



THE CASE FOR FINISHING THE JOB TO KEEP AMERICA SAFER

FEBRUARY 2014

“The Brady bill has finally become law in a fundamental sense not because of any of us, but because grassroots America changed its mind and demanded that Congress not leave here without doing something about this.”

*President Bill Clinton
Remarks on signing the Brady law
November 30, 1993*

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EXECUTIVE SUMMARY NOTE

Thanks to Jim and Sarah Brady's tireless work, and countless hours invested by fellow Americans committed to preventing gun violence, America is a safer nation. Felons, domestic abusers, and other dangerous persons can no longer simply walk into a gun store and walk out with a gun.

It was 20 years ago that Congress passed, and President Clinton signed, the Brady Handgun Violence Prevention Act. As a result of this landmark law, criminals can no longer simply lie about their record and buy guns; now, federally licensed gun dealers must check the buyer's background to make sure that he or she is not prohibited from possessing guns. We knew that Brady background checks would save lives. And we now have 20 years of proof that Brady background checks work.

Since the Brady law went into effect on February 28, 1994, background checks have stopped more than 2.1 million gun sales to prohibited purchasers including convicted felons, domestic abusers, fugitives from justice, and other dangerous individuals.

Make no mistake: Countless lives have been saved, and crimes have been prevented thanks to the Brady law.

However, more needs to be done. Under current federal law, background checks are only required when someone attempts to purchase a gun from a federally licensed firearms dealer. But federal law allows unlicensed persons to sell guns without a background check, no questions asked.

To avoid background checks in today's world, convicted felons and other prohibited purchasers now buy weapons from unlicensed sellers at gun shows and through Internet websites, like Armslist.com.

Take Zina Daniel, a victim of domestic violence who procured a restraining order against her estranged husband. This made it illegal for him to possess a gun and he would have failed a background check. However, he purchased a semiautomatic handgun from an unlicensed seller online where he wasn't required to pass a background check prior to purchase. He used that gun to murder Zina and two others and wound four more at a nail salon.

Millions of guns are sold every year in "no questions asked" transactions. Experts estimate that 40 percent of guns now sold in America are done so without a Brady background check.

Let's think about background checks in another way. Imagine if Zina's husband were on the "No Fly" list, but the TSA allowed 40 percent of airline passengers to fly without undergoing a security screening. Would Americans feel safe in the air? Not likely. Yet that is precisely the percentage of gun purchases made daily without a background check.

Crazy? That's essentially what our federal gun laws allow.

In 2013, in the aftermath of the horrific shooting at Sandy Hook Elementary School, Congress considered legislation to expand background checks on all commercial or advertised gun sales.

Despite the fact that nine in ten Americans support expanded background checks, the U.S. Senate failed to pass new legislation. While the bill received a majority of votes, it was not enough to break a filibuster. Forty-five Senators—forty-one Republicans and four Democrats—defied the near unanimous will of the American people and sided with the corporate gun lobby.

Thankfully, many of the states decided not to wait for Congress to act.

They stepped up to the plate to strengthen their own gun laws. By the end of 2013, 21 U.S. states had enacted new laws to curb gun violence. Eight states passed major gun reforms including four states that passed new laws requiring background checks on all gun sales.

We applaud those states for passing new laws to protect citizens from gun violence. At the same time, their actions do not let Congress off the hook.

It's time for Congress to finish the job and expand Brady background checks to stop criminals and other dangerous people from getting guns in America.

Dan Gross

President

Brady Campaign to Prevent Gun Violence

INTRODUCTION BY SARAH BRADY

Things were really looking up for the Brady family in January 1981.

Our little boy had just turned two years old. A few weeks later, President Ronald Reagan appointed my husband, Jim, as Assistant to the President and White House Press Secretary.

It was an incredible honor and something Jim had been working for his entire career. We were so proud.

Then the unthinkable happened.... On March 30, 1981, a deranged young man named John Hinckley, Jr. tried to assassinate the President. In between Hinckley and his target stood my husband.

It took less than two seconds for the gunman to empty six explode-on-impact Devastator bullets into the crowd with his cheap "Saturday Night Special" revolver.

The first bullet fired by the would-be assassin hit Jim in the head, dropping him to the pavement. The second bullet struck police officer Thomas Delahanty in the back of the neck as he turned to protect the President. The third bullet missed.

As the Secret Service pushed President Reagan into his limousine, the fourth bullet hit agent Timothy McCarthy as he used his body to shield the President. The fifth bullet hit the window of the limousine. The sixth and final bullet ricocheted off the limo's doorjamb and entered the President's body, lodging an inch from his heart.

President Reagan was immediately rushed to The George Washington University Hospital. Meanwhile, three good men—Officer Thomas Delahanty, Agent Timothy McCarthy, and the love of my life, Jim Brady—lay on the ground with gunshot wounds.

Officer Delahanty had been shot in the back. Agent McCarthy had used his body to shield the President and was shot in the chest. But it was my husband who took the brunt of the attack. Jim had been shot in the head. As he lay face down, blood from his forehead poured onto the wet sidewalk.

Unbelievably, no one died that day. President Reagan and Agent McCarthy made strong recoveries. Officer Delahanty recovered but suffered permanent nerve damage to his arm. And after nine months in the hospital, doctors finally let Jim come home.

Jim would be in a wheelchair for the rest of his life. He would suffer from slurred speech, partial paralysis, and recurring nightmares. But Jim would live, and his character and sharp wit survived. For that we are grateful.

Later, when I learned how easy it was for that dangerous and deranged assassin to buy a handgun, I was outraged. I joined many other Americans in a long battle to bring some common sense into American law, to simply require background checks to keep dangerous people like John Hinckley from getting guns.

It took six years and seven votes, through three presidential administrations, to finally pass background check legislation. And now, it's been 20 years since Congress passed the Brady Handgun Violence Prevention Act.

