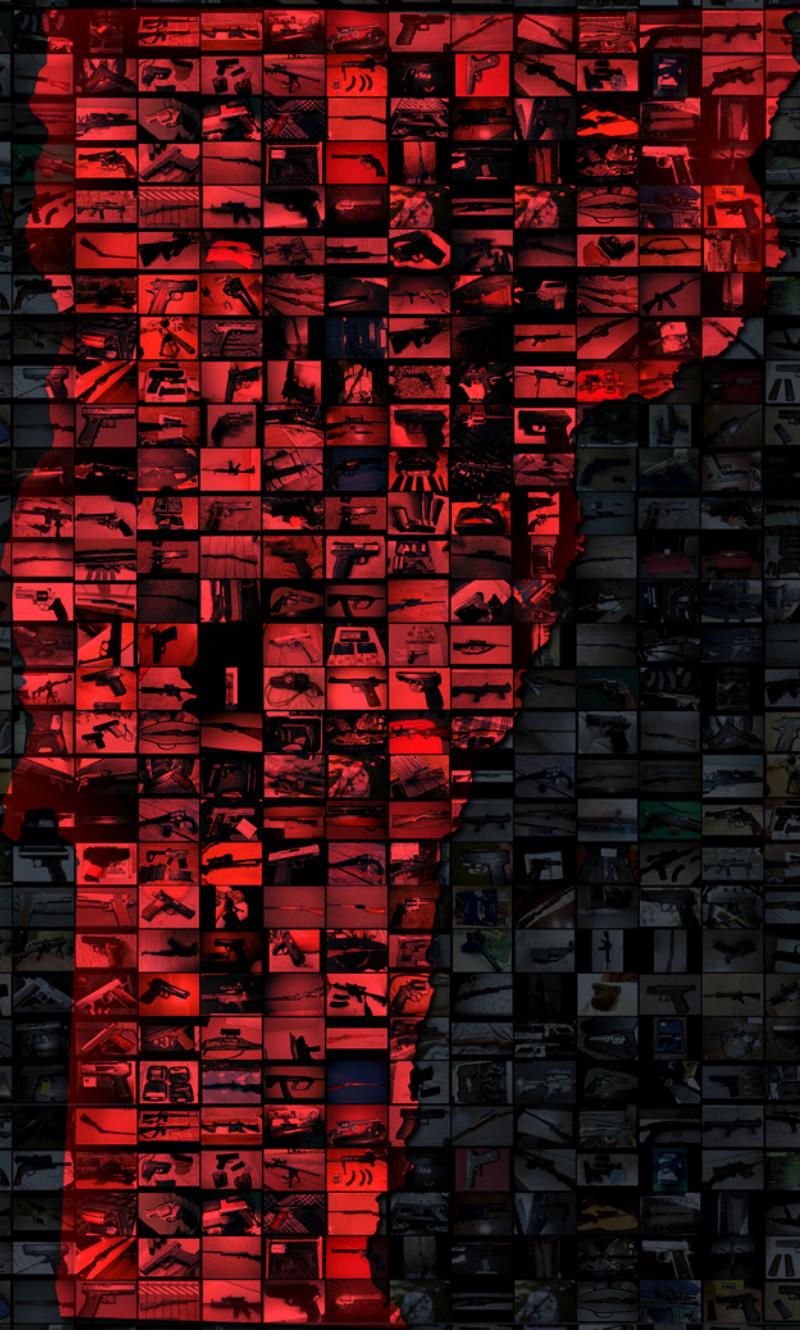


Hiding in Plain Sight:



INVESTIGATING ILLEGAL ONLINE
GUN SALES IN VERMONT

JANUARY 2015

EVERTOWN
FOR GUN SAFETY | SUPPORT FUND

Hiding in Plain Sight: INVESTIGATING ILLEGAL ONLINE GUN SALES IN VERMONT

A REPORT BY EVERYTOWN FOR GUN SAFETY SUPPORT FUND

JANUARY 2015

- 2 Executive Summary
- 4 Introduction
- 6 How Many Guns Are Exchanged In Unlicensed Online Sales In Vermont?
- 8 Who Is Seeking Guns In Unlicensed Online Sales In Vermont?
- 14 Conclusion
- 15 Notes

EXECUTIVE SUMMARY

Vermont has a proud tradition of responsible gun ownership. More than two of five households in the state own a firearm.¹ Of the hundreds of thousands of firearms in Vermont, less than one tenth of one percent are involved in a crime and recovered by police each year.² Whether at the shooting range, in the wilderness, or at home, responsible Vermonters take care to ensure their weapons do not cause unnecessary injuries or fall into dangerous hands.

But in the 21st century, gun-owning Vermonters also go online — to a growing number of websites where anonymous buyers and sellers exchange firearms. As this investigation shows, they are more likely to imperil their fellow citizens in this virtual marketplace than perhaps anywhere else: when a Vermonter lists a gun for sale online, they have a **1-in-24 risk of transferring it to a criminal.**

It doesn't have to be this way. The bedrock of firearm safety in the U.S. is the background check system. Felons, domestic abusers, and other dangerous people are prohibited from buying guns, and federal law requires all licensed gun dealers to conduct background checks and deny gun sales to anyone that meets these criteria.

