Criminals Without Guns: The Case for Universal Background Checks

By Andrew Welton

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

Katherine Vittes of The Center for Gun Policy and Research at Johns Hopkins finds in 2012 that in a survey of inmates convicted of a gun offense, only 13% purchased their weapons via sellers that required background checks. Further, she finds that 96% of inmates who were already prohibited from possessing a firearm at the time of their crime purchased one through an unlicensed private seller that did not require a background check.

This case further extrapolates on this reality, ultimately showing that a universal background check is justified.

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Contention 1: Universal Background Checks Decrease Crime

Currently, criminals can easily acquire and use firearms through unlicensed dealers.

The impact is huge.

Katherine Vittes of The Center for Gun Policy and Research at Johns Hopkins finds in 2012 that in a survey of inmates convicted of a gun offense, only 13% purchased their weapons via sellers that required background checks. Further, she finds that 96% of inmates who were already prohibited from possessing a firearm at the time of their crime purchased one through an unlicensed private seller that did not require a background check.

This is why the Orlando Sentinel reports on International Association of Chiefs of Police concluding in 2007 that: “Guns are far too easily acquired by prohibited possessors, and too often end up being used in gun crime and gun violence.”

Indeed, the Department of Justice agrees, corroborating “individuals prohibited by law from possessing guns can easily obtain them from private sellers and do so without any federal records of the transactions”

However, UBCs solve this problem.

UBCs are effective at keeping weapons out of the hands of criminals.

According to Jennifer Karburg of the US Department of Justice, since background checks were put in place in 1994, over 3 million individuals have been denied from purchasing a firearm through a licensed seller.

This translates to saved lives.

The Law Center to Prevent Gun Violence concludes based on data from the National Center for Injury Prevention and Control as well as the CDC that “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.”

Indeed, this is the trend across a wide body of literature.

Kara Rudolph of the American Journal of Public Health found that a Connecticut law passed in 1995 requiring a permit to purchase firearms was “associated with a 40 percent decline in gun homicides and a 15 percent drop in suicides" during the law's first ten years in effect.

This effect is also seen in reverse.

An analysis from Daniel Webster at the Johns Hopkins Center for Gun Policy and Research reveals that when Missouri, repealed a permit-to-purchase handgun law, including the UBC requirement that went along with that law, the state saw “an increase in annual increase in firearm homicides rates of 23%” and an “increased annual murders rates of 16%”.

This is why the New York Times finds that in a survey of 32 criminology scholars, UBCs was rated #1 of 29 gun control policy options for being most effective at preventing death.

Contention 2: Domestic Violence

Access to guns makes domestic violence worse.

According to Fox and Zawitz in 2009, more intimate partner homicides have been committed with firearms than all other types of weapons combined. And, as the US Department of Justice explains, in 2010 54% of victims killed by their intimates were killed with a gun.

Use of guns also increases the likelihood of death in a domestic violence situation. As a matter of fact, Saltzman finds in 1992 that compared to a knife, bodily force, or other weapon, domestic violence using a gun is more likely to result in homicide. Campbell quantifies this in 2003 explaining that when a violent intimate has access to a gun, the likelihood of homicide can increase fivefold.

However, most of the time, UBCs would prevent the abuser from getting access to firearms.

This is because domestic abusers are likely to have prior contact with the criminal justice system.

Macfarlane notes in 1999 that “76% of homicide victims and 85% of attempted homicide victims were stalked by their abusers prior to the incident.” Macfarlane continues to explain that: “roughly half of women killed by their intimate partners had contact with the justice system to report violence and stalking within the year preceding their murders.”

This would disqualify the abusers from purchasing firearms in a world with UBCs.

This is true because as April Zeoli explains “These women reported domestic violence/stalking to the police, had their assailants arrested, led criminal charges, and obtained domestic violence restraining orders (DVROs) against their batterers” all of which would make them fail a background check.

Incidentally, Alex Yablon of “The Trace” notes that since 1996, over 131 thousand people have been denied purchase of a firearm due to misdemeanor crime of domestic violence conviction. However, this is only in states that currently have background check regulations.

Zeoli explains: “When women seek assistance from the justice system, they create opportunities for intervention that may prevent future violence and homicide. If equipped with a comprehensive set of domestic violence laws, law enforcement may be better positioned to safeguard victims and save more lives.”

As such, she concludes that: “Laws [restricting] batterers’ access to guns are an essential component of any comprehensive approach to address domestic violence.”

Empirically, Zeoli finds in 2010 that cities in states with domestic violence restraining order gun prohibitions had 19% fewer intimate partner homicides and 25% fewer intimate partner homicides committed with guns.