With this report, we reflect on the challenges we faced to pass the Brady Handgun Violence Prevention Act and the data that prove it was well worth the effort. Americans and Congress should learn from this history and finish the job started two decades ago. American lives depend on it.

Sarah Brady
Chair Emeritus
Brady Campaign to Prevent Gun Violence



HISTORY & TIMELINE OF THE BRADY LAW

“I think the legislation that we have before us is a simple, effective, and reasonable approach.... It clearly is not going to be a total solution, but I think it is an important beginning for us.”

*U.S. Congressman Edward Feighan, D-OH
Testimony to the Subcommittee on Crime of the Committee on the Judiciary
House of Representatives - 100th Congress - November 30, 1987*

In October 1968, President Lyndon B. Johnson signed the Gun Control Act—a direct legislative response to the assassinations of President John F. Kennedy in 1963, Malcolm X in 1965, and Dr. Martin Luther King, Jr. and Robert F. Kennedy in 1968.

Just before signing the legislation, President Johnson remarked:

We have been through a great deal of anguish these last few months and these last few years—too much anguish to forget so quickly. So now we must complete the task which this long-needed legislation begins. We have come a long way. We have made much progress. But not nearly enough.

Nearly 20 years later—on February 4th, 1987—Congressman Edward Feighan and Senator Howard Metzenbaum introduced H.R. 975, legislation designed to enforce the prohibited categories defined in the Gun Control Act of 1968 for those considered too high-risk or dangerous to own a gun.

Over the next six years, it took seven Congressional votes for the legislation to finally be sent to the White House. President Bill Clinton signed the bill as the Brady Handgun Violence Prevention Act on November 30, 1993.

The battle to pass the Brady law stands as one of the most fascinating and hard-fought legislative endeavors in American history.



TIMELINE

88' September 15, 1988

H.R. 975 (105 cosponsors), originally named "the Feighan Amendment" has become known as "the Brady Bill" and is considered for inclusion in the "Anti-Drug Abuse Amendments Act of 1988." It is stripped from the legislation in a vote of 228-182.

91' May 8, 1991

Reintroduced as H.R. 7 in January 1991, the "Brady Handgun Violence Prevention Act" (148 cosponsors) passes the House by a vote of 239-186 and moves to the Senate.

June 28, 1991

The Senate version passes 67-32 and is referred to conference committee to reconcile differences between the House and Senate versions. While the House approved the conference report, the Senate did not vote on final passage because it could not muster enough votes to end debate on the report and the legislation stalled.

February 22, 1993

Rep. Charles E. Schumer(D-NY) reintroduces the Brady Handgun Violence Prevention Act as H.R. 1025(155 cosponsors). Two days later Sen. Metzenbaum reintroduces the bill as S. 414 in the Senate.

93'

November 10, 1993

The House passes the Brady bill by a vote of 238-189.

November 20, 1993

Senators pass the Brady bill in a vote of 63-36.

November 23, 1993

After the conference committee reconciles the two bills, a joint revised version of the Brady bill passes the House by a vote of 238-187.

November 24, 1993

The Senate passes the Brady bill by unanimous consent, finally sending the Brady bill to President Clinton for signing.

NOVEMBER 30, 1993

President Clinton signs the Brady Handgun Violence Prevention Act



February 28, 1994

The Brady Handgun Violence Prevention Act goes into effect.

BRADY BACKGROUND CHECKS 101

“He walked into a pawnshop, purchased a cheap Saturday Night Special—no questions asked, no waiting period to see if he had criminal or mental illness record—and a few minutes later he was on his way to shoot the President of the United States and anyone around him.... Had a waiting period and background check for purchasers been in effect, John Hinckley could have been stopped.”

*Sarah Brady
Testimony before the U.S. House Judiciary Committee
October 28, 1985*

By design, the Brady Handgun Violence Prevention Act enforces the prohibited categories defined in the Gun Control Act of 1968 for those considered too high-risk or dangerous to own a gun.

Prior to the Brady law, people who were prohibited from buying guns could still purchase firearms from gun dealers because federal law did not require that their records be checked to see if they were prohibited. Prohibited purchasers could “lie and buy” by falsely stating that they had clean records on their gun purchase application forms.

The Brady law transformed this “lie-and-buy” system to a “verify-then-buy” system, by mandating that every sale of a gun by a licensed firearms dealer be referred to law enforcement for a background check (Cook & Ludwig, 1996).

Brady background checks contribute to public safety in multiple, often overlapping ways. They:

- block attempts to purchase guns by potentially dangerous people;
- thwart gun traffickers, and;
- help law enforcement catch dangerous criminals.

Over the past two decades, Brady background checks have demonstrated their effectiveness as a simple and efficient policy intervention that has strengthened law

enforcement. The law has generated an impressive record of keeping guns out of the wrong hands without preventing law-abiding citizens from buying guns.

The National Instant Criminal Background Check System

As part of the Brady law, Congress established the National Instant Criminal Background Check System (NICS). The creation of NICS, which went online November 30, 1998, followed five years of police checking backgrounds manually. Today, the system is a major contributor to the law’s success and is a key reason that, to date, more than 2.1 million gun sales to prohibited purchasers have been denied.

NICS saves lives by preventing guns from falling into the wrong hands. It also ensures the timely transfer of firearms to eligible gun buyers.

How NICS Works

As an integral part of the Brady law, NICS is used by Federal Firearms Licensees (FFLs) to determine whether a prospective gun buyer is eligible to buy firearms.

Each state government determines the extent of its participation in NICS.

All states have the option to implement a state-based



NICS is located at the FBI's Criminal Justice Information Services Division in Clarksburg, West Virginia. NICS is available 17 hours a day, seven days a week, including holidays (except December 25th). Photo courtesy of FBI.gov

NICS program. Such states serve as a point of contact (POC) between NICS and the state's FFLs.

