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# JOHNS HOPKINS PUBLIC HEALTH

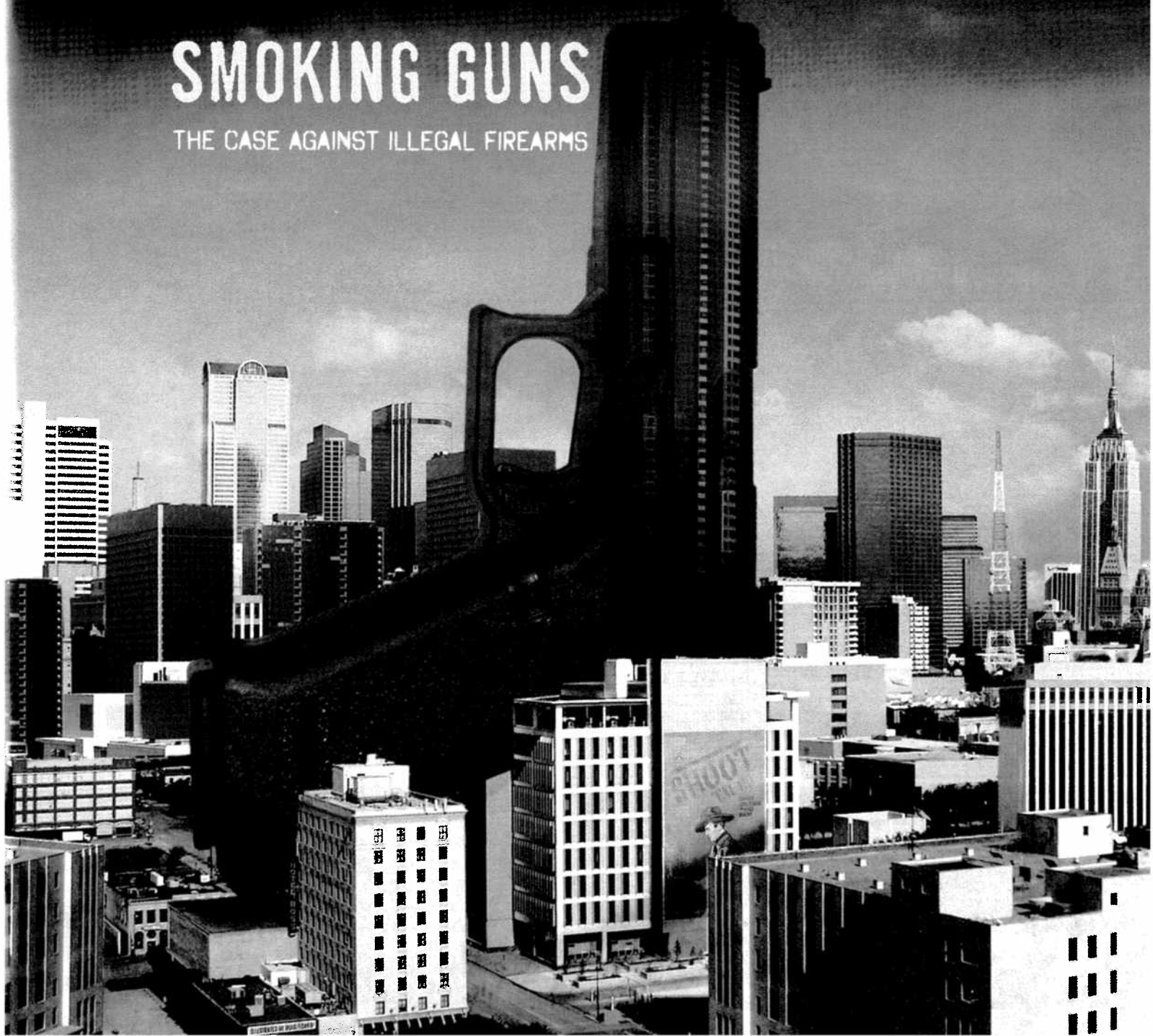
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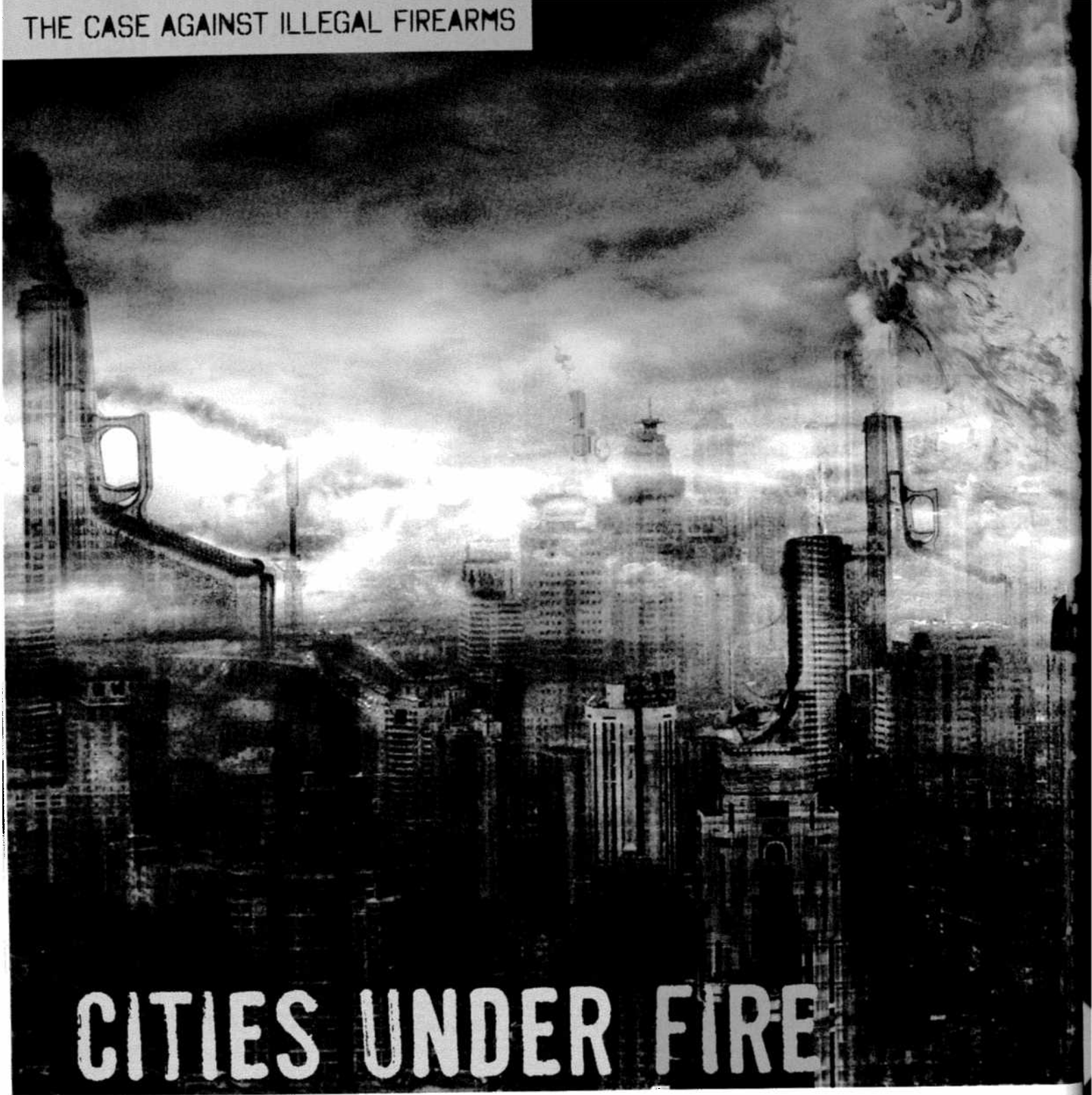
THE MAGAZINE OF THE JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH

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## SMOKING GUNS

THE CASE AGAINST ILLEGAL FIREARMS





# CITIES UNDER FIRE

30,000 Americans die every year from gun violence.

How do we prevent this carnage?

First, view illegal guns as pollution. *Then, go to the source.*



story by geoff brown / illustrations by dung hoang

In 2005, an unassuming outdoors store in West Milwaukee, Wisconsin, earned the distinction of being the top source of crime guns in the U.S. The store's gray building lies in a part of town occupied by warehouses and sheds, just outside the city limits. A small sign out front read

"Badger Outdoors" in blue letters, complete with a little blue hunter silhouette; another sign announced gun and ammo specials.

How did Badger Outdoors earn its dubious honor from federal authorities? Because 537 guns recovered by police in Milwaukee and other parts of the country were traced by the Bureau of Alco-

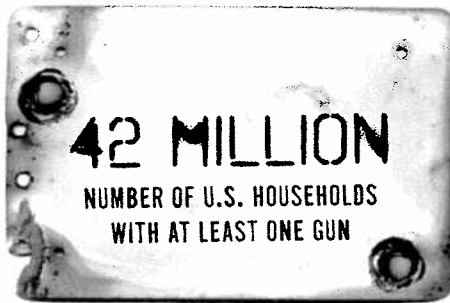
hol, Tobacco and Firearms (ATF) to sales made there. No other gun store in America had more than 500 of their guns recovered by police. Of the 537 guns traced to Badger Outdoors in 2005, 38 percent of them were recovered by police less than a year after they were sold.

