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BIPARTISAN LOBBYISTS • HOT SUMMERS • KEEPING SECRETS

National Journal

THE WEEKLY ON POLITICS AND GOVERNMENT

FEB. 26, 1994/NO. 9



Trigger-
Happy

The logo for Rolling Stone, featuring the words "Rolling Stone" in a bold, stylized, slightly distressed font. The letters are black with a white outline, giving it a three-dimensional appearance. The logo is centered within a square frame.

With Compliments
JANN S. WENNER

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By Josh Sugarmann and Kristen Rand

VIOLENCE POLICY CENTER

Cease Fire

A Comprehensive
Strategy to
Reduce FIREARMS
VIOLENCE

A Violence Policy Center study funded by a grant from Rolling Stone.

Rolling Stone

Date: 6/15/94

To: Jose Cerda, White House Domestic Policy Council, fax 202-456-7028

From: Ron Kenyon

Re: Gun Buyback Program Innovation

Using lottery-style rewards in place of fixed premiums, gun buybacks can produce "more bang for the buck". In contrast to conventional programs, this approach

- dramatically reduces program cost per weapon exchanged;**
- avoids exclusion of high-value weapons;**
- avoids exchange of low-value weapons above street cost;**
- appeals preferentially to risk-oriented gun holders;**
- increases public interest and participation.**

Large, uncertain rewards can motivate people better than small, deterministic payoffs. For instance, a state lottery player (WA) pays \$1 for a ticket worth about a nickel (considering odds of winning, amortization, taxes, life expectancy, and propensity to redeem smaller prizes for lottery tickets rather than cash).

One rationalization may be that small costs make no recognizable difference in our daily lives, but big payoffs can make visible differences. The strength of this effect varies by situation and between individuals. (Academic literature under the topic of "risk preference" is extensive.)

This facet of human nature can help take weapons out of circulation. Consider accepting each weapon in exchange for one chance at a \$500 payoff (at 50 to 1 odds against), one chance at \$5,000 (at 2,500:1), a \$100,000 payoff at 50,000:1, and a million dollars at 1,000,000 to 1 odds. For \$15 average pay-out per weapon this system entertains, promotes personal safety, and helps a few winners take care of overdue bills or neglected auto repairs.

The reward structure preferentially targets risk-takers — the reckless, excitable, immature, impulsive and overconfident individuals commonly implicated in tragic handgun incidents — exploiting immature motivational structures to promote mature, risk-averse behavior!

Small-scale local programs would face obstacles related to start-up costs and local gaming regulations. A national program could more easily absorb start-up and administrative costs, surmount regulatory obstacles, and support attractively tiered reward structures.

If interested, please contact:

**Ron Kenyon
P.O. Box 12599
Seattle WA 98111
(206) 447-1760**

M E M O R A N D U M

TO: Richard

FROM: Denny

DATE: January 6, 1994

RE: Treasury Inaction on Dealer Licensing Reform

=====

Secretary Bentsen's recent statement supporting certain gun dealer licensing reform legislation may suggest that he is willing to pursue certain reforms only by legislation, even though they could be implemented by regulatory action requiring no new legislation.

Bentsen expressed his support for legislation enacting three reforms that could be implemented by regulation:

1. Requiring the submission of photos and fingerprints with an FFL application. Treasury was directed to implement this reform in President Clinton's August 11 Directive.
2. Establish periodic reports by FFL's ensuring that authorized business operation is occurring. This also was included in the August 11 Directive. ATF lawyers have admitted the agency has the authority to require applicants for license renewals to submit aggregate sales and other information to demonstrate they are running a legitimate business. Indeed, ATF says this could be done simply by changing the renewal forms.
3. Institute a new policy of immediate suspension or revocation of a license upon the felony conviction of the licensee. This was not in the President's Directive. Treasury clearly thinks it does not have the authority to do this now; Bentsen's initiative proposes to "provide ATF with the authority" to do it.

There are other dealer-related reforms not mentioned in Bentsen's initiative on which ATF still has not taken action:

1. Mandate minimum dealer security measures to prevent gun theft. This was not mentioned in the President's Directive. In his December 30, 1993 address to law enforcement on the LETN, ATF

Memo to Richard

Page 2

Director McGaw stated that the agency was "aware of over 300 incidents in the past few years" of theft from licensed dealers "that put over 12,000 guns on the street." ATF's lawyers admit that ATF has the authority to impose minimum security measures. Why not act now?

2. Require dealers to obtain from handgun purchasers a photo ID and proof of residence in the state (e.g. cancelled rent check, utility bill, etc.) in addition to a driver's license. This was included in the President's Directive. ATF lawyers agree the agency could do this now.

JOSE -

NO CONFERENCE ON
GUN CONTROL.

BUT A MTG. WITH
JAMES Q WILSON SOMEDAY
WOULD BE A GOOD THING -
HIS PIECE ON GUNS IS
QUITE GOOD.

BR

THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To:

Reed
Canda

Draft response for POTUS
and forward to CHR by: _____

Draft response for CHR by: _____

Please reply directly to the writer
(copy to CHR) by: _____

Please advise by: _____

Let's discuss: _____

For your information: ☒ _____

Reply using form code: _____

File: _____

Send copy to (original to CHR):

Schedule ? :

☐ Accept

☐ Pending

☐ Regret

Designee to attend: _____

Remarks: _____

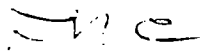
MAR 29 1994

THE WHITE HOUSE

WASHINGTON

March 29, 1994

MEMORANDUM FOR MACK McLARTY
CHIEF OF STAFF

FROM: LLOYD N. CUTLER 
SPECIAL COUNSEL TO THE PRESIDENT

This is a follow up to my suggestion this morning about a Presidential initiative to launch a research program to develop a radioactive, chemical or other type of detection device that would enable police to detect persons carrying a concealed handgun on the street, or in a building or vehicle.

This idea has been kicking around ever since it was first proposed by the Violence Commission in 1970 (I was its Executive Director), but no Administration has ever done anything about it. I revived the proposal in the attached op-ed piece (December 21, 1993), as did James Q. Wilson in a recent Sunday *New York Times* magazine article (March 20, 1994).

I also discussed it with Phil Heymann before his resignation. He told me that Justice and Defense have agreed in principle to start such a program, perhaps beginning with a conference of experts.

I think it would be a win-win opportunity for the President to announce the proposed program himself:

- Concealed weapons are used in most acquisitive violent crime.
- Virtually all states and cities already prohibit carrying concealed weapons, but the police have no way of detecting them and no probable cause for frisking people. A good detection device would solve both problems.
- Modern technology ought to be able to come up with a workable system at a modest cost within the present DOJ and DOD research budgets.
- Even if the research proves fruitless, the Administration would still get credit for trying with the large segment of the public that favors stricter hand gun control.

- The right and left wings of anti-crime opinion are in broad agreement that more needs to be done about concealed weapons.

Jay Kriegel of CBS is a strong gun control maven and I believe that CBS News, as well as the other media, would widely publicize the project.

Also attached is some correspondence with Professor Frank Zimring of Berkeley, the leading gun control academic, who would be a good choice to organize a conference. Others who should be invited include Prof. Richard Barker of Yale and Prof. Paul Horowitz of Harvard. I have their addresses and numbers.

cc: George Stephanopoulos
Harold Ickes
David Gergen
✓Carol Rasco
Joel Klein

Lloyd Cutler

License and Restrict Handguns

Handgun Control Inc.—the Brady bunch—puts out an annual poster that makes the case for controlling handguns in one picture and about 33 words. It shows a revolver painted with the stars and stripes of the American flag. The caption reads:

IN 1990, HANDGUNS KILLED
22 PEOPLE IN GREAT BRITAIN
13 IN SWEDEN
91 IN SWITZERLAND
87 IN JAPAN
10 IN AUSTRALIA
68 IN CANADA

AND 10,567 IN THE UNITED STATES.
GOD BLESS AMERICA.

But despite the recommendations of several presidential commissions for the strict licensing of handguns, the number of handguns and other repeating weapons in the country has risen from an estimated 25 million in 1968 to an estimated 66 million today—a 150 percent increase over 25 years. We now have one handgun for every two American males, little boys included. And we manufacture or import an additional 2.5 million per year.

The Brady law will not do much to stem this rising tide. But its passage—supported by 90 percent of Americans in recent polls—shows that handgun control measures can be passed despite the lobbying power of the National Rifle Association. Here is a list of desirable additional measures we should tackle next, listed in rough order of political feasibility and real-world effectiveness:

(1) Finance the necessary research to perfect a radioactive or chemical tracer that can be placed in all handguns or in all handgun ammunition, so that the police, using Geiger counters and similar devices, can readily detect the presence of a loaded and concealed handgun on the street or in a vehicle. Carrying concealed weapons is already illegal almost everywhere. Even the NRA favors such laws. The

catch is how to detect a concealed weapon. Our military-industrial complex builds satellites capable of reading the headline of a newspaper lying on a Moscow street as well as smart missiles that can hit a Baghdad bridge from launch sites hundreds of miles away. Our engineers are almost certainly capable of finding effective ways to detect a concealed firearm on the street or in a vehicle. But we have never devoted the time or the money to try.

(2) Impose much stricter licensing laws on manufacturers and importers of handguns and handgun

And tax ammunition prohibitively.

ammunition. We already license the manufacture of dangerous drugs that have medicinal value, such as opium-based and other addictive painkillers. We impose strict production quotas based on demonstrated medical needs, and closely monitor the sale and distribution of such products to be sure they do not fall into illicit hands. We should do the same for handguns, which are less necessary and far more dangerous. Among other things, once we have developed a workable and tamper-proof tracing technique, we should require that every licensee build it into all newly manufactured handguns or rounds of handgun ammunition.

(3) Adopt Sen. Daniel Patrick Moynihan's idea of a prohibitive excise tax on the sale of ammunition, but with an extra wrinkle: The tax would be reduced or even eliminated if the manufacturer builds in a government-approved tracing device that will enable police to detect the presence of concealed ammunition on the streets and in vehicles. This will give ammunition manufacturers a financial incentive to invest in developing such devices.

(4) As the National Commission on the Causes and Prevention of Violence also recommended almost 25 years ago, create minimum federal standards for handgun licensing. Federal licenses would be required except in states that establish their own licensing systems meeting or exceeding the federal standards. Under these standards, everyone would have to obtain a license to possess a handgun, and licenses would be limited to persons who demonstrate a compelling need—such as police, security guards, and residents of remote unpoliced areas.

Unlicensed handgun owners would be required to surrender their weapons, perhaps with the inducement of a \$25 or \$50 federal bounty for doing so before a reasonable deadline expires. This is the only practicable way to bring down the number of handguns significantly below the 66 million that are already in private hands.

(5) Enact a federal statute making handgun manufacturers and dealers liable in treble damages to the victims of any shooting done with a handgun sold in violation of federal or state licensing laws. A Florida court already has found a dealer liable to a handgun victim for selling the handgun to a visibly drunken buyer. Strict liability would create an even stronger deterrent against negligent or deliberate violations of licensing laws.

The Brady supporters have reflected more political strength than most politicians have been willing to believe. With ever-mounting public support, the umbilical cord between handguns and violent crimes can be severed.

The writer, a Washington lawyer, was White House counsel in the Carter administration and was the executive director of the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) 1968-70.

1ST STORY of Level 2 printed in FULL format.

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March 20, 1994, Sunday, Late Edition - Final

SECTION: Section 6; Page 47; Column 1; Magazine Desk

LENGTH: 1448 words

HEADLINE: JUST TAKE AWAY THEIR GUNS

BYLINE: By James Q. Wilson; James Q. Wilson is a professor of public policy at U.C.L.A. His most recent book is "The Moral Sense."

BODY

THE PRESIDENT WANTS STILL tougher gun control legislation and thinks it will work. The public supports more gun control laws but suspects they won't work. The public is right.

Legal restraints on the lawful purchase of guns will have little effect on the illegal use of guns. There are some 200 million guns in private ownership, about one-third of them handguns. Only about 2 percent of the latter are employed to commit crimes. It would take a Draconian, and politically impossible, confiscation of legally purchased guns to make much of a difference in the number used by criminals. Moreover, only about one-sixth of the handguns used by serious criminals are purchased from a gun shop or pawnshop. Most of these handguns are stolen, borrowed or obtained through private purchases that wouldn't be affected by gun laws.

What is worse, any successful effort to shrink the stock of legally purchased guns (or of ammunition) would reduce the capacity of law-abiding people to defend themselves. Gun control advocates scoff at the importance of self-defense, but they are wrong to do so. Based on a household survey, Gary Kleck, a criminologist at Florida State University, has estimated that every year, guns are used -- that is, displayed or fired -- for defensive purposes more than a million times, not counting their use by the police. If his estimate is correct, this means that the number of people who defend themselves with a gun exceeds the number of arrests for violent crimes and burglaries.

The available evidence supports the claim that self-defense is a legitimate form of deterrence. People who report to the National Crime Survey that they defended themselves with a weapon were less likely to lose property in a robbery or be injured in an assault than those who did not defend themselves. Statistics have shown that would-be burglars are threatened by gun-wielding victims about as many times a year as they are arrested (and much more often than they are sent to prison) and that the chances of a burglar being shot are about the same as his chances of going to jail. Criminals know these facts even if gun control advocates do not and so are less likely to burgle occupied homes in America than occupied ones in Europe, where the residents rarely have guns.

Some gun control advocates may concede these points but rejoin that the cost of self-defense is self-injury: Handgun owners are more likely to shoot

The New York Times. March 20. 1994

themselves or their loved ones than a criminal. Not quite. Most gun accidents involve rifles and shotguns, not handguns. Moreover, the rate of fatal gun accidents has been declining while the level of gun ownership has been rising. There are fatal gun accidents just as there are fatal car accidents, but in fewer than 2 percent of the gun fatalities was the victim someone mistaken for an intruder.

Those who urge us to forbid or severely restrict the sale of guns ignore these facts. Worse, they adopt a position that is politically absurd. In effect, they say, "Your government, having failed to protect your person and your property from criminal assault, now intends to deprive you of the opportunity to protect yourself."

Opponents of gun control make a different mistake. The National Rifle Association and its allies tell us that "guns don't kill, people kill" and urge the Government to punish more severely people who use guns to commit crimes. Locking up criminals does protect society from future crimes, and the prospect of being locked up may deter criminals. But our experience with meting out tougher sentences is mixed. The tougher the prospective sentence the less likely it is to be imposed, or at least to be imposed swiftly. If the Legislature adds on time for crimes committed with a gun, prosecutors often bargain away the add-ons; even when they do not, the judges in many states are reluctant to impose add-ons.

Worse, the presence of a gun can contribute to the magnitude of the crime even on the part of those who worry about serving a long prison sentence. Many criminals carry guns not to rob stores but to protect themselves from other armed criminals. Gang violence has become more threatening to bystanders as gang members have begun to arm themselves. People may commit crimes, but guns make some crimes worse. Guns often convert spontaneous outbursts of anger into fatal encounters. When some people carry them on the streets, others will want to carry them to protect themselves, and an urban arms race will be underway.

OUR GOAL SHOULD NOT BE THE disarming of law-abiding citizens. It should be to reduce the number of people who carry guns unlawfully, especially in places -- on streets, in taverns -- where the mere presence of a gun can increase the hazards we all face. The most effective way to reduce illegal gun-carrying is to encourage the police to take guns away from people who carry them without a permit. This means encouraging the police to make street frisks.

The Fourth Amendment to the Constitution bans "unreasonable searches and seizures." In 1968 the Supreme Court decided (Terry v. Ohio) that a frisk -- patting down a person's outer clothing -- is proper if the officer has a "reasonable suspicion" that the person is armed and dangerous. If a pat-down reveals an object that might be a gun, the officer can enter the suspect's pocket to remove it. If the gun is being carried illegally, the suspect can be arrested.

The reasonable-suspicion test is much less stringent than the probable-cause standard the police must meet in order to make an arrest. A reasonable suspicion, however, is more than just a hunch; it must be supported by specific facts. The courts have held, not always consistently, that these facts include someone acting in a way that leads an experienced officer to conclude criminal activity may be afoot; someone fleeing at the approach of an officer; a person

The New York Times, March 20, 1994

who fits a drug courier profile; a motorist stopped for a traffic violation who has a suspicious bulge in his pocket; a suspect identified by a reliable informant as carrying a **gun**. The Supreme Court has also upheld frisking people on probation or parole.

Some police departments frisk a lot of people, but usually the police frisk rather few, at least for the purpose of detecting illegal **guns**. In 1992 the police arrested about 240,000 people for illegally possessing or carrying a weapon. This is only about one-fourth as many as were arrested for public drunkenness. The average police officer will make no weapons arrests and confiscate no **guns** during any given year. Mark Moore, a professor of public policy at Harvard University, found that most weapons arrests were made because a citizen complained, not because the police were out looking for **guns**.

It is easy to see why. Many cities suffer from a shortage of officers, and even those with ample law-enforcement personnel worry about having their cases thrown out for constitutional reasons or being accused of police harassment. But the risk of violating the Constitution or engaging in actual, as opposed to perceived, harassment can be substantially reduced.

Each patrol officer can be given a list of people on probation or parole who live on that officer's beat and be rewarded for making frequent stops to insure that they are not carrying **guns**. Officers can be trained to recognize the kinds of actions that the Court will accept as providing the "reasonable suspicion" necessary for a stop and frisk. Membership in a gang known for assaults and drug dealing could be made the basis, by statute or Court precedent, for **gun** frisks.

And modern science can be enlisted to help. Metal detectors at airports have reduced the number of airplane bombings and skyjackings to nearly zero. But these detectors only work at very close range. What is needed is a device that will enable the police to detect the presence of a large lump of metal in someone's pocket from a distance of 10 or 15 feet. Receiving such a signal could supply the officer with reasonable grounds for a pat-down. Underemployed nuclear physicists and electronics engineers in the post-cold-war era surely have the talents for designing a better **gun** detector.

Even if we do all these things, there will still be complaints. Innocent people will be stopped. Young black and Hispanic men will probably be stopped more often than older white Anglo males or women of any race. But if we are serious about reducing drive-by shootings, fatal gang wars and lethal quarrels in public places, we must get illegal **guns** off the street. We cannot do this by multiplying the forms one fills out at **gun** shops or by pretending that **guns** are not a problem until a criminal uses one.

GRAPHIC: Drawing

LANGUAGE: ENGLISH

LOAD-DATE-MDC: March 20, 1994

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19 November 1993

Jay Kriegel
Senior Vice President
CBS News Inc.
51 W. 52nd Street
New York, NY 10019

Dear Jay:

As the date of this letter discloses, it took me longer than "a couple of days" to trace the history of the radioactive seeding idea. The record I found is also less than I hoped for, but here is the story.

The idea of seeding guns or ammunition originated during the research of the Task Force on Firearms of the National Violence Commission. We were told that small implanted chunks of particular radioactive elements would emit distinctive signals that could tell police that a gun or ammunition was present. This could generate probable cause for police intervention.

This notion was discussed in a small group of the University of Chicago in the early 1970s that included Norval Morris and Albert Crewe, although the primary focus of the group was a miniature citizen alarm system. At the time, I was told that implanting and detection were not major technical problems and that plugs could be inserted in guns manufactured without seeding. No development work was ever launched. No paper record of these discussions could be located.

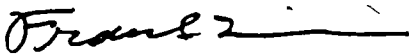
By 1975, the idea had fixed on implanting weapons rather than ammunition for reasons of scale, cost, and appropriateness. On scale, there were about four billion rounds of ammunition produced and sold per year in the mid-1960s, much of it low-cost rim-fire .22-caliber. Many legitimate shooters go through huge amounts of ammunition while those who have guns only for violent purposes are not major ammunition users. It is both cheaper and easier to implant the gun. And once guns hit the streets, they apparently have rather short useful lives prior to confiscation. So the existing stockpile of handguns without implants does not doom nor long defer the utility of starting an important program that is gun-only. I enclose a reprint on the "new guns" findings.

Jay Kriegel
Page 2

One way to push this matter further would be to convene a small meeting of engineers and gun policy people to talk out feasibility issues. If the idea survives that sort of scrutiny, a modest development grant to a commercial research lab might produce a prototype at fairly low cost. If pursued privately, I would recommend involving the Police Foundation in the preliminary research meeting.

I hope this helps and I'm sorry we did not turn up a blueprint.

Regards,

A handwritten signature in black ink, appearing to read "Franklin E. Zimring", with a long horizontal stroke extending to the right.