This system keeps guns out of dangerous hands, including in Vermont. Between 1998 and 2014, gun dealers in the state ran background checks for 371,564 gun sales — and blocked 3,034 of them because the prospective buyer had committed a felony, a domestic violence crime, or was otherwise prohibited from possessing guns.

But the system in Vermont is flawed by a fatal loophole: individuals selling guns in “private,” unlicensed sales — often online or at gun shows — are exempt from the background check requirement. Today, numerous websites function like Craigslist, connecting anonymous strangers that want to meet offline to buy or trade for guns in unlicensed transfers. This gives criminals and other dangerous people an opportunity to obtain guns with no background check, no questions asked.

This investigation set out to determine how many of these unlicensed gun sales are taking place online in Vermont, and what risk law-abiding Vermont gun owners run by participating in this marketplace. By placing ads on websites where Vermonters sell or trade guns and sampling the would-be gun buyers who responded, this investigation yielded first-of-its-kind findings about the volume of these transfers and the threat they pose to public safety:

- Vermont’s online market for guns is vast. Each year in the state, an estimated **3,000 guns** are transferred in unlicensed online sales on just three websites — as many as **24 percent** obtained in trades for other goods rather than purchased outright.
- **One in 24** people in Vermont trying to buy or trade for a gun online is prohibited from possessing firearms, including convicted domestic abusers and illegal drug traffickers profiled later in this report.
- This is **six times higher** than the share of Vermonters who try to buy a gun at a licensed dealer and fail a background check, which suggests that criminals may be intentionally exploiting this loophole.
- The share of domestic abusers trying to illegally buy or trade for guns online in Vermont is **32 times higher** than the share of Vermonters who try to buy a gun at a licensed dealer and fail a background check due to a domestic violence record.
- At this rate, in a single year, just three websites in Vermont put an estimated **126 guns** into the hands of felons and domestic abusers.

INTRODUCTION: PREVENTING DANGEROUS PEOPLE FROM GETTING GUNS

Federal law prohibits certain narrow classes of dangerous people from possessing guns including felons, people convicted of misdemeanor acts of domestic violence, and the severely mentally ill. And with good reason: when convicted felons or convicted domestic abusers obtain guns, they pose an elevated danger to the public.

Among people incarcerated in state prisons for firearm crimes, nearly half were prohibited from obtaining guns before their offense.³ Domestic abusers who acquire guns represent an especially potent threat. When a domestic abuser has access to a firearm, his partner has five times the risk of being murdered.⁴

Law enforcement officers pay an especially high price for weak gun laws. Of fatal shootings of law enforcement officers in 2013 where the shooters were known, more than half were prohibited from possessing guns, according to an Everytown analysis.⁵

The National Instant Criminal Background Check System (NICS) was established in 1998 to block dangerous people from accessing guns at the point-of-sale. Federal law requires licensed dealers to conduct an instant check on every buyer. The checks take just minutes to complete, and each year millions of lawful gun purchasers complete them without incident. But tens of thousands of prohibited people also attempt to buy guns from dealers, and the system effectively denies those sales.

In Vermont alone, the background check system has blocked more than 3,000 gun sales to prohibited

But Vermont state law does not require a background check for guns offered in unlicensed sales, including anonymous transactions initiated online and at gun shows. These sales take place with no paperwork and no strings attached, which means they make up an unknowable share of total firearm sales in Vermont. But it is certain the number is significant. National surveys in the early 1990s and 2000s found that about 40 percent of gun owners obtained their firearms in transfers that would not require a background check.⁷

This loophole creates an open door for criminals and other prohibited people to obtain firearms — and research has repeatedly shown that criminals are increasingly reliant on these sales to obtain guns. A national survey of prison inmates found that 77 percent of those incarcerated for a crime committed with a handgun obtained the weapon in a transfer that would not be subject to a background check.⁸ In 2013, Mayors Against Illegal Guns conducted a first-of-its-kind investigation of unlicensed online gun sales which showed that 1 in 30 people seeking firearms on the website [Armslist.com](#) had a felony or

**IN STATES THAT REQUIRE BACKGROUND CHECKS FOR ALL HANDGUN SALES,
46 PERCENT FEWER WOMEN ARE SHOT
TO DEATH BY INTIMATE PARTNERS**

domestic violence history that prohibited them from possessing a gun.⁹ And a subsequent Everytown investigation in Washington State showed that 1 in 10 people seeking firearms there was prohibited under state or federal law.¹⁰ In the wake of that report, Washington residents voted resoundingly to require background checks for all gun sales in the state.

It was the seventeenth state that went beyond federal law to require background checks for some or all guns offered in unlicensed sales,¹² and the weight of evidence now shows that closing this loophole saves lives. In states that require background checks for all handgun sales there are **46 percent fewer women shot to death by their intimate partners**,¹³ 48 percent fewer law enforcement officers killed with handguns that are not their own,¹⁴ and 48 percent less gun trafficking.¹⁵ When Missouri repealed a requirement that gun buyers undergo a background check and obtain a

**BACKGROUND CHECKS IN VERMONT
HAVE BLOCKED OVER 3,000 GUN
SALES TO CRIMINALS AND OTHER
DANGEROUS PEOPLE**

people, including over 350 gun sales to people convicted of domestic violence crimes or subject to restraining orders, according to an Everytown analysis of FBI data. As an epidemic of heroin and prescription opiate abuse sweep the state, the background check system also prevents drug traffickers from getting guns: the share of denials as a result of illegal drug use tripled between 2008 and 2013.⁶

permit before obtaining a handgun, the share of likely trafficked guns doubled and the gun homicide rate ballooned by 23 percent.^{16 17} Controlling for other factors, researchers estimate that the change in law was associated with an additional 55-60 gun homicides each year.

