



SEPTEMBER 2016

Thousands of Guns, No Background Check Required:

An Analysis of The Market for Unlicensed Gun Sales in Maine

INTRODUCTION

The state of Maine has a strong tradition of gun ownership. And Maine's gun owners know that responsible ownership includes keeping guns out of the wrong hands. That's why 93% of Americans—and the majority of Mainers, regardless of political party—agree: all gun buyers should pass a criminal background check.¹

It is illegal under both federal law and Maine law for certain dangerous people—like felons, domestic abusers, the dangerously mentally ill, and fugitives—to buy or possess guns. The federal background check system was created to enforce the prohibition on those dangerous people and block them from buying guns. And it works: **since the background check system was implemented, it has blocked nearly three million gun sales across the country to people legally prohibited from having firearms, including at least 5,501 sales in Maine alone.**²

But there's a problem. **Background check laws were written decades ago, and they only apply if you buy from gun dealers—and not if you buy from people without dealer licenses.** That makes sense when you're selling to your brother or giving a gift to your daughter. But gun sales and transfers aren't just taking place between family or at gun dealers: when an unlicensed seller posts a classified ad selling a gun, anyone can respond—and can buy that gun with no background check, no questions asked.

1. Quinnipiac University National Poll, June 30, 2016, available at: <http://bit.ly/2bKbVy7>; Global Strategy Group, live phone survey of 400 likely voters in Maine conducted July 16 – 19, 2015. Margin of error \pm 4.9%. 80% of surveyed voters plan to vote YES on a ballot initiative requiring criminal background checks on all gun sales and transfers with certain exceptions. Support is broad and bipartisan, and supported by 78% of voters in gun-owning households.

2. US Department of Justice, Bureau of Justice Statistics, Background Checks for Firearm Transfers, 2013-14 - Statistical Tables, by Jennifer C. Varberg, Ronald J. Frandsen, Joseph M. Durst, Trent D. Buskirk, and Allina D. Lee (June 2016), <http://bit.ly/2av5tvL>; Everytown for Gun Safety analysis of data obtained directly from the Federal Bureau of Investigation (FBI).

It's a gaping loophole that criminals can and do exploit to arm themselves, with deadly consequences.³ To find out just how big this loophole is in Maine, Everytown reviewed two venues where Mainers commonly post ads for unlicensed gun sales: Uncle Henry's print magazine, and the website Armslist.com (the self-described "Craigslist for guns"). The results demonstrate the scope of the problem:

- From May 2012 to January 2016, Uncle Henry's classified ad circular hosted **over 8,000 gun ads posted by unlicensed sellers**. That's an average of **more than 2,300 gun ads posted each year with no background check required**.
- The internet is also a burgeoning venue for gun sales in Maine. Between September 2014 and March 2016, the website Armslist.com—just one of many web markets available in the state—hosted over 700 ads for unlicensed gun sales. That's **more than 500 gun ads posted annually by unlicensed sellers in Maine**.
- That means that **in a single year, Maine sees nearly 3,000 guns available through anonymous unlicensed sales through just those two channels**—and Maine law doesn't require a criminal background check for any of them.

This market opens up an easy avenue for dangerous people to illegally access thousands of guns. And that means Maine faces an unnecessary public safety risk. The evidence shows that background checks reduce gun deaths.⁴ And in states that require background checks for all handgun sales, there are 52% fewer mass shootings,⁵ 46% fewer fatal domestic violence shootings,⁶ 48% fewer police officers fatally shot with handguns in the line of duty,⁷ and 48% less gun trafficking in cities.⁸

Maine is known as a safe state, but the numbers show that the loophole in Maine's background check system creates a dangerous opportunity for criminals: In 2015, **background checks at licensed gun dealers in the state blocked nearly 500 sales to dangerous individuals, including 120 to felons and 78 to domestic abusers.**⁹

In Maine, convicted domestic abusers and people subject to domestic violence restraining orders attempt to purchase firearms at a rate twice the national average.¹⁰ But under current Maine law, those domestic abusers and other dangerous people who fail background checks at a licensed dealer can simply pick up Uncle Henry's or go to Armslist.com, where they can buy from an unlicensed seller, no background check required.

