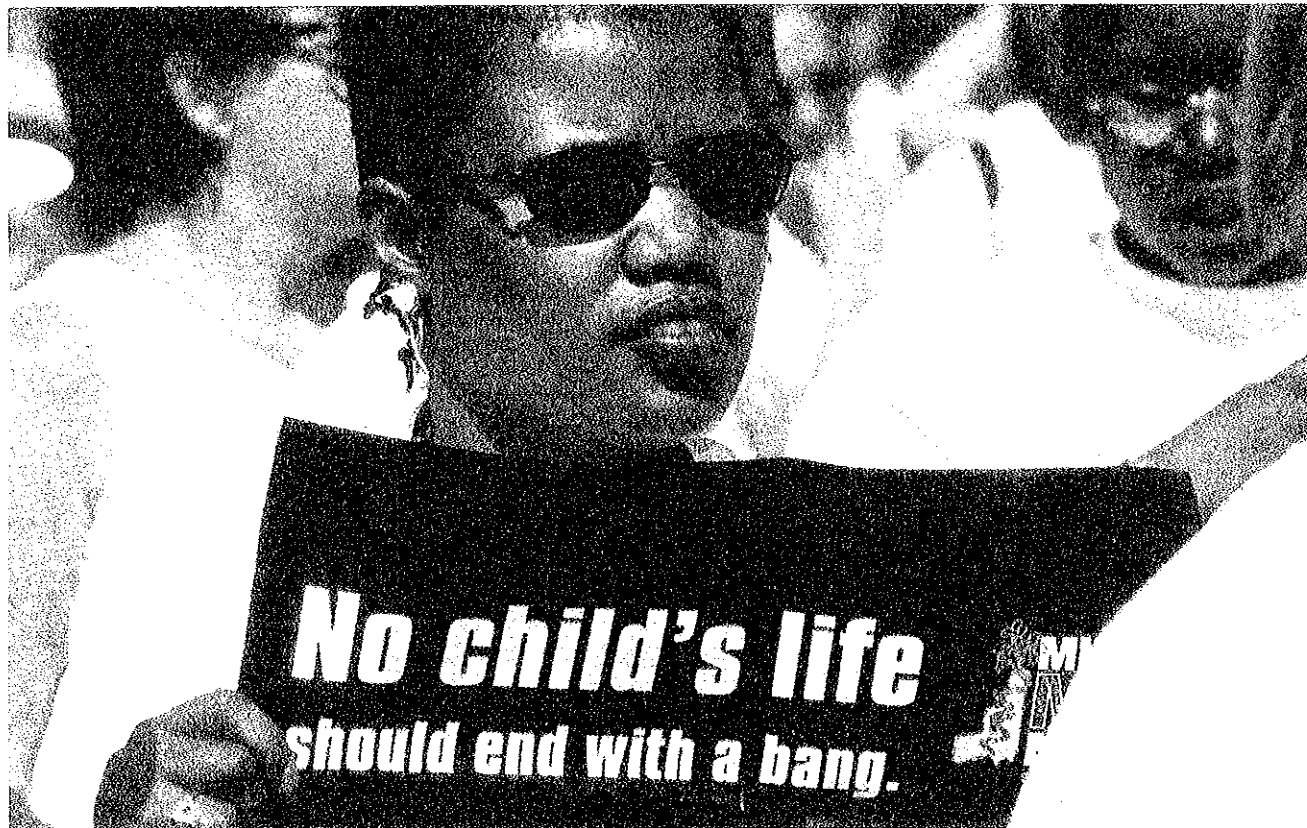


Gunning for a Fight



Since the early 1990s, when the crime rate began to decline, gun control has been a losing political proposition. Now crime is up, will that change?

BY KENNETH J. COOPER

Because it was so warm that summer night, the 3-year-old girl was outside on the third-floor porch of the family's apartment in Boston. She was singing a tune from the *Barney* television show, when three gunshots were fired in front of the apartment building. One of the bullets severed the girl's spine, paralyzing her from the waist down.

The young man who pled guilty to causing Kai Leigh Harriott's life-altering wound meant no harm to the small Black girl. In a rampage, he fired a pistol into the air to threaten her adult neighbors on the first floor.

Why? He was angry because a woman stared at his brother hard the night before.

Anthony Warren might not have been able to vent his rage in such a violent way and might not have been sent to a Massachusetts prison at age 26 but for the relatively lax gun laws in the neighboring state of New Hampshire. Boston police say the handgun he used was purchased illegally there and brought to Massachusetts, which has gun laws that are among the strictest in the nation.

