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REUBEN M. GREENBERG

Chief of Police, Charleston, South Carolina

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One day about nine years ago, three drug dealers came to the Central Investigations Unit of the Charleston Police Department and said, "You know, you've got a really bad armed robbery problem on the east side of town, and we'd like to help you resolve it." We were shocked that drug dealers would come and tell us about an armed robbery problem. We were further surprised to learn that armed robberies were occurring in that area. So, we checked our records, and while we found one or two robberies here and there, we didn't have a record of a real problem.

Subsequently, we did some intelligence work and discovered that, indeed, there were numerous armed robberies taking place near the interstate. What had happened was that victims weren't reporting them because the victims were on their way to buy drugs. Because the robbers knew these people were in that neighborhood for that purpose and because the robbers knew these people weren't going to report a crime to the police, these potential buyers were being robbed at gun point.

People had gun barrels placed in their nostrils and their ears. Armed robbers were playing Russian roulette with them. And, of course, the robbers were taking all their money. Occasionally, a car would be stolen or somebody would be beaten badly enough that they would report it, but the record as a whole didn't show it as a serious problem. But based on the information from the drug dealers, we determined that it was a serious problem. And they made it easy for us, giving us the names of the persons who were robbing these people.

The drug dealers had an incentive, of course. These armed robbers were ruining their business. People were becoming afraid to come and buy drugs because they were being pistol-whipped, robbed at gun point, and threatened if they didn't have enough money. So people became afraid to go there. And the dealers were losing business. They were running a retail business, and retail businesses depend upon volume. If volume drops, the profits drop, and they go out of business. Because they didn't want to go out of business, they wanted the police to help them remove the people who were intercepting the money that was going to be used to buy their product.

One of our officers said, "You know, if armed robbers can impact the drug dealers' business in such a negative fashion unintentionally, then we ought to be able to do it intentionally." Something else happened that helped us crystallize a game plan. A neighboring community across the harbor arrested a long-time drug dealer. This fellow had been arrested numerous times by all the different local agencies. The night he was arrested, there were lots of police officers and deputy sheriffs lined up outside the jail, all trying to get their prisoners booked in. This dealer thought that he'd take advantage of the hectic situation. Even though he was handcuffed behind his back, he was able to push the police officer and knock him off guard. He then took off running down the street. The police officer chased after him, of course. This dealer ran into the street and was struck by a truck and was killed. So the problem of that dealer's trafficking was no longer an issue.

We felt pretty good – for one day. The very next night, there was another drug dealer standing on the corner that had belonged to the first drug dealer, selling just as freely as could be. And we realized then, even if this dealer were to receive the death penalty, it really wasn't going to do us any good as long as that locale was a profitable place to sell drugs. So, the key to it was to destroy that location as a place where one could sell drugs and make money.

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Street level drug dealing is a retail business, albeit illegal, on the local level. Most sales are for \$5, \$10, \$25, and \$50. Businesses of this kind, to be profitable, depend on volume. If you reduce the volume, you reduce the profits, and if you reduce the profits enough, the business will fail. Now, our objective was not to eliminate all drugs from the face of the Earth. It would be a good thing to do, but we didn't feel that in Charleston, South Carolina, we had those kinds of resources.

So we decided that we would do something else; we would go after the customer. We had always before gone after the drug dealer. We had employed all types of schemes. We had arrested some individuals 50 times. I don't know why we did that because I've never met a district attorney that would prosecute more than four, five, maybe six drug cases. You might have 100 cases against a dealer, and the district attorney is still going to pick out the best five or six cases out of that 100, and those are the ones he's going to prosecute. So we decided we're just going to give the district attorney six or seven really good cases, and then forget about the others and hope the criminal justice system, through its machinations and so forth, would eventually take them off the street. We were going to target the customers, and we were going to do that in a very interesting way.

We decided that we were going to go after these buyers using top-notch, physically fit, uniformed officers. While we had 31 highly intense drug markets in our city, we didn't have the personnel to deal with all locations. So we chose five locations that were in close proximity to each other. We put five officers, one at each location, on the street corners with the drug dealers. And we came to learn a lot about their business. We learned they couldn't go across town, like everybody said they would do, because they would lose their customers. And, as one dealer pointed out, "That's how you get killed, moving across town to somebody else's turf." The dealers were already ensconced in their particular locale where they had set up their particular retail business.

We also learned that the dealers didn't communicate with their customers very much. Most didn't know their customers' names, and the customers didn't know their names. All the customers knew was that on that street corner, a person wearing a red cap, a black jacket, or certain types of other kinds of clothing would sell drugs. And, so, the customer/buyer relationship was not a very strong one. We felt that if we could break that relationship, perhaps these people would

stop selling drugs. Later, we discovered that that was, indeed, the case.

We decided to place our officers 40 feet away from the transaction sites; that was the ACLU agreement we made in Mobile, Alabama – the officer in uniform would stand 40 feet away from the drug dealer. That way, if the dealer wanted to have a conversation, he could do so without being interfered with by the police, and he wouldn't be subject to harassment.

And so we set up in that manner, and some interesting things happened. Nobody came up to the drug dealer, even to say hello. We didn't say anything to the dealers; we didn't try to arrest them. We knew they had drugs on them, because we'd already arrested them six, seven, eight times before. We were just waiting for them to go through the system. The criminal justice process will take care of that person sooner or later. And customers would come around in their cars, and would try to make that connection. They'd come around the block one time. They'd come around a second time. And one of our officers, using a little box camera, would go up and take a flash picture. We always used a flash to let these people coming around in the automobiles know photographs had been taken of them. If the drug dealer went down to the next block, we went down to the next block. We found that he really couldn't travel more than a block or so to a different spot because he'd either enter another person's territory and get killed for it, perhaps, or his market wouldn't be able to find him.

So we applied a similar strategy to some of the crack houses. Instead of kicking the doors in, we simply placed an officer on his beat out in front of the particular crack house. We didn't stop anybody from going in; we wanted them to go in. We became interested when they came out. And what happened is that people did not go in. And, if they did go in, they for sure wouldn't come out. Because they didn't know what we knew; they didn't know what kind of probable cause to arrest we had.

Some of the officers were quite innovative. Two or three would get together; one would go to the front door; one would go the side yard; and one would walk around to the back yard. They were always in uniform because we wanted them to know it was the police. One officer would have a piece of paper, which would be folded over, and he'd knock on the door. And the dealers and buyers would think it was a search warrant, and, of course, they wouldn't open the door; they'd start flushing toilets and everything else. At that point, we had

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no probable cause whatsoever to enter; then the windows would open; drugs would be thrown out into the yard. Once this happened, we'd have probable cause to go in. And we used this strategy many times, and it worked almost every time because they couldn't be sure whether we had a search warrant or not; they just couldn't absolutely be sure. And it worked very well.

Now, clearly, this particular program was not based on arrest. If you arrest a street level drug dealer, he spends four hours in the slammer, and then he's back out on the street with another stash, selling just as wildly as ever. And even if he's had all these arrests, he's likely to get probation for the third or the fourth or the fifth or the sixth time.

We had decided that we were not just going to destroy a dealer, but were going to destroy a business. Our objective was to destroy that illegal, retail business called street level drug selling in the same way that the street level drug dealers destroyed so many other businesses. The reason why "Joe's" butcher shop went out of business was not because he started selling bad meat; it was because his customers became afraid to come into the area. The reason why "Dorothy's Boutique" went out of business or "Helen's Beauty Salon" went out of business in that neighborhood was because the drug dealers had taken over the neighborhood. The kinds of people they had there in that particular neighborhood, and who were attracted by those drug dealers, were not the kind that the salon or boutique customers wanted to encounter as they parked their cars, many of which were broken into.

So we went in, we occupied, and then we did something that turned out to be very good for the community, but was selfishly inspired. We cleaned up the area. We brought prisoners from the jail and had them pick up trash, eradicate all graffiti, and board up old buildings. Now, as I said, that was good for the community. Why did we do that? We did it to improve the working conditions of our officers out on the beat. They got tired of standing around flies and dead animals in the street, half-eaten food in the gutter, and so forth. They asked us, "Can't you give us some relief." So we said, "Sure," and by giving them relief from this bad physical environment, we also gave relief to people in the community.

We were successful in reducing the amount of drugs changing hands in the area, although the decrease was not as much as we would have liked. But our main objective was to reduce the violence, and in the last five years we've had one drive-by shooting. Our best

estimate, and it's a conservative one, is that we eliminated about 30 percent of the street level drug dealers, not because they were arrested – they'd been arrested many times and weren't eliminated. It was because they went out of business for the same reason Eastern Airlines went out of business; they couldn't make any money. It just wasn't profitable to be out there, the volume had been cut so much.

People said, "Oh, you've got to cover these dealers 24 hours a day." Wrong. They don't sell drugs 24 hours a day. It turns out that they went to sleep just like everybody else does, and during that period of time, they weren't selling drugs.

We also found out that, at least in our community, 80 percent of the drugs were sold between six o'clock at night and two o'clock in the morning, on Thursday, Friday, and Saturday. Our officers work a four-day week so we added Wednesday. So Wednesday, Thursday, Friday, and Saturday, from six o'clock at night until about two in the morning, our objective was to stop that dealer from selling drugs. The market was there on Sunday, Monday, and Tuesday; we didn't have the resources to do anything about that, but most of the demand is not at that particular time. The demand for these recreational users is typically toward the end of the week, and that's where we put the time on the job. That's when we were effective. We didn't have to do it 24 hours a day; we didn't have to do it seven days a week.

You could see what would happen if you owned a movie theater and a local ordinance was passed that you could only open a movie theater on Monday, Tuesday, and Wednesday. What would happen? That business would fail because the recreational time available to watch movies is toward the end of the week. So, if you reduce their ability to operate during the end of the week, you'd, in effect, have eliminated that movie theater business. They can't make it worthwhile with a schedule like that. That's how we approached the drug business.

Now this approach has two important advantages. Number one, as I said, it's not arrest based, so there isn't a lot of paperwork. There aren't a lot of court appearances, and a lot of jail space isn't taken up. And the people that were targeted and photographed were not the drug dealers. We've already got their pictures dozens of times. We're now looking at the doctors, the lawyers, police officers, plumbers, carpenters who we caught coming to purchase illegal drugs. The objective we had was a very narrow one; it was to reduce the incidence of violence on the street. And we have been able to do that.

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QUESTIONS & ANSWERS

Judge Carnes: We have a few minutes for questions, so if anyone wants to come to the center microphone to ask questions of this very distinguished panel, please come forward.

Statement: I'm from Southern California, Orange County, specifically. A year ago, I mounted an effort with gang investigators to establish uniforms in the public schools as a way of obviating gang attire, to reduce violence, and to bring safety into our schools. The effort, I am glad to say, is starting to catch on, and it's taking notice with the chiefs of police. And the people of South Central Los Angeles have given me a tremendous amount of support.

Chief Greenberg, you struck a note with me today, and I will share this with all of you. As you know, we live in a tremendous pressure cooker in Southern California; it is intolerable. We have now passed the first trial of Rodney King, and now we are facing the Reginald Denny trial. The greatest desire of the people of South Central Los Angeles is for some sort of mediation in this problem, that creativity be used in what is dispensed to these young men who are coming up on this trial. Their desire and their wish is that these young men be put in shackles and placed in the community, and that they produce and do public service in a very visual manner. They feel this would be a way to reduce the pressure cooker of what is being produced. I think that what you stated today was marvelous because these are very effective tools. It really does bring a salutary effect to the community, some self worth at the very least.

Question: This meeting has been one of the high points in my 20 years as a district judge. I serve in New York City. I try a lot of drug cases, take a lot of guilty pleas, and pass sentences. But, I'd just like to suggest, gently, that one thing seems to be missing. I think the word "morality" has been used a couple of times in passing. The phrase "value systems" has been used a lot, but no definition has been given. In public discourse, "morality" and "right and wrong" are not stylish terms. I know that huge problems like the ones we're talking about have many causes, and so you can't simplify it. But it may be worthwhile at a meeting like this, perhaps the next one, to hear from people who would be willing to discuss the question of whether the

change in the public's moral standards in this country – which I believe has occurred – has something to do with what we're talking about.

And, let me just mention without going on at length, there's been a lot of talk about violence shown on television, and I agree with that criticism, fervently. There is also a lot purveyed about sexual license and the absence of sexual standards. In our schools there's a lot of literal indoctrination about the lack of a need for any sexual standards – anything goes. Now, is that not related in some way to the question of teenage pregnancy? If the opinion makers – the television, the radio, the books, the paperbacks, the magazines – are purveying a no-holds-barred view of sex, is it surprising that weaker members of our society might take after that?

Now, I would only suggest that morality is a very hard thing to talk about; it's a hard thing to talk about in connection with government activities. But it's possible it should be talked about because it really is one of the core things that needs to be addressed.

We talk about parents nurturing – what are they supposed to teach? Are they going to teach that there are moral standards? Are they going to teach what is purveyed a lot by our intellectual and so-called leaders, that everything is relative and everything goes? So, what are the standards of morality in the society? Or are we losing them? It's not a dogmatic suggestion. It's a suggestion that maybe you could have at the next meeting somebody like James Q. Wilson, who has been a Professor of Government at Harvard, who is not a prissy bluenose, but he talks about these things.

Judge Carnes: You've raised some provocative issues. Let me ask if our panelists have any feedback. We talk about interdiction and treatment. Is there an absence of discourse on a breakdown of a value system? The question I want to ask is, are there enough mentors, enough treatment facilities, enough jails, if 14-year-old girls continue to have babies, babies that they themselves are not prepared to parent? Do any of you have a reaction?

Mayor Schmoke: One of the reasons why I continue to talk about this issue and about my critique of the national drug policy is that I do think there is a need not only for discussion of values and standards but for a consensus to be developed about what our goals are with respect to this policy. That is, what is it that we're actually trying to achieve as a society as it relates to these national drug control policies?

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When people ask me about the drug problem, I usually say that the drug problem, at least in my view, is three interrelated problems. It's addiction, it's violence, and it's AIDS. Now, two of those, in my view, are clearly health problems, and one – obviously the trafficking on the street and the violence related to drug trafficking – is a crime problem. What is the strategy that we're using to try to eliminate or control those three interrelated problems?

We have to come not only to a view on what are our values, but with respect to this policy, what are the goals we want to achieve. If it is simply to make sure that people don't take substances that will harm them – if that's the goal – then we would clearly have to make cigarettes illegal or alcohol illegal. Well, we've taken that route before, and we know what problems have arisen because of that.

Is it some other goal we are trying to achieve, that we think these particular substances – marijuana, cocaine, heroin – are in and of themselves inherently bad? Is that the goal? I don't think we have a consensus in this country. Is it to become a 100 percent drug-free America, that is, to make sure that nobody is taking any drugs – is that the goal? I'm not sure that's a realistic goal to achieve.

But there is a need for us to have further discussion, to talk about where we want to go – where this Commission wants to go, where the country wants to go. We've got to have a consensus on what the goal is of this policy.

If you go up on the Hill now and ask your Congressman, "What's the goal of national drug policy?" I don't think they could tell you. I think it is very important for us to achieve a consensus – if we don't want to repeat what's been the problem since this drug war started in 1914 with the passage of the Harrison Narcotics Act. We want to get off the treadmill of the last 79 years. Let's come up with not only the values discussion but the goals discussion. I think that's very important.

Judge Carnes: Chief Greenberg would like to respond to this.

Reuben Greenberg: I don't know if I can shed a great deal of light on the problem the judge brought up. It's one that I've thought an awful lot about. I know that I'm a police officer and I work on trying to establish external controls for people's behavior. My own belief is that we can be effective – as law enforcement people, court officials, or prison system people – with probably no more than the three-to-four percent of our population that would decide, for whatever

reason, to violate various types of laws or standards of behavior or decency, whatever they may be.

In every society – whether you're talking about a tribal group, a monarchy, one that's based upon a democracy or republic system, or perhaps even communism – it's really based upon internal control, where people follow the law or follow the dictates of their particular society, assuming people understand what they are. People don't do things that are against the law, because it hurts people – because it hurts society. In other words, it's internal control, and people don't have to have a police officer or a prison officer or someone watching them.

Most of you can see this in a simple example of a traffic situation. It's three o'clock in the morning on almost any American downtown street, with very little traffic relative to other times of the day, and the light turns red. People stop. Why do they stop? They can see to the left and to the right and in every direction. And there's no police officer. But they stop because it's against the law to continue on. They follow that rule.

There are millions of people in this country who don't use drugs because it's against the law. In other words, the law itself can have an effect on stopping people from doing such things. The law can have a tremendous impact on changing behavior.

But it's in the area of internal controls, under which every society has to operate, that we have our difficulties in this country. We're not going to find very soon the kinds of things the judge talked about, because you're really talking about ethics – you're really talking about accountability. In our society, it's fashionable to blame others for your problems or for your group's problems. We are not going to find very much interest in this, because ultimately you have to start talking about, exploring various aspects of religion. And you know what a red flag that will be if you introduce that into any kind of learning process where these things are obviously not taking place.

