

BRADY BACKGROUND CHECKS: *15 Years of Saving Lives*



*“How many people are alive today
because of Jim and Sarah Brady?
Countless.”*

PRESIDENT BILL CLINTON

Brady Center



To Prevent Gun Violence

BRADY BACKGROUND CHECKS: FIFTEEN YEARS OF SAVING LIVES

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BRADY BACKGROUND CHECKS: FIFTEEN YEARS OF SAVING LIVES

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Tragedy Sparks the Drive for Reform – And Lives Are Saved

Fifteen years ago, on November 30, 1993, President Bill Clinton signed the Brady law, named after President Reagan’s press secretary, Jim Brady, and his wife, Sarah. Jim had been severely wounded in the 1981 assassination attempt on President Reagan, and he and Sarah fought tirelessly to pass the Brady law so other Americans would not have to suffer the tragedy that they endured.

Sadly, gun violence wrought tragedy in the lives of millions of Americans in the late 1980s and early 1990s, as gun crime and gun murder skyrocketed. At the peak of this wave of gun violence, the Brady law was finally passed, and gun crime and gun murder began an historic decline.

Looking back over 15 years of the Brady law, Jim and Sarah, along with a coalition of elected officials, law enforcement, Brady Campaign members, and other grassroots activists, can be proud that the law named after them and their work has saved, in the words of President Clinton, “countless” lives.

Brady Background Checks Make It Harder for High-Risk People to Get Guns

The Brady law requires that individuals seeking to buy a gun at a licensed dealer pass a background check. Because guns are especially lethal weapons, it makes sense that before someone can own one, he or she meet the legal requirements for ownership. This simple step protects everyone — gun owners and non-gun owners alike — from the danger of high-risk people gaining access to lethal weapons.

Who Is Considered Potentially Too Dangerous or High-Risk to Own a Gun?

In the 1960s, our nation suffered the assassinations of a number of prominent people by gunfire, including President John F. Kennedy, Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy. The Congress responded to public outrage about these tragedies by enacting the Gun Control Act of 1968, which identified people considered too high-risk to own a gun. These potentially dangerous or high-risk people included felons, youth, and the dangerously mentally ill, among others. (For the purposes of this report, the terms “high-risk” and “potentially dangerous” will be used interchangeably to describe all prohibited purchasers under the Gun Control Act of 1968.)

The Brady Law Instituted Background Checks to Stop Sales to High-Risk People

Under the Gun Control Act, people considered high-risk could still purchase guns because gun sales operated on an honor system. Under federal law, felons, youth, and the dangerously mentally ill could buy guns by providing false information on their gun purchase applications because in most states, no one verified the information. (Under state law, some states did require background checks, but most did not.)

The enactment of the Brady law in 1993 (effective February 28, 1994) changed this “lie-and-buy” system to a “background check-then-buy” system by requiring that every sale of a gun by a licensed dealer, about 60 percent of gun sales (Police Foundation, p. 27), be referred to law enforcement for a background check. This law has been a resounding success by stopping *more than 1.6 million* potentially dangerous people from purchasing a gun from a licensed gun dealer.

How Do Brady Background Checks Make a Difference?

Violent behaviors and crimes are, of course, determined by many factors. Brady background checks address an extremely important factor in violence: access to lethal weapons by potentially dangerous people. The use of guns in crimes and suicide attempts increases the likelihood of death or serious injury because guns require little skill, physical strength, or motivation to inflict serious injury. Guns do not require close physical proximity to the victim, as do other weapons like knives.

When a gun is involved, criminal assaults, domestic violence, and suicide attempts are more likely to result in death than if a less lethal weapon or method is used. Even though the rates of each kind of assault are the same, deaths from firearm assaults result in five times as many deaths as assaults with knives or other cutting instruments (Zimring, p. 199). Likewise, for every additional 1,000 gun robberies, there are 4.8 murders; whereas for every additional 1,000 non-gun robberies, there are 1.4 murders (Cook, p. 17).

Domestic violence assaults with a gun are twelve times more likely to result in death than assaults not involving a gun (Saltzman, p. 3043). About 85 percent of suicide attempts with a firearm are fatal, a much higher fatality rate than for nearly every other method. Many of the most widely used suicide attempt methods have fatality rates below 5 percent (Harvard, www.meansmatters.org).