Franklin E. Zimring
Professor of Law and
Director, Earl Warren Legal Institute

cc Lloyd Cutler

an Article from | **SCIENTIFIC
AMERICAN**

NOVEMBER, 1991 VOL. 265 NO. 5

lar knots are in fact topologically equivalent—that is, whether one can be transformed into the other without being cut. Jones had shown how to accomplish this task with a relatively straightforward polynomial equation from statistical mechanics, which describes heat transport or other general properties in a complex system.

Subsequently, Witten showed that with topological quantum field theory one could find even deeper unities, or symmetries, between knots than with Jones's technique. One could also discern symmetries underlying knots in curved, non-Euclidean spaces—and even underlying the spaces themselves. Witten calls this his "single most satisfying piece of work." As a result of his finding, Witten and Jones shared the 1990 Fields Medal, the most prestigious prize in mathematics.

Witten bristles a bit in response to suggestions that in his fascination with such mathematical issues, he has lost touch with real-world physics. He points out that in 1985 he wrote a paper with Mark Goodman of Princeton proposing how to detect exotic particles, including the sparticles predicted by supersymmetry, that might account for the "dark matter" many cosmologists think dominates the structure of the universe. The paper has inspired various dark-matter experiments.

In the mid-1980s he also wrote several papers on cosmic strings, extremely long, massive and hypothetical objects that could have catalyzed the formation of galaxies. Witten proposed that cosmic strings might be superconductors and suggested ways they could be detected by astronomers. More recently, Witten helped Frank Wilczek, a colleague at the Institute for Advanced Study, elaborate a theory that explains high-temperature superconductivity as a by-product of unusual particles called anyons.

But Witten says he has "learned the hard way" to trust his instincts about what is important. "Physicists generally, including those who are enthusiastic about string theory, greatly underestimate the depths and subtlety of its underlying geometric ideas and the importance for human thought of unearthing them." Witten recites this line slowly, abstractedly, as if at this very moment he is trying to see into the twisted heart of things. Once those ideas stand revealed, will that be the end of physics? Witten declines to guess. "You would never look at physics again in the same way," he says. "But how you would look at it, and what the unsolved problems would look like, I have no idea." — *John Horgan*

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Scott Spanbauer
PC World
July 1991

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Microsoft

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Firearms, Violence and Public Policy

*More guns mean more deaths from crime and accidents.
Yet in the U.S. many laws that regulate firearms are misdirected
and ineffective. What we don't know about gun control can hurt us*

by Franklin E. Zimring

Even though the U.S. has many more gun-control laws than any other nation, Americans are more likely to be victims of gun-related violence. We have no hope of greatly improving this situation as long as we continue to construct gun-control policy on a weak foundation of facts.

Since the 1960s some social and behavioral scientists have been investigating how violence is related to firearms. But their conclusions have largely been ignored. Neither supporters nor opponents of gun-control laws have felt any great need to cite facts. Strong emotions have kept the conflicting parties at each other's throats.

Recent congressional debates on gun control have also relied on undocumented assertions. The 1991 Brady bill aims to reduce the violence associated with guns by making handgun purchases subject to waiting periods and police notification. The congressional debate over these issues is no more informed than it was during the deliber-

ations that led to the Gun Control Act of 1968. A distaste for facts is also evident in the emphasis Americans have placed on research: much more money is spent on newspaper advertisements about gun control than on research about firearms and violence.

During the past three decades, investigators have learned about the relation between guns and the death rate from violent crime, accidents and suicides. They recorded the kinds of firearms used in these situations, and they measured how gun-control laws have influenced crime and the ownership of guns.

The accumulating evidence provides reasons for discomfort on both sides of the political struggle. Ample data confirm that as guns become more available, people are more likely to die during violent crimes—a connection that opponents of gun control have tried to deny. Research also shows that many laws do not significantly diminish the number of guns used in violence, although many advocates of gun control have assumed they would.

Lawmakers have agreed to many measures that try to keep guns out of the hands of criminals. But these regulations have not brought violence down to a level that most Americans can tolerate. At the same time, we have not confronted the controversial issue of reducing the 35 million handguns that play the greatest role in violence caused by firearms.

The Federal Bureau of Investigation reports that in 1990 criminals in the U.S. committed more than 1.8 million

acts of homicide, robbery, forcible rape and serious assault. More than 28 percent of these violent crimes involved firearms. And, most notably, guns were the cause of death in 64 percent of the 23,000 homicides. Although the statistics portray the magnitude of gun-related violence, they provide no information about why or how the flow of firearms should be regulated.

The issue of gun control hinges on whether the death rate from violence would subside if people were forced to abandon firearms and choose other weapons such as knives. As Philip J. Cook and Daniel Nagin of Duke University once asked, "Does the weapon matter?"

The answer is not obvious. In 1958 Marvin E. Wolfgang of the University of Pennsylvania claimed that the choice of weapon did not make much difference in criminal homicide. He argued that if guns were unavailable, assailants would wield other deadly weapons to achieve their goal. His analysis assumed that most people who commit criminal homicide have a single-minded and unconditional intention to kill.

A decade after Wolfgang's work, I found evidence that the weapon used is important in determining whether a violent assault will lead to death. I reviewed Chicago police records of more than 16,000 violent assaults, both fatal and nonfatal, to determine the outcomes of attacks with guns and knives, the two weapons most commonly used

FRANKLIN E. ZIMRING is professor of law and heads the Earl Warren Legal Institute of the University of California, Berkeley. For the past two decades, he has investigated the relation between firearms and violence, and he has helped shape gun-control policy in the U.S. For two years, Zimring directed research for the Task Force on Firearms of the National Commission on the Causes and Prevention of Violence.

in criminal homicide [see box on next page]. The study showed that most attackers seemed to stop short of ensuring the victim's death. In eight out of 10 assaults with guns, the attacker shot the victim only once. Attackers also inflicted one wound in seven out of 10 cases in which the victim died.

In general, fatality seemed to be an almost accidental outcome of a large number of assaults committed with guns or knives. The Chicago study indicated that most nonfatal attacks, like most homicides, resulted in wounds to vital parts of the body. According to the study, homicide and serious assaults involved the same kinds of motives (mostly spontaneous arguments), and they occurred in the same places at the same times.

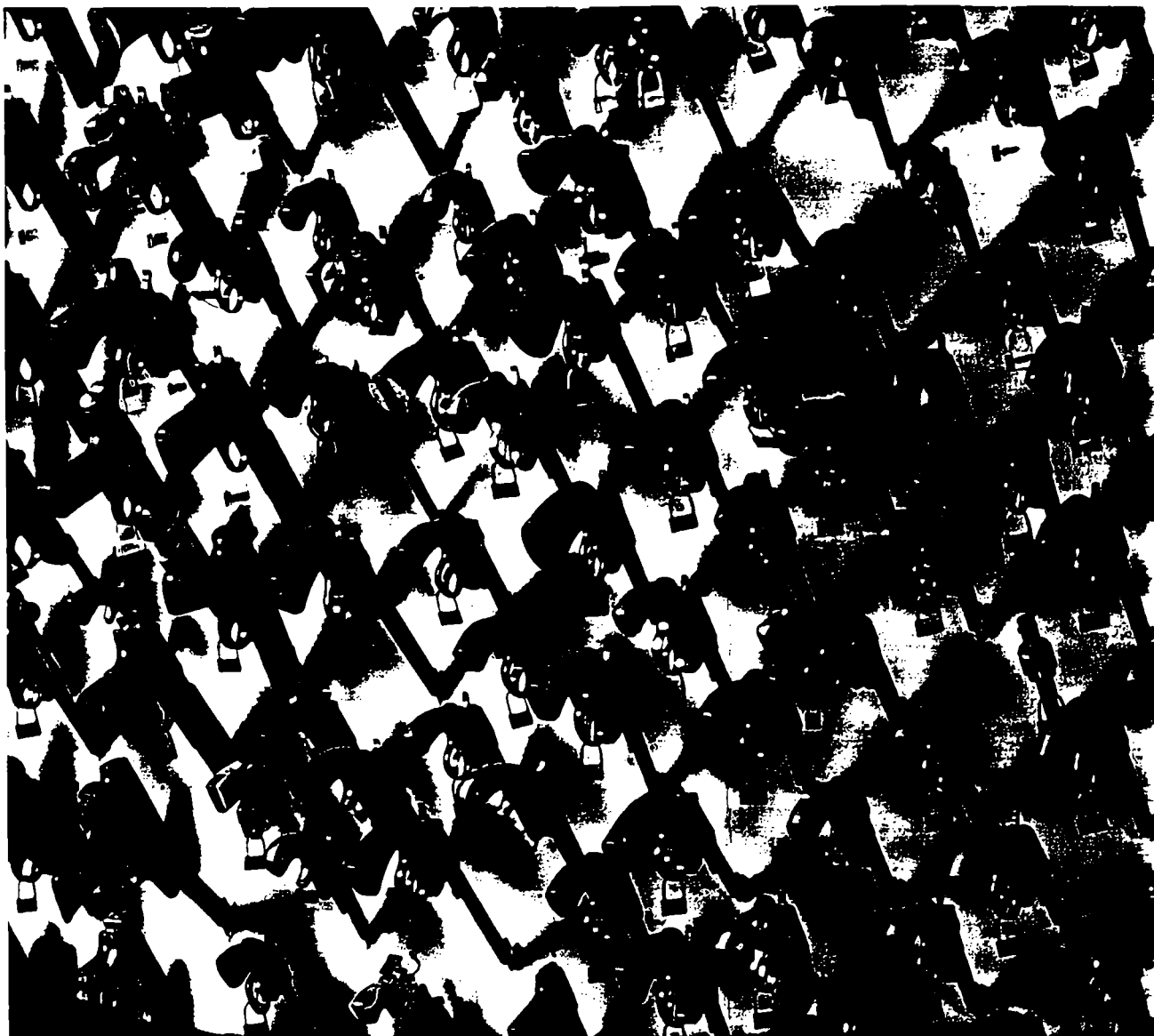
One important difference among assaults was the weapon used: an assault with a gun was five times more likely to result in a fatality than an assault with a knife. And assaults with guns to all vital body areas—head, neck, shoulders, chest and abdomen—were many times more likely to kill than attacks to the same locations with knives. In 1990 more than 23 percent of the one million serious assaults involved guns, whereas knives played a role in 20 percent of assaults.

Do attackers who carry guns simply have more lethal intentions than assailants who use knives? The Chicago data indicated otherwise: compared with assaults with guns, attacks with knives were more likely to result in multiple wounds, and they were equally likely to

damage a part of the body where death can result. The five-to-one difference in death rate thus seems to stem from the greater dangerousness of the firearm as a weapon, what is known as an instrumentality effect.

If such instrumentality effects are large, a shift from guns to knives would cause a drop in the homicide rate even if the total rate of violent assault did not change. Other studies have corroborated the presence of large instrumentality effects in urban violence.

When Hans Zeisel of the University of Chicago and other sociologists compared assaults in cities that had different mixes of guns and knives, they found a difference in death rate between the two kinds of assaults. Zeisel, who examined New York and Houston,



HANDGUNS were involved in half of the 23,000 homicides committed with firearms in the U.S. last year. Although federal law forbids felons from acquiring any of the supply of 35

million handguns in the U.S., it has not reduced the violence associated with handguns to a tolerable level. Is restricting handguns America's only option?

wrote, "If the level of gun attacks in Houston were reduced from 42 percent to New York's level of 24 percent, 322 gun attacks would have been knife attacks. At present, these 322 gun attacks resulted in 63 fatalities.... If they were knife attacks, roughly 12 fatalities would result—a reduction from 20 deaths per 100 attacks to four per 100."

Although all guns are deadly, some types of firearms are more harmful than others because they are more likely to be used in crime and violence. In the U.S. handguns—small, concealable weapons that can be fired with one hand—account for one third of the 120 to 150 million firearms estimated to be owned by civilians. Handguns are used in more than 75 percent of firearm-related homicides and more than 80 percent of firearm-related robberies. On the average, rifles and shotguns are seven times less likely than handguns to be used in criminal violence. In states and cities that have made special efforts to restrict handguns, the major problem is still illegal handguns rather than long guns. (No one has recorded how many crimes are committed with what are called military assault weapons. These semiautomatic rifles and handguns require a separate trigger pull for each bullet discharged but can fire many rounds of ammunition quickly.)

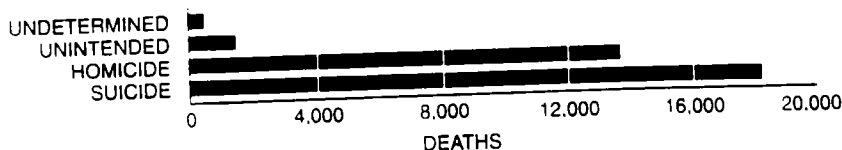
To determine whether the type of gun influences the outcome of violent assaults, my colleagues and I conducted a follow-up study in Chicago in 1972. Not surprisingly, we found that a large-caliber gun was twice as likely to kill as a small-caliber gun in cases in which the guns inflicted the same number of wounds to the same part of the body. This statistic indicated that mortality from criminal violence is strongly correlated with the dangerousness of the weapon, not just the attacker's intent.

Some sociologists have criticized the conclusion that the motivations behind most homicides are ambiguous. They argue that the similarity between fatal and nonfatal assaults might be superficial. Furthermore, they maintain that attackers who wield guns may have substantially different intentions from criminals who use knives. But so far no evidence derived from data on assault has been presented that argues against instrumentality effects in homicide.

The role of weapons is largely unknown in another kind of assault, forcible rape. More than 100,000 cases are reported to the police every year, and roughly 8,000 of them involve firearms. Although a change in firearm use could prevent many rapes at gunpoint,

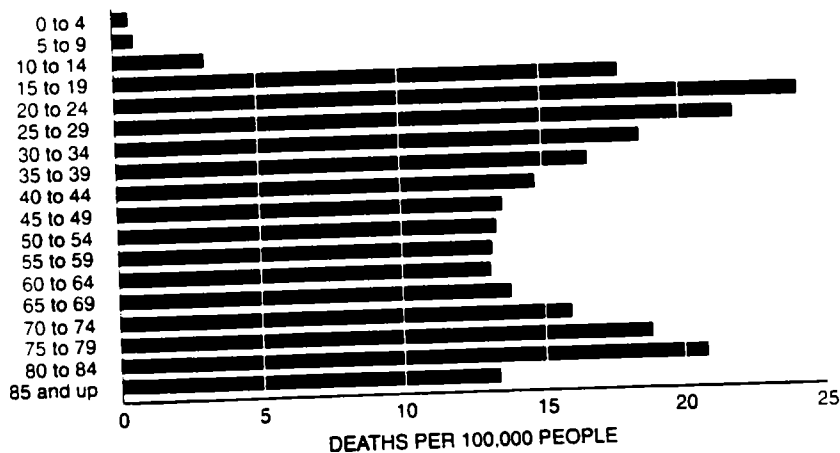
Weapons and Violence

Deaths by Guns in 1988



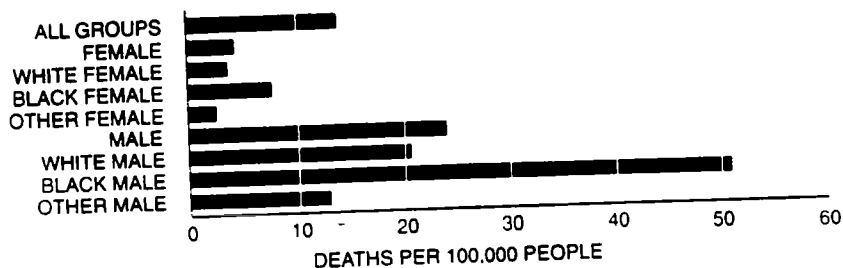
SOURCE: National Center for Health Statistics

Gun-Related Death Rate by Age in 1988



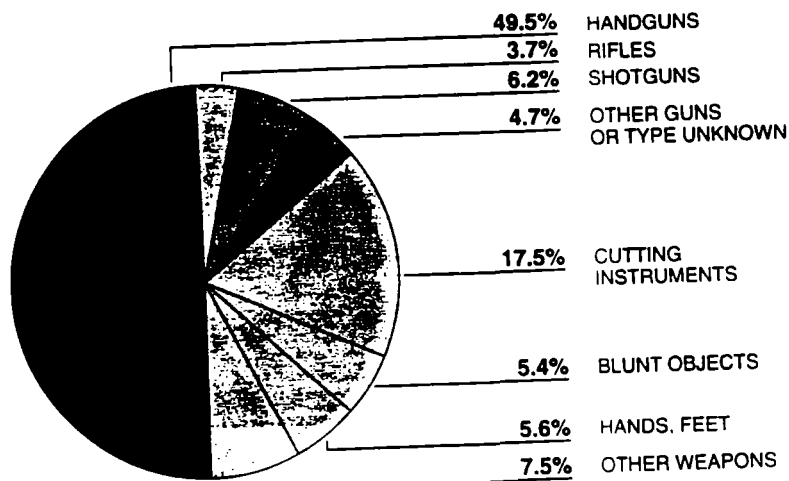
SOURCE: National Center for Health Statistics

Gun-Related Death Rate by Sex and Race in 1988

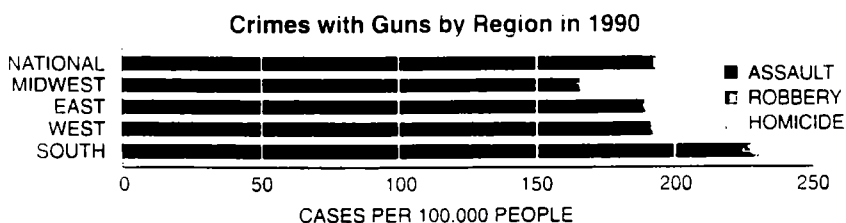


SOURCE: National Center for Health Statistics

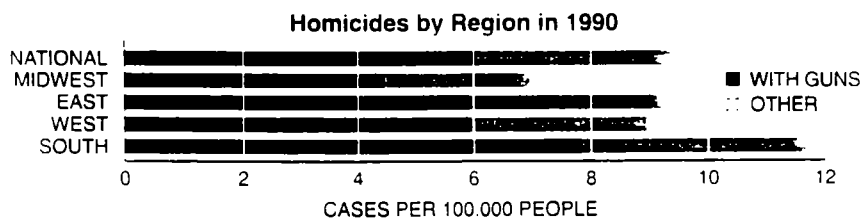
Weapons Used in Homicide in 1990



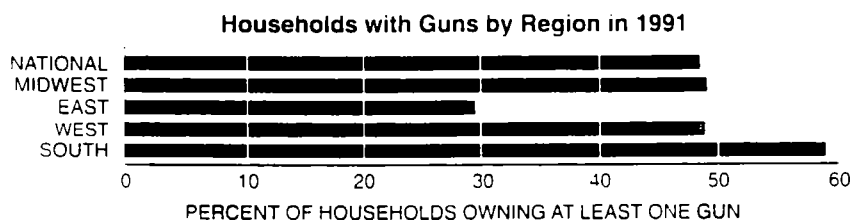
SOURCE: FBI Uniform Crime Reports



SOURCE: FBI Uniform Crime Reports

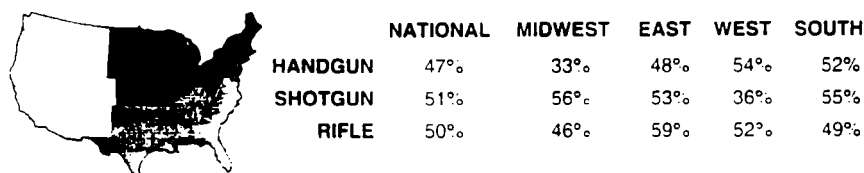


SOURCE: FBI Uniform Crime Reports

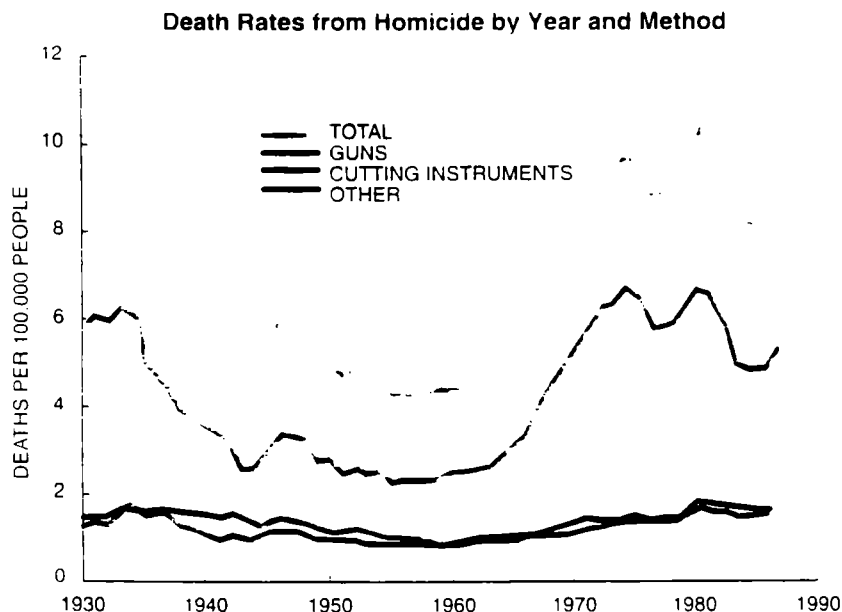


SOURCE: Gallup Poll

Type of Firearm in Households with Guns in 1991



SOURCE: Gallup Poll



SOURCE: The Injury Fact Book

most rapists use personal force or other means. No studies have yet determined the different rates of death from forcible rape involving different types of weapons.

