



It's been called the "crime bomb," "the baby boomerang," the "nightmare of the future." To be sure, the issue of juvenile crime is not going away. Indeed it may well be the most nettlesome problem to confront the next president.

"Youth crime is the issue. It's the issue now, and it's the issue in the future," said James Alan Fox, dean of the Northeastern University's College of Criminal Justice. It's an issue because of the anticipated surge in the number of children expected to hit puberty in the next administration.

And there are two perspectives on how to cope with the problem. Some say more prisons, stiffer penalties and less tolerance for repeat offenders. Others advocate prevention.

"There are a growing number of disaffected young people in our society and the fact is, we won't be able to incarcerate our way out of this," said J. David Hawkins, director of the Social Development Research Group at the University of Washington in Seattle. "We simply can't afford it in dollar figures, and we can't take the toll as a society."

Despite yo-yo statistics, despite the most recent Department of Justice data showing that violent crime actually declined by 9 percent last year, there is a widespread perception across the country that crime is on the rise and the level of violence is escalating. A recent Washington Post survey, for example, ranked crime second among the top 20 worries confronting voters, right behind education.

And at a time when the federal government appears to be reducing its responsibility for social programs such as welfare, it is stepping up its role in fighting crime. The Department of Justice, the main purveyor of crime fighting, is set to get about four times the amount of money it received a decade ago.

The next president will also confront a federal prison population where nearly two-thirds of the prisoners are drug offenders; a racial disparity between blacks and whites in the prison population that is as high as 20 to 1; and a parole and probation system so overburdened that agents are assigned an average load of 260 cases.

Juvenile Crime

When compared to other industrialized nations, the United States has the highest homicide rate for males aged 15 to 24. That is five times greater than the second highest nation, Scotland.

From 1990 to 1994, the overall rate of murder in America declined by 4 percent. At the same time, the rate of murder committed by teenagers aged 14 to 17 increased 22 percent. That continued a trend that began in 1985 and continued until 1994, during which time the homicide rate for teenagers rose by 172 percent.

However, last year the number of juveniles arrested for violent offenses dropped — for the first time in a decade — by 2.9 percent. The murder arrest rate dropped for the second year in a row, declining by 15.2 percent. U.S. Attorney General Janet Reno attributed that drop to law enforcement effectively cracking down on the problem. But crime experts tell a different story.

"This may be the calm before the crime storm," said Fox, who chalked up the decline to a statistical blip. He predicts the juve-

A Debate Over Punishment and Prevention

■ The number of juvenile murder victims increased by 82 percent between 1984 and 1994. The number of murders committed by teens aged 14-17 increased 172 percent.

■ Of federal prisoners, 59.2 percent are serving time for drug-related crimes.

■ The incarceration rate of blacks is eight times that of whites.

Source: Alfred Blumstein, Carnegie Mellon University; James Alan Fox, Northeastern University; U.S. Department of Justice.

nile offender rate will worsen with the upcoming generation of teens — children of the baby boomers.

"They will become teenagers before you can say juvenile crime wave," Fox said. "The future may be so bad that unless we act now in a preventive way, we will look back at the 90s and call them good old days."

Some 39 million children are now under the age of 10. By the year 2005 the teen population is expected to increase by 20 percent, with the largest increase in the African-American population. The most current statistics from the U.S. Census indicate that 46 percent of black teenagers live below the federal poverty level. Criminologists expect that number to increase. Studies show, in varying degrees, a strong correlation between living in poverty and entering a life of crime.

"With the population of juveniles about to surge and with many of those children living in poverty, the United States could confront a tide of youth violence more deadly than we have

seen yet," concluded Fox.

But others are not so certain that a tidal wave is on its way.

"It's 'Star Trek' stuff," said Franklin E. Zimring, the director of the Earl Warren Legal Institute at the University of California at Berkeley.

As the juvenile population increases, so too will the overall population, said Zimring. In 1994, teenagers made up 5.4 percent of the population. By 2010, they will hover around 5.9 percent.

What they do agree on is that the level of violence is escalating as more youths are apparently becoming desensitized to violent behavior. As one Justice Department official put it, "Instead of fists, youths today are settling their battles with bullets."

Since 1984, the number of juveniles killing with a firearm has quadrupled, while the number of killings with all other weapons combined has remained virtually unchanged, according to Fox.

Compounding the increase in gun use is the issue of race. Between 1985 and 1990, the juvenile homicide rate for white youths doubled, while it tripled among African-American youths.

"It's not the number of kids we have in the population, it's the lethal crime rate that is the problem," Zimring said.

"Young people are more impulsive than older ones, and thus distant penalties are less likely to make a difference," said James Q. Wilson, a professor at the University of California at Los Angeles, speaking at a recent crime forum. Because many inner-city neighborhoods are not much different from Bosnia or Beirut, Wilson said, "gun ownership has become necessary in the eyes of many juveniles for reasons of self-defense."

Drugs, Racial Disparity and Prison

The state and federal prisons are bursting at the seams. But the rate of new prison construction is keeping the capacity rate fairly stable. What isn't stable is the racial makeup of the prison system, which could be a time bomb for the next president.

"One of the most distressing and troublesome aspects of the criminal justice system is the disparity between blacks and whites," wrote Alfred Blumstein, a professor of urban systems and operations research at Carnegie Mellon University. In Minnesota, Blumstein found the ratio of blacks to whites in prison

to be as high as 20 to 1.

When compared to total population figures, African-Americans are being incarcerated at a rate eight times that of whites, according to the Bureau of Justice Statistics. Between 1980 and 1994, the number of blacks in prison tripled to 489,200, representing 3.2 percent of the total African-American male population. That compares with 0.4 percent of all white males, according to Allen J. Beck, chief of corrections statistics at the bureau.

Why is the disparity so great?

Of the 100,250 prisoners in the federal system, 59.2 percent were there for drug-related crimes, according to the Bureau of Justice Statistics. Of the 1.03 million in the state system, roughly a quarter were there for drug crimes. African-American males make up about 50 percent of convicted drug offenders.

Most of the drug offenders are serving federally mandated sentences, which tend to be harsher for drugs used in the African-American community. For example, in 1991, the Minnesota Supreme Court struck down a state law which mandated two years for possessing three grams of crack cocaine but just one year for possessing three times as much powder cocaine. The ruling, based on equal protection grounds, found that the legislative distinction was racially discriminatory in impact because a study had found that 100 percent of those sentenced under the crack cocaine statute were black and 66 percent of those sentenced under the powder cocaine statute were white.

While the prevailing tendency is to fight the drug war with stiffer sentences, Blumstein and other experts say that prison should not be the only solution.

"The demand side is where you have to put your attention," Blumstein said. "You take a dealer off the street, another one is sure to crop up in his place. On the other hand, when you lock up a pathological rapist or say, a murderer, you lock up their traits."

Despite falling crime rates, there will be one violent crime committed this year for every 130 citizens, said Peter W. Greenwood of the California-based Rand Corporation. Preventing crime is a critical issue for the next president to reckon with.

But how?

While the number of inmates in state prisons tripled during the 1980s, Greenwood said, few dollars were allocated toward programs that keep youths from pursuing the criminal life.

Greenwood and a team of researchers found that a combination of incentives to graduate from school and parental training could reduce the crime rate and cost one-fifth what it would take to implement California's Three Strikes Law. By locking up repeat offenders under the new law, Greenwood predicted, the state's overall crime rate would drop by 21 percent. It would cost taxpayers \$5.5 billion. When Greenwood returned to the issue and studied the effects of a multi-layered prevention program, he reported the crime rate would drop about the same amount, but the price tag would be much less — \$1 billion.

The trick is reaching out to youths before they hit their "peak criminal years," said Hawkins of the University of Washington.

His research found that only 20 percent of those who commit violent crimes before 18 actually become violent later in life, he said.

If youths are given the chance to feel bonded to their community, are encouraged to produce in school and have family members who establish clear standards of proper behavior, they are less likely to turn to a life of crime, according to Hawkins. Youths who get help generally have a more positive self-image and a more positive attitude toward school and are less likely to become career criminals, Hawkins said.

Federalization

At the core of the crime debate are fundamental questions of what role each level of government should play.

"There are constant complaints of overfederalization, yet politicians want to do more and more," said Gerald B. Lefcourt, president-elect of the National Association of Defense Attorneys. "It's a dangerous time, particularly since the Democrats have tried to co-opt the Republicans on the crime issue."

Dangerous, because with the federal government acting like the sheriff of Dodge City comes hysterical overreaction to criminals and thus the loss of defendants' rights, in Lefcourt's opinion.

Local prosecutors say that line of reasoning is absurd. But they too feel the federal posse coming through what they consider their territory. Prior to the 1994 Crime Control Law Enforcement Act, three federal crimes were punishable by death — espionage, aircraft piracy and murder associated with a criminal enterprise such as the Mafia. Now there are more than 60, and they include cases once considered the domain of state prosecutors, such as drug-related drive-by shootings and killing a law enforcement official. Of the 11 people now on death row, six were sentenced following the crime bill, and the federal government is responding to an anticipated bulge of prisoners sentenced to death by building a new 50-bed death row at their facility in Terre Haute, Ind.

"The problem [of crime] is local, local, local," said William L. Murphy, the District Attorney of Staten Island, N.Y. Instead of federalizing crimes, he said, more money should be funneled to the front lines of local government to combat crime.

Over the last five years, the caseload in his largely suburban office has doubled, and local police have started a narcotics division to deal with a surge of drug arrests. As the president-elect of the National District Attorney Association, Murphy thinks juvenile crime will be the most critical problem to face the president because it touches not only the criminal justice system but the future of the country. If the next generation of youths are not harnessed and youth offenders not deterred, the long-term effects will reverberate in the economy.

There are nearly twice as many felons being supervised in local communities than in prison, according to the Bureau of Justice Statistics. Despite the high caseload and parole officers complaining that they are unable to keep track of their cases, 62 percent of all felons are rearrested within three years of their release from prison.

—Rebecca Carr

Questions for the President

Some say the answer to juvenile crime is to lock them up at younger ages. Some say prevention is the way. What is the best way to handle the anticipated juvenile 'crime bomb'?

How can the growing racial disparity in the state and federal prison system be addressed?

Nearly two-thirds of the prisoners in the federal system are there for drug crimes. Is incarceration the best answer to the drug war?

■ ■ ■

Dennis —

Here are ideas we need to work out
when you get back.

Thanks — have a
great vacation!

BR

CRIME

- . 1. Keep schools open late (guidelines?); youth academies (Bratton)
- . 2. Statutory rape impregnation penalty -- prosecute under age for child abuse
- . 3. Truancy guidelines ~
- . 4. Mini-crime package (DNA testing, ATM cameras, fingerprinting, cop cars, face ID)
- . 5. Minor offenses (guidelines?); Bratton head of 1m citizen patrols; COPS guidelines
- . 6. Victims Bill of Rights
- . 7. Bullet proof vests →
- . 8. Broken bottles EO -- ban alcohol advertising from schools & public housing
- . 9. Youth academy/ROTC (Bratton)
- . 10. Taggant study by Treasury by Oct.
- . 11. Report on Truth in Sentencing
- . 12. Remote gun detection
- . 13. Militia bill
- . 14. 100k cell phones
- . 15. Juvenile Crime summit
- . 16. VAWA grants; challenge insurance cos to pay for domestic abuse
- . 17. National 9/11

9/11

→ Kennedy ^{Kasich} will fix this

① - Statutory Rape

- Statute at limitations longer
- prosecute for impregnating

BR - prosecute ~~set up~~ for "child abuse"

Cathy Sylvester (PPI)

- Is there something

allows POTUS
to talk about
it

② Truancy POTUS talked about in NM

Combine truancy w/ afterschools

③ Minor offenses → training

Directive to
Cops office

⑦ - Soft Body Armor
leg. not enough

⑧ Alcohol
→ Having this would be easiest

⑨ Youth Academy

⑩ Taggart Study by OCT

⑪ Truth in Sentencing

⑫ Gun Detection

⑬ Militia Bill

⑭ 100,000 Cell phones

⑮ Juvenile Crime Summit

⑯

7 page fax to
Dennis Burke
from Michael Gordon

MEMORANDUM

TO: Vicki Baldwin
Michele Cavataio
Rahm Emanuel
David Frank
Frank Holleman
Donni LeBoeuf
Bill Modzeleski
Steve Neuwirth
Audrey Pendleton
Terry Peterson
Phil Rosenfelt
Kevin Sullivan
Judy Wurtzel

FROM: Michael Gordon

DATE: May 31, 1996

RE: Truancy Manual

Attached please find a revised draft of the truancy manual, incorporating comments I received on the May 29 draft. Please note that we are still working on the section on school and community efforts to deter truancy. Although this section is not complete, we wanted to provide you with another draft in order for you to see the direction we were going with the full manual.

Because we are putting this together in a short time frame, please try to provide me your comments by 1:00 pm Monday. Thank you.

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MANUAL ON TRUANCY AND YOUTH CRIME

The Problem of Truancy in America's Communities

<NOTE: We are in the process of updating and fact-checking all figures in the first two sections.>

On any given day, about one out of 10 elementary school students and one out of five high school students is absent from class. In some cities the daily absentee rate is as high as 30 percent. In Los Angeles 300,000 students per day miss school. More than one-third of all high school students in New York City are absent. While some of these absentees are excused for illness or other legitimate reasons, many are not. Many are truant.

Society pays a price for truants through increased demands on the social service and criminal justice systems. High rates of truancy are linked to high dropout rates, daytime burglary rates and vandalism. Up to two-thirds of the nation's daylight burglaries are committed by juveniles who are truant from school when the offenses occur. School drop outs - many of whom were chronic truants before dropping out - are more likely to end up on welfare and in prison than students who complete high school or college.

Truancy is not a problem restricted to the education and law enforcement agencies. It has an even more important impact on a truant's ability to learn, develop responsibility, and complete their education requirements for graduation in order to seek further career options.

Definitions of truancy vary according to specific state codes, but a student is generally considered truant when he or she voluntarily misses school to engage in actions not legally excused. Legal excuses for absences differ, but many state education codes allow students to miss school for such reasons as a medical appointment or a religious holiday observance.

Many states also distinguish between "truants" and "habitual truants," providing more severe sanctions to the "habitual truants." Connecticut, for example, defines a "truant" as a student with four unexcused absences in a month or 10 in a school year. A "habitual truant" has 20 unexcused absences in a school year. In Arizona, by contrast, a "truant" is any child who is absent without a valid excuse. A "habitual truant" is a student who is truant for ten days during a school year.

The effect of truancy on our society is far-reaching, as statistics on daytime crime demonstrate:

- ▶ Nationwide, juveniles account for 18% of all violent crime arrests and 33% of all serious property crime reports.
- ▶ 85% of all daytime crime in Los Angeles is committed by truant youth.

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- Arrest rates for truant students in San Diego are 9.5 times that for low absence students.

School and Community Efforts to Deter Truancy

With the active involvement of parents, educators, law enforcement personnel, juvenile and family court judges, and representatives from social services, community, and religious organizations, each school and each community needs to decide which steps it may want to take to prevent and reduce truancy. Below are some examples of steps that many schools and communities around the nation have found successful.

1. *Clearly explain truancy policies to all students, parents, faculty and staff*

The student code of conduct should state the legal requirements for school attendance, as well as the school's expectations and clear definitions of what constitutes truancy. The policy should be clear to everyone in the school community and should state the potential school and court consequences of being truant.

2. *Build solid communication between families and the school*

For families and schools to work together to solve problems like truancy, there must be a mutual trust and communication. Schools should be "family-friendly" by enabling teachers and a parent to stay in regular contact even before problems arise. Schools may want to consider arranging convenient times and neutral settings for parent meetings, starting homework hotlines, training teachers to work with parents, using a home-school liaison combining voicemail with autodialing, and giving parents a voice in school decisions.

The Truancy Abatement Burglary Suppression or TABS initiative in San Jose, California is a joint effort among the police, the school districts and the district attorney's office. Police officers work directly with the elementary school districts.

The schools within the school districts are asked to submit the names and attendance records of each of the habitual truants to the TABS coordinator. The program concentrates on parents of children in first through sixth grades who have demonstrated truancy problems. The parents are asked to attend a meeting with the TABS coordinator.

The meeting is conducted at the police department as an added psychological factor to emphasize the seriousness of truancy. The meeting serves to determine the cause of the truancy and to find a solution to the problem. If necessary, families in crisis are referred to other agencies for assistance. Parents are informed that their child's attendance will be monitored by the school and the police department for the remainder of the school year. Parents are also advised of the law and

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consequences of noncompliance.

3. *Establish partnerships with law enforcement and juvenile justice officials*

In order to effectively enforce school attendance policies, school officials need to establish close linkages with local police, probation officers, and juvenile and family court officials. These agencies have responsibility for assisting in the enforcement of these policies and in the adjudication of students who violate truancy laws.

In Rohnert Park, California, the Stop and Cite Program was designed to reduce truancy and juvenile crime in the community and to increase average daily attendance for the schools. Patrolmen issue citations to suspected truants contacted during school hours. Two citations are issued without penalty, and students are returned to school to meet with their parents and a vice principal. The third citation results in referral to appropriate support services.

During the program's first year in operation, daytime burglaries in Rohnert Park decreased 48 percent; during the second year, an additional 16 percent decrease was noted. Over the same two year period, vandalism decreased 35 percent, thefts decreased 12 percent and the savings to the community due to such improvement amounted to \$262,000. In addition, daylight burglaries have decreased 29 percent. The program continues to have community support and to be effective in reducing truancy.

<Donni made call to get more current info>

4. *Address the causes of truant behavior*

Truancy can be caused by such factors as student drug use, violence at or near school, association with truant friends, lack of family support for regular attendance, emotional or mental health problems, and the inability to keep pace with academic requirements. Schools should consider developing initiatives to combat these root causes of truancy, including tutoring programs, added security measures, drug prevention initiatives, providing mentors through community and religious groups, a campaign for parental involvement in their children's school attendance, and providing referrals to social service agencies.

Operation Save Kids was developed by a prosecuting attorney as part of a youth crime prevention program in Peoria, Arizona. The initiative focuses on addressing the risk factors in children's lives that cause truancy and other problems and seeks to prevent later delinquency. Operation Save Kids involves parents, community leaders, and corporate leaders and has effectively reduced juvenile crime, youth gang activity and referrals to juvenile court in and around the community and has reduced truancy 72.2%.

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5. *Keep accurate data*

Schools should keep accurate records on all youth who are absent from school. Records should detail whether a student's absence is excused or unexcused. If the truancy case advances to a formal hearing, these records will be essential.

<e.g. from Norfolk, Virginia to be added>

6. *Provide youth with additional reasons to stay in school*

Schools should find new ways to engage their students in learning including such hands-on options as career academies, school-to-work opportunities, and community service. In addition, school, community, and business leaders should help high school students find part-time jobs or work-study experiences and should connect these students to opportunities for higher education.

Many communities have found smaller schools to be effective in engaging students. Designed for intervention with students in grades five through 12, Project HOPE in Inglewood, California provides schooling for students picked up in truancy sweeps and alternative placement for students who have been suspended or expelled. The primary goal is to educate high-risk students in a small, success-oriented academic atmosphere. Since the inception of this initiative, police records show lowered daytime burglary rates.