One out of every four guns seized by Milwaukee police officers in 2005 was later traced back to Badger Outdoors. (Milwaukee's police department traces every recovered crime gun to its source. This may be one reason that so many of the guns Badger sells are later traced to crime, but dozens of cities around the U.S. have the same tracing policy, many of which trace far more crime guns.)

There was another disturbing trend in 2005. Homicide rates in many American cities were up again after a relatively calm 2004. Milwaukee was among those with a deadly increase: This mid-sized Midwestern city of some 580,000 citizens had 88 homicides in 2004, but in 2005 its homicide rate rose by 38 percent, to 122. Among those killed were Sasha Carter, a 19-year-old woman shot by men who wanted the rims on her car, and Monrise Conley, a 15-year-old boy shot by a bicyclist who fired into the van in which Conley was riding.

Milwaukee Mayor Tom Barrett was determined to do something about the surge in murders in his city. "Unlike most East Coast cities, most of the crime guns here are home-grown," says Terry Perry, manager of the city of Milwaukee's Office of Violence Prevention. "We get some from Illinois, Indiana and Mississippi, but really, they're primarily from Badger." What's surprising is that the number of crime guns traced back to Badger wasn't told to Milwaukee by the ATF: "The news of their status as the number one crime gun store actually came from [the discovery process] in a federal suit involving a gun store in California," says Perry.

Mayor Barrett, Perry and other officials were convinced that if they could get Badger to change the way it did business, more Milwaukeeans would be alive at the end of 2006. After all, back in 1999, when Badger agreed to stop selling Saturday night specials, the number of these new, low-quality handguns on Milwaukee's streets dropped by a staggering 71 percent. That revelation, as well as other crucial statistics, came from a 2006 article published in the *Journal of Urban Health* by researchers from the Bloomberg School's Center for Gun Policy and Research. The article's findings "led to our direct involvement with local officials in Milwaukee," explains Center co-director Daniel Webster, ScD '91, MPH. "It also led to a closer examination of ATF trace data that revealed that the reductions in trafficking following Bad-

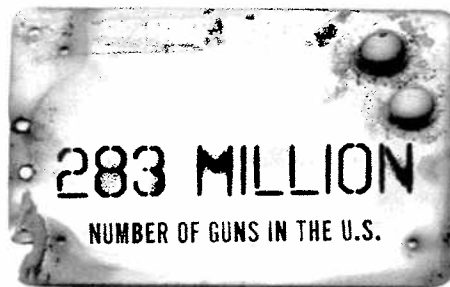


ger's move away from cheap, concealable guns had evaporated."

Mayor Barrett decided to take action. He invited the owners of Badger Outdoors, Mick Beatovic and Wally Allan, to a meeting in his office in Milwaukee's City Hall—a meeting that would include Milwaukee's police chief and the city's district attorney, as well as Perry and other officials.

The meeting was set for Tuesday, May 30, 2006, just after Memorial Day. That beginning-of-summer weekend turned out to be no holiday in Milwaukee: There were 28 shootings, including four deaths, making it one of the most violent stretches in the city's history. "It was complete chaos that weekend," Perry recalls—chaos that could be traced, in part, right back to that plain gray building in West Milwaukee.

When a community knows that its water and land are being poisoned by effluent from a chemical factory, or its air is being rendered foul by smokestacks, it goes after those polluters to protect the health of its people. The approach taken by the epidemiologists, public health experts and lawyers at the Center for Gun Policy and Research is the same: "Where are these guns coming from? It's not like they spontaneously generated in the forest—'Oh look, a baby gun!'" says Stephen Teret, JD, MPH '79. "The loading docks of the gun manufacturers are the point sources of this pollution." Adds Teret, who founded the Center in 1995 and is now an associate dean at the Bloomberg School, "There are some segments of the American population



where the number one cause of death is gunfire. That's a major public health problem."

Indeed, more than 30,000 Americans die through gun violence every year, be it from suicide, homicide or accident. In 2006, another 71,000 people were wounded.

Gun violence "is not just some political issue, it's a public health issue," notes Daniel Webster, an associate professor of Health Policy and Management (HPM). "It can, and should, be addressed as such. We look at the problem as if it were an infectious disease, or a point source of pollution."

