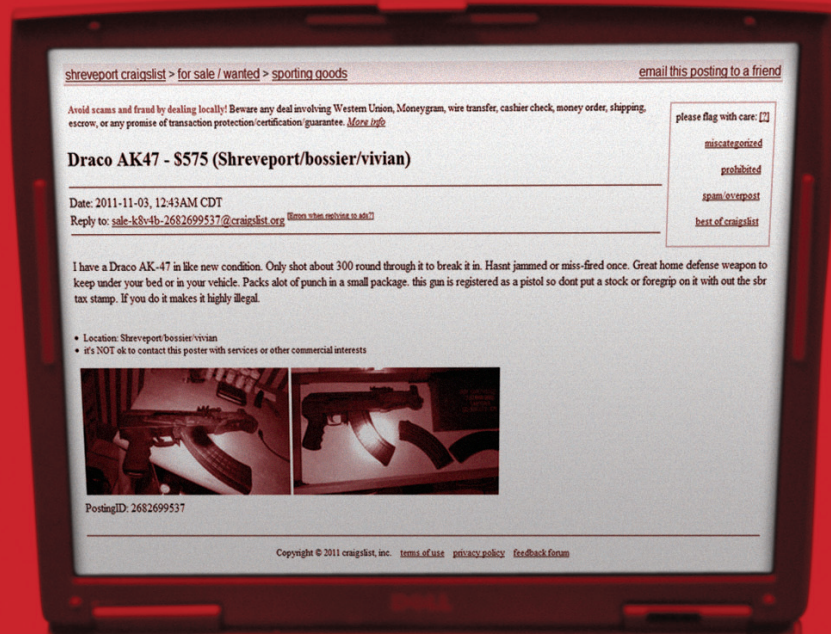


POINT, CLICK, FIRE:

AN INVESTIGATION OF ILLEGAL ONLINE GUN SALES



shreveport craigslist > for sale / wanted > sporting goods

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Avoid scams and fraud by dealing locally! Beware any deal involving Western Union, Moneygram, wire transfer, cashier check, money order, shipping, escrow, or any promise of transaction protection/certification/guarantee. [More info](#)

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Draco AK47 - \$575 (Shreveport/bossier/vivian)

Date: 2011-11-03, 12:43AM CDT

Reply to: sale-k8v4b-2682699537@craigslist.org [View other postings in this area](#)

I have a Draco AK-47 in like new condition. Only shot about 300 round through it to break it in. Hasnt jammed or miss-fired once. Great home defense weapon to keep under your bed or in your vehicle. Packs alot of punch in a small package. this gun is registered as a pistol so dont put a stock or foregrip on it with out the str tax stamp. If you do it makes it highly illegal.

- Location: Shreveport/bossier/vivian
- it's NOT ok to contact this poster with services or other commercial interests



PostingID: 2682699537

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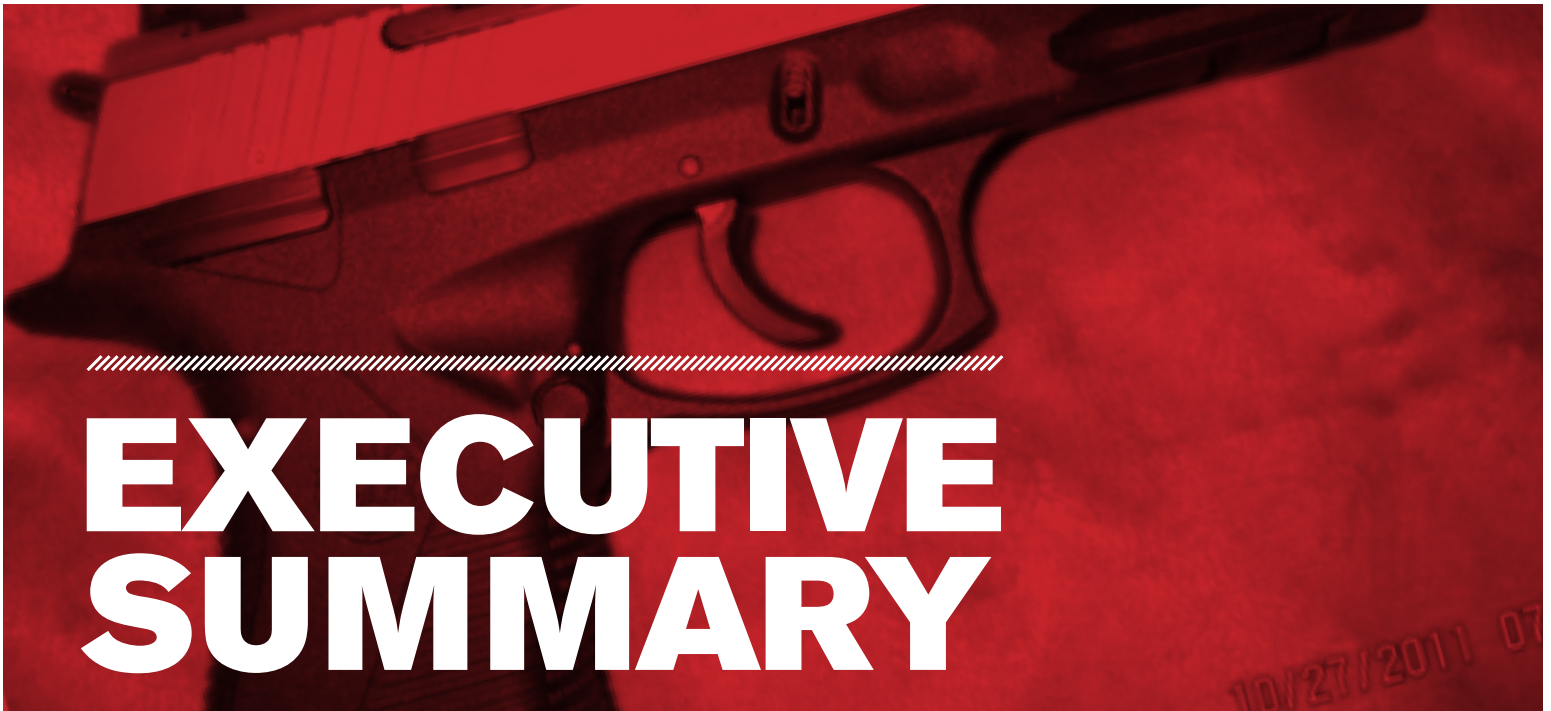
NYC

POINT, CLICK, FIRE:

AN INVESTIGATION OF ILLEGAL ONLINE GUN SALES

DECEMBER 2011

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EXECUTIVE SUMMARY

The internet revolution created extraordinary opportunities for commerce to be conducted at the click of a mouse. Instant access to almost unlimited choices and to vast communities of buyers and sellers is a principal asset of e-commerce. This feature, however, can also pose unique challenges for law enforcement.

Over the last 15 years, a significant share of the firearms trade in the United States has moved online. The precise volume of online sales is largely unknown – and, under current law, unknowable, because many of these transactions create no record that would allow them to be counted.

Even so, it is obvious that the online market for firearms is vast. Nearly 12 years ago, the Department of Justice estimated that 80 online firearm auction sites and approximately 4,000 other sites featured guns for sale.¹ This year, on 10 websites alone, investigators for the City of New York found more than 25,000 guns for sale.

The online trade in firearms is, in most respects, identical to the online trade in any other legal product: the vast majority of sales are an efficient, convenient extension of the bricks-and-mortar marketplace.

In other respects, guns are different. In the wrong hands, they are uniquely lethal threats to public safety. For that reason, federal law bars certain categories of particularly dangerous people from purchasing firearms – online or anywhere else.²

But legal loopholes that have long undermined enforcement of this prohibition in traditional markets are proving even more serious in the digital space. In the words of an ATF spokesman, “If people are inclined to break the law, the internet provides them with more sources.”³ It can also provide them with the relative anonymity in which criminal activity can thrive.

Every day, firearms transactions are conducted on thousands of websites among largely anonymous actors. Criminal buyers who once had to purchase in person can now prowl hundreds of thousands of listings to find unscrupulous sellers. Negotiations can be conducted from the discreet remove of a phone call or an email exchange.