The difference in the higher number of deaths when guns are involved is in part a direct consequence of the special lethality of guns, not differences in the intent or motivation of the person handling the weapon (Cook, p. 18; Harvard, www.meansmatters.org). It is therefore common sense to take steps to prevent especially lethal weapons like guns from being possessed by people with a history of instability or serious criminal behavior, as defined under the 1968 Gun Control Act.

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

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

Brady background checks have “earned their keep” as a simple and efficient policy intervention that enforces current law, has virtually no negative impact on legal purchasers of guns, and has generated an impressive record of achievements.

Brady Background Checks Block Attempts by Dangerous People to Buy Guns

Brady background checks have blocked *more than 1.6 million* attempts by high-risk people to buy a gun from a licensed gun dealer through the end of 2007 (US DOJ, Table 1). That's an average of 321 potentially dangerous people *every day* that attempted to purchase a gun from a gun dealer and were turned away because of the Brady background check. Through this mountain of rejections, Brady background checks have delivered on their promise to keep us all safer by helping to keep guns out of the hands of potentially dangerous people.

Felons

The power of Brady background checks is evident in the frequency with which felons attempting to purchase guns are blocked. A felony conviction indicates that someone has been found guilty of a very serious crime, like murder or assault with a deadly weapon. Remarkably, felony convictions account for over *half* of the total number of blocked attempts to purchase by high-risk people, or an estimated 842,000 blocked gun purchase applications submitted by convicted felons (REJIS, 2008). That works out to be, on average, 169 thwarted attempts to purchase a gun by a felon *every day*. It is frightening to contemplate what crimes might have been committed and how many lives would have been lost had these 842,000 purchase attempts succeeded.

Domestic Violence Offenders

The impact of Brady background checks on attempts to purchase guns by domestic violence offenders is equally powerful. Domestic violence offenses are the second most common reason gun purchase applications have been blocked by Brady background checks. Since the implementation of Brady background checks in 1994 (through December 2007), 236,000 domestic violence offenders — on average 47 every day — have been denied in an attempt to purchase a gun from a gun dealer (REJIS, 2008).

Men or women who have been arrested and convicted of injuring their family members and intimate partners (or are the subject of a qualifying restraining order to protect against such violence) are not good candidates for gun ownership. They have a track record of being unable or unwilling to control dangerous violent impulses. A gun in their hands greatly increases the lethality of the violence they are likely to commit against their partners and children (Saltzman, p. 3043).

Fugitives from Justice

Brady background checks block yet another dangerous type of gun purchaser: fugitives from justice. Fugitives from justice — think of a “Wanted” poster in the post office — are people known to have committed a crime but who have escaped arrest. Brady background checks blocked attempted purchases by fugitives from justice 68,000 times from 1994 to 2007, an average of 14 fugitives turned away *every day*.

Gun Purchase Applications Blocked by Brady Background Checks at Licensed Gun Dealers, 1994-2007, by Reason	
<i>Reason Purchase Was Blocked</i>	<i>Number of Blocked Purchases*</i>
All Reasons	1,631,000
Top Three Reasons:	
Felony	842,000
Domestic Violence	236,000
Fugitive	68,000
* Numbers are rounded to the nearest thousand as per BJS convention.	
Source: Bureau of Justice Statistics, 2008: http://ojp.usdoj.gov/bjs/pub/html/bcft/2007/table/bcft07st01.htm and Regional Justice Information Services, St. Louis, MO, based on data from the Bureau of Justice Statistics series, “Background Checks for Transfers,” personal communication, on file with Brady Center, 2008.	

While it is hard to believe that anyone would oppose background checks to screen out potentially dangerous people, the National Rifle Association (NRA) fought long and hard to block Brady background checks. One of the NRA’s main arguments was that Brady background checks would not make a difference because criminals do not buy guns from licensed gun dealers.

It is now abundantly clear that the NRA was wrong. Not only did criminals attempt to purchase guns from retail dealers before the Brady law, *they continue to do so years later when they know they will be subject to a background check*. This argues for extending Brady background checks to *all* gun sales, including those made at gun shows, to make sure that dangerous people are blocked if they try to purchase guns anywhere — not just from a licensed gun dealer.

Brady Background Checks Thwart Gun Traffickers

Before Brady background checks, gun traffickers had it easy. The bread-and-butter of the gun trafficker is new handguns bought easily over-the-counter in states with weak gun laws. These guns are sold at higher prices on the illegal market in states with stronger gun laws where criminals have a harder time getting guns.