PRO-AT: The Case for Universal Background Checks

Gun Violence

Gun Control Directly Reduces Gun Violence

Christopher Ingram 2017(Journalist) Washington Post, Experts and the public agree on how to stop gun violence. Politicians don’t. October 2, 2017 <https://www.washingtonpost.com/news/wonk/wp/2017/10/02/experts-and-the-public-agree-on-how-to-stop-gun-violence-politicians-dont/?utm_term=.d747858a7b33>

As Clemson University political scientist Steven V. Miller [noted Monday](https://twitter.com/stevenvmiller/status/914818607351201797), “We're not polarized on gun control but our leaders are.” And because public opinion tends to follow elite opinion, “our mass public opinion is gradually conforming to the polarization of opinion at the elite-level. We'll collectively soon be part of the problem.”

For now, though, there's still bipartisan consensus on most gun-control measures. On the question of police-issued permits, for instance, 57 percent of Republicans still say they'd support such a proposal.

Experts polled by the New York Times overwhelmingly said licensing requirements would help reduce gun crime. By contrast, experts said measures to expand gun protections, such as stand-your-ground laws and concealed-carry reciprocity, were the least likely to have a positive influence on homicide rates.

Missouri Proves gun legislation works

Cassandra Crifasi 2014 (Johns Hopkins Researcher) Johns Hopkins Bloomberg School of Public 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>

* 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).

Missouri gun laws helped stop homicides

D Webster 2014 (Johns Hopkins Bloomberg School of Public Health) Journal of Urban Health Effects of the repeal of Missouri's handgun purchaser licensing law on homicides. April 2014. <https://www.ncbi.nlm.nih.gov/pubmed/24604521>

In the USA, homicide is a leading cause of death for young males and a major cause of racial disparities in life expectancy for men. There are intense debate and little rigorous research on the effects of firearm sales regulation on homicides. This study estimates the impact of Missouri's 2007 repeal of its permit-to-purchase (PTP) handgun law on states' homicide rates and controls for changes in poverty, unemployment, crime, incarceration, policing levels, and other policies that could potentially affect homicides. Using death certificate data available through 2010, the repeal of Missouri's PTP law was associated with an increase in annual firearm homicides rates of 1.09 per 100,000 (+23%) but was unrelated to changes in non-firearm homicide rates. Using Uniform Crime Reporting data from police through 2012, the law's repeal was associated with increased annual murders rates of 0.93 per 100,000 (+16%). These estimated effects translate to increases of between 55 and 63 homicides per year in Missouri.

Gun Violence is a pervasive issue

JS. Vernick 2017(Professor and Co-Director of the Johns Hopkins Center for Gun Policy and Research at Johns Hopkins Bloomberg School of Public Health) PUBME. Background Checks for all Gun Buyers and Gun Violence Restraining Orders: State Efforts to Keep Guns from High-Risk Persons. March 2017 <https://www.ncbi.nlm.nih.gov/pubmed/28661309>

There were more than 36,000 firearm-related deaths in the U.S. in 2015. Under federal law, a background check is required only for gun purchases from licensed dealers. Research suggests that some persons prohibited from owning a gun turn to private sellers, including those identified online, to attempt to obtain a firearm. State-level approaches to make it more difficult for high-risk persons to purchase or possess firearms include universal background check (UBC) and gun violence restraining order (GVRO) laws. UBC laws, on the books in 18 states as of the end of 2016, can reduce both homicide and suicide rates. After Colorado adopted a UBC law in 2013, the number of background checks conducted by private sellers for sales occurring at places other than gun shows steadily increased. GVRO laws give law enforcement and families the authority to petition a court to temporarily remove firearms from an individual who presents a danger to himself or others during times of crisis, regardless of whether that person has been diagnosed with a mental illness. California enacted a GVRO law in 2014. Data are emerging to suggest the effectiveness of GVRO-type laws at averting suicides and providing an entryway to services.

Compared to other countries, the US has a big problem

EG Richardson 2011 (UCLA School of Public Health) UCLA School of Public Health and PUBMED Homicide, suicide, and unintentional firearm fatality: comparing the United States with other high-income countries, 2003. January 2011. <https://www.ncbi.nlm.nih.gov/pubmed/20571454>

The US homicide rates were 6.9 times higher than rates in the other high-income countries, driven by firearm homicide rates that were 19.5 times higher. For 15-year olds to 24-year olds, firearm homicide rates in the United States were 42.7 times higher than in the other countries. For US males, firearm homicide rates were 22.0 times higher, and for US females, firearm homicide rates were 11.4 times higher. The US firearm suicide rates were 5.8 times higher than in the other countries, though overall suicide rates were 30% lower. The US unintentional firearm deaths were 5.2 times higher than in the other countries. Among these 23 countries, 80% of all firearm deaths occurred in the United States, 86% of women killed by firearms were US women, and 87% of all children aged 0 to 14 killed by firearms were US children.