3. US Department of Justice, Bureau of Justice Statistics, *Survey of Inmates in State and Federal Correctional Facilities* (2004), February 28, 2007.

4. See: Kara E. Rudolph, Elizabeth A. Stuart, Jon S. Vernick, and Daniel W. Webster. *Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides*. *American Journal of Public Health*: August 2015, Vol. 105, No. 8, pp. e49-e54; and Cassandra K. Crifasi, John Speed Meyers, Jon S. Vernick, Daniel W. Webster. *Effects of changes in permit-to-purchase handgun laws in Connecticut and Missouri on suicide rates*. *Preventive Medicine*, Volume 79, October 2015, pp. 43–49.

5. Everytown for Gun Safety, *State Background Check Requirements and Mass Shootings*, November 2015, available at <http://every.tw/1USvOno>.

6. Everytown for Gun Safety, *State Background Check Requirements and Rates of Domestic Violence Homicide*, September 2014, available at <http://every.tw/1y3kxCb>.

7. Everytown for Gun Safety, *State Background Check Requirements and Rates of Firearm Homicide against Law Enforcement Officers*, September 2014, available at <http://every.tw/1FpRqkh>.

8. Daniel Webster, Jon Vernick, & Maria Bulzacchelli, "Effects of State Level Firearm Seller Accountability Policies on Firearm Trafficking," *Journal of Urban Health* (July 2009). To gauge gun trafficking, the authors measured the ratio of likely trafficked guns recovered from crime scenes to the total of guns recovered. A "likely trafficked gun" was defined as having been recovered at a crime scene and not in the possession of its original purchaser within one year of its last legal sale.

9. Everytown for Gun Safety analysis of data for 2015 obtained directly from the FBI.

10. Everytown for Gun Safety analysis of data obtained directly from the FBI, 1998-2014. Twenty-two percent of denied sales in Maine are to people convicted of a domestic violence misdemeanor or subject to a domestic violence restraining order.

BACKGROUND CHECKS IN THE UNITED STATES SAVE LIVES, BUT UNLICENSED SALES OFFER A LOOPHOLE

Mainers can vote this November on Question 3 to close the background check loophole. Under Question 3, law-abiding Mainers can still sell guns through classified ads or online marketplaces, but when they meet to complete the sale, they will do so at a licensed gun dealer who can run a background check on the buyer, right then and there. It's easy to get an instant check, and gun owners are already used to the process. In fact, there are at least 468 gun dealers in Maine, and 98.5% of Mainers live within 10 miles of one.¹¹

Indeed, there's just one group who *would* be inconvenienced by the new law: the criminals and domestic abusers who could no longer take advantage of law-abiding gun owners to arm themselves or traffic guns illegally, no questions asked.

Support for the Second Amendment goes hand-in-hand with keeping guns out of the hands of dangerous people. That's why the United States prohibits gun ownership for convicted felons, domestic abusers, and people with severe mental illness. To enforce this prohibition, federal law requires licensed gun dealers to conduct background checks on potential buyers.

The background check system is the cornerstone of gun safety in the U.S. Since it was put into place in 1998, **it has blocked nearly 3 million prohibited people from buying guns.** And it's done so without inconveniencing the vast majority of gun buyers who are looking to make a legal purchase: over 90% of background checks are completed immediately.¹² **From 1998-2015, the background check system in Maine alone blocked at least 5,501 sales to potentially dangerous people, including nearly 3,000 to felons and over 1,200 to domestic abusers.**¹³

But neither Maine nor federal law requires unlicensed sellers to conduct background checks. **That means that buyers who shop with these sellers—whether through classified ads, over the internet, or at gun shows—are not covered by the same background check requirement in place at every gun store.** Though it is legal for these venues to advertise and facilitate these type of sales, this leaves a gaping loophole in the law that criminals can—and do—exploit to buy guns from the legal market.¹⁴

When dangerous people purchase guns in Maine, the consequences can also spread beyond state borders. For example, Maine is one of the top out-of-state sources for guns found at crime scenes in Massachusetts.¹⁵

Unlicensed sales occur frequently. National surveys in the early 1990s and 2000s found that about **40% of gun owners got their gun in a transaction that did not require a background check,**¹⁶ and forthcoming research indicates that the share holds steady today.¹⁷

11. Mayors Against Illegal Guns, Licensed Gun Dealers in Maine, January 2013, available at <http://bit.ly/1jmVYlo>.

12. US Department of Justice, Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2013-14 - Statistical Tables*, by Jennifer C. Varberg, Ronald J. Frandsen, Joseph M. Durst, Trent D. Buskirk, and Allina D. Lee (June 2016), <http://bit.ly/2av5tvL>.