Federally licensed firearms dealers are required to conduct background checks on all buyers to prevent sales to felons, the mentally ill, domestic abusers and other prohibited purchasers.⁴ These screenings are required whether the sale is made on Main Street or over the internet.

But unlicensed “private sellers” – those who are not “in the business” of selling firearms – do not have to conduct background checks.⁵ These sales – which take place in many venues, including gun shows and, increasingly, on the internet – account for about 40 percent of U.S. sales, and fuel the black market for illegal guns.⁶ And they leave no electronic or paper trail behind them.

62%

OF PRIVATE GUN SELLERS AGREED TO SELL A FIREARM TO A BUYER WHO SAID HE PROBABLY COULDN'T PASS A BACKGROUND CHECK.

While federal law does not require them to conduct checks, private sellers cannot sell guns to a person they know to be, or have reason to believe may be, a prohibited purchaser.⁷

The evidence that online sales pose a threat to public safety is mounting. Sales conducted over the internet have been connected to mass shootings at Virginia Tech and Northern Illinois University, the murder of police officers, illegal sales to minors, domestic gun trafficking operations and Mexican drug cartels.⁸

In 2011, the City of New York launched an unprecedented undercover investigation of private firearms sales online. Our investigators set out to determine whether private sellers advertising guns for sale on the internet are complying with federal law by refusing to sell to people who could not pass a background check.

The following report sets forth our findings and makes recommendations for government and private-sector reforms to prevent criminals and other prohibited purchasers from easily acquiring illegal guns online.

The results:

- 62 percent of private gun sellers agreed to sell a firearm to a buyer who said he probably couldn't pass a background check.
- City investigators posing as illegal purchasers asked five of these sellers to meet in person and exchange the guns for cash. All five agreed. The investigators bought four handguns and a semi-automatic assault rifle while recording the transaction with hidden cameras.
- Private sellers on Craigslist had the highest failure rate – roughly 82 percent – even though the site has a policy

40%

OF GUNS ARE SOLD THROUGH PRIVATE SELLERS.

prohibiting firearms listings. The City also investigated unlicensed sellers on Armslist (54% failure rate), Gunlistings (77% failure rate), KSL.com (67% failure rate) and Glocktalk (78% failure rate).

The private sale loophole and the private-sector failures that enable too many unscrupulous individuals to sell guns online, and too many dangerous people to buy them, should be reformed. It is entirely possible to do so without restraining the legal trade in firearms among law-abiding sellers and buyers.

Our recommendations:

- Federal law should require a background check for every gun sale. Legislation now pending in both chambers of Congress – The Fix Gun Checks Act of 2011 (S.436/ H.R.1781 (112th Congress)) – would enact this reform.
- The Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) should improve enforcement of existing laws. ATF should conduct undercover investigations on a variety of websites, track whether guns recovered in crimes were originally sold online and offer online tutorials to train sellers and buyers on federal gun laws governing online sales.
- Websites should adopt tougher protocols to deter crime. Websites that permit gun sales should demand transparency from sellers and buyers, facilitate reporting of suspicious behavior by site users and swiftly remove prohibited listings.



ONLINE GUN SALES IN AMERICA

A VAST AND LARGELY UNREGULATED MARKET FOR FIREARMS

Over the last 15 years, with little fanfare, a significant share of the firearms trade in the United States has moved online. The precise volume of online sales is largely unknown – and, under current law, unknowable, because many of these transactions create no record that would allow them to be counted.⁹

Even so, it is obvious that the online market for firearms is vast. Nearly 12 years ago, the U.S. Department of Justice estimated that 80 online firearm auction sites and approximately 4,000 other sites offered guns for sale, including online classifieds, personal ads and online storefronts for licensed dealers.¹⁰

In 2000, GunBroker.com, the largest online broker of guns, reported about \$12 million in sales of firearms, ammunition and related merchandise in its first full year in business.¹¹ The company grew exponentially in the last decade, reporting \$1 billion in cumulative sales in 2009.¹² The site claims to attract an average of 2.5 million unique monthly visitors and has more than 1.8 million registered users, 80 percent of whom visit it regularly.

On just ten websites investigated by New York City, investigators found more than 25,000 unique gun listings. The sites range in size from forums with a few hundred guns for sale to one megasite with more than 10,000.

While it is impossible to know precisely how many sites are facilitating gun sales or how many guns are being sold online, it is clear that the market is significant – and that many of these sales are largely unregulated and undocumented.

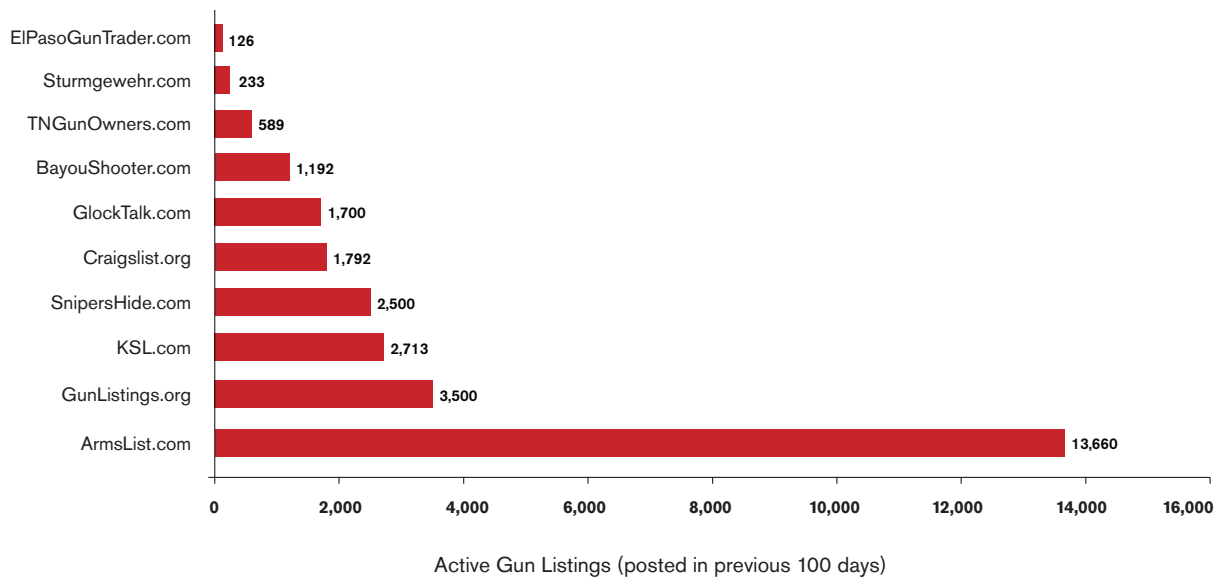
FEDERAL LAWS GOVERNING ONLINE GUN SALES – AND THE PRIVATE SALE LOOPHOLE

For more than 40 years, federal law has barred particularly dangerous people – including felons, the seriously mentally ill, domestic abusers and drug addicts – from purchasing or possessing guns. Since 1999, licensed firearms dealers – including those who sell online – have been required to conduct instant background checks to ensure that potential buyers are not prohibited purchasers.

The National Instant Criminal Background Check System, or NICS, has proven to be an invaluable law enforcement tool. Completing the necessary paperwork takes mere minutes, and more than 90 percent of checks are completed instantaneously. The system has successfully blocked more than 1.6 million gun permit applications and sales to prohibited purchasers.¹³

Not all gun buyers, however, are given background checks. Only licensed gun dealers, also known as federal firearms licensees (FFLs), are required to conduct checks and keep paperwork on buyers.¹⁴ Because private sellers – individuals who are not “engaged in the business” of

ACTIVE GUN LISTINGS BY WEBSITE



selling firearms but who make “occasional sales” from private collections – are presumed to be hobbyists, they have no obligation to conduct checks.¹⁵

This gap in federal gun laws is sometimes called the “private sale loophole.” Despite the presumption that private sellers are only making “occasional” sales, an estimated 40 percent of all U.S. gun sales are private – and therefore not subject to a background check under federal law.¹⁶

Because these sales are anonymous and effectively untraceable, this loophole has fueled the black market for illegal guns. These private sales can take place almost anywhere: in a parking lot, at a gun show – or, increasingly, over the internet.