A central issue in the gun-control debate is robbery. Each year the FBI tallies more than 500,000 robberies and 3,000 deaths of robbery victims. (This type of crime produces by far the most killings of strangers.)

In 1990 criminals carried firearms in 37 percent of 640,000 robberies reported to the police. Criminals do not rely heavily on firearms for robberies of vulnerable individuals on the street. But they often carry guns to rob stores. My colleagues and I found that in Chicago firearms are involved in two thirds of robberies of commercial establishments but fewer than two fifths of street robberies.

Because robberies need involve only the threat of injury, it cannot be assumed that the choice of weapon in a robbery will influence the outcome in the same way as the choice in assaults does. Only in recent years have investigators published special reports on the influence of guns on the death rate from robbery.

The National Crime Survey reports that crime victims are less likely to resist robbers who carry guns than those who wield other weapons. Apparently, a firearm makes the threat of force by a robber conspicuously credible. The risk of any victim injury is therefore lower when a robber has a gun instead of, say, a knife.

But in cases where robberies result in injuries, guns are far more deadly than other weapons. James Zuehl and I at the University of Chicago found that the death rate is three times higher for robberies at gunpoint than for robberies with knives, the next most dangerous robbery weapon. Cook has found that in areas where gun ownership is unusually prevalent, death rates from robbery are high.

These findings independently confirm the instrumentality effects found in assaults because robbers presumably do not select their weapons with the intent of injuring their victim. Robberies with firearms, like assaults with guns, contribute greatly to the crime-related death rate, independent of the motivations of the criminal.

One question not yet answered is how much the availability of guns influences the rate of robberies. Presumably, when guns are widely available, robberies become easier to commit and increase in frequency. Yet in one study of U.S. cities, Cook did not find a corre-

lation between gun availability and total robbery rate. No one has yet investigated the more specific comparison of commercial robbery rates.

Very few scholars have studied how firearms are related to two important forms of noncriminal violence: suicide and accidents. In the U.S. death by self-inflicted gunshot wounds accounts for over half the more than 30,000 suicides committed every year. Firearms are no more effective a means of suicide than are such methods as hanging or jumping. But when firearms are not at hand, people most frequently attempt suicide by drug overdoses. If guns were not available to people with suicidal intentions, how many attempts might be redirected to less lethal means and how many lives would be saved? This question deserves far more attention than it has received.

Accidents involving firearms claim about 2,000 lives every year in the U.S., a much lower death rate than that for homicides or suicides. About 60 percent of accidental fatalities occur in or around the home. The population groups that have the highest fatality rates from accidents are male children and adolescents, who are generally inexperienced in using guns and are often tempted to play with them. Clearly, if young people did not have access to guns, the death rate would drop.

Two other findings about the misuse of firearms have some significance when considering strategies of firearm control. First, the percentage of gun-related crimes in an area is related to the proportion of owners of firearms in that area. In 1969 the Task Force on Firearms demonstrated that if a city ranks high in gun use for one kind of crime, such as aggravated assault, the use of guns tends to be high for other types of crime, such as robbery. Cook has also found that high rates of gun use in suicide are positively correlated with rates of gun use in violent crime. As more firearms are available to the civilian population, more guns are also available for misuse.

Second, in the 1970s the Federal Bureau of Alcohol, Tobacco and Firearms conducted studies of handguns confiscated on city streets. The bureau showed that handguns are most likely to be misused in the first few years after the weapons are introduced to the civilian market. In four U.S. cities studied by the bureau, handguns three years old or younger constituted half of those confiscated on the streets but less than a quarter of the total number owned by civilians. Consequently, handguns play their greatest role in street crime when they are a few years old,

even though they often function for many years.

All gun-control measures seek to reduce the influence of the use of firearms in crimes and violence. The ideal gun-control measure would prevent all crime and violence involving guns without interfering with their legitimate use in contemporary life. More realistically, regulations should reduce the problems caused by illegitimate uses as much as possible while minimizing the restraints on legitimate uses of guns. To achieve this goal, lawmakers have proposed many different types of regulations (see table on page 54). The laws are usually based on one of three strategies: prohibiting high-risk uses of firearms, keeping guns out of the hands of high-risk users or banning high-risk firearms.

Regulations that prohibit high-risk uses of firearms include "place and manner" prohibitions and extra penalties for unlawful use. Most gun laws in the U.S. seek to regulate the place and manner in which firearms may be used. They prohibit such high-risk uses as carrying firearms in a motor vehicle or discharging a firearm in populated areas or concealing weapons on one's person. Place-and-manner laws attempt to deter high-risk behavior with guns, and they rely on the police to intervene before violence occurs. These laws prevent violence only to the extent that the police can discover and arrest persons who violate such laws. How much violence is deterred because guns are not carried is not known. But the rate of gun-related violence would almost certainly increase if carrying loaded weapons became widespread.

High-risk behavior with guns can also be discouraged by instituting particularly stiff penalties for criminals who use firearms. Such laws attempt to deter the would-be robber or attacker from using a gun during a crime. More than half of the states have passed such laws. This approach is popular with gun owners because the penalties concern only gun-related crime and place no restrictions on firearm ownership.

Extra-penalty laws are limited, however, in their potential to curb firearm violence. To reduce the number of crimes involving guns, such laws would have to discourage persons who would not be deterred by the already severe penalties for robbery and assault. Can the threat of additional punishment succeed? A robber might be deterred from using a gun if the penalty for robbery with a gun were several times greater than that of robbery without a gun. But punishment for robbery is already se-

vere, at least as set forth in the statutes. In addition, a robber who carries a gun should not be punished so harshly that the additional penalty he risks if he injures or kills his victim is relatively small. It seems unlikely, therefore, that such laws have much more potential to deter gun use in robberies.

The issue of additional deterrence is also complicated for the crime of assault with a gun because the person who attacks someone with a gun is already risking the maximum punishment if the victim dies. A series of studies—the most notable by Colin Loftin and his associates at the University of Maryland—find that at best extra-punishment laws reduce gun-related crime by a small amount.

Extra punishment and place-and-manner regulation do have a role in comprehensive firearm control. But they cannot be used as the primary controls in a system that aspires to influence the death rate from violence substantially.

Laws attempting to discourage high-risk uses of firearms can be more effective when they are combined with selective ownership prohibitions. This second gun-control strategy seeks to deny high-risk users access to firearms. Usually the law considers high-risk users to include convicted felons, minors, adjudicated mental incompetents, drug addicts and fugitives from justice. The theory is that high-risk users should not be allowed to own firearms, because the societal damage they cause through violence outweighs the social value of their interests in using guns legitimately.

The federal government and nearly every state prohibit some type of high-risk ownership. But many of these laws do not make a person prove his eligibility to own a gun before obtaining one. The ownership ban is supposed to be effective because the ineligible person will be subject to criminal penalties if caught possessing a firearm. Although such a law will not keep guns out of the hands of high-risk users who lie about their status, it is hoped high-risk users will be deterred by the threat of criminal punishment.

The ownership bans represent some improvement over simply passing stiffer penalties for gun-related crimes because the law attempts to separate the potential criminal from his gun before he commits a crime with it. And if such laws could reduce the number of gun owners by excluding the people subject to the prohibition, they would indeed reduce violence.

But it is no easy matter to keep guns away from a group of "bad guys" while



HUNTING WITH GUNS became an American pastime long before the 1850s when lithographer Frances F. Palmer created "Woodcock Shooting" (above) for the publishing firm of Cur-

rier & Ives. During the past 140 years we have not changed our attitudes toward the legitimate uses of guns, but we have grown more concerned about gun-related violence.

allowing a larger group of "good guys" to own millions of them. Furthermore, bans are not very effective when the purchaser does not have to prove his eligibility as a gun purchaser. For instance, a convicted felon, who is prohibited from acquiring a gun under federal law, can easily obtain one if he is willing to lie about his record.

To prevent high-risk groups from freely obtaining firearms, many state and local governments now attempt to identify ineligible gun buyers before they acquire weapons. The screening system included in the Brady bill permits the police to determine whether a prospective gun purchaser has a criminal record. If the check turns up nothing, or even if it is not done, the purchaser can obtain the gun.

Screening systems are more effective than simple bans because screening prevents some high-risk users from obtaining guns even if they are willing to break the law. But because the screening systems mean additional costs and delays to all who wish to buy firearms, gun-owner groups usually oppose screening.

Screening systems and ownership prohibitions have a limited effect on homicides because most are committed by people who were not previously convicted of a felony and therefore who can purchase a gun legally. Still, screening systems are helpful to the extent

that they keep firearms away from convicted felons and minors.

Many systems of owner screening suffer from another limitation. They affect only the purchase of weapons from commercial retailers. The measures do not apply to transactions between private citizens, who are continually selling and passing on some 35 million handguns. Prospective criminals can easily steal or purchase these guns.

To prevent the transfer of guns from private citizens to ineligible users, a few states require owners of firearms to register their weapons. In such schemes, owners must give information identifying each firearm they own. Gun accountability works like car registration, whereas owner screening is analogous to driver's licenses. But owner licensing schemes will have a limited impact on violence because they leave a large arsenal of firearms to which potential criminals have easy access.

The dangers of widespread access to firearms can be alleviated, in part, by regulating guns that are particularly dangerous. Laws that limit the supply of high-risk weapons can complement the strategy of decreasing high-risk uses and users. Supply-reduction laws strive to make the most dangerous guns so scarce that potential criminals cannot obtain them easily.

The laws are justified on the grounds that the harm caused by owning and using these particularly dangerous firearms is greater than the benefit, even in the noncriminal population.

Supply-reduction laws usually deny citizens the opportunity to own a high-risk firearm unless they prove a special need for the weapon or belong to an exempt group, such as the military or the police. The idea behind supply reduction is that gun-related violence will decrease significantly only if the firearms most often used in violence are not available to most people.

The first weapons singled out for high-risk classification were machine guns and sawed-off shotguns as specified in the National Firearms Act of 1934. More than three decades later federal law put special restrictions on destructive devices of military origin and forbade the importation of handguns that were classified as unsuitable for sporting purposes. Several current proposals are designed to prohibit civilian ownership of military assault weapons.

Some state and local governments also single out the handgun as a high-risk firearm and require special licenses to purchase handguns. The system in New York City is the most prominent example of this approach. City residents must demonstrate a special need for a handgun, whereas in permissive licens-

Strategies for Gun Control

STRATEGY	COST AND INCONVENIENCE	EFFECT ON LEGITIMATE USES OF GUNS	POTENTIAL NUMBER OF LIVES SAVED	PROBLEMS
STOP DANGEROUS USES Extra punishment for crimes committed with guns and laws that regulate the proper use of guns	 MINOR	 MINOR	 FEW	Weak threat, no logistical barrier to prevent gun misuse
STOP DANGEROUS USERS Laws that prohibit convicted felons from buying guns	 MINOR	 MINOR	 FEW	Ineffective against those willing to lie about criminal record
Gun licenses for those who are not convicted felons and gun registration	  SOME	  SOME	  SOME	Difficult to monitor tens of millions of guns
REDUCE SUPPLY OF FIREARMS Restrictions on ownership of exotic firearms	 MINOR	 MINOR	  SOME	Little control over guns obtained illegally
Restrictions on ownership of handguns	   MAJOR	   MAJOR	   MANY	Costly, interferes with legitimate uses, little control over guns obtained illegally

ing systems only high-risk users are disqualified. Gun-control supporters frequently advocate restricting the supply of handguns on a nationwide basis.

But a decrease in handguns will reduce firearm violence only if other guns are not substituted. It has been difficult so far to determine what effect restrictive licensing has had. Cities and states that have such licensing schemes have found that long guns are not replacing handguns as crime weapons. But one reason for this lack of substitution is that the laws have failed, so far, to reduce the supply of handguns significantly.

It is all too easy to move guns across state and city borders from areas where guns are easily available to places where firearm supplies are regulated. Law enforcement agencies in Massachusetts and New York City have shown that, in jurisdictions that have tight controls, more than 80 percent of guns confiscated by police were originally acquired out of state. Current federal law is trying to inhibit the flow of firearms between states, but the problem remains substantial.

In most northeastern cities with restrictive handgun laws, the use of guns in violent crime is lower than that in other U.S. cities. In Washington, D.C., the Federal Bureau of Alcohol, Tobacco and Firearms strictly enforced federal laws for nine months in 1976, and it reported success in reducing the flow of firearms. But the effort was not sustained. Washington currently experiences high rates of gun-related violence despite a restrictive handgun law.

Analysts do not have sufficient information to make predictions about the impact of gun control in the U.S. Some have compared the U.S. with such countries as England, France, Germany and Holland. They have discovered that nations with much lower rates of firearm ownership have lower rates of crimes involving guns. But these Western nations also have much lower rates of violent crimes that do not involve firearms.

Indeed, it is the very high rate of violence in the U.S. that makes the costs of gun use so large. The U.S. has both a "crime problem" and a "gun problem," and each exacerbates the other. No Western nation has ever instituted strict controls under conditions similar to those in the U.S.

Although most citizens support such measures as owner screening, public opinion is sharply divided on laws that would restrict the ownership of handguns to persons with special needs. If the U.S. does not reduce handguns and current trends continue, it faces the prospect that the number of handguns in circulation will grow from 35 million to more than 50 million within 50 years. A national program limiting the availability of handguns would cost many billions of dollars and meet much resistance from citizens. These costs would likely be greatest in the early years of the program. The benefits of supply reduction would emerge slowly because efforts to diminish the availability of handguns would probably have a cumulative impact over time.

At the heart of the debate over handgun restrictions is a disagreement about the character of American life in the 21st century. Roughly half of Americans believe that strict handgun control is not worth the hardship of changing policy in the U.S. They assume that the weapons can remain a part of American life for the indefinite future. But just as many Americans see the removal of the current stockpile of handguns as a necessary down payment on the American future. They regard free availability of handguns as a severe threat to urban life. American policy on handgun control will ultimately depend on which of these attitudes prevails.

FURTHER READING

- FIREARMS AND VIOLENCE IN AMERICAN LIFE: A STAFF REPORT SUBMITTED TO THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE. George D. Newton and Franklin E. Zimring. U.S. Government Printing Office, 1969.
- UNDER THE GUN: WEAPONS, CRIME, AND VIOLENCE IN AMERICA. James D. Wright, Peter H. Rossi and Kathleen Daly. Aldine de Gruyter, 1983.
- THE CITIZEN'S GUIDE TO GUN CONTROL. Franklin E. Zimring and Gordon Hawkins. Macmillan Publishing, 1987.
- CRIME IN THE UNITED STATES: UNIFORM CRIME REPORTS, 1990. Printed annually by the Federal Bureau of Investigation. U.S. Government Printing Office, 1991-282-076/45217.
- THE INJURY FACT BOOK. Susan P. Baker, Brian O'Neill, Marvin I. Ginsburg and Guohua Li. Oxford University Press (in press).

THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To: Reed
Conda

Draft response for POTUS
and forward to CHR by: _____

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Please reply directly to the writer
(copy to CHR) by: _____

Please advise by: _____

Let's discuss: _____

For your information: ☒ _____

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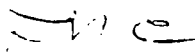
MAR 29 1994

THE WHITE HOUSE

WASHINGTON

March 29, 1994

MEMORANDUM FOR MACK McLARTY
CHIEF OF STAFF

FROM: LLOYD N. CUTLER 
SPECIAL COUNSEL TO THE PRESIDENT

This is a follow up to my suggestion this morning about a Presidential initiative to launch a research program to develop a radioactive, chemical or other type of detection device that would enable police to detect persons carrying a concealed handgun on the street, or in a building or vehicle.

This idea has been kicking around ever since it was first proposed by the Violence Commission in 1970 (I was its Executive Director), but no Administration has ever done anything about it. I revived the proposal in the attached op-ed piece (December 21, 1993), as did James Q. Wilson in a recent Sunday *New York Times* magazine article (March 20, 1994).

I also discussed it with Phil Heymann before his resignation. He told me that Justice and Defense have agreed in principle to start such a program, perhaps beginning with a conference of experts.

I think it would be a win-win opportunity for the President to announce the proposed program himself:

- Concealed weapons are used in most acquisitive violent crime.
- Virtually all states and cities already prohibit carrying concealed weapons, but the police have no way of detecting them and no probable cause for frisking people. A good detection device would solve both problems.
- Modern technology ought to be able to come up with a workable system at a modest cost within the present DOJ and DOD research budgets.
- Even if the research proves fruitless, the Administration would still get credit for trying with the large segment of the public that favors stricter hand gun control.

- The right and left wings of anti-crime opinion are in broad agreement that more needs to be done about concealed weapons.

Jay Kriegel of CBS is a strong gun control maven and I believe that CBS News, as well as the other media, would widely publicize the project.

Also attached is some correspondence with Professor Frank Zimring of Berkeley, the leading gun control academic, who would be a good choice to organize a conference. Others who should be invited include Prof. Richard Barker of Yale and Prof. Paul Horowitz of Harvard. I have their addresses and numbers.

cc: George Stephanopoulos
Harold Ickes
David Gergen
✓Carol Rasco
Joel Klein

Lloyd Cutler

License and Restrict Handguns

Handgun Control Inc.—the Brady bunch—puts out an annual poster that makes the case for controlling handguns in one picture and about 33 words. It shows a revolver painted with the stars and stripes of the American flag. The caption reads:

IN 1990, HANDGUNS KILLED
22 PEOPLE IN GREAT BRITAIN
13 IN SWEDEN
91 IN SWITZERLAND
87 IN JAPAN
10 IN AUSTRALIA
68 IN CANADA
AND 10,567 IN THE UNITED STATES.
GOD BLESS AMERICA.

But despite the recommendations of several presidential commissions for the strict licensing of handguns, the number of handguns and other repeating weapons in the country has risen from an estimated 25 million in 1968 to an estimated 66 million today—a 150 percent increase over 25 years. We now have one handgun for every two American males, little boys included. And we manufacture or import an additional 2.5 million per year.

The Brady law will not do much to stem this rising tide. But its passage—supported by 90 percent of Americans in recent polls—shows that handgun control measures can be passed despite the lobbying power of the National Rifle Association. Here is a list of desirable additional measures we should tackle next, listed in rough order of political feasibility and real-world effectiveness:

(1) Finance the necessary research to perfect a radioactive or chemical tracer that can be placed in all handguns or in all handgun ammunition, so that the police, using Geiger counters and similar devices, can readily detect the presence of a loaded and concealed handgun on the street or in a vehicle. Carrying concealed weapons is already illegal almost everywhere. Even the NRA favors such laws. The

catch is how to detect a concealed weapon. Our military-industrial complex builds satellites capable of reading the headline of a newspaper lying on a Moscow street as well as smart missiles that can hit a Baghdad bridge from launch sites hundreds of miles away. Our engineers are almost certainly capable of finding effective ways to detect a concealed firearm on the street or in a vehicle. But we have never devoted the time or the money to try.

(2) Impose much stricter licensing laws on manufacturers and importers of handguns and handgun

And tax ammunition prohibitively.

ammunition. We already license the manufacture of dangerous drugs that have medicinal value, such as opium-based and other addictive painkillers. We impose strict production quotas based on demonstrated medical needs, and closely monitor the sale and distribution of such products to be sure they do not fall into illicit hands. We should do the same for handguns, which are less necessary and far more dangerous. Among other things, once we have developed a workable and tamper-proof tracing technique, we should require that every licensee build it into all newly manufactured handguns or rounds of handgun ammunition.

(3) Adopt Sen. Daniel Patrick Moynihan's idea of a prohibitive excise tax on the sale of ammunition, but with an extra wrinkle: The tax would be reduced or even eliminated if the manufacturer builds in a government-approved tracing device that will enable police to detect the presence of concealed ammunition on the streets and in vehicles. This will give ammunition manufacturers a financial incentive to invest in developing such devices.