But because there's an easily available consumer product at the heart of this threat to public health, the Center has approached its research with an eye toward product safety as well. "The Center is a combination of different disciplines," explains HPM associate professor Jon Vernick, JD, MPH '94, the Center's other co-director. "Daniel focuses on the epidemiological aspects, and that's complemented by the abilities of Stephen [Teret] and I, who are lawyers with concentrations in public health." Other faculty members, including HPM assistant professor Shannon Frattaroli, PhD '99, MPH '94, and research associate Katherine Vittes, PhD, MPH, are experts in research and policy.

The strategies recommended by the Center employ a combination of science, litigation and legislation. "The law can be an enormously powerful tool, in concert with other tools," says Teret.

This has meant working with local and state officials and legislators to develop the kinds of safety bills that protect Americans from harm at the barrel of a gun, including one of the first statewide bans on Saturday night specials (passed in Maryland in 1988) and the addition of mandatory child-safety locks or similar devices to all new gun sales, a law many states have adopted. Center faculty have worked with officials from states all across the country, including those with the most strenuous gun safety laws: California, Connecticut, Maryland, Massachusetts and New Jersey (see "Building a Safer Gun," page 23).

Still, the Center is an evidence-based research effort, not an advocacy group; its faculty are not attempting to overturn the constitutional right to bear arms. "We're an academic institution that can't exist by selling snake oil,"



says Webster. "We're not out raising money for some political cause."

Given the recent 5-4 Supreme Court ruling that overturned the District of Columbia's ban on handguns (see "The State of the Second Amendment," page 20), understanding what types of firearms legislation will and won't survive a constitutional challenge is more important than ever. "Our knowledge of public health law allows the Center's work to be consistent with the Second Amendment," says Vernick. "It's not about taking guns away. It's about gun violence prevention."

**A**mericans have a strangely intimate relationship with guns, one that has evolved throughout the nation's war for independence, the Civil War, Western expansion, and even the World Wars. "I think we, as a society, identify with the frontier character of American culture," says Shannon Frattaroli, whose work at the Center focuses on preventing firearm violence associated with domestic violence. "There's a unique attachment to the ideal of individuality, and I think guns feed into that. We're not reliant on others and institutions. It's the American way."

How many guns are there in America? Perhaps surprisingly, no one knows for sure. "There are about 283 million firearms in the United States," says Vernick. "And you know how we have that number? Telephone surveys. There's no other way to determine it." That's because

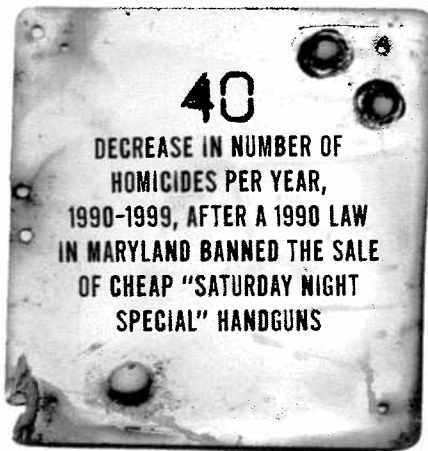
**When a community knows that its land is being poisoned by a chemical factory, it goes after the polluters. Epidemiologists, lawyers and policy wonks are taking the same approach to illegal firearms. "Where are these guns coming from? It's not like they spontaneously generated in the forest—'Oh look, a baby gun!'" says Stephen Teret.**

there is no federal registry, and many states still don't require registration of guns at all.

The U.S. was created, and expanded, through the judicious use of weapons by armies and militias; few societies are as willing (or able) to quickly take up arms in times of turmoil, and as quick to defend their constitutional right to do so. Yet surveys show that many Americans, even gun owners, are in favor of stricter ownership regulations and better safety devices for

firearms. "The Center polled some 2,400 people for a study we published in 1998 in the *New England Journal of Medicine*," says Teret, "and the majority were in favor of expanded restrictions, and for regulating the design of guns to make them safer."

Today, contends Teret, gun policy in America has largely been defined by vocal minorities at the far ends of the spectrum. But studies and research by the Center have shown that those groups don't speak for the majority of Americans, be they gun owners or not. There are about 42 million households with guns in the U.S., yet there are reportedly only 4.3 million NRA members. On the other side of the coin, groups seeking the out-



right banning of handguns (and repeal of the Second Amendment) face a nearly insurmountable challenge; it's a constitutional change not viewed as a pressing issue by the majority of Americans.

The peculiar place of guns in American life can also be summed up with this example: There is only one product sold in the U.S. that the federal Consumer Product Safety Commission is explicitly banned from regulating—and that is the gun. The government generally examines every other product we can buy, from toasters and baby blankets, to automobiles and airplanes, but not guns. This is the result of the firearms lobby, which has secured some of the most protective legislation in U.S. industrial history. Consider that since 2005, firearm manufacturers have received extraordinary protection from liability if their weapon causes harm or death.