7. *Determine the type of program that best fits the needs of your school or school district*

There are many different types of truancy deterrence programs and strategies in operation today. School districts are encouraged to work closely with parents, law enforcement officials, the judiciary, and religious and community organizations to ascertain the best strategy for dealing with the problem.

State Efforts to Deter Truancy

Because of the negative impact and costs of truancy, the issue of reducing truancy has captured the attention of state legislatures throughout the country. While all fifty states and the District of Columbia have compulsory attendance laws that require children of certain ages to attend school, enforcement provisions of these laws vary greatly. Below are four common enforcement policies that have been enacted by state legislatures as well as a descriptions of the various officials that enforce these policies around the nation.

Four Common Enforcement Policies

1. *Offering Incentives and Sanctions for Truant Youth*

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State legislatures have found that linking truancy to such items as a student's grades or driver's license can work to reduce this problem. In Iowa, for example, a person under the age of 18 who does not attend school and does not work at least 20 hours per week cannot receive a driver's license.

Delaware, Connecticut, and several other states authorize daytime curfews during school hours, when police and other law enforcement officers may question students to determine if their absence is legitimate. In a few states, including New York, a student with a certain number of unexcused absences will be failed in his or her courses. A school can even suspend a student for truancy in such states as West Virginia.

2. *Firing, Imprisoning, or Taking Away Benefits from Parents*

Many states have begun to address the role of parents in truancy, often charging delinquent parents with a misdemeanor. "Harboring" a truant child in Maryland is subject to a \$500 fine or up to 30 days imprisonment. Parents who fail to see that the child attends school may be subject to a \$50 fine for every absence or 10 days in jail or both. In addition, the fine amount can be increased for each period of truancy.

In Pennsylvania, a parent or guardian who fails to comply with compulsory attendance laws can be sentenced to pay a fine of \$300 plus court costs, be sentenced to complete a parenting education program, or be ordered to perform six months of community service in the child's school district. In New Mexico, a parent who repeatedly and knowingly allows a child to be truant can receive a \$500 fine, six months in jail, or both.

3. *Counseling and Social Services for Parents and Children*

Many states include counseling and social services among their efforts to combat truancy. A Wisconsin judge may, among other options, order a truant to attend counseling or to attend an education program designed for him or her. In Maine, a superintendent first tries to correct a truancy problem informally, including by meeting with the parents. If a problem persists, a court may order counseling.

4. *Changing the Status of a Child or Taking a Child into Custody*

Some states have found that changing the status of certain truant minors to that of a neglected or delinquent child in a juvenile or family court proceeding can be effective. The status is used as evidence to declare the student a "child in need of supervision," who is then eligible for certain social services in such states as Florida and New York. In California the status is used as evidence to have the child declared a ward of the court, allowing increased supervision by the state.

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Who Enforces Truancy Policies

States use various officials to enforce truancy laws. Some rely heavily on school officials while others use law enforcement officials and the courts. For example, Vermont uses "truant officers" to investigate absences. Truant officers investigate the cause of non-attendance, and if they find a child absent without cause, they notify the parent of his or her duty to ensure school attendance. If the parent does not ensure their child's attendance, the truant officer then enters a complaint against the parent in court.

In Alabama, an "attendance officer" may take a truant child into custody and then deliver the child to either his or her parent or his or her principal. In Utah, "willful" noncompliance of attendance laws is reported to the appropriate juvenile court for action, and in Texas, a truancy case may be handled by a justice of the peace or municipal court.

<OGC adding a sentence on role of judiciary>

For More Information

For more information, please call the U.S. Department of Education Safe and Drug Free Schools Office at 202-260-3954.

Prepared by the U.S. Department of Education in consultation with local communities, the National School Safety Center, and the U.S. Department of Justice.

THE Brookings REVIEW

SPRING 1996 VOL. 14 NO. 2

Public Housing E.O.?

4 MEXICO

The slippery road to stability
Nora Lustig

10 THE MARINES SHOULD COME HOME

Adapting the U.S.-Japan alliance to a new security era
Mike Mochizuki and Michael O'Hanlon

14 BROKEN BOTTLES

Alcohol, disorder, and crime
John J. DiIulio, Jr.

18 DRUG LEGALIZATION?

Time for a real debate
Paul B. Stares

22 A WINNING HAND?

The uncertain future of environmental justice
Christopher H. Foreman, Jr.

26 WORSENING AMERICAN INCOME INEQUALITY

Is world trade to blame?
Gary Burtless

32 RAISING THE STAKES

Involving the public and enhancing equity in market reforms
Carol Graham

OUT WITH THE OLD?

36 IN WITH THE GOP

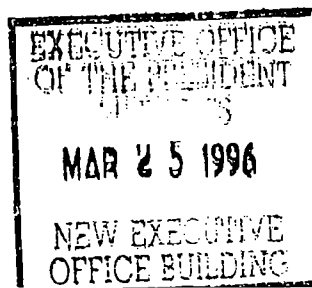
Building a new regime on Capitol Hill
Roger H. Davidson

38 ASSESSING THE 104TH CONGRESS

(This one is different)
Bill Frenzel

41 NEW PLAYERS

The governors and welfare reform
Martha Derthick



36

Letters 2

A Considered Opinion

No Free Lunch on Tax Reform
William G. Gale 3

World Watch

Burundi: There Is No Exit Strategy
Barnett R. Rubin 46

Politics Watch

The Media and South Africa
Howard Wolpe 47

Broken Bottles

Alcohol, Disorder,
and Crime

O ver the past quarter-century, Americans have spent billions of dollars to wage a war on drugs as part of a broader effort to fight crime and community breakdown, especially in the inner city. The particular focus on illicit drugs, however, has kept the spotlight off a more familiar, yet perhaps more dangerous, psychoactive drug—alcohol. The tendency to leave liquor out of the nation's crime equation is understandable. After all, adult liquor sales are legal, most Americans drink in moderation, and, whatever the social costs of alcohol abuse, no one who wishes to be taken seriously is about to call for a

return to prohibition. Policymakers concerned about the health of the nation's inner cities, however, must not ignore the links between alcohol and crime. Although the relationships are complex, the high concentration of liquor stores in the inner cities, the ready availability of beer and hard liquor, and the high incidence of alcohol abuse are deeply implicated in the troubled homes, disorderly neighborhoods, and dangerous streets there.

This insight comes as no news to the struggling, law-abiding residents who live in these neighborhoods. They beg local police and other public authorities to "do something" about the corner-to-corner proliferation of liquor outlets. They spray paint over liquor billboards. They try without success to get zoning laws changed to make it as tough to open retail liquor stores in their neighborhoods as it generally is to open them in rich, white, suburban neighborhoods.

It is time for the rest of us, policymakers and citizens alike, to pay attention.

A Multiplier of Crime

Although scientific research on alcohol-related crime and other social ills has been crowded out by studies of the social costs and consequences of drug abuse, researchers are beginning to get a handle on the epidemiology of alcohol-related crime. Perhaps the single best summary of the evidence is this, by Jeffrey Fagan: "Alcohol use has been associated with assaultive and sex-related crimes, serious youth crime, family violence toward both spouses and children, being both a homicide victim and a perpetrator, and persistent aggression as an adult. Alcohol 'problems' occur disproportionately among both juveniles and adults who report violent behaviors."

Most crime, of course, is not related to drinking, and most drinking never results in crime. But some people are far more prone to crime and violence when they are drinking or drunk than when they are clean and sober. Analysts are careful to stress that "conceptions of how drinking affects social behavior are . . . shaped more by powerful cultural, economic, and political forces than by scientific evidence regarding the direct effects of alcohol." But exactly the same sorts of cautions apply to

the links between drug abuse and crime. The evidence that "drug abuse causes crime" is of the same kind and quality as the evidence that "alcohol abuse causes crime"—namely, plentiful but inferential, generally persuasive but not scientifically precise.

What the evidence suggests is that alcohol, like drugs, acts as a multiplier of crime. Aggressive behavior or criminality often occurs before involvement with drugs or alcohol, but the onset of use increases aggressive or criminal behavior. If anything, alcohol abuse probably drives crime and other social problems more than drug abuse does, simply because the use of alcohol is so widespread.

Liquor, Disorder, and Crime

Neighborhood disorder takes many forms—public drinking, prostitution, catcalling, aggressive panhandling, rowdy teenagers, battling spouses, graffiti, vandalism, abandoned buildings, trash-filled lots, alleys strewn with bottles and garbage. But no social disorder is at once so disruptive in its own right and so conducive of other disorders and crime as public drinking.

In a classic 1990 study of community breakdown in American cities by William Skogan, public drinking was ranked first among the disorders identified by residents across 40 neighborhoods.

The statistics are striking. Sixty percent of convicted homicide offenders drank just before committing the offense. Sixty-three percent of adults jailed for homicide had been drinking before the offense. Sixty percent of prison inmates drank heavily just before committing the violent crime for which they were incarcerated. The relationship between poverty and homicide is stronger in neighborhoods with higher rates of alcohol consumption than in those with average or below-average rates. Numerous studies report a strong association between sexual violence and alcohol, finding that "anywhere between 30 and 90 percent of convicted rapists are drunk at the time of offense." Juveniles, especially young men, who drink to the point of drunkenness are more likely than those who do not drink to get into fights, get arrested, commit violent crimes, and recidivate later in life. Alcohol-dependent male factory workers are more than three times as likely to physically abuse their wives than are otherwise comparable, non-alcohol-dependent counterparts.

The high incidence of drinking among convicted criminals does not necessarily prove that drinking stimulates crime; it may be nearer to being evidence that criminals who drink are more likely to get caught and convicted than those who do not. But it is important not to discount or deny the probable, and in some cases patently obvious, connections between liquor, disorder, and crime.

Alcohol in the Inner City

The map shown in figure 1 illustrates the relationship between liquor and crime in Milwaukee in 1993. The map

categorizes each city tract according to its crime rate; the darker the shading, the higher the crime rate. Each dot represents a liquor outlet. If one knew nothing about the city or what the shaded areas or dots represent and simply drew circles around the places where the dots are clustered, Milwaukee's poor, minority, high-crime, inner-city neighborhoods would be enclosed in those circles. And the same pattern is true for other inner-city communities all across the country.

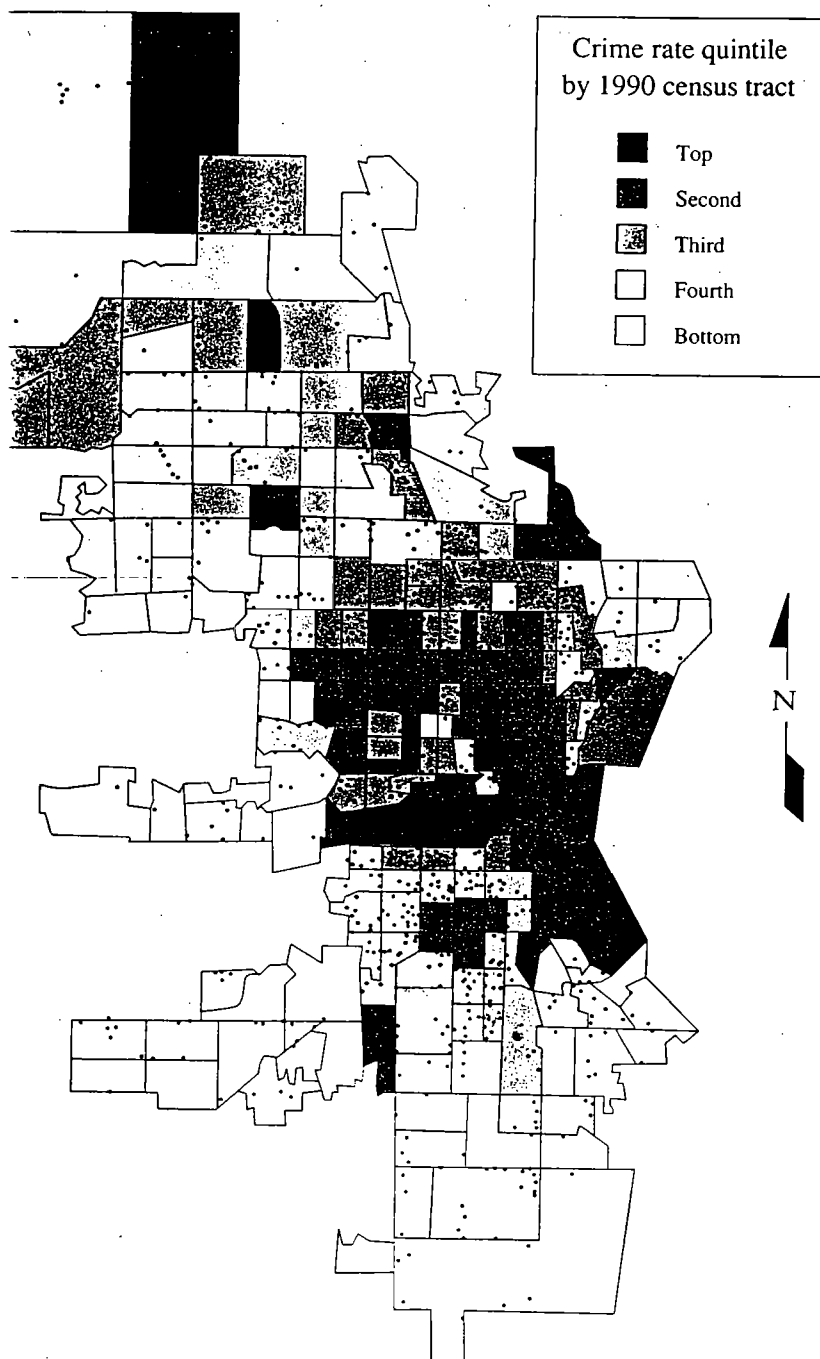
Numerous first-rate studies have found close links between the geographic density of alcohol outlets and consumption (and alcohol problem) rates. Without leaping to the further conclusion that if inner-city neighborhoods had fewer liquor outlets and less alcohol consumption, they would also have less crime, policymakers who care about reducing community breakdown and crime in the inner city should nevertheless seriously consider restricting alcohol availability and reducing the density of liquor stores.

The practical question is how best to do so. The main finding of the scientific research literature is that more strongly enforcing liquor law regulations can

**NO SOCIAL
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AND
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PUBLIC
DRINKING.**

John J. DiIulio, Jr., is director of the Brookings Center for Public Management and professor of politics and public affairs at Princeton University. This article is drawn from "Saving the Children: Crime and Social Policy," in *Social Policies for Children*, ed. Irwin Garfinkel, Jennifer L. Hochschild, and Sara S. McLanahan (Brookings, 1996).

ble 1. Milwaukee Crime Rates and Liquor License Locations, 1993



reduce alcohol availability and consumption, as well as alcohol-related problems, including violent crime, among at-risk youth and adults.

Most states do not have strong liquor-law regulations and procedures. Even states that have them on the books tend to underfund the agencies responsible for enforcing them. Naturally, anemic funding often leads to inadequate enforcement, which opens up the possibility of socially harmful concentrations of liquor outlets and other regulatory failures that can lead to a hornet's nest of alcohol-related social problems.

Developing and enforcing rigorous liquor laws and regulations that might cut crime and alcohol-related

problems in poor, minority, high-crime inner-city neighborhoods has not been a high priority for most states. To put it bluntly, America's liquor-control regime is structured without any apparent regard for the connection between alcohol availability, consumption, crime, and other social problems—and is calculated to give the states almost zero capacity to regulate and directly enforce liquor laws. A study of ABC offices and investigators in California, for example, found that investigators were "less concerned with public health and welfare than with the rights of applicants." The study concluded that selling alcohol in California "is treated more as a right than a privilege."

In their new book, *Alcohol and Homicide*, R. N. Nash and L. A. Rebbun observe, rightly, that the high concentration of liquor outlets in inner-city neighborhoods reflects "the relative power of alcohol producers and wholesalers who supply liquor outlets, banks who loan money to store owners, and state regulators whose activities are more oriented toward the interests of alcohol industry lobbying groups than the regulation of that industry and the relative powerlessness of the poor and unemployed individuals and groups who live in greater concentration in these areas of high outlet density."

Broken Bottles

Middle-class Americans would not tolerate for one second laws that permitted an inner-city level concentration of liquor stores in and around the places where they and their loved ones live, work, shop, go to school, or play. It makes no sense to insist that it is all merely a matter of free markets, as if liquor stores simply go where the people want what they sell and sell to whomever they want. Nor can one hide behind a fog of empirical uncertainties about the connections between liquor, disorder, and crime. In the end, academic statistical exercises are no substitute for live ethnographic realities. A 1993 feature in *U.S. News and World Report* reported on that reality from the perspective of a typical inner-city child named John. "To John, Tom's Liquor is a short walk from his house, school and the storefront church in the same shopping strip. A slew of transactions take John to Tom's. He tags along with his mom when she goes to cash her welfare checks free of charge. With no supermarket nearby, John goes to Tom's when he wants a candy bar. Even when his mother takes him to the adjoining neighborhoods, John rarely sees a bank or supermarket. Many neighborhood traits convey disorder, but unchecked public drinking is a particularly potent affirmation that 'no one cares.' That is the message John gains by observing Tom's Liquor, where vinos and crack addicts congregate at night in the parking lot."

Some years ago James Q. Wilson and George L. Kelling offered a by-now almost universally accepted "broken windows" thesis—when a broken window in a building goes unfixed, soon all its windows are broken. The broken window is an invitation to incivility, disorder, and crime. "Where disorder problems are frequent and no one takes responsibility for unruly behavior in public places, the sense of 'territoriality' among residents shrinks to include only their

n households; meanwhile, untended property is fair game for plunder or destruction. . . [and] a concentration of supposedly 'victimless' disorders can soon floor an area with serious, victimizing crime." But broken bottles have an even worse effect on community order and safety than broken windows. The fact that government itself licenses the entire mess by letting the liquor stores proliferate and the broken bottles pile up so high in poor, inner-city neighborhoods is the single most compelling symbol that nobody cares, the ultimate invitation to disorder and crime.

Preserving Social Capital

States and cities should begin immediately to experiment with policies aimed at cutting crime by curbing alcohol availability and consumption. The place to start is in high-crime neighborhoods where the density of liquor outlets seeds citywide averages. The theory behind this experiment should be guided by the large and methodologically sophisticated body of research that documents that in inner-city neighborhoods, the relationship between poverty on the one side and crime and disorder on the other is mediated by community norms and the extent of citizens' attachments to traditional institutions like home, school, and church.

As a rule, the stronger are community norms and traditional institutional attachments, the weaker the link between poverty and crime and the lower the chances that poor children will become violent, delinquent, or predatory. Studies have shown that religious affiliation fosters less drinking. Indeed, one major study finds that even after controlling for all relevant individual characteristics such as race, gender, education, parental education, family structure, and religious involvement, young people whose neighbors attend church are more likely to find a job, less likely to use drugs, and less likely to be involved in criminal activities whether or not they themselves attend church or have other attachments to traditional institutions.

