

Spring 5-10-2004

An Evaluation of the Brady Handgun Violence Prevention Act of 1993 (Brady Law)

Emmanuel Ogunleye

Follow this and additional works at: <https://digitalcommons.law.ggu.edu/capstones>



Part of the [Business Administration, Management, and Operations Commons](#)

Capstone Project

An Evaluation of the Brady Handgun Violence Prevention Act of 1993

(Brady Law)

Emmanuel Ogunleye

EMPA 396

Golden Gate University

Dr. Jay Gonzalez

May 10, 2004

Table of Contents

Introduction.....	4
Literature Review.....	5
Background.....	6
Brady Act Requirements.....	9
Federal Categories of Persons Prohibited from Purchasing Handguns.....	10
Assumptions and Objectives of Brady Law.....	11
Brady Law is a Paper Tiger.....	12
Gun Bans Don't Cut Crime.....	13
Gaps in the Brady Regulatory Regime.....	14
Effect of Secondary Market and Gun Trafficking.....	16
Other Reasons for Decline in Homicide Rate.....	19
Crime Control via Federal Dealer Regulation: Squeezing out the Bad Guys.....	20
Brady Law Works; Let it be.....	22
Methodology.....	25
Limitations of the Research.....	26
Data Collection.....	27
Focus Group.....	28
Summary of Focus Group Process.....	28
Findings.....	30
Focus Group.....	30
Data and Findings.....	34
Summary of Key Findings.....	46

Conclusion and Areas for Further Research.....47

References.....50

Appendixes

Appendix A (Sources for References Cited).....56

Appendix B (Focus Group Questionnaire).....64

Appendix C (Success Stories of the NICS).....65

Introduction

The Brady Handgun Violence Prevention Act, or Brady Law, was signed into law on November 20, 1993, and went into effect in the United States on February 28, 1994. Thirty-two states were affected by the law when it was first implemented. Since that time, several of these states have passed their own laws requiring background checks on handgun purchasers, which exempts them from the Brady law. The Law established a national, five-business-day waiting period on handgun purchases from licensed dealers. It also required local authorities to conduct background checks on handgun purchasers to determine whether or not the purchaser is prohibited from buying a gun.

In July of 1997, the Supreme Court ruled that it was unconstitutional for the federal government to require states to perform Brady law background checks. At that point, twenty-seven states had laws requiring similar background checks and twenty-three states did not. On November 30, 1998, the five-day waiting period for handgun purchasers required by the Brady law expired. It was replaced by a mandatory, computerized National Instant Check System (NICS), which provides the information for criminal background checks, and firearm sales conducted under this system are completed within minutes, without a waiting period.

The purpose of this research is to evaluate the Brady law to determine whether it has achieved its desired objective of keeping guns out of the hands of prohibited individuals, thereby reducing the murder rate in United States.

The research focuses on seeking answers to the following questions:

1. Did the Brady law keep guns out of the hands of prohibited individuals?
2. Did the law reduce the number of guns on the streets?
3. If the law kept guns away from criminals and reduced guns on the streets, did it reduce the murder rate in United States?

The research methodology comprised of primary and secondary data, with qualitative and quantitative approach. The qualitative research was conducted with a focus group. A literature review was also conducted, focusing primarily on data from the Federal Bureau of Investigation (FBI); Bureau of Alcohol, Tobacco and Firearms; industry organizations; special interest groups and relevant publications. The primary research served as a basis for determining the public awareness of the Brady law, giving a general perspective on whether the law achieved its desired result of reducing guns on the street and reducing homicide rates in America.

Some questions were developed for the focus group to determine the public awareness of the law, and to determine whether an ordinary person on the street believes that the Brady law is beneficial to the public in keeping handguns away from prohibited individuals.

Literature Review

The purpose of the literature review is two-fold. First, the data from the FBI on the number of the people since 1994 who applied to purchase handguns, but were denied, will be analyzed to determine whether the Brady law has actually kept guns out of the

hands of prohibited individuals and whether there are fewer guns on the street. The data on the murder rate in America will be analyzed to determine if keeping guns away from this "special" class of citizens has translated to a reduced murder rate since 1994. The second purpose of the literature review is to identify resources that have determined, one way or another, whether the Brady law has been effective enough to reduce the homicide rate in America since 1994.

Once identified, the data will be examined to determine their validity and/ or reliability. The question of validity is important in establishing whether the research hypothesis (i.e., question 3, previous page) can be answered with confidence. The literature review focuses on:

1. Providing background information on how and why the Brady bill was enacted.
2. Establishing what assumptions were included in enacting this law, with its desired objectives.
3. Identifying the primary provision of the law
4. Reviewing the contention that gun control laws do not work
5. Acknowledging other independent variables present that could have had an effect on the homicide rate since 1994.
6. Reviewing whether the law is working as intended
7. Determining whether the denial of handgun purchase is an effective violence-prevention strategy.

Background

The problem with guns is straightforward: they make it easy to kill or injure a person (Roth, 1994). Approximately 60 percent of all murder victims in the United States

in 1989 (about twelve thousand people) were killed with firearms. In 1985, the cost of shootings, either through self-inflicted wounds or from others, or in accidents was estimated to be more than \$14 billion nationwide for medical care, long-term disability, and premature death. By 1994, the number of gun victims increased to 15,456 gun homicides (FBI VCR Report). In robberies and assaults, victims are far more likely to die when the perpetrator is armed with a gun than when he or she has another weapon or is unarmed (Roth, 1994).

Gun control laws in America go as far back as 1792, that is, to Militia Act of 1792, enacted by the same people who ratified the Second Amendment. However, in the modern era, the history of gun control can be divided into five distinct eras, beginning with the passage of the Sullivan Law in New York in 1909, and ending with the passage and implementation of the Brady Law in 1994 (Vizzard, Guns in America).

The Brady law was named after James Brady, the former White House press secretary, who was seriously injured in the assassination attempt against President Reagan in 1981. The bill was passed into law on November 30, 1993. It codified a five-business-day waiting period for handgun purchases. It increased federal firearms license fees from \$30 to \$200 for the first three years, and \$90 for renewal. It made it a federal crime to steal firearms from licensed dealers, required state and local police to be told of multiple handgun sales, and said that police must make a "reasonable effort" to check the backgrounds of gun buyers.

The objective of the gun-control advocates in formulating the Brady law was to enact a law that was fairly straightforward and that would, reduce guns on the street, thereby reducing the murder rate in United States. Prior to the enactment of the Brady

Law, most states did not require background checks of gun purchases. In every year since 1972, guns have accounted for more than eighteen thousand deaths annually (Politics of Gun Control, 1995, p. 67). The homicide rate began to rise dramatically in the 1960s, as did the production and sales of handguns. By 1989, about 60 percent of all murders in the United States (twelve thousand) were committed with firearms. This was the situation before the Brady Law was enacted. (See: Murder rate in America 1960 to 1993 – Table 1, and gun sales in United States 1960 to 1994 – Table 2)

Table 1

Total U.S. Population, Murder Rate, and Number of Murders by Year											
Year	Population	Rate	Murders	Year	Population	Rate	Murders	Year	Population	Rate	Murders
1960	179,323,175	5.1	9,110	1973	209,851,000	9.4	19,640	1986	241,077,000	8.6	20,610
1961	182,992,000	4.8	8,740	1974	211,392,000	9.8	20,710	1987	243,400,000	8.3	20,100
1962	185,771,000	4.6	8,530	1975	213,124,000	9.6	20,510	1988	245,807,000	8.4	20,680
1963	188,483,000	4.6	8,640	1976	214,659,000	8.8	18,780	1989	248,239,000	8.7	21,500
1964	191,141,000	4.9	9,360	1977	216,332,000	8.8	19,120	1990	248,709,873	9.4	23,440
1965	193,526,000	5.1	9,960	1978	218,059,000	9.0	19,560	1991	252,177,000	9.8	24,700
1966	195,576,000	5.6	11,040	1979	220,099,000	9.7	21,460	1992	255,082,000	9.3	23,760
1967	197,457,000	6.2	12,240	1980	225,349,264	10.2	23,040	1993	257,908,000	9.5	24,530
1968	199,399,000	6.9	13,800	1981	229,146,000	9.8	22,520	1994	260,341,000	9.0	23,330
1969	201,385,000	7.3	14,760	1982	231,534,000	9.1	21,010				
1970	203,235,298	7.9	16,000	1983	233,981,000	8.3	19,310				
1971	206,212,000	8.6	17,780	1984	236,158,000	7.9	18,690				
1972	208,230,000	9.0	18,670	1985	238,740,000	7.9	18,980				

Lifetime Victimization Rate by Murder, Uniform Reporting Section, Federal Bureau of Investigation, 1997.

Table 2 shows that by 1967, sales of handguns had increased to over one million sales each year, and sales continued to climb to over two million handgun sales by 1974, though it went back down to a little under two million a year. It went over the two million mark again between 1978 and 1981. By 1992, it was close to three million, at 2.8 million a year, and in 1993 it was at 2.6 million sales a year.

Homicides and Handgun Sales United States, 1960 - 1993

Table 2

Year	Homicide Per 1,000	Handgun Sale In 1,000's	Year	Homicide Per 1,000	Handgun Sale In 1,000's	Year	Homicide Per 1,000	Handgun Sale In 1,000's
1960	4.7	447	1972	9.4	1,734	1984	8.4	1,550
1961	4.7	431	1973	9.7	1,715	1985	8.4	1,428
1962	4.8	453	1974	10.1	2,024	1986	9.0	1,659
1963	4.9	491	1975	9.9	1,833	1987	8.7	1,746
1964	5.1	666	1976	9.0	1,880	1988	9.0	2,031
1965	5.5	700	1977	9.1	1,877	1989	9.3	1,839
1966	5.9	926	1978	9.2	2,124	1990	10.0	1,838
1967	6.8	1,259	1979	10.0	2,370	1991	10.5	2,010
1968	7.3	1,255	1980	10.7	2,537	1992	10.0	2,825
1969	7.7	1,394	1981	10.3	2,629	1993	10.1	2,582
1970	8.3	1,448	1982	9.6	1,967			
1971	9.1	1,805	1983	8.6	1,680			

Sources: Homicide Rates: CDC Injury Mortality data, as reported by the Bureau of Justice Statistics at Homicide rates recently declined to levels last seen in 1967.

Handgun sales: ATF, Commerce in Firearms in the United States, 2000.

Brady Act Requirements. What is National Instant Criminal Background System (NICS)?

Mandated by the Brady Handgun Violence Prevention Act (Brady Law) of 1993, Public law 103-159, the National Instant Criminal Background Check System (NICS) was established for Federal Firearms Licensees (FFLs) to contact by telephone, or by other electronic means, for information to be supplied immediately on whether the transfer of a firearm would be in violation of Section 922(g) or (n) of Title 18, United States Code, or state law. The FBI developed the system through a cooperative effort with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and local and state law enforcement agencies. The NICS is a computerized background check system designed to respond within thirty seconds on most background check inquiries, so the FFLs receive an almost immediate response. Depending on the willingness of state governments to act as a

liaison for the NICS, the FFLs contact either the FBI or a designated state point-of-contact (POC) to initiate background checks on individuals purchasing or redeeming firearms, and in certain instances, firearm-related permits.

Federal Categories of Persons Prohibited From Receiving Firearms

1. A person convicted of/under indictment for a crime punishable by imprisonment for a term exceeding one year, whether or not sentence was imposed. This includes misdemeanor offences with a potential term of imprisonment in excess of two years, whether or not the sentence was imposed.
2. A person who is a fugitive; for example, the subject of an active felony or misdemeanor warrant.
3. An unlawful user and/or an addict of any controlled substance; for example, a person convicted for the use or possession of a controlled substance within the past year; or a person with multiple arrests for the use or possession of a controlled substance within the past five years, with the most recent arrest occurring within the past year; or a person found through a drug test to use a controlled substance unlawfully, provided the test was administered within the past year.
4. A person adjudicated a mental defective or involuntarily committed to a mental institution or incompetent to handle his own affairs, including dispositions to criminal charges or found not guilty by reason of insanity or found incompetent to stand trial.
5. An alien illegally/unlawfully in the United States or a non-immigrant who does not qualify for exceptions under 18 United States Code 922(y); for example, not having possession of a valid hunting license.
6. A person dishonorably discharged from the United States Armed Forces.