While the public safety implications of unregulated, private sales at gun shows are well documented, far less attention has been paid to the burgeoning online market for guns.

Much like gun shows, the internet allows many licensed dealers and private sellers to advertise side-by-side, providing a forum that is convenient for buyers and lucrative for vendors. Unlike gun shows, the online marketplace is virtually unlimited in size, allowing many millions of prospective buyers to choose from a greater range of guns at competitive or reduced prices. Online vendors, in turn, are able to reach a nationwide audience of potential consumers.

Importantly, the boom in online gun sales came long after the passage of federal laws that were designed with a physical marketplace in mind.¹⁷ In this and other respects, technology and e-commerce have far outpaced the law, creating new opportunities for abuse.

At a functional level, buying a gun from a website is little different from buying any other product online. Websites that sell guns usually allow visitors to browse through listings or search for a specific item. The guns may be categorized by type (handgun, rifle, shotgun) or manufacturer, and may also be sorted by condition, physical location and type of seller (FFL or private). Depending on the type of website, a visitor may purchase the item directly, place a bid for it or contact the seller directly to negotiate a price and delivery.

People who buy and sell firearms online must follow certain protocols to comply with federal law. The guidelines for buying from a licensed dealer are different from those governing purchases from a private seller:

- **Buying from a licensed dealer:** After accepting payment, the dealer will ship the gun to a licensed dealer near the buyer. After the buyer completes paperwork and passes a background check at his local dealer, he or she may take possession of the gun.¹⁸
- **Buying from an out-of-state private seller:** Because federal law prohibits a private seller from shipping a gun across state lines to a buyer who is not

a licensed dealer, the seller must ship the gun from a licensed dealer in the seller's state to a licensed dealer in the buyer's state. After the buyer completes paperwork and passes a background check at his local dealer, he or she may take possession of the gun.¹⁹

- **Buying from an in-state private seller:** Private sales to in-state buyers are almost completely unregulated by federal law. No background check and no record of sale are required.²⁰ Sellers typically ship the guns by mail or meet the buyer in person.

Beyond these rules, private sellers – no matter where they are selling – are prohibited from “engaging in the business” of selling guns, or from repeatedly selling for the purpose of profit.²¹ Nor can they sell to an individual they know to be, or have reason to believe may be, a prohibited purchaser – for example, if the buyer indicates that he or she probably could not pass a background check.²²

But beyond these federal guidelines, the process of buying a gun online depends on the nature of the site – as does the level of scrutiny the site applies to sellers and sales.

HOW ARE GUNS SOLD ONLINE?

Criminals and other prohibited purchasers generally prefer to buy guns anonymously and without leaving a record of the sale. But the degree of transparency that different kinds of online vendors require of buyers and transactions varies widely.

Websites that sell firearms can be divided into three main categories. Some act as online storefronts for a single retailer, offering guns for direct sale at a listed price – akin to Amazon. A second class of sites is comprised of brokers, mediating sales between multiple sellers and multiple buyers – akin to eBay. And many other sites – some exclusively dedicated to firearms, some not – feature classified listings, discussion forums and message boards for gun enthusiasts.²³

Online storefronts for licensed dealers are the most professionalized online gun sites and operate much like bricks-and-mortar stores. They allow unregistered visitors to browse their listings, but typically require users to confirm their identity by credit card before a purchase can be made, and ship firearms only to local licensed dealers, who are in turn responsible for conducting background checks on the buyers.²⁴

Auction or broker sites vary widely in the oversight they apply to sales. Some follow procedures similar to those

used by online storefronts, requiring that visitors confirm their identity with a credit card prior to bidding on listings or contacting other members. Other websites require that all correspondence between visitors be public, and explicitly prohibit “off-auction sales” conducted directly between website users.²⁵ Like online storefronts, brokers generally process transactions through their website and presumably retain some record of the sales. Some encourage users to conduct their transactions via licensed dealers, but there is no mechanism to enforce this, and private sellers appear to make up a significant portion of the sellers.

Online classifieds and chat forums generally apply the least scrutiny to both sellers and buyers. An email address is all that is typically needed to post a gun for sale or to make a purchase, and even that may not be required. Some sites may also require that prospective sellers amass a history of correspondence or transactions on the site, or register with a credit card, before posting items for sale.

In contrast to online storefronts and brokers, sellers on forums readily share contact information in their posts, facilitating off-auction sales, and transactions are almost universally conducted directly between the buyer and seller, unmediated by the website administrator. Because online private sales take place sight unseen, unlike transactions at dealerships or gun shows, they pose particular law enforcement challenges for authorities.

The gun classifieds section of KSL.com, managed by Deseret Media Companies, is typical of many online gun forums. Sellers frequently list their contact email and phone number, which are openly displayed on the ad. This feature makes it easy for buyers to contact sellers and arrange to buy a firearm without identifying themselves – a feature that is particularly attractive to unscrupulous purchasers who do not want their purchases detected or recorded. And the website allows visitors to search for items being sold by private individuals who, in contrast to licensed dealers, are not required to conduct background checks.



ONLINE GUN SALES CONNECTED TO CRIMES

It is clear that gun sales on the internet play a significant role in fueling violent crime. New York City's investigation focused on the particular challenges posed by unscrupulous online private sellers. Even so, it is useful to review ways in which regulatory weaknesses – including the private sale loophole and gaps in the National Instant Criminal Background Check System – have allowed illegal buyers to obtain firearms from both licensed dealers and private sellers through the online market.

ONLINE GUN SALES LINKED TO MASS SHOOTINGS

- In 2007, a seriously mentally ill young man named Seung-Hui Cho killed 32 Virginia Tech students and faculty and wounded 25 others – the deadliest mass shooting by a single gunman in U.S. history.²⁶ He bought the Walther P22 semi-automatic he used from TGSCOM, a major online firearms retailer.²⁷ Cho passed state and federal background checks because records of his severe mental illness – which should have barred him from gun ownership under federal law – had never been sent to the NICS database. The owner of TGSCOM, Eric Thompson, later said, “From reading the reports, I do believe this was probably somebody who should not have been able to pass a background check.”²⁸ Cho also bought at least five ammunition clips on the auction site eBay.²⁹ Bullets and ammunition magazines are not subject to background checks under federal law.

- Shortly thereafter, TGSCOM sold Glock magazines and accessories to two other mass-killers: Steven Kazmierczak, who killed five students at Northern Illinois University in February 2008; and George Sodini, who killed or injured 13 people in a fitness club near Pittsburgh in August 2009.³⁰

ONLINE GUN SALES LINKED TO SHOOTINGS OF POLICE OFFICERS

- In 2009, 22-year-old Richard Poplawski ambushed three Pittsburgh police officers who were responding to a domestic dispute.³¹ Poplawski was armed with three guns, including an AK-47 that he had reportedly purchased online.³² His mother later claimed he had been “stockpiling guns and ammunition, buying and selling the weapons online because he believed that as a result of economic collapse, the police were no longer able to protect society.”³³ Poplawski ultimately killed three police officers and injured two others. The victims were the first Pittsburgh officers killed in the line of duty in 18 years.³⁴

ONLINE GUN SALES LINKED TO GUN TRAFFICKING IN THE U.S.

