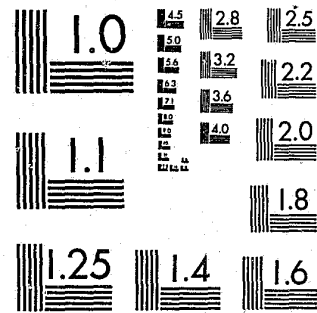


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U. S. DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME

RIVERFRONT BALLROOM
DETROIT PLAZA HOTEL
RENAISSANCE CENTER
DETROIT, MICHIGAN

Thursday, June 18, 1981

The hearing was convened, pursuant to notice, at
9:00 a.m., before JEFFREY HARRIS, Moderator.

PRESENT:

DAVID ARMSTRONG
Commonwealth Attorney
Louisville, Kentucky

WILLIAM HART
Chief of Police
Detroit, Michigan

WILLIAM F. LITTLEFIELD
Public Defender
Los Angeles County, California

ROBERT L. EDWARDS
Director, Division of Criminal
Justice Information Systems
Florida Department of Law
Enforcement
Tallahassee, Florida

FRANK G. CARRINGTON
Executive Director,
Crime Victims Legal Advocacy Institute
Virginia Beach, Virginia

JAMES Q. WILSON
Professor of Government
Harvard University
Cambridge, Massachusetts

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U.S. Department of Justice
National Institute of Justice

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ALSO PRESENT:

MARK H. MOORE
Professor of Criminal Justice
Policy and Management,
Kennedy School of Government
Harvard University
Cambridge, Massachusetts

COLIN LOFTIN
Assistant Professor of Sociology
University of Michigan

RUDOLF W. GUILIANI

HONORABLE WILLIAM L. CAHALAN
Prosecuting Attorney
Wayne County, Michigan

ALBERT J. REISS, JR.
William Graham Sumner Professor
of Sociology and Lecturer in
Law
Yale University

RICHARD J. GROSS
President, National Association
of Crime Victims Compensation
Board

CATHERINE G. LYNCH
Director, Dade County
Advocates for Victims

AARON LOWERY
Director of Public Safety and
Justice,
New Detroit, Inc.

PROFESSOR HAROLD NORRIS
Member
New Detroit, Inc.

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P R O C E E D I N G S

9:12 a.m.

MR. HARRIS: Good morning, ladies and gentlemen, we're about ready to get going now. Before we do, I'd like to state that we're very pleased to be here in Detroit, discussing rather interesting issues of victims and handguns.

Before we begin, I'd like to turn the microphone over to Chief Hart.

CHIEF HART: Good morning ladies and gentlemen. I'd like to welcome the members of the Task Force to the City of Detroit and I'm sure that while you're here you'll find that you will find the hospitality good, hopefully and we're just happy to have you here.

Further than that, just get the thing underway. Thank you.

MR. HARRIS: Our first witness, and we're pleased to have him, is Mark H. Moore. Mr. Moore, welcome. We're pleased to have you here.

MR. MOORE: Is this on?

MR. HARRIS: Yes.

MR. MOORE: It's a pleasure to be here as well. My name is Mark Moore. I'm the Guggenheim Professor of Criminal Justice Policy and Management at the Kennedy School of Government at Harvard.

For the last three years I have been researching

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the potential of a variety of gun control policies, the potential for reducing crime and I'm happy to have the opportunity to share the results of my inquiries with you this morning.

I should note in advance, however, that the argument that I'm going to be developing this morning is not strictly a scientific argument. While it takes advantage of some carefully collected and analyzed empirical information, it also depends heavily for its force and validity on the wisdom of a couple of practical judgments about what is institutionally possible, as well as some normative judgments about what important social values are at stake in this area and how they might be adjusted and accommodated. Enough preliminaries.

The presentation I'm going to make is going to focus first on how we might think about the objectives of gun control policies, second on what the available alternative gun control policies are, with a broad strategic assessment of each of the possible policies and I'll conclude with some recommendations about what seems the best next steps to try in this area.

The basic justification of a gun control policy is -- or a gun control policy is justified on the belief that the ready access to handguns exacerbates the violent crime problem, and exacerbates it in two important respects.

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1 First, it takes relatively minor incidents,
 2 minor in the minds of the people that initiate the encounter,
 3 assaults and robberies and turns those into more serious
 4 crimes, specifically homicides, so the gun plays a role in
 5 increasing the seriousness of a given level of defenses,
 6 or the seriousness of given offenses.