So, I don't think our society is ready to deal with those hard problems and things that really count – away from the punitive aspects I represent but toward the kinds of things people don't do to their fellow human beings in their community, because it's bad for the community and because it hurts other people.

Question: Yes, this is directed to Chief of Police Greenberg. A great deal of the attention of this Symposium has focused on the root

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causes of violence and drug abuse – and the need for fundamental change in society so that every child grows up with the belief that he or she can be someone. This kind of change, I hope, will put back in society the internal controls that were just spoken about. But, in the meantime, we have very pressing problems of out-of-control violence and raging drug abuse. The kind of program discussed in Charleston seems to be effective. The question is, is that being followed in other cities? And, could that be a model for some sort of national controls, perhaps, with the help of the additional 100,000 police officers that President Clinton is speaking about?

Reuben Greenberg: My share of those 100,000 police officers, by the way, would be six – if it was done equitably across the country.

Yes. In some places, it is. In Charleston, we have a different view of accountability than a lot of people do. For example – and this will shock some of you, but nonetheless it's true, and many people, including "60 Minutes," have come down to check it out to see if it was true and have all determined that it is – the safest place in the city of Charleston to sleep at night, or to park your automobile, is in public housing. Most cities would never tell you anything like that. If I wanted to make sure that my vehicle would be safe, I would park it in public housing because it's the safest place in the city.

This didn't happen by accident. It happened by holding people accountable for their particular behavior that negatively impacted the quality of life of their neighbors. We felt we had to do this. This was the only housing we control – we were the landlords. And it was incumbent upon us to make public housing a safe place, as it was designed to be, for people who were without means to raise their families – people who couldn't flee to the suburbs or go other places. We went through a process of doing that, and we've duplicated it in other cities as well.

It seems to me that our society is not looking to hold an individual accountable for his or her misdeeds. You hear all kinds of reasons – everything from the "Twinkie Defense" in the Dan White case to all other kinds of reasons – where you try to explain away criminal behavior. I'm very distraught, for example, that for the first time in our country, the majority of people killed were African-Americans – we're talking about killed feloniously in 1991 and 1992 – 11 percent of the population, but 51 percent of the homicides. There's got to be a solution to that, and that solution has to be found, I think, within our own community. It

can't be found someplace else. We can't depend on people from somewhere else in the country to have a great impact upon that.

In another example, in 44 percent of the reported rapes in this country, the victim is a black female. That's not right! I don't accept that. There's got to be another way; that doesn't have to be the case. And there are various other kinds of situations as well.

This is a very, very great problem. We have to deal with myriad problems in our society. And we're able to accommodate anything, or to explain away any type of criminal behavior, however terrible it might be. On the Jeffrey Dahmer case, for example, I heard a psychiatrist on one of the late night talk shows conclude that all those murders were really the fault of his grandmother who didn't buy him a tricycle in the same year all the other kids got one. He resented that from the time he was four years old, and this created the adult resentment. We're always looking for some other kinds of reasons.

I wish I could have a more direct response to you. But it seems to me that we have had some success in Charleston because we do place great stock in accountability. We do a lot of things that are so simple. And I tell other people they don't cost any money – you don't have to pass any laws.

For example, we could decide in this country, starting at this meeting, that it's a good thing to have kids in school and off the street during school hours. We decided that in Charleston. We went back to something old fashioned. Would you believe that we have truant officers in the city of Charleston? They work for the police department. Truant officers! Every kid on the streets between eight o'clock in the morning and 2:30 in the afternoon, whether they're doing anything or not, is picked up and taken back to his or her school. And if they've been expelled or suspended, they're taken to their homes.

Guess what happened? The number of larcenies, purse-snatchings, and daytime burglaries went down 43 percent without putting anybody in jail – without bringing anybody before the court. Guess what else happened? We haven't had a single kid become the victim of a violent crime during school hours, because they're not out on the street. They're not out being victimized by others away from the school. We're taking action before they get into trouble – and not afterwards through the criminal justice system. It's a good thing to have them in class.

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You could do that. I don't know any state that doesn't have truancy laws. I've studied it as much as I can. I can't find any bad things about having these kids in class, or about taking them to their homes if they've been expelled or suspended. There's nothing bad about that. But why don't we do that with the police business? Because we don't have any measurement of how effective you are with doing that. We pick them all up, and when I say all, I'm talking about private school kids, tall, short, fat, skinny, Black, White, male, female, and even occasionally kids that were deservedly out of school because their school systems are out and they're visiting our city from out of state. We've picked them up as well.

Judge Carnes: We have another question.

John Coleman: Thank you very much. My name is John Coleman from the Drug Enforcement Administration, and I'd like to make a comment and then ask a question.

It's a common occurrence with people who study public policy to conclude that things occur because of strategies – or occur because particular strategies have been carried out. But, oftentimes, things occur in public policy, particular with crime and drugs, despite the best of strategies. In thinking about changing course, we should be somewhat careful, because there are some things that we have taken a great deal of time and effort, study, and consideration to develop in this country in terms of our approach to the drug problem and to crime in general. And I think these difficult challenges are probably the greatest we all have for the future.

Now, having said that, I would like to address my question to Chief McNamara. On the question of gun control, I think the majority of folks in law enforcement today believe strongly in gun control – as do, I believe, my colleagues in this room. However, I would like to ask how you can have a consistent view of advocating restricting the supply of guns to communities – thereby limiting the violence that those guns visit upon those communities – if you don't similarly feel that by restricting the drugs to those communities we can likewise restrict the amount of drug abuse in those communities? Why are these policies not compatible?

Joseph McNamara: Thank you, John. That's a good question that my friends in the NRA like to ask. The fact is that guns are quite different than chemical substances. The chemical substance transaction takes place in private, between willing sellers and dealers.

United States Sentencing Commission

Comparative death statistics show 33,000 deaths by firearms and perhaps 6,000 by all illegal drugs combined – probably less than that in my opinion. But, you can see there's a great deal of difference in the harm caused and, as Mayor Schmoke mentioned, we're not even talking about AIDS spreading through the use of hypodermic needles. But, the drug user, fundamentally, is making a decision of what to put into their blood stream. That is a personal decision.

The person killed by a firearm, by a mechanical device that is manufactured to kill, often has no choice in that decision, outside of the suicides. There are so many accidents, so many homicides, and so much violence that the presence of a firearm turns a verbal argument into a potential homicide.

By contrast, probably 20 million Americans use cannabis. There's never been a cannabis murder that we know of, outside of dealers in their commercial turf wars.

So, I think there are very clear distinctions – and also in enforceability, in that firearms are much easier to enforce the law against. But the basic philosophical difference is that drug use is primarily harmful only to the user; the presence of firearms puts us all in grave danger.

Judge Carnes: Before we leave, Chief Greenberg says I simply must let him respond to the legalization question. Since I'm afraid he'll get a truant officer after me, I will let him do so.

Reuben Greenberg: I'd just like to say that this whole idea – particularly for somebody who works down in the trenches – of legalizing or decriminalizing drugs is very, very seductive. On the surface it seems to solve so many problems and redirects so many monied resources to other things. But, there are some wrinkles in it as well.

Every study I've seen has indicated that if we decriminalize the use of the drugs we have now – we're talking about marijuana, cocaine, methamphetamine, heroin, I think there were five different drugs – we would have a 20 to 30 percent permanent increase in the use of those drugs. If you remember, there are – believe it or not – millions of people who obey the law because it's the law. If it were otherwise, this country would be in much worse shape than it is – simply because it's the law and that's the drug laws as well.

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A lot of social and pathological problems would come from decriminalizing drugs. It would have some benefits, and I think those benefits have been described very ably for you here. However, there'd be some increase, one would assume, in the number of accidents or persons under the influence of these other drugs who operate airplanes, trains, taxis, automobiles, buses, just like we have with alcohol. I mean, part of that 20 to 30 percent increase would increase those numbers as well.

What benefit would it be to cocaine babies? Would it make any difference that a baby developed under the influence of illegal cocaine or legalized cocaine? When are we going to say, "Well, you've had enough?" Are we going to give people narcotics until they're overdosed? At some point you've got to say, "No more!" Well, at that point, the black market starts again.

I haven't heard anyone suggest that 12-year-olds should be permitted to utilize any of these decriminalized substances, and somebody is going to want to provide it to 12-year-olds. And, if they want to do that, then some police officer, some enforcement person from someplace is going to have to make some effort to prevent 12-, 13-, and 14-year-olds from getting that particular drug.

Also, many of the criminals we're talking about are criminals first – and drug use is just an aspect of their behavior, just one of many other illegal things they do, and not necessarily the cause of their drug behavior. I would be the first to tell you that a drug addict will steal more to satisfy his drug habit – no question about that. But it doesn't mean that he suddenly becomes a law abiding individual if drugs are legalized. And that's what's forgotten about. Most of these people started anti-social activities – committed crimes, burglary, and in many cases, assault as well – when they were younger, before they ever knew what cocaine was, before they ever knew what crack was, or even marijuana.

And there are other kinds of things on which we need to focus beyond simply taking away the drugs, and suddenly everybody is living very, very happily ever after. I think the situation is much more complex than that. While there are certain advantages to this very, very seductive idea, there are also some unknowns and some very clear disadvantages as well.

Judge Carnes: I think Dr. McNamara wants to respond quickly to that.

Joseph McNamara: I am not one who has advocated decriminalization or legalization. However, I do think that the idea that we should consider whether there isn't a better way of doing this should not be put down by what my friend and colleague, Reuben, has just said. We don't know how many more people might use drugs. Some people clearly use drugs because they are illegal. We know that, and we don't know what would happen. After prohibition, consumption of alcohol rose slightly, then stayed steady for years, and then declined recently as was earlier mentioned here.

So, I think there are dimensions to this and value systems that are at work that we simply don't know a lot about because of the very illegality of these drugs. Certainly, there would always be laws, as there are with cigarettes and alcohol, against children using them, against people abusing them, or driving under the influence – and those laws should be vigorously enforced. But I might point out, for example, the fact that drunks being legally prohibited from purchasing alcohol doesn't lead to wholesale bootlegging and violence such as occurred during prohibition when it was illegal.

So, I think this is a complex area, and there are lots of societal harms that are caused by the illegality itself that have to be weighed against changes in public policy. And I think it's really time to get an objective commission that would represent the arguments that Reuben makes and consider some of the arguments on the other side.

Statement: Yesterday, we started this Symposium by identifying drug addiction as a disease. It seems to me that fundamentally this is a medical problem. I don't think that medical problems are resolvable within the context of the criminal justice system. And if we choose law enforcement and criminalization as the prescription, it seems to me we ought to approach it as all doctors do. You go to the doctor, you have a disease, he gives you some medicine. The side effects are intolerable, so he takes you off the medicine. It seems to me that the side effects of our current approach have demonstrated themselves to be so intolerable that it is critical that we do have the new approach. And I certainly hope that something comparable to the Wickersham Commission, which Mayor Schmoke talked about, or somebody takes a look at what we're doing, because what we're doing now is a colossal boondoggle.

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THE WHITE HOUSE
WASHINGTON

February 10, 1994

NOTE TO: JOSE CERDA
RAHM EMANUEL
MARK GEARAN
CAROL RASCO
BRUCE REED
RICKI SEIDMAN

FROM: JODY GREENSTONE 

RE: DRUG ACTIVITIES

I wanted to follow up on the President's meeting with Jim Burke and Joe Califano. Both Califano and Burke stressed the importance of establishing a clear national norm of "no use" and urged the President to use the bully pulpit to this end. The President agreed and asked David Gergen to follow up (see attached note).

I suggest that we move forward on the following two proposals raised at the meeting:

1) **PSA'S.** Jim Burke, Chairman of the Partnership for a Drug-Free America (PFDA) has proposed that the President do a series of 3 PSA's on drugs and violence. I have attached their suggested copy. The PFDA has offered to provide the creative and production expertise. We could also involve the First Lady. She has met with Burke and shown an interest in this area. Unless we tie this to a bigger event as discussed below, I would recommend that we do these as soon as possible to continue the momentum from the successful launch of our drug strategy.

2) **MEDIA EVENT.** The PFDA is a coalition of volunteers from the communications industry which was formed in 1986 by the American Association of Advertising Agencies. The objective was to combine the creativity of advertising agencies with the power of the media to address what had by then become one of this country's worst social problems -- illegal drugs. Since then, the PFDA has become the largest public service campaign in history, with over 125 advertising agencies contributing work, at no charge, and the nation's media donating over \$1.5 billion in time and space to the campaign. Today, while donations of time and space still run over \$800,000 a day, the total value of media time has dropped 20% since 1990. This correlates with the period during which drug use among high school students has increased.

The President could invite the participating media representatives to the White House to acknowledge their extraordinary contributions and to reinvigorate their efforts. This event would also include Secretary Shalala, Secretary Riley, and Dr. Brown and should be seen as a follow-up to the letter they sent the media last week alerting them to the disturbing trends in

teenage drug use. We could also consider broadening the agenda to discuss violence provided the focus is on proactive steps rather than rating, monitoring, etc. If we decide to move forward quickly on this event, we should tie in commitments to air the President's PSA's as an immediate substantive outcome.

I understand that the First Lady will be going to NY in May for a PFDA event thanking the advertising agencies for their contributions to this effort. There would be a nice symmetry for the president to thank the media prior to the First Lady's event.

I believe this twosome would be a high leverage, high impact way to sustain our leadership in the drug and violence area. Please let me know how I should proceed.

Thanks.

cc: Dave Anderson
Liz Bernstein
Jennifer O'Connor



Center on Addiction
and Substance Abuse
at Columbia University

THE PRESIDENT HAS SEEN

2-1-94

Gergen

*we need to decide
how to follow up -
agree with them*

B.

What Can The President Do?

152 West 57th Street
New York, NY 10019

phone 212 841 5200
fax 212 956 8020

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Make the Connection

All substances--alcohol, legal and illegal drugs, nicotine

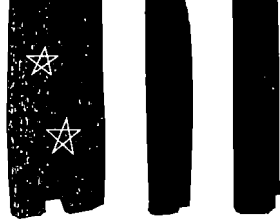
Health Care Reform
Medicare and Medicaid
Crime and Violence
Welfare Reform
Governor's Budget Crunch--Medicaid and Prisons

Fill Key Jobs

Fill jobs at same time in White House Ceremony
HHS: National Institute on Drug Abuse
Substance Abuse Mental Health Services Administration
Center for Substance Abuse Treatment
Center for Substance Abuse Prevention
DOJ: Assistant Attorney General for Office of Justice Programs
--Bureau of Justice Assistance
--National Institute of Justice
--Office of Juvenile Justice and Delinquency Prevention

Move on All Fronts

Law Enforcement/Interdiction
Treatment: More bucks and more bang for treatment buck
Research: More resources and concerted effort
Prevention and Education: Presidential bully pulpit;
clear message from all officials; enlist entire
administration in effort



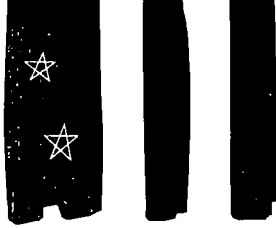
PARTNERSHIP FOR A DRUG-FREE AMERICA

President Clinton cropped very close on the screen, very intimate -- and visually inescapable.

Community :30 TV

President Clinton:

America as a nation has never been afraid. But today, as individuals, too many Americans *are*. Afraid of the violence in our streets...where we work...even in our own homes. How can we stop it? We can starve it...starve it *out*...by ending the drug use that fuels nearly *half* of all violent crime in this country. I urge you, please: support those programs in your own community that are already working so hard to end the drug plague and the violence it feeds. And help return us to our better selves.



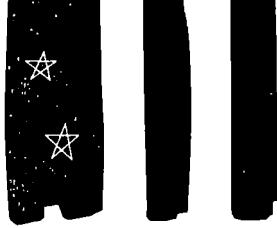
PARTNERSHIP FOR A DRUG-FREE AMERICA

President Clinton cropped very close on the screen, very intimate -- and visually inescapable.

Parent :30 TV

President Clinton:

If you're a parent, you need to know this: that kids who use drugs, or even who just hang *around* drug users, are eight times more likely to be hurt or killed by violence than kids who don't. Is the drug problem bad enough by itself? Of course. But the violent crime that it *feeds* can be an even greater danger. Please, talk to your kids -- be strict with them if you have to -- but don't turn away. Because drugs and violence don't care who you love. And they won't care how much you lose.



PARTNERSHIP FOR A DRUG-FREE AMERICA

President Clinton cropped very close on the screen, very intimate -- and visually inescapable.

Kids :30 TV

President Clinton:

Growing up today isn't just rough, it's dangerous. Especially with drugs in your life. You see, bad as drugs are by themselves, kids who use them also run a *big* risk of being hurt -- even killed -- by violence. Because drugs and violence travel together. Now...if we can stop drug use, we'll help stop the violence too -- and everyone will be a whole lot safer. But I need your help. I need *you* to stay away from drugs *and* the idiots who deal them. It might not be easy. But I believe in you. And I *know* you can do it.