The ATF does work with guns, but mostly

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to trace their use in crimes, prevent the sale of certain types of firearms (machine guns, for example), and license dealers and manufacturers. It's up to local jurisdictions to monitor the use of weapons in their communities; a sheriff in rural Oklahoma will do this very differently than a police department in densely populated Maryland. The sheer volume of guns is too much for most local law enforcement agencies to handle, given their other responsibilities. There's also a philosophical difference: "It's a very long-held tradition that local law enforcement didn't consider illegal gun trafficking their problem," says Webster. "They thought the ATF could handle it alone, but they can't."

As abundant evidence shows, it is very hard to keep Americans from shooting one another (or themselves), either on purpose or accidentally. The problem is easy access to guns that are easily used. Take accidental shootings by children: "Parents think they can teach their kids to handle guns responsibly," Webster explains, "but the data say otherwise. Homes with guns in them are more dangerous than homes without guns. Unintended shootings and sui-

cide are much more common. A gun is a pretty darn difficult thing for a kid or adolescent to not want to hold."

Teret knows firsthand this tragic truth. In 1982, the 2-year-old son of his close friends was shot and killed by a 4-year-old who had found a loaded, unlocked pistol in a nightstand.

"We make aspirin bottles that children can't open," says Teret. "It is terrible that a 4-year-old can operate a gun."

In November 2005, New York Police Department Officer Dillon Stewart was shot and killed after trying to pull over a car that had run a red light. The next month, NYPD Officer Daniel Enchautegui was shot and killed by two robbers. New York Mayor Michael R. Bloomberg, about to embark on his second term in office, was determined to do something. "The mayor had had enough of getting the call at 4 a.m. that a cop is shot; that meant he would be consoling a widow that morning. He had consoled too many people in emergency rooms, and he decided he had to take on this difficult issue," recalls John Feinblatt, criminal

## THE STATE OF THE SECOND AMENDMENT

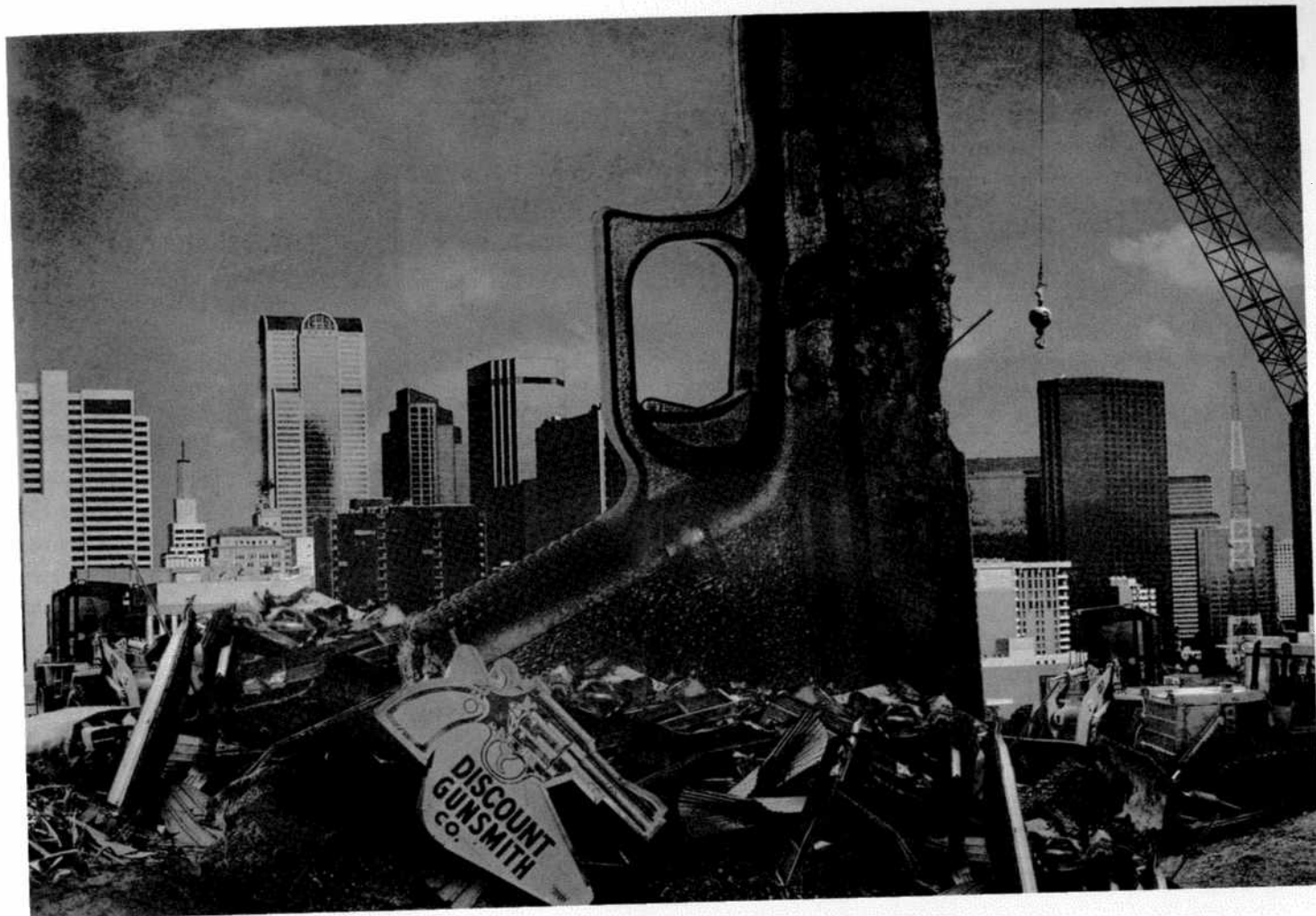
The U.S. Supreme Court's 5-4 decision in June in *District of Columbia v. Heller* changed the playing field for American firearms policy. The decision concluded that the Constitution's Second Amendment protects an individual's right to own guns and held that the District's law banning the sale and ownership of handguns—enacted to stem the handgun violence that has plagued the city for decades—is unconstitutional. One of the amicus briefs presented to the Supreme Court relied heavily on data gathered by the Center for Gun Policy and Research—pages of research and findings that showed the threat to public health when handguns are easily obtained and misused.



