put us on a slippery slope to a national gun registry. But under the Gun Control Act of 1968, licensed gun dealers — like a gun shop or Walmart, for example — have been required to keep records of gun sales for twenty years, and over four decades later, it has yet to lead us down a slippery slope to a national gun registry.** That doesn't seem very slippery.

Chris Good (ABC News). HOME>POLITICS The Case Against Gun Background Checks. Published 4/10/13.

<http://abcnews.go.com/blogs/politics/2013/04/the-case-against-gun-background-checks/>.

They're an invasion of privacy. As opponents of gun control warn about privacy issues, background checks are tangled up with another proposal, that records of gun sales must be kept. In a March 22 letter to Senate Majority Leader Harry Reid, six GOP senators, led by Rand Paul of Kentucky and Mike Lee of Utah, warned that they would oppose any measures that involved "government surveillance." While it's not entirely clear what policy those senators had in mind, the American Civil Liberties Union has raised concerns about both records and background checks. "You just worry that you're going to see searches of the databases and an expansion for purposes that were not intended when the information was collected," Chris Calabrese, an ACLU privacy lobbyist, told The Daily Caller last week. **Meanwhile, Sen. Chuck Schumer, D-N.Y., has made it clear that a "national gun registry" is illegal and won't be part of any Democratic gun bill.** They might be too broad. Another concern raised by the ACLU's Calabrese was that, if a "transfer" of guns is defined too broadly, people with good intentions could unwittingly become criminals. "You worry about, in essence, a criminal justice trap where a lawful gun owner who wants to obey the law inadvertently runs afoul of the criminal law. ... They don't intend to transfer a gun or they don't think that's what they're doing, but under the law they can be defined as making a transfer," Calabrese told The Daily Caller. The Heritage Foundation has said it is wary of any bill that would ban loaning guns to friends at gun ranges or on hunting trips.

**2. De-link: Universal background checks won't lead to a federal gun registry for practical reasons (Trumble – Third Way)**

Sarah Trumble (Third Way). Why Universal Background Checks Can't Lead to a Federal Gun Registry. Published 2/14/13.

<http://www.thirdway.org/memo/why-universal-background-checks-cant-lead-to-a-federal-gun-registry>.

The very process and operation of the background check system intentionally makes it impossible for the federal government to use those records to create a registry of gun owners or the guns they purchase. **Right now, when a person buys a gun at a federally licensed dealer (where a background check is already required), the first thing the store does is to give the buyer a blank copy of ATF Form 4473.** The buyer fills in his name, address, and birthday, and affirms that he is not prohibited from having a gun and is not buying it for someone else.<sup>4</sup> **The store clerk takes the form, looks at the buyer's photo ID, and then either picks up the phone to call the National Instant Check System (NICS) or logs onto their secure website. It takes an average of 7 seconds for someone at NICS to answer the phone,<sup>5</sup> and the gun dealer reads the name and date of birth from the form or types it into the computer.** Typically, **within a few minutes NICS can search its database to make sure the buyer is not prohibited from owning a gun. If no records are found, the dealer is told he can proceed with the sale.**<sup>6</sup> **Here's what happens next: The buyer leaves the store with the firearm. The NICS system destroys all records of running a check on that buyer within 24 hours.**<sup>7</sup> On the 4473 form, the dealer marks that the buyer passed the NICS check, writes down the transaction number and the serial number of the gun that was sold, and files it away, where it must be kept in a paper file by law for 20 years.<sup>8</sup> Thus, there is only one official record of the sale, and it resides in the individual gun dealer's files. Currently, there are approximately 59,000 gun dealers across all 50 states,<sup>9</sup> each of which keeps individual files of the approximately 16 million 4473 forms that are filled out every year.<sup>10</sup> There are only four ways the government can ever even see this record: during a compliance inspection of dealer records, during an ongoing criminal investigation, if your gun is found at a crime scene, or if the gun store goes out of business. Let's look at this in a practical context: Once every 12 months, ATF is authorized to inspect a gun dealer's records to make sure they are in compliance with federal law (though such an audit is rarely performed that regularly—given current funding and staffing levels, it would take ATF 22 years to audit every dealer once<sup>11</sup>). Federal agents do not take the records with them unless they show evidence of a crime—they simply ensure the dealer is keeping them as required by law. This is an in-house review.<sup>12</sup> Law enforcement can gain access to a dealer's records either with a warrant or as part of an ongoing criminal investigation, but the dealer keeps possession of the records, and law enforcement may only inspect and examine (not seize) them, unless they contain material evidence of violation of the law.<sup>13</sup> If the gun is found at a crime scene, the police may trace the gun by calling the manufacturer and reading them the serial number. The manufacturer will tell the police to which wholesaler they sold the gun, and police will then contact that wholesaler to get the name of the gun store to which the gun was sold. If police can trace a gun back to the gun dealer who sold it, the dealer can go into their files and tell the police who purchased the gun.<sup>14</sup> But since 9 out of 10 traced crime guns were wielded by someone other than the original buyer, this information is not always very helpful to police even when they can find it.<sup>15</sup> If the gun store closes within 20 years of a firearm purchase, the dealer will send past 4473 forms to a government warehouse.<sup>16</sup> Currently, the warehouse contains piles and piles of paper records, each page of which has to be individually photographed and uploaded as an image into a computer database. (Think microfiche, for those old enough to remember those days of searching for a needle in a haystack.) Because the database holds only images, it cannot be searched, and the only way to find a record of a specific gun or specific purchaser is to read through every single record, one at a time.<sup>17</sup> **It is, by intentional legal design, the most inefficient and diffuse record-keeping system in the government. The universal background check proposals currently before Congress would place the exact same restrictions on private sales, and these sales would mostly be conducted through the very same licensed firearms dealers. Given the way the recordkeeping system works, it would be impossible to create a federal database of gun owners based on background check records. If background checks are made universal, even more 4473 forms will be filled out every year, and they will be kept by each individual seller or by the dealer who helped them access the NICS system. There will still only be one record of a private gun sale, and as long as the gun store stays open or the private seller is alive, the government will never have access to it. Even if the form is eventually sent to the federal warehouse and entered into its 4473 database, the information will still be unsearchable and fail to serve in any way as a registry of gun owners. And the record of the background check itself would still be destroyed within 24 hours.** Given the operation of the system, there is simply no practical way to use background checks to create a federal registry of gun owners.

### 3. De-link: (A) Legally the government isn't even allowed to create a registry under the Firearms Owners' Protection Act, so it would be quickly overruled reasons (Trumble – Third Way) (B) Which is Chicago got rid of its gun registry to comply with a court order (Young – Reuters)

Sarah Trumble (Third Way). Why Universal Background Checks Can't Lead to a Federal Gun Registry. Published 2/14/13. Not only is it not practically possible to create a federal registry of gun owners, it would violate multiple federal laws to do so: Federal law is very clear on the subject of a federal registry. It reads: **No such rule or regulation...may require that records...be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established.**<sup>18</sup> Federal law further states that **a gun dealer or collector can never be required to submit their records to the federal government, unless it is during an annual inspection, part of a criminal investigation,** for the purposes of tracing a gun used in a crime, or



because the dealer is going out of business.<sup>19</sup> **Federal regulations mandate that all federal background check records must be destroyed with 24 hours for everyone who passes the check and is allowed to purchase a gun.**<sup>20</sup> Thus, it would be not only impractical but also illegal to create any sort of federal firearms registry under both the U.S. Code and the Code of Federal Regulations. A universal background check statute would not supersede, repeal, or in any way limit or roll back these laws, meaning it could not be used to create any such federal registry.