But in poor neighborhoods where alcohol is readily available and liquor outlets dot every intersection, informal and indirect social controls on deviant, delinquent, and criminal behavior are diluted. Where broken bottles fill the gutters, social capital goes down the drain. Whether or not they themselves drink to excess, hang out at bars, or engage directly in related behaviors, it is probable that poor, inner-city youths who grow up in places where drinking is common and liquor outlets are everywhere are more likely than otherwise comparable youths to have diminished life prospects that include joblessness, substance abuse, and serious trouble with the law.

IN POOR NEIGHBORHOODS WHERE ALCOHOL IS READILY AVAILABLE AND LIQUOR OUTLETS DOT EVERY INTERSECTION, INFORMAL AND INDIRECT SOCIAL CONTROLS ON DEViant, DELINQUENT, AND CRIMINAL BEHAVIOR ARE DILUTED.

At least three specific policy experiments should be considered as means of deepening our understanding of the alcohol-disorder-crime nexus. First, conduct systematic empirical research on alcohol availability and crime. Develop a rich database that includes detailed information about the precise degrees of spatial overlap between liquor outlets, the incidence of communal disorders, rates of criminal activity, and the frequency of police response. Building such data sets would require the concerted efforts and cooperation of many different state and local agencies, including police departments and social service agencies.

Second, impose stricter zoning ordinances for liquor stores. New zoning laws would increase the distances between liquor stores, reduce the number of bars and liquor stores in the city, and ban the sale of malt liquor to go.

Third, limit alcoholic beverage advertising. Few systematic, scientifically rigorous studies have documented the relationship between alcohol ads and the incidence of excessive drinking, disorder, crime, and related social problems. But the alcohol industry seems to believe that these ads make a positive difference to their sales. Indeed, the industry seems perfectly

well aware of the relationship between alcohol, disorder, and crime—and in some infamous cases has been quick to exploit it for commercial gain.

In the early 1990s, for example, one of the billboarded spokesmen for St. Ides malt liquor was Ice Cube, a "gangsta rapper" whose hits feature lyrics such as "Pay respect to the black fist or we'll burn your store right down to a crisp."

Religious leaders in black communities often paint over offensive billboards. City officials should follow their lead by enforcing zoning limitations on billboard alcohol advertising, banning such ads from the horizons of schools, churches, and public housing centers.

One policy experiment that should be avoided at all costs is lowering the legal drinking age. The drinking-disorder-crime nexus seems strongly age-specific. Most violent crime is committed by young males. Drinking in males normally begins around adolescence and rises until the late teens or mid-twenties. Research suggests that the relationship between drinking and serious crime is strongest before young men reach age 31.

In a word, states should refuse to enact any measure that would increase alcohol consumption and particularly consumption among young people. Unless one simply refuses to accept the overwhelming weight of the evidence on the relationship between drinking, disorder, and crime, one must believe that reducing the minimum drinking age or any other measure that would increase, rather than further limit, the availability of alcohol would have socially undesirable, even disastrous, consequences—most especially in America's inner-city neighborhoods.

*Public Housing
Ads for Jail*



***Building The
Wireless Future..***

CTIA

Cellular
Telecommunications
Industry Association

Facsimile Transmission Cover Sheet

Date: June 3, 1996

Attention: Mr. Rahm Emanuel

Facsimile:

Company:

Telephone:

Comments:

If you experience
any difficulty with
this transmission
please contact

Barbara Grant

Number of pages
including cover sheet

4



***Building The
Wireless Future..***

CTIA

Cellular
Telecommunications
Industry Association
1250 Connecticut
Avenue, N.W.
Suite 200
Washington, D.C. 20036

Memorandum

TO: Ron Klain
Greg Simon
FR: Tom Wheeler
RE: The Vice President and the wireless crime initiative
DT: June 1, 1996

I understand that we are now set for a Wednesday, June 5 "challenge" from the Vice President to the Board of CTIA and a June 26 "delivery" on that challenge.

Enclosed is some background material which should be helpful in briefing the Vice President for the June 5 event.

Greg, you'll remember how (despite your best efforts) Gingrich stole the wireless education initiative and then ballyhooed it in speeches as the new Republican paradigm -- private industry accepting a challenge and moving "without a penny of government support." Here's our chance to recapture that theme and put it to work on the crime message.

If the Vice President makes a challenge to the leaders of the wireless industry along the themes outlined in the attached, we will deliver. On June 26, the President and Vice President can, then, stand up and talk about how the Vice President made the challenge and the challenge has been met -- through strong leadership and a public/private partnership.

We will also work with Dick Morris and whomever else you want to stimulate coverage of this in the media. We will produce B-roll for the electronic media which includes the Vice President's challenge as well as shots of wireless phones being used in community patrol applications. We'll book satellite time and make sure that a video report of the event is delivered into local markets. For the print media we will do the same thing with stills and other background material. In addition, as each new community patrol is rolled out we'll work with the local media to get the story out and to use the Vice President's challenge as an integral part.

Please let me know what else might be helpful. Office: 736-3213. Home: 338-3634.

Citizens On the Phone (COP)

Background

President Clinton has called for one million volunteers to join community watch groups to patrol their neighborhoods in the fight against crime. To be successful the citizen patrols must be able to quickly reach the assistance of law enforcement. The answer is to equip each citizen patrol with a wireless phone pre-programmed to call 911 (or the appropriate emergency number).

Such programs (and wireless carrier support) already exist in many communities around the country; the Presidential Initiative will take the success of those local initiatives and make it national. The CTIA Foundation will provide the phones and the airtime for the effort.

Wireless Means Safety

Each day over 50,000 calls are made to 911 from wireless phones. Whether reporting an accident or crime, or providing basic communications in times of disaster or emergency, wireless provides the connection. Immediately following the Oklahoma City disaster, for instance, wireless phones were the communications backbone for the Secret Service and other Federal agencies to bypass the damaged landline phone network.

In consumer surveys safety is the most frequently cited reason for purchasing a wireless phone. Sixty percent of new portable phone purchasers are women who want the phone as a means of security. Throughout the country, domestic abuse alliances are providing pre-programmed wireless phones (through the CTIA Foundation and local carriers) to battered women as a means of self protection, allowing them to summon help anytime and from anywhere.

How Citizens On the Phone Would Work

The CTIA Foundation, and the appropriate local wireless carriers, will provide portable wireless phones to the new citizen patrol groups. These phones will be pre-programmed to call 911 (or another emergency number) and emergency calls will be free.

Assume, for instance, that the Presidential Initiative stimulates one million volunteers in 10,000 communities and that each community has five different patrols operating at any one time; the CTIA Foundation will provide 50,000 phones and free emergency airtime.

The CTIA Foundation, working with the Presidential Initiative, will establish a clearinghouse which will provide the phones and coordinate with the local carriers to activate the service.

The Clinton Administration and Wireless Telecommunications

As early as July in the first year of the new Administration, President Clinton identified what he called the "Information Skyway" as a key element in the Clinton/Gore vision of a new information age. The Administration has delivered on that vision by opening up new spectrum for wireless services (in the process increasing competition to benefit consumers and raising almost \$20 billion in auction revenues for the taxpayers).

The Clinton-appointed Federal Communications Commission has moved rapidly to establish new rules to encourage competition between wireless carriers as well as to open new competition between wireless and wireline service providers. President Clinton also issued an Executive Memorandum to all Federal agencies directing them to facilitate the use of Federal properties for the siting of wireless facilities.

The results of these policies have been historic. Over 300,000 new American jobs have been created and wireless service is now in the car or the pocket of over 38 million Americans. Every 2.8 seconds a new wireless subscriber signs on — and now some of those subscribers will be community watch volunteers using wireless technology to make their neighborhoods safer.

About the CTIA Foundation

The wireless industry, through the CTIA Foundation, funds projects which apply wireless technology to meet the challenges of today's society. ClassLink, the Foundation's inaugural program, is installing wireless networks in schools throughout the country to connect teachers and students to the Information Highway. To help make health care more readily available on a more cost effective basis the Foundation has also built wireless health care delivery systems in areas as diverse as New York City and Montana's Flathead Indian Reservation. The Foundation also provides wireless phones to domestic violence projects for use by women who are victims of domestic abuse.

**ESTABLISHING A NATIONAL NON-EMERGENCY
LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM**



**ESTABLISHING A NATIONAL NON-EMERGENCY LAW
ENFORCEMENT TELECOMMUNICATIONS SYSTEM**

AN ENHANCEMENT TO COMMUNITY POLICING PROGRAMS

Based on information received during meetings with law enforcement experts around the country (See Appendix A), it is clear there is a growing consensus that there is a need to establish a national law enforcement, non-emergency communications service to relieve the overburdened 911 system. These experts further believe that the results from this service and Community Policing efforts in general can be improved by providing neighborhood officers communication capabilities which allow them to perform a greater number of activities from the neighborhood. AT&T proposes the formation of an active partnership between the company (AT&T) and the U.S. Department of Justice Community Oriented Policing Service (COPS) office to develop, deploy and evaluate such a capability nationwide. The actual service -- which would be designed, implemented, monitored, and assessed by a collaborative partnership of COPS officials, AT&T personnel, community leaders, and law enforcement officials -- would reduce the total number of calls placed to 911 by providing an -- easy to use -- alternative method to notify the police in the case of non life-threatening situations and improve the ability of officers to address the subject of these calls.

HOW WILL IT WORK?

Using a single national 800 telephone number service, a caller anywhere in the country needing non-emergency assistance will be automatically connected to the local police precinct or community policing office (or officers) responsible for the neighborhood in which the call originates. A new AT&T proprietary technology known as Intelligent Call Processing (See Appendix B) will insure that the call is routed to the proper facility or person as identified by the appropriate local police department. This 800 number will be used to report non-emergency situations only. Callers will be greeted by an announcement advising them to hang-up and dial 911 if the nature of the call is a life-threatening

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**ESTABLISHING A NATIONAL NON-EMERGENCY
LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM**

emergency. Through the use of AT&T's one-of-a-kind Language Line Service, the system will include foreign language translation capability for over 140 different languages (See Appendix C) to meet the needs of the diverse communities. Each local police jurisdiction will be provided a personal access code to reach Language Line Service. To be successful, the 800 service must be supported by an extensive education campaign directed toward the public and effected law enforcement personnel. AT&T, the COPS office and the effected groups should work together to develop and implement this public education campaign.

The proposed service will include a data-base capability that will provide State and local police departments call traffic pattern information. This data-base will track and collect a variety of information including data pertaining to the time of day, geographical origination point, and subject matter of calls received via the service.

Eventually, the system will be expanded to include the integration of both wireless/cellular devices as both the originator and receiver communication platforms and personal data/communication capabilities for police officers in the field. In the future, non-emergency calls could be routed directly to cellular telephones, pagers or converted into text messages and transmitted to wireless data link devices carried by on-duty police officers working in specific neighborhoods. Furthermore, callers using cellular telephones will be routed directly to the appropriate police facility or officer in the neighborhood in which the caller is located.

Additionally, it is envisioned, that the service will be expanded to include capabilities which broaden the communications capability of individual community policing officers. These officers -- using portable devices which transmit images and data -- will be able to communicate directly with their department, private citizens or other government agencies via wireless data transmission, fax, or E-mail. By using AT&T's *PersonaLink* Services (See Appendix D) along with the *Motorola Envoy* personal communication device there is almost no limit to the ways in which the police can communicate with private citizens, local, State and Federal agencies. For example, a Community Oriented Police Officer

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observes a burned out street light or a broken window; he/she can send a text request to the appropriate city agency to handle the repair by fax or e-mail while simultaneously sending a text report to the local police department. Also, text records of calls sent to Community Oriented Police Officers will be available to the shift or watch Commander thereby, providing an audit trail for officers who receive direct communications from citizens. Finally, officers will be able to write incident and crime reports in the field and transmit those reports directly to the station without leaving the neighborhood.

Once operational, this service will:

- **Relieve local 911 systems of the burden of non-emergency**, thereby allowing local police departments to more effectively respond to life-threatening situations and focus increased resources on proactive anti-crime efforts;
- **Enhance community policing** by improving and expanding the quality and quantity of citizen contacts with the police. By making it easier for the public to communicate with police (by both telephone and computer) to report non-emergency, neighborhood problems, this 800 service will encourage citizens to proactively work together with State and local officials to reduce fear and develop problem-solving strategies in specific neighborhoods; community policing efforts will also be enhanced by expanding the ability of community policing officers to take the necessary actions from the neighborhoods they patrol, thereby allowing them to spend more time on the street and less time in the station,
- **Provide critical call tracking data** which will allow for more effective use of emergency response resources and assist local and State agencies to reorient the emphasis of their activities from reacting to preventing crime;
- **Create a technological and public policy platform** that can be used to address future law enforcement technology issues.

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**ESTABLISHING A NATIONAL NON-EMERGENCY
LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM****BACKGROUND**

The current 911 system is designed to greatly enhance the ability of a private citizen to notify and request police assistance during life threatening emergencies. Currently, when a caller dials 911, their call is automatically directed to a local police department dispatch facility. The police operator, obtains the necessary information from the caller and then dispatches police officers to the location of the problem. A local database and other advanced telecommunications technology allow the police operator to automatically access vital identification information of the telephone subscriber and location information from where the caller is calling from. The ease of use and advanced technology of the system has reduced police response time to emergency situations.

Most police departments also have non-emergency numbers for the public to report non life-threatening events. However, these numbers are often difficult to use because the caller must know where to locate this telephone number or know the name of the precinct which is responsible for a particular neighborhood. The ease of simply dialing three numbers -- 911 -- and instantly being connected with the police has made the 911 system the overwhelming method of choice for all types of calls. In fact, in many jurisdictions, the majority of calls received by 911 operators are for non-emergencies. According to the National Emergency Number Association, there are an estimated 268,000 calls to 911 systems around the Nation each day. Our preliminary research has found that depending on the jurisdiction anywhere between 20% and 95% of the calls are for non-emergency purposes. (See Appendix E.)

In some cases, this heavy usage has had a negative impact on a police department's ability to respond to public calls for assistance. There are media reports and police association studies which describe some 911 systems as "clogged" and "overwhelmed." This heavy call volume has resulted in:

- A dramatic increase in the time it takes some police departments to respond to emergency calls;

**ESTABLISHING A NATIONAL NON-EMERGENCY
LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM**

- Callers having to wait for excessive periods before calls are answered;
- Callers to 911 being placed on hold or getting a busy signal.

The Nation's 911 system faces major challenges in the future. Current Federal legislative activity will soon open local telecommunications markets to competition. This competition in local markets will result in the emergence of small, unregulated local exchange carriers. These unregulated carriers along with advances in cellular/wireless communications could have a significant negative impact on the effectiveness of local 911 systems. Central to the operation of 911 services is Automatic Number Identification (ANI) and Automatic Location Information (ALI). Current regulations do not require cellular companies and smaller local exchange carriers to provide vital ANI and ALI. Unless addressed from a national public policy and technological perspective, the lack of a ANI and ALI as well as the use of Universal Number Service may render local 911 system and data base systems ineffective.

COMMUNITY POLICING AND 911

Community policing is not simply a local law enforcement program carried out by community policing officers; it is an operational philosophy for neighborhood problem-solving in which police officers interact with all residents of a specific neighborhood on an ongoing basis and in such a manner as *to establish and maintain communication* and create a trusting relationship.

While the 911 system allows the police to respond quicker to emergencies, there are those who argue that it also impedes long term collaboration between the police and community members and facilitates a more reactive approach to policing.

The ease of using 911 makes it the method of choice for contacting the police in all situations — not solely emergencies. Because of the large amount of calls received by police daily over 911 systems, many police managers believe that the public demands a quick response by police. In reaction, many officers have been taken out of the neighborhoods and placed in police cars. These highly mobile officers no longer confine

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**ESTABLISHING A NATIONAL NON-EMERGENCY
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their activities to small specific areas or beats—where they can collaborate with community members to solve neighborhood problems. Instead, patrol officers spend their entire shift responding from call to call. Today, many police departments have developed measures of effectiveness based on response time or how fast officers responded to calls for service.

By contrast, community policing encourages community members to proactively contact police when they identify problem areas within the community so that together they may work to solve that problem. Recent evidence suggests that as a jurisdiction implements community policing in a neighborhood, calls to the police from that neighborhood will increase. However, if a person calls the police, and either gets a busy signal, or is placed on hold for a long period, or has difficulty contacting the correct community policing officer, or receives no or a delayed response to his/her call, that individual will become frustrated and hesitant to call the police in the future. To avoid further clogging emergency communications systems, and to enhance community policing efforts there must be a communications infrastructure that makes it easy for a citizen to notify the police in non-emergency situations.

Communication and trust are essential elements of Community Policing efforts because they provide the foundation for an ongoing community partnership that works proactively to address serious crime, reduce fear, and improve the quality of life for all residents. It is critical that citizens can: (1) easily contact police to report problems; and (2) can see tangible results from those communication. As community policing efforts grow in number, easier non-emergency contact is needed to help develop the trust relationship between the public and the police. A single 800-number service, coupled with expanded communications capabilities for Community Policing officers, meets this need.

52. Safety standards at cash machines - so called Automatic Teller Machines - including video cameras that work and constant monitoring by security guards. Do you strongly support this, somewhat support this, somewhat oppose this or strongly oppose this?

1) Strongly support	48
2) Somewhat support	32
3) Somewhat oppose	6
4) Strongly oppose	10
9) don't know	4

53. Computerized finger-print matching to reduce errors and speed up the process, which now is often done manually.

1) Strongly support	52
2) Somewhat support	28
3) Somewhat oppose	6
4) Strongly oppose	9
9) don't know	4

54. Video-teleconferencing with hook-ups in precinct houses so police officers could interview witnesses or suspects without having to spend most of their day traveling to meet them, reducing the waste of their time.

1) Strongly support	32
2) Somewhat support	34
3) Somewhat oppose	14
4) Strongly oppose	13
9) don't know	7

55. Digitized, computerized face identification, which would make witness descriptions easier and more accurate.

1) Strongly support	49
2) Somewhat support	34
3) Somewhat oppose	6
4) Strongly oppose	6
9) don't know	6

56. Computerizing police cars to permit mug shots to be beamed

What Some States Are Doing

Concern about high teen pregnancy rates -- coupled with the new data on "older fathers" -- has prompted a number of states to try to address the issue of statutory rape. In general, the proposals are aimed at remedying lack of reporting and lack of enforcement of age of consent laws already on the books. The age of consent is 18 in 14 states; 17 in five states; 16 in 27 states and the District of Columbia; 15 in Colorado and Ohio; and 14 in Hawaii and Pennsylvania.

Delaware Governor Thomas Carper, in proposing legislation to raise the penalties for statutory rape, acknowledged, "We've not been diligent in enforcing these laws, and we are going to become diligent." In announcing his state's effort, Governor Pete Wilson of California said: "It's not macho to get a teenager pregnant, but if you lack the decency to understand this yourself, we'll give you a year to think about it in county jail."