(4) As the National Commission on the Causes and Prevention of Violence also recommended almost 25 years ago, create minimum federal standards for handgun licensing. Federal licenses would be required except in states that establish their own licensing systems meeting or exceeding the federal standards. Under these standards, everyone would have to obtain a license to possess a handgun, and licenses would be limited to persons who demonstrate a compelling need—such as police, security guards, and residents of remote unpoliced areas.

Unlicensed handgun owners would be required to surrender their weapons, perhaps with the inducement of a \$25 or \$50 federal bounty for doing so before a reasonable deadline expires. This is the only practicable way to bring down the number of handguns significantly below the 66 million that are air / in private hands.

(5) Enact a federal statute making handgun manufacturers and dealers liable in treble damages to the victims of any shooting done with a handgun sold in violation of federal or state licensing laws. A Florida court already has found a dealer liable to a handgun victim for selling the handgun to a visibly drunken buyer. Strict liability would create an even stronger deterrent against negligent or deliberate violations of licensing laws.

The Brady supporters have reflected more political strength than most politicians have been willing to believe. With ever-mounting public support, the umbilical cord between handguns and violent crimes can be severed.

The writer, a Washington lawyer, was White House counsel in the Carter administration and was the executive director of the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) 1968-70.

1ST STORY of Level 2 printed in FULL format.

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March 20, 1994, Sunday, Late Edition - Final

SECTION: Section 6; Page 47; Column 1; Magazine Desk

LENGTH: 1448 words

HEADLINE: JUST TAKE AWAY THEIR GUNS

BYLINE: By James Q. Wilson; James Q. Wilson is a professor of public policy at U.C.L.A. His most recent book is "The Moral Sense."

BODY

THE PRESIDENT WANTS STILL tougher gun control legislation and thinks it will work. The public supports more gun control laws but suspects they won't work. The public is right.

Legal restraints on the lawful purchase of guns will have little effect on the illegal use of guns. There are some 200 million guns in private ownership, about one-third of them handguns. Only about 2 percent of the latter are employed to commit crimes. It would take a Draconian, and politically impossible, confiscation of legally purchased guns to make much of a difference in the number used by criminals. Moreover, only about one-sixth of the handguns used by serious criminals are purchased from a gun shop or pawnshop. Most of these handguns are stolen, borrowed or obtained through private purchases that wouldn't be affected by gun laws.

What is worse, any successful effort to shrink the stock of legally purchased guns (or of ammunition) would reduce the capacity of law-abiding people to defend themselves. Gun control advocates scoff at the importance of self-defense, but they are wrong to do so. Based on a household survey, Gary Kleck, a criminologist at Florida State University, has estimated that every year, guns are used -- that is, displayed or fired -- for defensive purposes more than a million times, not counting their use by the police. If his estimate is correct, this means that the number of people who defend themselves with a gun exceeds the number of arrests for violent crimes and burglaries.

The available evidence supports the claim that self-defense is a legitimate form of deterrence. People who report to the National Crime Survey that they defended themselves with a weapon were less likely to lose property in a robbery or be injured in an assault than those who did not defend themselves. Statistics have shown that would-be burglars are threatened by gun-wielding victims about as many times a year as they are arrested (and much more often than they are sent to prison) and that the chances of a burglar being shot are about the same as his chances of going to jail. Criminals know these facts even if gun control advocates do not and so are less likely to burgle occupied homes in America than occupied ones in Europe, where the residents rarely have guns.

Some gun control advocates may concede these points but rejoin that the cost of self-defense is self-injury: Handgun owners are more likely to shoot

The New York Times, March 20, 1994

themselves or their loved ones than a criminal. Not quite. Most gun accidents involve rifles and shotguns, not handguns. Moreover, the rate of fatal gun accidents has been declining while the level of gun ownership has been rising. There are fatal gun accidents just as there are fatal car accidents, but in fewer than 2 percent of the gun fatalities was the victim someone mistaken for an intruder.

Those who urge us to forbid or severely restrict the sale of guns ignore these facts. Worse, they adopt a position that is politically absurd. In effect, they say, "Your government, having failed to protect your person and your property from criminal assault, now intends to deprive you of the opportunity to protect yourself."

Opponents of gun control make a different mistake. The National Rifle Association and its allies tell us that "guns don't kill, people kill" and urge the Government to punish more severely people who use guns to commit crimes. Locking up criminals does protect society from future crimes, and the prospect of being locked up may deter criminals. But our experience with meting out tougher sentences is mixed. The tougher the prospective sentence the less likely it is to be imposed, or at least to be imposed swiftly. If the Legislature adds on time for crimes committed with a gun, prosecutors often bargain away the add-ons; even when they do not, the judges in many states are reluctant to impose add-ons.

Worse, the presence of a gun can contribute to the magnitude of the crime even on the part of those who worry about serving a long prison sentence. Many criminals carry guns not to rob stores but to protect themselves from other armed criminals. Gang violence has become more threatening to bystanders as gang members have begun to arm themselves. People may commit crimes, but guns make some crimes worse. Guns often convert spontaneous outbursts of anger into fatal encounters. When some people carry them on the streets, others will want to carry them to protect themselves, and an urban arms race will be underway.

OUR GOAL SHOULD NOT BE THE disarming of law-abiding citizens. It should be to reduce the number of people who carry guns unlawfully, especially in places -- on streets, in taverns -- where the mere presence of a gun can increase the hazards we all face. The most effective way to reduce illegal gun-carrying is to encourage the police to take guns away from people who carry them without a permit. This means encouraging the police to make street frisks.

The Fourth Amendment to the Constitution bans "unreasonable searches and seizures." In 1968 the Supreme Court decided (Terry v. Ohio) that a frisk -- patting down a person's outer clothing -- is proper if the officer has a "reasonable suspicion" that the person is armed and dangerous. If a pat-down reveals an object that might be a gun, the officer can enter the suspect's pocket to remove it. If the gun is being carried illegally, the suspect can be arrested.

The reasonable-suspicion test is much less stringent than the probable-cause standard the police must meet in order to make an arrest. A reasonable suspicion, however, is more than just a hunch; it must be supported by specific facts. The courts have held, not always consistently, that these facts include someone acting in a way that leads an experienced officer to conclude criminal activity may be afoot; someone fleeing at the approach of an officer; a person

The New York Times. March 20, 1994

who fits a drug courier profile; a motorist stopped for a traffic violation who has a suspicious bulge in his pocket; a suspect identified by a reliable informant as carrying a **gun**. The Supreme Court has also upheld frisking people on probation or parole.

Some police departments frisk a lot of people, but usually the police frisk rather few, at least for the purpose of detecting illegal **guns**. In 1992 the police arrested about 240,000 people for illegally possessing or carrying a weapon. This is only about one-fourth as many as were arrested for public drunkenness. The average police officer will make no weapons arrests and confiscate no **guns** during any given year. Mark Moore, a professor of public policy at Harvard University, found that most weapons arrests were made because a citizen complained, not because the police were out looking for **guns**.

It is easy to see why. Many cities suffer from a shortage of officers, and even those with ample law-enforcement personnel worry about having their cases thrown out for constitutional reasons or being accused of police harassment. But the risk of violating the Constitution or engaging in actual, as opposed to perceived, harassment can be substantially reduced.

Each patrol officer can be given a list of people on probation or parole who live on that officer's beat and be rewarded for making frequent stops to insure that they are not carrying **guns**. Officers can be trained to recognize the kinds of actions that the Court will accept as providing the "reasonable suspicion" necessary for a stop and frisk. Membership in a gang known for assaults and drug dealing could be made the basis, by statute or Court precedent, for **gun** frisks.

And modern science can be enlisted to help. Metal detectors at airports have reduced the number of airplane bombings and skyjackings to nearly zero. But these detectors only work at very close range. What is needed is a device that will enable the police to detect the presence of a large lump of metal in someone's pocket from a distance of 10 or 15 feet. Receiving such a signal could supply the officer with reasonable grounds for a pat-down. Underemployed nuclear physicists and electronics engineers in the post-cold-war era surely have the talents for designing a better **gun** detector.

Even if we do all these things, there will still be complaints. Innocent people will be stopped. Young black and Hispanic men will probably be stopped more often than older white Anglo males or women of any race. But if we are serious about reducing drive-by shootings, fatal gang wars and lethal quarrels in public places, we must get illegal **guns** off the street. We cannot do this by multiplying the forms one fills out at **gun** shops or by pretending that **guns** are not a problem until a criminal uses one.

GRAPHIC: Drawing

LANGUAGE: ENGLISH

LOAD-DATE-MDC: March 20, 1994



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19 November 1993

Jay Kriegel
Senior Vice President
CBS News Inc.
51 W. 52nd Street
New York, NY 10019

Dear Jay:

As the date of this letter discloses, it took me longer than "a couple of days" to trace the history of the radioactive seeding idea. The record I found is also less than I hoped for, but here is the story.

The idea of seeding guns or ammunition originated during the research of the Task Force on Firearms of the National Violence Commission. We were told that small implanted chunks of particular radioactive elements would emit distinctive signals that could tell police that a gun or ammunition was present. This could generate probable cause for police intervention.

This notion was discussed in a small group of the University of Chicago in the early 1970s that included Norval Morris and Albert Crewe, although the primary focus of the group was a miniature citizen alarm system. At the time, I was told that implanting and detection were not major technical problems and that plugs could be inserted in guns manufactured without seeding. No development work was ever launched. No paper record of these discussions could be located.

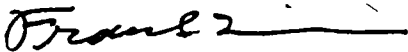
By 1975, the idea had fixed on implanting weapons rather than ammunition for reasons of scale, cost, and appropriateness. On scale, there were about four billion rounds of ammunition produced and sold per year in the mid-1960s, much of it low-cost rim-fire .22-caliber. Many legitimate shooters go through huge amounts of ammunition while those who have guns only for violent purposes are not major ammunition users. It is both cheaper and easier to implant the gun. And once guns hit the streets, they apparently have rather short useful lives prior to confiscation. So the existing stockpile of handguns without implants does not doom nor long defer the utility of starting an important program that is gun-only. I enclose a reprint on the "new guns" findings.

Jay Kriegel
Page 2

One way to push this matter further would be to convene a small meeting of engineers and gun policy people to talk out feasibility issues. If the idea survives that sort of scrutiny, a modest development grant to a commercial research lab might produce a prototype at fairly low cost. If pursued privately, I would recommend involving the Police Foundation in the preliminary research meeting.

I hope this helps and I'm sorry we did not turn up a blueprint.

Regards,

A handwritten signature in black ink, appearing to read "Franklin E. Zimring", with a horizontal line extending to the right.

Franklin E. Zimring
Professor of Law and
Director, Earl Warren Legal Institute

cc Lloyd Cutler

an Article from | **SCIENTIFIC
AMERICAN**

NOVEMBER, 1991 VOL. 265 NO. 5

lar knots are in fact topologically equivalent—that is, whether one can be transformed into the other without being cut. Jones had shown how to accomplish this task with a relatively straightforward polynomial equation from statistical mechanics, which describes heat transport or other general properties in a complex system.

Subsequently, Witten showed that with topological quantum field theory one could find even deeper unities, or symmetries, between knots than with Jones's technique. One could also discern symmetries underlying knots in curved, non-Euclidean spaces—and even underlying the spaces themselves. Witten calls this his "single most satisfying piece of work." As a result of his finding, Witten and Jones shared the 1990 Fields Medal, the most prestigious prize in mathematics.

Witten bristles a bit in response to suggestions that in his fascination with such mathematical issues, he has lost touch with real-world physics. He points out that in 1985 he wrote a paper with Mark Goodman of Princeton proposing how to detect exotic particles, including the sparticles predicted by supersymmetry, that might account for the "dark matter" many cosmologists think dominates the structure of the universe. The paper has inspired various dark-matter experiments.

In the mid-1980s he also wrote several papers on cosmic strings, extremely long, massive and hypothetical objects that could have catalyzed the formation of galaxies. Witten proposed that cosmic strings might be superconductors and suggested ways they could be detected by astronomers. More recently, Witten helped Frank Wilczek, a colleague at the Institute for Advanced Study, elaborate a theory that explains high-temperature superconductivity as a by-product of unusual particles called anyons.

But Witten says he has "learned the hard way" to trust his instincts about what is important. "Physicists generally, including those who are enthusiastic about string theory, greatly underestimate the depths and subtlety of its underlying geometric ideas and the importance for human thought of unearthing them." Witten recites this line slowly, abstractedly, as if at this very moment he is trying to see into the twisted heart of things. Once those ideas stand revealed, will that be the end of physics? Witten declines to guess. "You would never look at physics again in the same way," he says. "But how you would look at it, and what the unsolved problems would look like, I have no idea." —*John Horgan*

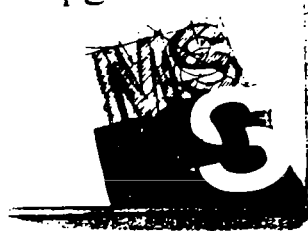
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Scott Spanbauer
PC World
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Firearms, Violence and Public Policy

*More guns mean more deaths from crime and accidents.
Yet in the U.S. many laws that regulate firearms are misdirected
and ineffective. What we don't know about gun control can hurt us*

by Franklin E. Zimring

Even though the U.S. has many more gun-control laws than any other nation, Americans are more likely to be victims of gun-related violence. We have no hope of greatly improving this situation as long as we continue to construct gun-control policy on a weak foundation of facts.

Since the 1960s some social and behavioral scientists have been investigating how violence is related to firearms. But their conclusions have largely been ignored. Neither supporters nor opponents of gun-control laws have felt any great need to cite facts. Strong emotions have kept the conflicting parties at each other's throats.

Recent congressional debates on gun control have also relied on undocumented assertions. The 1991 Brady bill aims to reduce the violence associated with guns by making handgun purchases subject to waiting periods and police notification. The congressional debate over these issues is no more informed than it was during the deliber-

ations that led to the Gun Control Act of 1968. A distaste for facts is also evident in the emphasis Americans have placed on research: much more money is spent on newspaper advertisements about gun control than on research about firearms and violence.

During the past three decades, investigators have learned about the relation between guns and the death rate from violent crime, accidents and suicides. They recorded the kinds of firearms used in these situations, and they measured how gun-control laws have influenced crime and the ownership of guns.

The accumulating evidence provides reasons for discomfort on both sides of the political struggle. Ample data confirm that as guns become more available, people are more likely to die during violent crimes—a connection that opponents of gun control have tried to deny. Research also shows that many laws do not significantly diminish the number of guns used in violence, although many advocates of gun control have assumed they would.

Lawmakers have agreed to many measures that try to keep guns out of the hands of criminals. But these regulations have not brought violence down to a level that most Americans can tolerate. At the same time, we have not confronted the controversial issue of reducing the 35 million handguns that play the greatest role in violence caused by firearms.

The Federal Bureau of Investigation reports that in 1990 criminals in the U.S. committed more than 1.8 million

acts of homicide, robbery, forcible rape and serious assault. More than 28 percent of these violent crimes involved firearms. And, most notably, guns were the cause of death in 64 percent of the 23,000 homicides. Although the statistics portray the magnitude of gun-related violence, they provide no information about why or how the flow of firearms should be regulated.

The issue of gun control hinges on whether the death rate from violence would subside if people were forced to abandon firearms and choose other weapons such as knives. As Philip J. Cook and Daniel Nagin of Duke University once asked, "Does the weapon matter?"

The answer is not obvious. In 1958 Marvin E. Wolfgang of the University of Pennsylvania claimed that the choice of weapon did not make much difference in criminal homicide. He argued that if guns were unavailable, assailants would wield other deadly weapons to achieve their goal. His analysis assumed that most people who commit criminal homicide have a single-minded and unconditional intention to kill.

A decade after Wolfgang's work, I found evidence that the weapon used is important in determining whether a violent assault will lead to death. I reviewed Chicago police records of more than 16,000 violent assaults, both fatal and nonfatal, to determine the outcomes of attacks with guns and knives, the two weapons most commonly used

FRANKLIN E. ZIMRING is professor of law and heads the Earl Warren Legal Institute of the University of California, Berkeley. For the past two decades, he has investigated the relation between firearms and violence, and he has helped shape gun-control policy in the U.S. For two years, Zimring directed research for the Task Force on Firearms of the National Commission on the Causes and Prevention of Violence.

in criminal homicide (see *box on next page*). The study showed that most attackers seemed to stop short of ensuring the victim's death. In eight out of 10 assaults with guns, the attacker shot the victim only once. Attackers also inflicted one wound in seven out of 10 cases in which the victim died.

In general, fatality seemed to be an almost accidental outcome of a large number of assaults committed with guns or knives. The Chicago study indicated that most nonfatal attacks, like most homicides, resulted in wounds to vital parts of the body. According to the study, homicide and serious assaults involved the same kinds of motives (mostly spontaneous arguments), and they occurred in the same places at the same times.

One important difference among assaults was the weapon used: an assault with a gun was five times more likely to result in a fatality than an assault with a knife. And assaults with guns to all vital body areas—head, neck, shoulders, chest and abdomen—were many times more likely to kill than attacks to the same locations with knives. In 1990 more than 23 percent of the one million serious assaults involved guns, whereas knives played a role in 20 percent of assaults.

Do attackers who carry guns simply have more lethal intentions than assailants who use knives? The Chicago data indicated otherwise: compared with assaults with guns, attacks with knives were more likely to result in multiple wounds, and they were equally likely to

damage a part of the body where death can result. The five-to-one difference in death rate thus seems to stem from the greater dangerousness of the firearm as a weapon, what is known as an instrumentality effect.

If such instrumentality effects are large, a shift from guns to knives would cause a drop in the homicide rate even if the total rate of violent assault did not change. Other studies have corroborated the presence of large instrumentality effects in urban violence.

When Hans Zeisel of the University of Chicago and other sociologists compared assaults in cities that had different mixes of guns and knives, they found a difference in death rate between the two kinds of assaults. Zeisel, who examined New York and Houston,



HANDGUNS were involved in half of the 23,000 homicides committed with firearms in the U.S. last year. Although federal law forbids felons from acquiring any of the supply of 35

million handguns in the U.S., it has not reduced the violence associated with handguns to a tolerable level. Is restricting handguns America's only option?

wrote, "If the level of gun attacks in Houston were reduced from 42 percent to New York's level of 24 percent, 322 gun attacks would have been knife attacks. At present, these 322 gun attacks resulted in 63 fatalities.... If they were knife attacks, roughly 12 fatalities would result—a reduction from 20 deaths per 100 attacks to four per 100."

Although all guns are deadly, some types of firearms are more harmful than others because they are more likely to be used in crime and violence. In the U.S. handguns—small, concealable weapons that can be fired with one hand—account for one third of the 120 to 150 million firearms estimated to be owned by civilians. Handguns are used in more than 75 percent of firearm-related homicides and more than 80 percent of firearm-related robberies. On the average, rifles and shotguns are seven times less likely than handguns to be used in criminal violence. In states and cities that have made special efforts to restrict handguns, the major problem is still illegal handguns rather than long guns. (No one has recorded how many crimes are committed with what are called military assault weapons. These semiautomatic rifles and handguns require a separate trigger pull for each bullet discharged but can fire many rounds of ammunition quickly.)

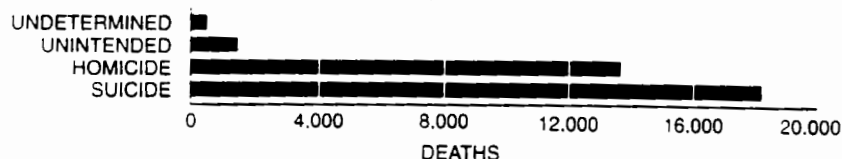
To determine whether the type of gun influences the outcome of violent assaults, my colleagues and I conducted a follow-up study in Chicago in 1972. Not surprisingly, we found that a large-caliber gun was twice as likely to kill as a small-caliber gun in cases in which the guns inflicted the same number of wounds to the same part of the body. This statistic indicated that mortality from criminal violence is strongly correlated with the dangerousness of the weapon, not just the attacker's intent.

Some sociologists have criticized the conclusion that the motivations behind most homicides are ambiguous. They argue that the similarity between fatal and nonfatal assaults might be superficial. Furthermore, they maintain that attackers who wield guns may have substantially different intentions from criminals who use knives. But so far no evidence derived from data on assault has been presented that argues against instrumentality effects in homicide.