7 The second way that guns might exacerbate the
 8 violent crime problem is by increasing the level of both
 9 robberies and gun assaults so it's those two effects,
 10 increasing the seriousness of given attacks and increasing
 11 the overall level of attacks that would if true, justify
 12 an interest in controlling the availability of handguns.

13 There are a couple of problems though, or three
 14 what I described as awkward facts that prevent one from
 15 deciding now to radically restrict the availability of
 16 handguns in the United States.

17 Those three facts are the following. First,
 18 the evidence on the potential benefits of reducing gun
 19 availability are a little bit less strong and more mixed
 20 than one might hope. It seems fairly clear from the
 21 empirical evidence that the first hypothesis, that guns
 22 increase the seriousness of attacks is true. That guns
 23 in the presences of assault situations or robbery situations
 24 increase the probability that a homicide will result from
 25 those rather than the attack would be carried out without

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1 a fatality.

2 For that reason, guns probably do increase the
 3 overall level of homicides in this society. It is not
 4 clear that guns increase the level of attacks that are
 5 associated with assaults and robberies, so that if you care
 6 about the frequency of assaults and robberies, it's not
 7 at all clear that guns do affect that for this society as
 8 a whole.

9 In addition, there's an odd feature which is
 10 that in robberies, guns have a perverse affect on who turns
 11 out to victimized. It turns out that a gun equipped
 12 robber attacks relatively well defended and lucrative
 13 targets such as young men, stores, banks, and people without
 14 guns attack relatively less well defended targets, women,
 15 elderly people, therefore one possible effect of restricting
 16 gun availability would be shift the pattern of victimization
 17 in robberies from stores and young men to women and elderly
 18 people, an effect that I describe as slightly perverse. So
 19 the conclusion of that line of impirical evidence, and
 20 the references are included in my text, is that the potential
 21 benefits of restricting gun availability are a little less
 22 certain and a little bit more mixed than an advocate of
 23 gun control policies would like to believe, the first
 24 awkward fact.

25 The second awkward fact is that not all gun

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1 use is bad. In fact, most guns spend most of their working
 2 life supporting uses such as self defense, target shooting
 3 and collecting and are never used in a criminal attack and
 4 rarely appear in accidents. To the extent that those are
 5 legitimate purposes and they're worthy of recognition and
 6 protection of the society, we face a difficulty problem
 7 of accommodating those where we would have to pay a price
 8 in terms of restricting those good uses to get the uncertain
 9 benefits in terms of crime reduction.

10 The last awkward fact is that there are 25 to
 11 50 million handguns already in circulation in the United
 12 States. That number dwarfs the magnitude of new production
 13 each year which is about 2 million and it's very large
 14 relative to estimates of what the criminal demand for
 15 handguns is, about 100,000 to 300,000 per year. And that
 16 is a very important fact, that the guns are already out
 17 there. It means that we'll have to find some way of dealing
 18 with that stock or we will end up having any benefits of
 19 gun control policies in terms of reducing crime, delayed
 20 for several decades and perhaps a generation.

21 So those are the three awkward facts that make
 22 it difficult now to decide to reduce the availability of
 23 guns radically.

24 These considerations leave me to propose two
 25 basic principles for any reasonable discussion of a gun

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1 control policy. The first is that we should probably be
 2 cautious in action and modest in terms of the claims that
 3 we make for gun control policies.

4 The evidence of potential crime reduction benefits
 5 is simply not strong enough to support very risky endeavors
 6 or very costly endeavors, is the first principle.

7 The second principle is that we should probably
 8 in our policies recognize and seek to preserve legitimate
 9 uses of guns. All right, that that should be a feature of
 10 our gun control policy, to recognize and seek to preserve
 11 legitimate uses of guns.

12 This last principle is sufficiently important
 13 and sufficiently controversial that it deserves explicit
 14 discussion and reflection. I'd like to go through that.

15 The reason it deserves this is that it has
 16 great political and substantive significance. The political
 17 significance of recognizing and seeking to preserve legitimate
 18 uses of guns is that in my view, this is where a lot of the
 19 political tension and fight is focused. The people who
 20 are in favor of gun control policies sneer at the values
 21 of people who own and use guns and they threaten confiscation
 22 of those guns.

23 The people who like guns insist on their rights
 24 and interest in maintaining their guns and worry that any
 25 step in the direction of more stringent controls means

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1 that they will ultimately lose their right or their
2 opportunity to control guns. A lot of the political
3 acrimony is around the explicit issue of whether there is
4 such a thing as legitimate uses of guns that deserves to
5 be recognized in this society.