* **California's** governor has allocated funds creating special Underage Sex Offenses units in 16 counties to prosecute men who engage in sex with underage girls. The state legislature also is likely to pass a bill that would add five years to the penalty for statutory rape when a minor becomes pregnant; the bill would also permit civil suits (and cash settlements) in statutory rape cases. *Contact: State Assemblyman Louis E. Caldera, California State Assembly, (916) 445-4843.* | *

* **Delaware's** state legislature recently passed the Sexual Predator Act of 1996, which would double the penalty for statutory rape. The law would raise the penalty from 0-10 years to 2-20 years when a girl under age 16 has sex with a man at least 10 years older, or when the girl is under age 14 and the man is at least 19 years old. Officials plan a multi-agency effort involving the schools, the state's Children's Department, and the Department of Health and Social Services. Officials hope that the law will enable them to define these sexual acts as child abuse to allow reporting by counselors without breach of confidentiality regulations. *Contact: Tom McGonigle, assistant legal counsel to the governor, (302) 577-3210.*

* **Florida's** legislature has passed several bills to get tough on older men who have sex with underage girls. First among these is a law that requires mandatory prison time for offenders over the age of 24 who have sex with victims who are 16 or 17. Offenses involving younger victims are covered by other Florida statutes. It also removes the previous requirement that the victim be of "chaste character." Under the new legislation the offender must also pay child support and restitution to the victim. Lastly, it increases criminal penalties for sex with minors when drugs or alcohol are involved or when STD's are transmitted. The second piece of legislation allows some cases of statutory rape to be defined as "child abuse" -- a crime for which reporting is mandatory-- when victims are under age 15. The so-called MAMA bill, which stands for "Make Adult Males Accountable," also requires | ✓

The general goal of the project is to raise the public awareness about this issue and its role as a contributing factor in teen pregnancy. The specific goal to make recommendations to federal, state, and local policymakers for changes in federal and state statutes, changes in criminal justice procedures, and changes in social welfare system policies that will better address the serious social problem of exploitation of young women--whether or not that abuse results in pregnancy.

For more information contact:

Howard Davidson of the ABA Center on Children and the Law (202-662-1740)

Kathleen Sylvester of the Progressive Foundation (202-547-0001)

EXECUTIVE OFFICE OF THE PRESIDENT

06-May-1996 06:35pm

TO: Dennis Burke
FROM: Bruce N. Reed
Domestic Policy Council
CC: Paul J. Weinstein, Jr
SUBJECT: Crime stuff

Here are some more ideas that have attracted interest from on high:

①. Voluntary curfews: Challenge communities to do what Charleston SC does -- allow parents to sign a form giving the police permission to take their children home if found on the street after midnight. Should we do guidelines? Are there constitutional issues (probably not, if it's voluntary)? How do the Charleston police know a kid's parents have said it's OK -- do they carry computers or lists or what? (Rahm and I have always loved this idea.)

GM ②. Truth in sentencing challenge: Should we issue a study at the same time? Can we have it ready by the 15th?

3. DNA ID bank: Whatever happened to the DNA stuff in the crime bill? Do we have a central bank like what the FBI has on fingerprints?

GM 4. Witness protection/retaliation: anything we should do?

⑤. Minor offenses: They're thinking about our idea for a 5/18 radio address challenging communities to have zero tolerance for minor offenses, b/c if you stop the little crimes the big ones take care of themselves. Is there any action we should take, or a study we could whip up? (I told them we should have Bratton at the address.)

#1, #2, and #5 are the most urgent. The others aren't on the schedule yet. Rahm wants to do the cop grants with the gang event. I don't know when we should do the domestic violence grants.

- Study on New York?
- anyone else doing this?

"Quality of life"

- 6163031 -
Craig Uchida
- 6162891 -

- '88 tighten things up

Community Policing

- Lancaster, Pa

↓ (few sentences)

Lisa Cain

616-1728

EXECUTIVE OFFICE OF THE PRESIDENT

29-Apr-1996 11:29am

TO: Dennis Burke
FROM: Bruce N. Reed
Domestic Policy Council
SUBJECT: Crime ideas

Formulate States
then they take
applications

w/in days
what will they announce?
\$130 million in
STOP grants
awards

Can you check into a few things for me:

- 1 Domestic violence: didn't DOJ have some announcement in mind on this for sometime soon? We have a couple pieces to add to it.
- 2 Statutory rape: can you brainstorm with Grace & co. on the following proposition: most teen mothers get pregnant by fathers who are in their 20s; in fact, the younger the mother, the older the father. Is there anything we can do at federal level to encourage crackdown on statutory rape? Challenge to states; state-by-state report; prosecutions; VAWA guidelines; or whatever.
- 3 Truth-in-sentencing: we put a caveat in the signing stmt that we didn't like the truth-in-sentencing rider; now we should come up with a detailed study of how states are doing, and a challenge to them to do better.
- 4 Gun detectors: we still need an action or other news to announce either May 15-17 or June 3. Do we need a mtg on this, or can you get something out of Boyd & Travis?

Thanks! Is Bratton going to call us about lunch?

BR - Legislation to intimidate a Fed ^{state} & local official

- Benefits

- KYL bill -> Sex Offender Bill
(has E Rule change)

* - Cal group wants to meet w/ WH IGA on this

- Has Feinstein cosponsored Kyl bill?
 - Women's groups / prosecutors love it
 - Con Div & Judges will hate it
- May 7th - California legislative speech
-

Utah
- "Sentence & Release guidelines"
Utah/Alaska

McCaffrey → needs to have
briefing w/ Jay Carver

- ① Benefits
 - ② Cop Killer Bullets
 - ③ Life-saving tech
 - concealed weapons
-

OPM → take into account

The needs of Fed employees who are victims

"workplace friendly to victims"

This would be a model program

do it w/ some
businesses who have a
current policy

THE Brookings

R E V I E W

SPRING 1996 VOL. 14 No. 2

Public Housing E.O.?

4 MEXICO

The slippery road to stability
Nora Lustig

10 THE MARINES SHOULD COME HOME

Adapting the U.S.-Japan alliance to a new security era
Mike Mochizuki and Michael O'Hanlon

14 BROKEN BOTTLES

Alcohol, disorder, and crime
John J. DiIulio, Jr.

18 DRUG LEGALIZATION?

Time for a real debate
Paul B. Stares

22 A WINNING HAND?

The uncertain future of environmental justice
Christopher H. Foreman, Jr.

26 WORSENING AMERICAN INCOME INEQUALITY

Is world trade to blame?
Gary Burtless

32 RAISING THE STAKES

Involving the public and enhancing equity in market reforms
Carol Graham

OUT WITH THE OLD?

36 IN WITH THE GOP

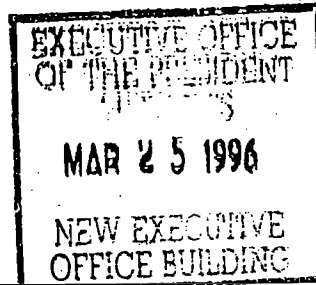
Building a new regime on Capitol Hill
Roger H. Davidson

38 ASSESSING THE 104TH CONGRESS

(This one is different)
Bill Frenzel

41 NEW PLAYERS

The governors and welfare reform
Martha Derthick



36

Letters 2

A Considered Opinion

No Free Lunch on Tax Reform
William G. Gale 3

World Watch

Burundi: There Is No Exit Strategy
Barnett R. Rubin 46

Politics Watch

The Media and South Africa
Howard Wolpe 47

Broken Bottles

Alcohol, Disorder,
and Crime

Over the past quarter-century, Americans have spent billions of dollars to wage a war on drugs as part of a broader effort to fight crime and community breakdown, especially in the inner city. The particular focus on illicit drugs, however, has kept the spotlight off a more familiar, yet perhaps more dangerous, psychoactive drug—alcohol. The tendency to leave liquor out of the nation's crime equation is understandable. After all, adult liquor sales are legal, most Americans drink in moderation, and, whatever the social costs of alcohol abuse, no one who wishes to be taken seriously is about to call for a

return to prohibition. Policymakers concerned about the health of the nation's inner cities, however, must not ignore the links between alcohol and crime. Although the relationships are complex, the high concentration of liquor stores in the inner cities, the ready availability of beer and hard liquor, and the high incidence of alcohol abuse are deeply implicated in the troubled homes, disorderly neighborhoods, and dangerous streets there.

JOHN J.
DI IULIO, JR.

This insight comes as no news to the struggling, law-abiding residents who live in these neighborhoods. They beg local police and other public authorities to "do something" about the corner-to-corner proliferation of liquor outlets. They spray paint over liquor billboards. They try without success to get zoning laws changed to make it as tough to open retail liquor stores in their neighborhoods as it generally is to open them in rich, white, suburban neighborhoods.

It is time for the rest of us, policymakers and citizens alike, to pay attention.

A Multiplier of Crime

Although scientific research on alcohol-related crime and other social ills has been crowded out by studies of the social costs and consequences of drug abuse, researchers are beginning to get a handle on the epidemiology of alcohol-related crime. Perhaps the single best summary of the evidence is this, by Jeffrey Fagan: "Alcohol use has been associated with assaultive and sex-related crimes, serious youth crime, family violence toward both spouses and children, being both a homicide victim and a perpetrator, and persistent aggression as an adult. Alcohol 'problems' occur disproportionately among both juveniles and adults who report violent behaviors."

Most crime, of course, is not related to drinking, and most drinking never results in crime. But some people are far more prone to crime and violence when they are drinking or drunk than when they are clean and sober. Analysts are careful to stress that "conceptions of how drinking affects social behavior are . . . shaped more by powerful cultural, economic, and political forces than by scientific evidence regarding the direct effects of alcohol." But exactly the same sorts of cautions apply to the links between drug abuse and crime. The evidence that "drug abuse causes crime" is of the same kind and quality as the evidence that "alcohol abuse causes crime"—namely, plentiful but inferential, generally persuasive but not scientifically precise.

What the evidence suggests is that alcohol, like drugs, acts as a multiplier of crime. Aggressive behavior or criminality often occurs before involvement with drugs or alcohol, but the onset of use increases aggressive or criminal behavior. If anything, alcohol abuse probably drives crime and other social problems more than drug abuse does, simply because the use of alcohol is so widespread.

Liquor, Disorder, and Crime

Neighborhood disorder takes many forms—public drinking, prostitution, catcalling, aggressive panhandling, rowdy teenagers, battling spouses, graffiti, vandalism, abandoned buildings, trash-filled lots, alleys strewn with bottles and garbage. But no social disorder is at once so disruptive in its own right and so conducive of other disorders and crime as public drinking.

In a classic 1990 study of community breakdown in American cities by William Skogan, public drinking was ranked first among the disorders identified by residents across 40 neighborhoods.

The statistics are striking. Sixty percent of convicted homicide offenders drank just before committing the offense. Sixty-three percent of adults jailed for homicide had been drinking before the offense. Sixty percent of prison inmates drank heavily just before committing the violent crime for which they were incarcerated. The relationship between poverty and homicide is stronger in neighborhoods with higher rates of alcohol consumption than in those with average or below-average rates. Numerous studies report a strong association between sexual violence and alcohol, finding that "anywhere between 30 and 90 percent of convicted rapists are drunk at the time of offense." Juveniles, especially young men, who drink to the point of drunkenness are more likely than those who do not drink to get into fights, get arrested, commit violent crimes, and recidivate later in life. Alcohol-dependent male factory workers are more than three times as likely to physically abuse their wives than are otherwise comparable, non-alcohol-dependent counterparts.

The high incidence of drinking among convicted criminals does not necessarily prove that drinking stimulates crime; it may be nearer to being evidence that criminals who drink are more likely to get caught and convicted than those who do not. But it is important not to discount or deny the probable, and in some cases patently obvious, connections between liquor, disorder, and crime.

Alcohol in the Inner City

The map shown in figure 1 illustrates the relationship between liquor and crime in Milwaukee in 1993. The map categorizes each city tract according to its crime rate; the darker the shading, the higher the crime rate. Each dot represents a liquor outlet. If one knew nothing about the city or what the shaded areas or dots represent and simply drew circles around the places where the dots are clustered, Milwaukee's poor, minority, high-crime, inner-city neighborhoods would be enclosed in those circles. And the same pattern is true for other inner-city communities all across the country.

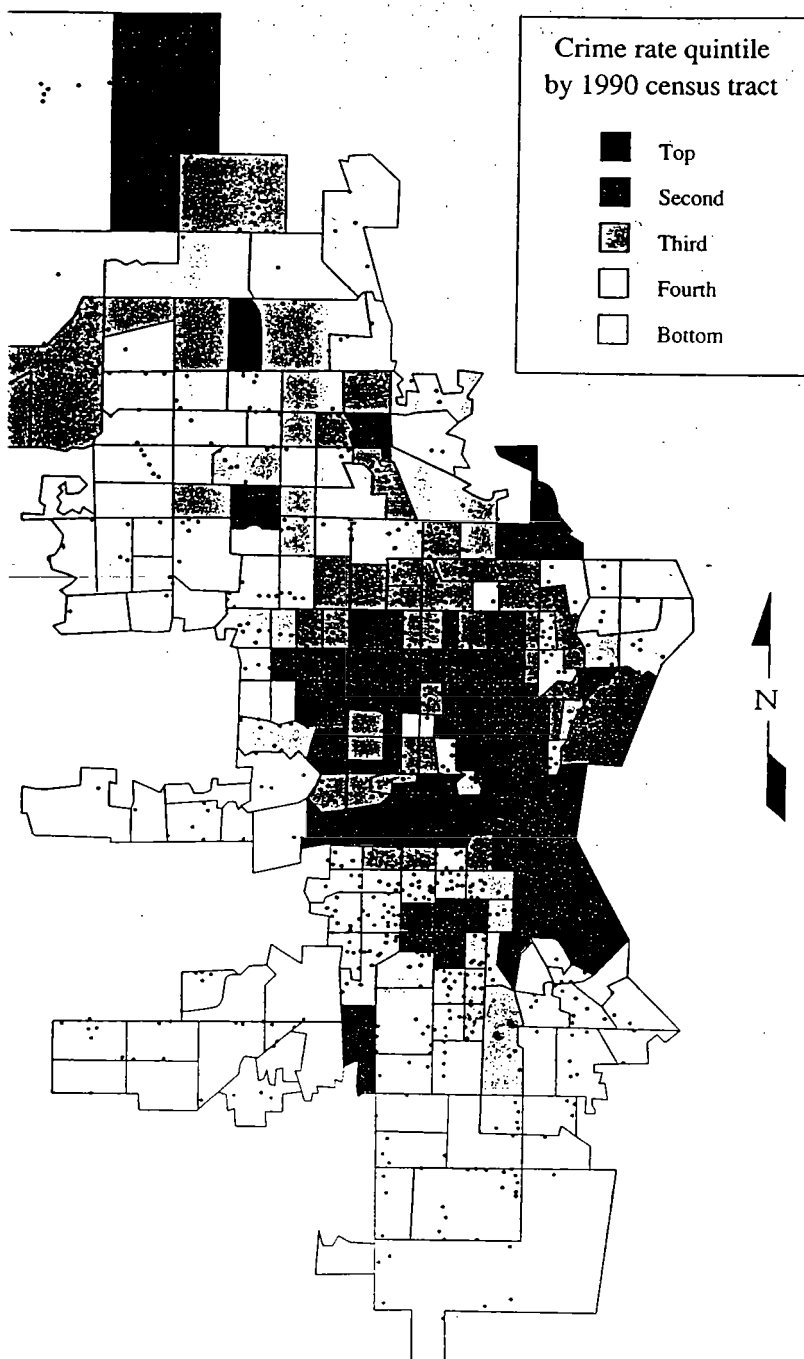
Numerous first-rate studies have found close links between the geographic density of alcohol outlets and consumption (and alcohol problem) rates. Without leaping to the further conclusion that if inner-city neighborhoods had fewer liquor outlets and less alcohol consumption, they would also have less crime, policymakers who care about reducing community breakdown and crime in the inner city should nevertheless seriously consider restricting alcohol availability and reducing the density of liquor stores.

The practical question is how best to do so. The main finding of the scientific research literature is that more strongly enforcing liquor law regulations can

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John J. DiIulio, Jr., is director of the Brookings Center for Public Management and professor of politics and public affairs at Princeton University. This article is drawn from "Saving the Children: Crime and Social Policy," in *Social Policies for Children*, ed. Irwin Garfinkel, Jennifer L. Hochschild, and Sara S. McLanahan (Brookings, 1996).

Figure 1. Milwaukee Crime Rates and Liquor License Locations, 1993



reduce alcohol availability and consumption, as well as alcohol-related problems, including violent crime, among at-risk youth and adults.

Most states do not have strong liquor-law regulations and procedures. Even states that have them on the books tend to underfund the agencies responsible for enforcing them. Naturally, anemic funding often leads to inadequate enforcement, which opens up the possibility of socially harmful concentrations of liquor outlets and other regulatory failures that can lead to a hornet's nest of alcohol-related social problems.

Developing and enforcing rigorous liquor laws and regulations that might cut crime and alcohol-related

problems in poor, minority, high-crime inner-city neighborhoods has not been a high priority for most states. To put it bluntly, America's liquor-control regime is structured without any apparent regard for the connection between alcohol availability, consumption, crime, and other social problems—and is calculated to give the states almost zero capacity to regulate and directly enforce liquor laws. A study of ABC offices and investigators in California, for example, found that investigators were "less concerned with public health and welfare than with the rights of applicants." The study concluded that selling alcohol in California "is treated more as a right than a privilege."

In their new book, *Alcohol and Homicide*, R. N. Nash and L. A. Rebhun observe, rightly, that the high concentration of liquor outlets in inner-city neighborhoods reflects "the relative power of alcohol producers and wholesalers who supply liquor outlets, banks who loan money to store owners, and state regulators whose activities are more oriented toward the interests of alcohol industry lobbying groups than the regulation of that industry and the relative powerlessness of the poor and unemployed individuals and groups who live in greater concentration in these areas of high outlet density."

Broken Bottles

Middle-class Americans would not tolerate for one second laws that permitted an inner-city level concentration of liquor stores in and around the places where they and their loved ones live, work, shop, go to school, or play. It makes no sense to insist that it is all merely a matter of free markets, as if liquor stores simply go where the people want what they sell and sell to whomever they want. Nor can one hide behind a fog of empirical uncertainties about the connections between liquor, disorder, and crime. In the end, academic statistical exercises are no substitute for live ethnographic realities. A 1993 feature in *U.S. News and World Report* reported on that reality from the perspective of a typical inner-city child named John. "To John, Tom's Liquor is a short walk from his house, school and the storefront church in the same shopping strip. A slew of transactions take John to Tom's. He tags along with his mom when she goes to cash her welfare checks free of charge. With no supermarket nearby, John goes to Tom's when he wants a candy bar. Even when his mother takes him to the adjoining neighborhoods, John rarely sees a bank or supermarket. Many neighborhood traits convey disorder, but unchecked public drinking is a particularly potent affirmation that 'no one cares.' That is the message John gains by observing Tom's Liquor, where winos and crack addicts congregate at night in the parking lot."