The role of weapons is largely unknown in another kind of assault, forcible rape. More than 100,000 cases are reported to the police every year, and roughly 8,000 of them involve firearms. Although a change in firearm use could prevent many rapes at gunpoint,

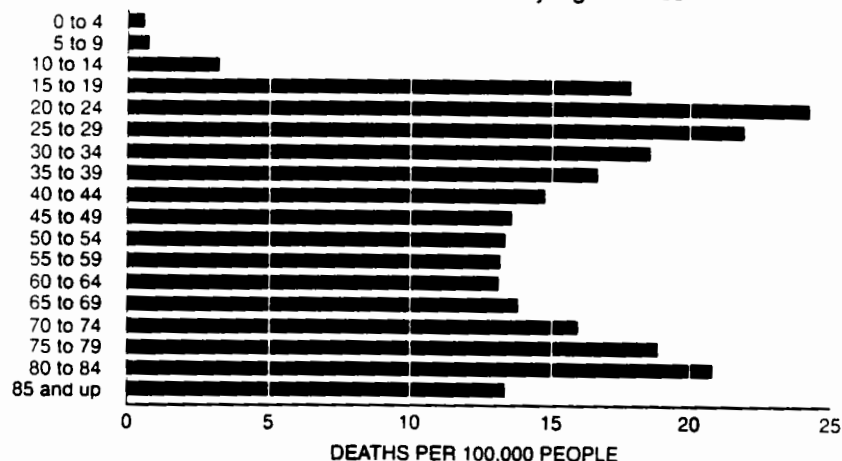
Weapons and Violence

Deaths by Guns in 1988



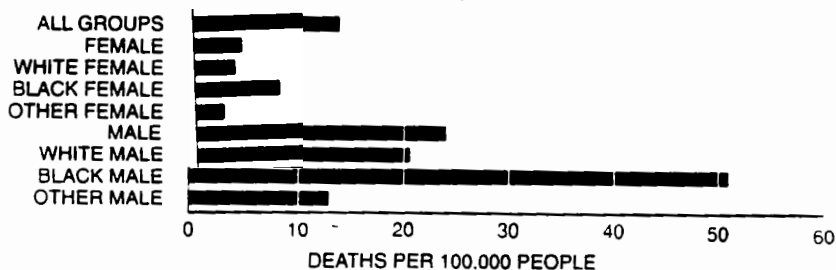
SOURCE: National Center for Health Statistics

Gun-Related Death Rate by Age in 1988



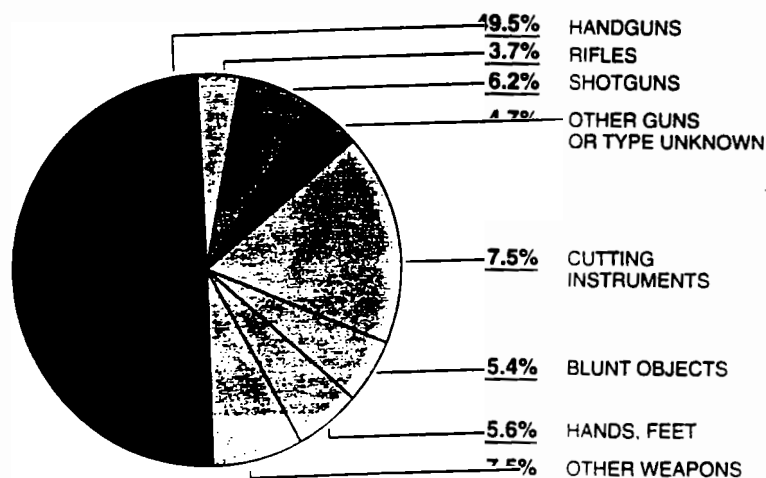
SOURCE: National Center for Health Statistics

Gun-Related Death Rate by Sex and Race in 1988

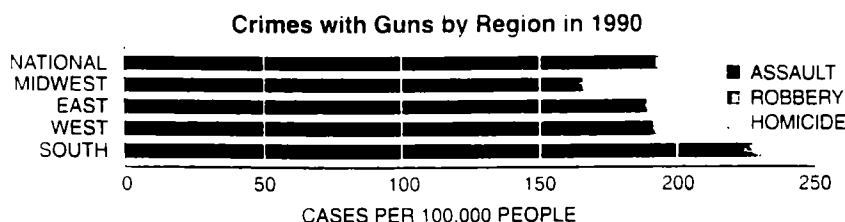


SOURCE: National Center for Health Statistics

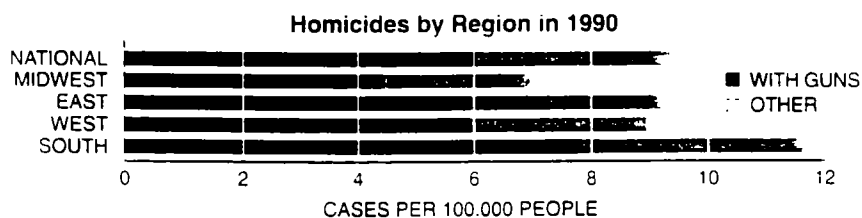
Weapons Used in Homicide in 1990



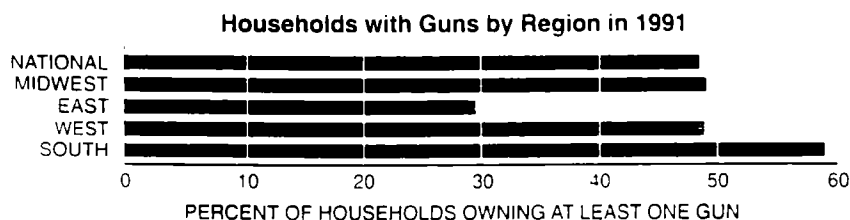
SOURCE: FBI Uniform Crime Reports



SOURCE: FBI Uniform Crime Reports

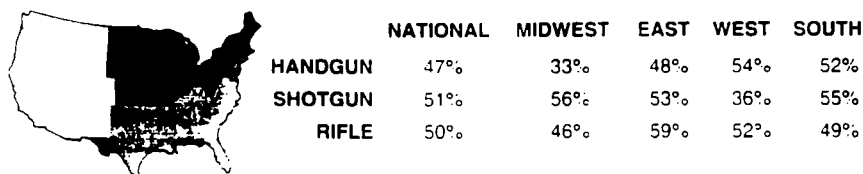


SOURCE: FBI Uniform Crime Reports

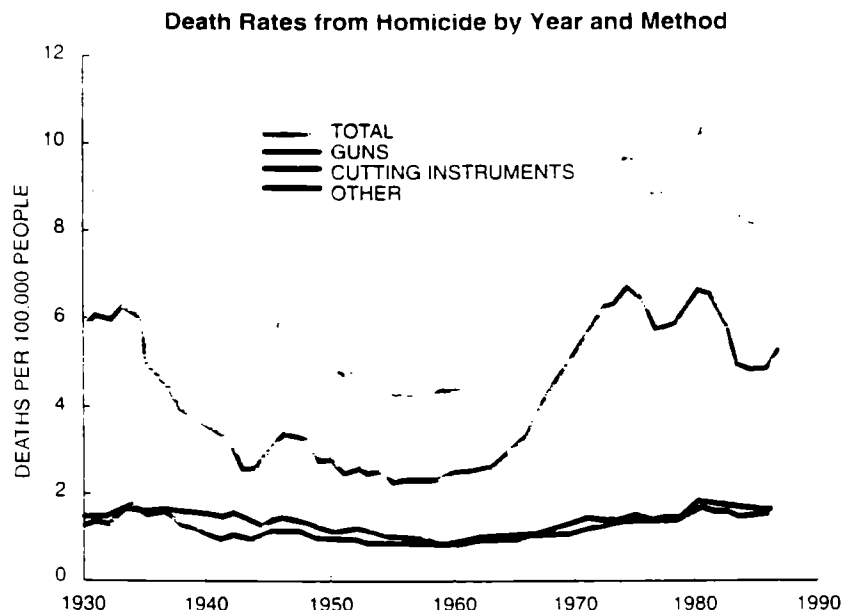


SOURCE: Gallup Poll

Type of Firearm in Households with Guns in 1991



SOURCE: Gallup Poll



SOURCE: The Injury Fact Book

most rapists use personal force or other means. No studies have yet determined the different rates of death from forcible rape involving different types of weapons.

A central issue in the gun-control debate is robbery. Each year the FBI tallies more than 500,000 robberies and 3,000 deaths of robbery victims. (This type of crime produces by far the most killings of strangers.)

In 1990 criminals carried firearms in 37 percent of 640,000 robberies reported to the police. Criminals do not rely heavily on firearms for robberies of vulnerable individuals on the street. But they often carry guns to rob stores. My colleagues and I found that in Chicago firearms are involved in two thirds of robberies of commercial establishments but fewer than two fifths of street robberies.

Because robberies need involve only the threat of injury, it cannot be assumed that the choice of weapon in a robbery will influence the outcome in the same way as the choice in assaults does. Only in recent years have investigators published special reports on the influence of guns on the death rate from robbery.

The National Crime Survey reports that crime victims are less likely to resist robbers who carry guns than those who wield other weapons. Apparently, a firearm makes the threat of force by a robber conspicuously credible. The risk of any victim injury is therefore lower when a robber has a gun instead of, say, a knife.

But in cases where robberies result in injuries, guns are far more deadly than other weapons. James Zuehl and I at the University of Chicago found that the death rate is three times higher for robberies at gunpoint than for robberies with knives, the next most dangerous robbery weapon. Cook has found that in areas where gun ownership is unusually prevalent, death rates from robbery are high.

These findings independently confirm the instrumentality effects found in assaults because robbers presumably do not select their weapons with the intent of injuring their victim. Robberies with firearms, like assaults with guns, contribute greatly to the crime-related death rate, independent of the motivations of the criminal.

One question not yet answered is how much the availability of guns influences the rate of robberies. Presumably, when guns are widely available, robberies become easier to commit and increase in frequency. Yet in one study of U.S. cities, Cook did not find a corre-

lation between gun availability and total robbery rate. No one has yet investigated the more specific comparison of commercial robbery rates.

Very few scholars have studied how firearms are related to two important forms of noncriminal violence: suicide and accidents. In the U.S. death by self-inflicted gunshot wounds accounts for over half the more than 30,000 suicides committed every year. Firearms are no more effective a means of suicide than are such methods as hanging or jumping. But when firearms are not at hand, people most frequently attempt suicide by drug overdoses. If guns were not available to people with suicidal intentions, how many attempts might be redirected to less lethal means and how many lives would be saved? This question deserves far more attention than it has received.

Accidents involving firearms claim about 2,000 lives every year in the U.S., a much lower death rate than that for homicides or suicides. About 60 percent of accidental fatalities occur in or around the home. The population groups that have the highest fatality rates from accidents are male children and adolescents, who are generally inexperienced in using guns and are often tempted to play with them. Clearly, if young people did not have access to guns, the death rate would drop.

Two other findings about the misuse of firearms have some significance when considering strategies of firearm control. First, the percentage of gun-related crimes in an area is related to the proportion of owners of firearms in that area. In 1969 the Task Force on Firearms demonstrated that if a city ranks high in gun use for one kind of crime, such as aggravated assault, the use of guns tends to be high for other types of crime, such as robbery. Cook has also found that high rates of gun use in suicide are positively correlated with rates of gun use in violent crime. As more firearms are available to the civilian population, more guns are also available for misuse.

Second, in the 1970s the Federal Bureau of Alcohol, Tobacco and Firearms conducted studies of handguns confiscated on city streets. The bureau showed that handguns are most likely to be misused in the first few years after the weapons are introduced to the civilian market. In four U.S. cities studied by the bureau, handguns three years old or younger constituted half of those confiscated on the streets but less than a quarter of the total number owned by civilians. Consequently, handguns play their greatest role in street crime when they are a few years old,

even though they often function for many years.

All gun-control measures seek to reduce the influence of the use of firearms in crimes and violence. The ideal gun-control measure would prevent all crime and violence involving guns without interfering with their legitimate use in contemporary life. More realistically, regulations should reduce the problems caused by illegitimate uses as much as possible while minimizing the restraints on legitimate uses of guns. To achieve this goal, lawmakers have proposed many different types of regulations [see table on page 54]. The laws are usually based on one of three strategies: prohibiting high-risk uses of firearms, keeping guns out of the hands of high-risk users or banning high-risk firearms.

Regulations that prohibit high-risk uses of firearms include "place and manner" prohibitions and extra penalties for unlawful use. Most gun laws in the U.S. seek to regulate the place and manner in which firearms may be used. They prohibit such high-risk uses as carrying firearms in a motor vehicle or discharging a firearm in populated areas or concealing weapons on one's person. Place-and-manner laws attempt to deter high-risk behavior with guns, and they rely on the police to intervene before violence occurs. These laws prevent violence only to the extent that the police can discover and arrest persons who violate such laws. How much violence is deterred because guns are not carried is not known. But the rate of gun-related violence would almost certainly increase if carrying loaded weapons became widespread.

High-risk behavior with guns can also be discouraged by instituting particularly stiff penalties for criminals who use firearms. Such laws attempt to deter the would-be robber or attacker from using a gun during a crime. More than half of the states have passed such laws. This approach is popular with gun owners because the penalties concern only gun-related crime and place no restrictions on firearm ownership.

Extra-penalty laws are limited, however, in their potential to curb firearm violence. To reduce the number of crimes involving guns, such laws would have to discourage persons who would not be deterred by the already severe penalties for robbery and assault. Can the threat of additional punishment succeed? A robber might be deterred from using a gun if the penalty for robbery with a gun were several times greater than that of robbery without a gun. But punishment for robbery is already se-

vere, at least as set forth in the statutes. In addition, a robber who carries a gun should not be punished so harshly that the additional penalty he risks if he injures or kills his victim is relatively small. It seems unlikely, therefore, that such laws have much more potential to deter gun use in robberies.

The issue of additional deterrence is also complicated for the crime of assault with a gun because the person who attacks someone with a gun is already risking the maximum punishment if the victim dies. A series of studies—the most notable by Colin Loftin and his associates at the University of Maryland—find that at best extra-punishment laws reduce gun-related crime by a small amount.

Extra punishment and place-and-manner regulation do have a role in comprehensive firearm control. But they cannot be used as the primary controls in a system that aspires to influence the death rate from violence substantially.

Laws attempting to discourage high-risk uses of firearms can be more effective when they are combined with selective ownership prohibitions. This second gun-control strategy seeks to deny high-risk users access to firearms. Usually the law considers high-risk users to include convicted felons, minors, adjudicated mental incompetents, drug addicts and fugitives from justice. The theory is that high-risk users should not be allowed to own firearms, because the societal damage they cause through violence outweighs the social value of their interests in using guns legitimately.

The federal government and nearly every state prohibit some type of high-risk ownership. But many of these laws do not make a person prove his eligibility to own a gun before obtaining one. The ownership ban is supposed to be effective because the ineligible person will be subject to criminal penalties if caught possessing a firearm. Although such a law will not keep guns out of the hands of high-risk users who lie about their status, it is hoped high-risk users will be deterred by the threat of criminal punishment.

The ownership bans represent some improvement over simply passing stiffer penalties for gun-related crimes because the law attempts to separate the potential criminal from his gun before he commits a crime with it. And if such laws could reduce the number of gun owners by excluding the people subject to the prohibition, they would indeed reduce violence.

But it is no easy matter to keep guns away from a group of "bad guys" while



HUNTING WITH GUNS became an American pastime long before the 1850s when lithographer Frances F. Palmer created "Woodcock Shooting" (above) for the publishing firm of Cur-

rier & Ives. During the past 140 years we have not changed our attitudes toward the legitimate uses of guns, but we have grown more concerned about gun-related violence.

allowing a larger group of "good guys" to own millions of them. Furthermore, bans are not very effective when the purchaser does not have to prove his eligibility as a gun purchaser. For instance, a convicted felon, who is prohibited from acquiring a gun under federal law, can easily obtain one if he is willing to lie about his record.

To prevent high-risk groups from freely obtaining firearms, many state and local governments now attempt to identify ineligible gun buyers before they acquire weapons. The screening system included in the Brady bill permits the police to determine whether a prospective gun purchaser has a criminal record. If the check turns up nothing, or even if it is not done, the purchaser can obtain the gun.

Screening systems are more effective than simple bans because screening prevents some high-risk users from obtaining guns even if they are willing to break the law. But because the screening systems mean additional costs and delays to all who wish to buy firearms, gun-owner groups usually oppose screening.

Screening systems and ownership prohibitions have a limited effect on homicides because most are committed by people who were not previously convicted of a felony and therefore who can purchase a gun legally. Still, screening systems are helpful to the extent

that they keep firearms away from convicted felons and minors.

Many systems of owner screening suffer from another limitation. They affect only the purchase of weapons from commercial retailers. The measures do not apply to transactions between private citizens, who are continually selling and passing on some 35 million handguns. Prospective criminals can easily steal or purchase these guns.

To prevent the transfer of guns from private citizens to ineligible users, a few states require owners of firearms to register their weapons. In such schemes, owners must give information identifying each firearm they own. Gun accountability works like car registration, whereas owner screening is analogous to driver's licenses. But owner licensing schemes will have a limited impact on violence because they leave a large arsenal of firearms to which potential criminals have easy access.

The dangers of widespread access to firearms can be alleviated, in part, by regulating guns that are particularly dangerous. Laws that limit the supply of high-risk weapons can complement the strategy of decreasing high-risk uses and users. Supply-reduction laws strive to make the most dangerous guns so scarce that potential criminals cannot obtain them easily.

The laws are justified on the grounds that the harm caused by owning and using these particularly dangerous firearms is greater than the benefit, even in the noncriminal population.

Supply-reduction laws usually deny citizens the opportunity to own a high-risk firearm unless they prove a special need for the weapon or belong to an exempt group, such as the military or the police. The idea behind supply reduction is that gun-related violence will decrease significantly only if the firearms most often used in violence are not available to most people.

The first weapons singled out for high-risk classification were machine guns and sawed-off shotguns as specified in the National Firearms Act of 1934. More than three decades later federal law put special restrictions on destructive devices of military origin and forbade the importation of handguns that were classified as unsuitable for sporting purposes. Several current proposals are designed to prohibit civilian ownership of military assault weapons.

Some state and local governments also single out the handgun as a high-risk firearm and require special licenses to purchase handguns. The system in New York City is the most prominent example of this approach. City residents must demonstrate a special need for a handgun, whereas in permissive licens-

Strategies for Gun Control

STRATEGY	COST AND INCONVENIENCE	EFFECT ON LEGITIMATE USES OF GUNS	POTENTIAL NUMBER OF LIVES SAVED	PROBLEMS
STOP DANGEROUS USES Extra punishment for crimes committed with guns and laws that regulate the proper use of guns	 MINOR	 MINOR	 FEW	Weak threat, no logistical barrier to prevent gun misuse
STOP DANGEROUS USERS Laws that prohibit convicted felons from buying guns	 MINOR	 MINOR	 FEW	Ineffective against those willing to lie about criminal record
Gun licenses for those who are not convicted felons and gun registration	  SOME	  SOME	  SOME	Difficult to monitor tens of millions of guns
REDUCE SUPPLY OF FIREARMS Restrictions on ownership of exotic firearms	 MINOR	 MINOR	  SOME	Little control over guns obtained illegally
Restrictions on ownership of handguns	   MAJOR	   MAJOR	   MANY	Costly, interferes with legitimate uses, little control over guns obtained illegally

ing systems only high-risk users are disqualified. Gun-control supporters frequently advocate restricting the supply of handguns on a nationwide basis.

But a decrease in handguns will reduce firearm violence only if other guns are not substituted. It has been difficult so far to determine what effect restrictive licensing has had. Cities and states that have such licensing schemes have found that long guns are not replacing handguns as crime weapons. But one reason for this lack of substitution is that the laws have failed, so far, to reduce the supply of handguns significantly.

It is all too easy to move guns across state and city borders from areas where guns are easily available to places where firearm supplies are regulated. Law enforcement agencies in Massachusetts and New York City have shown that, in jurisdictions that have tight controls, more than 80 percent of guns confiscated by police were originally acquired out of state. Current federal law is trying to inhibit the flow of firearms between states, but the problem remains substantial.

In most northeastern cities with restrictive handgun laws, the use of guns in violent crime is lower than that in other U.S. cities. In Washington, D.C., the Federal Bureau of Alcohol, Tobacco and Firearms strictly enforced federal laws for nine months in 1976, and it reported success in reducing the flow of firearms. But the effort was not sustained. Washington currently experiences high rates of gun-related violence despite a restrictive handgun law.