THE WHITE HOUSE
WASHINGTON

February 10, 1994

NOTE TO: RAHM EMANUEL
MARK GEAREN
BRUCE REED
RICKI SEIDMAN

FROM: Jody Greenstone

JAG by (signature)

RE: ANTI-VIOLENCE OPPORTUNITIES

I wanted to update you on several opportunities to get our anti-violence message out.

1) **"Squash It."** Jay Winsten's "Squash It" campaign will not be launched at the NBA All-Star game this weekend. This means we still have the opportunity to structure the launch around the President's or the cabinet's participation. David Stern of the NBA is interested in trying to do something with us and "Squash It" and will call next week to brainstorm.

"Squash It" is getting some good press and Jay is a good guy. However, there is still a question about how "big" the idea will get. I believe at a minimum, we should try to have cabinet level participation in an event.

2) **NBC.** NBC will air an anti-violence documentary entitled Lives in Hazard -- a one-hour special about gang violence on April 8. In conjunction with this, they will distribute poster study guides to all junior high and high schools (public and private). Apparently the Department of Justice and Sony are also participating by providing free videos to schools. NBC also has a special PSA program called The More You Know which not only airs anti-violence PSA's, but also works with affiliates to expand outreach in local communities. The President and/or the First Lady could tape a special message to air before/after Lives in Hazard as part of The More You Know campaign. If we wanted to get more involved, we could do a special screening at the White House with kids from local high schools. I believe this is a solid program with which to be involved.

3) Jay Kreigel is still working on his anti-violence project which involves forming a broad-based coalition of religious, education, civic, social welfare, political, and law enforcement organizations. He plans to have CBS and Fox simultaneously broadcast (without commercials) a program exploring four case histories of teenagers using guns. There would be a "teach-in" on youth violence the following day which could involve the President and the First Lady. The program is tentatively set to air on April 26, however, I would not be surprised if this gets pushed back.

I know Mark has also sent around an MTV request for an appearance by the President as part

of its anti-violence campaign (which I think is a great idea) and that the President has just taped anti-violence PSA's for the ad council. I believe it still makes sense to participate in the NBC event. Please let me know how I should proceed.

Thanks.

cc: Liz Bernstein
Jose Cerda
Susan Johnson-Cooke

CEASE FIRE

A Comprehensive Strategy to Reduce Firearms Violence

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I. THE CRISIS

THERE IS A GUN CRISIS IN THE UNITED STATES. Between 1933 and 1982 nearly 1 million Americans were killed by firearms in murders, suicides and accidents. Since 1960 alone, more than half a million have died as the result of gun injuries. In 1992, at least 35,000 died by gunfire. Today, among all consumer products, only cars outpace guns as a cause of fatal injury, and guns will likely pass them by 2000.

The explosion in the country's homicide and suicide rates has paralleled a corresponding boom in its firearms population. Usually purchased for self-defense, the readily concealable and easily portable handgun is used in the vast majority of gun violence — even though it is outnumbered two to one by traditional long guns such as sporting rifles and shotguns. The increased popularity of high-caliber, high-capacity semiautomatic handguns — both in standard and assault-weapon configuration — has added to the carnage. "Well, they have more holes in them now," a Washington trauma surgeon replied when asked to describe the changes he'd seen in gunshot victims over the past decade. "And the holes are a lot bigger."

In addition to those killed, firearms account for an untold number of injuries — often serious and permanent. In 1972, the National Health Interview Survey (NHIS) estimated that the ratio of non-fatal shootings to fatal was five to one. Using this figure, in 1988 (the most recent year for which complete figures are available) nearly 153,000 Americans were injured by firearms.

In addition to the human toll, the monetary cost — as measured in hospitalization, rehabilitation and lost wages — is staggering. A 1989 Centers for Disease Control study estimated the lifetime economic cost of firearms violence for 1985 at \$14.4 billion, ranking it third in economic toll for all injury categories.

Other less tangible costs associated with firearms violence include the fear that permeates the streets of our cities, the gnawing concern for our children's safety and, perhaps worst of all, a debilitating hopelessness that anything can ever be done to stop the bloodshed.

During the same period that firearms violence escalated, the organized gun-control movement has established itself as a permanent player. Unlike others involved in public-policy debates, however, gun-control advocates have tended to work from an extremely limited base of knowledge, steadfast in their refusal to undertake the research necessary to design a truly comprehensive plan to curtail firearms violence.

Legislation to halt gun violence has often been developed on an ad hoc, piecemeal basis to meet specific threats posed by the firearms industry or to cater to the public's sympathies. And while other movements have relied on the plight of victims to draw attention to their research and policy proposals, the gun-control movement has little to offer beyond a "victim's strategy."

In order to avoid the tragedy of passing gun-control laws that prove unworkable or ineffective, gun-control advocates must be willing to jettison out-of-date concepts and solutions. It is the basic premise of this study that the first step in expanding the conceptual framework of the debate is to recognize firearms for what they are: inherently dangerous consumer products. Only from this recognition can a comprehensive reg-

ulatory approach to firearms — similar to those that exist for virtually all other inherently dangerous consumer products — be created.

THE ISSUE ISN'T CRIME

Faced with the staggering facts of crime and living under a barrage of TV and movie images that reinforce the link between crime and guns, it isn't surprising that Americans equate firearms misuse with criminal violence. The phrase *gun violence* conjures a host of stereotypical images: the robber lurking in a dark alley; urban street gangs; convenience-store holdups. Recent additions include crazed loners rampaging through fast-food restaurants and embittered ex-employees returning to their former work sites to seek retribution.

Contrary to popular perception, most murder does not occur as the result of an attack by a stranger but stems from arguments between people who know each other and are often related to each other. For murders in 1991, for example, in which the relationship and circumstance were reported (62 percent of all murders):

- Almost half of the year's murder victims were either related to (12 percent) or acquainted with (34 percent) their killers. Only 15 percent were killed by strangers. Twenty-eight percent of female victims were slain by their husbands or boyfriends.

- Thirty-two percent of all murders stemmed from arguments, compared with 21 percent resulting from felonious activity.

- Murder is primarily intra-racial. In 1991, 93 percent of black murder victims were slain by black offenders. Eighty-five percent of white victims were killed by white offenders. For men, murder is also intra-gender. In single victim/single slayer situations, 87 percent of all male victims were slain by a male offender. Nine out of 10 female victims, however, were slain by a male.

The crazed loner and the alley-dwelling robber do exist. What FBI statistics reveal and police officers have long known is that most murder does not result from criminal attacks or premeditated murders. The majority of firearms homicide stem from arguments that turn deadly because of ready access to a gun. As the country's firearms population has increased so has its per capita murder rate. From 1963 to 1973, the per capita homicide rate more than doubled: from 4.3 per 100,000 to 9.3 per 100,000. During this same period, the nation's handgun population tripled.

A more striking contrast comes from comparing firearm with nonfirearm homicide trends for the same period. The non-firearm homicide rate increased 55 percent, from 2.0 per 100,000 in 1963 to 3.1 per 100,000 in 1973. The firearm homicide rate, however, jumped 148 percent, from 2.5 per 100,000 in 1963 to 6.2 per 100,000 in 1973.

THE ISSUE ISN'T SELF-DEFENSE

Without doubt, handguns and other firearms stop crimes and kill criminals. The question is, how often? Anecdotal evidence is offered each month in the *Armed Citizen*, a column in the National Rifle Association's *American Rifleman* magazine. The column offers an assortment of self-defense gun incidents culled from newspapers across the country, though each one begins with the same statement: "Studies indicate that firearms are used over 1 million times a

year for personal protection and that presence of a firearm, without a shot being fired, prevents crime in many instances."

That claim comes from NRA polls and from research conducted by Gary Kleck, a professor at Florida State University. But the flaws in Kleck's research are evident to even the most casual reader; among those who have questioned his analysis and methodology is the National Academy of Sciences.

Those who argue that handguns are in truth rarely used to kill criminals or stop crimes point to information tabulated by the FBI and Bureau of Justice Statistics. The FBI's Uniform Crime Reports defines a justifiable homicide as "the killing of a felon by a law-enforcement officer in the line of duty, or the killing of a felon, during the commission of a felony, by a private citizen." In 1991, the total number of justifiable homicides was 693. Of these, 366 involved law-enforcement officers and 327 involved private citizens. Handguns were the weapons most often used: 318 of 366 police justifiable homicides and 240 of 327 civilian justifiable homicides.

Although the UCR offers no information on non-lethal self-defense firearms use, the Bureau of Justice Statistics' National Crime Victimization Survey does. What is most striking is how rarely firearms are used in self-defense. In 1987, in only one-half of one percent of all intended or actual incidences of violent crime was a firearm available to the potential or actual victim — both gun owning and non-gun owning. That year the National Crime Victimization Survey estimates there were 5,660,570 violent crimes (attempted and completed) in the United States. Using these figures, there were approximately 28,000 instances in which there was a firearm available to the victim. And of these instances it's not even known whether the gun was used successfully to stop the crime.

These figures pale in comparison to the tens of thousands who die from firearms each year and the more than 150,000 injured annually. Research has consistently shown that a gun in the home is far more likely to be used in suicide, murder or fatal accidents than to kill a criminal. A 1988 study conducted by Dr. Arthur Kelsman of gun deaths in King County, Wash., for the period from 1978 to 1983 found that for every time a firearm was used in a self-protection homicide, 37 lives were lost in gun suicides, 4.5 lives were lost in gun homicides, and 1.3 lives were lost via unintentional gun deaths — 43 deaths for every self-defense homicide. A second Kelsman study, released in October 1993, showed that keeping a gun in the home increased the risk of homicide nearly threefold.

On the national level, using FBI figures, in 1991 for every time a citizen used a handgun in a justifiable homicide, 48 lives were ended in handgun murders. By including the estimated 12,500 handgun suicides that occurred that year, the ratio jumps up to 100 to one.

THE IGNORED GUN DEATHS: SUICIDES

For all our fear and fascination with guns and murder, the fact remains that most gun deaths in the United States are not a result of murder but suicide. But if crime has become inextricably linked with the gun debate, suicide has remained strangely ignored. Because it doesn't fit easily into either pro- or anti-gun-control schematics, it has been treated as some-

thing of an embarrassment.

Those with pro-gun sympathies tend to brush the subject aside with the argument that suicide victims would find a way to kill themselves "no matter what." To the pro-control side, a focus on suicide contradicts the perception that firearms violence results from guns finding their way into criminal hands. Any effort to address suicide requires abandonment of the gun-control-as-crime-control argument and the acknowledgment that the problem lies with guns not only in criminal hands but also in the hands of the law-abiding.

Like murder, the increase in the suicide rate has paralleled the increase in the country's firearms population. In 1962 the overall suicide rate stood at 10.9 per 100,000, with a firearm-suicide rate of 5.1 per 100,000 (accounting for 46.8 percent of the 20,203 reported suicides that year). By 1975 the overall suicide rate reached 12.7 per 100,000 while the firearm-suicide rate hit 7.0 per 100,000.

Like murders, most gun suicides are not committed with weapons purchased specifically for the attempt but with those already available. It is estimated that only about 10 percent of suicides by firearms are committed with firearms purchased specifically for the suicide. As a result, the usual gun-control schemes — background checks, licensing, registration, safety training — would have little effect.

With the increased marketing of firearms — specifically handguns — to women for self-defense, patterns of female suicide have also changed. In 1970 poisoning was the suicide method most commonly used by women. This means has decreased in inverse proportion to gun use. Now, like men, women most often kill themselves with firearms.

A BROADER APPROACH

Looking at who is actually killing whom with guns in the United States, two things become clear: The first is that crime killings are in fact one of the smallest category of firearms death. For example: Of the 30,565 (10,895 homicide, 18,169 suicide, 1,501 unintentional injury) firearm deaths reported in 1988, only 7 percent (2,179) stemmed from actual or suspected felony activity. As the result of the crack trade and its accompanying violence, felony-related shootings have recently increased slightly. Yet to categorize gun violence solely as a crime issue dismisses more than 90 percent of all gun deaths.

The second is that traditional gun control measures will have little effect on firearms violence. Under the usual control schemes, those without felony convictions (the oft-cited law-abiding) would have continued access to all types of firearms. And such guns would continue to be used in suicides and murders stemming from arguments among acquaintances, friends and family — the vast majority of gun deaths. Additionally, point-of-sale control measures, such as waiting periods, background checks, licensing et cetera, are ineffective in stopping criminal access to guns. Few criminals buy their guns in stores. The Justice Department has estimated that only 17 percent of guns used in crime are actually retail purchases by the criminal.

For the past 10 years the public-health community has increasingly argued that the standards of health prevention should be applied. "The gun issue," wrote Stephen Teret, a leading voice in the public-health

debate, in 1986, "has been fractionated by treating homicide gun deaths differently from suicide gun deaths, and still differently from accidental gun deaths. Responsibility for prevention of these deaths has been relegated respectively to the criminal justice system, the mental health system and the safety community. But all of these deaths share the same vehicle [the gun], and the public health approach should be to control that vehicle just as we control vectors of other diseases."

Public-health professionals focus not on the behavior of those who own guns but on the weapons themselves. They see gun violence as a literal epidemic stemming from the unregulated distribution of a hazardous consumer product.

"As public-health professionals," continued Teret, "if we are faced with a disease that is carried by some type of vehicle/vector like a mosquito, our initial response would be to control the vector. There's no reason why, if the vehicle/vector is a handgun, we should not be interested in controlling the handgun."

Honored by some as icons of freedom or modern-day talismans to ward off crime; denigrated by others as forces of evil in and of themselves, it is difficult for many Americans to view handguns as simply another consumer product. To think of guns as some form of dangerous toaster is to denigrate them. Yet if we strip away the mythology and apply the same standards that we would apply to toasters — or lawn darts, DDT or baby cribs — a far more logical and effective approach to gun violence begins to take shape.

II. THE LOBBIES

While the public-health community has begun to apply the research and prevention approaches it has used successfully to fight other epidemics, the traditional voices in the gun-control debate — like two weary armies in an endless war of attrition — continue to attack each other with the same clichés and outdated solutions they have proposed for decades. All the while, gun violence remains a growth industry.

The NRA

Although the National Rifle Association is over 120 years old, the staunch political stance that defines today's NRA dates from the group's annual meeting in Cincinnati in 1977. Throughout the late '60s and '70s friction had grown between two factions within the NRA. The Old Guard remained primarily interested in hunting and the shooting sports. To the New Guard, gun ownership was no longer a recreational issue but a political one. Their primary concern was battling gun control.

In what is known as the Cincinnati Revolt, the New Guard led members in a coup to oust the Old Guard. The head of the politicized NRA was Harlon B. Carter, who would lead the "new" NRA through a period that can rightly be viewed as its golden age. Membership leaped from 900,000 to nearly 3 million, and the organization gained its reputation as the invincible "gun lobby."

Today, the the NRA boasts annual revenues in excess of \$100 million. Its lobbying arm, the Institute for Legislative Action, has an annual budget of close to \$30 million and a staff of more than 50, and it

spends an additional \$600,000 each year on outside lobbyists. During the 1991-92 election cycle, the NRA's political action committee, the Political Victory Fund, contributed \$1.7 million to House and Senate candidates, placing it ninth among all PACs in congressional spending.

After a series of political missteps and internal scandals in the late '80s, former ILA head Wayne LaPierre took over as head of the parent organization, announcing the arrival of the second "new" NRA and swearing to maintain a "hard line" against gun control. He has also worked to expand the NRA's membership base among women and youth.

To do so, LaPierre has also attempted to reshape the NRA's public image from that of "anti-gun control" to "anti-crime." In outlining the rationale for this move to its members, the NRA offers a fairly honest appraisal of its purpose: "Armed criminals aren't just the greatest threat to your life and family. They're also the greatest threat to your Second Amendment right to own a gun. It is their violent misuse of firearms that makes your firearms the target for gun-ban groups, anti-gun politicians and the media."

More calls for gun control combined with its desire to expand its membership has pushed the NRA to establish more ties to the firearms industry. As Ron Stillwell, then-president of Colt's Manufacturing Co., told the *Wall Street Journal* two years ago: "The NRA traditionally didn't want to hear from the industry and had no dialogue with it. Now we are all learning to live and work together and present a more united front." One manifestation of this new relationship is an NRA membership program that utilizes the country's network of more than 40,000 stocking gun dealers.

Such expansion in its membership recruitment belies a recognition on the NRA's part that increasing firearms violence has brought a shift in the gun-control debate. More Americans — both gun owners and non-gun owners — endorse weapon restrictions. According to 1988 and 1989 Gallup polls, more than 70 percent favor banning Saturday night special handguns; 72 percent favor banning assault weapons; 75 percent favor the 1988 ban on plastic firearms. Among gun owners, the numbers are only slightly lower: 66 percent favor banning Saturday night specials; 68 percent favor banning assault weapons; 74 percent support the ban on plastic guns. And while it's not surprising that a 1993 Harris poll found that nearly nine out of 10 Americans support a national waiting period, the poll also found that 53 percent favor a ban on handguns — the first time a majority has favored such a measure.