Before Brady background checks, gun traffickers with disqualifying criminal histories could still get their new handguns by “lying and buying.” After Brady background checks, gun traffickers with a felony, domestic violence offense, or other disqualifying record must find someone with a clean record — a “straw purchaser” — to buy new guns for them. The use of straw purchasers complicates gun trafficking and expands the number of people involved with a trafficking operation, thus increasing the risks of apprehension.

In 2004, Francisco Ramirez and Jose Roberto Gonzalez pled guilty to conspiracy to unlawfully acquire more than 100 firearms from federally licensed dealers in Arizona for resale in California. Ramirez and Gonzalez, both felons, paid a straw purchaser \$5,000 in exchange for purchasing more than 100 guns in multiple visits to two gun dealers (Office of the District Attorney, Arizona, 2004). The Brady Center report, *Shady Dealings: Illegal Gun Trafficking from Licensed Gun Dealers*, documents case after case of gun traffickers being forced to use straw buyers and getting caught.

Brady background checks appear to have disrupted patterns of gun trafficking. Before the Brady law, some states required background checks, but most did not. This discrepancy created a profit incentive to traffic guns from “no-check states” to “check states.” After Brady background checks were implemented in all states, this discrepancy, and the resulting profit incentive, no longer existed. As expected, gun trafficking from the former “no-check” states decreased (Weil, p. 1).

For example, before Brady background checks, Ohio (a “no-check state”) supplied guns to Michigan (a “check state”). After Brady checks were implemented in Ohio (and were continued in Michigan), gun trafficking from Ohio to Michigan decreased 66 percent (Weil, p. 7). This is evidence of the powerful effect of Brady background checks to reduce incentives for gun trafficking from one state to another.

Brady Background Checks Help Law Enforcement Catch Dangerous Criminals

Brady background checks protect the public by giving law enforcement a valuable tool: the opportunity to arrest and prosecute potentially dangerous people who attempt to purchase a gun from a gun dealer. When police are able to arrest and convict prohibited purchasers for lying on the federal gun transaction form about their eligibility to purchase a gun or other related crimes, not only is the gun sale blocked, but future potential crimes are prevented.

Law enforcement has put this tool to good use to apprehend fugitives from justice (people who have committed a serious crime but have escaped arrest or detention by the police). Fugitives are considered extremely dangerous and a high priority for arrest.

The experience of two states exemplifies law enforcement's use of background checks to apprehend fugitives from justice. The state of Pennsylvania tracks the numbers of "wanted persons" they have arrested since 1998. From 1998 to 2007, the Pennsylvania background check system led to the apprehension of 1,025 people with active warrants (Pennsylvania State Police, p. 7). In Virginia, for 2007 alone, 169 wanted persons were identified through background checks (Virginia State Police, 2007).

Recently, a Brady background check delivered a particularly frightening fugitive into the hands of police. On Thursday, October 23, 2008, Barry Cleveland Roberts went into a Norfolk, Virginia, gun shop and filled out the paperwork to purchase a 9mm semiautomatic handgun (Chesley, 2008). Roberts then left the store. His background check revealed that he was wanted in Baltimore on a first-degree murder charge in an October 12 shooting death. The gun dealer, in coordination with the police, called Roberts to let him know he could return to the gun store to pick up his handgun. When Roberts arrived at the gun store, police arrested him.