There are three basic ways in which a state may work with NICS:

- **In a Full-POC state**, FFLs doing business in the state contact a state-designated agency to initiate all background checks.
- **In a Partial-POC state**, the state shares responsibility with the FBI for processing background checks.
- **In a Non-POC state**, FFLs contact the FBI Criminal Justice Information Services Division's NICS Section to initiate background checks.

NICS in Action: The Process of Getting a Brady Background Check

Prospective firearm buyers must either undergo a NICS background check that has been requested by a licensed gun dealer or present a state permit that the ATF has qualified as an alternative to the point-of-transfer background check.

Before ringing up each sale, FFLs call in a check to the

FBI or to designated state agencies to ensure that the customer does not have a disqualifying criminal record or isn't otherwise ineligible to purchase a gun.

FFLs initiate a NICS check by contacting either the FBI or their state POC. While most inquiries are initiated by telephone, the FBI added E-Check in 2002 to allow FFLs to request a check electronically. The process typically takes less than 60 seconds.

Once contacted, the FBI or state POC queries available federal, state and local systems and notifies the FFL that the transfer may proceed, may not proceed, or must be delayed pending further review of an applicant's record. The dealer is not provided with the reasons for denial, just the determination for whether the buyer is eligible to purchase.

Any applicant who is denied may appeal to the FBI or the POC. A denied person who submits a false application or has an outstanding warrant may be subject to arrest and prosecution under federal or state laws.

THE IMPACT OF BRADY BACKGROUND CHECKS

Brady background checks have delivered on their promise to make America safer by keeping guns out of the wrong hands.

Prior to the effective date of the Brady law, gun murders were on the rise.

Keeping Guns Out of the Hands of Dangerous People

Data collected by the U.S. Department of Justice's Bureau of Justice Statistics indicates that convicted felons, fugitives from justice, and domestic abusers made up nearly seventy percent of firearm purchase applications denied from 1994 through 2010.

Felons
1,000,000+ Blocked
purchase attempts from 1994 to 2010

Felons

Convicted felons make up the largest category of people denied gun purchases by background checks. A felony conviction indicates that someone has been found guilty of a very serious crime such as murder or assault with a deadly weapon.

Remarkably, felony convictions account for *about half* the total number of blocked attempts to purchase guns by high-risk people, or an estimated 1,034,000 applications denied.

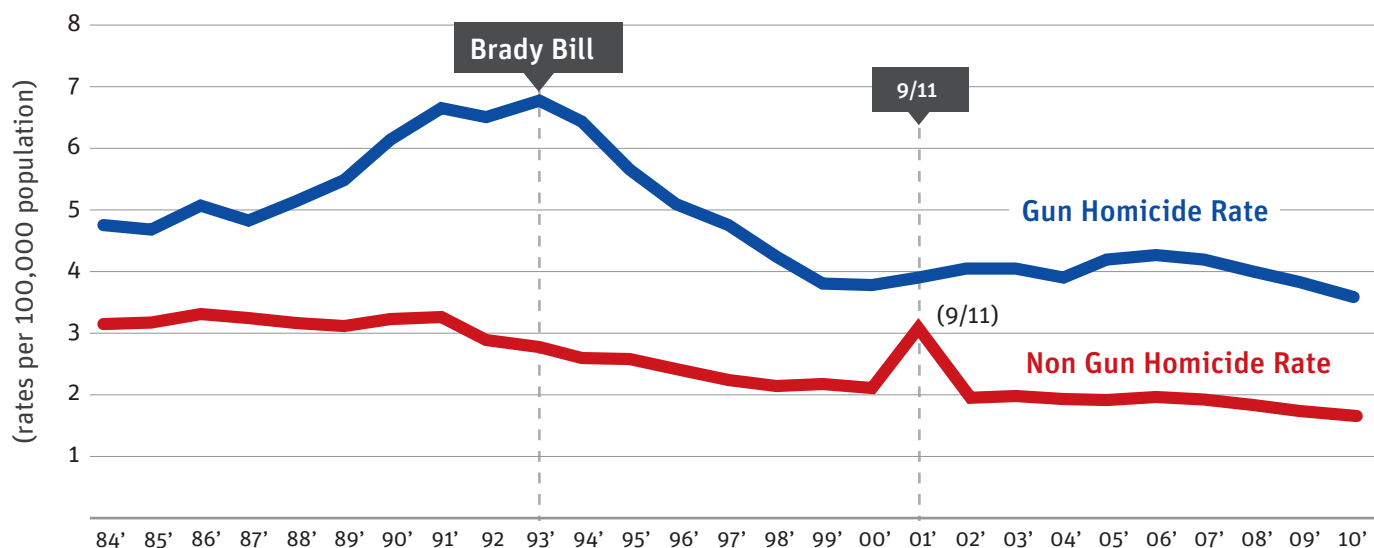
From 1994 through 2010, felons averaged 171 denied applications to purchase guns *per day*. It is truly frightening to think what crimes might have been committed and how many lives would have been lost had these purchase attempts succeeded.

Domestic Violence Offenders

The Brady law's impact on stopping domestic violence offenders from getting guns is indisputable. Domestic violence offenses are the second most common reason gun purchase applications are denied.

Men or women who have been arrested and convicted of injuring family members and intimate partners—or who are the subject of a qualifying restraining order to protect

Gun Murders Plummet After Brady Bill Signed



Source: WISQARS data accessed in 2014.

against such violence—are prohibited by federal law from possessing guns. This is for good reason. A gun in the hands of a domestic violence offender greatly increases the lethality of violence they are likely to commit against their partners and children.

From the implementation of the Brady law in 1994 through December 2010, 291,000 domestic violence offenders—a daily average of 48 purchase attempts—were denied. In fact, 38% fewer women are shot to death by intimate partners in states requiring background checks on every handgun sale (FBI Supplementary Homicide Reports, 2010).