- ATF has arrested multiple individuals for conducting gun trafficking operations largely or entirely through the internet. In 2007, Mark Nelson, a former Ohio police officer who was barred from possessing guns because he had been charged in a road-rage incident, bought

more than 500 guns on the internet and elsewhere.³⁵ The guns he purchased on the internet were shipped to a corrupt licensed dealer in Ohio who agreed to process false paperwork.³⁶ Nelson then resold the guns for a profit, including to individuals he knew to be felons.³⁷ Guns he sold were subsequently involved in a shooting in Brooklyn, New York and recovered from a Somali man detained and charged in an alleged terrorist bombing plot in Canada.³⁸

- In 2011, Brian James Oldham, a convicted felon, posted an advertisement selling a fully-automatic AK-47 on Craigslist.³⁹ Oldham was intercepted by an ATF agent posing online as a customer and pled guilty to illegal possession of a stolen firearm.⁴⁰
- Between 2007 and 2010, Raymond L. Anderson of Hartford, Wisconsin bought 165 firearms, mostly from online sources, which he then resold without a license.⁴¹

ONLINE GUN SALES LINKED TO INTERNATIONAL TRAFFICKING

- Between May 2007 and March 2008, John Avelar and an accomplice bought more than 90 firearms through the internet, dealers and gun shows, including a machine gun.⁴² They later smuggled them into Mexico for buyers who could not legally purchase them in the U.S.⁴³
- Between 2005 and 2008, former FBI agent John Shipley bought and resold more than 200 guns online, earning at least \$118,000 in profits.⁴⁴ A .50 caliber Barrett sniper rifle recovered after a gun battle with Mexican drug traffickers was later traced back to him.⁴⁵ He was indicted and convicted on six counts, including dealing firearms without a license.⁴⁶

ONLINE GUN SALES LINKED TO MINORS⁴⁷

- In 2000, two 17-year-old New Jersey boys used basic computer software to forge a federal firearms license they used to buy four semiautomatic handguns online from four separate dealers, to be delivered directly to their home.⁴⁸ According to reports, the boys were apprehended when a deliveryman transporting a parcel to their residence became suspicious of the addressee, "Clint's Gun Distributors." Nina Wilson, co-president of the local high school's PTA, later said, "If it wasn't for the UPS man, those kids might have gotten 100 guns."⁴⁹ After the incident, the ATF introduced its eZ Check website, which allows dealers to quickly verify whether licenses presented to them by other FFLs are valid.⁵⁰
- In 1998, a 17-year-old boy in Alabama bought a 9mm handgun from a website owned by a man in Hanover Park, Illinois, who shipped the weapon and 50 rounds of ammunition directly to the teenager's home.⁵¹ The youth's mother intercepted the gun on delivery. Media accounts indicated that the seller, Thomas Bellas, had at least 80 weapons for sale on his site.⁵²



THE NEW YORK CITY INVESTIGATION

New York City's investigation was designed to determine whether unlicensed private sellers advertising firearms online are violating the law by selling to people who could not pass a background check.

THE INVESTIGATORS

A team of 15 investigators supervised by Kroll, a leading firm in business intelligence and investigations, conducted an undercover probe to capture audio and video recordings of online gun sellers. Licensed as private investigators in 21 states, the team had more than 80 years in combined law enforcement experience and included retired prosecutors and police officers. Every investigator who participated in the integrity tests was required to complete an intensive training program designed and administered by Kroll.

THE TARGETS

Over a period of 18 days, the investigators examined 125 private sellers from 14 states who advertised on 10 different websites.

In choosing targets, the City looked for sites that have relatively few rules requiring buyers and sellers to identify themselves, and may therefore be more attractive to prohibited or unscrupulous purchasers. The sites the investigators analyzed typically permit potential buyers to view firearms ads that include the cell phone number and

email address of the seller without registering with the site or otherwise revealing their identity.

Investigators chose which private sellers to investigate based on several factors, including whether the seller had a relatively high volume of unique gun-related posts, whether they were selling a make and model of gun commonly used in crimes and whether the seller included direct contact information in their listing.

THE INTEGRITY TESTS

Although private sellers are not required by federal law to conduct background checks, they are still barred from selling guns to any person they know to be, or have reason to believe may be, a prohibited purchaser. To determine whether private sellers are violating this prohibition, the investigators gave what is known as an "integrity test" to online sellers.

The test included four steps:

- **Step I:** The investigator would demonstrate interest in the advertised gun by asking about stopping power, concealability or other characteristics.
- **Step II:** The investigator would establish that the seller was not a federally licensed firearms dealer – and therefore not required to conduct a background check – by asking "You're not one of those licensed guys, are you?"






- **Step III:** After agreeing to a price with the prospective seller, the investigator would clearly communicate to the seller that he or she may be a prohibited purchaser by saying that he “probably couldn’t pass a background check.”
- **Step IV:** The investigator would confirm that the seller was willing to meet in person to complete the sale.

The investigators asked five of the sellers who failed the integrity test to meet in person and exchange the guns for cash.

THE FINDINGS

Seventy-seven of 125 online sellers agreed to sell a gun to someone who said he could not pass a background check – a 62% fail rate.






Investigators met five of the sellers who failed the integrity test to exchange the gun for cash. All five sales were completed. The investigators purchased the following firearms:

Website	Weapon	Price	Image
Armslist	Berssa Thunder .380 handgun	\$300	
Armslist	Smith & Wesson 469 handgun	\$425	
GunListings	Ruger P95 9mm handgun	\$500	
Armslist	Ruger .22 Charger handgun	\$275	
Armslist	Ruger Mini-14 assault rifle	\$650	

The 125 sellers the investigators examined were located in 14 states. While investigators would need a larger sample to draw meaningful statistical conclusions, investigators did note slight regional differences in the failure rate. Sellers in five Southern states – Tennessee, Kentucky, Louisiana, South Carolina and Virginia – had a slightly higher failure rate than sellers in five Western states – Arizona, New Mexico, Utah, Texas and Colorado. Sellers in four Midwestern states – Wisconsin, Indiana, Ohio and Kansas – had the lowest failure rate.

State	Tested	Passed	Failed	Fail rate
Louisiana	4	0	4	100%
South Carolina	7	1	6	86%
Kentucky	6	1	5	83%
Arizona	10	2	8	80%
New Mexico	5	1	4	80%
Utah	13	4	9	69%
Tennessee	13	4	9	69%
Wisconsin	6	2	4	67%
Virginia	8	3	5	63%
Texas	7	3	4	57%
Indiana	9	4	5	56%
Kansas	4	2	2	50%
Ohio	27	17	10	37%
Colorado	6	4	2	33%
TOTAL	125	48	77	62%

The investigators calculated overall failure rates for sellers on the five websites where the vast majority of the sellers investigated by the city listed their gun ads: Armslist, Craigslist, Gunlistings.org, KSL.com and GlockTalk. The failure rate among sellers on these sites ranged from 54 percent to 82 percent.

Website	Integrity tests	Failed tests
 craigslist	17	14 (82%)
 GLOCK TALK	9	7 (78%)
 gunlistings.org FREE LOCAL GUN CLASSIFIEDS	13	10 (77%)
 ksl.com	12	8 (67%)
 ARMSLIST LOCAL CLASSIFIEDS FOR GUNS	63	34 (54%)

THE CONTRASTING CASES OF CRAIGSLIST & EBAY: ENFORCING WEBSITE POLICIES ON GUN SALES

The highest failure rate of 82 percent was found on the online community Craigslist. This result is particularly notable because Craigslist bars firearms sales on the site⁵³ – and because other online vendors with similar prohibitions appear to enforce them successfully.

eBay, a household name in virtual auctions, announced its decision to prohibit gun sales in 1999, explaining that the process of buying and selling firearms online was sufficiently different from the offline world to merit the restriction. “Online sellers,” the company said in a press statement, “cannot readily guarantee that buyers meet all the qualifications and comply with the laws governing firearm sales.”⁵⁴

eBay appears to effectively enforce its policy by actively removing prohibited items listed for sale and notifying the sellers and bidders.⁵⁵ The site also states that users who post prohibited items “may be subject to a range of other actions, including restrictions of your buying and selling privileges and suspension of your account.”⁵⁶

In several searches, New York City’s investigators were unable to find a single firearm for sale on eBay.

By contrast, the City’s investigation uncovered thousands of guns for sale on Craigslist. The site relies on users to flag inappropriate ads for removal by site administrators by clicking a link that says “prohibited.” This self-policing strategy is evidently not effective. Of the 1,792 gun ads the investigators tracked on Craigslist over a period of 45

days, only 584 – or about 33 percent – were flagged for removal.