7. A person who has renounced his citizenship.
8. The subject of a protection order issued after a hearing of which the respondent had notice that restrains them from harassing, stalking, or threatening an intimate partner or child of such partner. This does not include ex parte orders.
9. A person convicted in any court of a misdemeanor crime which has an element or the use or attempted use of physical force or threatened use of a deadly weapon and the defendant was the spouse, former spouse, parent, guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with in the past with the victim as a spouse, parent, guardian or similar situation, to a spouse, parent, guardian of the victim.

Assumptions and Objectives of Brady Law. The intention of the law was to keep criminals and prohibited persons from purchasing handguns. The reasoning was that, that will keep them away from committing murder, suicide, homicide, robbery with a firearm, and so on. The intent of the legislation was to interrupt sales of firearms to persons who are legally prohibited from purchasing them (Ludwig, 1999).

Economics suggest two approaches to discourage dangerous adults and youths from possessing or carrying guns: implementing an effective "supply-side" approach and reducing availability (Cook, 1996). Keeping firearms out of the hands of dangerous and irresponsible persons is one of, if not the, primary goal of United States gun control policy. The logic of restricting gun ownership to responsible, law-abiding citizens is apparent and relatively uncontroversial, even to the National Rifle Association (Jacobs, 1995).

This goal reflects a widely-shared belief that members of certain social categories pose an

unacceptably high risk of misusing firearms. There is a strong consensus that people who have demonstrated certain kinds of irresponsible and unstable behavior should not possess weapons that are capable of injuring or killing the possessor or others. The Brady Law attempts to strike a balance between permitting law-abiding citizens to obtain firearms with relative ease and preventing certain categories of presumptively irresponsible persons from purchasing and possessing firearms. Those who are conclusively presumed irresponsible include ex-felons, former mental patients, drug addicts, juveniles, and illegal aliens. The Brady Law seeks to regulate firearms transfers in such a way that ineligible persons will not even be able to obtain a firearm and therefore will never have an opportunity to violate the criminal law.

The Brady Law Is A Paper Tiger. The latest name given to the Brady Law by gun control opponents is "Paper Tiger." It got this name because its five-day waiting period provision is not applicable anymore. Under the new Brady procedures, most gun buyers will not need to wait at all, and no purchase decision will be delayed more than three days. However, gun control advocates point out that it is not how many days it takes to get a gun that matters; what matters is keeping them away from prohibited persons, a provision that is still protected under the "new Brady Law." The law is not a paper tiger; it only works better.

Others believe that the Brady Law is not enough because its regulatory regime is easily evaded through purchases on the secondary market, which are completely unregulated (Hatch, 1998). Opponents cite the fact that during the first seventeen months after the law was enacted, just seven individuals were convicted of illegal attempts to buy handguns. A total of 250 cases were referred for prosecution during the Brady Law's first year. Supporters would point out that the fact that 250 cases were referred and more than 40,000 prohibited persons stopped from

purchasing firearms is amazing; nobody would have believed that because of the publicity the law generated the first year, that the law would have been that successful. They argued that at least 40,000 guns were kept off the street.

Gun Bans Don't Cut Crime. Another school of thought states that gun bans don't cut crime. The reason is that the rules are obeyed by law-abiding citizens, not by would-be criminals (Lott, 2002). More gun-carrying in principle could reduce crime by raising the "price" of crime, thereby deterring some criminals (Lott & Mustard, 1998). However, a review of Lott's book shows that his analysis cannot support his conclusions, and in the end the question of the net effects of these laws remains unanswered. It is premature at best to conclude that relaxing gun-carrying laws reduces crime (Ludwig, 1999). The research is flawed, and flawed gun policy research could endanger public safety. The flaws are so substantial, and the findings so at odds with criminological theory and research, that any conclusions about the effects of shall-issue laws based on this study are dubious, at best. One reason is that data consistent with the authors' hypothesis are highlighted, while data that do not support a deterrent effect of shall-issue laws are ignored (Webster, Vernick, Ludwig & Lester, 1997).

There is another argument by opponents of gun control that the Brady Law has not prevented, nor was it intended to prevent, handgun violence in many high-crime cities and states. The argument is that the law has not carried its weight (Hatch, 1998). However, Hatch does not believe that the Brady Law has been utterly unsuccessful. He believes that the question is not whether the Brady law has kept some felons from purchasing firearms. "It may have achieved this result, at least for a while, for those felons who are so intellectually challenged that they believe law enforcement has forgotten their felony convictions" (Hatch, 1998). He believes that

if the law has kept handguns out of the hands of a few felons, the cost to legitimate firearm ownership may be too high.

Those who believe in the Brady Law believe that the intent of the law is to keep some felons from purchasing firearms. Since there is an agreement that the law might have achieved that, the law has definitely achieved its goal. Apparently, there are some "intellectually challenged" felons who keep trying to purchase guns, because the system keeps rejecting an average of about sixty thousand individuals yearly who believe wrongly that the law's enforcement has absolved them from their irresponsibility. With regard to the cost to law-abiding citizens, the initial waiting period required by law was for only five days, and presently, the wait is between an hour to three days, at most. This should not be too much of a sacrifice for the safety of the society.

Law-abiding citizens can still purchase a gun, but will have to wait between one hour and three days maximum (Jacobs, 2002). In some states, for example Maryland, with or without the Brady Law, prospective gun purchasers must wait for seven business days (Maryland Gun Violence Act of 1996).

Gaps in the Brady Regulatory Regime. Brady supporters may have underestimated the ease with which this regulatory system can be circumvented, and they may have overestimated the ability of government agencies to enforce these regulations (Jacobs, Potter, & Kimberly, 1995). The following are some of the significant gaps in the Brady regulatory regime:

1. Would-be purchaser of a handgun is not required to provide fingerprints, but merely proof of identity based upon an identification document.

2. An ineligible person could use readily available phony identification, i.e., a driver's license or some other identification that has the correct photo but under an alias rather than the prospective purchaser's real name.

3. Ability of the would-be gun purchaser to use a straw man to effect the purchase for him/her.

One can circumvent the entire Brady apparatus by having a spouse, friend, or fellow gang member who does not have any disqualification, purchase the firearm and hand it over to the real purchaser.

4. Brady's inapplicability to the secondary market. The secondary market is the most common way criminals obtain handguns.

5. Inability to determine whether the would-be purchaser is an illegal drug user, an ex-mental patient or an illegal alien.

6. Difficulty in centralizing mental health records.

7. Difficulty in determining how many illegal aliens are actually in United States.

8. Records of dishonorable discharge are inadmissible.

Some prohibited persons get guns despite Brady checks because a small percentage of background checks cannot be completed by the FBI's National Instant Check System (NICS) within the time allowed under the Brady law-now a maximum of three business days (*Washington Post*, July 7, 1999), a problem which has since been fixed. The NICS operation center is staffed seven days a week, seventeen hours a day, and all Brady background checks are handled immediately. In 73 percent of cases, the licensed firearms dealer requesting the check is

given a "proceed" response within minutes. In 95 percent of cases, the FBI is able to give the dealer an answer within two hours. For the other 5 percent of calls, the FBI needs additional time, usually because a state or local court record must be checked and is unavailable electronically. Sometimes this takes more than three business days. Between November 30, 1998, and July 7, 1999, guns were transferred 1,663 times after three business days expired. Immediately upon learning that a gun has been transferred to a prohibited person, the FBI contacts both the ATF and local law enforcement, which act to investigate and retrieve the weapon (Holder, 1999).

Nearly ten thousand convicted felons and others who were prohibited from buying guns passed background checks and obtained firearms after dozens of states did not adequately automate background check records, according to a study by the Americans for Gun Safety Foundation, a gun policy group (Thompson, 2002). The report found that twenty-five states automated less than 60 percent of their felony conviction records. Thirty-three states have not automated any of the records of people who have been involuntarily institutionalized in mental health facilities, and fifteen states keep no automated records of domestic violence misdemeanors, the report found. The report was conducted over a thirty-month period. "The buck stops at the states where improving the records that stop criminal from getting guns has not been a priority" (Kessler, 2002).

Effect of Secondary Market and Gun Trafficking. Those who use guns in violent crimes rarely purchase them directly from licensed dealers; most guns used in crime have been stolen or transferred between individuals after the original purchase (Roth, 1994). Guns change hands in a wide variety of transactions, many of which do not involve licensed dealers. The key distinction is whether the sale is conducted by federal firearms licensees (FFLs) or by non-licensed

individuals. The former is termed the primary market and the latter is the secondary market (Cook, 1995).

The secondary market is diverse; some people advertise to potential buyers. Most newspapers accept classified ads for guns, and they may be advertised through newsletters and magazines oriented to gun owners and gun sports enthusiasts. Transactions occur within families or among friends. Word-of-mouth advertising is an effective means for finding a buyer on the street, and some people do this enough to be known in this regard. Secondary transactions are typically accomplished expeditiously, without any record keeping or fees.

Youths and criminals tend to obtain their guns outside the regulated sector of licensed dealers. When asked in a recent survey how and where they got their last handgun, 43 percent of adult prisoners reported purchasing the gun. Of those who purchased their handguns, only one-third purchased them in the primary market, a gun store or pawn shop.

Markets are linked because many buyers move from one market to another. To compete, secondary sellers have to offer lower prices because guns sold in the secondary market are used and of uncertain quality and shopping in the secondary market is inconvenient. While buyers prefer the primary market, the secondary market will look increasingly attractive as the regulations governing the primary market become more restrictive and the Brady Law demand for guns in the secondary market will be stronger (Cook, 1995). The secondary market in firearms is totally unregulated. It is therefore a simple matter to obtain a gun with no questions asked (Jacobs, 2002). Theft is one of the

primary ways that handguns end up in the hands of criminals. Each year, an estimated 500,000 to 1.4 million firearms are stolen (Jacobs, 1998). By definition, when a firearm is stolen, that firearm goes into the hands of a criminal. Therefore, rather than thinking up new restrictions on licensed firearms dealers, we should crack down very aggressively on firearms theft and other violators of existing firearms laws (Willard, 1997). The FBI compiles national data only on the values, not on the number of the stolen guns in its Uniform Crime Reporting (UCR) system. From the total value, it is possible to determine an estimate of the number of guns. The Police Foundation estimated that in 1991, 300 to 600 thousand guns were stolen, depending on what was assumed about the average value of the stolen guns. Data collected directly from law enforcement agencies suggest an average gun value of \$282. Applying this to the UCR total value of guns stolen throughout the nation in 1992 yields 458,475 gun thefts (Cook, 1995).

The popular conception of the source of gun violence is a shadowy illegal market, completely divorced from the legitimate firearms industry. "Criminals will always get guns," goes the refrain, as though the illegal market exists independently of the legal market. In fact, the illegal market in guns lies directly "downstream" from the legal market. Almost without exception, every illegal gun in the United States began its life as a legal product, manufactured or imported by a company licensed by the federal government and sold by a licensed dealer. It may enter the illegal market in a number of ways. For example, it may be bought by a "straw purchaser" who subsequently resells it privately or at a gun show. No matter how the gun ended up in the wrong hands its origins lie in a legitimate sale (Gun Control in the United States: A comparative Survey of State firearm laws and Open Society Institute's Center on Crime, 2001).

Other Reasons for a Decline in the Homicide Rate. Opponents of gun control have come up with reasons for the decline in homicide rate in United States since 1994. They have refused to give credit where credit is due, to the Brady law. To give the law credit would amount to admitting that the law works, and that gun control works. These opponents want people to believe that it is by sheer coincidence that the decline in homicide numbers started immediately after the Brady Law was passed.