Some years ago James Q. Wilson and George L. Kelling offered a by-now almost universally accepted "broken windows" thesis—when a broken window in a building goes unfixed, soon all its windows are broken. The broken window is an invitation to incivility, disorder, and crime. "Where disorder problems are frequent and no one takes responsibility for unruly behavior in public places, the sense of 'territoriality' among residents shrinks to include only their

households; meanwhile, unintended property is fair for plunder or destruction. . . [and] a concentration of supposedly 'victimless' disorders can soon floor a city with serious, victimizing crime." But broken windows have an even worse effect on community order and safety than broken windows. The fact that government itself licenses the entire mess by letting the liquor stores proliferate and the broken bottles pile up so high in poor, inner-city neighborhoods is the single most telling symbol that nobody cares, the ultimate invitation to disorder and crime.

Serving Social Capital

Cities and states should begin immediately to experiment with policies aimed at cutting crime by curbing alcohol availability and consumption. The place to start is in high-crime neighborhoods where the density of liquor outlets exceeds citywide averages. The theory behind the experiment should be based on the large and methodologically sophisticated body of research that documents that in inner-city neighborhoods, the relationship between poverty on the one side and crime and disorder on the other is mediated by community norms and the extent of citizens' attachments to traditional institutions like home, school, and church. As a rule, the stronger are community norms and traditional institutional attachments, the weaker the link between poverty and crime; the lower the chances that poor children will become violent, delinquent, or predatory. Studies have shown that religious affiliation fosters less drinking. Indeed, one major study finds that even after controlling for all relevant individual characteristics such as age, gender, education, parental education, family structure, and religious involvement, young people whose neighbors attend church are more likely to get a job, less likely to use drugs, and less likely to be involved in criminal activities whether or not they themselves attend church or have other attachments to traditional institutions. But in poor neighborhoods where alcohol is readily available and liquor outlets dot every intersection, informal and indirect social controls on deviant, delinquent, and criminal behavior are diluted. Where broken bottles fill the gutters, social capital goes down the drain. Whether or not they themselves drink to excess, hang out at bars, or engage directly in related behaviors, it is probable that poor, inner-city youths who grow up in places where drinking is common and liquor outlets are everywhere are more likely than otherwise comparable youths to have diminished life prospects that include joblessness, substance abuse, and serious trouble with the law.

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At least three specific policy experiments should be considered as means of deepening our understanding of the alcohol-disorder-crime nexus. First, conduct systematic empirical research on alcohol availability and crime. Develop a rich database that includes detailed information about the precise degrees of spatial overlap between liquor outlets, the incidence of communal disorders, rates of criminal activity, and the frequency of police response. Building such data sets would require the concerted efforts and cooperation of many different state and local agencies, including police departments and social service agencies.

Second, impose stricter zoning ordinances for liquor stores. New zoning laws would increase the distances between liquor stores, reduce the number of bars and liquor stores in the city, and ban the sale of malt liquor to go.

Third, limit alcoholic beverage advertising. Few systematic, scientifically rigorous studies have documented the relationship between alcohol ads and the incidence of excessive drinking, disorder, crime, and related social problems. But the alcohol industry seems to believe that these ads make a positive difference to their sales. Indeed, the industry seems perfectly

well aware of the relationship between alcohol, disorder, and crime—and in some infamous cases has been quick to exploit it for commercial gain.

In the early 1990s, for example, one of the billboarded spokesmen for St. Ides malt liquor was Ice Cube, a "gangsta rapper" whose hits feature lyrics such as "Pay respect to the black fist or we'll burn your store right down to a crisp."

Religious leaders in black communities often paint over offensive billboards. City officials should follow their lead by enforcing zoning limitations on billboard alcohol advertising, banning such ads from the horizons of schools, churches, and public housing centers.

One policy experiment that should be avoided at all costs is lowering the legal drinking age. The drinking-disorder-crime nexus seems strongly age-specific. Most violent crime is committed by young males. Drinking in males normally begins around adolescence and rises until the late teens or mid-twenties. Research suggests that the relationship between drinking and serious crime is strongest before young men reach age 31.

In a word, states should refuse to enact any measure that would increase alcohol consumption and particularly consumption among young people. Unless one simply refuses to accept the overwhelming weight of the evidence on the relationship between drinking, disorder, and crime, one must believe that reducing the minimum drinking age or any other measure that would increase, rather than further limit, the availability of alcohol would have socially undesirable, even disastrous, consequences—most especially in America's inner-city neighborhoods.

*Public Housing
Ads for Jell*

ment over communism's worker state. Communism was never militarily defeated, and the hunger in the former communist states for Western-style political democracy is moderate. But eventually the most repressive regimes in history were overwhelmed by worker demands for the abundance enjoyed by the West.

Today, the condition of Western workers is in steady deterioration for reasons that the early labor movement would be incapable of addressing. Capital is organized across national boundaries; labor is not. In an unequal contest, labor grows more disorganized and weaker in the West, most especially in the United States, with each passing year. Wages stagnate, benefits are eliminated, the work week lengthens, safety conditions worsen.

Meanwhile, capital scours the world for the cheapest, most disorganized, most easily exploited labor—including child labor, prison labor, and even outright slave labor. Unless this deterioration can be arrested, we may see once again

the desperate conditions that in the late 19th century made the worker state seem a reasonable alternative.

What would a new capitalist labor movement—private, just as the first one was private—look like? I don't know, but thanks to mutual funds and pension plans, stockholders and workers are increasingly the same people.

The new stockholders have not found a way to collectivize and mobilize their capital on behalf of themselves as, simultaneously, labor. If they could do this, they might be seen as creating a new kind of labor movement. The strike would not be the tool of choice for this labor movement; but if the movement could impose its will in other ways, the middle class that the first labor movement played so large a part in creating might begin to recover from its current, precipitous decline.

Jack Miles is a professor at Claremont Graduate School in Claremont, California.

William J. Bratton: Police Training for Youth

I always knew what I wanted to do when I grew up: I always wanted to be a cop. Growing up in Boston, I admired the police and the responsibility they took for others. From my earliest years, when police officers helped me across the street on my way to school, they were strong role models. It was a natural thing for me to emulate them.

For a lot of kids today, it's not so simple. Many kids are alienated from the police, and their peers reinforce the alienation. Instead of seeing cops as assisting people, they see them as authority figures to be defied. Before many young people mature and finally realize that they'd like to have police careers, they already have police records. It's a tragic waste of kids who could have made good, even great, police officers. It's also a big problem for society because—as demographers warn—the late 1990s will bring an increase in the youth population and a likely rise in the crime rate.

For all these reasons, I have a dream of developing a youth police career path to provide the children of New York City with police role models in their developmental years. By exposing kids to positive interactions with police, the career path would help keep them focused and

directed in their teen years and simultaneously ensure the police department of a stronger field of candidates from which to choose.

Although we would continue to reach into elementary schools with antidrug programs, the official police youth career path would begin with kids in their early teens, who could attend a youth academy for six weeks in the summer beginning at age 12. The academy would familiarize them with the police department and heighten their interest in police careers while giving them a strong dose of antidrug and antigang education. The NYPD ran a successful pilot youth academy in Brooklyn last summer with 150 attendees, and we've raised the funds, from private and government sources, to enroll a thousand attendees from all over the city this summer.

After the youth academy, we would recruit kids into the next step in a youth career path—the Law Enforcement Explorers, a division of the Boy Scouts of America, open to young men and women ages 14 to 21. Now established in 66 of the New York City police department's 97 precincts, transit districts, and housing service areas, the NYPD Explorers serve about 2,000 young people with a program of character



**Charles Wolf Jr. and
Claire West Orr**
Hand Up for Homeless

Bill Williams was living in the alleys of Long Beach this time last year. He was well educated and had exceptional verbal skills, but used his "smarts" to do little jobs until he had enough money to buy his drugs for the day. He would "zone out," promising himself that tomorrow he would change. This went on for three years.

Finally, one day he called "Info Line" and was told about P.A.T.H. (People Assisting the Homeless) in West Los Angeles. He lied about having been drugfree for 30 days and was admitted to Phase I of P.A.T.H.'s residential program.

Today he is an account executive at a publication called *Senior Life*. He has his own apartment and drives a company car.

Today Bill Williams and hundreds like him are hard-working, taxpaying members of society. Why? Because representatives from churches,

synagogues, and the business community met 10 years ago and decided that they would try to do something to help the growing numbers of homeless people gravitating toward the affluent Westside of Los Angeles.

Residents of the P.A.T.H. home-site are required to seek employment immediately. They are also obliged to keep the building clean and do their own laundry; in return they occupy a room in a newly remodeled building—a safe and cheerful environment. A tight spending constraint limits them to a bus pass and \$10 a week for incidental expenses.

Members of the P.A.T.H. community have recently learned to write resumés, contact potential employers, and acquire computer skills at P.A.T.H.'s Job Access Center located in the same building.

While at P.A.T.H., men and women (and children over four) live with others who are also determined to change their lives. Peer pressure and support; a small but caring staff, an execu-

building, citizenship training, and physical fitness.

While participating in the Explorers, young people could also attend a specialty high school for students interested in policing, fire fighting, and other public-safety careers. A public-safety high school, now in the early planning stages, would show young people how their academic work builds toward their desired careers and use examples from police and other public-safety agencies as teaching tools. It would also surround them with like-minded students with similar goals, exerting a very different and more beneficial kind of peer pressure.

The NYPD is raising the qualifications for police officers this year, requiring candidates to have 60 college credits and to have reached the age of 22. In a continuation of the youth career path, students attending colleges in the City University system could serve as police cadets, a police internship offering college credits for working in unpaid, part-time positions with the NYPD. The department would also assist cadets in finding part-time paying jobs in the private security industry or in the New York City school security system, both of which have had difficulty in recruiting quality personnel.

In either capacity, cadets could practice the skills of projecting authority, mediating conflicts, and defusing potentially violent situations. Another advantage of using them in the school security system—which Mayor Giuliani is planning to place under the direction of the NYPD in the near future—is that these young security

guards would serve as role models to the next generation of young people. Unlike the cadet program we have now—which provides stipends to 320 cadets a year out of city and federal funds—this program would earn its own way. By the time the cadets were ready to enter the police department, they'd have a significant work history, college background, and police training. They would probably require less training at our police academy, and would certainly be better prepared for the discipline and lifestyle of police work. Our academy would thus build a police force from a better base of candidates.

Peer pressure leads many young people astray. In some of the more impoverished neighborhoods, just hanging out on the street corner can be a career path straight to crime. Through the police youth career path, we would offer the kids the opportunity to hang out with us. If we capture them early, it can make all the difference in the world. The kids get a focus and a goal, private security and school security get better employees, and the city gets a much better crop of candidates for police officers. The department would have a larger pool of minority candidates and a larger pool of candidates who live in the city. The very group—teenagers and young adults—that is predicted to cause all the law-enforcement problems in the late 1990s can begin to be part of the solution. In my dream, everybody wins.

William J. Bratton is the police commissioner of New York City.

discouragement, will get a fair chance to grow up happy and productive citizens. However sweeping this reform, it must be weighed against today's dreadful welfare system, which condemns millions of children to grow up with so much human talent unawakened, lost to themselves and to society.

Myron E. Magnet is the editor of City Journal, the magazine of the Manhattan Institute.

Walter E. Williams *A Religious Reawakening*

Most of our nation's great problems stem from a decline in morality. A string of unbalanced federal budgets nearly four decades long reflects a moral failure to live within our means. A rapidly growing \$5-trillion national debt evinces the immorality of one generation imposing an unpardonable burden on future generations to pay for what essentially amounts to bread and circuses. The pretense of the charity of the welfare state represents our immoral struggle to live at the expense of others. Part and parcel of this welfare state is the intergenerational extortion of the young and yet-to-be-born by older Americans through Social Security and Medicare. Then there is the politics of "entitlement" that has spawned unprecedented dependency.

Governments cannot patch up the public and private imprudence that scars the modern American landscape. The ameliorative action government can take is to eliminate those programs and laws that have undermined traditional values and morality. Just as language evolved intrinsically, without government direction or control, so did moral or ethical standards. Honesty, restraint, self-reliance, and social coop-

A moral reawakening will reduce the size and scope of problems we now call on government to solve.

—Walter E. Williams

eration evolved as standards because they produced greater tranquillity and generated more wealth than their counterparts.

Much of our moral code has religious roots. Government attack on religion, under the contrivance of adhering to the "Establishment Clause," has played an important role in the decline of morality. It is religious teachings that bolster the moral standards against lying, treachery, deceit, fornication, adultery, confiscation, and

instant gratification. Religion promotes loyalty to family, friends, and community. Marxists and those in America who see the state as supreme find moral relativism far more friendly to their agenda than the absolutism of religion.

My dream of an American moral reawakening will reduce both the size and scope of problems we now call on government to solve. The problems that remain will be dealt with more compassionately through family, social organizations, and community as they were for most of our history.

Walter E. Williams is the John H. Olin Distinguished Professor of Economics at George Mason University.

Jason Turner *Work Requirements for Public Housing*

My dream is that sometime soon, the billions of dollars invested in public-housing bricks and mortar will be transformed into the sites of regenerated central-city working neighborhoods. There is reason to believe we have the ability to bring about such a change. Right now, although not a desirable place to live for most families, public housing embodies a large public subsidy to each family who benefits from it, equal in many instances to the monthly AFDC cash grant itself.

But although the cash value of a public-housing subsidy makes it a boon of sorts, free or almost free housing fosters an attitude that one's apartment unit, and by extension the surrounding project, are not worth the effort of maintaining standards. Destructive behaviors by residents and those in the surrounding community reinforce and reflect this attitude.

I envision reforms to require work as a condition of living in public housing, either in the private sector or in a community-service job to improve one's housing site or perform other neighborhood building activities. In the welfare-reform field, we have discovered the power of universal work requirements and expectations. In the current environment, individuals improving their lives through work are isolated and demoralized by those in the larger dependent environment around them. But public-housing sites have the potential to create a *controlled physical space* where expectations of work are enforced. For the formerly idle, enforced work initially may not be pleasant, but at least everybody will find themselves in the same boat.

Beginning in March, residents of Milwaukee's largest public-housing project will receive welfare payments only in proportion to required work completed; over time, this work require-

- * ment will be a condition of their lease as well. Fashioning work requirements to improve and build urban communities of the future will be our major challenge.

Jason Turner is the director, welfare replacement, the Department of Health and Social Services for the state of Wisconsin.

Heather Higgins New TV Shows

First, I propose two television productions. One would be called *America's Legal Nightmares*, and would expose myriad real-life instances of citizens persecuted by the state—by the EPA, for example, or by Child Protection Services. The

second, *American Stories*, is Michael Medved's companion idea; this program would celebrate individuals who have transcended personal hardships.

Second, before we can launch any systematic efforts to develop private charity, we must establish a reliable, independent referee of charities' effectiveness and reliability. The few organizations that track private charities lack the resources to follow any but the largest ones. When they evaluate a charity's finances, they must rely

on its own accounting, for which the rules are notoriously lax and potentially misleading. We need to establish explicit financial reporting standards for 501(c)(3) public charities and fund organizations both to evaluate and rate them by the Marvin Olasky criteria of effective compassion, and disseminate these findings, perhaps on the Internet.

Heather Higgins is the executive director of the Council on Culture and Community, in New York City.

Paul Weyrich A Revival Parallel to the Evangelicals

As Russell Kirk wrote, culture arises from the cult. Nonreligious people can be good people, as many a Stoic proved. But there never were very many Stoics. Human nature being what it is, most people need a religious foundation for their morals, if their morals are to be sound. Only the Transcendent has power enough to

overcome their natural inclination to "do their own thing."

It follows that if America's culture is to be rescued from the sewer into which it has fallen, we need a revival of religion. In theory, a number of religions offer a sound moral basis; it should be no surprise that the Confucian cultures of East Asia believe we could learn some things from them. But it is difficult to envision Confucianism or another non-Christian religion suddenly sweeping America. For reasons of history, if a religious revival is to happen here, it will be Christian. The choice is that or nothing.

Such a revival has in fact been under way for some time, spearheaded by the Protestant Evangelicals. They have done fruitful work, and the fact that there is any resistance at all to the destroyers of our culture is largely their doing. However, much of the citizenry remains beyond their reach. For many reasons, these people are uncomfortable with either the Evangelical message or the Evangelical style. No one is at fault for this; it is a fact of life that people differ.

I dream of an effort parallel to the Protestant Evangelical revival, not in competition with it. Both would be aimed at the unchurched, not each other.

The new effort would be led by a real new order; a new religious order, similar to older orders such as the Benedictines, the Cistercians, and the like. It would be liturgical, apostolic, and sacramental, but it would not be part of any of the four churches with those characteristics (the Eastern Orthodox, Roman Catholics, and orthodox remnants of the Anglicans and Scandinavian Lutherans). It would be supported by all of them, it would draw from all of them, and it would be recognized as legitimate by all of them.

But the key difference is that it would not require anyone to join any organization to partake of a liturgical and sacramental religious life led by clergy who were part of the apostolic succession. In our sad times, it is probably necessary to say that this new order would adhere rigorously to the creeds and the doctrines of the Church as laid down and universally accepted before the split of 1054 A.D. And it would preach and practice, within the limits of human frailty, traditional Christian morals.

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Paul Weyrich is the president of the Free Congress Foundation.



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ment over communism's worker state. Communism was never militarily defeated, and the hunger in the former communist states for Western-style political democracy is moderate. But eventually the most repressive regimes in history were overwhelmed by worker demands for the abundance enjoyed by the West.

Today, the condition of Western workers is in steady deterioration for reasons that the early labor movement would be incapable of addressing. Capital is organized across national boundaries; labor is not. In an unequal contest, labor grows more disorganized and weaker in the West, most especially in the United States, with each passing year. Wages stagnate, benefits are eliminated, the work week lengthens, safety conditions worsen.

Meanwhile, capital scours the world for the cheapest, most disorganized, most easily exploited labor—including child labor, prison labor, and even outright slave labor. Unless this deterioration can be arrested, we may see once again

the desperate conditions that in the late 19th century made the worker state seem a reasonable alternative.

What would a new capitalist labor movement—private, just as the first one was private—look like? I don't know, but thanks to mutual funds and pension plans, stockholders and workers are increasingly the same people.

The new stockholders have not found a way to collectivize and mobilize their capital on behalf of themselves as, simultaneously, labor. If they could do this, they might be seen as creating a new kind of labor movement. The strike would not be the tool of choice for this labor movement; but if the movement could impose its will in other ways, the middle class that the first labor movement played so large a part in creating might begin to recover from its current, precipitous decline.

Jack Miles is a professor at Claremont Graduate School in Claremont, California.

William J. Bratton: Police Training for Youth

I always knew what I wanted to do when I grew up: I always wanted to be a cop. Growing up in Boston, I admired the police and the responsibility they took for others. From my earliest years, when police officers helped me across the street on my way to school, they were strong role models. It was a natural thing for me to emulate them.

For a lot of kids today, it's not so simple. Many kids are alienated from the police, and their peers reinforce the alienation. Instead of seeing cops as assisting people, they see them as authority figures to be defied. Before many young people mature and finally realize that they'd like to have police careers, they already have police records. It's a tragic waste of kids who could have made good, even great, police officers. It's also a big problem for society because—as demographers warn—the late 1990s will bring an increase in the youth population and a likely rise in the crime rate.