In addition, the company provides a link to a third-party guide that advises users only to email the site directly if they see posts for “really dangerous” items, like prescription drugs, but not if they see “just run of the mill bad ads for guns.”⁵⁷

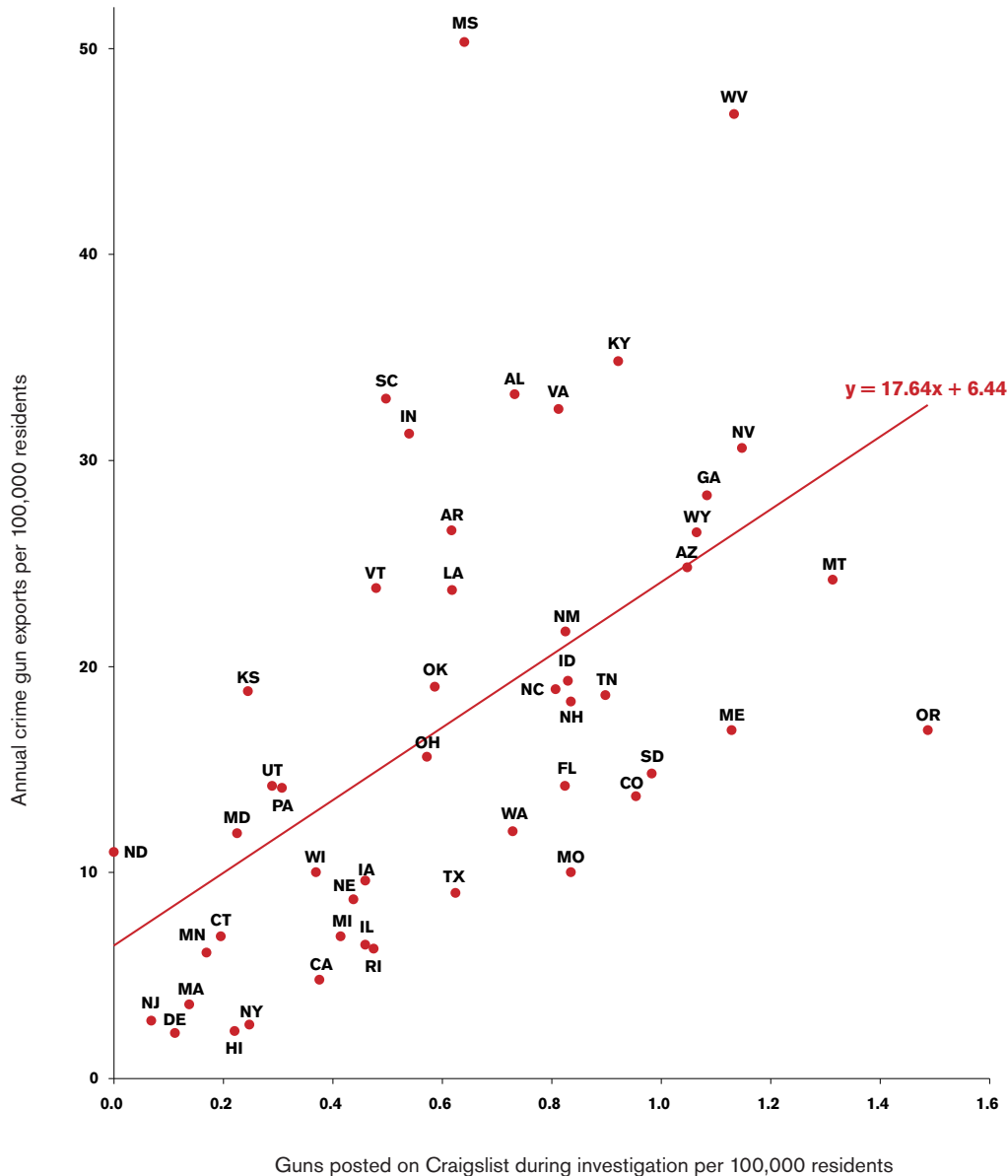
A STRONG RELATIONSHIP BETWEEN ONLINE GUN LISTINGS AND INTERSTATE TRAFFICKING

New York City’s investigators did not set out to investigate whether there is a relationship between the number of online gun listings in a given state and the rate at which that state exports⁵⁸ “crime guns” – firearms that are eventually used in a crime. The data they collected, however, suggests that such a relationship may exist.

The investigators compared the number of gun listings posted on Craigslist⁵⁹ by sellers from each state with data on each state’s propensity to export crime guns to other states.⁶⁰ Over 45 days, the City’s investigation identified 1,792 unique Craigslist posts advertising guns in 49 states. The number of listings per state ranged from one in Delaware to 157 in Texas. Because states with more residents may be expected to generate more ads, this analysis controls for population.⁶¹

The data reveal that states with higher rates of Craigslist gun posts also tend to export more crime guns to other

CRAIGSLIST GUN LISTINGS AND CRIME GUN EXPORTS



For every increase in a state's rate of Craigslist gun listings of one per 100,000 residents, its crime gun export rate could be expected to increase by 17.6 guns per 100,000 residents.

states. This positive correlation is illustrated in the chart above. States with a higher rate of Craigslist gun postings, on the right hand side, also exhibit higher crime gun export rates. In contrast, six of the ten states with the lowest rates of Craigslist gun postings, on the left hand

side, are also among the ten lowest crime gun exporters. Regression analysis showed that for every increase in a state's rate of Craigslist gun-listings of one per 100,000 residents, its crime gun export rate could be expected to increase by 17.6 guns per 100,000 residents.

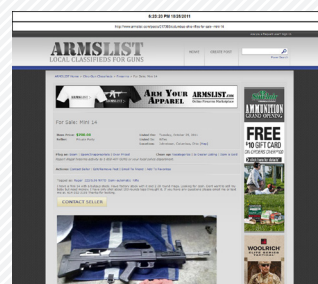
SELLER ON **ARMSLIST.COM** SELLS ASSAULT RIFLE TO APPARENT PROHIBITED PURCHASER

Even though it is a federal felony to sell a gun to someone the seller has reason to believe is a prohibited purchaser, the City found that 62% of private sellers advertising guns for sale online would agree to sell to someone who said he probably couldn't pass a background check. Below are excerpts from a phone call where a seller on Armslist.com agrees to sell a Ruger Mini-14 assault rifle even though the buyer says he probably couldn't pass a background check. Two days later, they meet in person, and the investigator buys the gun for \$650, with no background check and no questions asked.

1. Investigator calls a seller after reviewing an ad for an assault rifle on Armslist.com

INVESTIGATOR: I was calling about that Ruger Mini-14 you got there [on Armslist]... Still got it?

SELLER: Yeah, yes I do.



2. Investigator tells the seller that “he probably couldn’t pass a background check”

INVESTIGATOR: Now, you’re not one of those licensed guys or anything right?

SELLER: No, no, no. [Laughs]

INVESTIGATOR: [...] No background checks?

SELLER: [Laughs] No, I just take cash, and there you go. [Laughs].

INVESTIGATOR: Alright, no background checks – that’s good ‘cuz I probably couldn’t pass one of those things.

SELLER: [Laughs]

INVESTIGATOR: Uh, but yeah, \$650, man – I’d love to have it.

SELLER: Ok, yeah, that’s fine. [...]

INVESTIGATOR: Just give me a call at this number, and we’ll just hook up...

SELLER: Ok, that’ll work.



3. Online seller completes the sale

INVESTIGATOR: Count it for me and make sure it’s there.

SELLER: Ok. [Seller counts the money.]

SELLER: I’m glad it all works out in the end. You got what you want and... I got what I wanted, so...





The private sale loophole and the private-sector failures that enable too many unscrupulous individuals to sell guns online, and too many dangerous people to buy them, should be reformed. It is entirely possible to do so without restraining the legal trade in firearms among law-abiding sellers and buyers.

We offer the following recommendations to reduce illegal gun sales online:

SOLUTION ONE FEDERAL LAW SHOULD REQUIRE A BACKGROUND CHECK FOR EVERY GUN SALE

Private sales by unlicensed sellers provide easy access to guns for criminals, the seriously mentally ill, domestic abusers and other dangerous people who want to avoid background checks. The simplest way to stop these illegal transactions, whether they take place online or at gun shows, is to require a background check for all gun sales.