While some criminal justice experts have credited the Brady Law in part for the turnaround, to a level that we have not seen in America since 1967, others believe that the decline could be attributed to the good economy that the United States enjoyed in the 1990s, and some even said that it was the one hundred thousand community policing by President Clinton's administration. Some people said it was because the United States was winning the war on illegal drugs, while others said it was the demise of the "crack" cocaine epidemic.

According to Canada Geoffrey, the president of the Rheedlen Centers for Children and Families, the decline in the crime rate was the result of a change in the attitudes of young people in the inner cities (Butterfield, 1999). He states that the youths believed that the notions of the late 1980s and early 1990s that crime was the only way to get their sneakers or movie tickets or to buy an apartment building, but that whole way of thinking has changed dramatically. He also attributed part of the decline to prolonged prosperity, that is, the economy. He believes that youth now get the message that work pays, crime doesn't.

While some people gave credit to luck or nature, saying "everything that goes up must surely come down," and "anything that has a beginning must have an end," others

believe that it was the one hundred thousand community policing program by President Clinton's administration that did the trick; however, this program did not take off in full force until late 1990s (Clinton, 2000).

Alfred Blumstein, attributed the decline in the homicide rate to the end of the "crack" cocaine epidemic in America (Blumstein, & Wallman, 2000). He thanked "some combination" of police tactics, a growing fear of violence, and a new generation's rejection of crack (in favor of marijuana "blunt"), where the crack markets decayed while a booming economy offered legitimate alternative employment.

However, he believes that the decline in the homicide rate is the clearest evidence yet that efforts to reduce gun violence through new laws and police pressure are working. He cited a Federal Bureau of Investigation report that shows that a 7 percent drop in homicide in 1998 was entirely attributable to a decrease in killings committed with guns, resulting from tighter Federal restrictions imposed on gun purchases by the Brady Law of 1994, and new gun control laws passed by numerous states, like those limiting purchasers to one handgun a month, for example in the states of Maryland (Maryland Gun Violence Act of 1996).

Crime Control via Federal Dealer Regulation; Squeezing out the Bad Guys. The Brady law was enacted in response to what the FBI said were abuses of dealer licenses (Lynott, 2002). Since 1938, for a small fee of \$30, practically any adult without a felony record could obtain a Federal Firearms License, and thereby as an FFL be entitled to engage in the business of selling firearms and to make interstate firearms purchases (Jacobs, 2002). With a Type 1 license, a designated dealer could buy guns without the restrictions a non-dealer faced (Lynott, 2002).

With the Brady Law the new dealer license costs \$200 and is valid for three years. Each three-year renewal costs \$90. Dealers now must submit fingerprints and photographs as well as certify they have notified the chief law enforcement officer in their locality of their intent to apply for a license. The ATF also require the dealer to be in compliance with their local laws, such as having the right zoning to conduct a business. The tightening of license requirements was not done to purge the nation of dealers, said Jim Crandall, an ATF spokesman, but "We want to make sure that people who have licenses are, in fact, in business" (Lynott, 2002).

The ATF examined the sales over a twenty-year period. In 1981 the number of handguns, rifles, and short-guns made totaled 5.3 million. In 1994, 5.1 million guns were made, the first year of the Brady Law. Between 1995 and 2000, the total number of guns ranged between 3.6 million and 4.3 million (ATF, Commerce in Firearms in the United States, 2000).

In 1994, America had 198,848 licensed gun dealers. Most were so-called kitchen-table dealers operating out of their homes with virtually no ATF oversight. By the end of 1998, the number of licensed gun dealers had fallen to 74,220. For example, in 1993, Berkeley, California, had thirty-four licensed dealers; in 1996, it had two. Across the Bay, San Francisco knocked its population of dealers from 155 down to ten. Three-quarters of New York City's dealers gave up their licenses; so did 80 percent of Detroit's. The sudden decline in the number of dealers contributed to an equally dramatic decline in handgun production. That is significant because street cops and criminologists have long suspected that more guns on the street lead inevitably to more shootings. Between 1993

and 1997, production of pistols, the style of gun most preferred by youthful killers, fell more than 50 percent, from 2.3 million a year to just over one million (Larson, 1999).

Brady Law Works; Let It Be. Keeping firearms out of the hands of dangerous and irresponsible persons is one of, if not the, primary goal of United States gun control laws (Jacobs & Potter, 1995). In particular, the intent of the Brady Law is to restrict new sales of guns so that only persons deemed less at risk of misuse of the weapons could purchase them (Sherman, 2000). As a result of this, the question that has been on everyone's mind since 1994 has been whether the law is working as intended. The answer to that question always depends on who is answering. Those in favor of gun control will tell you that the Brady Law is the greatest thing that has happened to gun control laws in the last decade. On the other hand, opponents of gun control will tell you the exact opposite. However, all their reasons for saying that the law is not working have been discussed herein before, which is why we are looking at whether the law is doing exactly what it set out to do.

Between 1985 and 1991, the United States experienced a sharp rise in violent crimes. Arrest rates for homicide doubled for males under twenty years old. Then starting in the early 1990s, the violence subsided. The homicide rates fell to a level not seen since the 1960s (Blumstein & Wallman, 2001). Those who believe in the Brady Law argue that the law was one of the reasons responsible for this, and especially for the decline in the homicide rate, since the intent of the law was to do just that. On the day the Brady Law was signed, President Clinton called it "step one in taking our streets back, taking our children back, reclaiming our families and our future." Sarah Brady said, "It will begin to make a difference. It will begin to save lives." James Brady stated, "What we are witnessing today is more than a bill signing, it is an end of unchecked madness and the

commencement of a heart-felt crusade for a safer and saner country (Jacobs & Potter, 1995).

Since the signing of the Brady bill into law, there has been sharp decline in the homicide rate in the United States, and the FBI annual Uniform Crime Report found that the national homicide rate has fallen to 6.3 per 100,000, which was the level in 1967 when crime exploded in the United States (FBI, UCR. 1999). According to Professor Butterfield, this was the clearest evidence yet that efforts to reduce gun violence through new laws and police pressure are working. This report released by the FBI shows that the drop in homicide was entirely attributable to a decrease in killings committed with guns (Butterfield, 1999).

For example, the government background checks system for gun purchasers stopped thousands of convicted criminals, fugitives and people with a mental illness from buying a gun in the first seven months of the checks. The FBI report said there were 16,914 homicides nationwide in 1998, of which 10,975 were committed with guns, down from a total of 18,210 in 1997, of which 12,346 involved guns. The reduction by 1371 in killings involving a firearm was greater than the overall drop of 1,296. Similarly, the report said that robberies committed with guns fell to 38 percent of all robberies in 1998 from 40 percent in 1997. The FBI report is based on police arrest reports. It measures the violent crimes of murder, robbery, rape, and aggravated assault and the property crimes of burglary, motor vehicle theft, larceny and arson. Butterfield states that these numbers suggest that the efforts to control the availability of guns, especially in the hands of young people, are having some effect (Butterfield, 1999). Is more gun control needed?

The emphatic answer is, yes. More than 750,000 Americans have been killed by guns since 1960 (Herbert, 1999).

Homicides involving handguns which surged 71 percent between 1985 and 1993, fell nearly 37 percent over the next five years. Garen Wintemute of the University of California at Davis finds that the 1993 Brady Law and other efforts to prohibit convicted felons from buying guns apparently helped (Anonymous, 2001). Two studies by Dr. Wintemute, director of the Violence Prevention Research Program at the University of California at Davis, have found that California laws requiring background checks of convicted felons (like Brady) and criminals who committed violent misdemeanors reduced crimes committed with guns by 25 percent to 30 percent. In another study, he found strong new evidence that a small number of federally licensed firearms dealers are responsible for a disproportionate number of handguns that end up being used in crimes. He found that 8.5 percent of dealers in California sold 82.7 percent of the handguns used in crimes there in 1998, though these same dealers accounted for only 33.2 percent of all handgun sales during the period from 1996 to 1998 (Butterfield, 1999).

Statistics have shown that the murder rate in the country started declining after the Brady Law was enacted, a trend which continues today. The murder rate has declined to its lowest level since 1967, despite national population increases, and there were fewer reported murders in 1998 (16,910) than there were in 1971 (17,780) (Uniform Crime Reporting Handbook 1999). When asked if the Brady Law is working as intended, the United States Justice Department spokesman Gregory King said, yes. He stated that the law has had a substantial impact on keeping firearms out of the hands of unauthorized purchasers. He reiterated the data from the Bureau of Justice statistics which shows that

about 69,000 sales of handguns were blocked by background checks in 1997, with 62 percent of those rejections based on a prior felony conviction or a current felony indictment. Eleven percent of attempts were blocked because of domestic violence misdemeanor convictions or restraining orders, and 6 percent because the purchaser was a fugitive from justice. In addition, during 1997, an average of 328,000 queries per month was directed to the FBI's National Crime Information Center about the records of those trying to purchase guns or carry firearm permits. About 2.7 percent of all applications were blocked (Gips, 1998).

Federal monitoring of firearm purchases has gotten faster and more accurate since the Brady Law took effect. The Los Angeles Police Chief William J. Brantton has declared, "The Brady bill works and there is no reason to change it: let it be (*Los Angeles Times*, Jan. 12, 2004).

Methodology

Overview of Methodology

This study's objective was to discover whether the Brady Handgun Violence Prevention Act (Brady Law) of 1993 achieved the desired results of reducing guns on the streets and the homicide rate in America.

This research methodology includes primary and secondary data, with a qualitative and quantitative approach. Time was a significant factor in planning the overall research design, as well as in choosing the primary research tool. My qualitative research was conducted with a focus group. This was to verify the assumption that

keeping guns away from ineligible persons, e.g. criminals and felons, will in turn reduce the murder rate in America. I used the focus group to gain insight into the participant's thoughts and feelings about the Brady Law, and its effect in their community.

This report Utilized a correlational study approach to gather data from the following sources-- the FBI, the ATF, industry publications, and reports-- to examine the extent to which differences in the number of guns on the streets are related to differences in the murder rate in America, since the hypothesis is that a reduction in the number of guns or availability of it, will definitely lead to a decline in murder rate.

Limitations of the Research

Time was a significant factor in planning the overall research design, as well as in choosing the primary research tool. Emphasis was placed on the available literature and secondary data received from the Federal Bureau of Investigation. Attempts were made to provide a good measure of internal validity with regard to the many variables that affect the Brady Law. While the majority of the literature review and the focus group supported the conclusion that the Brady Law got guns away from criminals and felons, and other ineligible persons, thereby leading to decline in the murders committed with firearms, there were other factors that must have contributed to the decline, one way or another. Those other factors have been discussed extensively under the literature review, for example, the good economy of the 1990s.

Ideally, the descriptive survey would have been mailed to a sample of the other parts of the country, however, time constraints limited the development of the sample population to a focus group.

It is generally believed that the knowledge of the residents in the Washington, DC, area regarding the Brady Law or any other kind of law, for that matter, might be different from the knowledge of somebody who lives in some other part of the country. It will be understandable if the Washington, DC, area residents are more knowledgeable about a law like Brady, compared to somebody who lives say in Kansas or Omaha, Nebraska. This is because Washington, DC, is the seat of the government and the city had problems with homicide in the mid-1980s to early 1990s when the Brady bill was being discussed in Congress, up until the law was enacted in 1993. When you take these factors into consideration, it compromises the ability to generalize findings to a larger population using the findings of the focus group.

Data Collection

The Federal Bureau of Investigation in Clarksburg, West Virginia, NICS section, supplied most of the data. For example, they provided all the available data on NICS Background Checks, from November 30, 1998, the day the NICS took over the background checks, to March 31, 2004; the Firearm Workload Statistics through March 31, 2004; the NICS Index Category; and other related data. The rest of the data were pulled from the FBI and ATF websites.

A written questionnaire was developed to get an insight into the minds and feelings of the focus group regarding their awareness of the law, the effectiveness of the law, and what can be done to strengthen it or make it better. The questionnaire contained eight questions, and was designed to be easy to read and understand.