Some supporters of the Second Amendment claimed the decision as a resounding victory. Gun safety advocates were disappointed—and apprehensive.

Center co-director Jon Vernick points out that the *Heller* decision explicitly permits many kinds of gun laws, including safe storage requirements and laws barring gun possession by felons; the status of other laws is less clear. Vernick predicts that "in a post-*Heller* world, our science will be even more important. Having that kind of evaluation and research will make it less likely that an effective [firearm] law will be overturned."

—GB



justice coordinator for the city. “Sixty percent of homicides in the city were by guns. We decided we had to go after the illegal guns.”

Mayor Bloomberg decided to try a new tactic: Would hitting the gun suppliers—no matter where they were—help get guns out of his city? In April 2006, he joined with Boston Mayor Thomas Menino in hosting a summit at Gracie Mansion with 13 other mayors from cities across the nation (including Milwaukee’s Barrett) to talk about how they could work together and share information to stem gun violence in a new way: by going after the gun *before* it gets to the criminal.

A few days before the summit, Daniel Webster got a call from Feinblatt. The mayors wanted to hear about the Center’s work. Webster hopped a train to New York and spent a day telling the group how guns are obtained by criminals, and how that process can be stopped. The mayors had plenty of questions. Webster used hard numbers to show conclusively that if those few stores that sold the majority of crime guns were shut down or forced to change their sales prac-

**Facing a summit of 15 U.S. mayors who wanted to stop gun violence in their cities, Daniel Webster used hard numbers to show conclusively that if the few stores that sold the majority of crime guns were shut down or forced to change their sales practices, gun trafficking would go down—and fast.**

tices, gun trafficking would go down—and fast.

About eight years earlier in Chicago, for example, police had identified and gone after just a handful of targeted gun stores—and watched the number of new guns used in crimes decline in that city by 46 percent. More data from other researchers showed that only about 1 percent

of the nation’s gun dealers were responsible for more than half the guns used in crimes.

Mayor Bloomberg has always been a big fan of data. Prior to taking public office, he made his fortune through Bloomberg L.P.’s financial data computer terminals. But there was a major roadblock in the flow of numbers regarding crime guns: As confusing as it sounds, the ATF was not providing crime gun information to anyone, including police departments, because of the Tiahrt Amendment. Named for U.S. Rep. Todd Tiahrt, a Kansas Republican, this amendment—in effect since 2003, and a favorite of the pro-gun lobby—argues that, for the safety of police officers and pending criminal cases, the ATF can provide almost no information about



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—Jon Vernick

guns recovered from crime scenes. This applies not only to the public and academic institutions, but also to the very police departments and cities that submit the information about those guns to the ATF. Unwilling to accept the premise of this restriction that kept this information from the NYPD, Mayor Bloomberg waged a public and private campaign to loosen the amendment's (and the ATF's) grip on the data. It took over a year for the first numbers to reach law enforcement agencies, and eventually, it began to reach public health researchers. "It had been very difficult for me to obtain data from the ATF," Webster explains. "It was amazing to have such an ally."