6 My own view is that if we were to recognize as
7 a matter of policy that such things existed and would be
8 accommodated, that that might do a great deal to move the
9 current gun control debate out of its impasse, that that's
10 a major stumbling block on a practical agreement in this
11 area.

12 Having said that it would be politically valuable
13 to recognize this, I should also mention that there's a
14 substantial substantive price to be paid for recognizing
15 legitimate uses of guns and to see why that's -- there
16 are two important ways in which recognizing a legitimate
17 sector of gun use will constrain the potential crime
18 reduction benefits of any gun control policy.

19 The first is that some gun crimes will be
20 committed in the legitimate sector. Reasonable people owning
21 guns will occasionally become unreasonable and commit
22 offenses. To the extent that we preserve a large sector
23 of legitimate gun ownership and use, those crimes will
24 continue.

25 The second is that the guns in the legitimate

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1 sector will inevitably leak to the illicit sector. It will
2 become a source of supply to the illegal market, therefore
3 if we were to protect and preserve a legitimate sector of
4 gun use, two important kinds of crime, namely domestic
5 quarrels and professional killings would remain beyond the
6 reach of gun control policies, or effectively beyond the
7 reach of gun control policies.

8 The only crimes that would remain within the
9 reach of gun control policies would be crimes committed
10 by people who were not terribly committed to committing
11 specific crimes and who would not make enormous investments
12 to acquire guns.

13 My own view is that that remains an important
14 piece of the crime problem, primarily the crime of
15 opportunistic and predatory robberies and that is enough
16 to justify an interest in gun control policies even if we
17 were to preserve a -- admit our inability to control
18 certain kinds of crimes as a result of recognizing a
19 legitimate sector of gun ownership and use.

20 So despite the substantive price associated
21 with recognizing legitimate uses of handguns, I would
22 recommend that as a matter of policy, we do recognize the
23 existence and value of legitimate uses of handguns.

24 Now I give three arguments for that. One is,
25 as a matter of principle it seems to me that people are

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1 entitled to chose their own guns to the extent that they
2 can guarantee to the rest of us that they will do so
3 safely and to the extent that that's true, I would think
4 that the Government owes to them the opportunity to
5 pursue that particular interest.

6 The second, and in many respects the more
7 important, is a pragmatic judgment that there are already
8 25 to 50 million handguns in circulation and so then in
9 some sense history has answered the question of whether
10 there are going to be legitimate uses of handguns in the
11 United States by making it inconvenient for us to decide
12 that there shouldn't be now.

13 So, until we can figure out a way to withdraw
14 that stock, I think we might as well go ahead and recognize
15 what currently exists.

16 The last argument in favor of recognition is
17 that there, even if we do recognize there are enough
18 recognized legitimate uses of handguns, there are enough
19 crime reduction potential benefits associated with gun
20 control policies to attract our interest, this unimportant
21 piece of the crime problem can still be attacked with gun
22 control policies, so the conclusion of the discussion of
23 what our objectives of gun control policy should be, is
24 essentially that we should seek to both reduce violent
25 crimes committed with guns and preserve as much legitimate

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1 use associated with guns as possible. Okay.

2 Now let me run down the list of alternative
3 gun control policies and give a strategic assessment of
4 each of the broad categories.

5 There are basically three ways that -- three
6 broad alternative gun control policies. One class are
7 those that are designed to affect the national inventory
8 of handguns, to the physical composition of the inventory
9 of handguns.

10 The second is those that are designed to determine
11 who it is that owns guns, entitling some people, proscribing
12 others, and arranging enforcement mechanisms to make sure
13 that the entitled people have guns and that the proscribed
14 people don't.

15 The third is policies affecting uses of guns,
16 leaving intact the total number, who's got them. They're
17 set up policies that are designed to say how guns might be
18 used. This includes special penalties associated with
19 using guns in crime but it also includes things like
20 illegal carrying, possessing it in the wrong place,
21 discharging it in cities, what my colleague, Phil Cook
22 has called "place and manner" ordinances.

23 Okay, so those are the three broad classes of
24 policies. In reviewing those alternative policies for
25 potential value, I'm going to be using the same criteria

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1 all the time. One is, which of these policies can do
 2 substantive good in terms of reducing crime and for which
 3 of these policies is there political and institutional
 4 support that makes adoption of the policy conceivable and
 5 effective.