Focus Group

The focus group comprised of nine participants of between twenty-eight and fifty-four years of age, of which four were women. There were two police officers, one with the Washington, DC, Police Department, and the other with Baltimore City Police Department. There were two attorneys; one has his office in Washington, Dc, and lives in the Georgetown area of the city, and the second attorney works in Rockville, Maryland, and lives in Silver Spring, Maryland. The fifth person is a graduate student at the University of Maryland, College Park campus (MBA student). The sixth person is our hostess; a pharmacist, she lives in Silver Spring, Maryland, and works full-time in Baltimore and part-time in Silver Spring, Maryland. The seventh participant works at Catonsville, Baltimore, and lives in Columbia, Maryland. The eighth participant is a registered nurse, lives in Greenbelt, Maryland, and works in Washington, DC. The last participant is an unemployed high school teacher. The focus group discussion took place at 6 Elm Tree Court, in Silver Spring, Maryland, on a Saturday afternoon, on April 26, 2004.

Summary of the Focus Group Process

The questionnaire was designed with a specific progression, beginning with more general questions establishing their awareness of the Brady Law leading to questions requiring greater specificity and more thoughtful responses on the part of the participant.

The first question asked the participants if they are aware of the Brady Law and its provisions. The question was design to know how knowledgeable they are regarding the Brady Law.

Question 2 asked the focus group participants if they know the intent or the objective of the law. It is not enough to be aware of the Brady Law; it is also good to know if they know the history behind the law or at least have an idea of the objective of the law.

Question 3 asked if the participants were aware of the controversy surrounding the Brady Law, regarding at first, the five-day waiting period, or any kind of waiting at all, and all the controversy about the prohibited persons.

Question 4 asked whether the participants believed that because of the background checks that there are less guns on the street. This was designed to show if the background checks have been effective to the point of reducing the number of guns on the streets. That is, do they believe the law has been effective?

Question 5 asked if they are aware that there has been decline in the murder rate in America since the enactment of Brady Law. This was designed to know if the participants were aware that there has been a decline, and to find out about their perception of the situation in their neighborhood, city and state.

Question 6 asked if they believe that the law has contributed to the decline in the homicide rate in America. This was designed to deal directly with the research hypothesis that the Brady Law must have contributed to the decline of murder rates since it took guns away from criminal, felons and other prohibited persons.

Question 7 asked if they believe that the law has achieved its goal of keeping guns away from ineligible persons, thereby causing decline in death by firearms in America.

Question 8 asked about what the participants believe can be done to strengthen the law or make it better. This was designed to get ideas from the participants about what could be done to make the law more effective.

Findings

Overview of Methodology

The underlying hypothesis of this research project assumed that the Brady Law kept firearms away from criminals, felons and other prohibited persons by conducting a background check before a firearm sale, and reduced the number of guns on the streets and subsequently the murder rate in America. To evaluate this law, the methodology used included both primary and secondary research components. A qualitative approach was used to create a focus group, and the secondary data came from FBI, ATF, and from reviews of relevant literature. A written questionnaire was developed for the focus group to get an insight into their feelings about the Brady Law.

Focus Group

The primary objective of the focus group was to gain insight into the participant's thoughts and feelings regarding the Brady Law. The law was brought under the microscope using several data collection instruments and a questionnaire (Appendix B), culminating in an energetic focus group session. At the end of the group session, the moderator's pad reflected the following:

Awareness of the Brady Law All the participants were well aware of the Brady Law and its initial provision of a five-day waiting period, and its subsequent NICS Instant background Check System, regarding handgun sales by FFLs.

The Intent of Brady Law: The participants knew that the objective of the law was to keep handguns away from criminals, felons and ineligible persons, to reduce guns on the street and thereby reduce the homicide rate in America.

Controversy Surrounding the Law: Group members were aware of the controversy surrounding the law, particularly, the five-day waiting period and now the NICS Instant Check System. They knew about the so-called loopholes in the law, the issues of unregulated gun shows and the secondary market, the impact of gun trafficking and theft. They discussed at length the impact of gun trafficking, for example, that firearms are well controlled in the states of New York and New Jersey; however, they found that most of the guns used to commit crimes in those states were from Maryland and Virginia through illegal trafficking of firearms, as these are two states with relaxed gun control laws. Both states have tried to close the loopholes, with new gun control laws in Maryland and Virginia now having a law that permits only one handgun sale in a month; also the state of Maryland has a seven-day waiting period.

Effect of Background Check: Question number 4 is whether they believe that the background checks have reduced the number of guns on the streets. Participants all believed that there are fewer guns on the street. The increase in the license fees also contributed to fewer guns on the street because it led to a reduced number of licensed gun dealers. The homicide rates in Washington, DC, and Baltimore had gone down considerably. There is still gun violence in Washington and Baltimore, but it could not be compared to what was happening in the late 1980s and early 1990s before the Brady Law. It is harder now for a criminal to get a firearm, and there are still many illegal guns out there; however all the people that were turned down by the Brady Law would have

owned a gun, though some people believe that some of those turned down by the Brady Law would have gotten a gun on a black-market if they were really desperate. This is true, but a great number of them did not. Since the enactment of the Brady Law more than 400,000 applications to purchase a handgun have been rejected. It is a good thing to know that many felons and ineligible people could not get a gun. States like Maryland and Virginia have gone further with the one-gun-a-month law.

Decline of Murder Rate in America: Question 5 is whether they are aware that there is a decline in the murder rate in America; the entire group of participants gave an emphatic yes answer. Streets are safer, and there are fewer homicides in Maryland as a state, and in Baltimore city as the largest city in Maryland, and also in Washington, DC. There are still homicides in these places; however, they are fewer than what they used to be before the Brady Law.

Has the Brady Law Contributed to the Decline in Homicide Rate: The answer is yes; since background checks started in 1994, more than 400 thousand ineligible persons have been prevented from purchasing handguns. It does not mean that all of them would have killed someone, but it would have increased the chance of someone getting killed. It does not mean that those who were turned down would have used the gun to commit a murder themselves, but the handgun could have gotten into the hands of a person who could have used it to kill. We do not know the exact number of people who have been saved, but a lot of people would have been killed with an extra 400 thousand more handguns on the street. Lest we forget, that illegal guns started out as legal. The participants agreed that the streets are safer with the Brady Law, although other factors were acknowledged that could have contributed to the decline in the homicide rate, for example, the rosy economy

of the mid-to late 1990s, though the economic turn-around started in the mid 1990s. The Brady Law definitely contributed in a great deal to the decline in the homicide rate in America.

Has the Brady Law Achieved Its Goal: Question 7 asked the participants whether the Brady Law has achieved its goal of keeping guns away from felons and prohibited persons, and the goal of a decline in death by firearms. All the participants answered yes. The law's achievement of its primary objective was immediate, in that the NICS denies about 60,000 ineligible persons from purchasing handguns annually. The number of guns sold in America (legal channel) according to the data from ATF has really dropped, and the number of FFLs has also declined, due to the increase in license fees and stricter requirements like fingerprint and picture identification. The Brady Law has really achieved its goals of keeping guns off the street and reducing the homicide rate annually since it was signed into law in 1993.

What Can Be Done to Strengthen the Law: Lately the United States Attorney General is proposing that the NICS Instant Check records be kept for only forty-eight hours; presently, the records are kept between three to six months. His proposal will turn the law into a "toothless bulldog." The Brady Law should be left the way it is with regard to keeping of records. This will allow the FBI, ATF, and local law enforcement agencies to follow up on any mistake or at least reduce the abuse of the system.

All the loopholes in the present system should be closed. The law should apply to the secondary market, gun shows and other avenues that presently constitute loopholes in the system. Fingerprinting should be introduced into background checks of prospective

handgun purchasers. Buyers should be restricted to buying only one gun a month and the records for applications to purchase should be kept for three years.

Data and Findings

This is divided into the three questions that this research focuses on.

Research Question 1: Did the Brady law keep guns out of the hands of prohibited individuals?

This question will be answered by looking at the available data on the background checks conducted on prospective handgun buyers between 1993 and 2004. The presentation of the background check will be divided into two-- the interim period between February 28, 1994, and the NICS period starting November 30, 1998. Data will also be presented to show the number of firearm sales in United States between 1960 and 2000.

The Interim Period: The Brady Handgun Violence Prevention Act of 1993 (Brady Law) provided for an interim period from February 28, 1994, through November 29, 1998, before its permanent provisions became effective. This interim period permitted the U.S. Department of Justice time to establish the National Instant Criminal Background Check System (NICS).

During the fifty-seven-month interim period, the Brady Law required federally licensed firearms dealers (FFLs) to request a presale background check of potential handgun purchasers. The requests were made to the Chief Law Enforcement Officer (CLEO) of the jurisdiction where the FFL operated. The CLEO had five days to respond. (See: Activities during the Brady interim period - Table 3).

Table 3

Activities During the Brady Interim Period, February 1994 – November 30, 1998					
	1994	1995	1996	1997	1998 Jan - Nov
Number of handgun Inquiries/Applications	2,483,000	2,706,000	2,593,000	2,574,000	2,384,000
Number of Rejections	62,000	41,000	70,000	69,000	70,000
Rejection Rate	2.5%	1.5%	2.7%	2.7%	2.9%
Inquiries to FBI about Firearm Possession	3,679,000	4,009,000	3,842,000	3,930,000	3,623,000

See Table 4 on next page: State by state activities of NICS and states POC background
check system between November 30, 1998 and March 31, 2004