These are not abstract questions in Vermont. In the last decade of available data, 54 residents of the state were murdered with guns, and an additional 529 died in firearm suicides or accidents.¹⁸ And the epidemic of heroin and opiate addiction that is drawing drug networks from large Eastern cities to small Vermont towns has a dangerous nexus with guns.¹⁹ To assess the role that unlicensed online gun sales play in arming dangerous people in Vermont, this investigation attempts to answer two critical questions:

- How many unlicensed gun sales are taking place online — and without background checks — across the state of Vermont?
- What share of Vermont residents seeking guns in these sales have committed felonies or domestic violence crimes that bar them under law from buying guns?

PART ONE: HOW MANY GUNS ARE EXCHANGED IN UNLICENSED ONLINE SALES IN VERMONT?

The online market for guns is vast and growing. Dozens of websites—like [Armslist.com](#), the self-described Craigslist for guns—each host tens of thousands of ads for unlicensed gun sales and provides a forum for strangers to connect and arrange offline gun transfers, just like Craigslist does for furniture sales and concert tickets. Would-be buyers and sellers can post ads to these websites offering guns “for sale” or to announce their interest in obtaining a firearm with a “want-to-buy” ad. Because federal law does not permit unlicensed sales across state lines, most websites serve a defined geographic area or allow users to search for ads by state.

When a person seeking a gun identifies a seller (or a person selling a gun identifies a buyer), the two typically negotiate the transfer and arrange to meet offline to complete the transaction. Though users may delete a posted ad once the offered firearm has been sold (or the sought-after firearm obtained), they may also leave the ad online as long as 90 days on some websites. This electronic paper trail creates a unique opportunity to measure the scale of the online firearm market and to assess the individuals using websites to buy guns.

DATA COLLECTION

For this investigation, Everytown identified three websites catering to Vermont residents where self-described unlicensed sellers post ads seeking or offering firearms. The websites range in size, with anywhere from hundreds to tens of thousands of firearms listed at any given time. Once each day from June 12 to October 22, 2014, investigators ‘scraped’ (a software technique for extracting online data) all firearm ads posted by self-described “private sellers.” Scrapped ads were manually reviewed and those with duplicated title or body text, “want to buy” ads seeking guns rather than offering them, and ads offering ammunition or accessories but no firearm, were removed.

ARMSLIST
FIREARMS MARKETPLACE

FOR SALE: GLOCK 27 .40 CAL

Price: \$300
Seller: Private Party
Listed On: Monday, August 04, 2014
Location: Brattleboro, Vermont, US

Contact Seller

RESULTS

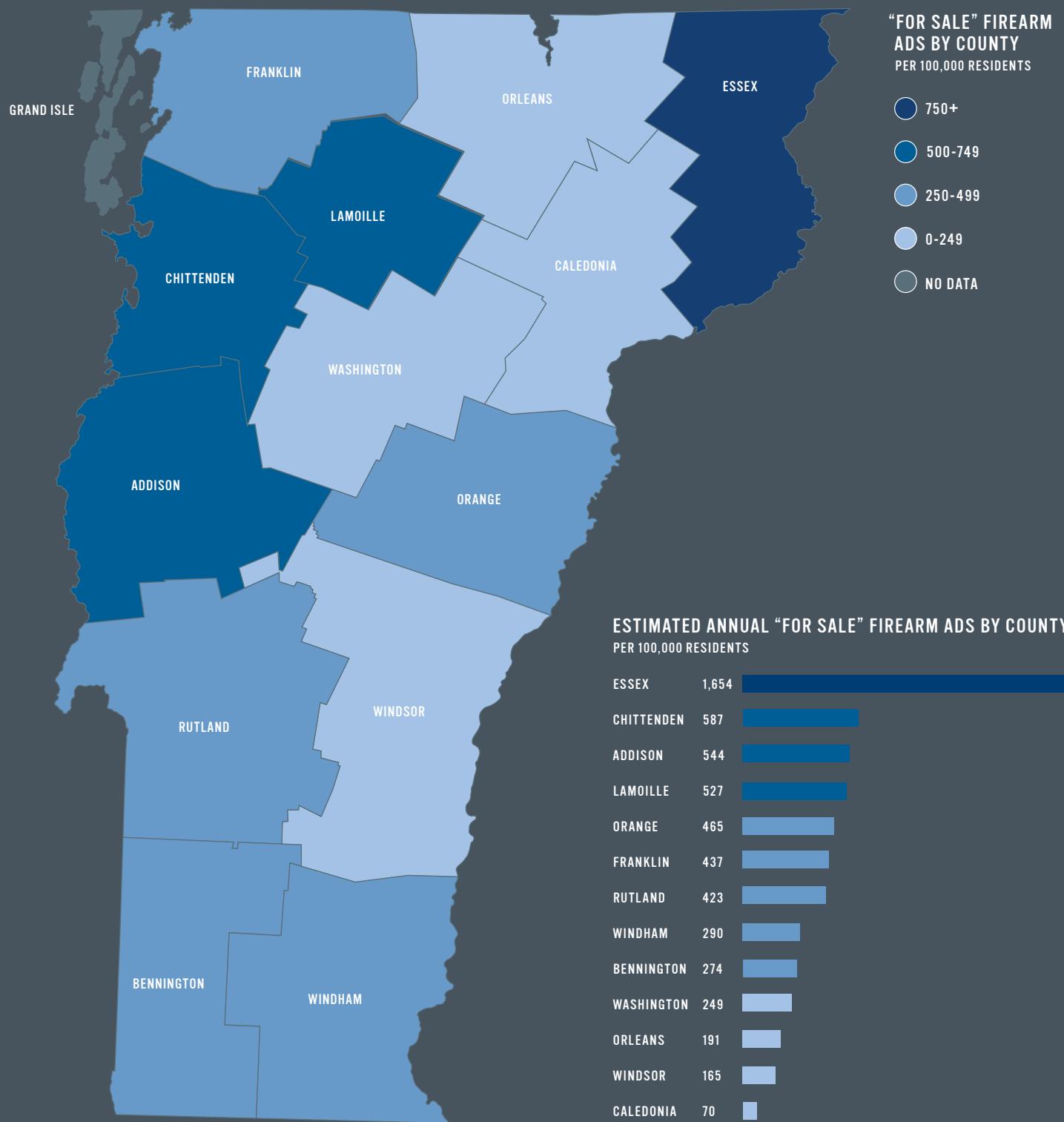
In total, investigators scraped 1,106 ads featuring firearms for sale over the 132-day period. At that rate, unlicensed sellers in Vermont would post 3,058 firearm ads to just these three websites each year.