Guns do NOT make a country safer

S. Bangalore 2013 (NYU School of Medicine) American Journal of Medicine Gun ownership and firearm-related deaths**.** October 2013 <https://www.ncbi.nlm.nih.gov/pubmed/24054955>

Among the 27 developed countries, there was a significant positive correlation between guns per capita per country and the rate of firearm-related deaths (r = 0.80; P <.0001). In addition, there was a positive correlation (r = 0.52; P = .005) between mental illness burden in a country and firearm-related deaths. However, there was no significant correlation (P = .10) between guns per capita per country and crime rate (r = .33), or between mental illness and crime rate (r = 0.32; P = .11). In a linear regression model with firearm-related deaths as the dependent variable with gun ownership and mental illness as independent covariates, gun ownership was a significant predictor (P <.0001) of firearm-related deaths, whereas mental illness was of borderline significance (P = .05) only

Conclusions: The number of guns per capita per country was a strong and independent predictor of firearm-related death in a given country, whereas the predictive power of the mental illness burden was of borderline significance in a multivariable model. Regardless of exact cause and effect, however, the current study debunks the widely quoted hypothesis that guns make a nation safer.

Gun Ownership causes accidental death

M Miller 2002 (Harvard School of Public Health) Journal of Trauma Firearm availability and unintentional firearm deaths, suicide, and homicide among 5-14 year olds**.** February 2002. <https://www.ncbi.nlm.nih.gov/pubmed/11834986>

A statistically significant association exists between gun availability and the rates of unintentional firearm deaths, homicides, and suicides. The elevated rates of suicide and homicide among children living in states with more guns is not entirely explained by a state's poverty, education, or urbanization and is driven by lethal firearm violence, not by lethal non-firearm violence.

Conclusion: A disproportionately high number of 5-14 year olds died from suicide, homicide, and unintentional firearm deaths in states and regions where guns were more prevalent.

Gun laws help the situation

Garen Wintemute 2015 (Violence Prevention Research Program; Department of Emergency Medicine; University of California, Davis) Annual Review of Public Health Effects of Policies Designed to Keep Firearms from High-Risk Individuals. March 2015. <http://www.annualreviews.org/doi/full/10.1146/annurev-publhealth-031914-122516?url_ver=Z39.88-2003&rfr_id=ori%3Arid%3Acrossref.org&rfr_dat=cr_pub%3Dpubmed&>

Mounting evidence indicates that certain laws intended to increase the accountability of firearm sellers to avoid risky transfers of firearms are effective in curtailing the diversion of guns to criminals, in particular the more rigorous PTP handgun laws, comprehensive background checks, strong regulation and oversight of gun dealers, and laws requiring gun owners to promptly report lost or stolen firearms. Evidence that lower levels of guns being diverted to criminals will translate into less gun violence is less robust, but it appears that rigorous PTP handgun laws are protective against homicides and suicides. Future research should examine whether these laws also curtail nonlethal gun violence. Laws mandating comprehensive background check requirements for firearm purchasers through means other than PTP laws should be studied with respect to both their enforcement as well as their impact on violence. Such studies should consider the effects of complementary policies such as penalties for failure to comply with firearm sales laws, explicit prohibitions on straw purchases, and mandatory loss and theft reporting.

State Laws Fail

Federal Law is the only kind that will work

Greg Sargent 2013 (Journalist) WASHINGTON POST Why expanding background checks would, in fact, reduce gun crime. April 3, 2013 <https://www.washingtonpost.com/blogs/plum-line/wp/2013/04/03/why-expanding-background-checks-would-in-fact-reduce-gun-crime/?utm_term=.8f100ef09d55>

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. 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.

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.

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. 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.

Domestic Abuse

Women are likely to be harmed by firearms

EG Richardson 2011 (UCLA School of Public Health) UCLA School of Public Health and PUBMED Homicide, suicide, and unintentional firearm fatality: comparing the United States with other high-income countries, 2003. January 2011. <https://www.ncbi.nlm.nih.gov/pubmed/20571454>

The US homicide rates were 6.9 times higher than rates in the other high-income countries, driven by firearm homicide rates that were 19.5 times higher. For 15-year olds to 24-year olds, firearm homicide rates in the United States were 42.7 times higher than in the other countries. For US males, firearm homicide rates were 22.0 times higher, and for US females, firearm homicide rates were 11.4 times higher. The US firearm suicide rates were 5.8 times higher than in the other countries, though overall suicide rates were 30% lower. The US unintentional firearm deaths were 5.2 times higher than in the other countries. Among these 23 countries, 80% of all firearm deaths occurred in the United States, 86% of women killed by firearms were US women, and 87% of all children aged 0 to 14 killed by firearms were US children.

Gun Control Helps Women

D Hemenway 2002 (Harvard Injury Control Research Center) Journal of American Women’s Medical Association Firearm availability and female homicide victimization rates among 25 populous high-income countries. Spring 2002. <https://www.ncbi.nlm.nih.gov/pubmed/11991417>

The United States is an outlier. It had the highest level of household firearm ownership and the highest female homicide rate. The United States accounted for 32% of the female population in these high-income countries, but for 70% of all female homicides and 84% of all female firearm homicides. Female homicide victimization rates were significantly associated with firearm availability largely because of the United States.

Conclusion: Among high-income countries, where firearms are more available, more women are homicide victims. Women in the United States are at higher risk of homicide victimization than are women in any other high-income country.

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