Table 4: NICS Background Checks - State POC & Federal

November 30, 1998 - March 31, 2004

State		1998	1999	2000	2001	2002	2003	2004	PTD	PTD % By state
Alaska	AK	3,985	43,073	39,959	39,959	36,793	37,059	8,251	209,079	0.45%
Alabama	AL	36,568	246,756	221,911	230,187	221,008	225,479	58,001	1,239,910	2.69%
Arkansas	AR	21,752	184,616	169,628	166,062	153,424	150,249	38,788	884,519	1.92%
Arizona	AZ	17,453	173,548	148,263	147,582	142,260	145,719	40,307	815,132	1.77%
California	CA	67,445	883,144	794,506	854,569	684,390	524,431	128,889	3,937,374	8.54%
Colorado	CO	23,798	257,308	307,512	348,696	183,754	181,257	44,645	1,346,970	2.92%
Connecticut	CT	6,870	87,209	87,586	89,689	93,598	100,567	29,772	495,291	1.07%
DC	DC	0	21	17	17	7	11	5	78	0.00%
Delaware	DE	2,135	17,594	15,347	16,619	16,388	16,361	3,709	88,153	0.19%
Florida	FL	32,341	279,700	266,035	303,396	288,848	298,181	78,853	1,547,354	3.36%
Georgia	GA	3,819	409,810	352,357	325,521	285,201	282,218	60,426	1,719,352	3.73%
Guam & US Virgin Islanc	GM	9	170	279	328	305	379	99	1,569	0.00%
Hawaii	HI	431	5,343	6,609	7,464	7,807	7,439	1,818	36,911	0.08%
Iowa	IA	14,650	92,222	87,796	89,658	90,358	95,127	27,271	497,082	1.08%
Idaho	ID	7,339	79,914	77,138	75,400	74,062	74,669	18,045	406,567	0.88%
Illinois	IL	41,477	484,848	449,771	462,702	446,138	515,917	159,918	2,560,771	5.56%
Indiana	IN	22,518	203,182	182,319	195,780	188,235	183,853	46,631	1,022,518	2.22%
Kansas	KS	12,386	106,108	96,716	95,408	94,110	97,365	24,949	527,042	1.14%
Kentucky	KY	31,869	248,212	229,896	238,996	229,423	226,869	59,733	1,264,998	2.75%
Louisiana	LA	27,642	196,015	174,706	177,775	169,580	175,693	39,327	960,738	2.08%
Massachusetts	MA	1,443	24,314	54,843	66,635	94,824	131,395	28,684	402,138	0.87%
Maryland	MD	9,007	91,381	84,309	83,347	78,764	78,270	17,982	443,060	0.96%
Maine	ME	4,106	47,160	45,028	50,019	49,922	50,897	10,950	258,082	0.56%
Michigan	MI	30,596	307,769	300,661	363,424	353,540	342,161	82,727	1,780,878	3.86%
Mariana Islands	MK	0	51	13	148	35	6	0	253	0.00%
Minnesota	MN	12,116	177,929	185,100	191,935	192,392	229,728	53,891	1,043,091	2.26%
Missouri	MO	24,087	206,636	191,578	199,470	197,990	202,865	50,994	1,073,620	2.33%
Mississippi	MS	26,097	182,114	163,980	159,421	149,948	150,877	36,731	869,168	1.89%
Montana	MT	6,406	73,027	71,115	74,752	76,322	80,786	18,823	401,231	0.87%
Nebraska	NB	6,655	47,959	44,825	44,401	43,177	44,758	10,250	242,025	0.53%
North Carolina	NC	38,943	309,707	290,884	289,571	268,916	264,488	72,597	1,535,106	3.33%
North Dakota	ND	2,437	29,864	32,358	32,105	31,339	33,393	7,041	168,537	0.37%
New Hampshire	NH	2,442	37,711	40,120	45,727	49,666	54,724	14,085	244,475	0.53%
New Jersey	NJ	3,795	38,601	37,106	39,527	43,318	41,733	9,594	213,674	0.46%
New Mexico	NM	9,033	94,406	84,034	84,874	80,057	79,140	21,520	453,064	0.98%
Nevada	NV	6,439	62,375	49,807	50,549	47,155	49,432	13,523	279,280	0.61%
New York	NY	14,736	186,627	163,974	175,967	160,927	150,831	34,135	887,197	1.93%
Ohio	OH	32,481	297,597	274,165	292,159	297,033	298,632	88,151	1,580,218	3.43%
Oklahoma	OK	20,075	169,436	156,988	164,126	159,489	167,551	44,918	882,583	1.92%
Oregon	OR	14,024	160,358	135,336	141,295	137,513	142,960	36,363	767,849	1.67%
Pennsylvania	PA	48,317	541,555	481,294	509,881	567,702	515,896	129,654	2,794,299	6.06%
Puerto Rico	PR	513	5,190	5,301	7,095	8,148	7,906	1,788	35,941	0.08%
Rhode Island	RI	1,059	10,677	9,414	10,233	9,521	9,660	2,645	53,209	0.12%
South Carolina	SC	9,565	145,493	128,618	132,781	121,976	121,352	31,275	691,060	1.50%
South Dakota	SD	2,751	31,327	36,723	40,861	44,282	47,683	10,537	214,164	0.46%
Tennessee	TN	24,773	264,214	234,673	230,779	223,048	219,783	56,772	1,254,042	2.72%
Texas	TX	82,399	710,025	662,970	672,746	664,745	688,275	162,517	3,643,677	7.91%
Utah	UT	10,682	77,718	67,420	67,518	61,710	70,507	17,846	373,401	0.81%
Virginia	VA	25,194	208,554	188,508	196,181	191,789	200,270	50,621	1,061,117	2.30%
Vermont	VT	2,116	22,218	20,300	20,657	20,483	19,971	4,488	110,233	0.24%
Washington	WA	12,002	133,674	134,255	161,380	193,439	213,916	52,512	901,178	1.96%
Wisconsin	WI	15,442	179,340	180,492	181,798	173,779	188,594	46,865	966,310	2.10%
West Virginia	WV	14,194	134,471	128,258	138,421	134,846	131,777	32,756	714,723	1.55%
Wyoming	WY	3,486	35,476	34,295	34,454	33,585	33,184	8,399	182,879	0.00%
Admin	AA				18	0	0	0	18	0.00%
Totals		891,898	9,043,747	8,427,096	8,820,063	8,367,069	8,402,244	2,131,071	46,083,18	100.00%

Table 5: NICS Firearm Workload Statistics through March 31, 2004

Background Checks	Calendar Year 2004	Fiscal Year 2004	Project to Date
Number of State Point of Contact (POC) Checks	1,027,364	2,170,346	23,139,001
Number of FBI, E-Check & Call Center Checks	1,129,588	2,694,519	23,438,052
Total NICS Checks	2,156,952	4,864,865	46,577,053
E-Check Immediate Proceeds ** / ****	10,025	18,924	65,625
E-Check Immediate Proceed % *** / ***	79.02%	78.31%	78.15%
Call Center/Transfer Process Immediate Determination Rate % * /	91.82%	92.09%	91.65%
FBI Denials	15,794	37,257	358,847
FBI Denial %	1.40%	1.38%	1.53%
Appeal Statistics			
Received	3,273	6,650	55,753
Denials by Prohibited Category (PTD)	<i>Number</i>	<i>Percent of Total</i>	
Criminal History	317,339	88.43%	
Felon	192,924		
Drug Abuse	21,395		
Domestic Violence	47,682		
Other	55,338		
Fugitive from Justice	12,232	3.41%	
Mental Defective	1,404	0.39%	
Illegal/Unlawful Aliens	4,028	1.12%	
Dishonorable Discharges	190	0.05%	
Citizenship Renounced	22	0.01%	
Domestic Violence Restraining Order	15,831	4.41%	
Denied Persons File	3,180	0.89%	
Denial Based on Other Reasons	4,621	1.29%	
Total FBI Denials	358,847		
Firearm Retrieval Referrals ***** Initiated (as of 03/31/04)	20,433		
Active Records in the NICS Index (as of 03/31/04)			
Controlled Substance Abuse	646	0.02%	
Dishonorable Discharge	14,619	0.43%	
Citizenship Renounced	12,603	0.37%	
Denied Person File	311,896	9.10%	
Mental Defective	211,469	6.17%	
Illegal/Unlawful Alien	2,875,707	83.91%	
NICS INDEX TOTAL	3,426,940		
Participation Category and Totals			
Non Point of Contact (FBI conducts all checks)	32		
Partial Point of Contact	9		
Full Point of Contact (state conducts all checks)	14		
NICS TOTAL PARTICIPANTS	55		

* The Transfer Process started Tuesday, July 23, 2002. Beginning January 1, 2003, a modification in reporting was recognized.

** This Indicates that no records regarding the prospective buyer have been located by the NICS, and that the Brady Act does not prohibit transfer of the gun.

*** Canceled transactions are removed from the number of checks to determine this percentage.

**** E-Checks started, June 18, 2002

***** When the FBI determines that an FFL has already transferred the firearm to an individual determined by the NICS to be a prohibited person, the FBI notifies both the ATF and local enforcement where the firearm was sold, that a prohibited person received a firearm.

Question 1: Table 3 shows that from March 1994 to November 1998, an estimated 12.7 million handgun purchase applications were submitted to CLEOs, of which about 312,000 were rejected. For eleven months in 1998, about 2,284,000 background checks of potential handgun buyers prevented an estimated 70,000 purchasers, a rejection rate of 2.9%. Therefore we can say that during the interim period, about 312,000 guns were kept off the street between March of 1994 and November of 1998. The argument by opponents of gun control is that some of those people prevented from legally purchasing a firearm could have obtained one illegally. I do agree with that argument, however, the guns in the black market are already on the street. At one point in time, they were perfectly legal, therefore the denial still kept about 312,000 new guns out of the hands of ineligible persons. That translates to 312,000 handguns off the street.

The NICS Period Starting from November 30, 1998, to the present, the National Instant Criminal Background Check System (NICS) operating primarily through telephone and computer, took over the background check operation from the local CLEOs. Table 4 shows that from November 30, 1998 to March 31, 2004, 46,083,188 background checks were conducted by NICS, with an average denial rate at 1.40% annually; that translates to over 645,165 denials since NICS started this operation.

Table 5 shows that denials by prohibited category on ground of criminal history constitute about 88.43% of the total number of denials, 60.79% of which are felons. 6.75 are drug abusers, and 15.03% are domestic violence. Table 5 also shows that Firearm Retrieval Referrals as of March 31, 2004 are 20,433. That is 200,433 guns retrieved from people on the street. Retrieval occurs whenever the FBI determines that an FFL has already transferred the firearm to an individual determined by the NICS to be a prohibited person. This is done by notifying both the ATF and local law enforcement where the firearm was sold, that a prohibited person has received a firearm (see Appendix D, for NICS success stories). The answer to question number one is yes; the Brady Law has indeed kept guns off the street and away from persons deemed ineligible (see Appendix C- Success stories of the NICS).

Research Question 2: Did the Brady law reduce the number of guns on the streets?

This will be answered by looking at available data on the number of denials of gun purchases by NICS after the background checks, and the data on gun sales in America from 1960 to 1997, to determine whether there has been a drop in gun sales since enactment of the Brady Law.

Homicides and Handgun Sales United States, 1960 - 1997

Table 6

Year	Homicide Per 1,000	Handgun Sale In 1,000's	Year	Homicide Per 1,000	Handgun Sale In 1,000's	Year	Homicide Per 1,000	Handgun Sale In 1,000's
1960	4.7	447	1973	9.7	1,715	1986	9.0	1,659
1961	4.7	431	1974	10.1	2,024	1987	8.7	1,746
1962	4.8	453	1975	9.9	1,833	1988	9.0	2,031
1963	4.9	491	1976	9.0	1,880	1989	9.3	1,839
1964	5.1	666	1977	9.1	1,877	1990	10.0	1,838
1965	5.5	700	1978	9.2	2,124	1991	10.5	2,010
1966	5.9	926	1979	10.0	2,370	1992	10.0	2,825
1967	6.8	1,259	1980	10.7	2,537	1993	10.1	2,582
1968	7.3	1,255	1981	10.3	2,529	1994	9.6	1,723
1969	7.7	1,394	1982	9.6	1,967	1995	8.7	1,484
1970	8.3	1,448	1983	8.6	1,680	1996	7.9	1,407
1971	9.1	1,805	1984	8.4	1,550	1997	7.4	1,240
1972	9.4	1,734	1985	8.4	1,428			

Sources: Homicide Rates: CDC Injury Mortality data, as reported by the Bureau of Justice Statistics at Homicide rates recently declined to levels last seen in 1967.

Handgun sales: ATF, Commerce in Firearms in the United States, 2000.

Tables 4 & 5 shows that between 1994 and 2004 about one million would-be handgun purchasers were deemed ineligible. That translated to one million fewer handguns on the streets. Table 6 shows the steady decline in handgun sales from 1994 to 1997 (available data). In 1992, two years before the Brady Law kicked in; handgun sales reached about 2.8 million. In 1993, the sales were at 2.6 million. However, the next year; 1994, the year that the Brady law kicked in, the sale fell to 1.7 million which was a reduction of about 900,000 handguns. By 1997, the last year that the data was available, the number had gone down to 1.2 million; that was the sale number in 1968. This shows that the Brady Law did reduce the number of guns on the streets.

Research Question 3: If the Brady Law kept guns away from criminals and reduced guns on the street, did it reduce the murder rate in United States?

This question will be answered by comparing the murder rate in America from 1960 to 1993, to the murder rate during the time of the Brady law, 1994 to the present. Data on murder victims by weapon, between 1991 and 2001 will be analyzed. Lastly, data on murders and types of weapons used with percent distribution by region will be analyzed to determine whether the Brady Law contributed to the decline of the murder rate in America. See: Table 7 on next page.