6 And I'm going to run through the three broad
 7 classes of policies giving you my judgments on those questions.

8 With respect to the first class, policies affecting
 9 inventories of guns, there are two basic substantive problems.

10 First, there is the problem that guns are fungible across
 11 uses. A long gun can be converted to a concealable weapon.

12 A hunting weapon can be converted to a weapon that's
 13 useful in bank robberies, so that even if we were to get
 14 an attractive configuration of the national inventory of
 15 guns, it's not feared that through that device we could
 16 importantly affect uses.

17 The second problem is one that I keep alluding
 18 to, namely the fact that there are all -- that the biggest
 19 piece of that problem is not the new production and not
 20 importation but the existing stock of guns already in private
 21 hands, 25 to 50 million.

22 In addition, the institutional settings for
 23 these policies are not particularly favorable for two
 24 reasons.

25 First, almost by definition, policies affecting

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1 the stock of handguns requires federal action and federal
 2 legislation and we know from past experience that that
 3 is not a particularly hospitable institutional environment
 4 for more stringent gun control policies.

5 The other part of this that you can work on is
 6 the stock, but depleting the stock will require an enforce-
 7 ment effort that looks very much like an older effort against
 8 prohibition or a current effort to enforce marijuana laws,
 9 will require a large scale massive enforcement of an un-
 10 popular law which is as we know, a very difficult thing
 11 to accomplish. So it seems hard to make any progress on
 12 the question of how to effect the inventory of handguns
 13 and of doubtful value if we could accomplish that.

14 The second broad category policies, policies
 15 affecting who owns guns, seems to have slightly more
 16 potential. The basic idea is that we can distinguish
 17 between people who are risky in owning guns and people
 18 who are relatively safe in owning guns. We can draw the
 19 line carefully between those people, entitle the safe
 20 people, proscribe the risky people and then construct an
 21 enforcement mechanism that keeps guns in the hands of the
 22 safe people and out of the hands of the risky people.

23 I would note that institutionally or in substantive
 24 terms, that makes sense to the extent that we can reliably
 25 distinguish between safe and risky people. I would also

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1 note that the institutional, the existing institutional
2 arrangements in this area is very powerful with respect to
3 statutory authority to carry this out and a little bit
4 weak with respect to enforcement capacity in terms of
5 preventing guns from moving from the entitled to the
6 proscribed sector.

7 Our current federal gun control policy is based
8 to a degree on this notion, that there are some people who
9 are risky, some people who are safe and that the risky
10 people ought not have access to guns.

11 The 1968 Gun Control Act outlaws or prevents,
12 proscribes certain classes of people from owning guns.
13 Convicted felons, ex-addicts, or addicted people and others.
14 You could imagine trying to redraw that line in various
15 dimensions but as you think about that, the potential
16 benefits of drawing the line more stringently are not
17 clear and the potential implementation problems of drawing
18 it more stringently become increasingly severe and therefore
19 I do not recommend at this stage an effort to redraw that
20 line.

21 Our major problem with this policy is enforcing
22 and preventing leaks from the entitled to the proscribed
23 sectors. One can imagine three possible leaks. One is
24 proscribed people buying from federally licensed dealers
25 with or without the act of collusion of those dealers.

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1 The second is a proscribed people getting the
2 guns from, not federally licensed dealers, through private
3 transfers and the last is proscribed people getting guns
4 through thefts or black markets sales.

5 Among those three sources, current legislative
6 proposals are directed at the first two, namely making --
7 increasing the astringency of controls over dealers,
8 federally licensed dealers selling to proscribed people
9 and extending federal liability into the private transfer
10 sector. I think such proposals might have value but I
11 would point out that they leave untouched what in my
12 opinion is the most important leak which is the one associated
13 with thefts and black markets. My own research indicates
14 that for robberies committed with guns, the most likely
15 source of guns used in robberies is thefts and black markets,
16 not private transfers, not penetrations of the existing
17 federally licensed sector and therefore it's important
18 that we think of the device to handle thefts and black
19 markets in guns as well as penetrations of licensed
20 dealers and private transfers.

21 I would point out also that the instruments for
22 accomplishing control of thefts and black markets are likely
23 to be the large scale state and local police capability
24 that we have, not the federal capability. They have the
25 apparatus for preventing thefts and for attacking fencing

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1 operations and black market -- small scale black markets
2 in guns.

3 Their capacity in this area would dwarf any
4 federal capacity, so to the extent that we want then to
5 do work in this second policy of preventing guns from
6 moving from entitled people to proscribed people, extensions
7 of federal authority might be appropriate but probably the
8 more important thing to accomplish in this area is to
9 increase local capacities to deal with thefts and black
10 markets and handguns.