For all these reasons, I have a dream of developing a youth police career path to provide the children of New York City with police role models in their developmental years. By exposing kids to positive interactions with police, the career path would help keep them focused and

directed in their teen years and simultaneously ensure the police department of a stronger field of candidates from which to choose.

Although we would continue to reach into elementary schools with antidrug programs, the official police youth career path would begin with kids in their early teens, who could attend a youth academy for six weeks in the summer beginning at age 12. The academy would familiarize them with the police department and heighten their interest in police careers while giving them a strong dose of antidrug and antigang education. The NYPD ran a successful pilot youth academy in Brooklyn last summer with 150 attendees, and we've raised the funds, from private and government sources, to enroll a thousand attendees from all over the city this summer.

After the youth academy, we would recruit kids into the next step in a youth career path—the Law Enforcement Explorers, a division of the Boy Scouts of America, open to young men and women ages 14 to 21. Now established in 66 of the New York City police department's 97 precincts, transit districts, and housing service areas, the NYPD Explorers serve about 2,000 young people with a program of character



**Charles Wolf Jr. and
Claire West Orr**
Hand Up for Homeless

Bill Williams was living in the alleys of Long Beach this time last year. He was well educated and had exceptional verbal skills, but used his "smarts" to do little jobs until he had enough money to buy his drugs for the day. He would "zone out," promising himself that tomorrow he would change. This went on for three years.

Finally, one day he called "Info Line" and was told about P.A.T.H. (People Assisting the Homeless) in West Los Angeles. He lied about having been drugfree for 30 days and was admitted to Phase I of P.A.T.H.'s residential program.

Today he is an account executive at a publication called *Senior Life*. He has his own apartment and drives a company car.

Today Bill Williams and hundreds like him are hard-working, taxpaying members of society. Why? Because representatives from churches,

synagogues, and the business community met 10 years ago and decided that they would try to do something to help the growing numbers of homeless people gravitating toward the affluent Westside of Los Angeles.

Residents of the P.A.T.H. home-site are required to seek employment immediately. They are also obliged to keep the building clean and do their own laundry; in return they occupy a room in a newly remodeled building—a safe and cheerful environment. A tight spending constraint limits them to a bus pass and \$10 a week for incidental expenses.

Members of the P.A.T.H. community have recently learned to write resumés, contact potential employers, and acquire computer skills at P.A.T.H.'s Job Access Center located in the same building.

While at P.A.T.H., men and women (and children over four) live with others who are also determined to change their lives. Peer pressure and support, a small but caring staff, an execu-

building, citizenship training, and physical fitness.

While participating in the Explorers, young people could also attend a specialty high school for students interested in policing, fire fighting, and other public-safety careers. A public-safety high school, now in the early planning stages, would show young people how their academic work builds toward their desired careers and use examples from police and other public-safety agencies as teaching tools. It would also surround them with like-minded students with similar goals, exerting a very different and more beneficial kind of peer pressure.

The NYPD is raising the qualifications for police officers this year, requiring candidates to have 60 college credits and to have reached the age of 22. In a continuation of the youth career path, students attending colleges in the City University system could serve as police cadets, a police internship offering college credits for working in unpaid, part-time positions with the NYPD. The department would also assist cadets in finding part-time paying jobs in the private security industry or in the New York City school security system, both of which have had difficulty in recruiting quality personnel.

In either capacity, cadets could practice the skills of projecting authority, mediating conflicts, and defusing potentially violent situations. Another advantage of using them in the school security system—which Mayor Giuliani is planning to place under the direction of the NYPD in the near future—is that these young security

guards would serve as role models to the next generation of young people. Unlike the cadet program we have now—which provides stipends to 320 cadets a year out of city and federal funds—this program would earn its own way. By the time the cadets were ready to enter the police department, they'd have a significant work history, college background, and police training. They would probably require less training at our police academy, and would certainly be better prepared for the discipline and lifestyle of police work. Our academy would thus build a police force from a better base of candidates.

Peer pressure leads many young people astray. In some of the more impoverished neighborhoods, just hanging out on the street corner can be a career path straight to crime. Through the police youth career path, we would offer the kids the opportunity to hang out with us. If we capture them early, it can make all the difference in the world. The kids get a focus and a goal, private security and school security get better employees, and the city gets a much better crop of candidates for police officers. The department would have a larger pool of minority candidates and a larger pool of candidates who live in the city. The very group—teenagers and young adults—that is predicted to cause all the law-enforcement problems in the late 1990s can begin to be part of the solution. In my dream, everybody wins.

William J. Bratton is the police commissioner of New York City.

discouragement, will get a fair chance to grow up happy and productive citizens. However sweeping this reform, it must be weighed against today's dreadful welfare system, which condemns millions of children to grow up with so much human talent unawakened, lost to themselves and to society.

Myron E. Magnet is the editor of City Journal, the magazine of the Manhattan Institute.

Walter E. Williams *A Religious Reawakening*

Most of our nation's great problems stem from a decline in morality. A string of unbalanced federal budgets nearly four decades long reflects a moral failure to live within our means. A rapidly growing \$5-trillion national debt evinces the immorality of one generation imposing an unpardonable burden on future generations to pay for what essentially amounts to bread and circuses. The pretense of the charity of the welfare state represents our immoral struggle to live at the expense of others. Part and parcel of this welfare state is the intergenerational extortion of the young and yet-to-be-born by older Americans through Social Security and Medicare. Then there is the politics of "entitlement" that has spawned unprecedented dependency.

Governments cannot patch up the public and private imprudence that scars the modern American landscape. The ameliorative action government can take is to eliminate those programs and laws that have undermined traditional values and morality. Just as language evolved intrinsically, without government direction or control, so did moral or ethical standards. Honesty, restraint, self-reliance, and social coop-

A moral reawakening will reduce the size and scope of problems we now call on government to solve.

—Walter E. Williams

eration evolved as standards because they produced greater tranquillity and generated more wealth than their counterparts.

Much of our moral code has religious roots. Government attack on religion, under the contrivance of adhering to the "Establishment Clause," has played an important role in the decline of morality. It is religious teachings that bolster the moral standards against lying, treachery, deceit, fornication, adultery, confiscation, and

instant gratification. Religion promotes loyalty to family, friends, and community. Marxists and those in America who see the state as supreme find moral relativism far more friendly to their agenda than the absolutism of religion.

My dream of an American moral reawakening will reduce both the size and scope of problems we now call on government to solve. The problems that remain will be dealt with more compassionately through family, social organizations, and community as they were for most of our history.

Walter E. Williams is the John H. Olin Distinguished Professor of Economics at George Mason University.

Jason Turner *Work Requirements for Public Housing*

My dream is that sometime soon, the billions of dollars invested in public-housing bricks and mortar will be transformed into the sites of regenerated central-city working neighborhoods. There is reason to believe we have the ability to bring about such a change. Right now, although not a desirable place to live for most families, public housing embodies a large public subsidy to each family who benefits from it, equal in many instances to the monthly AFDC cash grant itself.

But although the cash value of a public-housing subsidy makes it a boon of sorts, free or almost free housing fosters an attitude that one's apartment unit, and by extension the surrounding project, are not worth the effort of maintaining standards. Destructive behaviors by residents and those in the surrounding community reinforce and reflect this attitude.

I envision reforms to require work as a condition of living in public housing, either in the private sector or in a community-service job to improve one's housing site or perform other neighborhood building activities. In the welfare-reform field, we have discovered the power of universal work requirements and expectations. In the current environment, individuals improving their lives through work are isolated and demoralized by those in the larger dependent environment around them. But public-housing sites have the potential to create a *controlled physical space* where expectations of work are enforced. For the formerly idle, enforced work initially may not be pleasant, but at least everybody will find themselves in the same boat. ✓

Beginning in March, residents of Milwaukee's largest public-housing project will receive welfare payments only in proportion to required work completed; over time, this work require-

* ment will be a condition of their lease as well. Fashioning work requirements to improve and build urban communities of the future will be our major challenge.

Jason Turner is the director, welfare replacement, the Department of Health and Social Services for the state of Wisconsin.

Heather Higgins New TV Shows

First, I propose two television productions. One would be called *America's Legal Nightmares*, and would expose myriad real-life instances of citizens persecuted by the state—by the EPA, for example, or by Child Protection Services. The

second, *American Stories*, is Michael Medved's companion idea; this program would celebrate individuals who have transcended personal hardships.

Second, before we can launch any systematic efforts to develop private charity, we must establish a reliable, independent referee of charities' effectiveness and reliability. The few organizations that track private charities lack the resources to follow any but the largest ones. When they evaluate a charity's finances, they must rely

on its own accounting, for which the rules are notoriously lax and potentially misleading. We need to establish explicit financial reporting standards for 501(c)(3) public charities and fund organizations both to evaluate and rate them by the Marvin Olasky criteria of effective compassion, and disseminate these findings, perhaps on the Internet.

Heather Higgins is the executive director of the Council on Culture and Community, in New York City.

Paul Weyrich A Revival Parallel to the Evangelicals

As Russell Kirk wrote, culture arises from the cult. Nonreligious people can be good people, as many a Stoic proved. But there never were very many Stoics. Human nature being what it is, most people need a religious foundation for their morals, if their morals are to be sound. Only the Transcendent has power enough to

overcome their natural inclination to "do their own thing."

It follows that if America's culture is to be rescued from the sewer into which it has fallen, we need a revival of religion. In theory, a number of religions offer a sound moral basis; it should be no surprise that the Confucian cultures of East Asia believe we could learn some things from them. But it is difficult to envision Confucianism or another non-Christian religion suddenly sweeping America. For reasons of history, if a religious revival is to happen here, it will be Christian. The choice is that or nothing.

Such a revival has in fact been under way for some time, spearheaded by the Protestant Evangelicals. They have done fruitful work, and the fact that there is any resistance at all to the destroyers of our culture is largely their doing. However, much of the citizenry remains beyond their reach. For many reasons, these people are uncomfortable with either the Evangelical message or the Evangelical style. No one is at fault for this; it is a fact of life that people differ.

I dream of an effort parallel to the Protestant Evangelical revival, not in competition with it. Both would be aimed at the unchurched, not each other.

The new effort would be led by a real new order; a new religious order, similar to older orders such as the Benedictines, the Cistercians, and the like. It would be liturgical, apostolic, and sacramental, but it would not be part of any of the four churches with those characteristics (the Eastern Orthodox, Roman Catholics, and orthodox remnants of the Anglicans and Scandinavian Lutherans). It would be supported by all of them, it would draw from all of them, and it would be recognized as legitimate by all of them.

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SUPREME COURT OF THE UNITED STATES

No. 95-5841

MICHAEL A. WHREN and JAMES L. BROWN,
PETITIONERS v. UNITED STATES
on writ of certiorari to the united states court
of appeals for the district of columbia circuit
[June 10, 1996]

Justice Scalia delivered the opinion of the Court.

In this case we decide whether the temporary detention of a motorist who the police have probable cause to believe has committed a civil traffic violation is inconsistent with the Fourth Amendment's prohibition against unreasonable seizures unless a reasonable officer would have been motivated to stop the car by a desire to enforce the traffic laws.

I

On the evening of June 10, 1993, plainclothes vice-squad officers of the District of Columbia Metropolitan Police Department were patrolling a -high drug area- of the city in an unmarked car. Their suspicions were aroused when they passed a dark Pathfinder truck with temporary license plates and youthful occupants waiting at a stop sign, the driver looking down into the lap of the passenger at his right. The truck remained stopped at the intersection for what seemed an unusually long time-more than 20 seconds. When the police car executed a U-turn in order to head back toward the truck, the Pathfinder turned suddenly to its right, without signalling, and sped off at an -unreasonable- speed. The policemen followed, and in a short while overtook the Pathfinder when it stopped behind other traffic at a red light. They pulled up alongside, and Officer Ephraim Soto stepped out and approached the driver's door, identifying himself as a police officer and directing the driver, petitioner Brown, to put the vehicle in park. When Soto drew up to the driver's window, he immediately observed two large plastic bags of what appeared to be crack cocaine in petitioner Whren's hands. Petitioners were arrested, and quantities of several types of illegal drugs were retrieved from the vehicle.

Petitioners were charged in a four-count indictment with violating various federal drug laws, including 21 U. S. C. 844(a) and 860(a). At a pretrial suppression hearing, they challenged the legality of the stop and the resulting seizure of the drugs. They argued that the stop had not been justified by probable cause to believe, or even reasonable suspicion, that petitioners were engaged in illegal drug-dealing activity; and that Officer Soto's asserted ground for approaching the vehicle-to give the driver a warning concerning traffic violations-was pretextual. The District Court denied the suppression motion, concluding that -the facts of the stop were not controverted,- and -[t]here was nothing to really demonstrate that the actions of the officers were

contrary' to a normal traffic stop.- App. 5.

Petitioners were convicted of the counts at issue here. The Court of Appeals affirmed the convictions, holding with respect to the suppression issue that, -regardless of whether a police officer subjectively believes that the occupants of an automobile may be engaging in some other illegal behavior, a traffic stop is permissible as long as a reasonable officer in the same circumstances could have stopped the car for the suspected traffic violation.- 53 F. 3d 371, 374-375 (CA DC 1995). We granted certiorari. 516 U. S. ____ (1996).

II

The Fourth Amendment guarantees -[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.- Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a -seizure- of -persons- within the meaning of this provision. See *Delaware v. Prouse*, 440 U. S. 648, 653 (1979); *United States v. Martinez-Fuerte*, 428 U. S. 543, 556 (1976); *United States v. Brignoni-Ponce*, 422 U. S. 873, 878 (1975). An automobile stop is thus subject to the constitutional imperative that it not be -unreasonable- under the circumstances. As a general matter, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred. See *Prouse*, *supra*, at 659; *Pennsylvania v. Mimms*, 434 U. S. 106, 109 (1977) (*per curiam*).

Petitioners accept that Officer Soto had probable cause to believe that various provisions of the District of Columbia traffic code had been violated. See 18 D. C. Mun. Regs. 2213.4 (1995) (-An operator shall . . . give full time and attention to the operation of the vehicle-); 2204.3 (-No person shall turn any vehicle . . . without giving an appropriate signal-); 2200.3 (-No person shall drive a vehicle . . . at a speed greater than is reasonable and prudent under the conditions-). They argue, however, that -in the unique context of civil traffic regulations- probable cause is not enough. Since, they contend, the use of automobiles is so heavily and minutely regulated that total compliance with traffic and safety rules is nearly impossible, a police officer will almost invariably be able to catch any given motorist in a technical violation. This creates the temptation to use traffic stops as a means of investigating other law violations, as to which no probable cause or even articulable suspicion exists. Petitioners, who are both black, further contend that police officers might decide which motorists to stop based on decidedly impermissible factors, such as the race of the car's occupants. To avoid this danger, they say, the Fourth Amendment test for traffic stops should be, not the normal one (applied by the Court of Appeals) of whether probable cause existed to justify the stop; but rather, whether a police officer, acting reasonably, would have made the stop for the reason given.

A

Petitioners contend that the standard they propose is consistent with our past cases' disapproval of police attempts to use valid bases of action against citizens as

pretexts for pursuing other investigatory agendas. We are reminded that in *Florida v. Wells*, 495 U. S. 1, 4 (1990), we stated that -an inventory search[] must not be used as a ruse for a general rummaging in order to discover incriminating evidence-; that in *Colorado v. Bertine*, 479 U. S. 367, 372 (1987), in approving an inventory search, we apparently thought it significant that there had been -no showing that the police, who were following standard procedures, acted in bad faith or for the sole purpose of investigation-; and that in *New York v. Burger*, 482 U. S. 691, 716-717, n. 27 (1987), we observed, in upholding the constitutionality of a warrantless administrative inspection, that the search did not appear to be -a 'pretext' for obtaining evidence of . . . violation of . . . penal laws.- But only an undiscerning reader would regard these cases as endorsing the principle that ulterior motives can invalidate police conduct that is justifiable on the basis of probable cause to believe that a violation of law has occurred. In each case we were addressing the validity of a search conducted in the absence of probable cause. Our quoted statements simply explain that the exemption from the need for probable cause (and warrant), which is accorded to searches made for the purpose of inventory or administrative regulation, is not accorded to searches that are not made for those purposes. See *Bertine*, supra, at 371-372; *Burger*, supra, at 702-703.

Petitioners also rely upon *Colorado v. Bannister*, 449 U. S. 1 (1980) (per curiam), a case which, like this one, involved a traffic stop as the prelude to a plain-view sighting and arrest on charges wholly unrelated to the basis for the stop. Petitioners point to our statement that -there was no evidence whatsoever that the officer's presence to issue a traffic citation was a pretext to confirm any other previous suspicion about the occupants- of the car. *Id.*, at 4, n. 4. That dictum at most demonstrates that the Court in *Bannister* found no need to inquire into the question now under discussion; not that it was certain of the answer. And it may demonstrate even less than that: if by -pretext- the Court meant that the officer really had not seen the car speeding, the statement would mean only that there was no reason to doubt probable cause for the traffic stop.

It would, moreover, be anomalous, to say the least, to treat a statement in a footnote in the per curiam *Bannister* opinion as indicating a reversal of our prior law. Petitioners' difficulty is not simply a lack of affirmative support for their position. Not only have we never held, outside the context of inventory search or administrative inspection (discussed above), that an officer's motive invalidates objectively justifiable behavior under the Fourth Amendment; but we have repeatedly held and asserted the contrary. In *United States v. Villamonte-Marquez*, 462 U. S. 579, 584, n. 3 (1983), we held that an otherwise valid warrantless boarding of a vessel by customs officials was not rendered invalid -because the customs officers were accompanied by a Louisiana state policeman, and were following an informant's tip that a vessel in the ship channel was thought to be carrying marihuana.- We flatly dismissed the idea that an ulterior motive might serve to strip the agents of their legal justification. In *United States v. Robinson*, 414 U. S. 218 (1973), we held that a traffic-

violation arrest (of the sort here) would not be rendered invalid by the fact that it was -a mere pretext for a narcotics search,- id., at 221, n. 1; and that a lawful postarrest search of the person would not be rendered invalid by the fact that it was not motivated by the officer-safety concern that justifies such searches, see id., at 236. See also *Gustafson v. Florida*, 414 U. S. 260, 266 (1973). And in *Scott v. United States*, 436 U. S. 128, 138 (1978), in rejecting the contention that wiretap evidence was subject to exclusion because the agents conducting the tap had failed to make any effort to comply with the statutory requirement that unauthorized acquisitions be minimized, we said that -[s]ubjective intent alone . . . does not make otherwise lawful conduct illegal or unconstitutional.- We described Robinson as having established that -the fact that the officer does not have the state of mind which is hypothecated by the reasons which provide the legal justification for the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action.- 436 U. S., at 138.

We think these cases foreclose any argument that the constitutional reasonableness of traffic stops depends on the actual motivations of the individual officers involved. We of course agree with petitioners that the Constitution prohibits selective enforcement of the law based on considerations such as race. But the constitutional basis for objecting to intentionally discriminatory application of laws is the Equal Protection Clause, not the Fourth Amendment. Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis.