Gun Crimes Plummeted After Brady Background Checks Became Law

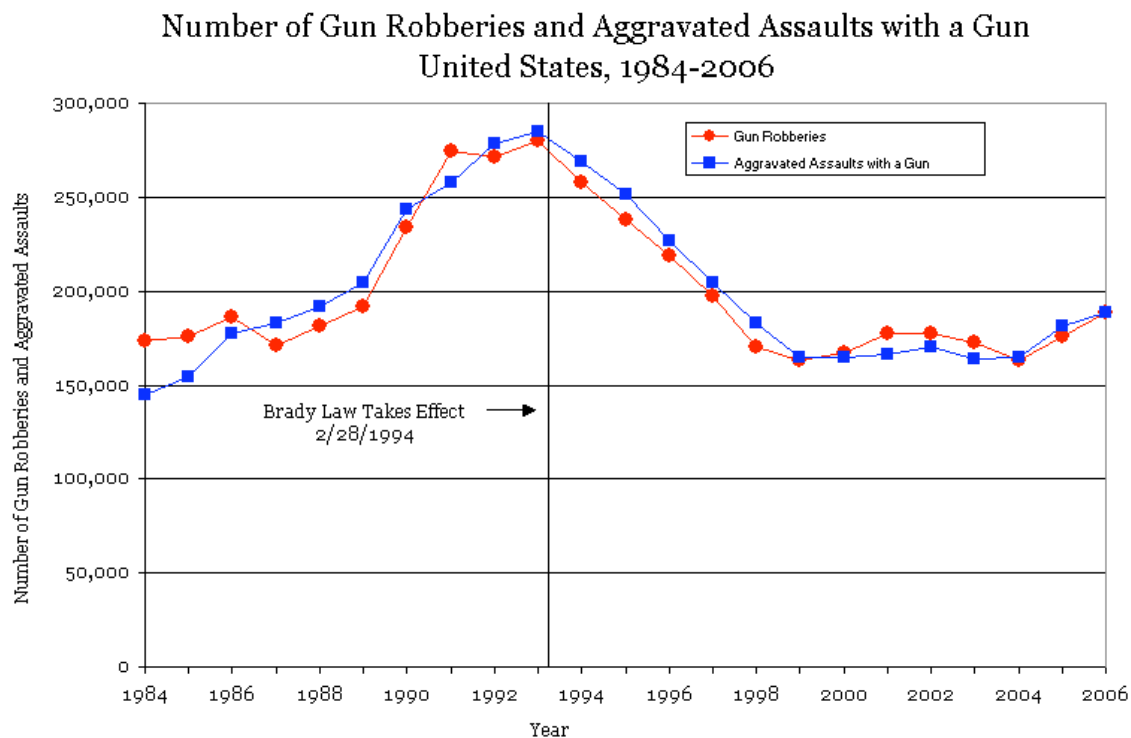
Many factors influence gun crime. Brady background checks have contributed to public safety by blocking more than 1.6 million purchase attempts by dangerous people from gun dealers, thwarting gun traffickers, and providing law enforcement a tool for arresting dangerous people before they can commit any other crimes. Since Brady background checks became law, gun crimes, including gun murders, have dropped substantially. Before Brady background checks were required, gun crimes were steadily increasing.

Crime is measured in the United States by counting police reports of crime (the Uniform Crime Reports) and also by interviewing citizens about their experiences with crime (the National

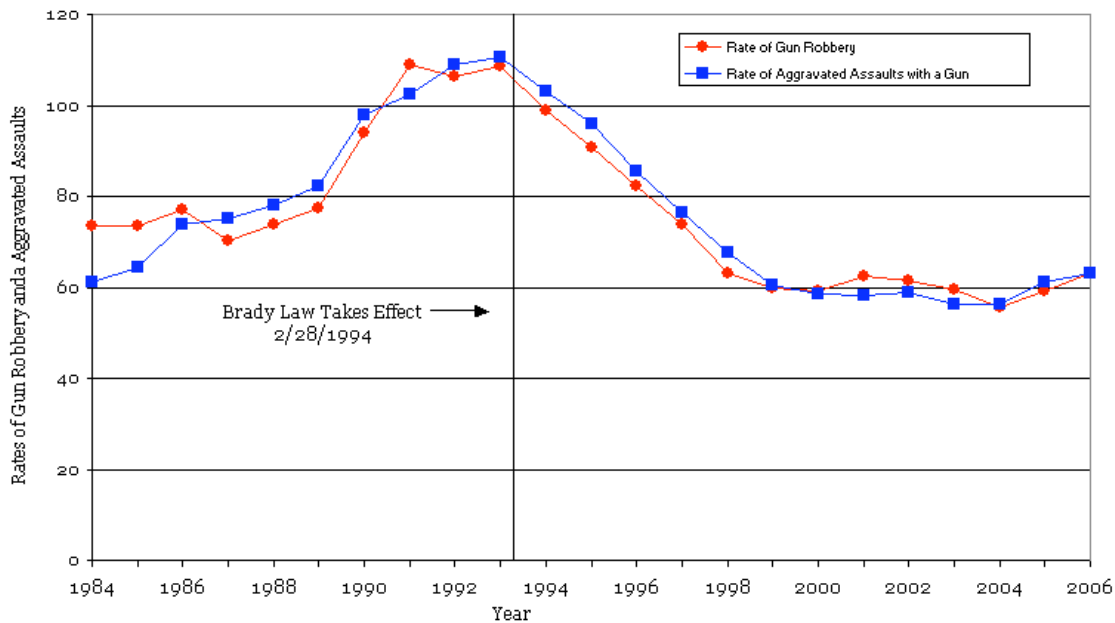
Crime Victimization Survey). By both measures, gun crimes dropped substantially after the adoption of Brady background checks, after having risen substantially in the preceding years.