Analysts do not have sufficient information to make predictions about the impact of gun control in the U.S. Some have compared the U.S. with such countries as England, France, Germany and Holland. They have discovered that nations with much lower rates of firearm ownership have lower rates of crimes involving guns. But these Western nations also have much lower rates of violent crimes that do not involve firearms.

Indeed, it is the very high rate of violence in the U.S. that makes the costs of gun use so large. The U.S. has both a "crime problem" and a "gun problem," and each exacerbates the other. No Western nation has ever instituted strict controls under conditions similar to those in the U.S.

Although most citizens support such measures as owner screening, public opinion is sharply divided on laws that would restrict the ownership of handguns to persons with special needs. If the U.S. does not reduce handguns and current trends continue, it faces the prospect that the number of handguns in circulation will grow from 35 million to more than 50 million within 50 years. A national program limiting the availability of handguns would cost many billions of dollars and meet much resistance from citizens. These costs would likely be greatest in the early years of the program. The benefits of supply reduction would emerge slowly because efforts to diminish the availability of handguns would probably have a cumulative impact over time.

At the heart of the debate over handgun restrictions is a disagreement about the character of American life in the 21st century. Roughly half of Americans believe that strict handgun control is not worth the hardship of changing policy in the U.S. They assume that the weapons can remain a part of American life for the indefinite future. But just as many Americans see the removal of the current stockpile of handguns as a necessary down payment on the American future. They regard free availability of handguns as a severe threat to urban life. American policy on handgun control will ultimately depend on which of these attitudes prevails.

FURTHER READING

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REPORT OF THE FIREARMS WORKING GROUP

For the Interdepartmental Working Group on Violence Prevention

November 12, 1993

- I. Scope of the problem**
- II. Current policies and programs**
- III. Proposed remedies and solutions**
- IV. Agenda for research and technology**

Firearms Working Group

Scope of the Problem - Summary Information

Firearms Fatalities and Injuries

- o During 1991 over 38,000 died from firearm-related injuries; 49% of these fatalities were suicides, 46% were due to homicide, and 4% were attributed to unintentional circumstances.
- o A 1985 estimate suggests that over 65,000 people were hospitalized by nonfatal firearm injuries; another 171,000 were injured by firearms by not hospitalized.
- o Firearm-related deaths rose by 21% between 1985 and 1991.
- o Black males in their twenties face the greatest risk of death from firearm-related injury. Rates of firearm deaths for female, male teenagers, and young adults are much higher now than ever before.

Cost of Firearm-Related Injuries

- o Firearm-related injuries account for about 9% of the total lifetime cost of injury, making it the third most costly type of injury. The lifetime cost of firearm-related injuries occurring in 1985 is estimated at \$14.4 billion. (About \$1 billion of this estimate is treatment costs; the remainder is due to loss of potential earnings.)
- o It is estimated that 80% of hospital costs associated with the treatment of firearm injuries are paid by public sources.

Guns in Circulation

- o BATF estimates that there are approximately 211,000,000 in circulation by 1992-- 71.7 million handguns, 75.7 million rifles, and 64.3 million shotguns. This number is an increase from 54 million guns in 1950 and 104 million guns in 1970.
- o In 1992, BATF estimates that more than 2 million new guns were made available for sale in the United States.
- o Handguns are the weapons of choice for violent crimes. Among 1989 gun homicides for which the type of weapon was known, 80% involved handguns, 12 % involved shotguns, and 8% involved rifles.

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Firearms Working Group

Scope of the Problem

Firearms-Related Injuries in the United States

Fatalities

The cumulative impact of firearm-related deaths over time has been enormous. During 1991, the last year for which we have complete data, over 38,000 people died from fire-armed related injuries. Forty-nine percent of these firearm-related deaths were due to suicide, 46% were due to homicide, and 4% were due to unintentional circumstances. Although discussion of the firearm problem is dominated by concern over the use of firearms to harm others, the majority of firearm-related fatalities are, in fact, associated with the use of a firearm to intentionally harm oneself.

During the 1980's 330,000 died from firearm-related injuries. Nearly five times as many American died from firearm-related injuries during the 1980s as died during the Vietnam Conflict (1). Indeed, from 1933-1989 more Americans died in this country from the non-military use of firearms (1,209,199) than died in all U.S. wars combined since and including the American Revolutionary War (1,177,965) (2,3).

In 1990, firearm-related injuries were the eighth leading cause of death. Firearm-related injuries were second only to motor vehicle injuries as a cause of death among persons 10-34 years old. Firearm-related injuries were the leading cause of death for blacks age 15-34.

Nonfatal Injuries

Because we do not have a data system that enables us to track nonfatal firearms injuries, national estimates of the number of such injuries are very imprecise. National estimates have been developed, however, by combining information from state and national hospital discharge data (4). In 1985, an estimated 65,129 people were hospitalized because of firearm-related injuries, and another 171,000 were injured by firearms but not hospitalized (4).

Unfortunately, we do not have national estimates of the number of disabilities associated with firearm-related injury. One source, however, estimated that in Detroit, 40% of spinal cord injuries result from gunshot wounds (5).

Cost of Firearm-Related Injury

Firearm-related injuries are estimated to account for 9% of the total lifetime cost of injury, making firearm-related injuries the third most costly type of injury. The lifetime cost of firearm-related injuries occurring in 1985 has been estimated to be \$14.4 billion (4). The average per fatality, (\$373,520) is the highest of any cause of injury death. Approximately \$1 billion of this \$14.4 billion is due to the costs of treating firearm injuries. Most of the lifetime costs of firearm-related injuries are due to the loss of potential earnings (4). The disproportionate number of fatalities among young people accounts for the relatively high

mortality costs for firearm-related injuries.

A fundamental question about firearm-related injuries is who pays for the costs of treatment, hospitalization, and rehabilitation. Two studies have addressed this question by reviewing the hospital costs of all firearm-related injuries treated (6,7). In these studies researchers found that over 80% of the hospital costs were paid by public sources.

Demographic Groups at Highest Risk for Firearm Injury

Overall, males are six times more likely to die from firearm-related injuries than are females. Among males, blacks are 2.8 times more likely to die from firearm-related injuries than are whites. Black males in their twenties face the greatest risk of death from firearm-related injury for any age-race-sex group. These data on the overall rates of firearm-related mortality mask some important differences in firearm-related suicide rates and homicide rates among various demographic groups. For instance, the pattern of the highest firearm-related death rates for black males occurring among adolescents and young adults is attributable to the large impact of homicide on this race-sex group, whereas the pattern of the highest rates in older age groups for white males parallels their greater risk of suicide.

The impact of firearm-related injuries that require hospitalization--like that of firearm-related homicides--is greatest among adolescents and young adults (4). The fact that the age-specific pattern for rates of nonfatal firearm-related injuries is similar to that for firearm-related homicide is probably due to the fact that attempts at suicide using a firearm are rarely unsuccessful.

Recent Trends in Firearms-Related Injuries

In the United States as a whole, the number and rate of firearm-related deaths has remained fairly steady through the 1980's. The number of firearm-related deaths rose by 21% between 1985 and 1991 (from 31,566 to 38,317). The annual firearm-related death rate increased from 13.1/100,000 in 1985 to 15.2/100,000 in 1991.

Firearm-related death rates were higher during the 1980's than at any time since the 1920s. Furthermore, firearm-related death rates for females as a group, male teenagers, and young adults are much higher now than at any time previously (2).

Recent trends among adolescents and young adults are particularly troubling. Among 15-24 year olds, firearm-related mortality has increased substantially since 1984 (8). In particular, almost all of the increase in the homicide rate from 1984 to 1990 among black males 15-24 years of age can be attributed to increases in firearm-related homicide. By 1988, one in five deaths among adolescent and young adults were gun-related (8).

Another disturbing trend is evident in the pattern of motor vehicle and firearm-related deaths. In 1990, for the first time since death records were computerized in 1964, the number of firearm-related deaths exceeded the number of motor vehicle-related deaths in Texas (9,10). In Louisiana, firearm deaths have been the leading cause of injury-related mortality for four of the five years from 1986 through 1990 (10). As of 1991, firearm deaths exceeded motor vehicle fatalities in seven states. First, a reduction in the death rate from vehicle-related injuries has been brought about by a combination of interventions, including the construction of safer highways and vehicles, reductions in the levels of impaired driving due to alcohol, lower speed limits, and an increased use of safety belts, motorcycle helmets, and child restraint devices (11).

Second, the number and rate of firearm-related injuries has not declined because there has not been a similar commitment to the development and implementation of credible prevention strategies for this problem.

Number of Guns in Circulation

The Bureau of Alcohol, Tobacco, and Firearms (BATF) estimates that approximately 211,000,000 guns were in circulation by 1992. The estimate includes 71,746,000 handguns, 75,745,000 rifles, and 64,359,000 shotguns. The total number of guns in circulation has grown from an estimated 54 million guns in 1950 and an estimated 104 million guns in 1970 to the current 211,000,000.

For 1992, BATF estimates that 2,193,000 new guns were made available for sale in the United States (1,067,000 handguns, 720,000 rifles, and 406,000 shotguns).

Gun Ownership Patterns

The Bureau of Justice Statistics has estimated that about one-quarter of households own a firearm. Surveys generally conclude that the fraction of households owning firearms is greatest in rural areas and small towns; higher for whites than for blacks; highest in the South, lowest in the Northeast; and higher for high-income households than for low-income households.

Weapons of Choice in Violent Crimes

Although about two-thirds of guns in circulation are "long guns" (rifles, shotguns, semiautomatic and automatic rifles), handguns are disproportionately likely to be used in homicides, by a factor of more than 3 to 1. In gun homicides for which the type of weapon was known, handguns accounted for 80 percent in 1989, as compared with 8 percent for rifles and 12 percent for shotguns.

Even though a higher proportion of handguns is used in violent crimes, the risk of violent use is not evenly distributed among handguns in circulation. Estimates (in 1981) indicate that about one-third of each cohort of new handguns sold are eventually involved in crime (either displayed or fired) at least one time during their useable lifetimes. A 1987 study indicated that new handguns (those acquired most recently) are especially likely to be involved in violent crimes.

The Role of Federally-Licensed Gun Dealers

BATF records indicate that there are over 287,000 Federal firearms licensees today. This represents an increase of about 200,000 licenses since 1968. Based on estimates of activity in early 1993, new applications for licenses are being received at a rate of about 6,000 per month.

Based on a survey of a sample of Federal firearms licenses (BATF's Operation Snapshot) BATF estimates about three-quarters of licensees conduct their firearms business in their homes; the other quarter of dealers are located in various commercial premises. During the twelve months prior to the survey, 45% of dealers acquired no firearms, 36% of dealers acquired 1 to 10 firearms, 13% of dealers acquired 11 to 50 firearms, and 6% of dealers acquired over 50

firearms. Percentages of business volume/activity for disposition of firearms were very similar to the acquisition figures. About 7% of dealers had completed multiple handgun sales (sale of two or more handguns to the same person during a five-day period).

Fatalities and Firearms in the Workplace

During the period 1980-1989, the National Institute for Occupational Safety and Health estimates that nearly 7,600 workers were victims of homicide in the workplace. For this period, homicide was the leading cause of occupational death from injury for women, and the third leading cause of death for all workers. Although data are not available to quantify nonfatal assaults, such intentional injuries to workers occur much more frequently than occupation homicides. Guns were used in 75% of all occupation homicides. Knives and other similar instruments account for only 14% of deaths during this period.

Students and Firearms

A 1993 Harris survey questioned a nationally representative sample of students about firearms. Fifty-nine percent of all students surveyed said that guns are "easily obtainable"; 35% maintained that it would take them less than one-hour to acquire a gun. About 4% indicated that they had carried a weapon to school during the last year; 9% claimed they had fired a gun at someone. Nearly two-fifths of students had had first hand experience with firearm homicides or injuries, telling surveyors that they know someone personally who has been killed or injured by gunfire.

While no systems exists for tracking homicides at school or on school premises, the Department of Education has identified 33(?) such homicides since the beginning of the 1993-1994 school year. Firearms were a factor in ___ of these homicides.

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FIREARMS WORKING GROUP
SUBGROUP ON PROPOSED REMEDIES AND SOLUTIONS
SUBGROUP ON CURRENT POLICIES AND PROGRAMS

I. CURRENT POLICIES AND PROGRAMS

A. Overview of the Federal Regulatory Scheme

Current federal restrictions on civilian ownership and possession of firearms arise from two legislative enactments: the National Firearms Act of 1935 ("NFA") and the Gun Control Act of 1968 ("GCA"). The NFA imposes tax and registration requirements on "gangster-type" firearms, including machine guns, sawed-off shotguns, and short-barreled rifles, and prohibits persons from making or transferring such firearms for civilian purposes without prior approval by the Secretary of Treasury.

The GCA regulates all firearms. It provides for a comprehensive licensing and recordkeeping scheme for dealers, manufacturers, and importers of all firearms (collectively, "licensed persons"), prohibits felons and certain other classes of persons from receiving and possessing any firearm and ammunition, and bans the manufacture, sale, and import of certain types of armor-piercing ammunition. Manufacturers and importers of firearms other than destructive devices must pay a licensing fee of \$50 per year, and manufacturers of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, must pay \$10 per year. Dealers in firearms other than destructive devices must pay \$10 annually. The statutory qualifications for a licensee are that the applicant is at least 21 years of age, is not a felon or other person prohibited from possessing firearms, has not willfully violated the Gun Control Act, and has premises from which he or she intends to conduct business.

The GCA further prohibits the interstate purchase and sale of firearms by unlicensed persons, subject to a few exceptions. The GCA or any other provision of federal law does not regulate intrastate secondary transfers of non-NFA firearms by unlicensed persons; an unlicensed person may sell such a firearm to a resident of the same State, provided the sale is not in violation of any State law or local ordinance, and the purchaser is not prohibited by any provision of the GCA from acquiring or possessing a firearm. The GCA also does not require registration of non-NFA firearms, background checks of purchasers of firearms, or licensing of owners and purchasers of firearms. Finally, the GCA does not regulate the interstate sale of ammunition to unlicensed persons who are not proscribed from possessing firearms, or advertising for firearms and ammunition.

Prospective purchasers of firearms are required under federal regulation only to furnish sufficient identification to the dealer to establish his or her name, address, and age, and must complete and sign Form 4473 certifying that he or she is not prohibited by federal law from purchasing and/or possessing a firearm. Pursuant to ATF regulations, licensed dealers are required to report sales of more than one handgun during a period of five consecutive business days to a single nonlicensee. If the Brady Bill is enacted, prospective firearm purchasers would also be subject to a five-day waiting period and background check.

B. Current Policies and Programs in Particular Areas

1. Restrictions on Supply of Firearms and Ammunition

Except for regulation of domestic production and sale of certain armor-piercing ammunition, machine guns, sawed-off shotguns, short-barreled rifles and other weapons by the NFA, federal law restricts the supply of firearms and ammunition in the United States only by restricting import of firearms to those suitable for sporting purposes (i.e., non-assault firearms). Current federal policies generally do not regulate the domestic manufacture or sale of non-NFA firearms, including semiautomatic and other assault weapons. Nor does federal law currently regulate the manufacture or sale of replacement parts for machine guns already in circulation. Many of these replacement parts, including the M16 bolt carrier, hammer, trigger, disconnect and selector, may be used to convert legal semiautomatic rifles into illegal machine guns or even to build an entire machine gun.

2. Proscribed Persons

The GCA prohibits the following classes of individuals from receiving, possessing, or transporting any firearm or ammunition subject to the GCA: persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year (or, if the crime is a misdemeanor, punishable by a term of imprisonment exceeding two years); fugitives from justice; unlawful drug users or addicts of any controlled substance; persons who have been adjudicated mentally defective or who have been committed to a mental institution; aliens illegally or unlawfully in the United States; persons discharged dishonorably from the Armed Forces; and persons who have been U.S. citizens but have renounced citizenship. The GCA also authorizes the Secretary of the Treasury to grant members of this excluded class relief from disabilities, upon application of the individual, if he is satisfied that "the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest."

The GCA further prohibits licensed persons (dealers, manufacturers, and importers) from selling or delivering any firearm or ammunition to any individual under eighteen years of age and, in the case of firearms other than shotguns or rifles or ammunition for shotguns or rifles, to any individual less than 21 years of age. Underage persons are not, however, in the class of persons proscribed from receiving or possessing firearms and so may receive firearms purchased, for example, by a parent or other adult.

3. Disincentives to Firearm Use and Misuse

A federal excise tax is imposed on the sale of pistols and revolvers, other firearms, shells and cartridges sold by firearms manufacturers, producers, and importers. The current amount of this excise tax is 10¢ on sales of pistols and revolvers, 11¢ on sales of firearms other than pistols and revolvers, and 11¢ on sales of shells and cartridges. Revenues from this excise tax currently are used to fund wetlands preservation efforts.

An individual who purchases a foreign-made firearm from a foreign producer in a transaction handled through a licensed importer is treated as the importer and is subject to this tax, and the tax extends to sales of firearms produced from component parts by a dealer who engages in the business of assembling firearms in quantity for sale or distribution in commerce and who is licensed as a manufacturer of firearms.

[Existing Penalties for Violations for Firearms Laws]

4. Public Education Programs

The federal government does not -- as far as we know -- currently fund any firearm violence prevention programs as such (although the federal government has funded some general violence prevention initiatives, see infra). However, a number of private campaigns to reduce firearms violence have recently sprung up across the Nation. Most of these programs are in nascent stages, and evaluation data are only now being prepared. Some of the more promising efforts include:

a. School-based anti-gun campaigns: Straight Talk About Risks -- a pre-K through 12 curriculum designed by the Center to Prevent Handgun Violence and currently taught in a number of public school districts -- aims to decrease gun-violence among youth by encouraging non-confrontational conflict resolution. A "Kids Say No to Guns" program in Detroit encouraged children to develop and distribute messages about firearms and turn in their toy guns.

b. **Prevention of childhood firearm injuries:** The American Academy of Pediatrics and the Center to Prevent Handgun Violence jointly conduct a campaign to provide pediatricians with materials and guidelines for counseling parents on the risks of keeping guns in the home. The University of New Mexico School of Medicine recently implemented a more integrated gunshot injury-prevention program that strived to promote gun safety awareness among health-care professionals and gun owners (with NRA cooperation) through prevention messages.

c. **Low-cost trigger lock coupons:** The Monterrey County (California) Health Department convinced several local gun stores to accept a discount coupon for trigger locks and educate customers about gun safety. Although no trigger-lock coupons have been redeemed to date, a significant percentage of participant customers have reported improved home gun storage procedures.

d. **Community-based firearm prevention:** A Los Angeles County-based "Reducing the Availability and Accessibility of Firearms Through the Violence Prevention" Coalition has been estimating the number of firearms in the county and is now working to convene a meeting with law enforcement and other local officials to discuss firearm availability in the County. Through the Handgun Epidemic Lowering Plan (HELP) Network, Chicago-area public health professionals and organizations have come together to address firearm violence as a public health problem through research, education, and policy development.

C. Interaction of State Laws

(To Be Completed)

II. PROPOSED REMEDIES AND SOLUTIONS

A national policy designed to limit violence from firearms must make a coordinated attempt to: (1) limit the domestic supply and availability of firearms and ammunition, particularly the most dangerous or lethal firearms and ammunition not suitable for sporting purposes, (2) limit access to firearms of those most likely to misuse them, (3) create disincentives to firearm use and misuse, and (4) increase public awareness of the hazards of firearm use. We address each of these broad goals in turn, and offer specific legislative and regulatory proposals.