Renita Young (Reuters). Chicago abolishes gun registry in place since 1968. Published 9/11/13.

<http://www.reuters.com/article/us-usa-guns-chicago/chicago-abolishes-gun-registry-in-place-since-1968-idUSBRE98A15220130911>.

**Chicago on Wednesday reluctantly abolished a 45-year-old requirement that gun owners register their weapons with the city,** marking a victory for advocates of gun rights such as the National Rifle Association. A customer inspects a 9mm handgun at Rink's Gun and Sport in the Chicago, suburb of Lockport, Illinois in this June 26, 2008 file photograph. REUTERS/Frank Polich/Files The city council voted to end the gun registry in place since 1968 to comply with court rulings against Chicago and Illinois gun control laws, and to bring the city into line with a state concealed carry law. "I happen to think the court's wrong. I think their interpretation is wrong," Chicago Mayor Rahm Emanuel said of the rulings that forced Chicago to eliminate the registry. He spoke after the council voted. Chicago has faced a wave of gang-related violence that pushed its murder rate to a five-year high in 2012. While the number of homicides is down this year, police have complained that the city is awash in guns. **The Chicago decision came one day after the gun rights lobby scored a victory in Colorado, ousting two lawmakers who had supported gun control in the state legislature. The powerful NRA, which boasts millions of gun owners as members, has successfully employed tactics, such as recalls and challenges to gun control laws in court, as a way to get strict enforcement of the Second Amendment to the U.S. Constitution, which sets out the right to bear arms.** "We're glad the Chicago firearm registration is gone," said Richard Pearson, executive director of the Illinois State Rifle Association, the local affiliate of the NRA. The U.S. Supreme Court ruled in 2010, in a case challenging Chicago's gun restrictions, that every state and city must adhere to the Second Amendment. The ruling did not strike down the Chicago restrictions directly, but sent the case back to a U.S. appeals court for review. In December 2012, the appeals court ruled that Illinois's ban on concealed carry was unconstitutional and gave the state six months to create a law allowing guns to be carried in public. Illinois approved a concealed carry law in July, giving control of gun regulations to the state and essentially nullifying Chicago's power to require that gun owners register their weapons and have a city firearms permit. **The measures approved by a voice vote on Wednesday complied with the new state law.** In addition to eliminating the gun registry, the measures eliminated the requirement for gun owners to have a Chicago firearm permit.

### **Illegal because of the Firearms Owners' Protection Act (Kopel – Cato)**

David B. Kopel (The Cato Institute). The Costs and Consequences of Gun Control. Published 12/1/15.

<https://object.cato.org/sites/cato.org/files/pubs/pdf/pa784.pdf>

The Act expressly forbade the seizure or registration of citizens' firearms. The House Committee on Military Affairs explained that the language to protect the Second Amendment was added "in view of the fact that certain totalitarian and dictatorial nations are now engaged in the wholesale destruction of personal rights and liberties. H.R. Rep. No. 1120, at 2 (1941), 77th Congress, 1st sess. In a floor debate, Rep. Edwin Arthur Hall (R-NY) stated: "Before the advent of Hitler or Stalin, who took power from the German and Russian people, measures were thrust upon free legislatures of those countries to deprive the people of the possession and use of firearms, so that they could not resist the diabolical and vitriolic state police organizations as the Gestapo, the OGPU, and the Cheka" Cong. Rec. 87 (1941): 6811. Rep. Dewey Short (R-MO) pointed out that "The method employed by Communists in every country that has been overthrown has been to disarm the populace . . ." Cong. Rec. 87 (1941): 7100. Lyle Boren, an Oklahoma Democrat, cited Trotsky and Hitler as executors of the kinds of gun control that must always be resisted in America. Cong. Rec. 87 (1941): 7101. **In 1986, the Firearms Owners' Protection Act became law. It forbids the creation of a federal registry of guns or gun owners.** See 18 U.S. Code § 926(a). When Congress set up the National Instant Check System in 1994 it required that once a check was completed, the record of an approved sale should be destroyed. See 18 U.S. Code § 922(t)(2)(C). The Clinton administration did not obey this requirement, but the Bush administration did. See David B. Kopel, Paul Gallant, and Joanne Eisen, "Instant Check, Permanent Record," National Review Online, August 10, 2000, <http://davekopel.org/NRO/2000/InstantCheck-Permanent-Record.htm>.

### **4. Turn: Helps cop fight crime by allowing them to track the movement of firearms (Yaccino – NYT)**



Steven Yaccino (New York Times). Chicago City Council Reluctantly Ends Gun Registry. Published 9/11/13.

<http://www.nytimes.com/2013/09/12/us/chicago-city-council-reluctantly-ends-gun-registry.html>.

The change, which the Council made reluctantly, comes as Chicago is trying to control a rash of gun violence that drew national attention when the city's homicide count surpassed 500 last year. The Chicago Police Department has cited gang activity and a flow of firearms from suburbs and from across the Indiana border into the city, which continues to pursue more aggressive gun restrictions. **Chicago's homicide rate has declined 22 percent in the past year, according to the Police Department.** There have been 295 homicides in Chicago this year, compared with 377 during the same period last year. That is still more than the number of homicides in other large cities like New York and Los Angeles during the same time frame. **Continue reading the main story Criminal experts say the gun registry database in Chicago, which contains more than 8,000 gun owners and about 22,000 firearms, has helped the police better understand the movement of weapons in the city as they put in place new law enforcement strategies.** Adam Collins, a spokesman for the Police Department, said in a statement that officers would be able to use a new online database of permit holders maintained by the Illinois State Police under the law.

## R/T Criminals Won't Obey

**1. This concedes that criminals are getting their guns legally right not which is inherently bad, we shouldn't make getting a gun easy even if we believe that criminals will find some way to get guns (Amira - New Yorker).**

Dan Amira (The New Yorker). "Every Objection to Expanding Background Checks, Debunked." April 4, 2013.

<http://nymag.com/daily/intelligencer/2013/04/every-objection-to-background-checks-debunked.html> HS.

Criminals don't care if their guns are bought legally. "Criminals don't respect the law," John Boehner said recently, discussing universal background checks. "It will have no effect on them." As we've written before, this makes literally no sense. **The background check system doesn't ask criminals to operate on the honor system. It puts the onus on gun dealers — law-abiding business owners who don't want to break the law by selling a gun to someone who's not allowed to own one.** Another way of interpreting Boehner's remark is that a criminal who wants a gun will find a way to acquire one outside of the scope of the background check system. **That may be true in many cases, but does that mean we should make it easier for them? A terrorist may be able to procure anthrax on the black market, but it's a lot harder than buying it with a credit card at the local biological warfare show. Implicit in Boehner's theory that criminals will just find a different way to acquire guns is that criminals right now are buying guns at gun shows and from private sellers.** That seems like a pretty good argument for expanding background checks to cover those sources.