11 Okay. The last category policies affecting
12 are those that affect the uses of guns. Here the basic
13 idea is to leave the stock of guns the way it is, to leave
14 the guns in the hands of whoever happens to have them but
15 to make sure that there are a set of regulations and
16 sanctions governing the uses of guns that protect legitimate
17 uses of guns and attack bad uses of guns.

18 The most popular notions in this area are those
19 that are concerned with having extra penalties or aggravating
20 to consider gun use in a crime extra serious or an extra
21 penalty and to a great extent those are already in force
22 throughout the country, if not as a matter of statute, then
23 typically as a matter of prosecutorial and judicial discretion
24 in the execution of their duties.

25 Here, I think that there is a set of laws now

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1 existing which might deserve more careful investigation
2 about their potential for controlling crime and their
3 enforcement and how we might enforce more effec -- those
4 laws more effectively.

5 Those are the laws that govern the illegal carrying
6 of handguns in central cities. I would point out that in
7 most central cities of this United States today, it is
8 against the law for most people to be carrying concealed
9 handguns, Yet we make a relatively small number of arrests
10 in that area and it seems to me conceivable that we could
11 improve our enforcement practices in this area and might
12 as a result see a reduction in gun attacks amont strangers
13 in public locations, both those associated with assaults
14 and those associated with robberies.

15 These policies I th -- there's a little bit of
16 evidence based on the Bartley-Fox Law in Massachusetts
17 indicating that such policies might succeed. Many of the
18 curre -- much of the current activity in this area is
19 concerned with added penalties associated with carrying.
20 I again think the more fundamental problem might be figuring
21 out how to effectively inforce laws against illegal carrying
22 and I would strongly urge that we experiment with some
23 alternative ways of enforcing laws against illegal carrying.

24 This brings me to my final conclusions and
25 recommendations which would be the following. First I

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1 think it's important that as a matter of policy we should
 2 recognize and seek to accommodate legitimate uses of handguns.
 3 Second, I think that we ought to continue efforts to try
 4 to keep guns out of the hands of people who have been --
 5 who are clearly reckless in using them. I think federal
 6 legislative efforts in this area extending federal authority
 7 into private transfers is valuable but the most important
 8 problem is figuring out a way to handle the problem of
 9 thefts and black markets and I think that depends crucially
 10 on local enforcement capability, not on federal enforcement
 11 capability.

12 Third, it's important to try some strategies
 13 or to see whether strategies designed to keep guns off city
 14 streets could be successful and that, it seems to me,
 15 depends crucially again on local enforcement capability,
 16 not federal capability. I just note that the burden of
 17 the argument that I've made and the thrust of my recommendations
 18 has an important affect on the way that we think about gun
 19 control policies in that it shifts the debate from discussions
 20 about what might be appropriate federal legislative action
 21 and turns it in the direction of what might be important
 22 and effective local enforcement activity, and I just note
 23 for the record that one of the main reasons for doing that,
 24 some of the reasons for doing that is that there's more
 25 potential substantive benefit associated with such policies

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1 but the other part is that that policy follows more neatly
 2 the contours of political support and institutional capacity
 3 for implementing gun control laws, and in an area that
 4 is as politically controvercial and institutionally
 5 difficult as this one, we ought to take advantage of
 6 political support and institutional capability where we find
 7 it and for the most part I think we find that in the
 8 metropolitan areas of the country, and we might as well
 9 encourage them to get on with the job of keeping guns out
 10 of the hands of reckless people and off of city streets.

11 I'd also point out that these proposals do not
 12 foreclose future steps. In fact, if we wish to get
 13 more stringent in who's entitled to own a gun or indeed
 14 even go to more radical prohibition against handgun owner-
 15 ship, we will eventually need a state and local enforcement
 16 capability and so we might as well start now trying to
 17 develop that and see what we can accomplish with that alone
 18 under the existing authority of this society.

19 Thank you for listening. I'll be happy to take
 20 questions.

21 MR. HARRIS: Thank you. Professor Wilson?

22 PROFESSOR WILSON: Professor Moore, I have two
 23 questions. First I would ask you to answer, if you can on
 24 the basis of evidence you are aware of the following
 25 hypothetical issue. If I were a burglar or robber or someone

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1 contemplating going into that business in a large urban
2 area, and decided that the likely gain from stealing was
3 attractive but that there were two risks attached to it,
4 I would like you to tell me if you can help me evaluate
5 those risks.