13. Everytown for Gun Safety analysis of data for 2015 obtained directly from the FBI.

14. Everytown for Gun Safety, *Mayors Against Illegal Guns, Felon Seeks Firearm, No Strings Attached* (2013), available at <http://bit.ly/2915mrj>; US Department of Justice, Bureau of Justice Statistics, *Survey of Inmates in State and Federal Correctional Facilities* (2004), February 28, 2007.

15. Bureau of Alcohol, Tobacco, Firearms, and Explosives 2015; Anthony Braga and David Hureau, "Strong Gun Laws Are Not Enough: The Need for Improved Enforcement of

Secondhand Gun Transfer Laws in Massachusetts," *Journal of Preventative Medicine*, May 27, 2015, doi:10.1016/j.jpmed.2015.05.018. Personal correspondence with the authors.

16. Philip J. Cook & Jens Ludwig, *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use*, (Police Foundation: 1996), available at <http://bit.ly/1p862l4>; Matthew Miller, "National Firearm Survey," Inter-university Consortium for Political and Social Research, 2004, available at <http://bit.ly/WV6eDY>.

17. Kate Masters, The Trace, "Just how many people buy guns without a background check? Fast-Tracked Research is set to provide an answer," October 21, 2015, available at: <http://bit.ly/1GvXiej>.

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ACTUAL ADS posted in Uncle Henry's magazine and on Armslist.com in Maine show how easy it is to get a gun in the state, with no background check, no paperwork, and no questions asked.

GUN SALES THROUGH CLASSIFIED PRINT ADS IN MAINE

In Maine, one of the biggest markets for unlicensed gun sales sits by the exit door of nearly every drug and grocery store in the state. The print magazine Uncle Henry's, priced at \$2, bills itself as "THE destination for buying, selling, and swapping just about anything." And Mainers do indeed use Uncle Henry's for just about everything, including handguns, rifles and shotguns, ammunition, and firearm accessories.¹⁸ Some of the guns for sale in Uncle Henry's are offered by licensed dealers, and therefore require a background check for purchase. But many of the ads are posted by unlicensed sellers—which makes them an appealing avenue for anyone prohibited from buying a gun.

To understand the size of that no-background-check market, Everytown used text analysis software to review digital copies of all 188 unique issues of the print magazine published from May 17, 2012, to January 14, 2016. (Uncle Henry's also has an online sales platform, but this investigation focused on the print magazine).

The results show that these classified ads are an enormous platform for unlicensed gun sales in Maine: in the nearly four years reviewed, Uncle Henry's printed an estimated **8,446 unique ads for what appears to be unlicensed sales, offered by over 4,400 unlicensed sellers.**¹⁹ At this rate, the print magazine would host **more than 2,300 ads per year for gun sales outside of the background check system.**

18. "Down East Dickering," Uncle Henry's: Most Anything Under the Sun, accessed June 27, 2016, <http://bit.ly/294YXNn>.

19. Everytown's automated text analysis reviewed 14,714 unique ads posted during the study period. After removing want-to-buy ads, ads that did not contain the name of at least one major gun manufacturer, ads with a listed price under \$100 (indicating ammunition or accessories for sale rather than guns), and ads with phone number matching that of a licensed gun dealer, the software identified 60% (8890) of the ads as unlicensed private sale ads. Researchers then adjusted that sample downward by 5% (to 8,446) to account for the rate of ads placed outside of Maine; that number

was determined through manual coding of a random 5% sample (736) of the 14,714 unique ads. To further verify the analysis, researchers manually reviewed the random sample to ensure that only unlicensed sale ads were included in the final tally. While the automated analysis identified 60% of the sample as an unlicensed sale ad, the manual coding identified a higher rate; 69% of the sampled ads were for unlicensed gun sales, with a 95% confidence interval of 66% - 73%. Therefore, the true number of unlicensed gun sale ads in Maine is likely higher than 8,446. However, to err on the side of being conservative, Everytown is presenting the estimate without that upward adjustment.