**2. UBCs deter people who are weakly motivated to get a gun or who lack the knowledge to go around UBCs (Jacobs - NYU Law School).**

James B. Jacobs (NYU Law School). "Universal Background Checking — New York State's SAFE Act." April 2016.

[http://lsr.nellco.org/cgi/viewcontent.cgi?article=1563&context=nyu\\_plltwp](http://lsr.nellco.org/cgi/viewcontent.cgi?article=1563&context=nyu_plltwp) HS.

Given the many options that a firearms ineligible person has for obtaining a gun, even after passage of the SAFE Act, it seems implausible that an individual, strongly motivated to acquire a gun, will have any real difficulty acquiring one. Gun owners' rights advocates insist that criminals will always be able to get guns, especially professional and highly active criminals who want guns to ensure victim compliance and to protect themselves from criminal rivals. However, **a firearms ineligible individual, only weakly motivated to acquire a gun, might be deterred if several private sellers tell him that they comply with the SAFE Act's requirements. For example, an individual with a history of mental illness considering suicide may lack the motivation, energy, knowledge, and competence to locate a seller willing to ignore the Safe Act's universal background checking provision.** Evaluating the impact of the SAFE Act's universal background checking for firearms purchasers presents a significant challenge. Some analysts have compared firearm homicides and suicides for a few years before and after

enactment of a particular gun control.<sup>67</sup> This methodology is by no means conclusive. There are many other variables likely to contribute to or mask changes in the number and rate of firearm homicides and suicides. Nevertheless, pre and post-SAFE Act crime data do not make a strong case for the SAFE Act's efficacy.

### 3. This argument is dumb and amoral

**Defillippis 13** Evan Defillippis [graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service], 8-2-2013, "Rebutting the 'Criminals don't follow laws' and 'Gun Control only hurts law-abiding citizens' argument against gun control," Armed With Reason,

<http://www.armedwithreason.com/rebutting-the-criminals-dont-follow-laws-and-gun-control-only-hurts-law-abiding-citizens-argument-against-gun-control/> //DF

The statement that "criminals do not follow laws" is true for the same reason it's completely irrelevant to a substantive discussion on gun reform—it's a tautology. It says exactly nothing about the proper course of action a society should take to improve social outcomes. Definitionally, criminals don't follow laws. This is no more a meaningful statement about social realities than the observation that dogs bark or cats meow, so it is baffling that gun proponents view this as an acceptable rejoinder in political debate. Though it may seem like such an obvious point may not need mentioning, it has become increasingly popular among those who oppose gun reform to argue that such legislation only hurts law-abiding citizens, making it more difficult for innocent civilians to get the guns they need to defend themselves. Criminals, after all, don't obey the laws that burden law-abiding citizens. I will term this position the lawbreaker paradox—a paradox because it axiomatically reinforces the idea that laws, though created with the intent to improve social outcomes, hurt the people who follow them. The paradox is as follows: Law-abiding citizens obey the law. Criminals are lawbreakers, and thus do not obey the law. Laws impose restrictions on the behavior of only those that follow them. Laws, therefore, only hurt law-abiding citizens. Without exception, every law could be refuted with the lawbreaker's paradox, and societies would swiftly descend into anarchy if it weren't for reasonable policymakers. Laws against rape, murder, and theft, for example, are rarely followed by rapists, murderers, and thieves, but the fact that such people exist in society is the reason behind such regulations in the first place. Among gun advocates forwarding this line of argument, there seems to be a serious lapse in moral intuition that privileges expediency over human lives. To think that the minor inconvenience of gun reforms such as background checks, waiting periods, and assault weapon bans is more burdensome than the death of thousands of innocent civilians each year (which such reforms seek to redress) reflects a miscalibrated sense of what matters in the world. After all, when gun advocates say that they are being 'hurt' by gun control, let's be clear what the actual implication of this statement is: my right to not be bothered in the least by regulation outweighs the right to life for thousands of innocents who die in the absence of said regulation. Not only can such gun reforms reduce the number of homicides, but there is very little controversy about the tremendous effect they would have at reducing suicides. So, the belief that laws aimed at saving lives "hurt law-abiding citizens" is completely incompatible with any sane definition of right and wrong.

### 4. Weighing: even slight decreases in gun deaths outweigh personal inconveniences

**Ludwig 03** Evan Ludwig [Georgetown University]. 2003, "Evaluating Gun Policy Evaluations," University of Chicago,

<http://home.uchicago.edu/~ludwig/papers/CPP-EvalPolicyEval-2003.pdf> //DF

In cases in which weighting findings by some sort of research-design hierarchy is not possible or helpful, policy staffs can also, as Philip Cook has argued in this volume, seek guidance from social science theories that appear to hold in other related applications. For example prices generally matter for a variety of illegal or risky behaviors, even for adolescents (Gruber, 2001). In the case of gun policy, this insight suggests that even imperfect efforts to restrict gun availability to high-risk people can reduce illegal gun use on the margin, even if these regulatory barriers can be overcome in a number of ways by those who are determined to obtain a gun. The notion of downward-sloping demand curves thus suggests that as a logical matter, gun regulation has the potential to produce some benefit in the form of fewer gun crimes, although whether such benefits justify the resources or liberty that must be sacrificed is unavoidably an empirical and political question.

R/T At least we can trace guns back to the criminal/crime, unlike if they were bought off of the black market -> bruh, prevent the crime by not letting a criminal get a gun.

## R/T Blackmarket

### **1. The reason criminals can get around background checks is because they are not necessary for private gun sales. Universal background checks reduce the number of guns diverted from the black market, where most high risk groups get their guns (Sargent - Washington Post)**

Greg Sargent, 13, 4-3-2013, Why expanding background checks would, in fact, reduce gun crime, Washington Post, <https://www.washingtonpost.com/blogs/plum-line/wp/2013/04/03/why-expanding-background-checks-would-in-fact-reduce-gun-crime/> 10-16-2017, (NK).

With Congress set to debate the emerging plan to expand background checks, conservatives and Republicans — and even a few red state Democrats — continue to traffic heavily in deliberate misdirection and distortions about the proposal. They are getting widespread media play and are dominating the debate. So **I asked Daniel Webster, a leading expert on gun violence** who is the director of the Johns Hopkins Center for Gun Policy and Research, to respond to many of their arguments. Footnotes are at the end. **Criminals won't obey any background check laws. So why would expanding the current law do any good? The logic of this argument is flawed.** It could be used to dismiss the utility of virtually any law because criminals will disobey it. **The illogical exemption of private gun sales from background checks is the very reason that criminals don't currently have to obey existing background check laws. State laws prohibiting high-risk groups — perpetrators of domestic violence, violent misdemeanants and the severely mentally ill — from possessing firearms have been shown to reduce violence.** [1, 2] One of my studies found that a number of state **laws prohibiting individuals under a domestic violence restraining order from owning guns produced an overall 19 percent reduction in intimate partner homicides.** [3] Meanwhile, my research has shown that state **universal background checks** — along with other state laws designed to increase gun seller and purchaser accountability — **significantly reduce the number of guns diverted to the illegal market, where the above high risk groups often get their guns** [4, 5]. At the same time, the success of these state gun laws in reducing the diversion of guns to criminals is undermined by gaps in federal laws which facilitate interstate gun trafficking from states with the weakest gun laws to those with the strongest gun laws. [6, 7] For example, we found that **states without universal background check laws had 30 percent higher levels of exporting across state lines guns that were later recovered from criminals.**

### **2. Universal background checks decrease gun trafficking (Cale – The Maui News)**

Bennett Cale (The Maui News). Hawaii earning national reputation as leader in gun violence prevention. Published 7/27/17. <http://www.mauinews.com/opinion/columns/2017/07/hawaii-earning-national-reputation-as-leader-in-gun-violence-prevention/>.