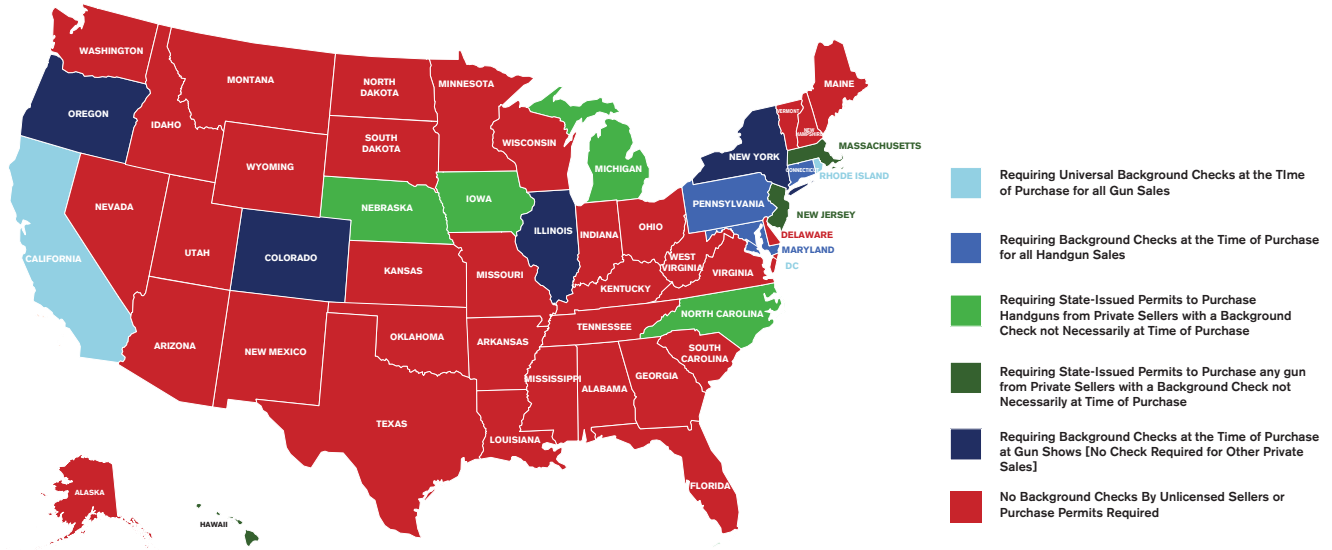
Federal legislation called the Fix Gun Checks Act (S.436/H.R.1781)⁶² now pending in the Senate and House would require a background check for all gun sales. This legislation enables private sellers to conduct checks in any of three ways: (1) through a licensed dealer; (2) by a law enforcement agency; or (3) by determining that the buyer has a valid gun permit that indicates the holder has already passed a background check.

Background checks take mere minutes, and it would be relatively easy for private sellers to locate a nearby licensed dealer or law enforcement officer to run the check on their behalf. The Fix Gun Checks Act allows some transfers of guns without background checks, including gifts of guns from one family member to another, loans of guns among people at a hunting or shooting range, and inheritance of guns.

Twelve states and the District of Columbia already require background checks for all handgun sales. These states have taken slightly different approaches, including:

- Requiring background checks at the time of sale for all gun sales⁶³
- Requiring background checks at the time of sale for all handgun sales⁶⁴
- Requiring purchase permits for all gun sales, and requiring that permit applicants pass a background check⁶⁵

STATE BACKGROUND CHECK LAWS



- Requiring purchase permits for all handgun sales, and requiring that permit applicants pass a background check⁶⁶

Other states have chosen to require background checks only if sales take place at gun shows. The map above details each state’s laws.⁶⁷

State laws requiring background checks for handgun sales also appear to reduce the flow of crime guns from that state. According to 2009 data obtained by Mayors Against Illegal Guns, states that do not require background checks for all handgun sales export crime guns at more than twice the rate of states that do.⁶⁸

The American public overwhelmingly supports universal background checks. According to a January 2011 poll commissioned by the Mayors Against Illegal Guns, 86 percent of Americans – and 81 percent of gun owners – support requiring all gun buyers to pass a background check, no matter where they buy the gun and no matter who they buy it from.⁶⁹

SOLUTION TWO THE ATF SHOULD ENFORCE EXISTING GUN LAWS

While requiring background checks for all gun sales is critical to stopping illegal sales online, the Bureau of Alcohol, Tobacco, Firearms and Explosives could deter many of these transactions by improving enforcement of existing gun laws.

CONDUCT INVESTIGATIONS OF ILLEGAL SALES ONLINE

ATF should conduct sting operations to assess sellers’ compliance with federal laws and investigate and report the extent of illegal gun sales taking place online. The agency should focus its resources on websites that do not require buyers or sellers to identify themselves – a factor that attracts criminals.

TRACK CRIME GUNS SOLD ONLINE

While private online gun sales are difficult to track or monitor because they occur without background checks and leave no paper trail, ATF could gather information about guns sold online by licensed dealers.

When a gun is recovered in a crime, ATF personnel at the National Tracing Center (NTC) will trace it back to its original retail sale by a licensed dealer and question the dealer about the circumstances of that sale. ATF officials use this information to solve crimes and detect larger trafficking patterns. The agency also tracks which dealers sell the most guns recovered in crimes to prioritize which stores it will use its scarce resources to inspect.

The NTC does not, however, appear to ask dealers whether a traced crime gun was originally sold online or track that information for all crime gun traces. This deprives law enforcement of important data on which licensed dealers selling guns online are the most significant sources of crime guns.

The agency should instruct National Tracing Center personnel to ask licensed dealers whether a gun recovered in a crime was sold on the internet. It should also require dealers to report on the Form 4473 – the standard background check form every buyer completes when he or she purchases a gun from a licensed dealer – whether the gun is being sold online.

The Department of Justice should also issue guidelines encouraging U.S. Attorneys and other prosecutors who file charges against gun criminals to describe in complaints, indictments or other charging documents whether the guns were purchased or sold online. Doing so would help law enforcement evaluate whether online gun sales are contributing to gun trafficking and enable the Department to better target its limited investigative resources.

PRODUCE A VIDEO TUTORIAL FOR ONLINE FIREARMS BUYERS AND SELLERS

The ATF has produced many online training videos for licensed gun dealers and the public. The agency should develop a tutorial that is specific to online sales and make it easily available to website administrators and online buyers and sellers. The tutorials should explain federal laws governing online gun sales, underscoring that it is a felony to sell to a person they have reason to believe may be a prohibited purchaser. It should also explain how to identify private sellers who claim to be occasional sellers or collectors, but who are in fact “engaging in the business” of selling guns illegally without a license.

SOLUTION THREE WEBSITES SHOULD ADOPT TOUGHER PROTOCOLS FOR SELF-POLICING

The challenges the firearms industry is facing are not uncommon, though the stakes are uncommonly high. In many other sectors, businesses are struggling to expand their e-commerce markets while deterring bad actors online.

Some websites have taken successful steps to fight illegal activity, usually by demanding greater transparency of buyers and sellers. Others do virtually nothing, allowing transactions and participants to remain virtually anonymous, attracting criminals who seek to buy guns undetected.

To deter illegal gun sales, websites should implement the following recommendations to improve accountability by

both site users and administrators:

REQUIRE TRANSPARENCY

Criminals seeking to buy and sell firearms illegally are unlikely to disclose personal information to a website. Sites should therefore require both sellers and buyers to provide verified personal information to deter criminality before transactions are completed.

In particular, websites that permit gun sales should:

- Require sellers to register with the website by providing their name, address, phone number and email address along with photo identification or credit card information before listing guns for sale.
- Require buyers to register with the website by providing the same information before being permitted to view a seller’s personal contact information or contacting a seller to purchase a gun. Buyers would still be allowed to browse the site and review ads prior to registering.

Some websites, including those that host ads for firearms sales, have established similar safety measures for sellers and/or buyers:

- **ShootersXchange.com:** All sellers must complete the “Shooters’ Verification” registration process by providing a physical mailing address and phone number.
- **AuctionArms.com:** All correspondence between buyers and sellers is posted to the relevant auction and is publicly available.
- **GunRunnerAuctions.com:** All users are required to submit their name, address, email address and credit card information. The address and name must match the information associated with the credit card account.

FACILITATE REPORTING OF SUSPICIOUS BEHAVIOR

Websites should feature procedures that allow users to easily flag suspicious activity for review by the site administrators. These procedures should include clear criteria for when to flag suspicious behavior, like sellers who offer to ship guns directly to buyers in another state or private sellers who sell a large number of guns without a license (both of which are prohibited by federal law). Site administrators should act swiftly to remove improper posts and bar offenders from the site.