ONLINE GUN SALES IN MAINE

Over the last decade, gun sales—like all sales—have increasingly moved online. Nationwide, thousands of websites now host ads offering guns for sale, ranging from message boards with a small group of users to massive for-profit sites. One of the largest gun sale websites, Armslist.com, describes itself as the “Craigslis for guns” and hosts over 50,000 gun ads from unlicensed sellers every day nationwide.²⁰

To learn how one piece of that growing market affects gun sales in Maine, Everytown used text analysis software to analyze 923 Armslist.com ads posted from Maine over the course of approximately 18 months. After correcting for duplicates, false positives, ads from licensed dealers, and want-to-buy ads, the analysis identified **740 unique ads for gun sales from unlicensed sellers in Maine.**²¹ At this rate, that single website would host **509 unlicensed gun sale ads per year in Maine.**

Through Armslist and other websites, Maine’s online gun market makes thousands of guns available for easy access by criminals, with no background check required. And these sales draw in purchasers who would otherwise be blocked from the legal market: previous Everytown research found that in some states as many as 1 in 10 would-be buyers on Armslist have criminal records that prohibit them from buying guns under federal law; that’s more than six times the share of would-be buyers who are blocked at dealers.²²

THE DANGERS OF UNLICENSED SALES IN MAINE

Without background checks, unlicensed gun sales pose a danger to public safety. Law-abiding gun owners end up inadvertently putting firearms in the hands of convicted felons or domestic abusers, who would otherwise be prevented from purchasing a gun. These sales unintentionally fuel gun trafficking, as firearms purchased in states with weak laws turn up at crime scenes in neighboring states. And they put bystanders at risk, as sellers typically arrange to meet their buyers in an informal and often public setting, rather than the controlled environment of a licensed dealer. These dangers aren’t just theoretical; recent unlicensed sales in Maine have been linked directly to lost lives and violent crime.

For example:

According to police reports, one afternoon in November 2015, Dylan Grubbs met a man in a Shaw’s Supermarket parking lot in Bath, intending to sell him a 9mm Taurus handgun in an unlicensed sale. As Grubbs was showing the buyer the gun, Grubbs himself unintentionally fired it, **fatally shooting his girlfriend—the mother of his two children—in the head.**²³ Grubbs has entered a not guilty plea.

20. Everytown for Gun Safety Support Fund, “Business as Usual: How Unlicensed High-Volume Gun Sellers Fuel the Criminal Market and How the President Can Stop Them,” November 2015, available at: <http://every.tw/1OkvV78>.

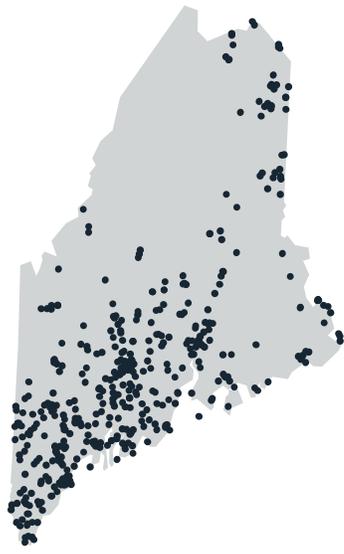
21. The study period was September 22, 2014, to March 4, 2016. Out of the 923 ads reviewed, the automated text analysis identified 779 unique ads with firearms for sale. To assess the accuracy of that estimate, Everytown researchers manually reviewed a random 10% sample of those 779 ads. Ninety-five percent had been classified correctly, four percent offered non-firearms goods for sale, and one percent were posted by a licensed firearms dealer. Therefore, to present the most conservative estimate, Everytown reduced the estimated number of firearms posted annually by unlicensed sellers on Armslist in Maine by five percent. That yields a final total of 740 ads over the course of the study period.