I love living in a place that residents of every other state dream of visiting. Hawaii is widely known for our beautiful beaches, perfect weather and low-key lifestyle — and now, we're earning a reputation as a national leader in gun violence prevention too. Every day, 93 Americans are shot and killed, including seven children. This country's gun homicide rate is more than 25 times the average of other high-income countries. And for every person killed with a gun, two more are injured. It's hard to watch the news and not feel hopeless. But I'm a dad of two. And I knew that for me, feeling hopeless wasn't an option. I had to do my part to keep my kids safe and help to stop gun violence — and that's why I joined Moms Demand Action for Gun Sense in America. We support common-sense, evidence-based policies and practices that help reduce gun violence in America — and Hawaii is leading the way. **For example, Hawaii requires background checks for all gun sales. We know that background checks save lives: In the states that require background checks for all handgun sales, 47 percent fewer women are shot to death by intimate partners, 53 percent fewer law enforcement officers are shot and killed in the line of duty, and there is 48 percent less gun trafficking in cities in those states.** Hawaii also goes beyond federal law and has strong laws to keep guns out of the hands of domestic abusers — including nonmarried dating partners and stalkers. These laws ensure

that in Hawaii, domestic abusers are not allowed to buy guns and must relinquish guns they own when they become prohibited from having them. And this month, Gov. David Ige signed legislation requiring that law enforcement officials be alerted when prohibited possessors break the law and try to obtain a gun. Before House Bill 459 was signed into law, when a person who's not allowed to have guns, such as a convicted felon or domestic abuser, attempted to obtain a permit to buy a gun but was stopped by a background check, that information may have gone nowhere — allowing that person the time to get a gun somewhere else. But when a person fails a background check, that's a red flag — we know someone too dangerous to have a gun is actively trying to get one. Now, thanks to the Legislature and Gov. Ige, law enforcement and prosecuting attorneys will be notified when a prohibited purchaser tries to buy a gun — giving them an opportunity to respond to threats before they turn deadly.

**Strong laws like these are one reason why it's no surprise that Hawaii has, by far, the lowest gun homicide rate of any state in the country. Over the last five years of available data, Hawaii's gun homicide rate was more than nine times lower than the national average. Hawaii should be seen as a model by every other state** — we're proving that support for the Second Amendment can — and should — go hand-in-hand with common-sense gun laws and a culture of gun safety. I'm so proud of the progress we've made and the example we've become. I hope other states follow our lead.

### **Warrants (Asher – FiveThirtyEight)**

Jeff Asher (FiveThirtyEight). Gun Laws Stop At State Lines, But Guns Don't. Published 10/26/17.

Alex Yablon, a reporter who covers guns for The Trace, points out a variety of ways in which a neighboring state's looser gun laws could directly and indirectly affect the number of guns recovered in a state with stricter laws. According to Yablon, **"It's not just that states with looser gun laws are going to make it easier to buy at a retailer and are going to be easier for a straw purchaser or unscrupulous private seller. It's also that there are going to be a lot more guns around in civilian hands to sell on Armslist,"** which is like Craigslist for guns, **"or be stolen from cars. Theft is a big source of these guns, and it doesn't take a high percentage of stolen guns to result in a high absolute number accessible to criminals."**

3.

### **R/T Australia homicides increase due to blackmarket. After the gun ban homicides decreased by 72% (Sharman – Independent)**

Jon Sharman (Independent). How murder and suicide figures plummeted in Australia after gun control laws were introduced. Published 10/03/17.

<http://www.independent.co.uk/news/world/australasia/las-vegas-shooting-australia-gun-laws-control-stephen-paddock-2nd-amendment-nevada-firearm-a7980671.html>.

Since then Australia has not suffered another mass shooting, defined by academics as the killing of five or more people, not including the perpetrator. **Last year a Reuters analysis of Australian Bureau of Statistics figures showed that in 1996, Australia had had 311 murders, of which 98 involved guns. In 2014, when the population had increased from about 18 million to 23 million, 238 people were murdered, 35 by guns. In other words, the likelihood of being murdered by gunshot fell by 72 per cent in that period,** from 0.54 to 0.15 per 100,000 people, Reuters said. A study conducted 10 years after Port Arthur concluded: **"Australia's 1996 gun law reforms were followed by more than a decade free of fatal mass shootings, and accelerated declines in firearm deaths, particularly suicides.** "Total homicide rates followed the same pattern. Removing large numbers of rapid-firing firearms from civilians may be an effective way of reducing mass shootings, firearm homicides and firearm suicides."

# R/T Background Checks are Ineffective

**1. Background checks and the National Instant Criminal Background Check System (NICS) has put a stop to 2.4 million firearm transactions and is correct 99.8% of the time. Background checks keep weapons out of criminals convicted of a crime punishable by one or more years of jail, fugitives, domestic violence criminals, the mentally ill, etc. (Yablon - The Trace)**

Alex Yablon (The Trace). "The 12 Reasons Why Americans Fail Federal Gun Background Checks." March 7, 2017.

<https://www.thetrace.org/2015/07/gun-background-checks-nics-failure/> HS.

The cornerstone of American gun regulation is the FBI's National Instant Criminal Background Check System, or NICS. The system screens people attempting to obtain firearms at licensed dealers in the majority of states, and is the government's first line of defense against gun crime. **Since its inception, NICS has put a stop to more than 2.4 million transactions. Of those denials, more than 1.3 million occurred in states where the FBI runs NICS checks for dealers, with the other million-plus checks occurring in so-called point of contact states like Virginia or California that run their own background check systems.** The system is accurate. **An audit of the system released in September 2016 by the Department of Justice's Office of the Inspector General found that, in a sample of denied transactions, NICS had made the correct decision 99.8 percent of the time.** The list below uses information provided by the FBI on

the background checks it has performed for licensed gun sellers, offering a category-by-category breakdown of the 12 individual criteria that resulted in the 1.3 million denials between NICS' launch in November 1998 and February 2017. **1. Convicted of a crime punishable**

**by more than one year or a misdemeanor punishable by more than two years: 757,346** All purchasers are required to fill out a Firearms Transaction Record, or Form 4473, before a background check is initiated. If they lie about their criminal history on the form, they will have committed a new felony punishable by up to five years in prison, though it isn't clear how often these perjurers are punished. NICS has blocked more than 600,000 people convicted of a crime from acquiring a weapon since 1998. When the background check system flags a purchaser for a felony or another qualifying conviction, the transaction is stopped. **2. Fugitive from Justice: 175,227**

A surprising number of people with open arrest warrants attempt to buy a gun. When a purchaser is flagged as a fugitive, the FBI contacts the agency that issued the warrant to see if it's still open, alerting them to the address of the Federal Firearms License holder that processed the check. This sometimes results in an arrest in the gun store. The FBI does not keep data on the types of warrants flagged by NICS, so it's impossible to tell whether the system is more often snaring bank robbers on the lam or parents skipping out on child support. **3.**