- **Gunauction.com:** Features a dedicated email address and phone number for users to contact website

management to report other users who are engaging in illegal activity or otherwise violating site rules.

TAKE RESPONSIBILITY THROUGH INTERNAL AUDITS

In many industries, rigorous self-policing means more than just relying on customers to report illegal activity. In the financial sector, internal auditors regularly monitor and investigate suspicious transactions by employees and customers alike. Mortgage companies deploy “secret shoppers” to root out discriminatory lending. Many businesses understand that discouraging criminal activity in their industry or workplace is the right thing to do – and also serves their long-term financial interests.

Websites that host firearms sales should also take responsibility for policing their own business. They should establish time-proven procedures like “secret shopping” – similar to the techniques the City used in this investigation – to fight crime and protect public safety.

ENDNOTES

- 1 See U.S. Department of Justice, "Gun Violence Reduction: National Integrated Firearms Violence Reduction Strategy," at 28, available at <http://www.justice.gov/archive/opd/gunviolence.htm>.
- 2 People prohibited from possessing guns include (1) convicted felons, (2) fugitives, (3) drug addicts and abusers, (4) people who have been adjudicated as mentally ill or who have been committed to a mental institution, (5) aliens who are in the United States illegally or (with certain exceptions) on a nonimmigrant visa, (6) persons dishonorably discharged from the Armed Forces, (7) those who have renounced U.S. citizenship, (8) subjects of domestic-violence restraining orders and (9) domestic violence misdemeanants. 18 U.S.C. § 922(g) (2011). In addition, people cannot buy guns while they have pending felony charges. 18 U.S.C. § 922(n) (2011).
- 3 Mick Brady, "The Web's Really Big Gun Show," *E Commerce Times*, August 18, 2000, available at <http://www.ecommercetimes.com/story/commerce/4065.html>.
- 4 18 U.S.C. § 922(t) (2011).
- 5 18 U.S.C. § 921(a)(21)(C) (2011).
- 6 See Philip J. Cook & Jens Ludwig, U.S. Department of Justice, National Institute of Justice Research in Brief, *Guns in America: National Survey on Private Ownership and Use of Firearms*, May 1997, available at <http://www.ncjrs.org/pdffiles/165476.pdf>.
- 7 18 USC § 922(d).
- 8 See *infra* notes 26 – 52 and accompanying text.
- 9 Firearms sales by unlicensed sellers are not subject to a background check by the National Instant Criminal Background Check System (NICS), and therefore cannot be tracked by any federal agency. NICS records which memorialize the number of background checks the system has processed supply a proxy for the number of sales conducted by licensed sellers.
- 10 See U.S. Department of Justice, "Gun Violence Reduction: National Integrated Firearms Violence Reduction Strategy," at 28, available at <http://www.justice.gov/archive/opd/gunviolence.htm>.
- 11 Brad Schrade, "Entrepreneur Fills the Niche for Gun Traders," *Cox News Service*, June 2, 2000.
- 12 "GunBroker.com(R) Sales Reach \$1 Billion Milestone," *Information Technology Newsweekly*, September 29, 2009.
- 13 Michael Bowling, Ronald J. Frandsen, & Gene A. Lauver, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Background Checks for Firearms Transfers 2009—Statistical Tables, Bureau of Justice Statistics," October 2010, available at <http://bjs.ojp.usdoj.gov/content/pub/html/bcft/2009/bcft09st.pdf>. Despite processing 1.6 million background checks, the NICS system is missing a tremendous number of disqualifying records. A November 2011 report by *Mayors Against Illegal Guns*, *Fatal Gaps*, analyzes newly released FBI data showing that millions of records identifying seriously mentally ill people and drug abusers are missing from the NICS database because of lax state reporting. The data also show that 52 of 61 federal agencies that are required to submit records have not done so. See *Mayors Against Illegal Guns*, *Fatal Gaps: How Missing Records in the Federal Background Check System Put Guns in the Hands of Killers*, November 2011, available at http://www.mayorsagainstillegalguns.org/downloads/pdf/maig_mimeo_revb.pdf.
- 14 27 C.F.R. § 478.124 (2008); 27 C.F.R. § 478.129(b) (2003).
- 15 18 U.S.C. § 921(a)(21)(C).
- 16 *Ibid*. However, some of these private sales may be subject to a background check under state law. See *Legal Community Against Violence*, "Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws," February 2008, available at http://www.lcav.org/publications-briefs/regulating_guns.asp (compiling state-by-state background check requirements).
- 17 The rise of e-commerce came long after the passage of federal laws designed to keep guns out of dangerous hands. In 1968, Congress passed the first legislation to prohibit purchase and possession of firearms by certain categories of dangerous people, including convicted felons, the seriously mentally ill, and drug abusers. The Gun Control Act of 1968, Pub. L. 90-618, 82 Stat. 1213 (codified as amended at 18 U.S.C. §§ 921, 922 (2011)). In 1993, Congress passed the Brady Bill, which established the National Instant Criminal Background Check System (NICS) database and required prospective buyers at federally licensed firearms dealers to pass a background check before purchasing a gun. The Brady Handgun Violence Prevention Act, Pub. L. 103-159, 107 Stat. 1536 (codified as amended 18 U.S.C. §§ 921, 922 (2011)). These legislative safeguards were intended to prevent sales of firearms to dangerous persons in bricks-and-mortar retailers, but the laws could not portend the instant, anonymous nature of internet shopping. Individuals who could not pass a background check at a federal firearm licensee, such as felons, minors and the seriously mentally ill, can now quickly and easily search for guns and skirt background checks.
- 18 See ATF Frequently Asked Questions, *Conduct of Business – Licensees*, <http://www.atf.gov/firearms/faq/licensees-conduct-of-business.html#out-of-state-resident> (last visited Dec. 12, 2011); 18 U.S.C. § 922(b)(3) (2011); 27 C.F.R. § 478.29 (2003); 27 C.F.R. § 478.96 (2008).
- 19 ATF Frequently Asked Questions, *Unlicensed Persons Questions*, <http://www.atf.gov/firearms/faq/unlicensed-persons.html#out-of-state-firearm> (last visited Dec. 12, 2011); 18 U.S.C. §§ 922(a)(3),(5) (2011); 27 C.F.R. § 478.30 (2003).
- 20 Only California, Rhode Island, and the District of Columbia require a background check for every gun purchase. Cal. Penal Code §§ 12072(d), 12082 (2011); R.I. Gen. Laws §§ 11-47-35, 11-47-35.2 (2011); D.C. Code §§ 7-2501.01, 7-2502.03, 7-2505.01, 7-2505.02 (2011). Connecticut, Maryland, and Pennsylvania require a background check for every handgun sale, but the states do not impose this requirement on most long guns. Conn. Gen. Stat. § 29-33(c) (2011); Md. Code Ann., Pub. Safety §§ 5-101(r), 5-124, 5-130(j) (2011); 18 Pa. Const. Stat. § 6111(b), (c), (f) (2011). Colorado, Illinois, New York, and Oregon require a background check for private sales only if the sale occurs at a gun show. Colo. Rev. Stat. §§ 12-26.1-101, 12-26.1-106 (2011); 430 Ill. Comp. Stat. 65/1.1, 65/3.1, 65/53(a-5) (2011); N.Y. Gen. Bus. Law § 896 (2011); Or. Rev. Stat. §§ 166.436, 166.438 (2009). See also *Legal Community Against Violence*, "Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws," February 2008, available at http://www.lcav.org/publications-briefs/regulating_guns.asp.
- 21 18 U.S.C. § 921(a)(21)(C). "Engaged in the business" applies to a "dealer in firearms, ...but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms[.]" *Id*.
- 22 18 USC § 922(d). 18 U.S.C. § 922(b)(1). In addition, licensed dealers are also prohibited from selling handguns to anyone under the age of 21. *Id*.
- 23 Neither Amazon nor eBay permits firearms to be sold on their sites. See *Selling at Amazon.com*, http://www.amazon.com/gp/help/customer/display.html?ref=hp_rel_topic?ie=UTF8&nodeId=200277700 (last visited Dec. 12, 2011); *eBay to Stop User Listings of Firearms and Ammunition On the Site*, <http://pages.ebay.com/aboutebay98/releases/9902.html#3> (last visited Dec. 12, 2011).
- 24 *GunBroker.com Help Center*, <http://www.gunbroker.com/Support/SupportFAQView.aspx?faqid=1045> (last visited Dec. 12, 2011).
- 25 For example, when a user contacts another member on *AuctionArms.com*, the following notice appears: "It is a violation of Auction Arms rules to conduct off-auction sales. 'Off-auctions' are when a buyer offers to purchase an item outside of Auction Arms. Also, any message you post will be available to the Auction Arms staff." *AuctionArms.com*, *Contact Auction Arms Seller*, <http://www.gunauction.com/email/sendmessage.cfm?itemnum=10696439&to=6148150448> (last visited Dec. 12, 2011).
- 26 Anna Mallory and Donna Alvis-Banks, "A Cold and Blustery Morning; Virginia Tech Shootings," *The Roanoke Times*, April 22, 2007.
- 27 Sean Alfano, "Va. Tech Killer Bought 2nd Gun Online," *CBS News*, February 11, 2009, available at http://www.cbsnews.com/stories/2007/04/19/cbsnews_investigates/main2708822.shtml.
- 28 *Ibid*.
- 29 Gregg Keizer, "Virginia Tech Killer Bought Supplies Online: Some magazine clips came from eBay, one gun was purchased from an online dealer," *Computerworld*, April 23, 2007, available at http://www.pcworld.com/article/131079/virgina_tech_killer_bought_supplies_online.html.
- 30 "Gym shooter bought from sites that sold to college gunmen," *CNN*, August 07, 2009, available at http://articles.cnn.com/2009-08-07/justice/gym.shooting.merchandise_1_steven-kazmierczak-glock-gun?s=PM:CRIME.
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- 32 "Editorial: Shootings mandate tighter gun control," *University Wire*, April 9,

