



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

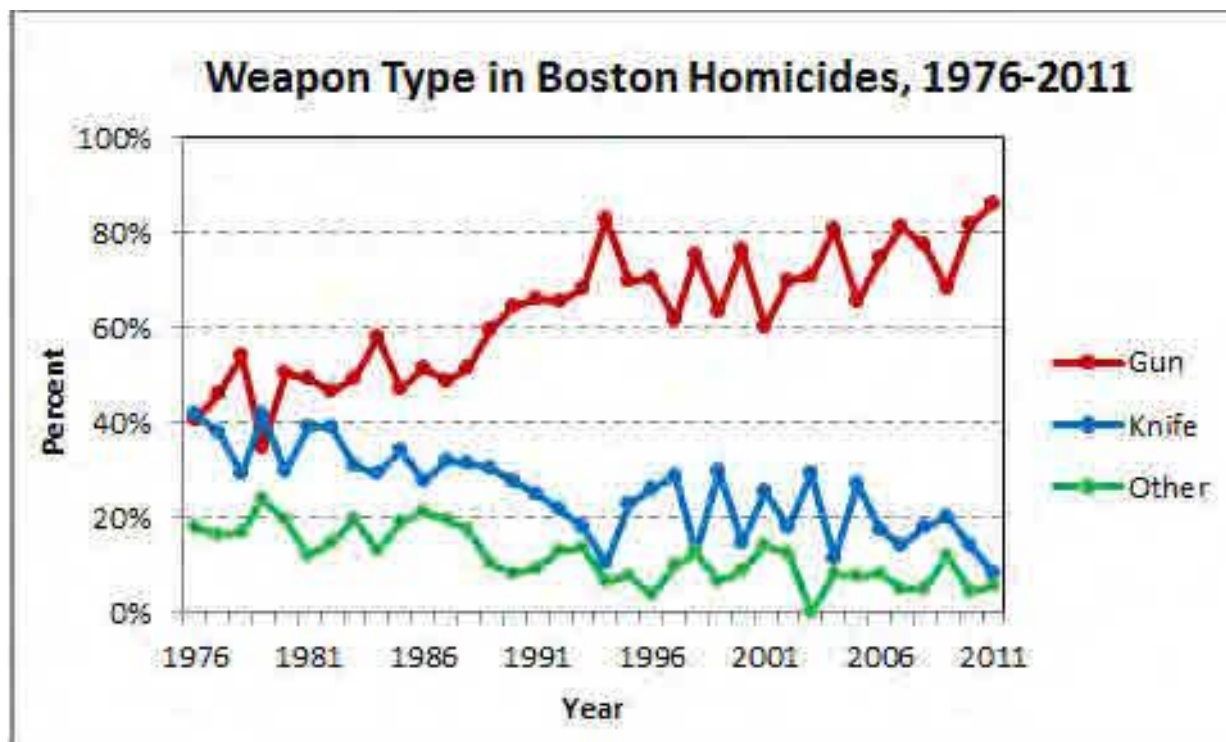
GUNS AND GUN LAWS

Boston's illegal gun problem

Posted by James Alan Fox, Crime and Punishment August 24, 2011 07:00 AM

As a criminologist, I was drawn to the [interactive map of this year's Boston homicides](#) that was featured in *boston.com* earlier this month. The concentration of murders in the city's poorest neighborhoods of Roxbury, Dorchester and Mattapan is obvious yet hardly surprising. These areas of the city have long been hot spots for violence.

To me, the far more intriguing pattern to this year's homicides lies in weapon use, identified in the list of cases just below the *boston.com* map. The overwhelming majority of murders -- just over 85% -- was by firearm. And, unlike the stable geographic pattern, the weapon distribution in Boston homicides has shifted over the past few decades. As shown in the figure below, the percentage of Boston homicides that involves a gun is now at a record high. And the [costs](#) to families and society, in general, are staggering.



Before jumping on the Chicken Little bandwagon, it is important to note that the recent surge in the share of shooting deaths has occurred at a time when the overall homicide rate is low relative to the bad old days of the early 1990s when Boston's gang problem was at its worst. Even so, as shown below, the raw number of gun-related murders has doubled since 2000. Meanwhile, the number of non-gun homicides has exhibited a gradual decline.



One can only speculate, of course, as to the reasons for the divergent trend in gun and non-gun homicides. However, our nation's approach to guns, gun control, and gun enforcement changed dramatically during the last decade once George W. Bush moved into the White House.

In 2003, former Rep. Todd Tiahrt (R-Kan.), a recipient of significant NRA support, quietly slipped an [amendment](#) into an appropriations bill that suddenly limited public access to ATF crime-gun trace data. These tracing records tended to implicate certain licensed firearms dealers as common source points in supply chains for illegal gun trafficking. Several analyses of trace data, including my own, had shown that 1% of licensed gun dealers was linked to a majority of firearms recovered from criminal enterprises. While most of these traces may have involved legitimate transactions, many unscrupulous merchants were easily flagged.

In 2005, President Bush signed into law the [Protection of Lawful Commerce in Arms Act](#). This legislation, which was opposed by the entire Massachusetts Congressional delegation, thwarted attempts by cities and other entities around the country to litigate as a strategy for compelling the gun industry to act more responsibly in their marketing and distribution practices.

In recent years, the U.S. Supreme Court has made it clear in the *Heller* and the *McDonald* decisions that there is indeed a Second Amendment right for responsible citizens to own guns for self-protection. Nevertheless, unreasonable concern within the NRA and among extremist gun-owners over a slippery slope should not prevent efforts to identify and disrupt the illegal firearms market that continues to plague Boston and other municipalities.

To some extent, the city of Boston is at the mercy of lawmakers in Washington and elsewhere. We are not an island, notes Boston Police Commission Ed Davis. We are surrounded by states with very different thoughts about gun laws.□

As for solutions, Davis looks to strategies specifically associated with curtailing illegal gun sales. He supports both loosening the Tiahrt restrictions to provide wider availability of gun trace data and the use of civil remedies to control the distribution of illegal firearms. I'd like to see civil liability for vendors that pump illegal guns onto the street,□ said Davis. The gun trade is a highly unregulated industry, like no other.□

It is indeed time to remove the Tiahrt provisions that shield corrupt or careless gun dealers whose substandard practices fuel the illegal gun trade. It is also time to permit and enforce an ATF requirement that licensed firearms dealers maintain accurate accounts of inventory. And such steps will in no way infringe on the rights of legitimate gun owners.

Gun rights groups argue over and over that we just need to punish those who commit gun crimes, and the problem will largely be solved. Of course, no rational person denies the value of punishing dangerous offenders. At the same time, however, shouldn't we strive to make it more difficult for criminals to acquire their weapons by targeting the illegal distribution processes?

Unfortunately, the pro-gun posture in Washington has carried over into the Obama Administration. Despite his campaign pledge to repeal Tiahrt and focus on the illegal gun problem, [President Obama has failed to follow through](#) and take on the powerful gun lobby.

Obviously, Obama has much bigger problems on his hands, national priorities far greater than gun violence. However, the lack of political will in Congress and the White House to confront the illegal gun problem hardly helps the growing list of Bostonians who are confronted by an assailant and the wrong end of a loaded gun.