Table 7

Total U.S. Population, Murder Rate, and Number of Murders by Year											
Year	Population	Rate	Murders	Year	Population	Rate	Murders	Year	Population	Rate	Murders
1960	179,323,175	5.1	9,110	1973	209,851,000	9.4	19,640	1986	241,077,000	8.6	20,610
1961	182,992,000	4.8	8,740	1974	211,392,000	9.8	20,710	1987	243,400,000	8.3	20,100
1962	185,771,000	4.6	8,530	1975	213,124,000	9.6	20,510	1988	245,807,000	8.4	20,680
1963	188,483,000	4.6	8,640	1976	214,659,000	8.8	18,780	1989	248,239,000	8.7	21,500
1964	191,141,000	4.9	9,360	1977	216,332,000	8.8	19,120	1990	248,709,873	9.4	23,440
1965	193,526,000	5.1	9,960	1978	218,059,000	9.0	19,560	1991	252,177,000	9.8	24,700
1966	195,576,000	5.6	11,040	1979	220,099,000	9.7	21,460	1992	255,082,000	9.3	23,760
1967	197,457,000	6.2	12,240	1980	225,349,264	10.2	23,040	1993	257,908,000	9.5	24,530
1968	199,399,000	6.9	13,800	1981	229,146,000	9.8	22,520	1994	260,341,000	9.0	23,330
1969	201,385,000	7.3	14,760	1982	231,534,000	9.1	21,010	1995	262,755,000	8.2	21,610
1970	203,235,298	7.9	16,000	1983	233,981,000	8.3	19,310	1996	265,284,000	7.4	19,650
1971	206,212,000	8.6	17,780	1984	236,158,000	7.9	18,690	1997	267,637,000	6.8	18,210
1972	208,230,000	9.0	18,670	1985	238,740,000	7.9	18,980	1998	270,296,000	6.3	16,910

Lifetime Victimization Rate by Murder, Uniform Reporting Section, Federal Bureau of Investigation, 1998.

Table 8

Murder Victims by Weapon, 1991 - 1995

Weapons	1991	1992	1993	1994	1995
Total	21,676	22,716	23,180	22,084	20,043
Total firearms	14,373	15,489	16,136	15,463	13,673
Handguns	11,497	12,580	13,212	12,775	11,198
Rifles	745	706	757	724	637
Shotguns	1,124	1,111	1,057	953	917
Other guns	30	42	37	19	29
Firearms, type not stated	977	1,050	1,073	992	892
Knives or cutting instrument	3,430	3,296	2,967	2,802	2,538
Blunt objects (clubs, hammers, etc)	1,099	1,040	1,022	912	904
Personal weapons (hands, fists, feet, etc)	1,202	1,131	1,151	1,165	1,182
Poison	12	13	9	10	12
Explosives	16	19	23	10	190
Fire	195	203	217	196	166
Narcotics	22	24	22	22	22
Drowning	40	29	23	25	29
Strangulation	327	314	331	287	232
Asphyxiation	113	115	111	113	135
Other weapons or weapons not stated	847	1,043	1,168	1,079	960

Table 9

Murder Victims by Weapon, 1996 - 2001

Weapons	1996	1997	1998	1999	2000	2001
Total	16,967	15,837	14,276	13,011	12,943	14,061
Total firearms	11,453	10,729	9,257	8,480	8,493	8,890
Handguns	9,266	8,441	7,430	6,658	6,686	6,931
Rifles	561	638	548	400	296	386
Shotguns	685	643	633	531	468	511
Other guns	20	35	16	92	51	59
Firearms, type not stated	921	972	630	799	892	1,003
Knives or cutting instrument	2,324	2,055	1,899	1,712	1,743	1,831
Blunt objects (clubs, hammers, etc)	792	724	755	756	604	680
Personal weapons (hands, fists, feet, etc)	1,037	1,010	964	885	900	961
Poison	8	6	6	11	8	12
Explosives	15	8	10	-	9	4
Fire	170	140	132	133	128	109
Narcotics	33	37	35	26	20	37
Drowning	24	34	28	28	15	23
Strangulation	248	224	213	190	166	153
Asphyxiation	92	88	101	106	89	116
Other weapons or weapons not stated	771	782	876	684	768	1,245

Table 10 – Murder, Types of weapons Used, 1995 (Percent distribution by Region)

Region	Total all weapons	Firearms	Knives or Cutting Instruments	Unknown / Dangerous weapons	Personal Weapons (hands & fist)
Total	100.0	68.0	13.0	12.8	6.3
Northeastern States	100.0	65.2	15.5	11.7	7.6
Midwestern States	100.0	67.9	12.3	14.7	5.2
Southern States	100.0	68.3	12.0	13.1	6.6
Western States	100.0	70.6	12.1	11.7	5.6

Table 11 – Murder, Types of Weapons Used, 1997 (Percent distribution by region)

Region	Total all weapons	Firearms	Knives or Cutting Instruments	Unknown / Dangerous weapons	Personal Weapons (hands & fist)
Total	100.0	67.8	12.8	13.0	6.3
Northeastern States	100.0	63.3	15.1	13.7	8.0
Midwestern States	100.0	66.5	11.8	14.7	6.9
Southern States	100.0	69.9	12.8	12.1	5.2
Western States	100.0	67.7	12.5	13.0	6.8

Table 12 – Murder, Types of Weapons Used 2000 (Percent distribution by region)

Region	Total all weapons	Firearms	Knives or Cutting Instruments	Unknown / Dangerous weapons	Personal Weapons (hands & fist)
Total	100.0	65.6	13.5	14.0	7.0
Northeastern States	100.0	62.2	17.0	12.8	8.0
Midwestern States	100.0	65.3	10.9	16.1	7.7
Southern States	100.0	66.5	12.8	14.3	6.4
Western States	100.0	66.7	14.4	12.5	6.5

To provide some context to this question, it is important to realize how bad the situation was before the enactment of the Brady Law. Table 7 shows that the murder rate in America started its upward swing as far back as 1967, and the last time it stood at 16,000 was in 1970. By 1993, the murder rate in America was 23,180, according to Table 8, and the total committed with firearm in that year was 16,136; that was the number of all the murders committed in 1970. The number committed with a handgun was 13,212, the same as the total murders committed in 1970. This was the situation before Brady was enacted and became law in 1994. To answer question number 3, we shall be looking at Tables 7, 8, 9, 10, 11, and 12.

Table 7 shows that murder rate started climbing in 1966, peaked in 1993, and started going back down in 1994, the year Brady became law. By 1998, Table 8 indicates that the murder rate was at 14,276, and the total murders committed with a firearm was 9,257, and with a handgun, 7,430, which was the level in 1970. The population in 1970 was 203 million, while it was 270 million in 1998. Table 7 indicates that the decline in

the murder rate started in 1994. That same year, according to Table 3, about 62,000 persons deemed ineligible to purchase a handgun were denied purchase. Table 6 shows that handgun sales declined to 1.7 million from 2.6 million the previous year.

Table 9 shows that the decline started in 1994, the Brady year, and it also shows a consistent decline in the number of homicides committed with firearms and, in particular, handguns. By 2000, Table 9 shows that the murder rate was at the 1967 level (see Table 7), and homicides committed with handgun had fallen drastically.

Table 9 shows that the only weapon used for committing murder that had a significant drop is the handgun. Table 10 indicates that murders committed with firearms in 1995 were at 68%; by 1997 it was 67.8% and by 2000, the decline was at 65.6%. Opponents of gun control want people to believe that the decline in the murder rate had nothing to do with the Brady Law. However, the data states otherwise. The decline started in 1994, the year Brady became law. The Brady Law was the only policy change in 1994, or in the 1990s for that matter, that could have affected the murder rate in America. All these data suggest that the Brady Law contributed to the decline in the murder rate in United States.

Summary of Key Findings

All the research questions are answered in the affirmative. The Brady Law has lived up to expectations; the law has achieved its objective. The intent of the law is as follows: (1) to keep guns out of the hands of criminals, and persons determined to be ineligible to own guns; (2) to reduce the number of guns on the street; and (3) to reduce the number of murders committed with firearms in America. The NICS background

check system has been effective, and the trickle-down effect is that there are fewer guns on the street, and a decline in the murder rate in America since 1994 (see Appendix C).

Conclusion and Areas for Further Research

The Brady law works, though some people believe that criminals will always get their weapons. That statement is partly true, however, not all criminals will go that extra mile to get them, and not all of them have the means to get them. Lest we forget, the Brady Law is not only for criminals; what about that person out there who is mentally unstable, for example? He or she may not go that extra mile to get a gun. Criminals are always trying to purchase a handgun which is why year-in, year-out more than 60,000 prospective gun buyers are denied eligibility. It is also relevant that over 68 percent of those denied every year are criminals, which makes the possibility of committing another crime with the gun very high.

We may never be able to put an exact figure on how many lives the Brady Law has saved; however, it is safe to say that the law contributed to the decline in the murder rate in America from 1994 to the present. Fewer guns on the street translate to fewer crimes, which translates to fewer murders. It is not by coincidence that the decline in the homicide rate started in 1994, the year Brady became law.

Some people believe that the Brady Law would only victimize or inconvenience law-abiding citizens. I strongly disagree with that notion. With the advent of NICS, the wait for a weapon could be from one hour to only three days. I believe that in the name of saving lives, a conscientious law-abiding citizen should not find the idea of waiting for one to 72 hours to make a purchase repulsive; after-all, in some states, for example

Maryland, the wait is for seven working days, which was the law in Maryland, even before the Brady law. It is still the law, and people have come to accept it.

The Brady Law has definitely achieved its goals of keeping guns off the street, and reducing the homicide rate in America. One of the focus group participants said, that the question should not be whether the Brady Law works, the question should be what we can do to strengthen the law. The Brady Law is a foundation of what is actually needed to control murders committed with firearms.

Policy Recommendations

There are a variety of measures that would help reduce availability of guns to criminal and other prohibited persons.

- 1 Secondary market should be regulated or abolished, for example, by requiring all gun transfers to be conducted through a licensed dealer or law enforcement agency
- 2 Local law enforcement agencies should give higher priority to burglaries and other crimes where guns are stolen
- 3 Both federal and state government can adopt reforms to increase the licensing fee for FFLs and regulate them more closely
- 4 Extend Brady Law background check requirement to all gun-show sales, and
- 5 There should be a law for licensing and registration of handguns

Area for Further Research

While it has been proven that the Brady Law has contributed to the decline in the murder rate in America in the last decade, it will be interesting to find out the impact of the good economy of the mid 1990s on the murder rate. It is easy to see why some people

might think that the "economy" was responsible for the turnaround. However, the murder rate is still down, compared to the level the country had in the 1970s and especially in the late 1980s, although the country is just coming out of a recession. If the economy were responsible for the decline when the economy was good, why then is the murder rate not high when the country went into a recession about three years ago? I realize that this is a gray area.

Future research on this topic should broaden the research sample to other parts of the country. This is just to have an insight into how people from other parts of this country feel about the Brady Law and its effectiveness.

References

A Case for Gun Control – www.asahi_net.org

Anonymous. (2001, January/February). The Brady Law reviewed. *Society*.
New Brunswick: 38(2), 4.

Anonymous. (2001, winter). The crime drop in America. *The Wilson Quarterly*. Washington: 25(1), 121.

ATF. *Prohibited persons* – www.atf.treas.gov/firearms

Blumstein, A & Wallman, J. (2002). *The crime drop in America*. New York:
Cambridge University Press.

Brady, S., Brady, J. & Cole, T. (1998, December 23/December 30). Handgun
purchasers with misdemeanor convictions. *JAMA*. Chicago: 280(24), 2120.

Bratton, W. (2004, January 2). Brady Law works: Let it be. *Los Angeles Times*. California: pg. B(12).

Butterfield, F. (1999, October 18). F.B.I. study finds gun use in violent crimes
declining. *New York Times*. New York: pg. A(19).

Clinton, W. (2000, October 23). Statement on the 1999 Uniform Crime
Report. *Weekly Compilation of Presidential Documents*. Washington: 36(42), 2498.

Clinton, W. (2000, February 15). The year 2000 State of the Union: The
economy, education and healthcare. *Vital Speeches of the Day*. New York: 66(9),
258.

Cook, P. & Cole, T. (1996, June 12). Strategic thinking about gun markets and violence. *JAMA*. Chicago: 275(22), 1765.

Cook, P., Molliconi, S., & Cole, T. (1995, Fall). Regulating gun markets. *Journal of Criminal Law & Criminology*. Chicago: 86(1), 59.

Cowan, J. (2002, Oct 10). False choices on gun safety. *The Washington Post*. Washington: A(33).