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40 Ibid.

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42 Louie Gilot, "3 charged in gun smuggling," El Paso Times, March 21, 2008.

43 U.S. Immigration and Customs Enforcement News Release, "Two men sentenced to federal prison for firearms trafficking: Arms traffickers were part of conspiracy to smuggle weapons into Mexico," December 4, 2008, available at <http://www.ice.gov/news/releases/0812/081204elpaso.htm>.

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45 Evan Perez, "An American Gun in Mexico," Wall Street Journal, May 21, 2011, available at <http://online.wsj.com/article/SB10001424052748704904604576335162888589404.html>.

46 Guillermo Contreras, "Ex-FBI agent sentenced to two years," San Antonio Express-News, August 25, 2010. Reports that Shipley earned more than \$118,000 on his sales was reported earlier by Maggie Ybarra, "FBI agent John Shipley led 2 lives, prosecutors say," Las Cruces Sun-News, April 9, 2010.

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48 Dale Russakoff, "Alarm Over Internet Gun Purchases; Raid Foils Alleged Scheme by N.J. Teens, Triggers Concern Over Ease of Access to Weapons," The Washington Post, May 27, 2000.

49 Ibid.

50 "White House Fact Sheet: New Tools to Reduce Gun Violence," U.S. Newswire, September 23, 2000. See also FFLeZCheck3.1.2 Federal Firearms License Search, <https://www.atfonline.gov/fflezcheck/> (last checked Dec. 12, 2011).

51 Toby Eckert, "World Wide Weapons? Some fear the Internet is a way around current gun laws," The State Journal-Register (Springfield, IL), May 31, 1999.

52 Ibid.

53 Craigslist's "Prohibited or Restricted Sales Items" page first comes online on November 21, 2003, and it includes firearms among its prohibited items. This archived site is available at <http://web.archive.org/web/2003121160606/http://www.craigslist.org/about/prohibited.items.html>.

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56 eBay, "Prohibited and restricted items – overview," <http://pages.ebay.com/help/policies/items-ov.html> (last checked Dec. 12, 2011).

57 Unofficial Flags FAQ, A: Should I flag ads and what do those flag links do??, <http://www.eskimo.com/~newowl/pages/shouldflag.htm> (last checked Dec. 12, 2011).

58 To control for state population size, we divided the number of unique gun postings on Craigslist in each state during the 45-day investigation by the resident population of each state according to the latest figures produced by the US Census, available at <http://www.census.gov/prod/cen2010/briefs/>

c2010br-08.pdf.

59 Interstate crime gun exports rates measure the number of crime guns recovered and traced by the ATF, which are initially purchased in one state but recovered in another, controlling for population of the state where the gun was purchased.

60 This analysis uses gun postings on Craigslist.com because we assume that gun sellers in all 50 states have equal access to and familiarity with Craigslist, which may not be the case for more regional or specialized sites. The site also has more users than other sites investigated by the City by a factor of several hundred, which suggests it is more integrated into streams of interstate commerce.

61 See Mayors Against Illegal Guns, Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking, September 2010, available at <http://tracetheguns.org/report.pdf>. The report analyzed 2009 crime gun trace data provided by the ATF.

62 S. 436, 112th Cong. (2011); H.R. 1731, 112th Cong. (2011).

63 California, Rhode Island, and the District of Columbia require a background check for every gun purchase. Cal. Penal Code §§ 12072(d), 12082 (2011); R.I. Gen. Laws §§ 11-47-35, 11-47-35.2 (2011); D.C. Code §§ 7-2501.01, 7-2502.03, 7-2505.01, 7-2505.02 (2011).

64 Connecticut, Maryland, and Pennsylvania require a background check for every handgun sale, but the states do not impose this requirement on most long guns. Conn. Gen. Stat. § 29-33(c) (2011); Md. Code Ann., Pub. Safety §§ 5-101(r), 5-124, 5-130(j) (2011); 18 Pa. Const. Stat. § 6111 (b), (c), (f) (2011).

65 Hawaii, Illinois, Massachusetts, and New Jersey require purchase permits for all gun sales and require permit applicants to pass a background check. Haw. Rev. Stat. § 134-2 (2011); 430 Ill. Comp. Stat. 65/1, 65/2, 65/4 (2011); Mass. Gen. Laws ch. 140, §§ 121, 129B, 129C (2011); N.J. Stat. § 2C:58-3 (2011).

66 Iowa, Michigan, Nebraska, New York, and North Carolina require purchase permits for all handgun sales and require permit applicants to pass a background check. Iowa Code §§ 724.15, 724.17 (2011); Mich. Comp. Laws §§ 28.422, 28.422a (2011); Neb. Rev. Stat. §§ 69-2403, 69-2404, 69-2409; N.Y. Penal Law §§ 400.00 (2011); N.C. Gen. Stat. §§ 14-402, 14-404 (2011).

67 Colorado, Illinois, New York, and Oregon require a background check for private sales only if the sale occurs at a gun show. Colo. Rev. Stat. §§ 12-26.1-101, 12-26.1-106 (2011); 430 Ill. Comp. Stat. 65/1.1, 65/3.1, 65/53(a-5) (2011); N.Y. Gen. Bus. Law § 896 (2011); Or. Rev. Stat. §§ 166.436, 166.438 (2009).

68 As of 2009, the 12 states and District of Columbia that required background checks for all handgun sales had an average export rate of 7.9 crime guns per 100,000 inhabitants. In comparison, the 38 states that did not require background checks for all handgun sales had an average export rate of 17.1 crime guns per 100,000 inhabitants, more than twice the rate of states that do. See Mayors Against Illegal Guns, Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking, September 2010, available at <http://tracetheguns.org/report.pdf>.

69 Mayors Against Illegal Guns, "In aftermath of Tucson shooting, new bipartisan poll shows Americans – including gun owners – support tougher laws to keep firearms out of dangerous hands," January 18, 2011, available at http://mayorsagainstillegalguns.org/downloads/pdf/advisory_6_arizona_poll.pdf. The poll was conducted jointly by Momentum Analysis, a polling firm with Democratic clients, and American Viewpoint, a polling firm with Republican clients. The firms surveyed 1,003 registered voters who are demographically representative of registered voters across the country.

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MAYOR MICHAEL R. BLOOMBERG