According to the Uniform Crime Reports, before the Brady background check law, the number and the rate of robberies and aggravated assaults committed with firearms were increasing. The total combined number of robberies and aggravated assaults committed with firearms rose from 318,243 in 1984 to 564,648 in 1993 (Data Note 1). The total rate (per 100,000 population) of robberies and aggravated assaults committed with firearms rose from 134.7 in 1984 to 219.0 in 1993 (see Data Note 1).

In 1994, as the Brady background check law took effect (beginning February 28), the number and the rate of robberies and aggravated assaults committed with firearms all 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 2006, a decrease of 33 percent (see Data Note 1). 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 (see Data Note 1).



Rate (crimes per 100,000 population) of Gun Robbery and Aggravated Assault with a Gun United States, 1984-2006

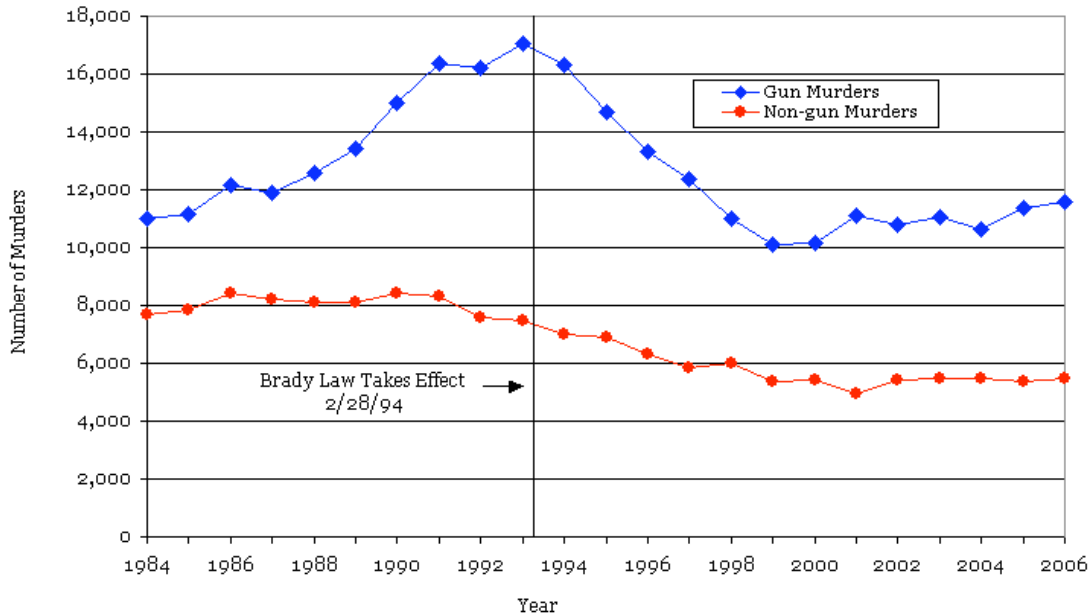


Gun crimes reported by victims in the National Crime Victimization Survey, a regular government telephone survey of U.S. citizens age 12 or over, also decreased substantially after the Brady law was implemented. Based on estimates from the National Crime Victimization Survey, in 1993, more than one million firearm crimes (including rape and sexual assault, robbery, and aggravated assault) were reported. By 2005, the number of firearm incidents reported by citizens dropped 60 percent, to 419,640. Likewise, the firearm crime rate (victims per 1,000 residents) declined 66 percent, from 5.9 to 2.0. (Note: the National Crime Victimization Survey from which this data are taken went through a redesign in 1993, so 1993 is the beginning of the series.) From 1993 to 2005, firearm incidents declined faster than non-firearm incidents (Bureau of Justice Statistics, 2006).