22. Everytown for Gun Safety, *Online and Off the Record*, October 2014, available at: <http://every.tw/1IZpwt2>.

23. Beth Brogan, “Man who shot girlfriend in Bath parking lot indicted for manslaughter,” *Bangor Daily News*, February 11, 2016, available at: <http://bit.ly/2b1sOpm>.

Licensed Gun Dealers in Maine

POPULATION DATA: US CENSUS, 2010



In March 2012, Jason Lee Morrill purchased a 9mm handgun from an unlicensed seller via a classified ad listed in Uncle Henry's. **Morrill was prohibited from purchasing the gun due to a previous felony conviction, but the unlicensed seller was not required to conduct a background check.** Morrill immediately resold the gun, and two months later it was recovered from a crime scene in the Bronx where a suspect had exchanged fire with a New York City police officer.²⁴ In 2013, Morrill was found guilty of being a felon in possession of firearms, and was sentenced to 21 months in prison.

And on January 8, 2010, 25-year-old Darien Richardson of Portland was shot in her bedroom during a home invasion. She died on February 28 of complications from her injuries. On February 10, the same handgun was used to kill a man in Portland. **A trace on the gun revealed that, after it was sold by a licensed dealer, it was subsequently sold by an unlicensed seller at a Maine gun show—without a background check.** Because no record was kept of that unlicensed sale, as it would have been for a sale by a licensed dealer, law enforcement was unable to continue following the gun and catch the killer. Richardson's parents are two of the citizen sponsors of the 2016 background check initiative.²⁵

It goes without saying that not every unlicensed gun sale ends in crime or tragedy, but the lack of background checks makes it far too easy for criminals to use unlicensed sellers as an easy source of guns. And for the Mainers impacted by a gun in the wrong hands, even one tragedy is too many. While Maine is lucky to have low crime rates, it is far from immune to gun violence: over the last decade, **132 Mainers were killed in gun homicides.**²⁶

MAINE VOTERS CAN CLOSE THIS DANGEROUS LOOPHOLE BY SUPPORTING BACKGROUND CHECKS FOR ALL GUN SALES

This investigation shines a light on the thousands of guns available for sale in Maine, no background check required, and provides clear evidence that criminals are taking advantage of these transfers to avoid background checks and obtain firearms.

Voters can close this loophole and stop criminals from arming themselves by extending background check requirements to all gun sales. An initiative on the Maine ballot in November 2016—Question 3—would strengthen Maine law, requiring a background check for all gun sales, involving unlicensed sellers.

Instead of meeting in a parking lot or a seller's home, the buyer and seller will meet at the premises of a licensed gun dealer, who will run the check just like they currently do for sales from their own inventory. **Exceptions are provided for immediate family members and law enforcement, while hunting or target-shooting, for emergency self-defense, and other situations.** Getting to a licensed dealer is easy: 98.5 percent of Maine residents currently live within 10 miles of one of the 468 licensed firearm dealers in the state.²⁷

The majority of Maine residents—Democrats, Republicans, and independents, gun owners and non-gun owners alike—agree: it's time to require background checks on all gun sales.²⁸

24. Kevin Miller, "Many sales of firearms in Maine fall under the radar," Maine Sunday Telegram, Feb. 10 2013; U.S. v. Morrill, No. 2:12-cr-00149-JDL (D.Me.).

25. WMTW, "Victim's parents spearheading effort to close 'gun show loophole'," August 25, 2015. <http://bit.ly/2bLpgFJ>.

26. Centers for Disease Control, "WISQARS" (Web-based Injury Statistics Query and Reporting System)," available at <http://1.usa.gov/VTdKK9> (last accessed August 2015). Data is from 2004 to 2013.

27. Everytown analysis of data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Only type 1, 2, or 7 FFLs were included. More recent data indicate that the number of licensed firearms dealers in the state has increased since the geographic analysis was conducted. The smaller number is presented to be conservative.

28. Global Strategy Group, live phone survey of 400 likely voters in Maine conducted July 16–19, 2015. Margin of error $\pm 4.9\%$. 80% of surveyed voters plan to vote YES on a ballot initiative requiring criminal background checks on all gun sales and transfers with certain exceptions. Support is broad and bipartisan, and supported by 78% of voters in gun-owning households.