**Misdemeanor Crime of Domestic Violence Conviction: 131,089** This red flag is strictly limited to misdemeanor convictions for abusing a live-in significant other or child. A misdemeanor for violence against a sibling, parent, or an intimate partner who does not live with the person charged would not disqualify a purchaser — an aspect of the law sometimes referred to as "the boyfriend loophole." Domestic violence only became a prohibiting category after the 1996 passage of an amendment to the Gun Control Act of 1968 sponsored by

Senator Frank Lautenberg of New Jersey. **4. Unlawful User/Addicted to a Controlled Substance: 123,132** The fourth most common reason for being rejected by a federal background check is also the category that should have stopped Dylann Roof, the Charleston church shooter, from getting his Glock, since he had confessed to illegal possession of a controlled substance. Despite the fact that the National Institutes of Health estimates almost 25 million Americans used an illicit drug in the past month, NICS only has about 24,000 active drug-related records. **5. State Prohibitor: 74,476** Many states have their own additional categories of prohibited purchasers that they report to NICS. South Carolina, for example, denies the right to own a gun to anyone known to abuse alcohol. The federal government has no

such disqualifier, despite alcohol being the substance known to be most associated with gun violence. **6. Protection/Restraining**

**Order for Domestic Violence: 54,672** Though restraining orders only remain in NICS temporarily, as opposed to convictions for crimes which are permanently prohibiting, gun restrictions on those who have received such orders are believed to be among the most effective reducers of domestic homicide. Sixty percent of intimate partner homicides are committed with guns, and the risk of death grows five-fold if a woman is in an abusive relationship with a man who has access to a gun. **7. Under Indictment/Information: 42,285**

Anyone who is under indictment but not yet convicted of a crime carrying a potential year-long jail sentence is barred from owning a gun. However, these are among the most difficult categories of prohibitions to confirm, since the disposition of charges may not be automatically submitted to NICS, forcing inspectors to contact local court clerks to determine whether the purchaser is prohibited. **8. Adjudicated**

**Mental Health: 27,992** Disqualifying mental health records form the second largest body of records held by NICS. Simply receiving a

diagnosis of a severe mental illness like schizophrenia is not enough to put an individual in this category — a judge must legally declare a person mentally unfit to own a gun or involuntarily commit him or her to a mental institution. Though NICS does have access to a large number of disqualifying mental health records, an unknown number still aren't reported. In the case of John Houser, the gunman who opened fire in a Lafayette, Louisiana, movie theater, a judge considered his severe mental health problems in 2008, but doctors did not recommend that Houser be involuntarily committed, and even if they had, Georgia law would have required the purging of any records of that commitment by 2013, before he purchased his gun. **9. Illegal/Unlawful Alien: 20,346** NICS holds more records on illegal/unlawful aliens than any other type of prohibited purchaser — more than 6.3 million — even though these denials are rare compared to those for purchasers convicted of crimes. A purchaser does not, however, need to be a American citizen to pass a background check: The FBI allows sales to foreigners who are legally in the country, so long as they are a permanent resident, have come legally without a visa and meet residency requirements, or have a visa and a hunting or sporting license. **10. Federally Denied Persons File: 6,077** This is a catch-all category that includes various people whom the FBI deems ineligible to possess a firearm even though the relevant state records may not be entered into NICS or the National Crime Information Center. Also included in the Federally Denied Persons File are people who may not possess guns as a result of a deferred judgement. **11. Dishonorable Discharge: 1,069** Because violations of military conduct are handled by a separate judicial system, those found guilty are not marked as felons but rather receive a dishonorable discharge from their branch of the service. This does not carry the prison time that a criminal conviction would need to mandate inclusion in NICS, but because of the severity of a dishonorable discharge, it is reported to the system. **12. Renounced U.S. Citizenship: 84** According to the State Department, anyone who formally renounces American citizenship also “must renounce all the rights and privileges associated with such citizenships.” That includes Second Amendment rights, even though legal aliens may buy and possess firearms. This category is exceedingly rare.

## R/T No Recovery

### 1. Nah, they could probably take the guns back

**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 Universal checks are insufficient for ensuring that firearm owners remain eligible. Convictions, mental health issues, and restraining orders can develop after the background checks. Recovering guns from those that become ineligible is likely effective. There is evidence from three studies that policies that check domestic violence perpetrators for firearm possession are effective at reducing intimate partner violence. Vigdor and Mercy (2006) found a 7% reduction in intimate partner homicide in states that allowed guns to be confiscated on site of domestic violence incidents. Zeoli and Webster (2010) found that state statutes restricting those under restraining orders from accessing firearms are associated with reductions of 20%-25% in total and firearm intimate partner homicide. Bridges et al (2008) found that most domestic violence laws do not effect intimate partner homicide except those relating to firearms. All three studies use methods that make alternative explanations unlikely. The challenge to implementing this more broadly is that most states do not have a registry of firearm ownership. Currently NICS background checks are destroyed within 24 hours. Some states maintain registration of all firearms. Gun registration aims to 1) increase owner responsibility by directly connecting an owner with a gun, 2) improve law enforcement's ability to retrieve guns from owners prohibited from possessing firearms. Gun registration also allows for the monitoring of multiple gun purchases in a short period of time

## R/T Politic Costs

### R/T 2018 midterms

#### 1. Democrats won't win in 2018 for four reasons. And the FairVote model predicts there will be no wave (Robinson – Salon)

Rich Robinson (Salon). Study: GOP likely to retain power after 2018 midterms. Published 10/22/17. [https://www.salon.com/2017/10/22/study-gop-likely-to-retain-power-after-2018-midterms\\_partner/](https://www.salon.com/2017/10/22/study-gop-likely-to-retain-power-after-2018-midterms_partner/).



**FairVote, a nonpartisan think tank that analyzes elections and proposes electoral reforms, has issued its new Monopoly Politics 2018 report on U.S. House elections. Using its proven model, the organization projects that Republicans are likely to maintain a majority in the U.S. House of**

**Representatives absent an historic partisan wave in 2018.** FairVote's model has missed only one high-confidence projection in more than a 1,000 congressional races in the 2012, 2014 and 2016 cycles. This year we have made high-confidence projections in 374 of 435 U.S. House races, including 208 sure wins for Republicans and 166 for Democrats. That means the GOP needs only to win 10 of the 61 potentially competitive seats to keep control of the chamber. Democrats would need to win 52 of them to deny them that control. FairVote does not predict the two-party vote, as its model is based solely on election results from past elections. But its online analytic tool allows users to test the impact of different election years. Assuming incumbents have a similar advantage to what they've had in recent years, it would take a national Democratic advantage of 55.5 percent to 44.5 percent for Democrats to earn a one-seat majority. In a dead-even year, Republicans would likely win 56 percent of seats, more than they have today. The report underscores how challenging House elections are for Democrats, but also just how entrenched the impediments are to truly representative democracy in Congress. When FairVote launched in 1992, Democrats were nearing the end of a 40-year run of the House. Now the partisan tables have turned, but the underlying reasons for change remain the same: entrenched incumbents, lack of accountability, disaffected voters and broken policymaking. **[1] Among the report's finding**

