



May 2nd, 2023

Universal Background Checks and the Cost to Liberty for No Benefit to Safety History, Extremely Limited Scope, Circumvention, Failings, and Registration

*Support the
Bill of Rights
and the
2nd Amendment*

Jim Stoker
President

Klint Macro
Vice-President

Dale Brackin
Secretary/Treasurer

Board of Directors
Stephen LaSpina
Ed Bogats
Dan McMonigle
Lisha Mihalko

FOAC-ILLEA
P.O. Box 308 Morgan,
PA 15064

Phone
412.260.4675

E-Mail
info@foac-illea.org

Est. 2020

Universal background checks are a go-to concept perpetually pushed by the anti-Constitution movement in the United States in what they believe is an effort to reduce crime and suicide in the nation. Their unwillingness to attack the root causes of crime or suicide leave them attacking a simple tool used in such incidents and will leave them forever failing to impact either or do any noticeable good. So once more they simply push an infringement of the Constitution on the American people that harms the law-abiding and puts us one step closer to the risk of tyranny.

History has proven universal background checks do nothing to reduce crime or suicide. The opposition frequently praises mythical numbers such as the ludicrous statement that “Federal background checks have stopped three million dangerous or prohibited people from buying a gun”. Reality, however, is that there were three million initial denials, which do not take into effect the end results after challenges to the system finding similar names and further screenings using dates of birth and other identifiers. Successful prosecution of these denials runs at roughly a 0.011% rate, with roughly 90% being abandoned before even being referred to field offices for investigation. A system so unreliable that even the first national coordinator for Project Safe Neighborhoods was quoted in 2001 as saying “This incredibly high rate of false positives imposes a real burden on the most vulnerable people”.

Numerous studies have evaluated the universal background check systems in place and every general population study performed concludes no effect on homicide rates. Zero impact. Mass spending of tax dollars to prop up the background check systems, and mass fee collecting (taxation) of American citizens who are being essentially fined for exercising a Constitutional right to show zero results after decades of use.

Numerous papers and researchers have concluded as John A. Tures of LaGrange College did in his studies of the infringements that “We cannot conclude that states that regulate private gun sales have a higher, or lower, gun homicide rate.”ⁱ In 2004 the National Academy of Sciences issued a 328 page report on gun control laws. All that research and all those minds together resulted in a statement of fact that their panel couldn’t in any way identify any benefits of the decades long effort to reduce crime or injury by restricting gun ownership. 43 publications, 99 books, and 253 journal articles plus surveys and their own work yet they couldn’t find one single gun control regulation that reduced crime or prevented suicide. And these were researchers who (all but one) were publicly known to support gun control. (National Academies Summary)ⁱⁱ

The next hurdle for these checks is their extremely limited scope. Over a million background checks are done for firearms each year within the Commonwealth, often resulting in delays and in every instance resulting in additional fees for licensed retailers and citizens seeking to purchase firearms alike. Infringements on Constitutional rights performing these checks were so bad in 2022, Firearms Owners Against Crime – Institute for Legal, Legislative, and Educational Action had to file suit in Commonwealth Court against the Chairman of the

Pennsylvania State Police over the ridiculous delays incurred by law abiding citizens seeking to exercise their rights to purchase a firearm for self-defense, hunting, sporting, and other lawful activities. A preliminary injunction was granted against the PSP and the case remains on-going in the appellate courts to this day.

Expanding this already faulty, expensive, and often inaccurate system would surely add to the woes of the citizen and the budget of this Commonwealth. And the argument is to save lives, but the reality is that rifles were used in homicides only eleven times in 2019 (the most recent year data is available for) and shotguns the same, only eleven times! In a Commonwealth of nearly 13 million people, we are talking about 22 criminal acts in a 365-day period. During that same period, 46 murders were committed with cutting instruments. In fact, over the last four years where records are available, 2016, 2017, 2018, and 2019, the average number of homicides in Pennsylvania to long guns is twenty-two per year. ([UCR Reports](#))ⁱⁱⁱ Nearly all the long guns used in these crimes were stolen, the purchaser passed a background check, or they were not purchased privately anyway, so universal background checks would have done nothing to stop these incidents. One more law on the books will not make the criminals stop attaining guns illegally, and its sheer folly to pretend otherwise. Adding further fees for background checks and transfers to the law-abiding citizens of this Commonwealth will do nothing to stop criminals, and to insult the Constitutionally protected citizen with yet another form of financial harassment for merely exercising his or her right to bear arms is undeniably an infringement upon Article I, Section 21 of the PA. Constitution... SHALL NOT BE QUESTIONED.