A. Limiting the Domestic Supply and Availability of Firearms and Ammunition

Although federal law prohibits the import of firearms not appropriate for sporting activities, it does not prohibit the domestic manufacture of firearms other than fully-automatic assault weapons. Many experts believe that, even if further domestic manufacture of all firearms were prohibited, there would be more than enough firearms in circulation to meet the lawful purposes of Americans. Put forward for consideration are the following measures designed to regulate domestic firearm production in accordance with the import standard:

1. Ban the domestic manufacture and domestic sale for civilian purposes of non-sporting firearms, which would include semiautomatic assault weapons, "Saturday Night Specials," and 50-caliber firearms. [This is essentially what the recently-approved Senate amendment to the Crime Bill would accomplish.]
2. Require owners of the existing stock of non-sporting firearms to register such firearms with ATF within a fixed time period.
3. Ban flame-throwing and 50-caliber ammunition.
4. Revise the definition of armor-piercing ammunition (which addresses bullets that have steel or dense cores, not steel-covered bullets) so that it encompasses new devices such as the M39-B.
5. Limit the capacity of ammunition magazines to, for example, ten rounds.
6. Require all purchases of accessory and replacement parts for automatic weapons to be made through licensed dealers, who in turn would be required to verify legal ownership of automatic weapons before completing sales transactions for automatic weapons parts.
7. Require domestically-manufactured guns to incorporate the same safety features required for imported guns.
8. Bar magazines and other publications which advertise firearms from being marketed in jurisdictions in which the advertised firearms are illegal. Such a prohibition, while raising First Amendment questions, is supported by cases such as United States v. Edge Broadcasting, ___ U.S. ___ (1993), in which the Supreme Court upheld a statute which barred the broadcast of advertisements for an out-of-state lottery in a State in which lotteries were unlawful. Currently,

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B. Limit Access to Firearms Of Those Most Likely to Misuse Them

Notwithstanding the provisions of the GCA, current federal law contains a number of loopholes that allow persons most likely to misuse firearms to possess or receive them. Recommended are the following measures designed to limit access to firearms:

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Such legislation is necessary because the GCA bans possession of firearms by, but does not define, persons "committed to a mental institution." Although the statute does not require "judicial" commitment (inasmuch as mental boards and commissions constitute the committing authorities in some jurisdictions), see Conf. Rep. No. 1956, 90th Cong., 2d Sess., reprinted in 1968 U.S. Code Cong. & Ad. News 4426, 4430; see United States v. Waters, 786 F. Supp. 1111, 1116 (N.D. N.Y. 1992), courts consistently have required some unequivocal commitment pursuant to a formal state process that expressly substitutes for judicial commitment (not just temporary placement in a mental hospital in advance of judicial commitment). Thus, under present law, persons remain free to possess firearms even after they have been temporarily, involuntarily detained in mental hospitals for treatment of mental disorders following a physician's emergency certification that they are dangerous to themselves and others, see United States v. Giardina, 861 F.2d 1334, 1335 (5th Cir. 1988), or involuntarily hospitalized, pursuant to a Board of Mental Health order, for a period of psychiatric observation and following release on "convalescent leave," see United States v. Hansel, 474 F.2d 1120 (8th Cir. 1973).

- d. Mental Defectives -- Expand the definition of mental defectives to include the mentally ill; new legislation might prohibit persons from possessing guns who have been adjudicated "mentally defective or mentally ill." Under current law, courts have interpreted "mentally defective" extremely narrowly to embrace only persons who are adjudicated to have impaired intellectual abilities from birth (i.e. idiots or imbeciles), not mentally ill or insane persons. See Hansel, supra.
- e. Legal Aliens -- Prohibit all persons who are not resident aliens or U.S. citizens from transferring, receiving, or possessing firearms and ammunition, except that other aliens lawfully in the United States may possess (but not purchase or transfer) firearms and ammunition upon receiving written authorization from their consulates or embassies (e.g., foreign skeet-shooting sport teams). Under current law, tourists, asylum-seekers and other non-resident aliens legally in this country may purchase and possess firearms as long as they have resided in a

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particular State for at least 90 days or have received authorization from their consulate or embassy.

- f. States' Restoration of Civil Rights -- Eliminate language from the 1986 amendment to the GCA allowing states to restore firearm rights automatically. The GCA, as amended in 1986, allows states a mechanism to provide relief from disabilities automatically, without approval from the Secretary of Treasury. The GCA provides that "[a]ny conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms." This allows states broad discretion to restore firearm possession rights to proscribed persons, and many states have laws automatically restoring a convict's civil rights after he or she has served the sentence.
- g. Violent/Drug-related Misdemeanors -- Bar persons convicted of any crime of violence or drug-related crime (including misdemeanors) from transferring, receiving, or possessing firearms and ammunition. Many misdemeanors are punishable by a term of imprisonment of less than two years, and thus under current law do not disqualify convicted persons from possessing firearms, even if the misdemeanors constitute crimes of violence or are drug-related.
- h. Relief from Disabilities for Violent Or Drug Offenders -- Disallow proscribed persons convicted of crimes of violence, and of drug-related crimes that involve the use, attempted use or threatened use of a weapon or explosive, from applying for or receiving relief from disabilities. All proscribed persons currently may apply for, and receive, restoration of their firearm possession rights, including persons convicted of violent or drug-related crimes.
- i. Cost for Relief from Disabilities -- Impose "user fees" on applicants for relief from disabilities (as well as on applicants for dealer, manufacturer, or importer licenses) which would cover the government's cost of background checks. The federal government currently spends

approximately \$20,000-\$25,000 for each background check it conducts on persons applying for relief from disabilities (as well as substantial amounts for persons applying for manufacturer, importer, or dealer licenses).

2. Regulate Transfers and Sales Likely to Put Firearms in the Hands of Criminals

Restrictions on particular modes of selling firearms could significantly contribute to efforts to keep firearms out of the hands of proscribed persons, and facilitate efforts to trace ownership and possession of firearms used in crime.

- a. Secondary Transfers -- Regulate secondary transfers of all firearms not already restricted by the NFA by requiring the transferor and transferee of the firearm to go to the premises of a licensed dealer and document the transfer in the licensee's records. This would involve having the dealer (a) record the firearm in the dealer's acquisition records, and (b) record the firearm in its disposition records. This would, in effect, require transferees to go through the same requirements as initial purchasers of firearms (e.g. 4473 forms, etc.).
- b. Multiple Sales -- Limit the number of firearms that a licensee may sell to a single unlicensed individual within a given time period, e.g., prohibit sales of more than one firearm per 30-day period per person (as provided for under Virginia and South Carolina law), and limit the number of firearms that an unlicensed person may purchase within a given time period. Also, expand the regulation requiring licensees to report multiple sales so that firearms other than handguns are included and so that multiple sales reports include a description of the firearm by make, model, serial number, and caliber.
- c. Interstate Sales -- Prohibit all interstate sales of all firearms and ammunition to unlicensed persons, by removing existing exceptions such as that which allows unlicensed persons to purchase rifles or shotguns from out-of-state dealers at the dealer's premises if the sale is legal in both the purchaser's and the dealer's States.

3. Enforcement Efforts

Considering the significant responsibility and powers given licensees under the federal firearm laws, the exponential increase in the number of licensees in recent years, and the significant public cost of caring for gunshot victims, existing license fees -- which were set by statute long ago -- are very low in real terms today. The \$10 annual dealer licensing fee, for example, does not even begin to cover the public cost of monitoring and enforcing compliance with federal firearm laws by licensees (which is estimated by ATF to be approximately \$650 annually per dealer). Instead, the low fee has resulted in a proliferation in the number of licensees, many of which conduct no regular business operations (as discussed more fully below) and are inadequately monitored due to diminished federal resources. ATF estimates that an increase in the dealer licensing fee would result in a reduction of the number of licensed dealers from 246,000 to between 50,000 and 70,000. Also necessary are stricter enforcement efforts and tougher application standards for existing licensees; many of the more than 287,000 federal firearms licensees probably should not be licensed.

- a. License Fees -- Increase license fees, and place all or some of the revenues from the increased fees into a Health Care Trust Fund which would be available to help offset the public cost of providing medical care to gunshot victims. ATF has proposed that the annual dealer licensing fee be raised from \$10 to \$500 to help cover the costs of compliance and to reduce the number of licensees who have no interest in conducting regular business operations.

- b. Licensing Standards

(1) Engaged in the Business -- Refine the definition of "engaged in the business" and require applicants to provide proof of intent to engage in actual business operations during the term of their licenses. Currently, very few licensees engage in actual business operations. ATF estimates that only about 30% of the licensees are bona fide storefront gun dealers, and that probably 40% of the licensees conduct no business at all but rather are persons who use the license to obtain the benefits of trading interstate, avoiding waiting periods in their community, and buying guns at wholesale. The remaining 30% of licensees engage in a limited level of business, typically out of private residences. Because the federal statute creates no minimum level of

business activity to qualify for a license, and federal resources for monitoring the large number of licensees are limited, many licensees are able to continue to operate in violation of federal firearm laws and state and local licensing, taxing, and other business-related laws.

(2) Identification -- Require submission of fingerprints for persons listed on applications for licenses. Currently, applicants for licenses are not required to provide reliable forms of identification, such as fingerprinting, which would assist in identifying an applicant's criminal or other disqualifying history.

(3) Employee Checks -- Require an applicant's employees to undergo background checks, the cost of which would be paid for by the applicant. No background checks are currently conducted on applicants' employees.

(4) Convicted Licensees -- Require immediate suspension/revocation of a license and cessation of business operations when a dealer is convicted of a disqualifying crime. Currently, licensees convicted of crimes punishable by imprisonment for a term exceeding one year, for which their firearm rights would be suspended, are nevertheless allowed to continue operations pursuant to an existing license until their convictions become final and during the pendency of any appeals.

(5) Licensees Seeking Relief -- Require suspension of license when a licensee's application for relief from disabilities is pending. Currently, a licensee conducting operations who makes application for relief from disabilities is not barred from further operations under his or her license while the application for relief from disabilities is pending.

(6) Gun Shows -- Mandate ATF to inspect gun shows and flea markets, as resources allow, to prevent illegal firearm sales. Under current law, licensees may display and take orders for firearms at gun shows located outside the State in which they are licensed to do business, and out-of-state orders may be filled at the dealer's licensed premises.

(7) Proof of Compliance -- Require compliance with state and local laws as a condition of the

C. Disincentives on Use and Misuse of Firearms

1. Excise Tax

Sales of firearms and ammunition have resulted in immense costs to taxpayers and the health care system caused by gunshot wounds occurring in accidents and criminal acts. Revenue raised by the excise tax has been insufficient to cover the public cost of injuries resulting from firearm and ammunition sales. Recommended legislative actions include:

- a. Increase the amount of the tax on handguns; it makes no sense that handguns are taxed at 10% while rifles are taxed at 11%.
- b. Tax some firearms and ammunition punitively -- e.g. substantially increase the tax on Black Talon ammunition and 50 caliber ammunition, both of which have no sporting applications.
- c. Place some or all of the revenue from the excise tax into a Health Care Trust Fund which would be available to help offset the public cost of providing medical care to gunshot victims.

2. Seizure Authority

Expand the seizure authority under the NFA such that automobiles used to transport illegal weapons are subject to forfeiture.

3. Penalties for Violations of Firearms Laws

Enact a felony penalty for knowing failure by a dealer to maintain required records, falsification of a dealer's records, or failure to surrender records upon going out of business.

4. Statutes of Limitation

Increase the statute of limitations for violations of the NFA from three to five years. Currently, federal jeopardy under the OCA for criminal possession of a conventional rifle is longer than for criminal possession of a machine gun.

D. Public Education Efforts

Both pending federal legislation and existing federally-funded prevention programs could be used to implement firearm violence prevention efforts.

1. Promote Firearms Prevention Through the Health Security Act

The President's Health Security Act contains several provisions that could support violence prevention in general, and firearm violence prevention in particular.

a. Title III, Subtitle C authorizes an expanded biomedical and behavioral research program at the National Institute of Health. Violence is not listed explicitly among the Bill's research priorities; however, firearms prevention could be addressed through several identified priority areas, such as: child and adolescent health, mental health, and health and wellness promotion. Additionally, the Health Services Research Initiative, to be carried out by the Agency for Health Care Policy and Research, could increase research efforts relating to identification and treatment of victims and perpetrators of violence.

b. Title III, Subtitle D would give grants to States to strengthen their core public health functions, and specifically lists activities to reduce violence as such core functions. Subtitle D would also make additional funds available to state and local agencies and private nonprofit organizations for priority health problems. The Secretary of HHS could designate violence as a priority under this program.

c. Title III, Subtitle G would make funds available to support health education programs in schools; among the targeted areas are intentional and unintentional injuries. The Bill would also fund school-related health services provided by local community partnerships, with a preference for communities with high levels of poverty and high rates of health risk indicators among children and youth, including intentional and unintentional injuries and gang violence.

d. Title I, Subtitle B permits health plans to offer health education and training for patients to encourage them to reduce risky health behaviors. Such training could include classes in firearms prevention and safety.

2. Seek Passage of the Safe Schools Act of 1993

If passed, the Safe Schools Act would authorize grants to local education agencies for a variety of violence-prevention activities. Educating students and parents about the danger of guns and supporting weapon-free schools are among the activities

authorized to be funded.

3. Build Upon Existing Community-Based Youth Violence Prevention Programs

homeless youth programs to address the risks of firearm ownership and use.

e. HHS could require screening and set standards for firearm ownership and storage practices of foster parents.

f. Federally-funded health education programs could offer firearm prevention training to physicians.

•

In combatting the crisis caused by firearms violence, we are impeded by what we do not know. By providing important information about the scope of the problem, research enables us to craft intelligent and effective policy solutions. Presently, for example, there is no way for authorities to systematically collect national data on firearms fatalities and injuries. We know little about the type of handguns used in most homicides, or the circumstances surrounding such shootings, or the long-term disability costs due to firearm injuries. Moreover, we lack adequate research on patterns of firearms ownership and use. We do not know how the risks and benefits of firearms violence varies by socioeconomic status or by gender, or how kids gain access to guns, or how the illegal gun market operates. Collecting and analyzing such data is critical to any effort to reduce firearms violence, and a number of proposals, such as the National Firearms Fatality Reporting Service, hold a great deal of promise.

In addition, technological developments will help ensure that our policy interventions will be effective. Advances such as the "Smart Gun," a gun safety device which makes the firearm usable only by the owner, or sophisticated electromagnetic firearms detection devices for schools or law enforcement authorities are examples of research and technology efforts which are part of an overall strategy to reduce firearms violence.

**Firearms Working Group
Research and Technology**

I. UNDERSTANDING THE PROBLEM

A. Routine Data Collection

Information on both the public health and criminal justice aspects of firearms supply, distribution, acquisition, ownership, use, and injury should be collected systematically and monitored on a continuing basis. Such information is essential to determine whether the problem is getting better or worse, to appropriately target prevention and intervention policies and programs, and to assess the effectiveness of such efforts.

1. **National Firearm Fatality Reporting System¹** -- Current systems for collecting information on fatal firearm injuries (e.g., vital statistics or the Uniform Crime Reporting System (UCR)), while providing some information on homicides, fail to provide key data on the type of firearm used, the location of the fatal injury, and the surrounding circumstances. Indeed, ten percent of all homicides are not recorded in the UCR. At a minimum, a firearm fatality reporting system is needed to provide sufficient data on the gun itself (type, make, model, caliber, serial number), the type of death (homicide, suicide, unintended or undetermined), the victim (age, race, sex, drug/alcohol involvement), the shooter, the circumstances of the shooting, and the involvement of emergency medical services.
2. **Nonfatal Firearm Injury Reporting System** -- Our inability to estimate the number of nonfatal firearm injuries occurring throughout the country makes it impossible to quantify accurately the national health impact of firearms.
 - a. **The NEISS Model** -- Over the past four years, CDC has been testing the use of the National Electronic Injury Surveillance System (NEISS) to obtain national estimates of the number of nonfatal firearm injuries treated in hospital emergency departments. NEISS, which consists of a national probability sample of 91 acute care hospitals with emergency departments, is

¹ See Tared et al., The Firearm Fatality Reporting System: A Proposal, 267 JAMA 3073, 3073-74 (June 10, 1992).

operated by the U.S. Consumer Product Safety Commission (CPSC). The CPSC uses the data obtained to track product-related injuries.

The NEISS system can be used to identify and obtain information about the nature of injury cases and the surrounding circumstances. Such data can be supplemented with information from police departments and other sources.

- b. **Modify Existing Surveys to Improve Available Information on Firearm Injuries --** Modifications to the National Crime Victimization Survey (NCS) and the National Health Interview Survey (NHIS) may help improve the availability of information on firearms and firearms injury.
3. **Document Impact of Firearm Injuries on Long-Term Disability --** We must document the extent to which gunshot wounds contribute to long-term disabilities, such as those resulting from trauma to the spinal cord or brain. While our understanding of the magnitude of mortality resulting from gunshot wounds is good, and efforts are underway to better estimate firearm-related morbidity, there is almost no information on the magnitude of firearm-related disabilities. Such disabilities may be the most costly public health consequence of this problem.
4. **Support and Expand Existing Reporting Systems at the State and Local Levels --** National data is of limited use to state or local agencies and communities if it cannot be used to guide local prevention and intervention efforts. Consequently, support should be provided for the development and expansion of local data collection systems, such as those being piloted in Massachusetts and New York.
5. **Document Patterns of Firearms Demand, Acquisition, Ownership and Use --** We must identify who is acquiring and using firearms (e.g., gender, race, age, socioeconomic background) and why in order to focus our prevention and intervention efforts.
 - a. **NIJ Study on Firearms Ownership --** The National Institute of Justice will conduct a national telephone survey aimed at collecting data on the characteristics and numbers of gun-owning households, the numbers and types of guns owned, why they were obtained, and other related issues.

- b. **Data on Youth and Firearms --** Current NIJ research has confirmed that there is an increasing presence of guns--and violence associated with them--in inner city schools. Baseline data about youth and firearms is needed, which should address (but is not limited to) the following: How many kids carry guns? How many kids carry guns to school? In which geographic and socioeconomic sectors is gun-carrying most prevalent? Are certain types of guns preferred by kids? Why are kids carrying guns (offensive, defensive, or status symbol)? How do kids get guns?
- c. **Factors That Influence Demand for Firearms --** Previous research has demonstrated that the demand for cigarettes is sensitive to their price, particularly among youth. Would an increased tax on firearms and/or ammunition decrease the demand for firearms among youth and other populations?
- 6. **Document the Illegal Firearms Market --** Understanding the make-up and patterns of the illegal firearms market is critical to developing effective prevention and intervention strategies. Research in this area might trace the origins of criminal guns confiscated by police to discover how guns first enter the illegal market, as well as collect information on the illegitimate and informal channels through which offenders-acquire guns.

II. PREVENTION

A. Research on the Risks and Benefits of Firearm Access

Each year, tens of thousands of Americans make decisions about acquiring or keeping guns without assessing the increased risk of injury to them or their families or assessing whether a gun will protect them from a potential intruder. More information is needed on the risk and benefits of firearm access in order to help people make responsible, informed decisions about firearms. In particular, research investments should address the following questions:

- 1. How frequently are guns used to successfully ward off potentially violent attacks?
- 2. Do the risks/benefits of firearm possession vary in connection with socioeconomic status, marital and familial status, etc?

- a. What are the risks/benefits of firearms possession by women?
3. What are the trends and prevalence of risk behaviors associated with firearms injuries?

B. Research to Evaluate the Effect of Firearm Prevention Policies and Programs

1. Community support is an important element in the prevention of the use of firearms. This suggests that community-oriented policing involving close coordination with community-based organizations may be useful in reducing residents' motivations to acquire guns for self-defense, in encouraging community members to notify police anonymously about illegal gun transactions and persons illegally carrying guns, and in supporting market disruption tactics when necessary.
2. Community policing efforts might also be taking place in public housing areas. How are these linked to firearms prevention programs? How effective are the programs?
3. For departments that have developed "problem-oriented policing", have they targeted firearms as a "problem"? If so, how have they moved to eliminate and solve the problem?
4. School-based firearms and violence prevention programs supported by law enforcement and prosecutors in cooperation with schools should be evaluated for their effectiveness. Are there "DARE" type programs in schools?

III. INTERVENTION

A. Research

1. Within the criminal justice system a number of agencies are currently engaged in interventions against firearms use and abuse. Police, prosecutor, court, and corrections programs should be studied for their impact on the use of firearms and violence in communities.
2. Particular strategies and tactics should be evaluated. For example, interventions against illegal drug markets at the state and local levels should be studied to determine the basic characteristics of the marketplace and to determine effective strategies against those markets.

1. Safe Guns
2. Ammunition
3. Electromagnetic technology
4. Less-than-Lethal
5. Legal ramifications of proposed technologies

Another gun control plan

The wild idea: Treat guns like other consumer items; make them safer

Lost in the cacophony of this week's congressional debate over the Brady bill is the growing belief that there is an alternative way to control handguns that might be more effective than a waiting period for sales. The idea is to design them in ways that make them less likely to cause accidents and less attractive to thieves. A government report suggests that a few changes could prevent hundreds of deaths a year, and even the National Rifle Association agrees that several safety features are perfectly acceptable—as long as they are not mandated by the government and are left as options for consumers to purchase as their tastes dictate. That could be the focus of the next fight over gun control.

Some 150-200 million firearms are in civilian hands, with guns accounting for about 30,000 deaths a year. But the design and manufacture of weapons produced domestically for the civilian market are subject to almost no regulation. "When the public pays attention to gun deaths, that attention is diverted to the users," argues Stephen Teret, director of the Johns Hopkins University Injury Prevention Center. "No one turns the spotlight on manufacturers."