6 The first risk is that of being caught by the
7 police, arrested, convicted and sentenced to prison. The
8 second risk is walking into someone's home or business
9 store and being shot and killed. Is there any data that
10 would help me know whether -- which of those risks is
11 the greater because if I can, if at least one of those risks
12 is not very great at all, then perhaps I might decide to go
13 into the stealing business. What does the evidence say?

14 MR. MOORE: Well, I don't think we have very
15 strong evidence in this area. What you're asking about
16 is the power of the self-defense argument for ownership of
17 handguns as distinguished from the recreational shooting
18 or collecting legitimate uses. Among those legitimate
19 uses of handguns, I take very seriously the self-defense
20 arguments, since I think that explains a large portion of
21 the reason that people are buying guns and is one of the
22 things that I seek to preserve in the gun control policy
23 that I've outlined.

24 The standard evidence argument against the self-
25 defense notion of ownership of guns is that you're more

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1 likely to shoot your wife or husband or have one of your
2 children accidentally shoot themselves than to confront a
3 burglar. I think that evidence is correct but a little
4 bit misleading because I think it doesn't emphasize the
5 daily feelings of security that comes from people who
6 purchase guns for self-defense but I think it also does
7 indicate that the frequency with which home owners attack
8 burglars or robbers with guns is very low.

9 Having said that, there is one small piece of
10 evidence on this question, collected by my colleague, Phil
11 Cooke and I think if you want to get -- he has not widely
12 publicized it and I'm not sure that it's accurate but
13 looking at, so I think I'd better not actually refer to
14 that piece of evidence. They might have to refer it to
15 him.

16 PROFESSOR WILSON: It's going to be a mystery,
17 this --

18 MR. MOORE: It will be a mystery. But the problem
19 is is finding out the answer to the question so that --

20 PROFESSOR WILSON: So we really don't know the
21 -- from the burglar's point of view, how great the actual
22 risks are from people defending themselves with guns as
23 opposed to the risk of being sent to prison by the criminal
24 justice system.

25 MR. MOORE: There is a way of making that

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1 calculation which is to look at the portion of justifiable
 2 homicides, homicides that were judged justifiable associated
 3 with household, or with self-defense and compare that with
 4 the risks of going to jail for any particular burglary,
 5 but we haven't done that calculation for enough cities
 6 yet to be confident of the answer.

7 PROFESSOR WILSON: My other question which I
 8 hope will produce a less mysterious answer. Perhaps you
 9 have some declassified views on this. This --

10 MR. MOORE: That's only national security
 11 prevents me.

12 PROFESSOR WILSON: This is a task force recommending
 13 policies to the attorney general and ultimately to the
 14 federal government. In Phase II of our work we will
 15 propose things involving legislation. In Phase I now
 16 virtually complete, we have not proposed legislation.

17 You said you thought that improvements could
 18 be made in the 1968 Federal Firearms Act. If you were
 19 drafting any amendments to it, what specifically would you
 20 propose changing in that law?

21 MR. MOORE: Again let me make the strong point
 22 which is I think that the improving and forcement of
 23 existing laws is probably more important than federal
 24 legislation but to the extent that there's an opportunity
 25 to increase or move federal legislation along, I would say

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1 that there were two important aspects of that and roughly
 2 in this order of priority.

3 The first extending federal liability for
 4 transfers to proscribed people into what is now called
 5 the private transfer sector, that is require people who
 6 are not federally licensed dealers to accept some
 7 responsibility for making sure that when they transfer a
 8 gun, they are transferring it to people who are entitled to
 9 own a gun under federal law, and that's an important new
 10 federal extension of federal liability.

11 The other piece might be to restrict the new
 12 production of "Saturday night specials" but I think that
 13 the second is less important than the first.

14 PROFESSOR WILSON: Just one follow up question.
 15 I have a little difficulty, though I understand the
 16 Congress has no difficulty in understanding what is meant
 17 by legislation on "Saturday night specials". They're
 18 conventionally defined as cheap, easy to obtain, handguns.
 19 Is it correct to assume that Congress, when it talks about
 20 banning "Saturday night specials", is simply trying to
 21 ban weapons that cost a certain amount of money so that if
 22 you want to buy a gun, you ought to pay more than you're
 23 now paying? Is there anything more to the "Saturday night
 24 specials" argument?