**that explain the Republican advantages for the 2018 cycle: The partisan landscape favors Republicans: Due to a combination of residential sorting and their control of redistricting in key states, Republicans have a key advantage in the underlying partisan makeup of the districts.** Even though Donald Trump lost the popular vote by nearly 3 million votes, he had a 230-205 edge in number of congressional districts won. If all seats were open in a nationally even election in 2018, Republicans would be favored to end up with a 237-198 (54.5 percent-45.5 percent) edge in the House. **[2]**

**Incumbent advantages: Because Republicans hold more seats, by definition they have more incumbents. Incumbents in 2016 saw a slight increase in their advantage from the last cycle even with the strong anti-establishment sentiment among the electorate. That led to a re-election rate of 98**

**percent,** an average increase in their winning margin by nearly 7 percentage points, and 218 Republicans (a majority of the House) winning their seats by more than 12 percentage points in a year when the national party preference was only 50.5 percent to 49.5 percent for Republicans. That means the electorate was almost evenly divided over whether they preferred a Democratic or Republican congressional majority. **[3] Few chances in open seats: Of 31 open House seats so far for the 2018 cycle (including the**

**two seats that will be filled by special election), 21 seats are currently held by Republicans.** But those open seats create few opportunities for Democrats. We project 25 of them, with the partisan balance of those 25 remaining exactly the same as it is now. Democrats are favored to win only one Republican-held seat and have a realistic chance in just three others. Republicans are also favored to win a Democratic-held seat and to challenge two more -- a total of five of the open seats cannot be projected, and four of them tilt

Republican to some degree. **[4] Few Republicans representing clearly Democratic territory: Few incumbents of either party are in vulnerable positions.** While there was an uptick in districts that favor one party being represented by a member of the opposite party to a total of 33 seats out of 435, it may not create that many new partisan targets. For example, 21 Republicans are running in districts won by Hillary Clinton. However, Barack Obama carried only seven of them in 2012.

## R/T Political Capital Tradeoff

**1. AFF is the only world in which change happens -> Gun control legislation is at a dead end, not even mass tragedies are able to get stricter gun control passed through state legislators and congress -> after a mass shooting in states with republican controlled legislatures there was a 75% increase in the number of laws enacted to loosen gun restrictions and there was to significant effect on law in democratic controlled legislatures (Popp - Think Progress).**

Evan Popp (Think Progress). "The Disturbing Trend In State Gun Laws After A Mass Shooting." June 27, 2016. <https://thinkprogress.org/the-disturbing-trend-in-state-gun-laws-after-a-mass-shooting-92ac5a9ff1d2/> HS.

Overall, at least 18 states have enacted some gun measures that loosened restrictions and at least 11 states passed legislation to, in some way, tighten gun laws thus far in the 2016 legislative session. At least five states enacted some of both and are included in both totals. Nine of the 13 states that only passed bills to loosen gun regulation were states where the legislature is controlled by Republicans. According to researchers at



Harvard University Business School, loosening gun laws at the state level after a mass shooting is not uncommon. Their 2016 working paper uncovered a disturbing pattern: While a single mass shooting increases the number of gun-related measures introduced in those states' legislatures by 15 percent within a year after the event, that did not necessarily mean tighter controls. They found that **in states with Republican-controlled legislatures, the number of laws enacted to loosen gun restrictions increased by 75 percent after those states endured a mass shooting. And even in states where Democrats controlled the legislature, mass shootings had no significant effect on laws enacted afterwards.** The study analyzed mass shootings from 1989 to 2014 and the gun legislation that followed those events. It defined a mass shooting as "an incident in which four or more people, other than the perpetrator(s), are unlawfully killed with a firearm in a single, continuous incident that is not related to gangs, drugs, or other criminal activity."

## **2. Need to use political capital to achieve policy victories and take down special interest groups like the NRA (Edsall – New York Times)**

Thomas Edsall New York Times Guns and Political Suicide. Published 5/1/13.

<https://opinionator.blogs.nytimes.com/2013/05/01/guns-and-political-suicide/>.

**Taking on powerful interest groups is "unavoidable if we are ever going to confront tough issues,"**

Lawrence concluded. **Using political capital is essential, in my view; otherwise, it becomes easy to simply rationalize every vote as saving your seat so you can "do something important "even though you did not do something important in order to save your seat."** Sometimes a controversial vote will cost you your seat. But is a vote for expanded background checks, in fact, political suicide? The history of members of the House and Senate who lost re-election after casting controversial votes is complex. The causal relationship between the vote (or votes) and defeat is often tenuous.

## **3. Weighing-ish: Our opponents are telling you to wait for some perfect policy which will never actually manifest. We can't wait for magic policy, we have to act now. (Gross – Fordham University)**

Kristin A. Gross (Fordham University). Policy, Politics, and Paradox: The Institutional Origins of the Great American Gun War. Published 2004. <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4030&context=fllr>.

D.C.'s congressional delegate in the early 1970s. In his 1981 book, Guns Don't Die-People Do, Shields articulates the reasons behind NCCH's strategic shift toward horizontal incrementalism: **[I]f we continue to allow the debate to proceed along purely idealistic, i.e., extreme, lines, I don't believe we will ever achieve effective handgun control nationally.** What's more, I think that's why the pistol lobby encourages this all-or-nothing kind of debate. They agree with me that such debates only serve to polarize the issue and end up turning off and even alienating the public. Consequently they achieve exactly what the pistol lobby wants-nothing.<sup>4</sup> Shields went on to argue that ban proposals would go nowhere as long as people continued to believe in the principle of self-defense and to disregard the risks of handgun ownership. "The polls have consistently shown that the people do not want an absolute ban on handguns," he wrote. "What they do want, however, is a set of strict laws to control the easy access to handguns by the criminal and the violence-prone-as long as those controls don't jeopardize the perceived right of law-abiding citizens to buy and own handguns for self-defense." Shields' analysis was correct. In fact, **the NRA immediately recognized the political danger that an incremental strategy would pose. The political threat of incrementalism-that small steps are more politically threatening than large ones-is the driving force behind the NRA's "slippery slope" argument.** The fear was well articulated in 1976, when the NRA's chief lobbyist, Harlon B. Carter, wrote in the association's flagship publication, the American Rifleman:

## **3. Based on a study of 25 state enforced firearm laws, universal background checks were found to be by far the most effective (Kalesan - Pub Med)**

Kalesan B Et Al., 14, 11-1-2014, Firearm legislation and firearm mortality in the USA: a cross-sectional, state-level study., <https://www.ncbi.nlm.nih.gov/pubmed/26972843>, 10-26-2017, (NK)

31,672 firearm-related deaths occurred in 2010 in the USA (10.1 per 100,000 people; mean state-specific count 631.5 [SD 629.1]). **Of 25 firearm laws [in the US], nine were associated with reduced firearm mortality, nine were associated with increased firearm mortality, and seven had an inconclusive association. After adjustment for relevant covariates, the three state laws most strongly associated with reduced overall firearm mortality were universal background checks for firearm purchase** (multivariable IRR 0.39 [95% CI 0.23-0.67]; p=0.001), ammunition background checks (0.18 [0.09-0.36]; p<0.0001), and

identification requirement for firearms (0.16 [0.09-0.29];  $p < 0.0001$ ). Projected federal-level implementation of universal background checks for firearm purchase **[which] could reduce national firearm mortality from 10.35 to 4.46 deaths per 100,000 people**, background checks for ammunition purchase could reduce it to 1.99 per 100,000, and firearm identification to 1.81 per 100,000.