No regulations. The Consumer Product Safety Commission, which sets standards on most consumer products, is specifically barred from regulating firearms and ammunition by a provision of law authored in 1972 by Michigan Democrat John Dingell. Now some want to change that. A recent report by the General Accounting Office, a watchdog arm of Congress, recommended that firearms be placed under the jurisdiction of the CPSC, and late last month, Ohio Sen. Howard Metzenbaum introduced a bill that would do just that.

Safety advocates hope the CPSC makes several changes. One would mandate that all firearms contain a "loaded chamber indicator," a tiny protruding pin or color-coded display that

shows whether or not the gun is loaded. Only a few models contain such devices today. Another proposal would require that all guns be childproof. That might be achieved on handguns through a hard-to-pull trigger combined with a "grip safety"—a movable bar running along the back of the gun grip, which must be depressed for the gun to fire. A child's hand would not be big enough or

was able to use it. Since an estimated 40-70 percent of the guns used in crimes are stolen, such deterrents could have a big impact. Another possible modification would be an increase in barrel length to make certain handguns less concealable.

Gun advocates fear that placing regulation of guns in the CPSC's hands might lead to full-scale government restrictions on gun ownership. But the country al-

JEFF GLICK—USNAWR

Toward a safer gun

Safety advocates contend that a few changes in gun design might be even more effective in cutting down gun accidents and crimes than more restrictions on gun purchases. Here are some of their proposals—all of which can be accomplished with current technology.



strong enough to depress the bar and fire the gun at the same time. The same goal might be achieved through a combination lock built into the gun that would secure the manual safety or disable the trigger. Currently only a small minority of firearms have either of these features. And the GAO estimated that 458, or 31 percent, of the 1,501 deaths caused by accidental shootings in 1988 could have been prevented by either a loaded indicator or some sort of childproof device. Thousands more are injured in accidental shootings each year.

Proponents say a combination lock might provide another significant benefit by assuring that only the owner of the gun

ready heavily regulates *some* kinds of firearms—those produced abroad. Gun control advocates would like domestically produced guns to meet the same standards that have already been used to ban the import of military-style assault rifles and the cheap, concealable guns known as Saturday night specials.

Manufacturers say they don't need regulation because they are policing themselves. Even advocates of the consumer product approach admit it would address only a modest portion of the gun crisis. But it might be a bigger slice than the options before Congress. ■

BY GORDON WITKIN

THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To: Jase

Draft response for POTUS
and forward to CHR by: _____

Draft response for CHR by: _____

Please reply directly to the writer
(copy to CHR) by: _____

Please advise by: _____

Let's discuss: _____

For your information: ☒ _____

Reply using form code: _____

File: _____

Send copy to (original to CHR): _____

Schedule ? : ☐ Accept ☐ Pending ☐ Regret

Designee to attend: _____

Remarks: _____

(EDITORS: NEXT 3 GRAFS OPTIONAL TRIM)

The two suspects saw Eric and Derrick on the street that evening and took them to a rowhouse, where they slapped Eric around and held Derrick, CHA officials said.

The brothers ran out of the rowhouse, but when they exited an elevator at the 13th floor in the Wells developments, the two suspects were waiting for them, sources said.

That is when Eric and his brother were lured to the site of the final struggle, authorities said.

(END OPTIONAL TRIM)

Less than two hours after police were notified, they talked to Derrick and shortly after arrested the 11-year-old and the 10-year-old on a crowded street corner, said Wentworth Area Detective Jerome Doroba.

"Someone pointed them out," he said.

After giving oral and written statements to police, the boys were held overnight at the Juvenile Detention Center, where Associate Judge Charles May on Friday ordered that they remain until at least Monday, when a trial date will be set.

If the boys are convicted of the first-degree murder charges in the delinquency petition filed against them, they could be sent to a locked residential facility outside Illinois until about their 19th birthdays.

Illinois has no such facilities, but because of a recent rash of murders committed by juveniles, authorities are considering building some here. In addition, authorities are considering lowering the age when a juvenile can be charged as an adult with murder to 10 from 13.

The fathers of both suspects are in prison. The younger boy allegedly involved in Eric's killing recently had several brushes with Juvenile Court authorities. In an unlawful-use-of-weapons conviction this month, he was placed on one year's probation and sentenced to 90 days' home confinement.

Police were notified about 8 p.m. Thursday that a child had fallen out of a window of the Wells public housing building, and when they arrived, found the child on the ground.

Eric's body was "twisted he looked like every bone in his body was broken," said Brenda Abrams, 42, who was visiting her stepfather there when Eric fell.

Both suspects, who were named on juvenile petitions with first-degree murder, made admissions in statements to police, officials said.

"They admitted their part in the crime," said Police Cmdr. Charles Smith, of the Wentworth Area violent crimes unit. "As far as showing remorse, they were stunned. I can't say how much remorse they showed."

Smith described Eric's brother as "horrified. He's scared. He's terrified, just like any 8-year-old would be," terrified "of watching his brother dangle from the 14th floor and fall to his death."

Smith said there was no apparent gang connection in the incident.

Some residents of the Wells housing development where the killing occurred blamed the CHA for failing to secure the building adequately. Throughout Friday afternoon, work crews boarded up doors and windows of vacant apartments in the building.

"Something this horrible has to happen before they come out here and do anything about it," said Dee, a neighbor of the Morris family who would not give her last name.

But CHA officials said work crews had reboarded the unit from which Eric fell just hours before the struggle. The unit was reboarded three times in April, as well, said CHA spokesman Steve Canty.

After the work crews left Thursday, someone broke through the wood bolted over the door. It was unclear

Friday whether that was done by the boys or someone else.

"I don't know if the boards on the door were already off or whether they ripped them off," said Kelly McGrath, a CHA spokeswoman. "It doesn't matter. When someone is determined to get the boards off, they'll get them off."

(EDITORS: STORY CAN TRIM HERE)

CHA crews constantly battle to keep up with vacant units that are broken into, often by gangs who use them to hide guns and drugs.

The site of Eric's death carried at least one sad irony: The building is home to the CHA's victim-assistance program, so members of the authority's newly formed crisis-response team were on the scene immediately.

"A lot of people saw it. A lot of people came out," said Taya Sun, director of CHA's preventive programs, whose office is there.

Sun spent much of Friday talking with members of Eric's large extended family "countless cousins," she said who are spread throughout the CHA.

"This was a 5-year-old child who was the darling of everyone," she said.

"Like any family in America," Sun said, "they are grieving about a 5-year-old child who was senselessly taken."

X X X

Tribune reporters John W. Fountain, Peter Baniak, Nancy Ryan and V. Dion Haynes contributed to this article.

X X X

Toys 'R' Us announces it no longer will stock toy guns

By John N. Maclean and Louis Carlozo
Chicago Tribune

CHICAGO The voice of a Vernon Hills, Ill., police dispatcher, responding to frightened calls from residents, went out over police radios Thursday afternoon: "Two juveniles possibly pointing a gun."

Squads raced to the address given on Monterrey Drive in the Deerpath development looking for a black sedan described by residents.

They found the car, pulled it over and drew their guns, ordering the 17-year-old driver to come out with his hands in the air.

For the police, everything about the situation was chilling and real. But as it turned out, the youth's gun was fake a plastic look-alike version of a 9 mm pistol.

"Some of these guns are dead ringers for real guns," Vernon Hills police Cmdr. Jerry Storer said. "And if you've ever looked down the barrel of a gun, it's scary."

Two weeks ago a similar incident ended differently when police shot and killed a 13-year-old boy in New York City who was carrying a toy gun. Hours later in that city, a 16-year-old was chased and shot by a police officer who thought the toy gun in the youth's belt was real. The second youth was wounded in the abdomen.

On Friday, toy retailers took another step to limit sales, but it didn't make the controversy go away.

Retailing giant Toys "R" Us Inc. announced it no longer will stock toy guns that can be altered to look like the real thing, though it will sell what it has on hand. Overseas sales will continue.

Michael Goldstein, chief executive of the company, said in an interview he will "err on the side of caution" in choosing which guns to eliminate in the U.S. market and expects to have only a few outsized water guns left for sale after mid-February.

At the Toys "R" Us store in Melrose Park, Ill., a store employee said that toy guns already were being pulled off the shelves. But at the Bloomingdale, Ill.,

Handwritten: (I think I should do a letter to the CEO congratulating him - should include him)

Handwritten: (I think I should do a letter to the CEO congratulating him - should include him)

Handwritten: 1/18/94

branch, store managers still were waiting to get exact details of the pullout plan from corporate headquarters in Paramus, N.J.

Other retailers already have taken similar steps, though Toys "R" Us, as the world's largest toy seller, is the industry leader. Kay-Bee Toy Stores, based in Pittsfield, Mass., announced Friday that it would immediately begin removing and destroying all realistic toy guns on its shelves.

At the Kay-Bee Toys store in Lincolnwood, Ill., assistant store manager Sharon Levin said toy guns were being removed gradually from the store aisles. Levin said her store only sells a handful of toy guns a week, and that she recently has had to handle some parents bringing them back for refunds.

Bradlee's Inc., a discount department-store chain based in Braintree, Mass., has said it won't order toy guns for the Christmas shopping season.

Kmart Corp., of Troy, Mich., stopped selling realistic toy guns about 10 months ago, spokesman Stephen Pagnani said Friday. The company will continue selling guns that obviously are toys, like brightly colored Nerf and Super Soaker water guns, he said.

In Chicago, an executive of the nation's largest maker of toy guns said the crisis is overblown and the company expects to go on making plenty of brightly colored toy guns or water guns. Myron B. Shure, chairman of 125-year-old Strombecker Corp. on the West Side, said playing with the toys is a healthy outlet for hostilities.

Shure said incidents like the shooting described above happen because of problem children, not problem guns.

"I think you probably had a disturbed kid of some kind," Shure said. "I can't imagine a 16-year-old playing with a gun. Our products are intended for young children." He added nothing will stop little boys from pointing their fingers at each other.

Shure said realistic-looking rifles and pistols account for only an "infinitesimal" part of Strombecker's business, and a cutoff would have little effect on the company, which makes a wide variety of products.

Strombecker, with about 250 workers in Chicago and more than 400 worldwide, has about 60 percent of the toy-gun market in the U.S.

Goldstein, of Toys "R" Us, said the company will work with its suppliers to try to come up with safer, alternative products.

"We want to be fair with our suppliers," Goldstein said. "We're asking them to be imaginative and come up with ideas for substitutes. For instance, if they have a police set with a gun, substitute a baton for the gun."

There has been a previous effort to limit look-alike toy guns. Since 1990, a federal law has required that look-alikes have their barrel tips painted bright orange or have corked barrels.

But Goldstein acknowledged that anyone who wants to can spray paint over the orange or pull the cork, which is hardly visible anyway. And police and concerned groups have complained that color differences can't be seen at night.

"When you get that call of a man with a gun, your heart beats faster and you sweat a little," said James Davis, a New York City policeman who worked with Toys "R" Us on this issue. "You don't have the opportunity to say, 'Is this live or is it Memorex?'"

Stevanne Auerbach, director of the non-profit Institute for Childhood Resources in San Francisco, said the action by Toys "R" Us is "definitely a beginning," but is long overdue and should have gone further.

"Letting toy guns stay in the stores is bad business," said Auerbach, who is known as "Dr. Toy." "If you know something is bad for children and you go on selling it, you're doing the children a disservice."

"But part of the problem is parents don't know how to say no to their children."

Parents, law enforcement officials and gun-control advocates praised the retailers' moves.

"Because so many kids are carrying real guns, for kids to carry realistic-looking toy guns is incredibly dangerous and incredibly stupid," said Cheryl Brolin, spokeswoman for Handgun Control Inc.

Haitians prepare for Aristide's return, some fear assassination attempts

By E.A. Torriero

Fort Lauderdale Sun Sentinel

PORT-AU-PRINCE, Haiti Red roses and blue candles mark shrines to assassinated supporters of President Jean-Bertrand Aristide. Nearby, heavily armed U.S. soldiers are perched on tanks and atop the Presidential Palace to make sure he does not meet the same fate.

After 1,111 days in exile, Aristide comes home Saturday.

He returns to the graves of hundreds of his murdered supporters. To a land where five attempts were made on his life. To 20,000 U.S. soldiers assembled to return him to power. To a bevy of U.S. Secret Service agents and Haitian bodyguards for his protection.

As he steps behind bulletproof glass to address his country this afternoon, friends say Aristide will have more to worry about than how to save his profoundly troubled land. He will have to wonder how he will remain alive.

"President Aristide knows the field very well, and he knows it is mined," said Fignole Jean Luis, a deputy in the Aristide-era parliament. Luis recently came out of hiding. "I don't think there could ever be enough security to protect him."

Haiti's history of violence lurks in the background of what is likely to be a cathartic release of emotion Saturday.

Tens of thousands are expected to clog Port-au-Prince's streets in a mass celebration of Aristide's return and the end to three years of repressive military rule.

Some are worried, however, that celebration may turn to retribution. In the wealthy suburb of Petionville, Haiti, businesses plan to close and the wealthy elite many of them backers of the military coup plan to spend the day behind locked gates. Some have already fled to the neighboring Dominican Republic for the weekend.

"The people think they have a license to kill," said a Catholic nun who lives in Port-au-Prince. This week, she saw Aristide backers chase and stone a military man in her yard.

"When the Americans came, the police left and the people have run wild. I am afraid they will turn on anyone even us."

That atmosphere has the U.S. occupation troops wary. They are doing everything in their power to keep Aristide from harm. For nearly a month, U.S. forces have been eradicating Haiti's brutal military, seizing thousands of weapons, taking over barracks and outposts, and persuading top generals to resign and leave.

They rendered impotent Haiti's dreaded paramilitary squads. The U.S. State Department hired a security firm of former Secret Service agents to train Aristide's personal bodyguards.

On Friday, dozens of U.S. tanks took up positions on the streets. Bomb detectors swept through the Presidential Palace and sharpshooters were placed on the roof.

When Aristide arrives shortly before noon, he will be

'Legal Dealers Key Gun Source for Criminals

■ **Law enforcement:** Government study finds large number of weapons recovered last year by authorities in three Southland counties were purchased from sellers with federal firearms licenses.

By JACK CHEEVERS, TIMES STAFF WRITER

Corrupt "kitchen-table" gun dealers licensed by the federal government are a key source of handguns used in crimes in Southern California, according to a report released Tuesday.

The study, prepared by the U.S. Bureau of Alcohol, Tobacco and Firearms, also cited gun-store burglaries by gang members and unlicensed street dealers who use others to acquire guns from retail stores.

ATF agents in Los Angeles compiled the report by tracing 1,764 guns recovered last year by law enforcement agencies in Los Angeles, Orange and San Diego counties. Nearly two-thirds of the weapons were seized by officers in the Los Angeles Police Department's South Bureau, which

patrols the city's highest crime area, from Baldwin Hills to San Pedro.

The study detailed a number of recent ATF investigations of Southern Californians who hold federal firearms licenses, or FFLs. Such licenses entitle individuals, for a small fee, to buy guns at wholesale prices, and sell them out of their homes, offices and even car trunks.

Some federal licensees, also known as kitchen-table dealers, have been arrested after illegally selling hundreds of handguns, the report said.

In one case, two "gang associates" who hold an FFL illicitly sold hundreds of firearms, including assault weapons, to gang members in South-Central Los Angeles, according to the ATF.

In another case, a husband and wife in Inglewood used their FFL to illegally sell more than 1,200 guns in one year. More than 110 of their weapons have been recovered by police, mostly in South-Central.

The report said a gang member used a Davis P-380 pistol sold illegally by a 19-year-old federal licensee to kill Los Angeles police Officer Charles Heim and wound his partner last October.

Another common source of illegal guns, the report said,

are thefts and gun-store break-ins organized by gang members. Police have continued to recover some of the 3,000 guns looted from local retailers by gangsters during the 1992 Los Angeles riots, said the report, which also cited "numerous" gun-store burglaries.

The ATF also said convicted criminals or people too young to legally buy guns often acquire them through spouses or friends. Such "straw" purchases often are obvious, with one person selecting a gun in a retail outlet and a companion later purchasing it.

"It is feared that sales persons will often go along with these stratagems just for the sake of making a sale," the report said.

Gang members from Inglewood used straw purchasers to buy nearly 1,000 guns at retail stores in Phoenix, the ATF study said. Many of those weapons were used in violent crimes in Los Angeles, including a .22-caliber pistol that was used in the attempted murder of a South Bureau detective.

Under pressure from gun-control advocates and other critics, the federal government recently tightened the requirements for kitchen-table licensees. License fees were

raised from \$30 for a three-year license to \$200, plus a \$90 renewal charge. In addition, licensees now are required to submit fingerprints and photographs and comply with state and local gun-regulation laws.

John D'Angelo, an ATF spokesman, said the new requirements are responsible for a dramatic drop in the number of FFLs in Los Angeles, from 3,105 in 1992 to 2,224 at present.

"People are saying it's just not worth it," he said.

But a spokesman for Handgun Control, Inc. said more regulation is needed to stop illicit gun sales that underlie what he described as an epidemic of gun-related crime in Los Angeles and elsewhere.

Sandy Cooney, the gun-control group's western regional director, said legitimate gun dealers should be required to operate from traditional retail stores in commercially zoned neighborhoods, like other businesses.

The Washington Times

'ATF hunts guns, not criminals,' says ex-official

By Michael Hedges
THE WASHINGTON TIMES

Lawyer Robert Sanders can fill a lunch with tales of pursuing CIA agent-turned-arms smuggler Edwin Wilson, tracing silencers sold by Chicago cops to the mob, and using gun laws to put heat on gangsters such as Sam Giancana.

Now the former head of criminal enforcement at the Bureau of Alcohol, Tobacco and Firearms

spends his days representing small-town gun owners and dealers who charge that their rights have been abused in ATF raids.

"The focus in criminal enforcement at the bureau has definitely shifted from the criminal to the gun," he said. "There seems to be an all-out war against the gun."

ATF's future is in doubt, with several Republican senators and representatives saying the time has come to merge the agency

with other federal law enforcement bureaus or shut it down entirely and hand over its functions to the FBI, the Secret Service, the Internal Revenue Service and other agencies.

Critics of the agency point to such cases as the failed raid on the Waco, Texas, compound of the Branch Davidians and the siege at the Idaho cabin of white separatist Randall Weaver, which ultimately led to the death of Mr. Weaver's

wife and son and a federal agent, as evidence that the agency needs reform. Both incidents began as firearms raids.

Mr. Sanders, who retired from ATF in 1984, said the high-profile cases aren't isolated events, that his client base demonstrates that the ATF he knew as a 24-year veteran has lost its way.

"Instead of focusing on selected

criminals, there is an indiscriminate focus on anyone who owns guns," Mr. Sanders said.

To ATF, however, Mr. Sanders' clients are criminals who seek to turn themselves into martyrs and ride a wave of sentiment against federal enforcement.

And Mr. Sanders is considered a turncoat by some former associates.

Steven St. Pierre is an ATF supervisor in Cleveland who has spent about as much time in the agency as Mr. Sanders had by the time he retired.

"In general, I would think there are people in the agency who would say he is a traitor. He helped to set some of the policies here he is now attacking," Mr. St. Pierre said.

Mr. St. Pierre said ATF has been forced to uphold unpopular laws since Prohibition in the 1920s and is now being targeted as a scapegoat for a growing feeling that the federal government is too intrusive in people's lives.

"Contrary to what people think, we don't go around blindly kicking down people's doors. I'm not out there to abuse people's rights."

But to Mr. Sanders, some of his clients are citizens caught in a philosophical cross fire in which ATF, to cement itself with a pro-gun-control administration, has targeted benign gun owners and dealers instead of the armed and dangerous.

"Instead of developing real criminal probable cause, they are taking the easy way of pretending to do a compliance inspection, then going in to look for a crime," he said.

Mr. Sanders and the Cleveland ATF office Mr. St. Pierre supervises are engaged in a legal battle that has become one of the central cases in the ATF debate.

Louis Katona III, 34, of Bucyrus, Ohio, runs a successful real estate business and is a part-time police officer with an interest in firearms. He now has a gun collection worth "several hundred thousand dollars," he says, that includes "everything from BB guns and muzzleloaders to modern military-type weapons."

In late 1990, he lent a military-style grenade launcher to ATF for use in an unrelated prosecution. When that case was over, he said, he asked for the weapon back but was told it wouldn't be returned.

In May 1992, ATF executed a search warrant at his home. Mr. Katona believes it was in retali-

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