Research has shown repeatedly that mass murderers and other criminals obtain their firearms by passing background checks, illegal sales, straw purchases, or theft and not one of the mass murders we have seen in recent history would have been stopped by the implementation of universal background checks. In fact, a quick glance at the state of California, who has had universal background checks since the early 1990's, shows us that none of their strict gun control measures have had ANY significant impact on homicide rates or suicide rates in the decade after becoming law. ([SOURCE](#))^{iv} So while anti-Constitutionalists calling for gun control have graded California an "A" for their mythical "safety grade", it remains the state leading the nation in mass murders where the criminals choose to use a gun to commit their heinous crimes. In fact, Crime Prevention Research Center has researched this thoroughly and found that states with universal background checks have an increase of 15% in per capita rates for mass public shooting fatalities. Not one single mass murder with a gun would have been stopped by Universal Background Checks. ([SOURCE](#))^v

The simple fact is that nearly 80 percent of guns used in crime are attained via illegal street sales or straw purchases. Our federal bureau of justice statistics performed a study and found that nearly 40 percent of guns used in crime were purchased from street level dealers. Another nearly 40 percent were acquired by acquaintances for the criminal (straw purchases). ([SOURCE](#))^{vi} That's 80% of all guns used in crime that universal background checks would have no impact upon. The reality is that private sales of firearms are unicorn when investigating violent crime.

The anti-Constitution rhetoric that is gun control loves to misinform and "guide" the public into thinking universal background checks will close numerous loopholes in the current system, but when the public becomes educated on the matter support for the UBC's fades quickly and all but disappears. There has been a history of lies and misrepresentations to "We the People" to steal away the rights granted to every human for self-defense. What is worse is the universal background check system WILL enact a universal background "registry" of all firearms and their owners within the Commonwealth that is not only unconstitutional, but outright dangerous to the law-abiding citizens. The idea of the government procuring a wholesale list of firearms ownership in a land where the 2nd thing our founding fathers declared within the framework of our Constitution was the ability to avoid government overreach and tyranny is absolutely abhorrent in its nature. Ben Franklin's words that "Those who

would give up essential liberty, to purchase a little temporary safety, deserve neither Liberty nor Safety” may have been intended to discuss taxation, but it has grown to speak for the very essence of what is wrong with universal background checks.

In summary, the opposition to Universal Background Checks is based upon:

- Decades of history showing they have no impact on crime or suicide.
- An extremely limited scope, where the anti-Constitution movement is hoping to address an average of twenty-two criminal incidents per year by infringing upon the rights of nearly 13 million citizens with not one single mass murder incident in history that would have been prevented by implementation of this concept.
- Creation of a de facto gun registry in the hands of the government to be wielded against the citizenry.
- Harassment of the law-abiding citizens by adding yet more fees to a Constitutional right.
- A clear violation of Article I, Section 21, which is already being violated by the current background check system (PICS) as it stands.

For the reasons above and more, the idea of universal background checks being an acceptable infringement upon the law-abiding citizens of this Commonwealth in an effort that the opposition is merely hoping could stamp out a mere twenty-two homicides per year with no data supporting any such capability, is problematic, unsupportable, and an inexcusable infringement of Article I, Section 21...

“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”

If you should have any further questions or need clarification on the legality of the issues raised in this ILLEA White Paper, please feel free to e-mail us at info@foac-illea.org.

FOAC-ILLEA, P.O. BOX 308, Morgan, Pa. 15064
www.foac-illea.org

Respectfully,

J.R. Stoker Jr., President
jstoker@foac-illea.org

Endnotes

ⁱ www.huffpost.com/entry/do-gun-laws-reduce-the-gun-homicide-rates-in-states_b_59f0807ce4b01ecaf1a3e838

ⁱⁱ www.nationalacademies.org/news/2004/12/data-on-firearms-and-violence-too-weak-to-settle-policy-debates-comprehensive-research-effort-needed

ⁱⁱⁱ www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/publications

^{iv} www.sciencedirect.com/science/article/abs/pii/S1047279718306161

^v thehill.com/opinion/campaign/375728-bloombergs-claims-on-gun-control-fail-to-match-the-facts/

^{vi} bjs.ojp.gov/content/pub/pdf/fuo.pdf