Crime and Guns – *Homicide & Handguns Sales*. 1950-1997. From Sane guns website at www.Saneguns.org.crime/homicides

Dizard, J., Muth, S. & Stephen, A. (1999). *Guns in America: A reader*. New York: New York University Press.

Eggen, D. (2003, November 18). FBI curbed in tracking gun buyers: Brady Law foils watch list. *The Washington Post*. Washington: pg. A(1).

Fields, G. & Foley, R. (2003, December 16). Gun buyers find privacy perk: Bill would cut holding of records to twenty-four hours from ninety days. *Wall Street Journal*. New York: pg. A(4).

FBI. (2000, June 21). *Congressional Statements. The National Instant background Check System*.

FBI. (2002). *Crime in the United States, Crime Index Offences Reported*.

FBI. (1998). *Index of Crime, United States*.

FBI. (1997). *Index of Crimes, United States; 1976-1995*.

FBI. *NICS Operation Report. 2001/2002 Operations*

FBI. (1999) *Press Release, National Instant Check System*.

FBI, (1997). *Uniform Crime Reporting handbook*.

FBI. (1998). *Uniform Crime Reporting Handbook*.

FBI. (1998, September). *Law Enforcement Bulletin. Firearms trafficking enforcement techniques*. pg. 6.

Gips, M. (1998, September). Brady Law on Target? *Security Management*. Arlington: 42(9), 14.

Glenn, D. (2002, October 4). Gun Control in theory and in practice . *The Chronicle of Higher Education*. Washington: 49(6), A(18).

Gun Control. Just Facts: *A resource for independent thinkers*. From www.justfacts.com/gun

Hatch, O. (1998). The Brady Handgun Prevention Act and the community protection initiative: Legislative responses to the Second Amendment? *Brigham Young University Law Review*. 1998(1), 103.

Herbert, B. (1999, September 20). Gun violence. *New York Times Upfront*. New York: 132(2), 32.

Holder, E. (1997, July 7). How the Brady Law works. *The Washington Post*. Washington: A(8).

Jacobs, J. (2002, March). Crime control via federal dealer regulation. *Criminology & Public Policy*. Columbus: 1(2), 183.

Jacobs, J. & Potter, K. (1998, fall). Comprehensive handgun licensing and registration: An analysis and critique of Brady II, gun control's next (and last?) step. *Journal of Criminal Law & Criminology*. Chicago: 89(1), 81.

Jeter, J. (1996, January 28). Maryland tops Virginia as DC gun supplier: Crime report boosts proposal to limit sales. *The Washington Post*. pg. 1.

Langley, M. (2002, September). No deal. *Violence Policy Center*.

Washington.

Larson, E. (1999, August 9). Squeezing out the bad guys. *Time*. New York: 154(6), 32.

Lott, J. (1998). More guns, less crime. *The University of Chicago Press*. pp. 1.

Lott Jr., J. (2002, October/November). Gun bans don't cut crime. *The American Enterprise*. Washington: 13(7), 10.

Ludwig, J. (1999, July). More guns, less crime: Understanding crime and gun control laws. *Contemporary Sociology*. Washington: 28(4), 466.

Ludwig, J. & Cook, P. (2001, May). The benefits of reducing gun violence: Evidence from contingent-valuation survey data. *Journal of Risk & uncertainty*. Boston: 22(3), 207.

Ludwig, J. & Cook, P. (2000, August 2). Homicide & suicide rates associated with implementation of the Brady Handgun Violence Prevention Act. *JAMA*. Chicago: 284(5), 585.

Lynott, J. (2002, October 16). New rules change the face of gun retailing. *Knight Ridder Tribune Business News*. Washington: pg. 1.

Maryland Gun Violence Act of 1996. Limiting handgun purchases to one per person per month.

McDonald, T. (2003, October 12). North Carolina group wants lawmakers to close Gun-Show loophole. *Knight Ridder Tribune Business News*. Washington: pg. 1.

Roth, J. (1994, February). *Firearms & Violence. NIJ Research in Brief*. From www.sun.soci.niu.edu/

Sherman, L. (2000, March 1). Gun carrying and homicide prevention. *JAMA*. Chicago: 283(9), 1193.

Spitzer, R. (1995). *Politics of gun control*. New York: Seven Bridges Press.

Thompson, C. (2002, January 17). Gun study faults state background checks. *The Washington Post*. Washington: A(5).

Thompson, C. (2001, July 2). 153,000 gun permits rejected. *The Washington Post*. Washington: A(2).

Tumulty, K. (2003, May 26). Why no one shoots straight on guns. *Time*. New York: 161(21), 40.

Vizzard, W. (1995, July/August). The case for gun control. *Public Administration Review*. 55(4), 341.

Wallack, L., Winett, L. & Nettekoven, L. (2003). The Million Mom March: Engaging the public on Gun Policy. *Journal of Public Health Policy*. South Burlington: 24(3/4), 355.

Webster, D., Vernick, J., Ludwig, J. & Lester, K. (1997, June). Flawed gun policy research could endanger public safety. *American Journal of Public Health*. Washington: 87(6), 918.

Weil, D. (2000, fall). Closing gun control loopholes. *National Forum*. Baton Rouge: 80(4), 34.

Weil, D. & Knox, R. (1996). Effects of limiting handgun purchases on interstate transfer of firearms. *JAMA*. 275, 1759.

Weisberg, R. (2004, Winter). The utilitarian and deontological entanglement of debating guns, crime, and punishment in America. *The University of Chicago Law Review*. Chicago: 71(1), 333.

Wintemute, G., Drake, C., Beaumont, J., Wright, M. & Parham, C. (1998, December 23/December 30). Prior misdemeanor convictions as a risk factor for later violent and firearm-related criminal activity among authorized purchasers of handguns. *JAMA*. Chicago: 280(24), 2083.

Wintemute, G., Wright, M., Drake, C., & Beaumont, J. (2001, February 28). Subsequent criminal activity among violent misdemeanants who seek to purchase handguns: Risk factors and effectiveness of denying handgun purchase. *JAMA*. Chicago: 285(8), 1019.

Willard, R. (1997, winter). A national strategy against crime. *Harvard Journal of Law & Public Policy*. Cambridge: 20(2), 543.

Wright, M. & Wintemute, G. (1999, January). Effectiveness of denial of handgun purchase to persons believed to be at high risk for firearm violence. *American Journal of Public Health*. Washington: 89(1), 88.

Appendix A

Sources for References Cited

A Case for Gun Control – www.asahi_net.org. Retrieved in June of 2003.

Anonymous. (2001, January/February). The Brady Law reviewed. *Society*. New Brunswick: 38(2), 4. Retrieved in March of 2004, from Proquest.

Anonymous. (2001, winter). The crime drop in America. *The Wilson Quarterly*. Washington: 25(1), 121. Retrieved in March of 2004, from Proquest.

ATF. *Prohibited persons* – www.atf.treas.gov/firearms Retrieved in April of 2004.

Blumstein, A & Wallman, J. (2002). *The crime drop in America*. New York: Cambridge University Press. Retrieved in June of 2003, from Alameda County Library, in Fremont, California.

Brady, S., Brady, J. & Cole, T. (1998, December 23/December 30). Handgun purchasers with misdemeanor convictions. *JAMA*. Chicago: 280(24), 2120. Retrieved in April of 2004, from Proquest.

Bratton, W. (2004, January 2). Brady Law works: Let it be. *Los Angeles Times*. California: pg. B(12). Retrieved in April of 2004, from Proquest.

Butterfield, F. (1999, October 18). F.B.I. study finds gun use in violent crimes declining. *New York Times*. New York: pg. A(19). Retrieved in March of 2004, from Proquest.

Clinton, W. (2000, October 23). Statement on the 1999 Uniform Crime Report. *Weekly Compilation of Presidential Documents*. Washington: 36(42), 2498. Retrieved in April of 2004, from Proquest.

Clinton, W. (2000, February 15). The year 2000 State of the Union: The economy, education and healthcare. *Vital Speeches of the Day*. New York: 66(9), 258. **Retrieved in April of 2004, from Proquest.**

Cook, P. & Cole, T. (1996, June 12). Strategic thinking about gun markets and violence. *JAMA*. Chicago: 275(22), 1765. **Retrieved in March of 2004, from Proquest.**

Cook, P., Molliconi, S., & Cole, T. (1995, Fall). Regulating gun markets. *Journal of Criminal Law & Criminology*. Chicago: 86(1), 59. **Retrieved in March of 2004, from Proquest.**

Cowan, J. (2002, Oct 10). False choices on gun safety. *The Washington Post*. Washington: A(33). **Retrieved in April of 2004, from Proquest.**

Crime and Guns – *Homicide & Handguns Sales*. 1950-1997. From Sane guns website at www.Saneguns.org.crime/homicides. **Retrieved in April of 2004, from Proquest.**

Dizard, J., Muth, S. & Stephen, A. (1999). *Guns in America: A reader*. New York: New York University Press. **Retrieved in June of 2003, from Alameda County Library, in Fremont, California.**

Eggen, D. (2003, November 18). FBI curbed in tracking gun buyers: Brady Law foils watch list. *The Washington Post*. Washington: pg. A(1). **Retrieved in March of 2004, from Proquest.**

Fields, G. & Foley, R. (2003, December 16). Gun buyers find privacy perk: Bill would cut holding of records to twenty-four hours from ninety days. *Wall Street Journal*. New York: pg. A(4). **Retrieved in April of 2004, from Proquest.**

FBI. (2000, June 21). *Congressional Statements. The National Instant background Check System*. **Retrieved in April of 2004, from FBI website.**

FBI. (2002). *Crime in the United States, Crime Index Offences Reported*. **Retrieved in April of 2004, from FBI website.**

FBI. (1998). *Index of Crime, United States*. **Retrieved in April of 2004, from FBI website.**

FBI. (1997). *Index of Crimes, United States; 1976-1995*. **Retrieved in April of 2004, from FBI website.**

FBI. *NICS Operation Report. 2001/2002 Operations*. **Retrieved in April of 2004, from FBI website.**

FBI. (1999) *Press Release, National Instant Check System*. **Retrieved in April of 2004, from FBI website.**

FBI, (1997). *Uniform Crime Reporting handbook*. **Retrieved in April of 2004, from FBI website.**

FBI. (1998). *Uniform Crime Reporting Handbook*. **Retrieved in April of 2004, from FBI website.**

FBI. (1998, September). *Law Enforcement Bulletin. Firearms trafficking enforcement techniques*. pg. 6. **Retrieved in April of 2004, from FBI website.**

Gips, M. (1998, September). Brady Law on Target? *Security Management*. Arlington: 42(9), 14. **Retrieved in April of 2004, from Proquest.**

Glenn, D. (2002, October 4). Gun Control in theory and in practice . *The Chronicle of Higher Education*. Washington: 49(6), A(18). **Retrieved in April of 2004, from Proquest.**

Gun Control. Just Facts: *A resource for independent thinkers*. From www.justfacts.com/gun. **Retrieved in July of 2003.**

Hatch, O. (1998). The Brady Handgun Prevention Act and the community protection initiative: Legislative responses to the Second Amendment? *Brigham Young University Law Review*. 1998(1), 103. **Retrieved in April of 2004, from Proquest.**

Herbert, B. (1999, September 20). Gun violence. *New York Times Upfront*. New York: 132(2), 32. **Retrieved in April of 2004, from Proquest.**

Holder, E. (1997, July 7). How the Brady Law works. *The Washington Post*. Washington: A(8). **Retrieved in April of 2004, from Proquest.**

Jacobs, J. (2002, March). Crime control via federal dealer regulation. *Criminology & Public Policy*. Columbus: 1(2), 183. **Retrieved in April of 2004, from Proquest.**

Jacobs, J. & Potter, K. (1998, fall). Comprehensive handgun licensing and registration: An analysis and critique of Brady II, gun control's next (and last?) step. *Journal of Criminal Law & Criminology*. Chicago: 89(1), 81. **Retrieved in April of 2004, from Proquest.**

Langley, M. (2002, September). No deal. *Violence Policy Center*. Washington. **Retrieved in April of 2004, from Violence Policy Center website.**