B

Recognizing that we have been unwilling to entertain Fourth Amendment challenges based on the actual motivations of individual officers, petitioners disavow any intention to make the individual officer's subjective good faith the touchstone of -reasonableness.- They insist that the standard they have put forward-whether the officer's conduct deviated materially from usual police practices, so that a reasonable officer in the same circumstances would not have made the stop for the reasons given-is an -objective- one.

But although framed in empirical terms, this approach is plainly and indisputably driven by subjective considerations. Its whole purpose is to prevent the police from doing under the guise of enforcing the traffic code what they would like to do for different reasons. Petitioners' proposed standard may not use the word -pretext,- but it is designed to combat nothing other than the perceived -danger- of the pretextual stop, albeit only indirectly and over the run of cases. Instead of asking whether the individual officer had the proper state of mind, the petitioners would have us ask, in effect, whether (based on general police practices) it is plausible to believe that the officer had the proper state of mind.

Why one would frame a test designed to combat pretext in such fashion that the court cannot take into account actual and admitted pretext is a curiosity that can only be explained by the fact that our cases have foreclosed the more sensible option. If those cases were based only upon the evidentiary difficulty of establishing

subjective intent, petitioners' attempt to root out subjective vices through objective means might make sense. But they were not based only upon that, or indeed even principally upon that. Their principal basis-which applies equally to attempts to reach subjective intent through ostensibly objective means-is simply that the Fourth Amendment's concern with -reasonableness- allows certain actions to be taken in certain circumstances, whatever the subjective intent. See, e.g., Robinson, *supra*, at 236 (-Since it is the fact of custodial arrest which gives rise to the authority to search, it is of no moment that [the officer] did not indicate any subjective fear of the [arrestee] or that he did not himself suspect that [the arrestee] was armed-); Gustafson, *supra*, at 266 (same). But even if our concern had been only an evidentiary one, petitioners' proposal would by no means assuage it. Indeed, it seems to us somewhat easier to figure out the intent of an individual officer than to plumb the collective consciousness of law enforcement in order to determine whether a -reasonable officer- would have been moved to act upon the traffic violation. While police manuals and standard procedures may sometimes provide objective assistance, ordinarily one would be reduced to speculating about the hypothetical reaction of a hypothetical constable-an exercise that might be called virtual subjectivity.

Moreover, police enforcement practices, even if they could be practicably assessed by a judge, vary from place to place and from time to time. We cannot accept that the search and seizure protections of the Fourth Amendment are so variable, cf. Gustafson, *supra*, at 265; *United States v. Caceres*, 440 U. S. 741, 755-756 (1979), and can be made to turn upon such trivialities. The difficulty is illustrated by petitioners' arguments in this case. Their claim that a reasonable officer would not have made this stop is based largely on District of Columbia police regulations which permit plainclothes officers in unmarked vehicles to enforce traffic laws -only in the case of a violation that is so grave as to pose an immediate threat to the safety of others.- Metropolitan Police Department-Washington, D. C., General Order 303.1, pt. 1, Objectives and Policies (A)(2)(4) (Apr. 30, 1992), reprinted as Addendum to Brief for Petitioners. This basis of invalidation would not apply in jurisdictions that had a different practice. And it would not have applied even in the District of Columbia, if Officer Soto had been wearing a uniform or patrolling in a marked police cruiser.

Petitioners argue that our cases support insistence upon police adherence to standard practices as an objective means of rooting out pretext. They cite no holding to that effect, and dicta in only two cases. In *Abel v. United States*, 362 U. S. 217 (1960), the petitioner had been arrested by the Immigration and Naturalization Service (INS), on the basis of an administrative warrant that, he claimed, had been issued on pretextual grounds in order to enable the Federal Bureau of Investigation (FBI) to search his room after his arrest. We regarded this as an allegation of -serious misconduct,- but rejected Abel's claims on the ground that -[a] finding of bad faith is . . . not open to us on th[e] record- in light of the findings below, including the finding that -the proceedings taken by the [INS] dif-

ferred in no respect from what would have been done in the case of an individual concerning whom [there was no pending FBI investigation],'- id., at 226-227. But it is a long leap from the proposition that following regular procedures is some evidence of lack of pretext to the proposition that failure to follow regular procedures proves (or is an operational substitute for) pretext. Abel, moreover, did not involve the assertion that pretext could invalidate a search or seizure for which there was probable cause-and even what it said about pretext in other contexts is plainly inconsistent with the views we later stated in Robinson, Gustafson, Scott, and Villamonte-Marquez. In the other case claimed to contain supportive dicta, United States v. Robinson, 414 U. S. 218 (1973), in approving a search incident to an arrest for driving without a license, we noted that the arrest was -not a departure from established police department practice.- Id., at 221, n. 1. That was followed, however, by the statement that -[w]e leave for another day questions which would arise on facts different from these.- Ibid. This is not even a dictum that purports to provide an answer, but merely one that leaves the question open.

III

In what would appear to be an elaboration on the -reasonable officer- test, petitioners argue that the balancing inherent in any Fourth Amendment inquiry requires us to weigh the governmental and individual interests implicated in a traffic stop such as we have here. That balancing, petitioners claim, does not support investigation of minor traffic infractions by plainclothes police in unmarked vehicles; such investigation only minimally advances the government's interest in traffic safety, and may indeed retard it by producing motorist confusion and alarm-a view said to be supported by the Metropolitan Police Department's own regulations generally prohibiting this practice. And as for the Fourth Amendment interests of the individuals concerned, petitioners point out that our cases acknowledge that even ordinary traffic stops entail -a possibly unsettling show of authority-; that they at best -interfere with freedom of movement, are inconvenient, and consume time- and at worst -may create substantial anxiety,- Prouse, 440 U. S., at 657. That anxiety is likely to be even more pronounced when the stop is conducted by plainclothes officers in unmarked cars.

It is of course true that in principle every Fourth Amendment case, since it turns upon a -reasonableness- determination, involves a balancing of all relevant factors. With rare exceptions not applicable here, however, the result of that balancing is not in doubt where the search or seizure is based upon probable cause. That is why petitioners must rely upon cases like Prouse to provide examples of actual -balancing- analysis. There, the police action in question was a random traffic stop for the purpose of checking a motorist's license and vehicle registration, a practice that-like the practices at issue in the inventory search and administrative inspection cases upon which petitioners rely in making their -pretext- claim-involves police intrusion without the probable cause that is its traditional justification. Our opinion in Prouse expressly distin-

guished the case from a stop based on precisely what is at issue here: -probable cause to believe that a driver is violating any one of the multitude of applicable traffic and equipment regulations.- 440 U. S., at 661. It noted approvingly that -[t]he foremost method of enforcing traffic and vehicle safety regulations . . . is acting upon observed violations,- id., at 659, which afford the -'quantum of individualized suspicion'- necessary to ensure that police discretion is sufficiently constrained, id., at 654-655 (quoting *United States v. Martinez-Fuerte*, 428 U. S., at 560). What is true of *Prouse* is also true of other cases that engaged in detailed -balancing- to decide the constitutionality of automobile stops, such as *Martinez-Fuerte*, supra, which upheld checkpoint stops, see 428 U. S., at 556-562, and *Brignoni-Ponce*, supra, which disallowed so-called -roving patrol- stops, see 422 U. S., at 882-884: the detailed -balancing- analysis was necessary because they involved seizures without probable cause.

Where probable cause has existed, the only cases in which we have found it necessary actually to perform the -balancing- analysis involved searches or seizures conducted in an extraordinary manner, unusually harmful to an individual's privacy or even physical interests-such as, for example, seizure by means of deadly force, see *Tennessee v. Garner*, 471 U. S. 1 (1985), unannounced entry into a home, see *Wilson v. Arkansas*, 514 U. S. ____ (1995), entry into a home without a warrant, see *Welsh v. Wisconsin*, 466 U. S. 740 (1984), or physical penetration of the body, see *Winston v. Lee*, 470 U. S. 753 (1985). The making of a traffic stop out-of-uniform does not remotely qualify as such an extreme practice, and so is governed by the usual rule that probable cause to believe the law has been broken -outbalances- private interest in avoiding police contact.

Petitioners urge as an extraordinary factor in this case that the -multitude of applicable traffic and equipment regulations- is so large and so difficult to obey perfectly that virtually everyone is guilty of violation, permitting the police to single out almost whomever they wish for a stop. But we are aware of no principle that would allow us to decide at what point a code of law becomes so expansive and so commonly violated that infraction itself can no longer be the ordinary measure of the lawfulness of enforcement. And even if we could identify such exorbitant codes, we do not know by what standard (or what right) we would decide, as petitioners would have us do, which particular provisions are sufficiently important to merit enforcement.

For the run-of-the-mine case, which this surely is, we think there is no realistic alternative to the traditional common-law rule that probable cause justifies a search and seizure.

* * *

Here the District Court found that the officers had probable cause to believe that petitioners had violated the traffic code. That rendered the stop reasonable under the Fourth Amendment, the evidence thereby discovered admissible, and the upholding of the convictions by the Court of Appeals for the District of Columbia Circuit correct.

Judgment affirmed.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

10-Jun-1996 03:48pm

TO: Michelle Crisci
TO: Rahm Emanuel
TO: Dennis Burke

FROM: Bruce N. Reed
Domestic Policy Council

CC: Donald A. Baer
CC: Victoria L. Radd

SUBJECT: Radio Address on Minor Offenses, Stop & Frisk?

Date: 06/10/96 Time: 15:26

SJustices Rule Traffic Stop Can Lead to Search, Seizure

WASHINGTON (AP) Police generally can stop motorists for traffic violations even when the officers are really looking for evidence of other illegal activity such as drug use, the Supreme Court ruled Monday.

The court unanimously upheld the drug convictions of two men who said District of Columbia vice officers improperly stopped them on a traffic violation as a pretext to look for drugs.

The two men said the stop violated their Fourth Amendment protection against unreasonable searches and seizures.

Justice Antonin Scalia wrote for the court that the court's previous rulings ``foreclose any argument that the constitutional reasonableness of traffic stops depends on the actual motivations of the individual officers involved.''

``For the run-of-the-mine case, which this surely is, we think there is no realistic alternative to the traditional common-law rule that probable cause justifies a search and seizure,' ' the justice said.

``Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis,' ' Scalia added.

Scalia said the Constitution protects motorists against selective law enforcement based on such factors as race. Objections in such cases should be based on the 14th Amendment's equal protection guarantee, he said.

Georgetown law professor David Cole said the ruling ``cuts off inquiry into a growing problem the use of broad-based traffic regulations to conduct searches for criminal law enforcement.''

It is almost impossible to drive without committing some sort of traffic violation, he said.

Cole also noted that the high court recently made it harder for criminal defendants to pursue selective prosecution claims. Ruling in an unrelated case from California last month, the justices said

defendants must show that people of other races were not prosecuted for the same crime.

No selective prosecution claim based on race has succeeded in any federal court since 1886, Cole said.

In the case decided Monday, Michael A. Whren and James L. Brown were convicted of possessing crack cocaine, marijuana and PCP after they were stopped by District of Columbia police vice officers in June 1993. Each was sentenced to 14 years in prison.

The plainclothes officers driving an unmarked car in a ``high drug area'' of the city saw the car pause for more than 20 seconds at an intersection, obstructing the car behind them, and then turn without signaling and speed away.

Police pulled the car over and said they saw Whren holding a plastic bag that appeared to contain crack. The two were arrested, and police said they found other drugs in the car.

Whren and Brown argued that the drugs should not be admitted as evidence. They said the search was unreasonable, particularly because the vice officers were barred by local police rules from making traffic stops.

Lawyers for the two argued that evidence seized in a traffic stop should be allowed in court only if a reasonable officer in the same circumstances would have made the traffic stop.

A judge ruled against them, and the U.S. Court of Appeals for the District of Columbia Circuit affirmed their convictions.

The Supreme Court agreed. With rare exceptions, probable cause to believe that a traffic violation has been committed is enough to justify a search and seizure, Scalia said.

APNP-06-10-96 1530EDT

1ST CASE of Level 2 printed in FULL format.

MICHAEL A. WHREN AND JAMES L. BROWN, PETITIONERS v. UNITED STATES

No. 95-5841

SUPREME COURT OF THE UNITED STATES

1996 U.S. LEXIS 3720

April 17, 1996, Argued

June 10, 1996, Decided

NOTICE: [*1] This preliminary LEXIS version is unedited and subject to revision.

The LEXIS pagination of this document is subject to change pending release of the final published version.

PRIOR HISTORY: ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

SYLLABUS:

Plainclothes policemen patrolling a "high drug area" in an unmarked vehicle observed a truck driven by petitioner Brown waiting at a stop sign at an intersection for an unusually long time; the truck then turned suddenly, without signalling, and sped off at an "unreasonable" speed. The officers stopped the vehicle, assertedly to warn the driver about traffic violations, and upon approaching the truck observed plastic bags of crack cocaine in petitioner Whren's hands. Petitioners were arrested. Prior to trial on federal drug charges, they moved for suppression of the evidence, arguing that the stop had not been justified by either a reasonable suspicion or probable cause to believe petitioners [*2] were engaged in illegal drug-dealing activity, and that the officers' traffic-violation ground for approaching the truck was pretextual. The motion to suppress was denied, petitioners were convicted, and the Court of Appeals affirmed.

Held: The temporary detention of a motorist upon probable cause to believe that he has violated the traffic laws does not violate the Fourth Amendment's prohibition against unreasonable seizures, even if a reasonable officer would not have stopped the motorist absent some additional law enforcement objective. Pp. 3-13.

(a) Detention of a motorist is reasonable where prob-

able cause exists to believe that a traffic violation has occurred. See, e.g., *Delaware v. Prouse*, 440 U. S. 648, 659. Petitioners claim that, because the police may be tempted to use commonly occurring traffic violations as means of investigating violations of other laws, the Fourth Amendment test for traffic stops should be whether a reasonable officer would have stopped the car for the purpose of enforcing the traffic violation at issue. However, this Court's cases foreclose the argument that ulterior motives can invalidate police conduct justified on the basis [*3] of probable cause. See, e.g., *United States v. Robinson*, 414 U. S. 218, 221, n. 1, 236. Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis. Pp. 3-7.

(b) Although framed as an empirical question--whether the officer's conduct deviated materially from standard police practices--petitioners' proposed test is plainly designed to combat the perceived danger of pretextual stops. It is thus inconsistent with this Court's cases, which make clear that the Fourth Amendment's concern with "reasonableness" allows certain actions to be taken in certain circumstances, whatever the subjective intent. See, e.g., *Robinson, supra*, at 236. Nor can the Fourth Amendment's protections be thought to vary from place to place and from time to time, which would be the consequence of assessing the reasonableness of police conduct in light of local law enforcement practices. Pp. 7-10.

(c) Also rejected is petitioners' argument that the balancing of interests inherent in Fourth Amendment inquiries does not support enforcement of minor traffic laws by plainclothes police in unmarked vehicles, since that practice only minimally advances the government's [*4] interest in traffic safety while subjecting motorists to inconvenience, confusion, and anxiety. Where probable cause exists, this Court has found it necessary to

engage in balancing only in cases involving searches or seizures conducted in a manner unusually harmful to the individual. See, e.g., *Tennessee v. Garner*, 471 U. S. 1. The making of a traffic stop out-of-uniform does not remotely qualify as such an extreme practice. Pp. 10-13.

53 F. 3d 371, affirmed.

JUDGES: SCALIA, J., delivered the opinion for a unanimous Court.

OPINIONBY: SCALIA

OPINION: JUSTICE SCALIA delivered the opinion of the Court.

In this case we decide whether the temporary detention of a motorist who the police have probable cause to believe has committed a civil traffic violation is inconsistent with the Fourth Amendment's prohibition against unreasonable seizures unless a reasonable officer would have been motivated to stop the car by a desire to enforce the traffic laws.

I

On the evening of June 10, 1993, plainclothes vice-squad officers of the District of Columbia Metropolitan Police Department were patrolling a "high drug area" of the city in an unmarked car. Their suspicions were aroused when they passed [*5] a dark Pathfinder truck with temporary license plates and youthful occupants waiting at a stop sign, the driver looking down into the lap of the passenger at his right. The truck remained stopped at the intersection for what seemed an unusually long time--more than 20 seconds. When the police car executed a U-turn in order to head back toward the truck, the Pathfinder turned suddenly to its right, without signalling, and sped off at an "unreasonable" speed. The policemen followed, and in a short while overtook the Pathfinder when it stopped behind other traffic at a red light. They pulled up alongside, and Officer Ephraim Soto stepped out and approached the driver's door, identifying himself as a police officer and directing the driver, petitioner Brown, to put the vehicle in park. When Soto drew up to the driver's window, he immediately observed two large plastic bags of what appeared to be crack cocaine in petitioner Whren's hands. Petitioners were arrested, and quantities of several types of illegal drugs were retrieved from the vehicle.

Petitioners were charged in a four-count indictment with violating various federal drug laws, including 21 U. S. C. §§ 844(a) and 860(a). At a [*6] pretrial suppression hearing, they challenged the legality of the stop

and the resulting seizure of the drugs. They argued that the stop had not been justified by probable cause to believe, or even reasonable suspicion, that petitioners were engaged in illegal drug-dealing activity; and that Officer Soto's asserted ground for approaching the vehicle--to give the driver a warning concerning traffic violations--was pretextual. The District Court denied the suppression motion, concluding that "the facts of the stop were not controverted," and "there was nothing to really demonstrate that the actions of the officers were contrary to a normal traffic stop." App. 5.

Petitioners were convicted of the counts at issue here. The Court of Appeals affirmed the convictions, holding with respect to the suppression issue that, "regardless of whether a police officer subjectively believes that the occupants of an automobile may be engaging in some other illegal behavior, a traffic stop is permissible as long as a reasonable officer in the same circumstances could have stopped the car for the suspected traffic violation." 53 F. 3d 371, 374-375 (CA DC 1995). We granted certiorari. 516 U. S. ____ [*7] (1996).

II

The Fourth Amendment guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a "seizure" of "persons" within the meaning of this provision. See *Delaware v. Prouse*, 440 U. S. 648, 653 (1979); *United States v. Martinez-Fuerte*, 428 U. S. 543, 556 (1976); *United States v. Brignoni-Ponce*, 422 U. S. 873, 878 (1975). An automobile stop is thus subject to the constitutional imperative that it not be "unreasonable" under the circumstances. As a general matter, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred. See *Prouse*, *supra*, at 659; *Pennsylvania v. Mimms*, 434 U. S. 106, 109 (1977) (per curiam).