One result of this shift is that for the first time in recent memory the NRA has begun to lose political battles, the most notable examples being the 1988 Maryland Saturday night special referendum, 1990's Senate assault-weapons vote, the addition of a limited assault-weapons ban to last year's Senate crime bill and the long-awaited passage of the Brady Bill last year.

A testament to the NRA's reputation is that each loss is often accompanied by a flurry of news articles questioning whether it marks the organization's demise. Although the importance of such losses cannot be underestimated, such questions are wishful thinking. The NRA has only gone from being

omnipotent to being merely powerful.

While the press and elected officials have focused almost exclusively on the NRA's political wins and losses, its greatest success in battling gun control has actually been its ability to control the vocabulary and terms of the debate — presenting firearms violence solely as a crime issue — and shifting the focus away from the country's gun manufacturers to itself.

Handgun Control Inc.

The greatest victim of the NRA's semantic noose, surprisingly, has been the leading gun-control organization, Handgun Control Inc.

Despite the genuine hatred that the NRA and HCI feel for the other, they share a common view of gun violence. Neither sees the handgun itself as inherently the problem, but both view violence as stemming from the weapons being in the "wrong" hands. The NRA states its case with the familiar bumper-sticker slogan: GUNS DON'T KILL, PEOPLE DO. HCI's catch phrase, Working to keep handguns out of the wrong hands, restates the NRA's argument as Guns don't kill, *bad* people do.

HCI was founded in 1974 by Mark Borinsky, who had been robbed at gunpoint as a college student. Borinsky was soon joined by Nelson Shields, whose son had been murdered with a handgun in San Francisco's Zebra killings. From the beginning, HCI's PR strategy focused on the tragedy of Shields' loss and his belief that "sensible" handgun controls would have prevented his son's death. This self-described victim's strategy has remained the cornerstone of HCI's public-relations program.

That HCI has redefined its legislative approach in light of political realities is not surprising. What critics of HCI have questioned is the organization's tendency to recast the reality of gun violence in the mold of its political tactics.

In 1985, Sarah Brady, wife of White House Press Secretary James Brady, joined the organization as its primary spokesperson and in 1989 succeeded Shields as chairperson. Brady quickly became the pre-eminent figure in the gun-control debate.

In 1987, hungry for a national victory, HCI shifted its focus to the passage of a national waiting period, dubbed it the Brady bill and labored almost exclusively to effect its passage, which finally came last year. Oversold by its supporters, to many the Brady bill was equated with "gun control" itself. Today, even its most ardent backers now acknowledge that the measure will have little effect on gun violence. If gun violence, as expected, continues unabated under a national waiting period, the Brady bill will undoubtedly be offered as proof by the gun lobby that "gun control" doesn't work.

III. THE BOOM IN GUNS

In general, the nation's gun manufacturers enjoy close to a *carte blanche* to manufacture any product they wish. As long as the firearm is not fully automatic and uses ammunition that is .50 caliber or less, there are virtually no federal restrictions on its design or manufacture.

One result of such lax regulation is that there is strikingly little information available about the gun industry. Its members guard their privacy and share a

strong suspicion of those from outside their world. With a few exceptions they avoid publicity and shun the press. No earnings figures are available from the industry, except for such publicly traded companies as Sturm, Ruger & Co. and Colt.

It is possible, however, to estimate wholesale sales based on excise tax paid to federal government. Using these figures (10 percent for handguns, 11 percent for all other firearms and ammunition), the wholesale value of firearms manufactured in the United States in 1992 totaled more than \$774 million. The value of handguns manufactured that year totaled \$388 million, while the value of rifles and shotguns totaled \$386 million. The value of ammunition manufactured totaled \$449 million.

The health of the industry varies from year to year, but a decade ago it was in crisis. Until the '80s, little real innovation had occurred in the firearms industry for nearly a century. Most of the models sold — revolvers, pistols, hunting rifles and shotguns — differed little from their 19th-century forebears. All this changed as the result of a sales slump that began in 1983. In 1982 handgun production reached an all-time high of 2.6 million, but the next year it dropped to 1.9 million and began a downward plunge, bottoming out at 1.4 million in 1986.

The drop sent a wave of panic through the industry. Reasons offered for the plummeting sales included the recessionary times, increased sales of used guns, decreased exports and an actual shrinking of the market. Eventually, the industry realized that the slump stemmed from the fact that the primary market of white males had been saturated. That forced the industry to rethink how it marketed its product. To improve sales the gun industry began to expand the market beyond white males with niche marketing campaigns similar to those employed by cigarette and alcohol manufacturers. And it began to redesign and expand its product lines.

NEW MARKETS

Aiming for Women

In 1989, Smith & Wesson announced its LadySmith Program, which targeted women with handguns that "manage to be elegant without sacrificing any of their practicality." An ad for Colt's "All-American" 9mm pistol features a presumably single mother tucking her beaming child into bed, a Raggedy Ann doll in the little girl's hands. The headline states, "Self-protection is more than your right . . . it's your responsibility." The text read: "You always have a right to protect yourself in your home. Even more important, you have a responsibility to be there for those who depend on you. At Colt, we believe that the safe and responsible ownership of a firearm can play an important role in personal security. Like a home fire extinguisher, it may be better to have it and not need it, than to need it and not have it. For protecting yourself and your loved ones, we recommend a dependable Colt semiautomatic pistol."

While in their mainstream advertising manufacturers present this marketing shift as a concern for women's safety, in industry publications this pretense is abandoned. A Colt ad published in *Shot Business* features as its centerpiece the company's aforementioned single-mother ad. Above it the headline reads: YOU MIGHT THINK THIS AD IS ABOUT HANDGUNS. IT'S

REALLY ABOUT DOUBLING YOUR BUSINESS.

This pitch may well be working. An April 1988 Gallup poll conducted for Smith & Wesson indicated that between 1983 and 1986, gun ownership among women jumped 53 percent, to more than 12 million. The number of women considering buying a firearm quadrupled during the same period to nearly 2 million. The National Rifle Association estimates that the number of women who now own firearms could be as high as 20 million.

Don't Forget the Kids

Besides women, firearms manufacturers have focused their attention on the country's youth. Youth versions of rifles and shotguns have long existed. Although historically, firearms marketed to youth have been traditional hunting rifles and shotguns, some handgun and assault-weapon manufacturers have begun advertising their weapons as "plinkers" ready made for target shooting.

Taurus USA ads promise a "A Terrific Taurus Afternoon!" for the family with its standard .22 M94 revolver. The ad features a father helping his son shoot the handgun; nearby are the boy's mom and a golden retriever, all sharing "an all-too-rare moment . . . together." The 1992 Feather Industries catalog offers an assault rifle available in both 9mm and .22 version with collapsible stock and high-capacity detachable ammunition magazine. The catalog features a father handing the gun to his baseball-capped son.

Even traditional manufacturing names such as Remington have recognized the appeal assault weapons have on youth exposed to a steady diet of such guns on TV and movie screens. In 1993 the company began marketing the Viper, a .22 caliber semi-automatic rifle with a detachable 10-round magazine (higher capacity magazines can be purchased separately from other manufacturers). Although the gun would not likely qualify as an assault rifle under most criteria, specific characteristics — the name, the detachable ammunition magazine and the black plastic stock — are a clear effort by Remington to parlay the appeal of assault weapons into increased sales. Initial sales figures for the rifle greatly exceeded Remington's estimates.

NEW PRODUCTS

The second tactic used by firearms manufacturers to counteract the sales slump of the 1980s was to retool and expand the product line. Many of these changes in firearms design involved the application of military and law-enforcement technology to the civilian market. As the result of its all but unregulated status, the only limitations on the domestic firearms industry are its own imagination and technological skill. ATF can only stand on the sidelines and watch.

The Return of the Saturday Night Special

Up until the early 1980s, the handgun of choice for law-abiding citizens, the police and criminals alike was the six-shot .38 revolver. But in 1985 the Department of Defense adopted as its standard sidearm a 9mm Beretta pistol. As *Fortune* noted in 1991, "Civilian pistol sales took off, and the 9mm soon pushed the .38 out of the spotlight." In 1980 pistols — semiautomatic handguns — accounted for only 32 percent of the 2.3

million handguns produced in the United States. The majority was revolvers. By 1991 this number had been reversed; pistols accounted for 75 percent of the 1.8 million handguns produced that year.

The debate over Saturday night specials — inexpensive, short-barreled handguns made from inferior materials, lacking sporting purpose — has long been a staple of the country's gun-control debate. During the '60s, even the National Rifle Association questioned the need for such weapons, calling for the import of "these miserably made, potentially defective arms that contribute so much to rising violence" to be banned.

As public attention shifted away from Saturday night specials, a California family led by patriarch Bruce Jennings was manufacturing and marketing a new generation of the compact small-caliber pistols that would soon take the market by storm. In February 1992, *Wall Street Journal* reporter Alex Freedman revealed that different members of the Jennings family — or their associates — owned and operated all of America's top Saturday night special manufacturers: Bryco Arms, Raven Arms (which burned down in November 1991 and resurfaced as Phoenix Arms); Davis Industries; and Lorcin Engineering.

With low manufacturing costs and prices that start at \$35 wholesale, this new generation of Saturday night specials has become a favorite of criminal gun traffickers and gained a cachet in the inner cities. In criminal tracing data, Jennings family guns have increasingly turned up in the hands of criminals and illegal gun traffickers.

With the increasing popularity of the 9mm load, the Saturday night special industry has begun manufacturing compact, inexpensive versions of these more powerful weapons. In 1993, Bryco began marketing a low-cost B-shot 9mm pistol known as the Jennings Model 59. With a wholesale cost of \$80, it is the first of a new generation of cheaper, deadlier handguns.

Laser Sights

Originally developed for military use and now available to the general public, laser-sighting devices emit a thin beam of red light that offers users point-and-shoot accuracy. Primarily for use in low-light conditions (although new models claim to be effective in the daylight), shooters no longer have to manually sight but merely follow the red dot. If the dot is on the target, and the weapon is fired, the target will be hit.

An indication of the long-term role of laser sights lies in such guns as the Claridge Hi-Tec, the first handgun with an integral laser sight — a technological innovation that may soon define a new generation of handguns. One of the saving graces of the current wave of shootings in cities across the nation is that for the most part the shooters — as the result of inexperience and low-light conditions — are bad shots. Laser sights, with their point-and-hit capability, may well increase the urban death toll.

Better Bullets

The boom in pistol production has been accompanied by shifts in ammunition loads. At one end there has been a marked increase in guns using .22 ammunition, most notably in assault rifles and pistols. This has occurred for two reasons: First, it allows manufacturers to market assault weapons as "fun guns"

ready-made for "plinking" at tin cans; second, .22 ammo is traditionally viewed as a sporting round, and many laws restricting assault weapons have exempted firearms using this size ammunition.

At the other end of the scale, there has been an increase in firearms using more powerful ammunition. Even while the .38 was being pushed aside by the 9mm (itself an updated version of the .45), by 1990 the industry began touting the 10mm, .40, .41 and .50. Also, Congress has tended to legislate controls over problematic ammunition types on an ad hoc, case-by-case basis. For example, a 1985 ban on "cop-killer" armor-piercing ammunition uses a content standard rather than a penetration standard. As a result it fails to cover many armor-piercing rounds on the market.

Because the law also does not cover shotgun ammunition, some of the more exotic ammunition available is for those guns. Sabot slugs are solid-metal projectiles that are housed in a shotgun shell casing. Although sabot slugs can be used for hunting, an ad placed in the now-defunct Rhino Replacement Parts catalog promised that at 50 yards such shells not only "go through a car door and out the other side" but "penetrate a very high-quality police vest in the process." Other shotgun ammunition offered in the catalog included the "bolo" shotgun shell. "It slices! It dices!" the ad promised. The shell is loaded with a five-inch piece of piano wire with a half-inch ball molded on each end.

A glimpse into the future of civilian ammunition technology trends can be found in the U.S. Army's Advanced Combat Rifle competition. Conducted during the late 1980s, the program was designed to find a replacement for the Army's Colt M-16 battle rifle. One type of prototype ammunition tested in the program represented a genuine technological revolution: "caseless" ammunition.

Unlike standard ammunition, caseless ammo lacks a metal shell casing. Whereas in standard ammunition the propellant is contained in the metal casing with the bullet at the front end and the primer at the rear, in caseless ammo a hardened chemical propellant replaces the casing. The bullet is embedded within the propellant as is the primer at its rear.

One "benefit" touted by a manufacturer of caseless ammunition was that it left "no spent case signature." Such an attribute would be devastating, however, to civilian police investigations. Every day shell casings are used by criminal investigators in innumerable cases to identify the type of weapon used, track down the shooter and confirm that the found weapon was in fact used in the crime. Often a weapon's shell casing is the only clue left by a shooter at a crime scene.

Concerns about caseless ammunition might be academic except for the fact that in 1993 Voere of Austria began exporting to America limited shipments of its Voere VEC-91 rifle using the Usel Caseless Cartridge (UCC) for civilian sale. Unlike standard firearms, the Voere rifle fires using an electrical charge from two 15-volt camera batteries.

Andy Molchan, president of the National Association of Federally Licensed Firearms Dealers (NAFLD) is highly optimistic about caseless ammo's commercial potential and the impact on the long-gun market of the Voere.

"The fundamental problem with the long-gun market is that most of the models are 60 to 90 years old,"

Molchan wrote in *American Firearms Industry* last year. "The bolt action deer rifle of 1993 is the same bolt action deer rifle of 1903. Without new models that have major technical changes, you eventually exhaust your market."

The only problem, as Molchan saw it, was that Voere "played it too safe." "They put the caseless system into what looks like a very fine classic European rifle," he wrote. "Looking at it from the outside, you couldn't tell it was a radically new system. I think if they had [designed the rifle] with high tech everything, they could have really stormed the long-gun market."

IV. A BRIEF HISTORY OF FIREARMS LAW

It is commonly asserted that the United States has more than 20,000 gun laws on the books at local, state and federal levels. Those who oppose increased controls argue that it is only necessary for these laws to be enforced for firearms abuse to be brought under control.

But what they rarely mention, or may not even know, is that most of these laws do not regulate the sale or possession of guns but have to do with zoning regulations for gun stores, the transport and discharge of firearms within municipal boundaries et cetera. Thus, whether gun laws actually total 20,000 or more, they have had little or no impact on the ability of citizens — of both criminal and benign intent — to obtain guns.

Local Laws

In 1981, one community made an attempt to enact true control legislation at the local level. The Illinois village of Morton Grove became the first community in the country to ban the sale and possession of handguns. Although restrictive gun laws already existed in other cities, Morton Grove's was the first total handgun ban enacted. The importance of the Morton Grove handgun ban lies not so much in the law itself but with two events that followed its passage.

First, the Morton Grove handgun ban allowed gun-control advocates the chance to demonstrate to the nation a point they had long argued: that nothing in the Constitution forbids a ban on handguns.

Even more satisfying to control advocates was Morton Grove's victory in the Illinois state courts, which held that the law did not violate the state's constitution, which explicitly guarantees the individual right to keep and bear arms. In October 1984, the Illinois Supreme Court upheld the Morton Grove handgun ban, noting that it was a proper use of police power to protect the public safety.

The law's second effect was that it doomed the future of similar local legislation. Faced with a stalled agenda on Capitol Hill, cities and towns offered the gun-control movement a new battleground where gun-lobby attacks on local initiatives could be portrayed as big-money special interests thwarting the democratic will of small-town America. Gun-control advocates talked earnestly of a prairie fire of handgun bans sweeping the nation.

It didn't happen. Soon after the ban's passage, the National Rifle Association launched a state-by-state campaign to enact pre-emption laws that forbade the

passage of local laws stricter than state regulations. A few states, such as California and Massachusetts, had existing pre-emptions that had been confirmed through litigation. Others soon passed legislation to ensure that no local gun-control laws would hinder weapons possession.

The NRA may have been aided by political infighting in the gun-control movement, but it was its superior organization and funding that decided the issue. Unlike the gun-control groups, the NRA had state lobbyists and an active grass-roots membership. Before the Morton Grove ban, only three states had passed or confirmed through litigation firearms pre-emptions. By 1991 the number had reached 41. The dream of Morton Grove had been smothered in the cradle.

State Laws

In response to years of inaction on the federal level, many states have passed their own firearms laws. Up until the '80s, the majority of these laws dealt with sales criteria for handguns such as waiting periods and background checks or purchaser licensing. Less common were laws restricting the sale of Saturday night specials. In the '80s, however, changes in technology caused a shift away from these handgun issues.

In the last decade, state laws typically arose from two scenarios: a frustration over federal inaction on firearm issues that have received intense media attention; or the occurrence of a high-profile shooting incident that spurs a public call for action (and reduces the influence of the organized gun lobby). Widespread state-level action against armor-piercing bullets — dubbed cop killers because of their ability to pierce the bullet-resistant vests worn by more than half of the country's police — during the mid-'80s is illustrative of the first scenario. (The passage of federal legislation in 1986 effectively ended action on the state level.)