Larson, E. (1999, August 9). Squeezing out the bad guys. *Time*. New York: 154(6), 32. **Retrieved in April of 2004, from Proquest.**

Jeter, J. (1996, January 28). Maryland tops Virginia as DC gun supplier: Crime report boosts proposal to limit sales. *The Washington Post*. pg. 1. **Retrieved in April of 2004, from Proquest.**

Lott, J. (1998). More guns, less crime. *The University of Chicago Press*. pp. 1. **Retrieved in April of 2004, from Proquest.**

Lott Jr., J. (2002, October/November). Gun bans don't cut crime. *The American Enterprise*. Washington: 13(7), 10. **Retrieved in April of 2004, from Proquest.**

Ludwig, J. (1999, July). More guns, less crime: Understanding crime and gun control laws. *Contemporary Sociology*. Washington: 28(4), 466. **Retrieved in April of 2004, from Proquest.**

Ludwig, J. & Cook, P. (2001, May). The benefits of reducing gun violence: Evidence from contingent-valuation survey data. *Journal of Risk & uncertainty*. Boston: 22(3), 207. **Retrieved in April of 2004, from Proquest.**

Ludwig, J. & Cook, P. (2000, August 2). Homicide & suicide rates associated with implementation of the Brady Handgun Violence Prevention Act. *JAMA*. Chicago: 284(5), 585. **Retrieved in April of 2004, from Proquest.**

Lynott, J. (2002, October 16). New rules change the face of gun retailing. *Knight Ridder Tribune Business News*. Washington: pg. 1. **Retrieved in April of 2004, from Proquest.**

Maryland Gun Violence Act of 1996. Limiting handgun purchases to one per person per month. **Retrieved in April of 2004, from Tate of Maryland website.**

McDonald, T. (2003, October 12). North Carolina group wants lawmakers to close Gun-Show loophole. *Knight Ridder Tribune Business News*. Washington: pg. 1. **Retrieved in April of 2004, from Proquest.**

Roth, J. (1994, February). *Firearms & Violence. NIJ Research in Brief*. From www.sun.soci.niu.edu. **Retrieved in April of 2004, from Proquest.**

Sherman, L. (2000, March 1). Gun carrying and homicide prevention. *JAMA*. Chicago: 283(9), 1193. **Retrieved in April of 2004, from Proquest.**

Spitzer, R. (1995). *Politics of gun control*. New York: Seven Bridges Press.

Thompson, C. (2002, January 17). Gun study faults state background checks. *The Washington Post*. Washington: A(5). **Retrieved in April of 2004, from Proquest.**

Thompson, C. (2001, July 2). 153,000 gun permits rejected. *The Washington Post*. Washington: A(2). **Retrieved in April of 2004, from Proquest.**

Tumulty, K. (2003, May 26). Why no one shoots straight on guns. *Time*. New York: 161(21), 40. **Retrieved in April of 2004, from Proquest.**

Vizzard, W. (1995, July/August). The case for gun control. *Public Administration Review*. 55(4), 341. **Retrieved in April of 2004, from Proquest.**

Wallack,L., Winett, L. & Nettekoven, L. (2003). The Million Mom March: Engaging the public on Gun Policy. *Journal of Public Health Policy*. South Burlington: 24(3/4), 355. **Retrieved in April of 2004, from Proquest.**

Webster, D., Vernick, J., Ludwig, J. & Lester, K. (1997, June). Flawed gun policy research could endanger public safety. *American Journal of Public Health*. Washington: 87(6), 918. **Retrieved in April of 2004, from Proquest.**

Weil, D. (2000, fall). Closing gun control loopholes. *National Forum*. Baton Rouge: 80(4), 34. **Retrieved in April of 2004, from Proquest.**

Weil, D. & Knox, R. (1996). Effects of limiting handgun purchases on interstate transfer of firearms. *JAMA*. 275, 1759. **Retrieved in April of 2004, from Proquest.**

Weisberg, R. (2004, Winter). The utilitarian and deontological entanglement of debating guns, crime, and punishment in America. *The University of Chicago Law Review*. Chicago: 71(1), 333. **Retrieved in April of 2004, from Proquest.**

Wintemute, G., Drake, C., Beaumont, J., Wright, M. & Parham, C. (1998, December 23/December 30). Prior misdemeanor convictions as a risk factor for later violent and firearm-related criminal activity among authorized purchasers of handguns. *JAMA*. Chicago: 280(24), 2083. **Retrieved in April of 2004, from Proquest.**

Wintemute, G., Wright, M., Drake, C., & Beaumont, J. (2001, February 28). Subsequent criminal activity among violent misdemeanants who seek to purchase handguns: Risk factors and effectiveness of denying handgun purchase. *JAMA*. Chicago: 285(8), 1019. **Retrieved in April of 2004, from Proquest.**

Willard, R. (1997, winter). A national strategy against crime. *Harvard Journal of Law & Public Policy*. Cambridge: 20(2), 543. **Retrieved in April of 2004, from Proquest.**

Wright, M. & Wintemute, G. (1999, January). Effectiveness of denial of handgun purchase to persons believed to be at high risk for firearm violence. *American Journal of Public Health*. Washington: 89(1), 88. Retrieved in April of 2004, from Proquest.

Appendix B

Questionnaire Designed for the Focus Group

1. Are you aware of the Brady Law and its provisions?
2. Do you know the intent or the objective of the law?
3. Are you aware of the controversies surrounding the Brady Law regarding the five-day waiting period, and the "prohibited persons"?
4. Do you believe that there are fewer handguns on the streets as a result of the pre-sale background checks?
5. Are you aware that there has been a decline in the murder rate in America since the enactment of the Brady Law?
6. Do you believe that Brady Law has contributed to the decline in the murder rate in the United States?
7. Has the Brady Law achieved its goal of Keeping guns away from ineligible persons and thereby causing the decline in murders by firearms in America?
8. What do you think can be done to strengthen the Brady Law or make it better?

Appendix C

SUCCESS STORIES OF THE NICS

A background check on an individual, who was attempting to purchase a firearm in South Carolina, was delayed due to a match to a criminal history record reflecting two potentially disqualifying arrests for Assault & Battery and Domestic Violence. The criminal history record matched by the NICS did not reflect final disposition information for the arrests. Therefore, the NICS Examiner contacted the applicable law enforcement agencies and requested the disposition information. The needed information was not received within 3 business days and the firearm was transferred (as provided for in the Brady Act). On the fourth business day, additional information, which served to confirm a denial determination for the aforementioned transaction was obtained. Because the firearm had been transferred, the NICS Examiner notified local law enforcement and firearm retrieval was initiated with the ATF. A few days later, the NICS Section was advised that the subject had been arrested recently by a narcotics task force, and the subject was armed at the time of arrest. The subject was charged with possession of narcotics and falsifying information to obtain a firearm.

A man attempting to purchase a firearm in Alabama was matched to the subject of two active warrants. One of the warrants was for a probation violation by a local Sheriff's Office, and the other warrant was for a parole violation from the Alabama Department of Corrections. While validating the warrants, the NICS Examiner advised both agencies that the subject was attempting to purchase a firearm. Based on the

information provided by the NICS Section, local law enforcement authorities were immediately dispatched to the FFL's place of business. The NICS Section was later advised that the subject had been apprehended that same day and was in custody.

A man attempting to purchase a firearm in Texas was delayed due to a recent charge of Aggravated Kidnapping, Felony, first degree. The NICS Examiner contacted the applicable law enforcement agency and was advised that the charge had been dismissed but that the judge had committed the individual to a mental facility based on drug addiction, mental instability and severe depression. After receiving a hard copy of the applicable documentation, the transaction was denied. As a courtesy, the NICS Examiner called the judge involved in the case. The judge commented that the NICS Section had saved at least one life that day as the subject's wife had recently filed for divorce and the subject had made threats against her and himself.

A NICS Examiner discovered that a man attempting to purchase a firearm at a gun show in Texas was wanted for Burglary. After validating the existing criminal warrant, the NICS Examiner provided the applicable law enforcement agency with the present location of the subject. The NICS Examiner later learned that an off-duty SWAT team officer was at the gun show and kept the subject under surveillance until law enforcement officers arrived to place him under arrest.

A NICS check on a woman attempting to purchase a firearm in Idaho was delayed based on a record match for an arrest for Domestic Battery. A NICS Examiner contacted the appropriate law enforcement agency and obtained a copy of the police report. The police report confirmed that the incident involved the subject's husband and the associated court confirmed a

conviction. Additionally, the NICS Examiner discovered that there was an outstanding active warrant on this subject for domestic violence. The NICS Examiner contacted the FFL to deny the sale and obtain the subject's address. The NICS Examiner provided the information to the local police department, the NICS Section received word that the subject had been apprehended within 11 minutes after their receipt of the subject's address.

A man attempting to purchase a firearm in Texas was the subject of two active warrants. After validating the warrants, the NICS Examiner provided the subject's location to the appropriate law enforcement authorities. Law enforcement officials were immediately dispatched to the FFL's place of business to apprehend the subject while he was still in the store. However, the FFL had a scanner in his store and the subject heard the dispatcher's call and fled the scene. Fortunately, the subject was apprehended a few blocks away.

A NICS Examiner confirmed three active warrants on a subject who was attempting to purchase a firearm in Alabama. The subject was wanted on charges of Assault and was under indictment in an adjacent county. The individual was still in the store when the NICS Examiner contacted the FFL to deny the transaction. The NICS Examiner contacted the local authorities who immediately dispatched law enforcement officials to the FFL's place of business. The officers apprehended the subject who was transported to the county line and turned over to the appropriate authorities.

A man who was wanted for Aggravated Assault by Pennsylvania authorities was attempting to purchase a firearm at a major retail chain corporation in North Carolina. The NICS Examiner confirmed that the warrant was still active and then contacted the FFL to deny the

transaction and obtain the subject's address. The NICS Examiner notified both the Pennsylvania and North Carolina authorities and provided the subject's address. The subject was subsequently arrested and held for extradition to Pennsylvania.

A man wanted for Burglary in California was attempting to purchase a firearm in Minnesota. The NICS Examiner verified the active warrant and contacted the FFL to deny the sale and obtain the subject's address. The NICS Examiner provided the address to law enforcement. The following day, the NICS Section was notified by California authorities that the subject had been apprehended along with his wife who was also wanted for Burglary.

A Georgia resident was attempting to purchase a firearm at a pawn shop in Mississippi. The individual was delayed based on a name search and record match to the subject of an active warrant for Insufficient Funds. The NICS Examiner contacted the local sheriff's office in Georgia to validate that the warrant was active, and was advised that there were actually three active warrants outstanding for this individual and that they would extradite. The NICS Examiner provided the sheriff's office with the contact information for the FFL and local law enforcement agencies in Mississippi. When the NICS Examiner contacted the FFL to deny the transaction, the Examiner was advised that the subject had already been apprehended by law enforcement.

An individual in North Dakota, who had been arrested for Murder but had been found not guilty, attempted to purchase a firearm. The NICS Examiner

contacted the court to see if the adjudication resulted in probation or treatment that might prohibit the possession of a firearm. The court indicated that the individual was found not guilty for lack of criminal responsibility. Based on the information surrounding the adjudication, the court clerk was advised by the judge that this individual may be prohibited pursuant to the state's mental health laws. The NICS Examiner was advised that the subject was ordered to receive 5 years of treatment with periodic reports to the court by treating physicians and placed under continuing supervision by the court. The individual was adjudicated as incompetent. Based on this information, the NICS Examiner denied the transfer pursuant to established federally prohibitive criteria pertaining to adjudication as a mental defective.

An individual, wanted for desertion from the U.S. Army, was attempting to purchase a firearm. The NICS Examiner confirmed from military officials that the warrant was still outstanding and that the military wanted to pursue extradition. The NICS Examiner contacted a local law enforcement agency in the vicinity of the FFL's place of business informed them of the location of the subject. An officer with the local law enforcement agency later informed the NICS Examiner that the subject was taken into custody to await extradition via the military authorities.