25 MR. MOORE: Yes, I think, in fact, I think that

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1 that has been a major misapprehension or misspecification
 2 of the problem. I think that the feature of guns that
 3 Congress ought to be interested in is not their price but
 4 their concealability and I think that what the federal
 5 government ought to be concerned about is preventing the
 6 production of concealable handguns and not being concerned
 7 about whether they support --

8 PROFESSOR WILSON: Excuse me. Concealable
 9 handguns are produced by Smith and Wesson and Colt and
 10 carried by regular police officers and they're by no
 11 means "Saturday night specials". Why are we talking about
 12 "Saturday night specials"?

13 MR. MOORE: Because it has crept into the
 14 conventional language and is a misanalysis of the thing.
 15 I think the crucial thing is to focus on concealable
 16 handguns, not on guns that are of certain price or a certain
 17 quality.

18 PROFESSOR WILSON: Thank you.

19 MR. HARRIS: Chief Hart?

20 CHIEF HART: Professor Wilson, I'm glad you got
 21 that "Saturday night special" business cleared up. I know --

22 PROFESSOR WILSON: Yes.

23 CHIEF HART: I have one question in the area of
 24 guns in America. Under the Constitution, the citizens
 25 have a right to bear arms so you did say it was illogical

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1 to even think that we could confiscate the weapons that
 2 are on, that have already been produced, some 50 million
 3 or 25 to 50 million in the hands of Americans so from a
 4 practitioner's point of view, there is several jurisdictions
 5 you described around the country who add sentence if you
 6 commit a felony with a gun. Would you recommend to the
 7 Commission that perhaps the federal government would
 8 consider a law that would add a sentence to anyone who
 9 commit a felony use of a handgun, especially a handgun?
 10 That seems to be the one that --

11 MR. MOORE: I think the -- there are two points.

12 One is to a great extent that already is on policy as a
 13 matter of statute and administrative practice. That is
 14 in the definition of laws and in the way the prosecutors
 15 and judges operate. There is already additional sanctions
 16 added or additional seriousness imputed to a crime committed
 17 with a handgun, so I'm not sure that any additional legis-
 18 lative authority is required in this area even at the
 19 state level and I can't see any particularly strong reason
 20 for the federal government entering into that debate and
 21 writing a federal statute that establishes that, so I
 22 am somewhat sympathetic -- I'm sympathetic to the policy
 23 of considering crimes committed with guns as more serious
 24 than crimes committed without them but I think we already
 25 have that to the extent that we need it.

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1 CHIEF HART: Okay. I understand your point.

2 There always is law regulating just about anything, however
3 when you're faced with a particular problem, you usually
4 create a special law to deal with a specific set of facts.

5 MR. MOORE: My own view is -- that represents
6 another misspecification of problems. Most problems turn
7 out to have to do with the enforcement or the implementation
8 of laws rather than the writing of them and so to write a
9 new law to deal with a problem that we haven't yet been
10 able to solve with existing implementation capabilities
11 seems to me to be fooling ourselves that we are responding
12 to a situation when we're actually ducking it.

13 CHIEF HART: I don't think the problem of
14 enforcement is the problem. It seems that the law deteriorate
15 with time. In Michigan, for instance, we have a law that
16 one will get you two. It simply means if you commit a
17 felony with a pistol that two years will be automatically
18 added, however as time goes by it kind of deteriorated
19 into a thing like concealed weapon laws that they will
20 charge you with a lesser crime. The judge don't like
21 mandatory laws. He'll let you plead to a lesser charge
22 to circumvent the intent.

23 MR. MOORE: By enforcement I didn't mean
24 narrowly focused on police, I meant the whole apparatus
25 of the criminal justice system including police, prosecutors

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1 and judges to the extent that you, as a police chief
2 reach for support from prosecutors and judges, in enforcing
3 the laws that they now have. I can understand how you
4 would be interested in encouraging passage of new legislation
5 in this area but it seems to me the crucial thing is to get
6 members of the criminal justice system to begin enforcing
7 the laws that we have as a team and as a unit rather than
8 as a -- rather than to write new laws.

9 CHIEF HART: Okay, well that's one of the
10 charges of this commission, where there's been a breakdown
11 in the state law, that the federal government would like
12 to do something to encourage the local authorities to
13 do something about violent crime and we're interested in
14 not confiscating guns from legitimate citizens who own
15 them legitimately but criminals who use them in commission
16 of crimes so if it would become a federal offense, at least
17 you would have a choice to take him into federal court
18 or the local courts.

19 MR. MOORE: Okay. Again, it seems to me the
20 belief that the federal criminal justice system would be
21 harsher or more effective or whatever words you want to
22 use with respect to these crimes is not at all clear, that
23 if we were to shift this to federal courts we might find
24 equally great problems in enforcing the laws.