It is a cycle that big city mayors and gun control advocates around the country say they have seen too many times: Guns bought with ease in one state then carried into another to maim or kill. It is a cycle they are urging federal and state governments to break.

Since the early 1990s, gun control has been a spent force in politics, with the nation's crime rate declining and Congress dominated by Republicans cozy with the gun lobby. Congressional leaders let a ban on assault weapons lapse in 2004, weakening federal law and making it clear that no new restrictions would pass. Assuring individual access to firearms has been a fundamental part of the party's winning formula, which political analysts have labeled, "God, guns and gays."

In state legislatures, where Republican strength has grown over the last decade, advocates for restricting access to guns

have also been on the defensive. The state gun laws most often adopted in recent years do not limit the possession of firearms, but rather guarantee the "right to carry" one. The best that gun control advocates could do was to declare victory on rare occasions when a legislature did not go along with a gun rights bill sponsored by the National Rifle Association (NRA), a powerful lobby.

But gun control is making a comeback now, at least as a public issue, if not one on the congressional agenda, in a competitive election year. The push for new restrictions on gun ownership was underway even before the FBI reported in June that violent crime rose 2.5 percent in 2005, the biggest increase in 15 years. Homicides were up almost 5 percent, with an even larger increase of 12.5 percent in medium-sized cities with populations between 100,000 and 250,000.

Some larger cities have also seen an upsurge in violent crime, including Boston, Philadelphia, St. Louis, Houston and San Francisco. Their mayors and those of nearly 50 other cities have begun to demand that Congress and state legislatures do something to halt illegal interstate gun trafficking and have lined up behind a Republican leader, Mayor Michael Bloomberg of New York. Bloomberg sprang into action after two of the city's police officers were shot at the end of last year with weapons that had been obtained illegally.

New gun control proposals have come before a few legislatures in states where big cities have experienced a rise in violence. Earlier this year, Massachusetts made it illegal to loan a firearm to commit a crime, a ban largely aimed at a new practice of Boston gang members, who share secreted "block guns" to cut down on their individual chances of being busted carrying one.

Rod R. Blagojevich, the governor of Illinois, this spring renewed his frustrated push for a state ban on assault weapons after two Black girls, both bystanders, were fatally shot to death in the same Chicago neighborhood. One, Starkesia Reed, a 14-year-old honor student, was looking out her front window and eating an orange when a stray bullet from an assault rifle struck her in the face, killing her instantly.

For African Americans, whether the renewed push for gun control succeeds and then actually works matters. Even as crime rates declined, Blacks were still dying as victims of violent crime in disproportionate numbers. In 2002, the

latest year that federal statistics include a racial breakdown of victims, slightly more than half of the nearly 12,000 Americans slain with guns were Black. That means African Americans were killed with firearms at a rate that quadrupled their share of the population.

That pattern has been accentuated in cities with rising gun violence, much of it afflicting Black residents of poor neighborhoods. In Philadelphia, for instance, 54 more African Americans were killed in 2005 than the year before, accounting for virtually all of the 15 percent increase in murders in that city. Last year, 91 percent of homicide victims in St. Louis were Black; about 70 percent in Boston were.

"If it were White kids dying at the rate that Blacks are dying, it would change," says John Rosenthal, a Boston-based campaigner against gun trafficking. "There'd be more [legislative] restrictions

The 32 states that do not require background checks at gun shows wind up sending thousands of weapons each year into the 18 states that do.

on how guns are bought and sold in this country... It's a racist issue."

One gun control law that has survived Republican domination of Congress, popularly known as the Brady Law, sets minimum standards for the purchase of handguns (the firearms most

often used to commit crimes), shotguns and rifles. Anyone who buys a handgun from a federally licensed dealer must undergo a computerized background check of criminal records.

Some states have gone much further. Massachusetts, for instance, requires first passing a check of state criminal records to obtain a permit to own a gun, then undergoing the Brady check of federal records at the time of purchase. The state check even applies to floating gun shows, which are like flea markets for firearms. Massachusetts is one of seven states that the Brady Campaign to Prevent Gun Violence has ranked as having the toughest gun laws, along with Connecticut, New Jersey, Maryland, Illinois, California and Hawaii. Although some of these states have a significant number of murders, nearly all have relatively few murders per capita, based on statistics compiled by the federal Centers for Disease Control and Prevention (CDC) in Atlanta.