Domestic Abusers
purchase attempts **Blocked**
48x each day

Gun Purchases Blocked by Background Checks (1994-2010)

Reason Purchase was Blocked	Total Blocked Purchases
All Reasons	2,081,000
Top Three Reasons	
Felony	1,034,000
Domestic Violence	291,000
Fugitive	118,000

*Estimates are rounded to the nearest thousand as per BJS convention.

Sources: Bureau of Justice Statistics, Background Checks for Firearm Transfers Series, 1999-2010, <http://www.bjs.gov/index.cfm?ty=pbse&sid=13> and Presale Handgun Checks Series, 1994-1998, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=830>.

Gun Purchases Blocked by Background Checks (1994-2010) Monthly and Daily Breakdown

Reason Purchase was Blocked	Blocked Purchases per Month	Blocked Purchases per Day
All Reasons	10,300	343
Top Three Reasons		
Felony	5,119	171
Domestic Violence	1,441	48
Fugitive	584	19

Sources: Bureau of Justice Statistics, Background Checks for Firearm Transfers Series, 1999-2010, <http://www.bjs.gov/index.cfm?ty=pbse&sid=13> and Presale Handgun Checks Series, 1994-1998 <http://www.bjs.gov/index.cfm?ty=pbse&sid=37>.

These averages are based on data from the U.S. Bureau of Justice Statistics. These numbers undercount the number of background checks since 1994 because of the lag time in data availability. The monthly and daily calculations are based on a traditional 12-month calendar and a general 30-day month period.

THE IMPACT OF BRADY BACKGROUND CHECKS

Fugitives from Justice

Yet another dangerous category of gun purchasers—fugitives from justice—are regularly denied guns because of background checks.

Fugitives are people who are known to have committed a crime but who have escaped arrest. One might see them on a “WANTED” poster at the local post office or, in this case, attempting to buy guns from a licensed firearms dealer.

Brady background checks blocked 118,000 attempted purchases by fugitives from justice from 1994 through 2010. This is an average of 19 purchase attempts blocked each day.

Given the commonsense proposition that criminals cannot be trusted to tell the truth about their record—and the proof that Brady background checks have stopped millions of illegal sales, it’s hard to believe that anyone would oppose background checks to screen out potentially dangerous gun buyers. But the corporate gun lobby—led by the National Rifle Association (NRA)—has fought background checks since before the Brady law was signed into law.

Not only did criminals attempt to purchase guns from retail dealers before the Brady law was enacted, *they continue to do so years later when they know they will be subjected to a Brady background check.*

Expanding background checks to all gun sales—including transactions at gun shows, over the Internet, through classified ads, and on the streets—is simple common sense.

It’s time to finish the job, to expand Brady background checks to all gun sales, and stop giving criminals and other dangerous people easy access to guns.

Reducing Gun Crime and Increasing Public Safety

There are many factors influencing violent gun crime in this country. Background checks are one tool that helps reduce gun crime and contributes to public safety. Since the Brady law went into effect in 1994, gun crimes, including gun murders have dropped substantially.

Regardless of whether one measures crime by counting police reports (the Uniform Crime Reports) or by interviewing citizens about their experiences with crime (the National Crime Victimization Survey), gun crimes dropped substantially after the adoption of Brady background checks, after rising substantially in the preceding years.

According to the Uniform Crime Reports, when the Brady law began to take effect, the number and the rate of robberies and aggravated assaults committed with firearms began to decrease. The total combined number of robberies and aggravated assaults committed with firearms decreased from 564,648 in 1993 to 377,331 in

Fugitives
purchase attempts **Blocked**
19x each day

Twenty years ago, the corporate gun lobby’s main argument against Brady background checks was that they would not make a difference because criminals do not buy guns from licensed gun dealers.

They were wrong, and we have data going back to 1994 to prove how effective background checks really are.

2006, a decrease of 33 percent (Brady Center to Prevent Gun Violence, 2008). The total rate of robberies and aggravated assaults committed with firearms decreased from 219.0 (per 100,000 population) in 1993 to 126.1 in 2006, a decrease of 42 percent (Brady Center to Prevent Gun Violence, 2008).

Another example of the Brady law's impact on public safety is the reduction in murders after the law became effective. From 1993 to 2006, there was a 30 percent drop in gun murders from 24,526 to 17,034 during that period. Much of this decline – 73 percent – can be attributed to the decline in gun murders.

Prior to the signing of the Brady law, gun murders were on the rise in the United States. From 1984 to 1993, gun murders increased 55 percent, from 10,990 to 17,048. After Brady background checks were required, gun murders declined 32 percent, from 17,048 in 1993 to 11,566 in 2006 (Brady Center to Prevent Gun Violence, 2008).

Study in Success: Virginia Firearms Transaction Program

Failing a NICS background check prevents an individual from legally purchasing a firearm from a licensed dealer. However, only a small percentage (<10%) of cases end up being investigated.

Some states, like Virginia—a Full-POC state that has not yet passed legislation to expand background checks to all gun sales—investigate all individuals who fail a background check.

In 2009, the Virginia Firearms Transaction Program denied 2,777 purchasers. Of those, 1,420 were investigated for criminal activity and 856 were arrested. (Virginia Center for Public Safety, 2013).

In many cases, Virginia law enforcement officers respond so quickly to alerts that they apprehend wanted felons and other prohibited purchasers while they are still present at the federally licensed gun dealer.

On Thursday, October 23, 2008, Barry Cleveland Roberts went into a Norfolk, Virginia gun shop and filled out paperwork to purchase a 9mm semi-automatic handgun.

Roberts then left the store.

When the FFL processed Roberts' background check, it revealed he was wanted on a first-degree murder charge for an October 12th shooting death in Baltimore, Maryland.

The dealer, in coordination with law enforcement, called Roberts to let him know he could return to the store and pick up his handgun. When Roberts arrived, police arrested him (Brady Center to Prevent Gun Violence, 2008).