The second scenario is illustrated by the schoolyard massacre in Stockton, Calif., in 1989. The horror of the shooting led not only to passage of a well-intended (though in the long term ineffective) assault weapons ban, but fueled debate that led to the passage of bans in New Jersey and Connecticut.

Federal Laws

Unfortunately, the limited success of state and local gun laws can be traced to the free interstate flow of guns. The lesson of such laws is that effective measures that will work to curtail gun violence must be enacted at the federal level. Yet federal laws for the most part have been marked by a timidity that has virtually guaranteed their ineffectiveness.

The first law passed regulating the possession of firearms was the National Firearms Act of 1934 (NFA), which was enacted following the wave of violence that accompanied Prohibition to control access to "gangster weapons," such as fully automatic firearms, sawed-off shotguns and silencers. The NFA requires anyone purchasing one of the regulated weapons to undergo extensive application process that includes a background check and a waiting period of four to six months. Early versions of the law proposed including handguns under the comprehensive licensing structures of the NFA, but that provision was eventually dropped from the bill at the NRA's urg-

ing.

Four years later the Federal Firearms Act of 1938 represented the government's first attempt to regulate interstate and foreign commerce in firearms and ammunition. The law required importers and dealers to obtain licenses and maintain limited records and forbid interstate sales to those in proscribed categories such as felons and fugitives from justice.

The law's limitations quickly became apparent. Because there was no background check to exclude buyers in prohibited categories and dealers only needed to have "a reason to believe" the purchaser was eligible, they could be circumvented merely by lying.

For the next 25 years there was a lull in gun control activity. The issue returned in the early '60s with the assassinations of John F. Kennedy. It moved to center stage in 1968 with the murders of Martin Luther King, Jr. and Robert Kennedy which occurred against a backdrop of rising crime and a handgun population explosion, and resulted in the laws that comprise the Gun Control Act of 1968.

The GCA banned the interstate sale of handguns, rifles and shotguns except through a federally licensed dealer (over the counter sales of long guns were permitted to residents of contiguous states as long as the sale did not violate the gun laws of either state). It also set minimum ages for gun purchases: 18 for a long gun and 21 for a handgun. New licensing and keeping standards and fees were set for dealers, manufacturers, and importers; and a "sporting purposes" test was established to ban the importation of surplus military weapons and Saturday Night Special handguns (although the disassembled parts could still be imported and reassembled onto U.S.-made frames).

The NRA and pro-gun members of Congress pushed for years for a legislative package to weaken it. In 1986 political forces aligned that allowed them to prevail. The measure was sponsored by Representative Harold Volkmer (D-MO) and Senator James McClure (R-ID), who insisted that it was necessary to curb abuses by federal law enforcement officials, primarily ATF, of law-abiding gun owners and firearms dealers.

Although the parliamentary wrangling over the measure was intense, it ultimately passed with only modest revisions and was soon signed into law by Ronald Reagan. The Firearms Owners' Protection Act (FOPA) made the following changes in the GCA:

- Explicitly forbade the establishment of any system of firearms registration.
 - Limited the number of unannounced dealer inspections by federal officials to one per year. Previously, unannounced inspections were allowed at "reasonable" times.
 - Imposed a higher standard of proof while lessening penalties for dealer violations.
 - Removed record keeping requirements for ammunition dealers and allowed for the mail-order sale of ammo
 - Legalized the interstate sale of rifles and shotguns as long as the transaction takes place face-to-face and the sale complies with the laws of the home jurisdictions of both the buyer and seller.
- Following passage of FOPA, Congress acted on two issues that — unlike FOPA — had strong police support. In 1986 Congress completed action on legis-

lation banning the sale of "cop-killer" bullets composed solely of specific hard metals — tungsten alloys, steel, brass, bronze iron, beryllium, copper or depleted uranium — that could be used in a handgun. Alarmed by increased use of plastics in firearms, in 1988 Congress passed legislation requiring that all new firearms be detectable by standard X-ray or metal detector security devices.

The Failure of "Control" Efforts and the Brady Bill

Whether at the local, state or federal level, the principle flaw that had plagued legislative efforts has been an almost exclusive focus on over-the-counter sales standards and a mistaken belief that it's possible to separate "good" handguns (those in our hands for self-defense) from "bad" handguns (those in the hands of criminals). Yet as noted earlier, most gun deaths are not crime related. And as the NRA correctly notes, criminals will be the last to obey any gun control law.

The limitations of such an approach are illustrated by the recently enacted Brady bill. Waiting periods create a cooling off period between the time a customer purchases a firearm and the time it may be possessed. In theory, this delay helps stop "crimes of passion" and although anecdotal evidence suggests this happens occasionally, most suicides and shootings between friends and family occur with weapons that were already available.

Background checks in theory increase the chance of identifying those in proscribed categories who attempt to purchase firearms through legal channels. Such laws define the proscribed group as those with a prior felony conviction or deemed mentally unfit, yet such individuals rarely even attempt to personally buy guns from retail outlets. The few who do and are detected through a background check can easily find a firearm on the alternative non-retail marketplace.

A second conceptual flaw is the implicit assumption that anyone without a felony record is by definition "law abiding." Under such systems individuals with arrest records and convictions for serious crimes are able to legally acquire guns because they have never been convicted of a felony. Patrick Purdy, the Stockton schoolyard killer, had a nine-year criminal history replete with weapons violations, but could legally purchase a handgun under California law.

Recently, in the wake of the Brady bill's passage, attention has focused on the licensing of handgun owners. Licensing does offer some benefits: the information is useful in tracing weapons; identification of those in proscribed categories attempting to purchase firearms through legal channels is increased; the application process itself may discourage sales to casual buyers. The limitations of licensing are: such systems are expensive to administer; it would have little effect on most gun violence, such as suicide or shootings between people who know each other; and anyone in a proscribed category desiring a gun could easily find one in the alternative marketplace.

And although the most common argument heard in favor of licensing is "we license cars, why not license hand guns," public health experts note that the licensing of cars had little effect on the death rate associated with autos. It was not until changes were made to the product itself — such as seat belts, air bags and improved structural designs — that the number of

deaths began to decline.

V. THE EMBATTLED PAST OF THE A.T.F.

The federal Bureau of Alcohol, Tobacco and Firearms (ATF) is the government agency charged with enforcing federal firearms law. Unlike other federal regulatory agencies, however, its powers are limited to only licensing dealers, manufacturers, and importers and monitoring compliance with the few federal controls that do exist.

Until recently, ATF exhibited a distinct lack of regulatory zeal. Much of this can be traced to its near dismantlement in the early 1980s which was exacerbated by 12 years of Republican administration that viewed the agency as something of an embarrassment with its pro-gun allies.

With the election of Ronald Reagan in 1980, the NRA launched an all-out campaign to have ATF abolished. The centerpiece of the effort was an NRA film titled *It Can't happen Here* that painted a picture of the ATF as gang of jackboots ready to invade and undermine the nation. In the film, Representative John Dingell, Democrat of Michigan and NRA board member, charged that "if I were to select a jackbooted group of fascists who are perhaps as large a danger to American society as I could pick today, I would pick BATF. They are a shame and a disgrace to our country."

In 1981 the Reagan Administration announced that ATF would be disbanded, its firearms enforcement activities curtailed and transferred to other agencies. With no constituency in the general public and virtually friendless on Capitol Hill, ATF appeared doomed. Bizarrely enough, ATF was rescued at the eleventh hour by the NRA itself after the organization discovered that federal firearms enforcement was to be shifted to the Secret Service. Clearly, it was far better to have a cowed ATF to kick around than to risk crossing swords with the well-respected lawmen who protect the president.

The result of this was the development of a bureaucratic culture at ATF that strove to avoid controversy and that when faced with enforcing federal firearms regulations almost always took the most pro-industry interpretation possible.

There are strong signs, however, that under the Clinton administration and a new director ATF is emerging from its 12-year regulatory coma and beginning to use its limited powers. Despite its history of reticence, ATF has the expertise necessary and — with an effective leadership and administration support — the will, to effectively regulate the firearms industry if granted appropriate powers.

Already the agency has begun to address problems — often of its own creation — that have festered under prior administrations. In August 1993 President Clinton issued an executive order directing the agency to be more aggressive in limiting Federal Firearms Licenses (FFLs) to those legitimately "engaged in the business." Currently the United States has more gun dealers than gas stations. This is the direct result of the license's historically low cost (\$30 for three years) and easy availability (ATF's background checks were once so lax that the agency had even issued licenses to

dogs).

ATF estimates that only 20 percent of America's 245,000 gun dealers actually operate storefront businesses such as gun stores or sporting goods outlets. The remainder are "kitchen-table" dealers, operating out of their homes — often in violation of local and state business, zoning and firearms laws. Of these nearly 200,000 dealers, an unknown number are involved in criminal gun trafficking. Four months after the president's directive the FFL fee was raised to \$200 for three years in a last-minute addition to the Brady bill. Also in December Treasury secretary Lloyd Bentsen announced plans to push for reform of ATF's licensing procedures, including an increase in the annual licensing fee to \$600.

VI. A MORE COMPREHENSIVE APPROACH

Like many products commonly found in American homes such as prescription drugs, insecticides, and household chemicals, guns are inherently dangerous. They cannot perform the function for which they are designed without presenting some risk of injury to the user or bystanders. However, unlike other inherently dangerous consumer products, firearms are virtually unregulated.

The Consumer Product Safety Commission regulates the safety of consumer products used "in and around the house" and in recreation; the Food and Drug Administration monitors the food supply in an effort to ensure that it is safe and also evaluates drugs and medical devices for safety before they are permitted on the market; and the Environmental Protection Agency is in charge of toxic chemicals and ensuring that pesticides that present unreasonable, adverse effects on health or the environment are not sold.

By comparison, no federal agency is empowered to ensure that firearms manufactured and sold are safe for their intended use. Moreover, no federal entity has the authority to prohibit the manufacture or sale of new firearms technology that poses a significant threat to public safety. Although ATF has limited authority to regulate commerce in firearms and ammunition, it has virtually no authority to regulate firearms safety. Furthermore, it has no explicit authority to regulate firearm-related products such as laser sights.

The unique position of firearms in the pantheon of consumer products has more to do with the special niche society has carved out for them than with a rational debate on how best to regulate the industry and its products. Regardless of how we came to where we are today, firearms are viewed, and hence treated, differently than all other products.

For most products, comprehensive regulation is enacted when the obvious dangers of the product can no longer be ignored, or the death toll associated with a class of product is determined to be unacceptable. Yet firearms have remained immune from regulation.

The first step toward reducing firearms violence is to recognize firearms for what they are — inherently dangerous consumer products. The second is to design a comprehensive, workable regulatory framework that can be applied to firearms and firearm products.

Ultimately, meaningful regulation of the manufac-

ture, distribution and sale of firearms, firearm products and ammunition will only come about through comprehensive legislation giving ATF the regulatory tools wielded by other federal health and safety agencies whose job is to protect Americans from unreasonably dangerous and defective products.

As with products regulated by EPA, CPSC and FDA, there is a consensus that at least some firearms should remain available to the civilian population. There is also a consensus that more controls should be enacted. Before progress toward a safer, less violent country can be made, there must be a recognition that regulation and control of firearms is not inconsistent with continued availability. In short, it is possible to create a regulatory system that treats firearms just as we currently control other potentially dangerous consumer products.

The foundation for comprehensive firearms regulation is expansion of the authority of the Bureau of Alcohol, Tobacco and Firearms. Just as regulation of pesticides has not led to an outright ban on their use, neither would expanding ATF's authority result in a gun-free America. It could, however:

- 1) reduce the availability of specific categories of weapons shown to represent an unreasonable risk of injury;
- 2) reign in the abuse of federal firearms dealer licenses;
- 3) place controls on an industry that today is free to manufacture and sell firearms or related products without any consideration of the consequences to the public health and safety; and,
- 4) protect purchasers and owners of firearms from products that present a serious risk of injury because of a hazardous design characteristic or manufacturing defect.

REGULATORY PRECEDENTS

A review of the origins of federal regulation over different categories of products is instructive in placing firearms in the proper perspective as potentially dangerous consumer products.

Consumer Product Safety Commission

When the Consumer Product Safety Commission was created in 1972, the enabling legislation that passed the Senate included firearms and ammunition within the purview of CPSC. The House bill, however, specifically exempted firearms and ammunition and this version was adopted by the conference committee. Today the agency is responsible for regulating virtually every other product used for household or recreational purposes. CPSC oversees everything from baby walkers to coffee makers to all-terrain vehicles. The agency even has jurisdiction over pellet and air guns.

CPSC's creation represented a recognition by Congress that a comprehensive strategy for product safety was necessary to replace the ad hoc approach employed previously. CPSC has the power to ban products, set mandatory safety standards, issue recalls of defective products, monitor industry compliance with standards, and disseminate safety information to the public. In addition, CPSC maintains the National Electronic Injury Surveillance System, a network of approximately 90 hospital emergency rooms that reports product-related injuries. CPSC then conducts

in-depth follow-ups on a select number of cases. This system allows CPSC to identify emerging product hazards and to quantify the injury rates associated with the products within its jurisdiction. This information is critical to the agency's ability to respond effectively to specific product hazards.

National Highway Traffic Safety Administration

The National Highway Traffic Safety Administration oversees the safety of automobiles and automobile equipment. NHTSA has the power to set mandatory safety standards necessary to protect the public against unreasonable risk of accidents resulting from design and manufacturing defects as well as unreasonable risk of injury or death in the event that accidents do occur. The agency may also issue recall orders.

The House Report on the Highway Safety Act of 1966 set forth the need for legislation: "Despite the preeminent role of highway transportation in American society and in our national economy, we have failed to develop a realistic and comprehensive safety program. As President Johnson noted in his transportation message on March 2, 'The allocation of our resources to highway safety is inadequate. Neither private industry nor government officials concerned with automotive transportation have made safety first among their priorities. Yet we know that expensive freeways, powerful engines, and smooth exteriors will not stop the massacre on our roads. It is therefore well past the time when the United States should have a comprehensive nationwide program to reduce the toll of death and destruction on our highways.'"

Environmental Protection Agency

The Environmental Protection Agency regulates the manufacture, sale and use of pesticides pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). No pesticide may be sold in the United States that has not been registered under the FIFRA. In addition, under the Federal Food Drug and Cosmetics Act (FFDCA), EPA establishes acceptable levels of pesticide residues that may be present in food. EPA also may promulgate legally binding labeling requirements under FIFRA.

Congress enacted FIFRA in 1947 in response to the rapid development of new pesticide chemicals, the widened scope of their use, and the chemicals' known, but not well understood, dangers.

Although many in Congress supported continued pesticide use, there was a general recognition that controls needed to be exerted over their manufacture, sale, and use. The report of the Senate Agriculture and Forestry Committee stated: "While appropriate pesticides properly used are essential to man and his environment, many constitute poisons that are too dangerous to be used for any purpose. Others are dangerous unless used extremely carefully, and some may have long lasting adverse effects on the environment. . . . Their wise control based on a careful balancing of benefit versus risk to determine what is best for man is essential."

This logic is applicable in the case of firearms. Where the risks associated with a specific class of firearm are unreasonable when compared to the benefits of use, that use can be controlled without threat-

ening the availability of weapons whose benefits are viewed as exceeding the risk.

If EPA determines that a new pesticide presents an unreasonable risk of adverse effects, the agency may deny the registration altogether, restrict use to specific crops or geographic areas, or require that it be applied only under the supervision of specially trained applicators.

Food and Drug Administration

The Federal Food, Drug and Cosmetics Act (FFDCA) authorizes the Food and Drug Administration to oversee the development and marketing of drugs and medical devices.

Under the FFDCA, the FDA must review a drug before it may be tested on humans or marketed. Before FDA approves a drug, clinical trials must be performed. Before beginning clinical trials, a company must file a investigational new drug application with FDA. This filing includes results of animal tests, a review of the literature, information about human reaction to the product in the U.S. and abroad and plan for clinical testing. If no unacceptable problems are discovered, the manufacturer submits a New Drug Application (NDA) which includes a summary of clinical research results compiled by the manufacturer. FDA regulations require that the NDA include all information that "suggests a significant hazard, contraindication, side effect or precaution." After review of the NDA, the FDA determines if there is sufficient evidence of safety and effectiveness. If approved, the agency mandates proper dosages and labeling.

THE APPROPRIATE APPROACH FOR FIREARMS

Each system of regulation offers approaches useful in constructing a strategy to effectively regulate firearms as potentially hazardous consumer products, and some are exceptionally instructive.

For example, the primary reason for the creation of CPSC was the acknowledgement that the number of deaths and injuries associated with certain consumer products was unacceptable, combined with the realization that a piecemeal approach to product regulation was ineffective. The parallels to gun control are striking. As illustrated by the debates over armor-piercing ammunition, plastic non-detectable handguns and assault weapons, Congress persistently deals with these issues in a piecemeal manner, while ATF can take no action on its own to deal with new hazardous products.