Murders Plunged After Brady Background Checks Became Law

The impact of Brady background checks is evident in the 30 percent drop in murders from 1993 to 2006 (from 24,526 to 17,034). Most of the drop in murders — 73 percent — is accounted for by the sharp decline in gun murders. Prior to the signing of the Brady law, gun murders were on the increase. 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.

The Number of Gun Murders and Non-gun Murders United States, 1984-2006



Hundreds of thousands of Brady denials of potentially dangerous people and the additional barrier encountered by gun traffickers contributed to a large decline in gun murders. Non-gun murders did not decline nearly as steeply. The drop in gun murders might have been even greater had not the policies of the Bush Administration intervened.

Setbacks During the Bush Administration

The election of George W. Bush to the presidency and the corollary increase in the ability of the National Rifle Association to set the agenda on guns appear to have stalled progress on saving lives lost in gun crimes.

Starting in 2000, the Bush Administration, the National Rifle Association, and their allies in Congress redoubled their efforts to loosen regulation of the gun industry, arguing that gun controls do not work, are an inconvenience to “law-abiding” gun owners and restrain the profits of the gun industry.

It is hard to believe that, in an era of terrorism, the Bush Administration and its allies in Congress would undermine the Brady background check system; let the ban on assault weapons lapse; limit the legal accountability of the gun industry for negligent behavior; and place severe restrictions on public and law enforcement access to data used to identify corrupt gun dealers.

Yet, every one of these counterproductive laws and policies were implemented during the last eight years. (For additional details, see the Brady Center report, *The NRA: A Criminal's Best Friend* and Brady Campaign press releases for 2/13/2003, 7/20/2004, 9/13/2004, and 10/20/2005, available at: www.bradiycampaign.org/media).

Not surprisingly, the use of guns in murder, aggravated assault, and robbery surged from 2004 to 2006, rising 10 percent (Bureau of Justice Statistics, 2007). During the same period, the number of gun murders rose 9 percent (Bureau of Justice Statistics, 2007). Non-gun murders remained stable. Thus, although gun crime remains relatively low compared to the time period before the Brady law, the trend is headed in the wrong direction after eight years of attacks on gun regulations.

We Can Save More Lives by Extending Brady Background Checks to All Gun Sales

Some dangerous people blocked at a licensed dealer are able to purchase guns instead from unlicensed sellers because a Brady background check is not required. Former Northwestern University basketball coach Ricky Byrdsong might be alive today if background checks were required for all gun purchases.

Byrdsong's killer, white supremacist Benjamin Nathan Smith, attempted to purchase a gun in June 1999 from a licensed dealer but was blocked by a Brady background check because of a domestic violence restraining order. Smith obtained a gun in July 1999 from an unlicensed seller instead — no background check required. Smith then used the gun to go on a hate-filled shooting spree, killing Byrdsong while he was on a walk with his two daughters. During his three-day rampage, Smith targeted African-Americans, Asian-Americans and Jewish-Americans, ultimately killing two people and wounding nine others (Siebel, p. 926).

In recognition of the danger posed by gun sales with no background check, several states — including Western states like Oregon and Colorado — have already taken action to require background checks for sales at gun shows from non-licensed sellers.

We can prevent tragedies like what happened to the Byrdsong family by doing more of what we know works to reduce access to guns by dangerous people: Brady background checks. Brady background checks are only required for purchases from a licensed gun dealer, accounting for approximately 60 percent of gun sales. It is time to extend checks to cover the other 40 percent of gun sales, sales from non-licensed individuals. Requiring background checks for every gun sale will help keep dangerous weapons out of dangerous hands; lives will be saved, and grievous suffering avoided.

Acknowledgments

The Brady Center to Prevent Gun Violence works to reform the gun industry by enacting and enforcing sensible regulations to reduce gun violence, including regulations governing the gun industry. In addition, the Center educates the public about gun violence through litigation, research, grassroots mobilization, and outreach to affected communities.

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Endnotes

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Data Notes

Data Note 1: This report is based on data published on the Bureau of Justice Statistics website.

Data tables used:

Brady denials

<http://ojp.usdoj.gov/bjs/pub/html/bcft/2007/table/bcft07sto1.htm>

Number and Rates of Murder, Robberies and Aggravated Assaults with a Gun

<http://www.ojp.usdoj.gov/bjs/glance/sheets/guncrime.csv>

Non-fatal Firearm-related Violent Crimes

<http://www.ojp.usdoj.gov/bjs/glance/tables/firearmnonfataltab.htm>