Geographic information that unlicensed sellers provide in the firearm ads indicates where guns are being sold or traded in Vermont. Ad-posters usually include a city or county where they would like to conduct the exchange. Of the 1,106 firearm ads identified, 912 (82 percent) included geographic information that could be matched to one of Vermont’s 14 counties.

Thirty-seven percent of the firearm ads posted by unlicensed sellers were listed in the state’s most populous county, Chittenden County. But controlling for population, **Essex County had the highest prevalence of for-sale firearm ads** listed by unlicensed sellers (1,654 per 100,000 residents), followed by Chittenden County (587) and Addison County (544).

WEBSITE	“FOR SALE” FIREARM ADS POSTED BY VERMONT RESIDENTS	ESTIMATED ANNUAL FIREARMS FOR SALE BY UNLICENSED SELLERS IN VERMONT
ARMSLIST	991	2,740
GUNS INTERNATIONAL	96	265
GUNS AMERICA	19	53
TOTAL	1,106	3,058

UNLICENSED ONLINE GUN SALES IN VERMONT



PART TWO: WHO IS SEEKING GUNS IN UNLICENSED ONLINE SALES IN VERMONT?

Every year, millions of law-abiding Americans shop for firearms at licensed firearm dealers. This volume of firearm sales is not a public safety concern because, under federal law, those sales are subject to a background check. But the same is not true of unlicensed firearm sales, and the large volume of sales occurring in Vermont — more than 3,000 annually across just three websites — creates an opportunity for prohibited people to evade the background check system and acquire guns. This loophole is significant: in a single year, **more guns are transferred by unlicensed Vermont sellers on these three websites than there were denials issued by all Vermont gun dealers in the 15 years since the inception of the background check system.**

DATA COLLECTION

To characterize the population of would-be gun buyers in Vermont, Everytown contracted an investigative agency to post ads offering firearms for sale on the website Armslist.com. Between July 28 and October 9, investigators placed 24 ads.

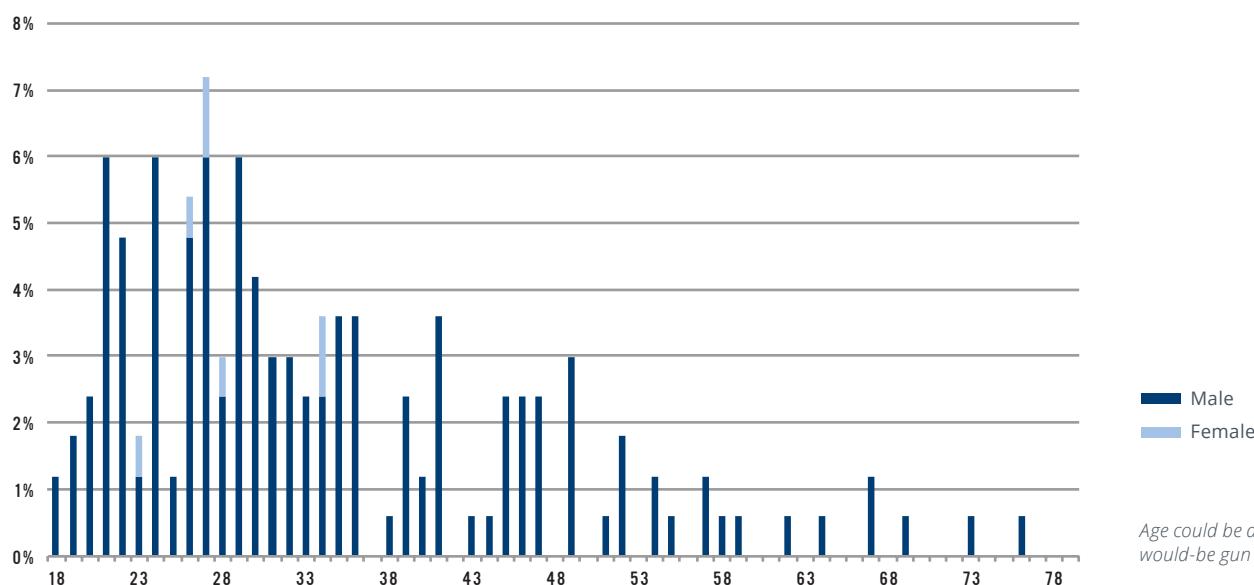
Using the name, phone number, and/or email address voluntarily provided by respondents to the ads, and comparing it to reverse lookup phone data and other sources, investigators were able to identify 169 unique Vermont residents seeking guns in online, unlicensed sales. The median age was 30 with a range of 18 to 76. Ninety-six percent (162 of 169) were male.