## R/T Tradeoff with mental health treatment

### 1. Mental health treatment has no proven effect on gun violence (Dunn – BU)

Devon Dunn (Boston University). Improving mental health service: a viable alternative to gun control? Published 2015.

[https://open.bu.edu/bitstream/handle/2144/11215/dunn\\_devon\\_honors\\_project.pdf?sequence=4](https://open.bu.edu/bitstream/handle/2144/11215/dunn_devon_honors_project.pdf?sequence=4).

Strong gun control is clearly correlated with reduced gun violence. Although many gun control advocates say the real problem is mental health, many of the states that are passing stricter gun control are the same liberal states that possess adequate or better mental health services.

When looking at the arguments made against gun control legislation **since Newton, mental health is being used as an alternative to enact gun control. Nonetheless, both my research and the research of others shows that mental health services, or lack thereof, are not strongly correlated with gun violence. With an average of 300 shootings a day and the US possessing one of the highest gun violence rates among other modern nations, the need to curb gun violence in the United States is urgent.** Some of our nation's most esteemed leaders have died because of gun violence, including President John F. Kennedy and Martin Luther King Jr. **If we as a nation are ever to stop the tragedies, the government, whether it is on the federal or state level, must pass stricter gun control regulations and stop using shortcomings in mental health systems as a scapegoat for gun violence** and as a reason not to enact stronger gun control

## R/T Registry Bad

### R/T Doesn't Work

#### 1. Most times the background checks do work

**Cooper 13** Michael Cooper, Michael S. Schmidt and Michael Luo, 4-10-2013, "Gun Law Loopholes Let Buyers Skirt Background Checks," New York Times, <http://www.nytimes.com/2013/04/11/us/gun-law-loopholes-let-buyers-skirt-background-checks.html> //DF

**Another loophole has allowed thousands of prohibited buyers to legally purchase firearms** over the past decade — and some of those weapons were ultimately used in crimes, according to court records and government documents. The problem stems from the three-day period the government has to determine whether someone is eligible to buy a gun. **More than 95 percent of the time the F.B.I., which oversees the background checks, can tell licensed gun dealers within seconds if a buyer can own a gun. But when the F.B.I. cannot immediately determine** whether would-be buyers have criminal or psychological records that would bar them from owning guns, **it is given 72 hours to clear it up. If it fails to complete the background check by then, the buyer is allowed to return and purchase the gun.** According to data provided by the F.B.I., roughly **3,000 firearms were sold to prohibited buyers through this loophole last year.** If the F.B.I. eventually determines that the buyer should be prohibited from owning a weapon, it refers the case to the Bureau of Alcohol, Tobacco, Firearms and Explosives. The A.T.F. has said that it does not know how many weapons it has retrieved from prohibited buyers, because it is legally prohibited from tracking such data. But some current and former A.T.F. officials have said that such firearms are rarely retrieved.

# R/T Self-Defense

**1. TURN: in no scenario is it good to have more guns, even if they are to be used for self defense,**

**because: More guns = more homicides.** Hemenway, 2015, Homicide, Harvard Injury Control Research Center,

<https://www.hsph.harvard.edu/hicrc/firearms-research/guns-and-death/>, 11-10-2017, (NK)

Our review of the academic literature found that **a broad array of evidence indicates that gun availability is a risk factor for homicide, both in the United States and across high-income countries.** Case-control studies,

ecological time-series and cross-sectional studies indicate that in homes, cities, states and regions **in the U.S., where there are more guns, both men and women are at a higher risk for homicide, particularly firearm homicide.**

Hepburn, Lisa; Hemenway, David. Firearm availability and homicide: A review of the literature. *Aggression and Violent Behavior: A Review Journal*. 2004; 9:417-40. **2. Across high-income nations, more guns = more homicide We analyzed the relationship between homicide and gun availability using data from 26 developed countries from the early 1990s. We found that across developed countries, where guns are more available, there are more homicides. These results often hold even when the United States is excluded.** Hemenway, David;

Miller, Matthew. Firearm availability and homicide rates across 26 high income countries. *Journal of Trauma*. 2000; 49:985-88. **3. Across states, more guns = more homicide Using a validated proxy for firearm ownership, we analyzed the relationship between firearm availability and homicide across 50 states over a ten-year period (1988-1997). After controlling for poverty and urbanization, for every age group, people in states with many guns have elevated rates of homicide, particularly firearm homicide.** Miller, Matthew; Azrael, Deborah; Hemenway, David. Household firearm ownership levels and homicide rates across U.S. regions and states, 1988-1997. *American Journal of Public Health*. 2002; 92:1988-1993. 4. Across states, more guns = more homicide (2) Using survey data on rates of household gun ownership, we examined the association between gun availability and homicide across states, 2001-2003. We found that states with higher levels of household gun ownership had higher rates of firearm homicide and overall homicide. This relationship held for both genders and all age groups, after accounting for rates of aggravated assault, robbery, unemployment, urbanization, alcohol consumption, and resource deprivation (e.g., poverty). **There was no association between gun prevalence and non-firearm homicide.** Miller, Matthew;

Azrael, Deborah; Hemenway, David. State-level homicide victimization rates in the U.S. in relation to survey measures of household firearm ownership, 2001-2003. *Social Science and Medicine*. 2007; 64:656-64. 5. A summary of the evidence on guns and violent death This book chapter summarizes the scientific literature on the relationship between gun prevalence (levels of household gun ownership) and suicide, homicide and unintentional firearm death and concludes that where there are higher levels of gun ownership, there are more gun suicides and more total suicides, more gun homicides and more total homicides, and more accidental gun deaths. This is the first chapter in the book and provides an up-to-date and readable summary of the literature on the relationship between guns and death. It also adds to the literature by using the National Violent Death Reporting System data to show where (home or away) the shootings occurred. Suicides for all age groups and homicides for children and aging adults most often occurred in their own home. Miller M, Azrael D, Hemenway D. Firearms and violence death in the United States. In: Webster DW, Vernick JS, eds. *Reducing Gun Violence in America*. Baltimore MD: Johns Hopkins University Press, 2013.