Mayors Bloomberg and Menino were convinced it was up to them to act. "On the federal level, nothing was happening," says Feinblatt. "The mayors decided they would have to face this threat firsthand."

Those initial 15 mayors formed Mayors Against Illegal Guns (MAIG); today, some 320 mayors belong to the group, and work to stop the flow of illegal guns into their cities through proactive, aggressive policies and the canny study of numbers and information. "The MAIG movement got more cities thinking that they can take control over illegal gun trafficking," says Webster. "The mayors, and particularly Mayor Bloomberg, were frustrated about the fact that the rest of the country was not really doing what they should be doing, in terms of enforcement. Congress is very far from the problem. They're rarely held accountable for blood in the streets."

Webster, Vernick and Teret developed a seven-page guide called "How Cities Can Combat Illegal Guns and Gun Violence." It detailed effective strategies (used by cities like Chicago and Detroit, for example), such as undercover stings and lawsuits against gun dealers, and examined how those strategies had worked.

New York officials, operating outside the auspices of MAIG, tracked down which gun stores in other states were selling guns that were ending up in the Big Apple, then conducted their own sting operations against those stores. Then they went on to sue those gun stores' owners.

Webster gave expert testimony in the lawsuits the city brought, providing data that showed the stores enabled firearms to get into the hands of criminals because of the way the stores sold guns. "The data stuck out like a sore thumb," says Feinblatt.

Some 26 stores in states such as Pennsylvania, Virginia and South Carolina eventually settled out of court; they are now monitored by a court appointed special master from New York.

Getting more than two dozen gun stores to settle with New York was a good first step. The next, taken by MAIG, was convincing Wal-Mart, the largest gun retailer in the U.S., to agree to follow a voluntary code of conduct written by MAIG. This code laid out a much more deliberate and diligent gun sales policy, aimed at preventing legally sold guns from ending up in illegal hands: It states that participating retailers will, among other practices, use video to record all transactions, maintain good records of sales and purchases, and not sell firearms without obtaining background check results.

In 2007, when representatives from MAIG traveled to the Arkansas headquarters of Wal-Mart to discuss the code, the group's clout, research and success with the other gun sellers helped get the retail behemoth to agree to adopt the guidelines.

Back in Milwaukee following the city's deadly 2006 Memorial Day weekend, Mayor Barrett faced Badger Outdoors' owners. The problem for the mayor and police officials wasn't locating the source of crime guns—the guns were known to be coming from Badger. The store wasn't blatantly breaking any laws: The sales were being made on the books, meaning there was appropri-



ate paperwork showing the guns had been sold, although no one knew for sure whether they were all legal sales. Still, Mayor Barrett knew from the inaugural meeting of MAIG (held just a month earlier) that he could get Badger to change the way it sold guns.

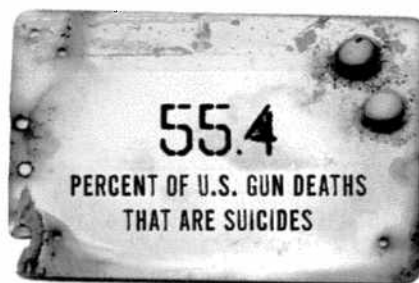
Webster had recommended increasing scrutiny of Badger, and with the resulting intelligence in hand—and data from the Center for Gun Policy and Research, along with ATF and Milwaukee police records—Mayor Barrett showed Badger's owners what their store's guns were doing to the city.

"The message was very clear," recalls Perry. "Badger had again been identified as the number one purveyor of crime guns. And over the weekend of Memorial Day, 28 persons were shot in the city. There was no time to wait."

Badger's owners sat and listened to what Barrett and the others had to say. "The tone of the meeting was intense but cordial," Perry says. And, somewhat surprisingly, when city officials were done speaking, the store's owners agreed to make changes.

"Badger didn't want to be viewed as bad guys," says Perry. "They felt that they were responsible businessmen and didn't like the negative publicity. Mick [Beatovic] told me many times that he wanted Milwaukee to be a safe city, and in no way did he want Badger to be considered part of a crime problem."