Investigators then conducted criminal record checks on each individual by searching court records in the geographic areas where the individual was known to have maintained a current or past address. Any felony convictions, domestic violence misdemeanor convictions, bench warrants, or orders of protection that could be linked to the individual were subjected to legal analysis to determine if they prohibited possession of firearms under state or federal law.

For buyers that had committed prohibiting felony or domestic violence offenses in Vermont, investigators checked with the Governor's office to determine that none of the offenders had their prohibition lifted through the process allowed under federal law.²⁰ For a buyer who was prohibited as a result of two felonies committed in New York State, investigators consulted with the Executive Clemency Bureau within the New York State Division of Parole to determine that the offender had not had his rights restored.²¹

The investigation's results may underestimate the share of prohibited buyers in the online market. Investigators only examined criminal records in the jurisdictions where the subscriber was known to have maintained a residence, so individuals who committed prohibiting crimes in other jurisdictions were not identified. Nor did the investigators examine records of non-criminal prohibiting criteria, including serious mental illness, dishonorable discharge from the Armed Forces, and immigration status.

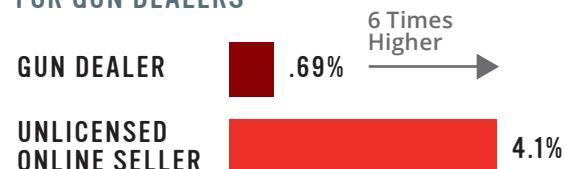
AGE AND GENDER OF WOULD-BE GUN BUYERS IN VERMONT



RESULTS

Of the identified individuals seeking guns in unlicensed online sales in Vermont, **one in 24 (7 of 169) had been convicted of crimes that prohibited them from possessing firearms.**²² At this prevalence, gun sales transacted on just three websites put an estimated **126 guns into the hands of felons and domestic abusers in Vermont** — and likely many more — in this year alone.

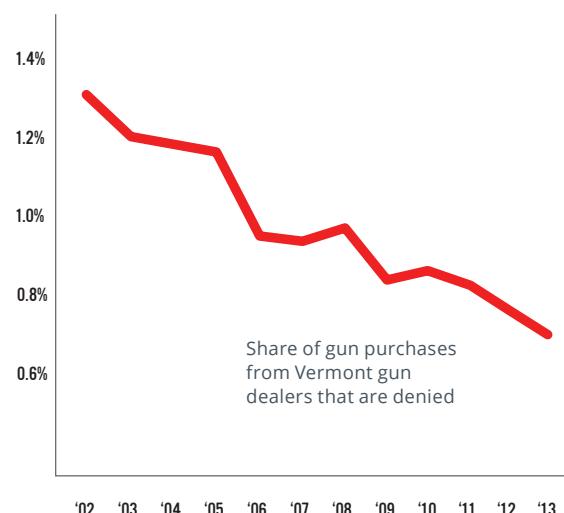
THE SHARE OF WOULD BE GUN-BUYERS THAT ARE PROHIBITED IS 6 TIMES HIGHER FOR UNLICENSED ONLINE SELLERS THAN IT IS FOR GUN DEALERS



guns online who are prohibited for criminal or domestic violence offenses was 4.1 percent — **more than six times higher.** This is a statistically significant difference, meaning it would not have been achieved by chance alone.²⁵

A plausible explanation for this disparity is that the background check system is effectively preventing criminals from obtaining guns at licensed gun dealers — but unlicensed sellers who offer an open door for acquiring guns without background checks are attracting them instead. A migration of criminals from licensed dealers to unlicensed sellers is consistent with the data from the background check system, which shows that the share of gun sales resulting in denial fell nearly 50 percent between 2002 and 2013.

THE SHARE OF WOULD-BE GUN BUYERS WHO ATTEMPT TO BUY GUNS AT VERMONT GUN DEALERS AND ARE DENIED HAS STEADILY DECLINED....



The share of would-be gun buyers with a history of domestic abuse was especially high: 2.4 percent of people seeking guns had been convicted of a domestic violence crime. In comparison, less than 0.1 percent of people seeking guns from licensed gun dealers in Vermont have a prohibiting domestic violence history. Accordingly, the share of domestic abusers seeking guns in unlicensed sales online in Vermont is **32 times higher** than the share seeking guns at licensed gun dealers.