Also, Congress tends to only consider gun control legislation in response to tragedy. For example, the killings of Robert Kennedy and the Reverend Martin Luther King, Jr. helped ensure passage of the Gun Control Act of 1968. Likewise, the massacre of school-children in Stockton, California, in 1989 sparked efforts to restrict semi-automatic assault weapons. As the sponsors of the CPSA recognized more than 20 years ago, this is not an efficient way to conduct public policy.

The common thread running through all of the regulatory strategies discussed above is protection of consumers and then general public from unreasonable risk of injury or death. Using the unreasonable risk standard, a workable legislative framework can be

developed using aspects of the regulatory approaches applied to other dangerous products but that recognizes the unique properties of firearms and the firearms industry.

Set forth below are the basics of a model strategy for firearms.

Vesting Authority in ATF

The Bureau of Alcohol, Tobacco and Firearms already possesses the expertise and experience to effectively regulate firearms. Therefore, comprehensive regulatory authority should be vested in ATF with accompanying budget and staff increases where necessary. Although suggestions have been made to place firearms and ammunition under the jurisdiction of CPSC, the agency has suffered tk budget and staff cuts leaving it unable to effectively regulate the 15,000 products already within its jurisdiction.

These are the primary components of the legislative model developed by the Violence Policy Center that would explicitly authorize ATF to operate as a health and safety agency.

Basic Powers

ATF should be empowered to operate as a health and safety agency with the ability to:

- 1) set safety standards for firearms, monitor compliance with such standards, and issue recalls of defective firearms;
- 2) restrict the availability of specific firearms, classes of firearms, and firearm products when appropriate, i.e. where the products present an unreasonable risk of death or injury and no feasible safety standard would adequately reduce the risk.
- 3) take immediate action to stop the sale and distribution of firearms or firearm products found to be "imminent hazards."

Data Collection

In order for ATF to effectively carry out its new responsibilities, it is essential that the agency develop complete data on deaths and injuries associated with firearms and firearm products. Even after decades of debate on guns and violence, available data is limited to incidents of murder compiled for the FBI's Uniform Crime Reports and information culled from death certificates. There exists no coordinated data collection on gun injuries and deaths that includes vital information such as the specific type of weapon and caliber. This type of data set is essential for ATF to identify weapons and weapon types that present a particular public hazard and help prioritize its compliance and enforcement efforts.

Expansion of ATF's Jurisdiction

ATF's jurisdiction should be expanded to include non-powder firearms (air and pellet guns). Many adult shooters use air and pellet guns as target weapons and many new non-powder weapons more closely resemble traditional firearms. Recognizing this, it would be logical to transfer jurisdiction from the Consumer Product Safety Commission to ATF.

ATF's jurisdiction would be further expanded to give it explicit authority over firearm-related products such as laser sights. Moreover, ATF's jurisdiction should be explicitly expanded to encompass weapons such as rocket and grenade launchers. Currently ATF

can only regulate the actual rocket or grenade.

Pre-market Approval Power

Extensive pre-market testing like that utilized by FDA over drugs and medical devices does not seem appropriate in the case of firearms. However, ATF should be given pre-market notification of new firearms technology and firearm products that might pose a threat to public safety and should have authority to prevent the marketing of new firearms or firearm products such as caseless ammunition, armor-piercing ammunition, or non-detectable firearms, that pose a significant threat to public safety.

Regulation of Firearms Manufacturers, Importers and Dealers

ATF must be given enhanced authority to regulate manufacturers, importers, distributors, and dealers in firearms. Stricter regulation of dealers in automatic weapons should also be imposed.

Bans on Specific Classes of Weapons

The availability of specific classes of firearms where the evidence clearly demonstrates that such weapons present an unreasonable risk of death and injury should be severely restricted. Such weapons include:

Weapons regulated under the National Firearms Act (NFA), including silencers, "destructive devices" such as missiles used in grenade and rocket launchers, and land mines, should be banned for future sale,

Weapons that fall within the definition of "assault weapons" should be banned in the same manner as were machine guns in 1986, no new versions of assault weapons could be made,

Handguns should be banned from future sale.

CONCLUSION

In most public-policy debates, advocates research an issue, develop a flexible framework to solve problems and then battle to achieve one step at a time the politically feasible components. In addition, advocates routinely develop working coalitions of individuals and organizations who share their concerns. To its long-term detriment, the gun control movement has failed to replicate this successful strategy.

Successful implementation of the regulatory approach outlined in this study requires that those dedicated to reducing firearms violence reassess their own understanding of the issue and dramatically reorient the way it has been presented to the general public. The first steps include:

- Establishing a long-term public education/media campaign to change the public's perception of gun violence. It must be understood that crime is merely the most recognized aspect of the public health problem posed by firearms. The campaign should also be designed to educate Americans about the risks associated with firearms ownership.

- Support for new and ongoing research into firearms violence, its causes and effects, and the economic costs associated with it.

- Recruitment of individuals and organizations not traditionally involved in the gun control debate. Gun-control organizations must reach out to build active, longterm coalitions with organizations whose constituencies are affected by firearms violence, including: women's groups; youth organizations; civil rights

organizations; consumer organizations; public health associations. Support should also be sought from those with *economic* interests in reducing firearms violence, such as the insurance industry, hospital associations and criminal justice associations.

It is fortuitous that the end of the battle over the Brady bill coincides with a new administration supportive of the concept of gun control. The United States has a fresh opportunity to reshape the debate over gun violence and abandon the tired cliches and dicta that have dominated it to date. This study is written not in the naive expectation that its recommendations will be quickly or even wholly adopted, but in the belief that it offers the last, best hope to reduce firearms violence in America.

SIDEBAR

THE SECOND AMENDMENT ISN'T THE ISSUE, EITHER

Whether or not various efforts at legislative control of firearms has yet worked effectively, there is little remaining question about the government's ability to enact such laws. No gun control measure has ever been struck down as unconstitutional under the Second Amendment.

The Second Amendment is the most misunderstood provision in the Bill of Rights: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." Its purpose is to guarantee the states' ability to maintain independent militias, composed of state residents, available to defend the country should it be threatened. The founding fathers' reliance on state militias to perform this task stemmed from their deep distrust of a standing federal army.

The Supreme Court has addressed the meaning of the Second Amendment in several cases. In 1886, the court ruled in *Presser v. Illinois* that the Second Amendment functions only as a check on the power of the federal government — preventing it from interfering with a state's ability to maintain a militia — and in no way limits the states' powers to regulate firearms.

States, therefore, are not prohibited by the Second Amendment from controlling private ownership of handguns and other categories of firearms in virtually any way they see fit. Even states whose constitutions guarantee the individual right to keep and bear arms it is constitutional to ban handguns. In 1981 the Illinois village of Morton Grove banned the sale and possession of handguns. In 1982 a federal appeals court found that "because the Second Amendment is not applicable to Morton Grove and because the possession of handguns by individuals is not part of the right to keep and bear arms, [the Morton Grove ordinance] does not violate the Second Amendment." In October 1983 the Supreme Court refused to hear the case, letting the decision stand.

The Morton Grove ban was also upheld in Illinois state courts, where the law was ruled not to violate the state's constitution. In October 1984 the Illinois Supreme Court upheld the Morton Grove handgun ban noting that it was a proper use of police power to protect the public safety. The question then becomes, to what extent may the federal government regulate the ownership of firearms by citizens?

The Supreme Court dealt directly with this question in 1939. In *United States v. Miller*, the court upheld a federal law making it a crime to ship a sawed-off shotgun in interstate commerce, refusing to strike it down on Second Amendment grounds absent any evidence that a sawed-off shotgun had "some reasonable relationship to the preservation or efficiency of a well regulated militia." The court held that the Second Amendment "must be interpreted and applied" only in the context of safeguarding the continuation and effectiveness of the state militias.

Perhaps the most significant case is *Lewis v. United States*, a 1980 decision. The majority opinion, joined by then Chief Justice Warren Burger and current Chief Justice William Rehnquist, ruled that restrictions contained in the Gun Control Act of 1968 prohibiting

felons from owning firearms were constitutional. In its analysis, the court applied a "rational basis" standard, which requires that the remedy need merely be "rationally related to a legitimate purpose." It's a revealing application of this standard.

When determining whether a statute meets equal protection requirements, statutes that impinge on fundamental, individual rights — such as freedom of speech or the right to counsel — are judged by the more rigorous "strict scrutiny" standard. In *Lewis*, the court stated, "These legislative restrictions on the use of firearms do not trench upon any constitutionally protected liberties." The opinion listed voting, the practice of medicine, and even holding union office as "activities far more fundamental than the possession of a firearm."

Most recently, in January 1991 the Supreme Court refused to hear a challenge to the 1986 congressional ban on the manufacture of new machine guns. The court let stand a Eleventh Circuit ruling in *Farmer v. Higgins*, which denied the plaintiff a license to manufacture a new machine.

The Eleventh Circuit's ruling was not surprising. The lower federal courts, in accordance with Supreme Court precedents, have consistently held that there is no individual right to own a gun. In *United States v. Warin*, the Sixth Circuit in 1976 expressed exasperation with the misguided arguments made by the defendant in attempting to persuade the court that the federal law prohibiting possession of an unregistered machine gun violated his Second Amendment rights. Upholding the defendant's conviction, the court stated, "It would unduly extend this opinion to attempt to deal with every argument made by defendant . . . all of which are based on the erroneous supposition that the Second Amendment is concerned with the rights of individuals rather than those of the states."

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Robert Deutch, USA TODAY
JERRY RICE: Tied for
league lead in TDs, 1C

TOP-RANKED ARKANSAS ROLLS 129-63

CLINTON CHEERS RAZORBACKS
► No. 16 MINN. UPSET BY UVA
► COLLEGE RESULTS, 1,4C

JERRY RICE AND DEION SANDERS ONLY UNANIMOUS PRO BOWL PICKS 1C

► AFC STATS BY TEAM, 7C
► NFL REPORT, 1,8C

USA TODAY

NO. 1 IN THE USA ... FIRST IN DAILY READERS

BEST AND WORST ON FILM, ON STAGE, ON RUNWAYS

'SCHINDLER'S LIST,' 'AGE OF
INNOCENCE' WILL STAND
THE TEST OF TIME, 5D

► BROADWAY BRINGS US
A FEW BUMMERS, 4D
► FASHION: BLACK IS BACK, 9D



Miramax Films
HOLLY HUNTER: 'Pi-
ano,' one of best, 5D

WEDNESDAY, DECEMBER 29, 1993

NEWSLINE

A QUICK READ ON THE NEWS

SPECIAL REPORT

USA's GUN CRISIS: USA TODAY, in all four sections today, examines the explosion of gun violence in the 1990s.

SECOND AMENDMENT: Is the right to bear arms as fundamental as free speech or as outdated as banning the quartering of troops in private homes? 2A.

'BARBER SHOP MURDERS': On Nov. 28, 1992, in Catonsville, Md., three lives came together — and two ended: anatomy of murder. 3A. Weapons of crime. 5A.

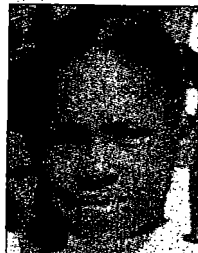
DYING YOUNG: Aisha Heard, 13, was walking through a housing project on Sept. 10 when she was used as a shield in a shootout — one of a growing number of young people killed by firearms. 8A.

► A life changed. 3D.

CRIME'S PAY: USA TODAY analysis shows one gun crime cost \$308,000 — when Calvin Coley shot his wife Ann Niklas in Warr Acres, Okla. 4A.

IN DEFENSE: In Waterford, Mich., Charmaine Klaus, defending her store, shot gunman in mouth. 6A.

SEEKING SOLUTIONS: Mayors, governors including New York's Mario Cuomo, assess gun control. 7A.



Atlanta Journal and Constitution
HEARD: Walking to a
store when shot

GUNS

CHANGING OUR LIVES



Homicide records set in 22 cities

By Tom Squitieri
USA TODAY

The USA appears to be on track for a record number of homicides in 1993, shattering the brief lull of 1992.

A USA TODAY survey of police departments finds 22 major cities already have set homicide records in 1993.

"We're going to have another record this year, I know it," says St. Louis police spokeswoman Christine Nelson.

There were 24,703 homicides in the USA in 1991 and 23,760 in 1992, an almost 4% decrease.

Nelson blames the 1993 rise on access to guns, which figure in most of the homicides.

"There are lots of guns in the hands of our youth," she says.

Among 1993 benchmarks:

► Oakland has a record number of homicides for the fifth straight year — 166 as of Monday; Gary, Ind., and Little Rock, have set records for the fourth straight year, with 101 and 73, respectively.

► Washington, D.C., with 463

Help urged for radiation test subjects

By Maria Puente
USA TODAY

People who were unknowingly exposed to radiation in government experiments years ago should be compensated, Energy Secretary Hazel O'Leary said Tuesday.

"We must proceed with disclosing these facts and information regardless of ... whether it opens the door for a lawsuit," she told CNN. "Those people who were wronged need to be compensated."

Her comments came amid reports that scientists were warned not to use humans in the experiments, many conducted in the 1940s and '50s.

► O'Leary has said as many as

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Life

WEDNESDAY, DECEMBER 29, 1993

LIFELINE

A QUICK READ ON WHAT PEOPLE ARE TALKING ABOUT

Special report shifts pages

Due to today's special section on guns, the People page appears on 4D, and there is no TV page. Highlights of the weekly Nielsen ratings appear at the bottom of this column. Both People and TV will return to their regular places on Thursday.

JACKSON SUED: Promoters for Michael Jackson's canceled *Dangerous* tour sued the entertainer Tuesday in Los Angeles for more than \$20 million and claimed he was addicted to morphine and Demerol long before he sought treatment in November. The singer was also sued by the Children's Peace Foundation Dec. 13, which claimed Jackson had engaged in a "pervasive pattern of fraud" in his business dealings and product representation. There has been no comment from the Jackson camp on either suit.

BLOCK PARTY: Mirth and merriment time for America's rug rats when *Sesame Street Stays Up Late!* A *Monster New Year's Eve Party* goes prime time tonight at 8 ET on PBS (times may vary). The one-hour special features Lily Tomlin as telephone operator Ernestine sparring with Oscar the Grouch as she tries to connect him with relatives for a grouchy greeting.



By Frank Micelotta
'STREET' PARTY: Lily Tomlin, Oscar 'Up Late!'

RADIO DAYS: For its 100th anniversary, The Fairmont Hotel in New Orleans will roll back time, on New Year's Eve by recreating its national radio broadcasts, which ran from 1932 to 1969. From the Blue Room, the hotel will present a live two-hour radio show on WWL-AM at 8 p.m. CT, complete with big-band sounds and interviews including Leon Kelner, Blue Room band leader for 13 years. The show will air in 38 states; check local listings.



By Louis Goldman
AL PACINO: In the gripping 'Carlito's Way.'

BEST AND WORST OF '93

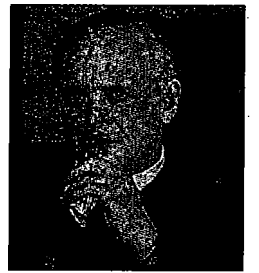
DAVID PATRICK STEARNS LOOKS AT BROADWAY'S BRIGHT AND LESSER LIGHTS, 4D. MIKE CLARK PICKS THE MOVIES HE LOVED AND HATED, 5D. AND ELIZABETH SNEAD REVIEWS THE YEAR'S FASHIONS, 8D



By Larry Ford
BELL-BOTTOMS: The hot new look cooled off fast.

A MAN WITH A PAST

ACTOR ANTHONY HOPKINS TALKS ABOUT HIS LONG, TURBULENT JOURNEY TO STARDOM AND HIS VICTORY OVER ALCOHOLISM. 4D



By Keith Hamshire
HOPKINS: The focus of a 'Premiere' interview.

Day-Lewis' spirited 'In the Name of the Father'

The claustrophobia that often sinks prison movies doesn't apply to the 2 1/4-hour *In the Name of the Father* (★★★ out of four), which reunites Jim Sheridan with Daniel Day-Lewis, whom he directed to an Oscar in *My Left Foot*.

Talk about wealth of incident. There's a terrorist bomb-

MOVIE REVIEW

MIKE CLARK

ing, political malfeasance, false imprisonment, brazen coverup and a tenacious lawyer's stormy appeal. Sub-issues are father-son love and flower-child love (free, you'll recall).

It all helps Sheridan keep *Father* hopping despite tough-sell subject matter: the 1974 railroading of Ireland's Gerry Conlon (Day-Lewis), who served 15 years in a British prison for a bombing in which five people died. Also falsely jailed were a friend, a hippie couple who gave them shelter,

and Conlon's estranged father. Emma Thompson, as the solicitor who unearths jumbo night crawlers in the government's files, sparks the final third. But the film's emotional core is father-son reconciliation, and Pete Postlethwaite is very sympathetic as Dad.

Day-Lewis, whose range is

starting to astound, gets everything out of Conlon's transformation, but his Golden Globe nomination should have been for *The Age of Innocence*. Others might have played this role. No one else is imaginable in Martin Scorsese's masterpiece. (New York and L.A.; R: violence, profanity.)