Expanded Brady Background Checks at the State Level

As effective as the Brady law is, its effectiveness is limited because it only applies to federally licensed dealers and leaves the door open for guns to be sold through unlicensed sellers without a background check. To close this gaping hole, some states have passed new laws expanding background checks — a few even required background checks on gun purchases prior to the enactment of the Brady law.

California is one of them. It is a prime example that shows how commonsense gun violence prevention laws, like background checks, work to reduce gun deaths.

During the early 1990s, California chose to address the rise in gun violence it saw across the state, and enacted its own law requiring background checks for all firearms sales or transfers (including at gun shows) within the state.

4

**states expanded
background checks to all
sales in 2013: Colorado,
Connecticut, New York,
and Delaware.**

Between 1990 and 2009, California reduced its firearm mortality rate by 47.7 percent. If the rest of the U.S. had reduced its firearm mortality rate to California's rate, in 2009 alone almost 6,500 people would have lived instead of dying by gunfire (Dix, 2012).

States that have expanded background check laws to all handgun sales have proven to be safer and to experience fewer violent gun crimes. In these states, 39 percent fewer police officers are killed by handguns (FBI, 2013) and 38 percent fewer women are killed by their intimate partners (FBI, 2010).

Research also shows the converse—that relaxing background check requirements increases crime. In 2007, Missouri repealed its law requiring that handgun purchasers go through a permit-to-purchase process, requiring them to get a license verifying they passed a background check prior to purchase. According to researchers at the Johns Hopkins Center for Gun Policy and Research, the Missouri repeal contributed to a 16 percent increase in the state's murder rate (Webster, 2014).

Specifically, repealing the law was shown to be associated with an additional 55 to 63 murders per year in Missouri between 2008 and 2012.

69.3% of denials

from 1994 through 2010 were submitted by convicted felons, fugitives from justice, and domestic abusers.

In states with expanded background checks:

39% fewer police officers murdered with handguns

38% fewer women murdered by their partners

Clearly, requiring background checks is an effective policy that works.

Beginning in January 2013, state legislatures and governors across the country began to introduce new legislation to prevent gun violence and save lives.

States, like Connecticut, Colorado, California, New York, and Maryland, enacted commonsense gun laws. Even states with historically weak gun laws—states, like Florida and Texas—took action toward sensible legislation.

By the end of 2013, 21 U.S. states enacted new laws to curb gun violence. Eight passed major reforms that rejected the corporate gun lobby's extremist agenda.

But progress at the state level can only do so much, and does not let Congress off the hook. Without strong, effective federal laws, criminals and other prohibited persons can simply travel to a state with weaker laws and buy guns from an unlicensed seller without a background check, no questions asked. In order to save as many lives as possible, we need updated federal legislation that requires Brady background checks on all gun sales.

THE WORLD HAS CHANGED: THOUSANDS OF UNCHECKED SALES EVERY DAY

How the Internet Gives Dangerous People Increasing Access to Guns

When Brady background checks went into effect on February 28, 1994, there was no Google. There were no iPhones. Automobiles weren't required to have airbags. Airline passengers could still smoke on U.S. flights. And a young attorney named Barack Obama was teaching at the University of Chicago, but had not yet entered politics.

A lot can change in 20 years.

Today, commercial venues like gun shows and Internet weapons bazaars like Armslist.com make it very easy for people to purchase guns without going to a licensed gun dealer. These venues make guns available for purchase without a background check, contributing to the millions of guns sold every year in "no questions asked" transactions.

Buying guns over the Internet was unthinkable prior to the Brady law. Online purchases are now the latest way criminals exploit weak federal laws to buy guns without a background check that would otherwise block their purchase.

The Internet hosts the largest gun show on the planet—and it never closes. Armslist.com, one of the more popular sites, hosts upwards of 70,000 gun advertisements at any given time, many that can be purchased without a background check.

According to research from Mayors Against Illegal Guns (MAIG), one in 30 potential buyers on Armslist.com has a criminal background that makes it illegal for them to own a gun (MAIG, 2013). Like buying furniture off of Craigslist, criminals need only an email address and cash to evade the law requiring a background check and get a gun online.

According to experts, upwards of 40 percent of guns sold today in the U.S. are through unlicensed sellers that are not required to conduct a Brady background check.

Because federal law only requires that licensed sellers conduct Brady background checks, convicted felons and other prohibited purchasers have new ways to dodge the system that were unthinkable in 1994—connecting with unlicensed sellers online, as well as at gun shows, and in parking lots and back alleys.

Background checks work when they are required by law as part of the sale. That's why it's so important that Congress finish the job and expand Brady background checks to cover all gun sales.

ARMSLIST
FIREARMS MARKETPLACE

CREATE A LISTING

[Home](#) > [United States](#) > [Rifles](#) > [Search](#) > For Sale: GSG5 Tactical .22 Semi Automatic Rifle German Sport Guns

FOR SALE: GSG5 TACTICAL .22 SEMI AUTOMATIC RIFLE GERMAN SPORT GUNS

« Previous Item | Next Item »

Price: \$ 350
Seller: Private Party
Account: Registered on 1/6/2013
[Listings by this user](#)

Listed On: Friday, October 25, 2013
Listed In: Rifles
Location: South Las Vegas, Las Vegas, Nevada - [Map](#)

Manufacturer: German Sport Guns
Caliber: 22 Long Rifle
Action: Semi-automatic
Firearm Type: Rifle

[Flag](#) | [Edit](#) | [Favorite](#)
[Contact Seller](#)

For Sale: A used GSG5 Tactical .22LR Semi Automatic Rifle. Great condition super fun to shoot. This is a private sale. No Tax, **No Background Check** or fee, no registration on a rifle. I will fill out a bill of sale. Must be a Nevada Resident. Asking \$350 obo. If interested please email or text 702-824-6994

4 out of 10

gun buyers under current federal law **aren't legally subject to Brady background checks.** That's like having the TSA only screen 60% of passengers in line at the airport.