This is of particular concern because of the well-documented relationship between access to firearms and fatal domestic violence. The presence of a gun in a domestic violence situation increases the odds a woman will be murdered by 500 percent.²³ This explains why 56 percent of women shot to death in Vermont between 2000-2012 were killed by intimate partners, according to an Everytown analysis of FBI data.²⁴

Above and beyond the absolute number of criminals seeking guns online, the high concentration of prohibited buyers is further evidence that criminals may be knowingly flocking to unlicensed sales in order to evade background checks elsewhere. In 2013, Vermont gun dealers conducted 36,135 background checks of which 248 were denied — 0.69 percent. In contrast, the share of buyers seeking

WOULD BE ONLINE GUN BUYERS IN VERMONT: DRUG TRAFFICKERS

A DRUG TRAFFICKER IN CENTRAL VERMONT WITH A HISTORY OF MAKING THREATS INVOLVING FIREARMS

On September 2, 2014, a 27-year-old male responded to an ad for a Saiga AK-47, and he also expressed an interest in any handguns the seller had to offer. As a convicted drug trafficker with a history of making violent threats, he is prohibited from possessing guns.



In 2012, the man was charged with felony sale of narcotics for selling prescription opiates to a confidential informant, which has a maximum penalty of 5 years imprisonment. During a conversation recorded during the sting, he described how someone had ripped him off for drugs and he had chased the person around town, ramming him with his car, noting that "if he had a gun he would have shot the guy because he had nothing to lose."

As a condition of his furlough after his conviction, he signed a document indicating he was aware he was prohibited from possessing firearms.

On September 2, 2014, he called the investigator and offered to buy a Saiga semiautomatic rifle, as well as any handguns available.

also heard talking about having more pills. [REDACTED] indicated that he got ripped off for \$200. [REDACTED] indicated that he had to chase a guy around town and driving 80mph through town to the guys house and that he didn't do anything because the guy's father was there. [REDACTED] indicated that he denting the front of their vehicle slamming into the other guy's vehicle. [REDACTED] indicated that if he had a gun he would have shot the guy because he had nothing to lose [REDACTED] indicated that he would pay the CI to shoot the guy. [REDACTED] indicated that he would get a hold of the guy because "Karma is a bitch."

Page 5 of 6

Affidavit

CASE NUMBER [REDACTED]

5

- H. I will submit to a drug screen or alcohol test as directed by my assigned Probation Officer or designee.
- I. I will reside as directed by my assigned Probation Officer or designee.
- J. I will work as directed by my assigned Probation Officer or designee.
- K. I will participate as directed in community service work, work crew, or structured work search as directed by my assigned Probation Officer or designee.
- L. I will submit my person, place of residence, vehicle, or property to a search at any time of the day or night by my assigned Probation Officer or designee
- M. I will not possess weapons or firearms.
- N. I will not drive a motor vehicle of any type unless approved by my assigned Probation Officer or designee.
- O. I will not leave the State of Vermont without written permission of my assigned Probation Officer

[REDACTED] CALL TRANSCRIPT

Investigator: Hi, I'm returning your call about the AK I have up on Armslist.

XXXXX: Yup, I am.

Investigator: So you're still looking to buy?

XXXXX: Yeah, and what were you asking for it?

Investigator: I was asking \$675.

[REDACTED] Alright, is that your bottom dollar or...?

Investigator: Well, I have a couple of people interested - do you have a number in mind?

[REDACTED] Um. Can you do six?

Investigator: Um, you're talking cash?

[REDACTED] Yeah, yup.

Investigator: OK. You're here in [REDACTED] or are you going to be driving somewhere?

WOULD BE ONLINE GUN BUYERS IN VERMONT: DRUG TRAFFICKERS

A TWICE-CONVICTED COCAINE DEALER IN BENNINGTON, VT WITH A HISTORY OF EXCHANGING GUNS FOR DRUGS

Between July 29 and October 21, 2014, a 36-year-old male responded to five separate ads for handguns. As a twice-convicted felon with a history of exchanging guns for drugs, he was prohibited from possessing firearms.



In 2005 and again in 2006, he was convicted of felony criminal possession of a controlled substance (cocaine) and he confessed to police that he had exchanged crack cocaine for a shotgun.

3. On July 29, 2005, the date that the defendant was arrested for this crime, he gave a statement to [REDACTED] Although the majority of the statement was regarding the defendant as a witness in another case, the defendant made admissions about selling drugs. He admitted to selling drugs from his back porch on Saturday July 23, 2005 around 9pm. He admitted to selling crack and weed. He also admitted to giving a white female four dime bags of crack in exchange for a shotgun.

During this investigation he made several attempts to buy a handgun, even offering \$50 extra cash to seal the deal.

Taurus Millenium Pro PT111 9mm Inbox x
[REDACTED] 7/8/14 star trash
[REDACTED]
I want to buy the gun

Taurus Millenium Pro PT111 9mm Inbox x
[REDACTED] 7/30/14 star trash
[REDACTED]
I live in Bennington ill pay u 50 extra

Taurus Millenium Pro PT111 9mm Inbox x
[REDACTED] 7/30/14 star trash
[REDACTED]
So how we looking

WOULD-BE ONLINE GUN BUYERS IN VERMONT: CONVICTED DOMESTIC ABUSERS

A FUGITIVE FROM JUSTICE AND DOMESTIC ABUSER IN SAINT ALBANS, VT



On September 19, 2014, a 32-year-old male responded to an ad for a Glock 30 semiautomatic handgun. As a convicted domestic abuser and a fugitive from justice, he is prohibited from possessing firearms.