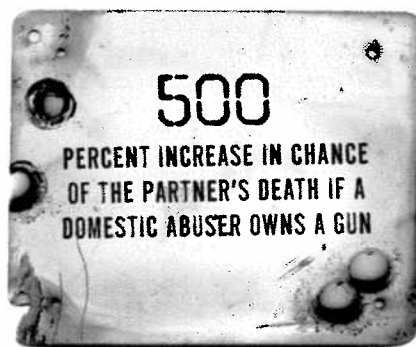
The first step Beatovic and Badger Outdoors took was paying to have a cellular phone jammer installed in the store. This helped prevent a popular kind of "straw purchase," suspected to be a significant part of the store's business. In this transaction, a legal purchaser would take photos on a cell phone, send them to a person prohibited from buying a gun such as a convicted felon,



and get text instructions about which gun to buy. Straw purchases get around the law in this way: If a legally eligible person buys a firearm and that firearm ends up being used in a crime by a person legally prohibited from possessing a gun, it's still up to the authorities and courts to prove that the gun's legal buyer somehow illegally transferred the firearm to the banned person. Beatovic also started searching state court records—even though he was not obligated to do so—"if he felt 'uncomfortable' about the customer," Perry says.

Another success was a high-tech surveillance system the store installed (again, at its expense) to track customers who might be making straw purchases; Mayor Barrett, the district attorney and Perry even spent some time in the control room, watching how people tried to legally buy a gun for someone for whom possession of a firearm was a crime.

Milwaukee officials believe these philosophical and policy changes—which came about in large part because of the data and studies conducted by the Center for Gun Policy



and Research—reduced the number of guns sold by Badger that ended up being used in crimes, although final statistics are still being reviewed. One favorable indicator: The city's final homicide tally for 2007 was 105, two more than in 2006, but down from 2005's high of 122. And the number of nonfatal firearm injuries declined by almost 78 percent from 2006 to 2007.

The Milwaukee results offer encouragement for Center faculty, but they realize that larger vic-

tories are still years away. "Our ultimate goal is to see our research used by policymakers to reduce the unacceptable toll of gun violence in the U.S. and worldwide," says Vernick.

Another significant challenge lies in changing how Americans perceive, protect and view firearms. "People have a hard time imagining a world in which guns are less prolific," says Daniel Webster. "We just think of this level of guns as normal. When we look at each of the tragedies, like Virginia Tech and Columbine, we say, 'What was going on with that guy?' And we don't necessarily think about the fact that there are people like that all over the world, and incidents like this don't happen in other parts of the world.

"The mission of the Center for Gun Policy and Research has never been limited to advancing our scientific understanding of gun violence," he says. "It's nice to see our work published in prestigious journals, but it can do far more good if we put it into the hands of people who can act on the research." ♦



## BUILDING A SAFER GUN

Accidental shootings claim about 800 lives in the U.S. each year, along with many serious injuries. Researchers at the Center for Gun Policy and Research are working to make guns safer by helping state governments develop legislative mandates for gun manufacturers. Research by the Center shows that devices such as magazine safeties and loaded chamber indicators can save lives. Accidental gun deaths might be reduced by 20 percent or more if all guns had these simple devices.

### LOADED CHAMBER INDICATOR

Accidents occur when gun owners or others mistakenly assume a gun is unloaded. This simple device—usually a pin that becomes extended when a semi-automatic pistol is loaded—indicates that a gun is ready and able to fire. Unfortunately, for inexperienced users or young kids, it won't keep the gun from firing. Still, "a car has a gauge that tells you when it has gas," says Stephen Teret. "Why shouldn't a gun tell you 'I'm loaded'?"

### MAGAZINE SAFETY

Semi-automatic handguns have the potential to keep a bullet in the firing chamber at all times; many accidental shootings occur when the gun operator removes the magazine but doesn't realize there's a bullet still inside. With a magazine safety, a mechanical latch is activated when the weapon's magazine is removed, rendering the gun useless until the

magazine is reinserted. A few gun manufacturers, including Smith & Wesson, already include this device on many of their models. But the device gets flak from some gun advocates who contend that it impedes the pistol's effective use in close quarters and combat-type situations.

Both the magazine safety and loaded chamber indicator were invented nearly at the same time as the modern pistol. Smith & Wesson and Colt developed such devices a century ago, although their use today is rare. (Only some 10 to 15 percent of eligible handguns have these safeties.)

### "PERSONALIZED" GUN

Technologically impractical until recently, this device could revolutionize gun safety. The guiding concept: to link a gun to an authorized user through an electronic security device. One early path of development was a ring with an electronic code that the authorized user must wear on his or her gun hand; the ring's code "unlocks" the weapon. Without it, the gun is inert. Another option would be a fingerprint reader, much like those used on laptop computers, which would unlock the weapon only for the approved user.

Kids would be unable to fire a personalized gun that belonged to their parents; thieves couldn't resell stolen personalized weapons; and "straw purchases" would become more difficult with a fingerprint system. —GB