We are better than this.

THE TRAGIC HUMAN COST WHEN GUNS ARE SOLD WITHOUT A BACKGROUND CHECK

Every day in America, 32 men, women and children are murdered with guns. Another 51 people use guns to commit suicide. More than double the number of those who die each day are admitted to emergency rooms with non-lethal gunshot wounds (Brady Campaign, 2013).

Sadly, the toll on our families and communities goes well beyond these numbers—and are all the more tragic when we know that more lives could be saved if we simply expanded Brady background checks.



Jitka Vesel, 36

Shot and killed by a stalker

On the evening of April 13, 2011, Jitka was volunteering at a small museum in a quiet Chicago suburb. She loved being part of the museum's close community, and the community adored her.

Jitka was alone in the museum parking lot when Dmitry Smirnov, a man who was obsessed with her, ambushed her with a .40-caliber handgun.

Dmitry lived in Vancouver, British Columbia. Unbeknownst to Jitka, he had been in town for two weeks and was stalking her. He had come to kill her.

Smirnov couldn't legally buy a handgun, so he exploited a gaping hole in our gun laws that allowed him to go online and buy a gun without first having to pass a background check. He logged on to Armslist.com, found a .40-caliber Smith & Wesson, and arranged a meeting in a casino parking lot with Benedict Ladera, an unlicensed seller who had posted over 20 guns for sale on Armslist.

As Ladera was not a licensed gun seller, he did not conduct a Brady background check on his customers. If one had been performed, it would have taken less than 60 seconds. And Smirnov—a Canadian national—would not have been able to purchase the gun.

Benedict Ladera knew it was illegal to sell his gun to Jitka's killer. But for an extra \$200 cash, he agreed to look the other way. During sentencing, he would later tell the court, "I didn't mean for it to happen. My mistake was the reason a life was lost."

**Killed with a Gun
Bought Unchecked
on Armslist.com**

"Guns purchased on websites like Armslist.com are killing far too many people—including my sister Jitka. She might still be alive if a background check had been required."

—Alex Vesely, Brother of Jitka Vesel



Ricky Byrdsong, 43

Gunned down in front of his children

Friday, July 2, 1999 began what promised to be a beautiful holiday weekend in the idyllic town of Skokie, Illinois. Unfortunately, that was the day 21-year-old white supremacist Benjamin Nathaniel Smith began a three-day, two-state killing spree, targeting African-Americans, Jews and Asians—who he viewed as “Mud People,” according to the demented, racist “Church” that he followed.

Killed by a Denied Purchaser Who Bought a Gun from the Classified Ads

Smith’s carefully planned acts of violence all depended on his access to weaponry. At first, he didn’t have much luck. He tried to buy two handguns and a shotgun from a licensed dealer, but through a Brady background check, it was discovered that he was prohibited, as Smith’s ex-girlfriend had taken out a protection order on him. The dealer turned Smith away without a gun.

But Smith was able to turn to classified ads in the local paper, where he found Donald R. Fiessinger, an unlicensed seller in central Illinois who was willing to sell him two pistols with no background check.

Armed with two guns and fueled by racial hatred, Smith began his rampage by wounding nine Orthodox Jews in drive-by shootings in the West Rogers Park neighborhood of Chicago. He then drove to the Byrdsong family’s Skokie neighborhood.

“About a block from our house, I saw a blue car turn,” remembers Kelley Byrdsong, then only ten years old. Kelley was on her bicycle, her brother, Ricky Jr., was on his skateboard. Her father—an athletic man who was the former head basketball coach at Northwestern University—was jogging alongside.

Then Benjamin Nathaniel Smith began shooting from the window of his Ford Taurus.

Just three blocks from his home, Byrdsong fell to the ground—shot in the back in front of his children. He died four hours later on the operating table at Evanston Hospital.

His assassin was just getting started. He shot an African-American minister, an Asian-American graduate student, and killed Won-Joon Yoon, a 26 year-old Korean doctoral student walking to church on his Indiana University campus. By the end of a weekend that would culminate in his own suicide, Smith left two dead—along with eight wounded.

“Why do we continue to allow this to go on?” asked Ricky’s widow, Sherialyn Byrdsong, who now speaks out regularly against gun violence and for background checks on all gun sales. “If the powers that be really wanted to stop the access to guns that are out there for anyone to get, they could.”

“The world and my family lost a great man that day, all because of a dangerous man with a violent background who should never have had a gun. No father anywhere on this planet, much less here in America, should be gunned down in front of his children. It’s inhumane. It is a sin and a shame that greed and money govern our laws instead of consciousness and common sense.”

—Sherialyn Byrdsong, Wife of Ricky Byrdsong



Zina Daniel, 42

Murdered by her estranged husband in a mass shooting

The Azana hair salon outside Milwaukee, Wisconsin was full of life on Sunday morning, October 12, 2012. Then Radcliffe Haughton stormed in, waving a gun.

Zina Daniel had hoped a restraining order might keep Haughton, her estranged husband, a safe distance away. In her court filings, she said Haughton threatened to burn her with acid. He said he'd kill her if she contacted police. More recently, he slashed her tires. She'd had enough.

Zina put her faith in the law to protect her from her abusive husband. When the order was granted, she believed Haughton would be prohibited from coming near her and prohibited from owning a gun.

The restraining order only fueled Haughton's rage.

The day he was court-ordered to stay away from his wife, Radcliffe Haughton went gun shopping on the Internet. Later that day, he bought a .40-caliber Glock semi-automatic pistol from an unlicensed seller he contacted via Armslist.com, the same site where Jitka Vesel's killer bought his gun. They met in a McDonald's parking lot. Five hundred dollars exchanged hands, and Haughton got his murder weapon—no background check required.