Petitioners accept that Officer Soto had probable cause to believe that various provisions of the District of Columbia traffic code had been violated. See 18 D. C. Mun. Regs. §§ 2213.4 (1995) ("An operator shall . . . give [*8] full time and attention to the operation of the vehicle"); 2204.3 ("No person shall turn any vehicle . . . without giving an appropriate signal"); 2200.3 ("No person shall drive a vehicle . . . at a speed greater than is reasonable and prudent under the conditions"). They argue, however, that "in the unique context of civil traffic regulations" probable cause is not enough. Since, they contend, the use of automobiles is so heavily and

minutely regulated that total compliance with traffic and safety rules is nearly impossible, a police officer will almost invariably be able to catch any given motorist in a technical violation. This creates the temptation to use traffic stops as a means of investigating other law violations, as to which no probable cause or even articulable suspicion exists. Petitioners, who are both black, further contend that police officers might decide which motorists to stop based on decidedly impermissible factors, such as the race of the car's occupants. To avoid this danger, they say, the Fourth Amendment test for traffic stops should be, not the normal one (applied by the Court of Appeals) of whether probable cause existed to justify the stop; but rather, whether [*9] a police officer, acting reasonably, would have made the stop for the reason given.

A

Petitioners contend that the standard they propose is consistent with our past cases' disapproval of police attempts to use valid bases of action against citizens as pretexts for pursuing other investigatory agendas. We are reminded that in *Florida v. Wells*, 495 U. S. 1, 4 (1990), we stated that "an inventory search[n1] must not be used as a ruse for a general rummaging in order to discover incriminating evidence"; that in *Colorado v. Bertine*, 479 U. S. 367, 372 (1987), in approving an inventory search, we apparently thought it significant that there had been "no showing that the police, who were following standard procedures, acted in bad faith or for the sole purpose of investigation"; and that in *New York v. Burger*, 482 U. S. 691, 716-717, n. 27 (1987), we observed, in upholding the constitutionality of a warrantless administrative inspection, n2 that the search did not appear to be "a 'pretext' for obtaining evidence of . . . violation of . . . penal laws." But only an undiscerning reader would regard these cases as endorsing the principle that ulterior motives can [*10] invalidate police conduct that is justifiable on the basis of probable cause to believe that a violation of law has occurred. In each case we were addressing the validity of a search conducted in the absence of probable cause. Our quoted statements simply explain that the exemption from the need for probable cause (and warrant), which is accorded to searches made for the purpose of inventory or administrative regulation, is not accorded to searches that are not made for those purposes. See *Bertine*, *supra*, at 371-372; *Burger*, *supra*, at 702-703.

n1 An inventory search is the search of property lawfully seized and detained, in order to ensure that it is harmless, to secure valuable items (such as might be kept in a towed car), and to protect against false

claims of loss or damage. See *South Dakota v. Opperman*, 428 U. S. 364, 369 (1976).

n2 An administrative inspection is the inspection of business premises conducted by authorities responsible for enforcing a pervasive regulatory scheme—for example, unannounced inspection of a mine for compliance with health and safety standards. See *Donovan v. Dewey*, 452 U. S. 594, 599-605 (1981).

[*11]

Petitioners also rely upon *Colorado v. Bannister*, 449 U. S. 1 (1980) (per curiam), a case which, like this one, involved a traffic stop as the prelude to a plain-view sighting and arrest on charges wholly unrelated to the basis for the stop. Petitioners point to our statement that "there was no evidence whatsoever that the officer's presence to issue a traffic citation was a pretext to confirm any other previous suspicion about the occupants" of the car. *Id.*, at 4, n. 4. That dictum at most demonstrates that the Court in *Bannister* found no need to inquire into the question now under discussion; not that it was certain of the answer. And it may demonstrate even less than that: if by "pretext" the Court meant that the officer really had not seen the car speeding, the statement would mean only that there was no reason to doubt probable cause for the traffic stop.

It would, moreover, be anomalous, to say the least, to treat a statement in a footnote in the per curiam *Bannister* opinion as indicating a reversal of our prior law. Petitioners' difficulty is not simply a lack of affirmative support for their position. Not only have we never held, outside the context [*12] of inventory search or administrative inspection (discussed above), that an officer's motive invalidates objectively justifiable behavior under the Fourth Amendment; but we have repeatedly held and asserted the contrary. In *United States v. Villamonte-Marquez*, 462 U. S. 579, 584, n. 3 (1983), we held that an otherwise valid warrantless boarding of a vessel by customs officials was not rendered invalid "because the customs officers were accompanied by a Louisiana state policeman, and were following an informant's tip that a vessel in the ship channel was thought to be carrying marihuana." We flatly dismissed the idea that an ulterior motive might serve to strip the agents of their legal justification. In *United States v. Robinson*, 414 U. S. 218 (1973), we held that a traffic-violation arrest (of the sort here) would not be rendered invalid by the fact that it was "a mere pretext for a narcotics search," *id.*, at 221, n. 1; and that a lawful postarrest search of the person would not be rendered invalid by the fact that it was not motivated by the

officer-safety concern that justifies such searches, see *id.*, at 236. See also *Gustafson v. Florida*, 414 U. S. 260, 266 (1973). And in *Scott v. United States*, 436 U. S. 128, 138 (1978), in rejecting the contention that wiretap evidence was subject to exclusion because the agents conducting the tap had failed to make any effort to comply with the statutory requirement that unauthorized acquisitions be minimized, we said that "subjective intent alone . . . does not make otherwise lawful conduct illegal or unconstitutional." We described Robinson as having established that "the fact that the officer does not have the state of mind which is hypothesized by the reasons which provide the legal justification for the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action." 436 U. S., at 138.

We think these cases foreclose any argument that the constitutional reasonableness of traffic stops depends on the actual motivations of the individual officers involved. We of course agree with petitioners that the Constitution prohibits selective enforcement of the law based on considerations such as race. But the constitutional basis for objecting to intentionally discriminatory application of laws is the Equal Protection Clause, [*14] not the Fourth Amendment. Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis.

B

Recognizing that we have been unwilling to entertain Fourth Amendment challenges based on the actual motivations of individual officers, petitioners disavow any intention to make the individual officer's subjective good faith the touchstone of "reasonableness." They insist that the standard they have put forward--whether the officer's conduct deviated materially from usual police practices, so that a reasonable officer in the same circumstances would not have made the stop for the reasons given--is an "objective" one.

But although framed in empirical terms, this approach is plainly and indisputably driven by subjective considerations. Its whole purpose is to prevent the police from doing under the guise of enforcing the traffic code what they would like to do for different reasons. Petitioners' proposed standard may not use the word "pretext," but it is designed to combat nothing other than the perceived "danger" of the pretextual stop, albeit only indirectly and over the run of cases. Instead of asking whether the individual officer had the proper state of mind, [*15] the petitioners would have us ask, in effect, whether (based on general police practices) it is plausible to believe that the officer had the proper state of mind.

Why one would frame a test designed to combat pretext in such fashion that the court cannot take into account actual and admitted pretext is a curiosity that can only be explained by the fact that our cases have foreclosed the more sensible option. If those cases were based only upon the evidentiary difficulty of establishing subjective intent, petitioners' attempt to root out subjective vices through objective means might make sense. But they were not based only upon that, or indeed even principally upon that. Their principal basis--which applies equally to attempts to reach subjective intent through ostensibly objective means--is simply that the Fourth Amendment's concern with "reasonableness" allows certain actions to be taken in certain circumstances, whatever the subjective intent. See, e.g., *Robinson, supra*, at 236 ("Since it is the fact of custodial arrest which gives rise to the authority to search, it is of no moment that [the officer] did not indicate any subjective fear of the [arrestee] or that [*16] he did not himself suspect that [the arrestee] was armed"); *Gustafson, supra*, at 266 (same). But even if our concern had been only an evidentiary one, petitioners' proposal would by no means assuage it. Indeed, it seems to us somewhat easier to figure out the intent of an individual officer than to plumb the collective consciousness of law enforcement in order to determine whether a "reasonable officer" would have been moved to act upon the traffic violation. While police manuals and standard procedures may sometimes provide objective assistance, ordinarily one would be reduced to speculating about the hypothetical reaction of a hypothetical constable--an exercise that might be called virtual subjectivity.

Moreover, police enforcement practices, even if they could be practicably assessed by a judge, vary from place to place and from time to time. We cannot accept that the search and seizure protections of the Fourth Amendment are so variable, cf. *Gustafson, supra*, at 265; *United States v. Caceres*, 440 U. S. 741, 755-756 (1979), and can be made to turn upon such trivialities. The difficulty is illustrated by petitioners' arguments in this case. Their claim that a [*17] reasonable officer would not have made this stop is based largely on District of Columbia police regulations which permit plainclothes officers in unmarked vehicles to enforce traffic laws "only in the case of a violation that is so grave as to pose an immediate threat to the safety of others." Metropolitan Police Department--Washington, D. C., General Order 303.1, pt. 1, Objectives and Policies (A)(2)(4) (Apr. 30, 1992), reprinted as Addendum to Brief for Petitioners. This basis of invalidation would not apply in jurisdictions that had a different practice. And it would not have applied even in the District of Columbia, if Officer Soto had been wearing a uniform

or patrolling in a marked police cruiser.

Petitioners argue that our cases support insistence upon police adherence to standard practices as an objective means of rooting out pretext. They cite no holding to that effect, and dicta in only two cases. In *Abel v. United States*, 362 U. S. 217 (1960), the petitioner had been arrested by the Immigration and Naturalization Service (INS), on the basis of an administrative warrant that, he claimed, had been issued on pretextual grounds in order to enable the Federal Bureau [*18] of Investigation (FBI) to search his room after his arrest. We regarded this as an allegation of "serious misconduct," but rejected Abel's claims on the ground that "[a] finding of bad faith is . . . not open to us on the record" in light of the findings below, including the finding that "the proceedings taken by the [INS] differed in no respect from what would have been done in the case of an individual concerning whom [there was no pending FBI investigation]," *id.*, at 226-227. But it is a long leap from the proposition that following regular procedures is some evidence of lack of pretext to the proposition that failure to follow regular procedures proves (or is an operational substitute for) pretext. Abel, moreover, did not involve the assertion that pretext could invalidate a search or seizure for which there was probable cause--and even what it said about pretext in other contexts is plainly inconsistent with the views we later stated in *Robinson*, *Gustafson*, *Scott*, and *Villamonte-Marquez*. In the other case claimed to contain supportive dicta, *United States v. Robinson*, 414 U. S. 218 (1973), in approving a search incident to an arrest for driving [*19] without a license, we noted that the arrest was "not a departure from established police department practice." *Id.*, at 221, n. 1. That was followed, however, by the statement that "we leave for another day questions which would arise on facts different from these." *Ibid.* This is not even a dictum that purports to provide an answer, but merely one that leaves the question open.

III

In what would appear to be an elaboration on the "reasonable officer" test, petitioners argue that the balancing inherent in any Fourth Amendment inquiry requires us to weigh the governmental and individual interests implicated in a traffic stop such as we have here. That balancing, petitioners claim, does not support investigation of minor traffic infractions by plainclothes police in unmarked vehicles; such investigation only minimally advances the government's interest in traffic safety, and may indeed retard it by producing motorist confusion and alarm--a view said to be supported by the Metropolitan Police Department's own regulations generally prohibiting this practice. And as for the Fourth

Amendment interests of the individuals concerned, petitioners point out that our cases acknowledge [*20] that even ordinary traffic stops entail "a possibly unsettling show of authority"; that they at best "interfere with freedom of movement, are inconvenient, and consume time" and at worst "may create substantial anxiety," *Prouse*, 440 U. S., at 657. That anxiety is likely to be even more pronounced when the stop is conducted by plainclothes officers in unmarked cars.

It is of course true that in principle every Fourth Amendment case, since it turns upon a "reasonableness" determination, involves a balancing of all relevant factors. With rare exceptions not applicable here, however, the result of that balancing is not in doubt where the search or seizure is based upon probable cause. That is why petitioners must rely upon cases like *Prouse* to provide examples of actual "balancing" analysis. There, the police action in question was a random traffic stop for the purpose of checking a motorist's license and vehicle registration, a practice that--like the practices at issue in the inventory search and administrative inspection cases upon which petitioners rely in making their "pretext" claim--involves police intrusion without the probable cause that is its traditional justification [*21]. Our opinion in *Prouse* expressly distinguished the case from a stop based on precisely what is at issue here: "probable cause to believe that a driver is violating any one of the multitude of applicable traffic and equipment regulations." 440 U. S., at 661. It noted approvingly that "the foremost method of enforcing traffic and vehicle safety regulations . . . is acting upon observed violations," *id.*, at 659, which afford the "'quantum of individualized suspicion'" necessary to ensure that police discretion is sufficiently constrained, *id.*, at 654-655 (quoting *United States v. Martinez-Fuerte*, 428 U. S., at 560). What is true of *Prouse* is also true of other cases that engaged in detailed "balancing" to decide the constitutionality of automobile stops, such as *Martinez-Fuerte*, *supra*, which upheld checkpoint stops, see 428 U. S., at 556-562, and *Brignoni-Ponce*, *supra*, which disallowed so-called "roving patrol" stops, see 422 U. S., at 882-884: the detailed "balancing" analysis was necessary because they involved seizures without probable cause.

Where probable cause has existed, the only cases in which we have found it necessary actually to perform the [*22] "balancing" analysis involved searches or seizures conducted in an extraordinary manner, unusually harmful to an individual's privacy or even physical interests--such as, for example, seizure by means of deadly force, see *Tennessee v. Garner*, 471 U. S. 1 (1985), unannounced entry into a home, see *Wilson v. Arkansas*, 514 U. S. ____ (1995), entry into a home without a war-

rant, see *Welsh v. Wisconsin*, 466 U. S. 740 (1984), or physical penetration of the body, see *Winston v. Lee*, 470 U. S. 753 (1985). The making of a traffic stop out-of-uniform does not remotely qualify as such an extreme practice, and so is governed by the usual rule that probable cause to believe the law has been broken "out-balances" private interest in avoiding police contact.

Petitioners urge as an extraordinary factor in this case that the "multitude of applicable traffic and equipment regulations" is so large and so difficult to obey perfectly that virtually everyone is guilty of violation, permitting the police to single out almost whomever they wish for a stop. But we are aware of no principle that would allow us to decide at what point a code of law becomes so expansive and so commonly [*23] violated that infraction itself can no longer be the ordinary measure of the lawfulness of enforcement. And even if we could identify such exorbitant codes, we do not know by what standard

(or what right) we would decide, as petitioners would have us do, which particular provisions are sufficiently important to merit enforcement.

For the run-of-the-mine case, which this surely is, we think there is no realistic alternative to the traditional common-law rule that probable cause justifies a search and seizure.

* * *

Here the District Court found that the officers had probable cause to believe that petitioners had violated the traffic code. That rendered the stop reasonable under the Fourth Amendment, the evidence thereby discovered admissible, and the upholding of the convictions by the Court of Appeals for the District of Columbia Circuit correct.

Judgment affirmed.

Dennis —

Here are ideas we need to work out
when you get back.

Thanks — have a
great vacation!

BR

CRIME

- . 1. Keep schools open late (guidelines?); youth academies (Bratton)
- . 2. Statutory rape impregnation penalty — prosecute under age for child abuse
- . 3. Truancy guidelines —
- . 4. Mini-crime package (DNA testing, ATM cameras, fingerprinting, cop cars, face ID)
- . 5. Minor offenses (guidelines?); Bratton head of 1m citizen patrols; COPS guidelines
- . 6. Victims Bill of Rights
- . 7. Bullet proof vests →
- . 8. Broken bottles EO — ban alcohol advertising from schools & public housing
- . 9. Youth academy/ROTC (Bratton)
- . 10. Taggart study by Treasury by Oct.
- . 11. Report on Truth in Sentencing
- . 12. Remote gun detection
- . 13. Militia bill
- . 14. 100k cell phones
- . 15. Juvenile Crime summit
- . 16. VAWA grants; challenge insurance cos to pay for domestic abuse
- . 17. National 9/11

9/11

→ Kennedy/Kassabian
will fix this

① - Statutory Rape

- Statute at limitations larger
- prosecute for impregnating

BR - prosecute ~~sex of~~ for "child abuse"

Cathy Stryker (FBI)

- Is there something

allows POTUS
to talk about
it

② Truancy POTUS talked about in NM

Combine truancy of state schools

③ Minor offenses → training

Directive to
Cops office

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

05-Apr-1996 07:10pm

TO: Dennis Burke

FROM: Christa T. Robinson
 Office of Public Liaison

SUBJECT: hey

I'm leaving you some stuff on a yellow legal pad, but here are the priorities:

1. Check first thing with Ellen Seidman on the s.502 stuff. She is working on it, and there is a possibility they can include it so it just needs to be pushed. I left a message for Tony Orza telling him to call Hilley and to touch base with you and I gave him Ellen's name. He was out of town, but you should call him. I mentioned to Beth that we were trying to get this done - just keep her posted.

→ The people who will be invited to the Pension Event are:
→ Bob Scully, Rich Roberts for Art Reddy, and Jim Pasco.
Please confirm personally w/ them to make sure the Social Office calls them. Bill White in OPL also can help on this.

2. Please confirm with Michelle that Rahm will be briefing McCaffrey in Rahm's office on Tuesday at 3:30pm and that Rahm will be introducing McCaffrey at the Roosevelt Room Meeting. You will need to tell Rahm what to say. Also, DEFINITELY talk to John Cohen before you and Rahm brief McCaffrey --- and perhaps you should ask George Kosnick not to let any other ONDCP in the briefing for this. Also, if ONDCP wants a big briefing before the meeting it should be held in the Cabinet Room (ask Michelle to arrange).

Manny and Brian Scott can be reached at 6-2930. They will make sure everyone is cleared in and that name cards are on the table. You should talk to them about seating. I've left for you the list of attendees. Ira Harris wants to bring that guy Ronald Hamilton and if I were you I'd call first thing and tell him it's only for essential people -- also find out who this guy is.

P.S. PLEASE INVITE MANNY TO SIT IN ON THE MEETING (HE CAN RUN OUT AND GET STUFF IF YOU NEED).

3. Immigration letters were done by NAPO, FOP, Matt Rodriguez, and IUPA. Bill Alden said he could get DARE officers to support this at a press conference but they didn't have time to do a

letter. Melinda said she'll let you know Tues. about whether NSA will do one, and Martha Plotkin was working on one. I gave all of their names and numbers to Judy Mark at the Immigration Commission b/c she may want to invite them to a press conference. Just wanted to keep you informed, but you shouldn't have to do anything except fax Rahm any new letters. Judy's number is (202) 544-0004 x14.

4. If Jay Footlik can't do the tour for Pasco's friends on Tuesday evening, April 9th, than I told him you would do it. If I were you, I'd just get someone else to do it. (easier said than done).

5. The VP is going to New Mexico on April 16th. Can you please contact the VP's office (maybe the advance guy Paul?) about getting Gil Gallegos into an event with him. Also, don't forget to talk to Jim about getting an Administration person to speak to the FOP exec. board on May 14th if they're having Dole speak.

6. Can you please give Art the AFL-CIO speech or have Manny mail it to him. (by the way, Manny knows everyone's names, phone numbers, and addresses so you can call him anytime at 6-2930 and ask him to send stuff out for you. Even faxes!) Seriously, though, you should ask him to do stuff when you need. Afterall, your usual assistant will be gone!!! (ha, ha, ha)

Oh, and by the way, if you guys have this meeting with Nick and Chris while I'm gone ---i'll kill you! But seriously, I am going to fax you some stuff on this while I'm gone, and have time to get stuff on paper.