The Americans for Gun Safety Foundation says the 32 states that do not require background checks at gun shows wind up sending thousands of weapons each year into the 18 states that do. That pattern is part of the illegal interstate trafficking that mayors and the Brady Campaign complain about. At licensed dealerships, it is illegal to sell a gun to an out-of-state resident or to a resident acting as a "straw purchaser" to obtain a gun for someone else.

In the Midwest, Chicago police have traced guns used in crimes to dealers in neighboring Indiana. But the most notorious route for gun traffic flows from southeastern states such as South



April 25, 2006: Big city mayors — including John Street of Philadelphia (at podium), joined by, from left, Boston's Thomas Menino, the District of Columbia's Anthony Williams, Douglas Palmer of Trenton, N.J., and New York's Michael Bloomberg — demand state and federal governments clamp down on interstate gun trafficking.

Carolina and Georgia to states farther north along the eastern seaboard. Police call Interstate 95, the main north-south superhighway on the east coast, "the iron pipeline." Bloomberg says 82 percent of guns used to commit crimes in New York are bought out of state.

Law enforcement's attention to the I-95 corridor has caused some gun runners in Boston to shift to stores closer to home in the neighboring states of New Hampshire, Maine and Vermont. They are rural states that have many residents who hunt as a pastime and consider access to guns to be guaranteed under the U.S. Constitution's Second Amendment right to "keep and bear arms." The three states do not have a homegrown problem with violence because they lack the large urban centers where crime festers. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has found that New Hampshire, Maine and Georgia were the top sources of illegal guns used in Boston crimes last year, followed closely by Vermont.

"We have the strongest gun laws in the country in Massachusetts, but all around us there's pretty easy access, to the North and down I-95," says Paul Joyce, a Boston police commander who notes that New Hampshire is as close as a 45-minute drive from the largest city in Massachusetts.

The handgun whose bullet paralyzed Kai Leigh Harriott in 2003 was "brand new" and came from New Hampshire. It was bought from a licensed dealer by a New Hampshire woman who acted as a straw purchaser, according to Boston Police. Her boyfriend and a second male later sold the gun in the Dorchester neighborhood where Anthony Warren purchased it. After an investigation, the traffickers were arrested by ATF agents and Boston Police.

In Chicago, the assault rifle that killed Starkesia Reed in the Englewood neighborhood was allegedly fired by a 24-year-old man who authorities say bought multiple guns in neighboring Indiana, including an AK-47 assault rifle. Police say Carail Weeks was targeting the father of his former girlfriend's child, but wildly sprayed about 30 bullets that struck seven houses on one street. He was charged with first-degree murder.

Weeks, who had a record of prior arrests, used false identification to purchase guns in Indiana, according to the Brady Campaign. The gun control lobby says he made illegal purchases at two

CRIME IN THE NATION'S CITIES

SELECTED CITIES* WHERE MURDERS INCREASED IN 2005

CITY	NUMBER OF MURDERS	INCREASE
NASHVILLE, TN	95	61%
CHARLOTTE, NC	85	44%
KANSAS CITY, MO	126	42%
CLEVELAND	109	38%
HOUSTON	334	23%
BOSTON	73	20%
PHILADELPHIA	377	14%
OAKLAND, CA	93	12%

SELECTED CITIES* WHERE MURDERS DECREASED IN 2005

		DECREASE
MIAMI	54	22%
ATLANTA	90	19%
RICHMOND, VA	84	10%
DETROIT	359	7%
LOS ANGELES	489	6%
NEW YORK CITY	539	5%
BALTIMORE	269	3%
WASHINGTON, DC	195	2%

* SELECTED CITIES WITH A POPULATION GREATER THAN 100,000; SOURCE: FBI, PRELIMINARY ANNUAL UNIFORM CRIME REPORT, 2005

stores in Indianapolis and Camby, Ind., that have sold thousands of guns later traced to crimes.

Eight days after Reed was killed in March, a 10-year-old Black girl died in similar circumstances just six blocks away. Sirotha White was inside a house attending a surprise birthday party for her and a cousin on a Saturday night when a TEC-9 assault pistol was fired from a passing Cadillac at gang rivals on the porch. One bullet came through a bay window and struck White in the back of the head. A 19-year-old gang member was charged with murder in her death.

Seven states have banned assault weapons: California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey and New York. Illinois has not.

Blagojevich, Illinois' Democratic governor, seized on the killings of the two girls to once again urge the state legislature to ban assault weapons, an effort that had failed in 2005, a year after the federal law lapsed. Despite the tragic deaths, legislative leaders said prospects for passage looked dim, and the NRA vowed to use Blagojevich's position against him when he seeks reelection in November.