The man had been in trouble with the law more than a dozen times between 1999 and 2013. On May 14, 2003, at the age of 20, he was arrested after a burglary attempt in Nebraska and fled the state before his trial, and a warrant was issued for his arrest.

STATE OF NEBRASKA, Plaintiff,) Case No. [REDACTED]
-VS-)
[REDACTED] Defendant,) BENCH WARRANT

TO THE SHERIFF OF DAWSON COUNTY, NEBRASKA. GREETINGS:

WHEREAS, on the 5th day of September, 2003, the above captioned matter came on for hearing. The Court waited, but the Defendant did not appear. The State moved the Court to issue a Bench Warrant for the Defendant's arrest which motion the Court granted.

On October 15, 2010, he pled guilty to simple assault against the mother of his child. According to her account, he slammed her into the wall and then repeatedly head-butted her before pushing her down the stairs.

1/CASE #: [REDACTED] AFFIDAVIT State of Vermont
Chittenden County S.S.

approximately 5-10 minutes ago. At that time she got into an argument with her boyfriend [REDACTED] [REDACTED] who is also her baby's father [REDACTED] explained the argument started when [REDACTED] took money that belonged to her. At that time [REDACTED] "...Pushed me and got off the bed and started to slam me into the wall. I felt scared but just stood there and did not defend myself. I was then hit in the head by his head and numerous amounts of times which hurt like hell then he snatched my bag and ripped my strap off the purse and continued to head butt me and shake me. He then told me to get out and pushed me toward the stairs where my phone then fell and I tried to retrieve it and got pushed down the stairs and hit my knee on something which hurt. He then took me by the arms and snatched the phone out from between my legs and then wrestled a little and I bit him on the arm and he pushed me back down then threw me out of the house."

Shopping Armslist on September 19, 2014, he texted investigators: "Hello. My name is [REDACTED] and I am interested in the Glock that you have for sale if it is still available."



WOULD-BE ONLINE GUN BUYERS IN VERMONT: CONVICTED DOMESTIC ABUSERS

A MAN IN HUNTINGTON, VT WHO BRUTALLY ATTACKED HIS WIFE AND THREATENED TO KILL HER

Between August 7 and October 10, 2014, a 55-year-old male responded to seven separate ads for handguns or rifles. As a convicted domestic abuser, he was prohibited from possessing firearms.



On September 11, 1994, the man had returned home late at night intoxicated and attacked his wife, choking her so she could not breathe, repeatedly threatening to kill her, and biting her on the right side of her neck. She fled to the side of the highway, where she was rescued by a passing police officer. On October 17, 1994, he was convicted of domestic assault.

During the investigation, he made persistent attempts to buy a firearm, offering to pay in cash or make a trade.

a tee shirt. With a closed fist he then began hitting her on her neck and her back. He then pulled her hair and put his hands around her throat and choked her. She advised that at one point that she could not even breath. He told her that he was going to kill her. She advised that she pushed his hands away and tried to scream for help. He then covered her mouth so that she could not scream. She then advised that he bit her on the right side of her neck and it hurt quite a bit.

The victim then advised this affiant that the defendant then dragged her over to the couch by her hair. She advised that he kept telling her- I'm going to

Ruger 9mm Inbox

[REDACTED] 9/15/14

Hello I am interested in your ruger lc9.
Do you have the box and things that came with it?? Are you interested in any trades??
Please let me know
Thanks
[REDACTED]

Glock 27 for sale Inbox

[REDACTED] 10/2/14

Hello I sent you an email last night saying I would buy your Glock 40mm I have not heard back from you. Do we have a deal or not??? Please get bak to me as soon as possible!!

Kel-Tec .380 Inbox

[REDACTED] 10/7/14

Hello I am interested in your kel-tec.
I assume it is still for sale being that the ad is still up. Will you consider any trades??
Let me know if you might want to swap or cash
This is a double action only correct??
Please get back to me
[REDACTED]

CONCLUSION

This investigation offers a first glimpse at the vast online market where Vermonters exchange guns in unlicensed sales, and provides irrefutable evidence that criminals are taking advantage of these transfers to evade background checks and obtain firearms.

Vermont legislators could address this threat to public safety by passing a bill requiring criminal background checks on all gun sales and transfers, with reasonable exceptions. Colorado adopted a similar law in 2013 and in the succeeding eighteen months, unlicensed sellers there conducted nearly 20,000 background checks and blocked more than 300 gun sales to criminals or other prohibited people who attempted to obtain guns, and deterred countless others from attempting to obtain guns at all.²⁶ Contrary to predictions by the law's opponents that this would deter legal gun ownership, the gun market in Colorado — including sales between unlicensed individuals online — continues to flourish.

Websites that host gun ads are currently exploited by criminals who use them to get their hands on guns with no background check and no questions asked. But they could ensure that the gun sales they facilitate are consummated through federally licensed dealers, who can conduct background checks before transferring guns to the buyers. By establishing safety protocols that prevent people from selling guns to strangers without background checks, websites that host gun ads could function as responsible marketplaces in which guns are exchanged between law-abiding citizens, rather than pipelines feeding guns into the criminal market.