**6. More guns = more homicides of police This article examines homicide rates of Law Enforcement Officers (LEOs) from 1996 to 2010. Differences in rates of homicides of LEOs across states are best explained not by differences in crime, but by differences in household gun ownership. In high gun states, LEOs are 3 times more likely to be murdered than LEOs working in low-gun states.**

## R/T In Home

**1. Owning a gun substantially increases the risk of a homicide and suicides**

**Defillippis 16** Evan Defillippis, 1-27-2016, "A Handgun as Defense Against Terrorists? The Stats Say It Raises Risks for Family Members," The Trace

<https://www.thetrace.org/2016/01/a-gun-as-a-defense-against-terrorists-the-stats-say-its-more-likely-to-harm-your-family/> //DF

Instead, what the available evidence indicates is this: **Owning a gun increases your odds of being killed by a gun at the hands of someone you know.** A 2014 meta-analysis of 16 studies by Dr. Andrew Anglemeyer and his colleagues at the University of California, San Francisco found that **household gun ownership doubles the risk of homicide and triples the risk of suicide for those with access to firearms.** Another study found that **access to a firearm increases 12-fold the likelihood of an altercation with a family member** or an intimate partner **escalating to murder.** Adding to these findings, a 2014 study by Dr. Michael Siegel at Boston University found that **gun ownership substantially increases the risk of homicide across the population.** He also discovered that an even more interesting picture emerges when you break down homicides into those committed by strangers and those committed by non-strangers. The paper revealed that, while gun ownership is not associated with significant increases in the former category, for every 1 percent increase in gun ownership there was a 0.9 percent increase in murders carried out by people the gun owner knew. A new study by Siegel and Dr. Emily Rothman further clarified this relationship, finding that increased levels of firearm ownership disproportionately impact women. Specifically, the study revealed that “for each 10 percentage point increase in state-level firearm ownership in a state, the female firearm-related homicide rate increases by 10.2 percent” — with 88 percent of these homicides being perpetrated by people the victim knew.

## R/T Stops Crime

### 1. Guns are not used to ward off criminals

**Defillippis 16** Evan Defillippis, 1-27-2016, "A Handgun as Defense Against Terrorists? The Stats Say It Raises Risks for Family Members," The Trace <https://www.thetrace.org/2016/01/a-gun-as-a-defense-against-terrorists-the-stats-say-its-more-likely-to-harm-your-family/> //DF Outside of the home, the benefits of carrying a firearm in public are similarly overstated. The data consistently show that a gun owner is statistically unlikely to impede an active shooter, terrorist or otherwise. **From 2000 to 2013, there were 160 active shootings** catalogued by the FBI. **In only one case was the shooter stopped by a concealed carry permit holder. He happened to be a U.S. Marine.** Beyond active shooter situations, defensive gun use of the everyday variety is also exceedingly rare. The Gun Violence Archive, a nonpartisan project that tracks gun homicides and non-fatal shootings, catalogued only 1,600 verified cases of defensive gun use in 2014 and 1,300 in 2015. A five-year Department of Justice report additionally found that, **despite some 300 million firearms in circulation in the U.S., less than 1 percent of nonfatal violent crime victims actually use a gun in self-defense** against a criminal — and even this total is likely a large overestimate. In fact, the best available evidence indicates that **concealed carry does not reduce crime and likely increases aggravated assaults.** Instead of reducing crime, in practice **more firearms often means a larger payoff for criminals who rely on auto thefts and burglaries as a major source for guns.**

## R/T Lott

### 1. His entire study was debunked

**Defillippis 15** Evan Defillippis, 10-5-2015, "Why Concealed Carry Could Not Have Caused the Two-Decade Dip In Crime Rates," <https://www.thetrace.org/2015/10/lower-crime-rates-not-caused-by-concealed-carry/> //DF

In 1997, Lott published the book *More Guns, Less Crime*, which argues that states with RTC laws experienced significantly lower crime rates than those without such policies. The volume — based on highly complex statistical models — set off an academic firestorm, with some studies supporting his findings and others identifying significant statistical problems. Despite the controversy, Lott's work provided an impetus for more states to adopt RTC laws. In 1997, 30 states had shall-issue RTC laws (the least stringent form of permits), while seven states prohibited concealed carry altogether. Today, 35 states have shall-issue RTC laws, seven states don't require a permit to carry, and no states prohibit concealed carry. When Missouri was debating establishing its own RTC law, a pro-gun group sent a copy of Lott's research to every state senator, an effort that helped secure enough votes to override the governor's veto. **Since the publication of *More Guns, Less Crime*, at least three major reviews of Lott's work have debunked his findings.** One particularly decisive critique, a 2003 study published in **the Stanford Law Review**, **used a superior statistical models and extended the time frame under analysis.** With those adjustments, the paper found that the alleged reductions in crime

rates evaporated. Another critical analysis, this time issued from 15 of the 16 panel members of National Research Council (NRC), concluded that “with the current evidence it is not possible to determine that there is a causal link between the passage of right-to-carry laws and crime rates.” Then, in 2011, a team of researchers analyzed the NRC panel’s findings and conclude that RTC laws, in fact, increase crime. And these three studies represent only the tip of the iceberg — there are many more cataloging the numerous ways in which Lott has erred. With the academic evidence mounting against him, Lott recently published a paper seeking to move the goalposts of the More Guns, Less Crime argument. In the paper, he argues that dissenting studies examining RTC laws overlooked that those laws often differ in how easy it is to obtain a permit, a difference that greatly influences the numbers of concealed carry permits issued by each state. Rather than focus on the passage of RTC laws, Lott contends that researchers should instead examine the change in the number of permits.

## R/T Kleck and Getz 92’

### 1. Yeah this study makes no sense

**Defillips 15** Evan Defillippis and Devin Hughes, 1-14-2015, "The Myth Behind Defensive Gun Ownership," POLITICO Magazine, <http://www.politico.com/magazine/story/2015/01/defensive-gun-ownership-myth-114262#.VLhsjS42d6l> //DF

In 1997, David Hemenway, a professor of Health Policy at the Harvard School of Public Health, offered the first of many decisive rebukes of Kleck and Getz’s methodology, citing several overarching biases in their study. First, there is the social desirability bias. Respondents will falsely claim that their gun has been used for its intended purpose—to ward off a criminal—in order to validate their initial purchase. A respondent may also exaggerate facts to appear heroic to the interviewer. Second, there’s the problem of gun owners responding strategically. Given that there are around 3 million members of the National Rifle Association (NRA) in the United States, ostensibly all aware of the debate surrounding defensive gun use, Hemenway suggested that some gun advocates will lie to help bias estimates upwards by either blatantly fabricating incidents or embellishing situations that should not actually qualify as defensive gun use. Third is the risk of false positives from “telescoping,” where respondents may recall an actual self-defense use that is outside the question’s time frame. We know that telescoping problems produce substantial biases in defensive gun use estimates because the National Crime Victimization Survey (NCVS), the gold standard of criminal victimization surveys, explicitly catalogs and corrects for it. Specifically, NCVS asks questions on the household level every 6 months. The first household interview has no time frame. Follow-up interviews are restricted to a six-month time frame and then NCVS corrects for duplicates. Using this strategy, NCVS finds that telescoping alone likely produces at least a 30 percent increase in false positives. These sorts of biases, which are inherent in reporting self-defense incidents, can lead to nonsensical results. In several crime categories, for example, gun owners would have to protect themselves more than 100 percent of the time for Kleck and Getz’s estimates to make sense. For example, guns were allegedly used in self-defense in 845,000 burglaries, according to Kleck and Getz. However, from reliable victimization surveys, we know that there were fewer than 1.3 million burglaries where someone was in the home at the time of the crime, and only 33 percent of these had occupants who weren’t sleeping. From surveys on firearm ownership, we also know that 42 percent of U.S. households owned firearms at the time of the survey. Even if burglars only rob houses of gun owners, and those gun owners use their weapons in self-defense every single time they are awake, the 845,000 statistic cited in Kleck and Getz’s paper is simply mathematically impossible.

**Pocket**

**Hat**

**Block**

**Tag**