The Illinois legislature has resisted

the NRA's crusade to require authorities to issue permits to any law-abiding resident who wants a gun for self-defense. According to the gun lobby, 29 states have adopted such "right to carry" laws since 1987, the majority of them after Republicans took control of Congress in 1995 and shifted the national debate on gun control. Federal legislation has been filed to make the "right to carry" the law of the land.

New York City has taken to the courts in a bid to slow down the interstate flow of guns. In March the city sued 15 gun dealers in five other states, accusing them of violating federal law in their gun sales. More than 500 guns used to commit crimes in the city were traced to dealers in Georgia, Ohio, Pennsylvania, South Carolina and Virginia between 1994 and 2001, New York officials say.

The city employed private investigators to visit the gun stores and mimic the behavior of straw purchasers. One investigator made all the inquiries about the gun desired, while the other filled out the federal forms to undergo the Brady background check. Federal law bars dealers from selling a gun in the face of reasonable evidence that it is for someone else. Lawsuits against gun

manufacturers have generally failed in the courts, but legal analysts say going after dealers could succeed.

Other mayors say Congress needs to act to make the patchwork of state gun laws more uniform. "This is a federal plague that requires a federal solution," says Jersey City Mayor Jerramiah T. Healy. The mayors led by Bloomberg would like Congress to allow ATF to share more information about guns linked to crimes with local police. Since 2002, the federal agency has been prohibited from giving detailed information to any police in any jurisdiction department, except the one where the crime was committed, hindering local departments' efforts to learn more about gun trafficking patterns.

ATF is also banned from making public a comprehensive listing of which dealers sell guns later used in crimes. Bloomberg says 1 percent of dealers provide 60 percent of such weapons. Paul Joyce, the Boston police superintendent, laments that it is easier to trace a car than a gun and suggests more uniform state laws on gun sales.

The mayors are also pushing for states to adopt stiffer penalties for people who possess, use or traffic illegal guns.

The Brady Campaign is lobbying for criminal background checks before sales by unlicensed gun dealers at gun shows. Congress excluded them from the Brady bill because lawmakers contended the federal government has no constitutional power to regulate transactions within a state. Some members of Congress

A new billboard on the Massachusetts Turnpike reads "Stop Traffic: Background Checks Stop Crime."

expressed concern during a 1999 debate that requiring the checks could drive weekend gun shows out of business. Whether tougher gun laws would actually turn back the upsurge in violent crime is in question. In 2003, an independent panel assembled by the CDC concluded that there was "insufficient evidence to determine the effectiveness" of gun control laws and recommended more and better research.

Mindy Thompson Fullilove, a Columbia University clinical psychiatrist who served on the CDC panel, says she personally favors gun control and believes it is the ethical thing to do. But Robert J. Cottrol, a law professor at George Washington University, says he

In 2002, more than half of the nearly 12,000 Americans slain with guns were Black — which means that they were killed with firearms at a rate that quadrupled their share of the population.

is skeptical. "Unfortunately, if you have a demand for something, someone will supply it, whether it is a gun supplier in South Carolina or someone in another country," he says.

Boston Pastor Bruce Wall, who has crusaded against crime, says the attack must be pressed on both the supply and demand sides. "If the kids didn't buy the guns, there wouldn't be a market" for illegal weapons, he says. Wall says Black youngsters need to understand the impact of a criminal record on their future job prospects and the prison time that comes with a conviction for carrying a gun illegally. A controversial

Massachusetts law allows public access to criminal records, making concealing a conviction from a diligent employer impossible.

In city neighborhoods currently beset by deadly violence, Wall says some families have simply decided to move out to safer suburbs or Southern states. For those who have remained, he says, more attention needs to be paid to the mental health of young people whose friends have been killed, prompting them to consider obtaining a gun to retaliate or protect themselves out of fear they too could be killed by gunfire. He compares the psychological reactions to the symptoms of post-traumatic stress disorder.

"It's just like soldiers who have bullets whizzing around their heads, who

have been shot or whose friends have been shot," he says. "That's trauma." The commonness of that syndrome was one reason that the grace of Kai Leigh Harriott, then 5 and facing the rest of her life without being able to move most of her body, transfixed Boston residents when she testified earlier this year when Anthony Warren was sentenced to 13 to 15 years in state prison.

"What you done to me was wrong," she said, sobbing as she sat in a blue-wheelchair. "But I still forgive him."

Kenneth J. Cooper is a Pulitzer Prize-winning journalist who lives in Boston.

