



EXTEND BRADY CRIMINAL BACKGROUND CHECKS TO GUN SALES AT GUN SHOWS

Q. What is a Brady Criminal Background Check?

A. A Brady criminal background check is done by state or federal law enforcement authorities to see if a prospective gun buyer is prohibited from purchasing a firearm. The check is only done on sales by federally licensed gun dealers.

The Brady Law is a critical law enforcement tool that prevents criminals and other prohibited purchasers from buying guns at gun dealers. The Brady Law requiring a background check became part of federal law in 1994, after a 7-year battle with the NRA. The Brady Law is named in honor of James Brady, who was President Ronald Reagan's Press Secretary in 1981 when both men were shot in an attempted assassination of President Reagan. *Since 1994, the Brady Law has stopped 1.6 million criminals and other prohibited people from purchasing firearms from licensed dealers* (US DOJ, 2008, Table 1).

Q. Why is a Brady Criminal Background Check important?

A. We make it too easy for dangerous people to obtain dangerous weapons. There are only a few federal gun laws on the books, and even those have loopholes. We should make it harder for convicted felons, the dangerously mentally ill, and other high-risk people to get guns. One important step is to extend Brady Criminal Background Checks to sales at gun shows.

Q. Are all gun sales covered by the Brady Law?

A. No. The Brady Law applies only to sales by licensed gun dealers, not to sales by unlicensed sellers. The Brady Campaign supports requiring Brady criminal background checks on all gun sales, including at gun shows.

Our national gun policy should be: *no background check, no gun, no excuses.*

It is estimated that over forty percent of gun acquisitions occur in the secondary market. That means that they happen **without** a Brady background check at a federally licensed dealer (Cook, p. 26).

Gun shows provide a huge market for gun sales completed without Brady background checks – this is the “gun show loophole.” A June 2000 report by the Bureau of Alcohol, Tobacco and Firearms (ATF) on gun trafficking found that 30% of trafficked guns were acquired at gun shows and flea markets (US DOJ, June 2000, p. 13).

Although a handful of states require Brady criminal background checks at gun shows, in most states sales by unlicensed sellers are completely unregulated. This permits avoidance of the background check requirement of the Brady Act.

Convicted felons, domestic violence abusers, and those who are dangerously mentally ill can walk into any gun show and buy weapons from unlicensed sellers without being stopped, no questions asked. Further, corrupt gun dealers can use these free-flowing markets to hide their off-the-book sales.

In addition to gun shows, criminals use classified ads and even the Internet to buy and sell guns without a background check. Those loopholes should be closed too.

The Brady Campaign is leading the fight to extend background checks to all gun sales. This is a major piece of our [Campaign Against Illegal Guns](#). Background checks are critical to curbing illegal gun trafficking.

Q. Are criminals really using gun shows to buy guns?

A. Absolutely. Gun shows are a "major trafficking channel" according to ATF, with an average of 130 guns trafficked per investigation (US DOJ, June 2000, p. 13).

Terrorists are also buying at gun shows. That is why the Brady Campaign is so concerned and is working hard to close these loopholes. Unregulated sales to criminals and traffickers at gun shows have led to deadly consequences.

Here are some examples:

- [Littleton, Colorado](#): Eric Harris and Dylan Klebold used two shotguns, an assault rifle and a TEC-9 assault pistol to shoot 26 students at Columbine High School, killing 13. All four guns came from gun show sales. Their friend, Robyn Anderson, bought three of the guns for them from

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unlicensed sellers. After the massacre, Ms. Anderson stated that had she been required to undergo a background check, she would not have purchased the guns.

- Oklahoma City, Oklahoma: Timothy McVeigh, and his sidekicks Michael Fortier and Terry Nichols, admitted to stealing \$60,000 worth of shotguns, rifles and handguns from an Arkansas gun collector's ranch. Fortier admitted that he sold many of the stolen weapons at gun shows.
- Waco, Texas: Branch Davidian cult leader David Koresh used Texas gun shows to make large gun purchases. According to an ATF arrest warrant, Koresh and his cult made "regular purchases of weapons and ammunition [from] flea markets and gun shows." In the end, authorities estimated that Koresh had at least 200 automatic and semi-automatic assault rifles stockpiled, plus thousands of rounds of ammunition.

Foreign terrorists also find gun shows in the United States to be inviting marketplaces to supply themselves with guns:

- Hezbollah purchases. On September 10, 2001, just one day before the devastating attacks against the United States, Ali Boumelhem was convicted on a variety of weapons violations plus conspiracy to ship weapons to the terrorist organization Hezbollah in Lebanon. He and his brother Mohamed had purchased an arsenal of shotguns, hundreds of rounds of ammunition, flash suppressors and assault weapons parts from Michigan gun shows without undergoing background checks.
- Al-Qaeda purchases. On October 30, 2001, Muhammad Navid Asrar, an illegal Pakistani immigrant, was also convicted of weapons charges. Over the course of seven years, Asrar frequented gun shows, buying several weapons, allegedly to supply the al-Qaeda terrorist organization. He remains under investigation by a federal grand jury on suspicion of involvement with al-Qaeda.

These notorious examples are just the tip of the iceberg and show the need for our [Campaign Against Illegal Guns](#). Just think of the lives we could save if we closed require Brady criminal background checks on all gun sales.

Q. What is the evidence that background checks at gun shows make it harder for criminals to get guns?

A. California has strong gun laws that require all sales to go through retail dealers, including those at gun shows. A study that compared California gun shows with gun shows in states with looser laws found that California's

regulatory policies were associated with a decreased incidence of anonymous, undocumented gun sales and illegal straw purchases at gun shows. California gun shows were not hurt by the restrictions. California's shows had more attendees per vendor than shows in the other states (Wintemute, p. 150).

Q. Are gun owners in favor of background checks at gun shows?

A. Yes, 67 percent of gun owners are in favor of an even more comprehensive law to require a background check for every sale, regardless of location. Eighty-four percent percent of people who live in a house with a gun (but are not the owner of the gun) favor a background check for every sale, and 80 percent of non-gun owners support this policy (Smith, p. 53).

Q. What is the solution?

A. Allowing dangerous people such as convicted felons and domestic abusers to buy guns at gun shows from unlicensed sellers without a Brady Criminal Background Check threatens the safety of our families and communities. We must act now to keep guns out of the hands of dangerous people.

Sources

PJ Cook and J Ludwig, *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use*. (Washington, DC: Police Foundation, 1996):26. Although a handful of states require background checks at gun shows, in most states, private sales are completely unregulated.

U.S. Department of Justice. Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2007: Statistical Tables*, July 2008, at <http://ojp.usdoj.gov/bjs/pub/html/bcft/2007/bcft07st.htm>

U. S. Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers* (June 2000): Table 3, page 13.

Wintemute GJ, "Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies," *Injury Prevention* 13:3 (2007):150-5.