SPECIAL REPORT

ON THE FRONT LINE

At Charity Hospital in New Orleans, death doesn't take a holiday. The emergency medical team struggles to save lives in the face of growing violence on the streets.



Pushing therapy, not pills

By Kim Painter
USA TODAY

Even in the age of Prozac and lithium, nearly half of private office visits to U.S. psychiatrists involve no medication, a government survey says.

The National Center for Health Statistics says 44% of visits in 1989-90 involved psychotherapy without medication and 47% involved both. Just 5% were for drug treatment alone.

"This refutes a current myth, which is that psychiatrists just push pills," says John Blamphin, a spokesman for the American Psychiatric Association in Washington, D.C.

The survey was based on a sample of psychiatrists who primarily treat patients in pri-

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USA
TODAY

Money

WEDNESDAY, DECEMBER 29, 1993

MONEYLINE

A QUICK READ ON THE TOP MONEY NEWS OF THE DAY

RECORD DOW: The Dow Jones industrial average edged up 0.84 points Tuesday to a record 3793.77. The Nasdaq composite index rose 3.50 points to 764.56. The yield on 30-year Treasury bonds remained at 6.23%. The discount rate on three-month Treasury bills held at 3.06%. Comex gold fell 50 cents to \$387.40 an ounce. Light sweet crude oil sank 2 cents to \$14.11 a barrel on the N.Y. Merc. (Market Scoreboard, 4B.)

BLOCKBUSTER CREDIT: Blockbuster Entertainment's lenders agreed to triple its line of credit to \$1 billion. The boost comes after Blockbuster pledged to invest \$600 million in stock of Viacom, which is under pressure to raise cash to sweeten its bid for Paramount Communications. Viacom has until Jan. 7 to counter a bid by QVC Network, which won endorsement from Paramount's board of directors. Meanwhile, the value of QVC's bid has fallen to \$9.47 billion, vs. \$9.5 billion for Viacom's. Both bids are partly in stock, so their values change daily. Tuesday, QVC shares fell 1% to \$37 7/8 on a Wall Street Journal story that said whoever buys Paramount will be burdened for decades by having paid far more than Paramount's book value. Viacom Class A shares fell 7/8 to \$50; Class B shares fell 1/2 to \$46 1/2.



By Bob Strong, AP
DONALDSON: IPO saturation?

has risen 29% to \$2.25 trillion in 1993, ending a six-year slide in the exchange's share of trades. The NYSE, where 83% of the USA's \$5.4 trillion in common stock trades, has been fighting other exchanges to maintain its position. Nasdaq trading has jumped 49% from last year to \$1.3 trillion.

HOT STOCKS: The market for initial public offerings may have a tough time next year keeping up this year's red-hot pace, New York Stock Exchange Chairman William Donaldson says. IPOs, through which companies first sell shares of themselves to the public, raised a record \$45 billion on the NYSE in 1993, compared with \$35 billion last year, he says. But some of the IPO market may be saturated, he says. Also, the dollar volume of NYSE trading

✓ TIP-OFF

IRS rings in new tax year

The Postal Service will begin delivering 1993 federal tax forms next week to 86 million households, the IRS says.



INFLATION WATCH

S&P ECONOMIST DAVID BLITZER SAYS PRICES WILL RISE 2.8% IN '94. STREET TALK AND MARKET SCOREBOARD PAGE, 4B

SPECIAL REPORT

THE GUN BUSINESS

The gun industry is a multibillion-dollar powerhouse. The past six years, revenue has increased — and so has controversy. This Special Report examines the gun business and how it affects our lives.



By Matt Mendelsohn, USA TODAY

GUNMAKING: Colt's Bob Baker assembles a pistol at the Hartford, Conn., factory. Experts say more people carry concealed weapons, which is legal with a permit in 35 states.

- Fear of guns is creeping into the workplace, Cover, below
- Pressure on retailers mounting, 2B
- Economic impact; imports growing, 3B

WHAT FAMILY WORLD?

In the first Rose Bowl, Stanford was so Badly Beaten that Chariot Races replaced the Game for the Next 13 Years.

(A vacation on Northwest would make for a more exciting New Year.)

NORTHWEST Airlines
1-800-225-2525

Jobs, income will lead growth in '94

By Bill Montague
USA TODAY

For more than two years, falling interest rates have been the economy's booster rockets. But fuel is running low.

Reason: Rates look like they've hit bottom. And the stimulative effect of their previous decline is wearing off.

That means that in 1994, the economy will have to rely on its main engines — jobs and income growth — to keep the expansion going.

"I think the interest-rate effect has about played itself out," says Sung Won Sohn, economist for Norwest.

Falling rates play a big role in any economic rebound. But they've been absolutely crucial during the long, slow recovery from the 1990-91 recession.

Between July 1990 and September 1992, the Federal Reserve cut a key short rate, the federal funds rate, to 3% from 8%. Long rates fell more slowly at first, but tumbled this year, pushing the yield on the 30-year Treasury bond to 6.23% from 7.39% at the end of 1992.

Those drops have been powerful medicine for an economy sickened by the 1980s debt

spending, up 6%.

But the Fed has held short rates steady for almost 15 months now. Long rates have bounced up from the lows they hit last fall. So the windfall income gains that consumers and businesses have reaped from refinancing debt will dwindle in the months ahead.

It already may be happening. Mortgage refinancing activity, while still high, is down 63% from its September peak, according to the Mortgage Bankers Association.

That could dampen consumer spending next year, says Elliott Platt, economist at Donaldson, Lufkin & Jenrette Securities. "Home and auto sales look like they're hitting a plateau," Platt says. "To keep going forward, we need bigger increases in personal income."

Decent job growth — especially in manufacturing — should deliver those income gains, most economists predict.

One sign: Tuesday, the Commerce Department said '94 should be the best year for manufacturers since '88. Revenue gains are expected in 121 of 136 industries surveyed. Average gain: 2.8%, vs. 2% in 1993. But low rates haven't lost all

TO Bruce
FBI HRC



National Institute of Justice

Research in Brief

Michael J. Russell, Acting Director

October 1993

The Growing Use of Jail Boot Camps: The Current State of the Art

by James Austin, Ph.D., Michael Jones, and Melissa Bolyard

Boot camp programs, frequently called "shock incarceration" programs, place offenders in a quasi-military program similar to a military basic training program—a "boot camp" that instills discipline, routine, and unquestioning obedience to orders. The past decade has witnessed considerable interest in the concept of boot camps as a potentially effective intermediate sanction for certain types of offenders. The rationale for boot camps is as follows:

1. A substantial number of youthful first-time offenders now incarcerated will respond to a short but intensive period of confinement followed by a longer period of intensive community supervision.
2. These youthful offenders will benefit from a military-type atmosphere that instills a sense of self-discipline and physical conditioning that was lacking in their lives.

3. These same youths need exposure to relevant educational, vocational training, drug treatment, and general counseling services to develop more positive and law-abiding values and become better prepared to secure legitimate future employment.

4. The costs involved will be less than a traditional criminal justice sanction that imprisons the offender for a substantially longer period of time.

To date most of the attention has been directed at boot camps operated by State prison systems. Typically, these programs target offenders who would be sentenced to prison for at least 1 year had the boot camp sanction not been available to either the courts or State prison system. To date, 28 State prison systems are operating 43 such programs with more States planning to start similar programs.¹

More recently there has been increased interest in the use of boot camps for *jail* populations. The Nation's jail system comprises over 3,500 adult detention facilities processing more than 10 million bookings each year.² On any given day nearly 427,000 pretrial or sentenced inmates are housed in jails. In terms of volume, the Nation's jails touch more adult offenders than any other form of corrections.³

For a number of reasons, a jail-operated boot camp could be of strategic value to the criminal justice system. Although the average length of stay for defendants and offenders admitted to jail is relatively short (15–16 days) compared to State prisoners (16–18 months), jails increasingly house inmates who can spend many months in confinement. For example, in many jurisdictions inmates can be sentenced to a year or more.⁴

Intermediate punishments are intended to provide prosecutors, judges, and corrections officials with sentencing options that permit them to apply appropriate punishments to convicted offenders while not being constrained by the traditional choice between prison and parole. Rather than *substituting* for prison or probation, however, these sanctions—which include intensive supervision, house arrest with electronic monitoring, and shock incarceration—bridge the gap between those options and provide innovative ways to ensure swift and certain punishment.

Shock incarceration programs, also known as "boot camp" programs, enforce a rigid military discipline on inmates chosen for this punishment. Those accepted into the

programs must adhere to strict guidelines for conduct, must obey all orders without question or hesitation, and must undertake rigorous physical training and work regimens. Among the goals mentioned in surveys of program officials, rehabilitation and the reduction of recidivism were rated highest, followed by reducing prison crowding and changing offender behavior patterns.

Until recently, most boot camp programs were conducted in State prisons (one program is conducted by the Federal Bureau of Prisons). But now county and local jails, which house prisoners for considerably shorter terms than do prisons, have begun questioning whether shock incarceration might work there too.

As this report states, on any given day some 427,000 pretrial or sentenced inmates are

housed in the Nation's jails. And although the average length of stay is relatively short compared to State prisons, inmates can spend many months in confinement.

This report presents the results of an NIJ national survey to determine the number of jail boot camps currently in existence or planned. It also relates some of the difficulties experienced in operating a shock incarceration program within the limited confines of a county or local jail, and provides information on the costs involved in running jail boot camp programs.

Michael J. Russell
Acting Director
National Institute of Justice

Jails frequently hold significant numbers of State-sentenced inmates who spend many months incarcerated there. For example, paroled prisoners who violate the terms of their parole are generally housed in local detention facilities until a decision on their status is made by the State, and these decisions may take several months. And with the growing number of jails holding State-sentenced inmates because of prison crowding, jails are holding more and more inmates who will spend well beyond a year in confinement. According to the most recent national data, nearly 40,000 State and local prisoners from other jails are now held in jail facilities holding at least 100 inmates, and this number is certain to rise.⁵

Finally, significant numbers of adults placed on probation subsequently violate probation and are readmitted to jail to await a court's decision on whether to continue probation or commit the violator to prison. Here again, the offender may spend substantial time in custody awaiting the court's decision.

Because the inmate population found in jails is so diversified, the goals and attributes of prison-operated boot camps may not apply or may be more difficult to achieve in a jail-operated boot camp (for example, 180-day programs geared toward reducing jail crowding). However, the nature of jail populations may prove advantageous to criminal justice officials. For example, a jail boot camp may be better suited to function as an intermediate sanction for probation or parole violators in lieu of revocation and commitment to State prison.

How many jail boot camps are there?

During the spring of 1992, the National Council on Crime and Delinquency (NCCD), at the request of NIJ, conducted a national survey to identify the number and characteristics of jail boot camps.

In May 1992, NCCD mailed more than 2,200 letters to sheriffs, jail administrators, and State probation departments throughout the country, asking whether they operated a boot camp, had plans for a boot camp, or had interest in a boot camp. Of approximately 200 of these surveys that were returned (10 percent):

- Ten jurisdictions indicated they were operating a boot camp.
 - Thirteen jurisdictions reported that they were planning to open a boot camp in 1992 or 1993.
 - One hundred thirty respondents said there were no immediate plans to open a boot camp but the jurisdiction was interested in establishing one in the near future.
- One of the surveyed boot camps has since terminated its operations due to unanticipated budget constraints—the Los Angeles Sheriff's Regimented Inmate Diversion program. This program is discussed later.

What do jail boot camp programs look like?

A followup telephone interview was conducted with each of the 10 identified programs to obtain detailed information about the boot camp's operations. Four boot camp programs were then visited by NCCD researchers.

Organizational characteristics

All of the surveyed boot camps are administered by local Sheriff or County Department of Corrections agencies with local funding (see exhibit 1). Most of these programs are relatively new, having begun operations in the past 2 years. The earliest programs were begun in New Orleans, Louisiana, (1986) and Travis County, Texas (1988).

Even though the programs tend to be located within large jail systems (approximately 2,000 or more inmates), the size of these programs is quite modest (ranging from 12 to 350 inmates). The expected length of stay in these programs, which ranges from 2 to 4 months, is considerably shorter than that in prison boot camps. This design feature is consistent with the relatively short average length of stay for jail populations.

To date, almost all of the programs are operating at less than their design capacity. Some reasons for this include the selection criteria set by the programs, lack of coordination among criminal justice agencies, and the fact that few jail inmates will be in custody beyond the time they would have to spend in the boot camp program.

Considerable variation exists among the sites in their staffing and funding levels.

Some programs like those in Travis County, Texas; New York City; and Harris County, Texas, have very large program staffs in addition to large custody staffs. Consequently, their staff-to-inmate ratios are quite low (exhibit 1). Documenting the actual costs of these programs is quite difficult since many of them are included in the overall jail budgets. Where cost data exist, annual budgets range from \$400,000 for the 60-bed program in Oakland, Michigan, to \$3.5 million for the 384-bed program in Harris County, Texas.

Program goals

Like prison boot camps, jail boot camps list a wide array of goals, ranging from rehabilitation to punishment (see exhibit 2). Not all programs report that reducing jail crowding is an important goal—perhaps in recognition that achieving such a goal would be extremely difficult given the relatively short period of stay in jail for most inmates. There is greater consensus that boot camps can reduce recidivism by rehabilitating offenders through the provision of a wide range of employment, educational, vocational, and drug treatment programs. These goals are directly linked to the perception that there exists a substantial pool of offenders admitted to jail who are not yet firmly committed to a criminal lifestyle and can either be deterred or rehabilitated through exposure to the boot camp program.

Some of the jails cited less dramatic but equally significant and more pragmatic program goals. In some cases, the jail hoped that the boot camp program would provide a safer environment for staff and inmates alike. The programs also were designed to enhance the jail's image in the local community.

Selection criteria

The criteria for selecting boot camp participants are quite varied across the 10 jurisdictions (exhibit 3). Like prison boot camps, most programs tend to identify youthful offenders although many have age limits exceeding 25 years. In particular, New York and New Orleans have maximum age limits of 39 years and 45 years respectively.

Although most programs prefer to select first-time offenders convicted of nonviolent or drug-related crimes, no consistent

PHOTOCOPY
RESERVATION

Exhibit 1. Jail Boot Camps: Organizational Attributes

Attributes	Travis, TX	New York City—Men	New York City—Women	Santa Clara, CA	Nassau, NY	Orleans, LA	Harris, TX	Ontario, NY	Brazos, TX	Oakland, MI
Startup date	9/88	10/90	10/91	4/91	4/92	8/86	5/91	3/92	2/92	7/90
Bed capacity	76	300	100	44	38	126	384	18	12	60
ADP—County jail system	2,222	21,449	21,449	4,026	1,940	4,600	14,512	120	352	1,550
ADP—Boot camp	57	210	84	26	14	80	348	15	12	47
Percent of capacity	75%	70%	84%	59%	37%	63%	91%	83%	100%	78%
Annual admissions	266	1,059	210	124	N/A	177	814	108	36	119
Program length in days	90–120	60	70	63–70	90 days	250–300	90–120 ^a	5	120	56
Average length of stay	120	60	70	65	N/A	275	120	5	120	56
Number of staff	20	119	24.5	8.5	21	24	119	19	7	10
Administrative	5	3	4	.5	5	1	4	3	0	1
Custody	3	101	17	8	14	23	65	6	4	8
Program	12	15	3.5	0	2	0	50	10 ^b	3	1
Total annual budget	\$1.1 Million	\$367,119 ^c	\$858,174	\$507,000	\$600,000	\$879,175	\$3.5 Million	No Separate Budget	N/A	\$403,423
Staff-to-inmate ratio	1:3	1:2	1:4	1:3	1.5:1	1:4	1:3	1:2 ^b	1:2	1:5
Cost per inmate/day	\$53	\$5 ^c	\$28	\$53	\$117	\$30	\$28	N/A	N/A	\$24
Funding source(s)	county	city	city	county	Federal, State, and county	County	State and county	N/A	County and Inmate Commissary	County

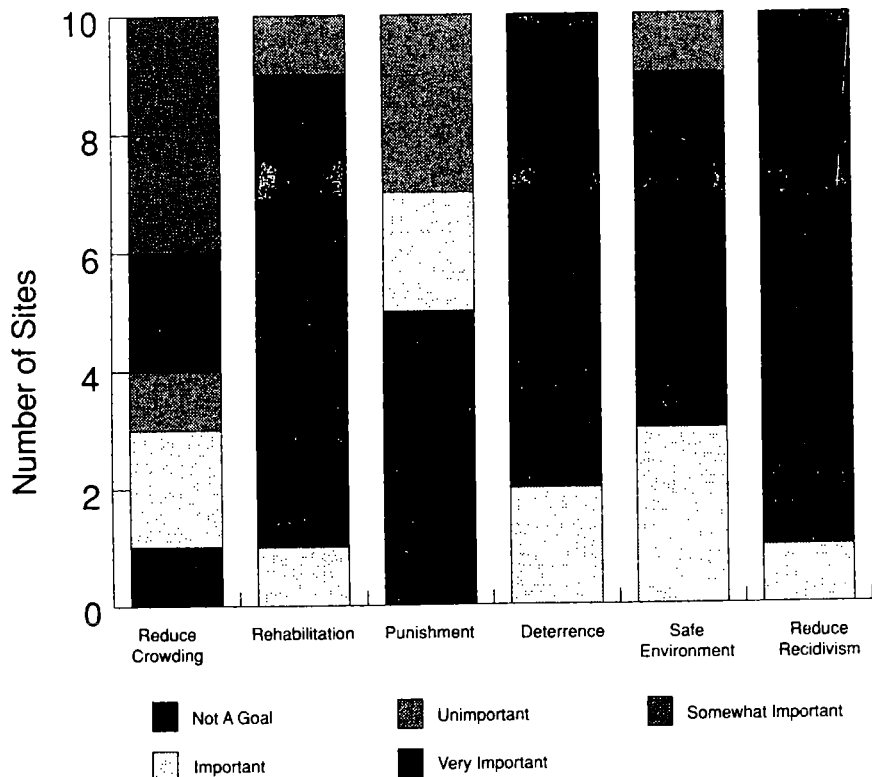
^a Length of stay is extended beyond 120 days for inmates with disciplinary problems.