According to witnesses, when Haughton arrived at the salon where Zina worked, fully armed, she heroically tried to calm her husband in an effort to defuse the situation. It wasn't enough. By the time police arrived on scene, Haughton had killed three women and wounded four others. They found Haughton six hours later inside the salon, dead from a self-inflicted gunshot wound.

An all-too-familiar loophole enabled Radcliffe Haughton to shoot seven women that day. Expanded Brady background checks could have saved Zina Daniel's life and the lives of two other women killed in the rampage.

Killed by Abusive Husband Who Bought Unchecked Gun Online

"I am a gun owner and a member of the NRA...but I also believe in commonsense gun laws. My sister Zina would still be alive if there had been a background check on the gun used to kill her...If background checks were required for all online sales, just think of how many lives we could save."

—Elvin Daniel, Brother of Zina Daniel



Daniel Mauser, 15

Among the 13 killed in a school shooting massacre

April 20, 1999 started off like any regular school day at Columbine High School in a small town in Colorado.

Students attended classes, talked with each other in the hallways, and went about their usual business, including Daniel, an active member on the school's debate team.

That all changed when two students, Eric Harris and Dylan Klebold, walked into the library and opened fire into a crowd of their peers. The scene in library could be described as nothing short of a war zone with students climbing under and over desks and tables to avoid the bullets. Students cried out in fear for their lives as the killers moved through the room taunting and shooting at them.

When the shooting spree ended, Daniel and 12 other people were dead, and 24 were injured.

The killers bought three of the four weapons they used through a straw purchaser at a gun show where background checks are not required prior to purchase. The straw purchaser, Robyn Anderson, purchased guns from an unlicensed seller. The three weapons Anderson bought included a semiautomatic assault rifle and two shotguns.

The killers also had an assault pistol, also purchased at a gun show. Anderson later testified that she would not have bought the weapons if the unlicensed seller required her to get a background check.

**Killed by
Unchecked Guns
Bought at a Gun
Show**

“Expanding background checks will go a long way to prevent people who are not legally allowed to have guns from purchasing them through existing loopholes. My son Daniel was killed by a gun purchased through the gun show loophole where a background check was not required prior to sale. No family should have to experience the hurt and loss caused by senseless gun violence, which is why we need to fight for more commonsense solutions like background checks.”

—Tom Mauser, Father of Daniel Mauser

THE NEXT LOGICAL STEP

Finish the Job: Expanding Brady Background Checks to All Gun Sales

It's common sense that a felon, domestic abuser, or other person prohibited by federal law from buying guns should not be able to buy a gun simply because the seller didn't do a background check.

We don't undercut our drug laws by allowing people who do not have prescriptions to buy drugs from anyone, no questions asked. We also don't allow people to go onto airplanes unchecked if they choose. We should not allow Brady background checks to be evaded by unchecked sales.

Brady background checks indisputably save lives. By expanding a policy that has twenty years of irrefutable success, we can prevent gun violence tragedies and help fewer Americans experience the pain of the Vesel, Byrdson, Daniel, and Mauser families, and countless others whose loved ones have been killed or injured as a result of gun violence.

As it stands, federal legislation requires Brady background checks only when a buyer attempts to purchase from a licensed gun dealer. The preponderance of gun shows and websites that enable unlicensed sales mean that background checks now only cover approximately 60 percent of all gun sales in the U.S.

Over 90 percent of Americans agree on background checks for all gun sales, while 85 percent of gun owners, and 87 percent of NRA members support keeping guns away from criminals (Gallup Poll, 2013 & Word Doctors Poll, 2012).

91% 

of Americans Agree on Background Checks for All Gun Sales

85% 

of Gun Owners and 87% of NRA Members Support Keeping Guns Away from Criminals

It's time to expand Brady background checks to cover the 40 percent of gun sales that go unchecked in America.

States that have recently strengthened their gun laws demonstrate that requiring background checks on all gun sales works, and is a logical, commonsense proposition. Taking action on federal legislation to expand background checks would bring minimal inconvenience for law-abiding Americans while saving thousands of innocent lives each year.

Convicted felons, domestic abusers, fugitives from justice, and other prohibited purchasers have found new ways to dodge a background check—connecting with unlicensed sellers online, as well as at gun shows, and in parking lots and back alleys.

We have 20 years of proof that Brady background checks work when required before purchasing a gun.

It is time for Congress to listen to the American people and take sensible action to protect our families and communities. It is time to finish the job and expand Brady background checks to cover all gun sales.

FINISH *the* JOB
DEMAND BRADY BACKGROUND CHECKS ON ALL GUN SALES

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The Brady Campaign to Prevent Gun Violence works to pass, enforce, and protect sensible laws and public policy that address gun violence at the federal and state levels. We do this by engaging and activating the American public, electing officials who support common sense gun laws, and increasing public awareness of gun violence. Through our advocacy campaigns and Million Mom March and Brady Chapters, we work locally to educate people about the risks of gun ownership, honor victims of gun violence, and pass sensible gun laws.

20 Years of Brady Background Checks: The Case for Finishing the Job to Keep America Safer was written by Michael Naple, with substantial assistance from Becca Knox, Jonathan Lowy, and Brian Malte. Editing assistance provided by Sam Ferenc, Matt Handverger, and Katie Simon.

If you have questions about any part of this report, or would like a copy, please contact the Brady Campaign to Prevent Gun Violence at (202) 370-8100. An electronic version of the report is also available at: www.bradycampaign.org.

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ACKNOWLEDGEMENTS & SOURCES

SOURCES

Berry, Steve and Slater, Eric. "Dealer Linked to Racist Shooter Charged." *Los Angeles Times*, July 8, 1999.

<http://articles.latimes.com/1999/jul/08/news/mn-53990>. (Accessed February 2014.)