NOTES

- 1 Centers for Disease Control, Behavioral Risk Factor Surveillance System, 2001, available at: <http://1.usa.gov/1DN0Sup>
- 2 The U.S. Census Bureau calculates there are 257,004 households in Vermont (<http://1.usa.gov/1DD10AJ>). Assuming that 42 percent of these households possess firearms and the average gun owners has 5.0 guns (<http://bmj.co/1z6AtZy>), there are more than 500,000 firearms in Vermont. In 2013, 262 firearms (0.05 percent) were recovered by ATF (<http://1.usa.gov/1xXl3Fr>).
- 3 Katherine A. Vittes, Jon S. Vernick, and Daniel W. Webster, "Legal Status and Source of Offenders' Firearms in States with the Least Stringent Criteria for Gun Ownership," *Injury Prevention*, June 23, 2012, doi:10.1136/injuryprev-2011-040290.
- 4 Jacqueline C. Campbell, Daniel Webster, and Jane Koziol-McLain, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93, no. 7 (July 2003).
- 5 Everytown for Gun Safety, "Law enforcement deaths and illegal guns," forthcoming.
- 6 Everytown for Gun Safety analysis of FBI data, February 12, 2014, available at: <http://every.tw/1AfxzNp>
- 7 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/1p862I4>; Matthew Miller, "National Firearm Survey," *Inter-university Consortium for Political and Social Research*, 2004, available at <http://bit.ly/WV6eDY>.
- 8 U.S. Department of Justice, Bureau of Justice Statistics, *Survey of Inmates in State and Federal Correctional Facilities*, 2004, Feb 28, 2007.
- 9 Mayors Against Illegal Guns, *Felon Seeks Firearm, No Strings Attached*, September 2013, available at <http://bit.ly/1nlhRb>.
- 10 Everytown for Gun Safety, *Online and off the record; Washington State's Vast Internet Gun Market*, September 2014, available at: <http://washington.everytown.org>
- 11 Joseph O'Sullivan, "Voters approve measure to expand checks for gun buyers," Seattle Times, Nov. 4, 2014, available at: <http://bit.ly/1xES7SG>
- 12 Mayors Against Illegal Guns, *Gun Background Checks Fact Sheet*, available at <http://bit.ly/1otOnuS>.
- 13 Everytown for Gun Safety, "State background check requirements and rates of domestic violence suicide," available at: <http://every.tw/1Aj9HZj>.
- 14 Everytown for Gun Safety, "State background check requirements and rates of firearm homicide against law enforcement," available at: <http://every.tw/1Aj9jAy>.
- 15 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.
- 16 Daniel Webster et al., "Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws," in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore, MD: Johns Hopkins University Press, 2013).
- 17 Daniel Webster, Cassandra Kercher Crifasi, Jon S. Vernick, "Effects of the repeal of Missouri's handgun purchaser licensing law on homicides," *Journal of Urban Health* 91 no. 2 (March 2014).
- 18 Centers for Disease Control, "WISQARS" (Web-based Injury Statistics Query and Reporting System)," available at <http://1.usa.gov/VTdKK9> (last accessed June 2014).
- 19 Taylor Dobbs, "Straw Buyers Exchange Vermont Guns for East Coast Drugs," VPR, Feb. 11, 2014, available at: <http://bit.ly/1DzoPFr>
- 20 None of the buyers had received a gubernatorial pardon. See 18 U.S.C. § 921(a)(20)(B),(a)(33)(B)(ii)(listing the exceptions to the federal prohibition after felony and domestic violence conviction, respectively), 12 V.S.A. § 64 (disqualifying a person imprisoned after conviction of a felony from serving as a juror in Vermont unless pardoned), Vt. Const. § 20 (vesting the pardon authority exclusively in the governor).

- 21 No one with the buyer's name had received a Certificate of Good Conduct. See 18 U.S.C. 921(a)(20)(B), N.Y. Jud. Law § 510(3) (disqualifying a person convicted of a felony from serving on a jury), N.Y. Penal Law §§400.00(1)(c), 265.01(4) (prohibiting a person convicted of a felony from possessing firearms), N.Y. Correct. Law §§ 701(2), 703-a(2) (specifying that firearms privileges may be regained by Certificate of Relief from Disabilities or Good Conduct), N.Y. Correct. Law §§ 700(1)(a), 703(1) (specifying that a Certificate of Relief from Disabilities is only available to people with no more than one felony conviction).
- 22 At its culmination of the investigation, Everytown shared all evidence of potential wrongdoing with the United States Attorney's Office, District of Vermont.
- 23 J.C. Campbell, S.W. Webster, [J.Kozioł](#)-McLain, et al., Risk factors for femicide within physically abuse intimate relationships: results from a multi-state case control study, 93 Amer. J. of Public Health 1089-97 (2003).
- 24 Federal Bureau of Investigation, Supplementary Homicide Reports, available at: <http://bit.ly/1bnoHhw>
- 25 Based on the sample size of 169 examined buyers, the margin of error is 1.1 percent to 7.1 percent. The confidence interval is calculated as P +/- 1.96*[(P*(1-P)/n) ^.5 = 4.1% +/- 1.96 (.041*.959/169)^.5 = 1.1% to 7.1%.
- 26 Colorado Bureau of Investigation, Instacheck Unit, available at: <http://1.usa.gov/1txbacr>.




EVERYTOWN
FOR GUN SAFETY | SUPPORT FUND