^b Part-time volunteer personnel; not included in staff to inmate ratio.

^c Staff salary only, does not include maintenance costs.

3
PHOTOCOPY
PRESERVATION

Exhibit 2. Jail Boot Camp Goals



policy exists to include such offenders automatically across all sites. A number of programs accept State parolees who have not been arrested for a new offense but have violated the terms of their parole supervision.

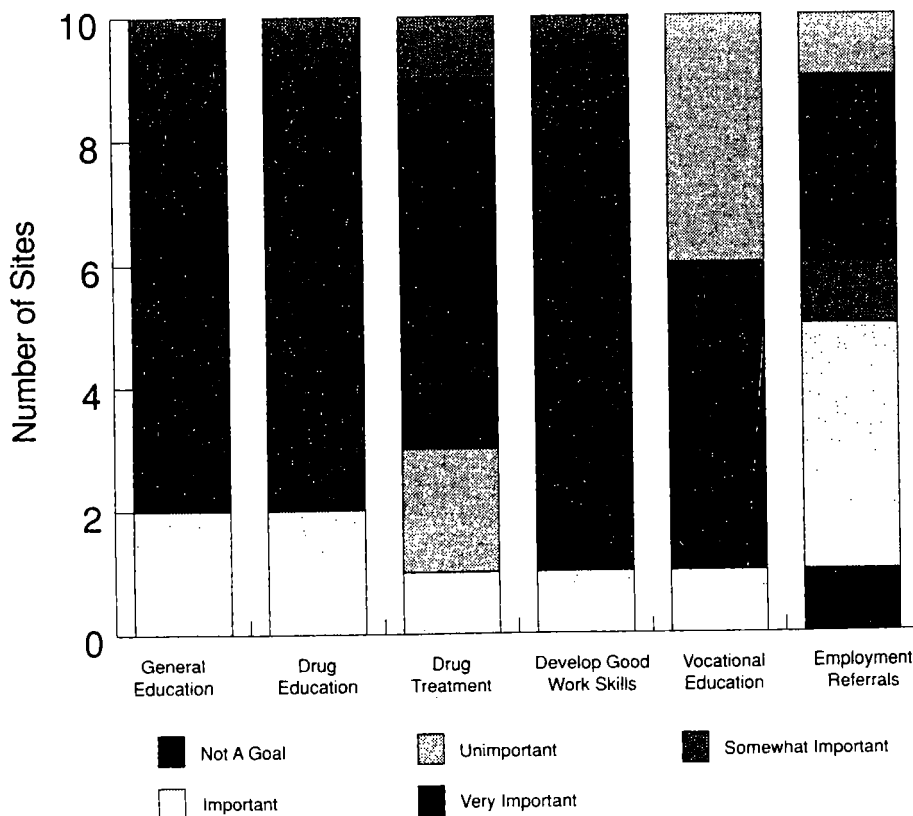
Four programs have the capacity to accept women, and two programs are exclusively set up for women (Santa Clara, California, and New York City). Of these two programs, one lacks a military training component. In general, those programs with a co-ed capacity have very low numbers of women participating, and some sites indicated that they may discontinue that aspect of the program in the future.

There are two basic processes by which an offender is selected and admitted to a program. In four sites, the sentencing court has considerable power in determining who is admitted to the boot camp program. In these sites the court recommends that certain offenders be considered by the program staff. After staff screening to verify that the offender meets the admission criteria, a recommendation is then made to the court to sentence the offender to the program. In one jurisdiction (Harris County, Texas), the judge can directly sentence the inmate with or without the consent of program staff.

In five jurisdictions, the jail has unilateral authority to admit an offender to the program independent of the court's recommendation. In this situation, the jail conducts its own screening of potential candidates who are either in the jail or are brought to the attention of program staff by prosecutors or defense attorneys.

The selection process can have important consequences for keeping the program filled with the appropriate clientele. In those jurisdictions that rely upon the court, intake may be less than anticipated if disagreements develop between a prosecutor and the defendant's attorney on whether an application to the boot camp is an acceptable alternative sentence. Several jurisdictions indicate that disagreements among prosecutors and defense attorneys have reduced the projected program intake.

In situations where the judge sentences the inmate to the boot camp, the offender is returned to the court upon completion of the program, successful or not. For those who fail the program, the court has the



option to resentence the inmate to a longer period of incarceration either in prison or within the jail. Those who successfully complete the program are either discharged or begin a period of probation supervision. Some programs allow for inmates to leave the program voluntarily; others do not. Only one program (Harris County) did not require the offender to volunteer for the program.

Program services

Here again, jail boot camps look very similar to prison boot camps in terms of the types of services offered (exhibit 4). The curriculum is generally separated into three phases of activity involving varying levels of military drill, physical training, structured work assignments, adult education, vocational education, drug education, and various counseling and life skills programs.

Most programs allow a gradual shifting from the physical training and work assignments to education, counseling, and community service activities as the offender progresses through the program. Military drill, physical training, and work assignments are emphasized during the initial month. The number of privileges increases as the inmates progress through the various stages of the program. For example, in several programs, neither TV nor visits are allowed for the first 30 days. Thereafter, privileges are increased to reward the participant's performance.

Aftercare supervision

Most of the programs include an aftercare component, which most observers consider essential for a successful boot camp program. Typically, the offender receives a sentence in which successful completion of the boot camp program leads to additional time under probation or parole supervision. In these situations, supervision is provided by the county or State probation agency. In a few programs, a probation officer is actually assigned to the boot camp program to help prepare inmates for release into the community. Several programs also allow graduates to return to the program on a volunteer basis to attend group counseling or support groups.

Program results

Very little research or documentation is available that would allow an assessment

of how successful these programs have been in realizing their goals. With the exception of the now discontinued Los Angeles boot camp program, none has undergone any formal, independent study or cost-effectiveness evaluation.

Results of the Los Angeles County sheriff's RID program

In 1990 NIJ commissioned NCCD to evaluate the Los Angeles County Sheriff's Regimented Inmate Diversion program. Operating within the Nation's largest jail system (20,000 average daily population and over 250,000 admissions per year), the RID program was intended as a judicial sentencing option for selected volunteering defendants who were likely to receive lengthy jail sentences.

Funded primarily by cash and the sale of assets seized from convicted drug dealers, and with an annual operating budget of approximately \$4 million, the RID program had as major goals the reduction of jail crowding, reduction of costs through avoiding long-term incarceration, and reduction of recidivism. An important secondary goal was to improve inmate control by establishing and enforcing strict rules of conduct.

The program exposed young adult male offenders to a residential, military-style boot camp for 90 days, followed by a 90-day period of intensive aftercare supervision in the community. Unlike many boot camp programs, RID included mandatory participation in formal education classes, drug treatment, and counseling sessions. Participants were primarily young minority males, poorly educated, with fairly substantial prior criminal and drug involvements.

Lessons learned. Evaluators found that RID participants actually spent more time in jail than did control-group inmates, when time spent in pretrial confinement was added to their boot camp stay. Thus, the costs of keeping them in jail exceeded the costs of keeping non-RID inmates.

Budgetary problems plagued Los Angeles County, however, and 18 months after the first platoon entered the RID program, county officials withdrew funding and the program was terminated.

Policy implications for operating a jail boot camp

Although jail boot camps are in their infancy, a number of important lessons already have been learned in terms of how such a program should be structured in the future. A number of suggestions are outlined for local jurisdictions interested in starting their own boot camp program.

Establishing realistic goals

To be of practical value to a local jail system, a jail boot camp must address several key issues. Based on this survey, the most frequently cited goals were:

- **Relief of crowding.** Since most jails are crowded, a boot camp program may have a positive influence on this situation. However, given the relatively short length of stay for most jail inmates, this objective will not be met unless the program carefully targets inmates who will spend at least 90 days or more in custody. Inmates who may be good candidates include probation violators and parole violators who are likely to be sentenced to prison or spend a considerable amount of time in jail prior to either transfer to a prison or release to probation or parole supervision. Diverting these offenders to a boot camp would help relieve prison intake. But in such a situation, the State prison system might have to subsidize the jail boot camp operations in order for the jail to benefit financially from the boot camp's operations.

- **Rehabilitation.** Reversing the cumulative negative experiences of youthful offenders within a 90-day period is, at best, an extremely difficult objective. A boot camp program can help initiate the process by improving an offender's ability to read, developing work skills, making job referrals, and dealing with long-term drug abuse histories. Research findings from the Los Angeles RID program show that a boot camp can significantly improve offenders' basic reading and math skills as well as help them locate full- and part-time jobs. But these gains do not necessarily translate into reductions in crime rates. Program administrators should avoid raising expectations about the program's ability to reduce recidivism rates dramatically.

- **Improving jail operations and community relations.** Perhaps the most direct impact a jail boot camp can have is to im-

Exhibit 3. Jail Boot Camps: Selection Criteria and Placement Procedures

Selection criteria	Travis, TX	New York City—Men	New York City—Women	Santa Clara, CA	Nassau, NY	Orleans, LA	Harris, TX	Ontario, NY	Brazos, TX	Oakland, MI
Age	17–26	16–39	19 plus	18 plus	16–18	17–45	17–25	16–30	17–30	17 plus
Sex	Co-ed	Males	Females	Females	Males	Co-ed	Co-ed	Co-ed	Males	Males
1st-time offenders	Yes	No	No	Yes	Yes	Yes	No	No	Yes	No
Nonviolent offenders	Yes	Yes	Yes	No	No	Yes	No	No	No	Yes
Other	N/A	Low classification	Low classification	Substance abuse	N/A	Multiple offender	N/A	N/A	N/A	N/A
Voluntary entry	For some	Yes	Yes	Yes	Yes	Yes	No	Yes	For some	Yes
Voluntary exit	No	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes
Placement procedure	Judge recommends with jail approval; judge then sentences; jail also selects parole violators.	Jail selects, no other approval necessary; technical parole violators admitted upon referral to boot camp.	Jail selects, no other approval necessary; technical parole violators admitted upon referral to boot camp.	Jail selects, no other approval necessary.	Jail selects, no other approval necessary. ^a	Judge recommends with jail approval; judge then sentences.	Judge sentences, jail has no veto power.	Jail selects, no other approval necessary.	Judge recommends, jail approves.	Judge sentences, jail has veto power.

^a Applicants screened by a board composed of correction staff, rehabilitation counselors, education counselor, clergy, and probation staff.

Exhibit 4. Jail Boot Camps: Services, Aftercare and Completion Rates

Services provided	Travis, TX	New York City—Men	New York City—Women	Santa Clara, CA	Nassau, NY	Orleans, LA	Harris, TX	Ontario, NY	Brazos, TX	Oakland, MI
Phys. training & drill	3 hrs/wk	1 hr/day	1 hr/day	3.75 hrs/day	2 hrs/day	2 hrs/day	6 hrs/day	2 hrs/day	1 hr/day	4 hrs/day
Work	6 hrs/wk	3 hrs/day	0	1.5 hrs/day	4 hrs/day	5 hrs/day	2 hrs/day	1/2 hrs/day	6 hrs/day	8 hrs/day
Vocational ed.	8 hrs/wk	3 hrs/day	2 hrs/day	2.5 hrs/day	0	3 hrs/day	2 hrs/day	2 hrs/day	Yes ^a	4 hrs/wk
Drug ed./couns.	4 hrs/wk	5 hrs/wk	2 hrs/day	1.5 hrs/day	4 hrs/day	1 hr/day	1 hr/day	4 hrs/day	1 hr/day	8 hrs/wk
Gen. education	5 hrs/wk	12 hrs/wk	2 hrs/day	1.5 hrs/day	4 hrs/day	4 hrs/day	4 hrs/day	0	1 hr/day	6 hrs/wk
Gen. counseling	Yes ^a	N/A	Yes ^a	1 hr/day	N/A	N/A	Yes ^a	2 hrs/wk	1 hr/day	2 hrs/wk
Other	Life skills 4 hrs/wk	Community services	Community services, 5 hrs/wk	Personal hygiene, 1 hr/day	N/A	Community services, 1 hr/day	Life skills, 2 hrs/day	Health education, 2 hrs/wk	N/A	N/A
Special aftercare supervision	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes
Type of supervision	Depends on risk level	Limited aftercare supervision for parole violators and conditional releases	Limited aftercare supervision for parole violators and conditional releases	N/A	N/A	Moderate	Intensive: Monitor Devices, Halfway Housing	N/A	Intensive	Moderate
Supervision Provided by	Probation	Parole and probation	Parole and probation	N/A	N/A	Jail and probation	Probation	N/A	Jail and probation	Jail and probation
Program completion rate	47.7%	69.9%	71.4%	79.0%	67.8% ^b	78.5% ^c	97.0%	92.6%	N/A	79.8%
Noncompletions	139	319	56	26	19	38	15	8	0	24
Medical/psychol.	21	13	6	3	5	N/A	0	0	0	4
Disciplinary	114	126	23	16	7	N/A	0	8	0	9
Voluntary withdrawl.	0	169	22	0	7	0	0	0	0	11
Other	4	11 ^d	5 ^d	7 ^e	0	38 ^f	15 ^g	0	0	0

^a Hours not available.

^b Reflects those still successfully enrolled in program; none have completed program to date.

^c Reflects those still successfully enrolled in program; no 1992 completions to date.

^d Legal.

^e Sentence served prior to program completion.

^f Includes medical and disciplinary; breakdown not available.

^g Probation absconders.

prove the overall operation of a jail and its standing with the community. Jail operations are improved by creating an efficient inmate work force and a safe housing environment. Staff training is enhanced as officers learn to deal with inmates in a very direct but supportive manner. And community relations can be dramatically improved through community works projects.

Pretest selection criteria

Who should be admitted and can benefit from a boot camp needs to be determined by each site. Before embarking on a new program, officials must first know what types of offenders are admitted to jail and how long they stay. Once formal criteria are set, the program must pretest its selection criteria and its screening process. This will verify that there will be enough offenders to fill the program and that the boot camp will improve and not worsen the jail's crowding situation.

Limit length of stay

Unless there is compelling evidence that boot camp participants would spend, on average, 180 days or more in custody had they not been admitted to the boot camp, jail boot camps should limit the period of program participation to not more than 120 days.

Establish a strong aftercare component

For the positive effects of the program's rehabilitative services to be maintained,

intense supervision and services should continue after release from the program. In some situations this will require establishing a transition halfway house, residential drug treatment, and/or intensive supervision probation for 3 to 6 months.

Evaluate program operations and effectiveness

Jurisdictions need to be encouraged to conduct, at a minimum, process evaluations that would assess whether the program is accepting the type of offenders it wants, delivering the types of services it should, maintaining an acceptable program completion rate, and effectively working within the allotted budget. Once these issues have been addressed, more rigorous impact evaluations should attempt to determine the program's effectiveness.

Notes

1. Based on personal communication with Doris L. MacKenzie, Department of Criminal Justice and Criminology, University of Maryland. See also Doris L. MacKenzie, "Boot Camp Prisons in 1993." *National Institute of Justice Journal* no. 227 (1993), Washington, D.C.: National Institute of Justice.

2. Bureau of Justice Statistics, *Jail Inmates 1991*, Washington, D.C., June 1992.

3. Assuming that nearly three-fourths of the total jail admissions represent individual adults who are booked only once a year, approximately 3 percent of the entire adult population is admitted to jail each year. By contrast, less than half a million adults are admitted to prison each year.

4. In Pennsylvania, offenders can be sentenced to from 2 to 5 years. In most jurisdictions, inmates can receive consecutive sentences of less than 1 year per sentence, which can produce a total sentence of several years without the benefit of good time.

5. The Texas Criminal Justice Policy Council estimates that more than 18,000 State-sentenced inmates are backed up in the county jails and that that number will increase to more than 40,000 by 1997.

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Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

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