Blake, Aaron. "Manchin-Toomey gun amendment fails," *The Washington Post*, April 17, 2013

<http://www.washingtonpost.com/blogs/post-politics/wp/2013/04/17/manchin-toomey-gun-amendment-fails/>. (Accessed February 2014.)

Brady Campaign to Prevent Gun Violence. "Average of the most recent three years of data from death certificates (2008-2010) and estimates of emergency room admissions (2009-2011) available via CDC's National Center for Injury Prevention and Control's Web-based Injury Statistics Query and Reporting System," February 28, 2012." <http://bradycampaign.org/about-gun-violence>. (Accessed February 2014.)

Brady Center to Prevent Gun Violence, *Brady Background Checks: 15 Years of Saving Lives*, 2008.

Cook, P.J. and Ludwig, J. *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use*. Page 27.

National Institute of Justice, US Department of Justice, Office of Justice Programs. 1996

Cook, P.J. and Ludwig, J. *Guns in America: National Survey on Private Ownership and Use of Firearms*, National Institute of Justice, US Department of Justice, Office of Justice Programs, May 1997. <https://www.ncjrs.gov/pdffiles/165476.pdf>

Dix, Griffin. *California Reduces Its Firearms Mortality Rate: A Comparison of California and the Rest of the Nation*. July 21, 2012.

Federal Bureau of Investigation, Criminal Justice Information Services. *FBI—FFL Manual*.

<http://www.fbi.gov/about-us/cjis/nics/federal-firearms-licensees/ffl-manual#section2>. (Accessed February 2014.)

Federal Bureau of Investigation, Criminal Justice Information Services. FBI—Gun Check/NICS.

<http://www.fbi.gov/about-us/cjis/nics>. (Accessed February 2014.)

Federal Bureau of Investigation, Criminal Justice Information Services. *NICS Process in Motion for the Gun Buyer Video Transcript*.

<http://www.fbi.gov/about-us/cjis/nics/nics-process-in-motion-for-the-gun-buyer-video-transcript>. (Accessed February 2014.)

Federal Bureau of Investigation, Law Enforcement Officers Killed in Action Database, 2001-2011 (Accessed Mar. 2013).

Federal Bureau of Investigation, Supplementary Homicide Reports, 2010, available at <http://bit.ly/V1GvFe> (excludes New York due to incomplete data).

Gallup Poll, *Americans Back Obama's Proposals to Address Gun Violence*, January 2013.

Johnson, Lyndon B. "Remarks Upon Signing the Gun Control Act of 1968." October 22, 1968. The American Presidency Project, Gerhard Peters and John T. Woolley. <http://www.presidency.ucsb.edu/ws/?pid=29197>. (Accessed February 2014.)

Mayors Against Illegal Guns, *Felon seeks Firearm, No Strings Attached*, Report, Sept. 2013.

Public Papers of the Presidents of the United States: William J. Clinton (1993, Book II). Pages 2079-2081. November 30, 1993.

<http://www.gpo.gov/fdsys/pkg/PPP-1993-book2/html/PPP-1993-book2-doc-pg2079.htm>. Washington, DC: Government Printing Office.

Pulkkinen, Levi. "Woman's murder casts light on lax Washington gun laws, advocates say," *Seattle Post-Intelligencer*, June 29, 2012

<http://www.seattlepi.com/local/article/Woman-s-murder-casts-light-on-lax-Washington-gun-3671441.php>. (Accessed February 2014.)

Senator Metzenbaum (OH). Congressional Record 133-1 (February 4, 1987). S1792. U.S. Government Printing Office via Digital Collections at Carnegie Mellon University. <http://digitalcollections.library.cmu.edu/awweb/awarchive?type=file&item=41857> (Accessed February 2014.)

Word Doctors/Luntz Global, Gun Owners Poll for Mayors Against Illegal Guns, July 2012.

<http://www.mayorsagainstillegalsguns.org/downloads/pdf/poll-07-24-2012.pdf>

U.S. Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2010* – Statistical Tables. February 2013.
<http://www.bjs.gov/content/pub/pdf/bcft10st.pdf>. (Accessed February 2014.)

U.S. Bureau of Justice Statistics, *Background Checks for Firearm Transfers Series, 1999-2010*, <http://www.bjs.gov/index.cfm?ty=pbse&sid=13>

U.S. Bureau of Justice Statistics, *Presale Handgun Checks Series, 1994-1999* <http://www.bjs.gov/index.cfm?ty=pbse&sid=37>

U.S. Congress, House of Representatives, Subcommittee on Crime of the Committee on the Judiciary. *Hearings*. November 30, 1987. One Hundredth Congress, First and Second Sessions on H.R. 975 and H.R. 155. Washington, DC: Government Printing Office.

Virginia Center for Public Safety, Virginia Firearms Transaction Program Q&A Fact Sheet, data from Virginia State police, 2013.

Webster, Daniel; Vernick, J and Crifasi, C.K. “Effect of Missouri’s Repeal of Its Handgun Purchaser Licensing Law on Homicides,” Johns Hopkins Center for Gun Policy and Research. February 2014.

William J. Clinton Presidential Library. “Pres. Clinton Signing Handgun Control Legislation (Brady Bill).” November 30, 1993. ouTube. Published on November 14, 2013. <http://www.youtube.com/watch?v=uc118YKu-wE>. (Accessed February 2014.)

Wintemute, Garen. “Private-Party gun Sales, Regulation, and Public Safety,” *The New England Journal of Medicine*, August 5, 2010. <http://www.nejm.org/doi/full/10.1056/NEJMp1006326>



“We know that background checks work . . . and we must work to pass legislation expanding background checks to all gun purchases—classified, online, and at gun shows. It’s time to close the loopholes. It’s time to show our elected officials that we deserve to live in a country with less gun violence. No family should experience a father being gunned down in front of his children.”

Sherialyn Byrdsong, Wife of Ricky Byrdsong