25 CHIEF HART: Even it if's prima facie evidence

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1 that if you did possess a gun while a felony was in progress,
2 you don't even think that would help, is that what you're
3 saying?

4 MR. MOORE: What I'm saying is that we now have
5 such laws and we have the state and local system for
6 implementing some laws and the federal system for implementing
7 others. I don't believe that by passing the responsibility
8 to the federal government we would necessarily get a better
9 response in these particular areas.

10 CHIEF HART: Okay. Well, I've asked you about
11 three different ways and I got the same answer. Thank you.

12 I guess you're going to stick with that one.
13 The safe-risky theory that you have, I question who's
14 safe and who's risky. Most of the killings are done by
15 safe citizens and all on family members or friends or
16 acquaintances.

17 MR. MOORE: That's correct.

18 CHIEF HART: Then it's also risky when the
19 thieves break in and steal the guns and use them in crime
20 and the accidental, kids get a hold of a gun so I don't
21 know if that theory that you -- would you explain that
22 again. I might have missed what you said there.

23 MR. MOORE: No, what I've said is that if we
24 were to recognize a legitimate gun owning sector which you
25 said we should based on Constitutional principle, and I

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1 would not argue that but I would limit the justification
2 for recognizing legitimate sector, what I've said is that
3 we will pay a price in terms of the ultimate potential
4 of gun control policies to reduce crime.

5 The price is paid partly because out of that
6 legitimate sector, some crimes will be committed, as you
7 just indicated.

8 The other problem is that that becomes a source
9 of supply for people who are not entitled to own a gun
10 but none the less could acquire a gun. That means that
11 once we recognize legitimate uses of handguns, we in
12 effect write off two kinds of crimes that we might have
13 thought in advance that we were going to control through
14 gun control policies.

15 One, domestic quarrels, two, professional
16 killings or professional armed robberies where people are
17 prepared to make a rather heavy investment to acquire a
18 gun to commit the crime. That leaves us with only one
19 reachable piece of the crime problem which is crimes
20 committed by people who aren't terribly strongly committed
21 to committing a specific crime. My view is that that
22 means street muggings and robberies, and that that's an
23 important and scary piece of the crime problem and that
24 if we could make it slightly more difficult for people to
25 acquire guns and slightly more dangerous for them to be

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1 carrying them on city streets, that we might be able to
2 attack the most important component of the crime problem
3 namely violent attacks among strangers in public locations.

4 The burden of my policies I recommended, those
5 designed to shut off thefts and disrupt black markets and
6 those designed to discourage the carrying of guns on city
7 streets were designed to attack that particular component
8 of the crime problem.

9 CHIEF HART: Thank you very much.

10 MR. HARRIS: Mr. Carrington?

11 MR. CARRINGTON: Professor Moore, first of all
12 I'd like to compliment you on one of the few presentations
13 I've heard on this subject that shed far more light than
14 heat. Professor Wilson advises me that you're not a lawyer.
15 Maybe I should congratulate you for that fact too.

16 A couple of questions I'm going to ask do sound
17 in the law but I think you're sufficient of an expert that
18 I believe the panel could use your expertise.

19 First of all, a very fundamental question, Chief
20 Hart has just mentioned the 2nd Amendment and said a
21 right to keep and bear arms. People sometimes tend to forget,
22 I'm not imputing this to Chief Hart, this is quite common
23 in the gun argument of the qualifying clause, the militia
24 clause. The right --

25 MR. MOORE: In the interest of a well regulated

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1 militia.

2 MR. CARRINGTON: Right. Okay. Suppose it came
3 down to an absolute issue of whether the 2nd Amendment
4 could, for example ban the state from prohibiting guns,
5 absolutely, except for the militia. What is your opinion
6 of whether the courts would lean toward using the militia
7 clause as a qualifier or an absolute bond?

8 MR. MOORE: I do think you'd need some legal
9 expertise to answer that question. My understanding of
10 the court actions in this area in the past has been to take
11 the qualifying phrase quite seriously and to not apply it
12 to the individual ownership of guns. I don't believe there
13 would be a constitutional problem with prohibiting gun
14 ownership but that doesn't in any sense make it a watch
15 policy.

16 MR. CARRINGTON: They haven't ever come down to
17 the very bottom line question.

18 Second question, again sounding somewhat in law
19 but we will be considering in this task force whether there
20 should be -- we should make recommendation on elimination
21 or modification of exclusionary rule. This could mean to
22 the street person who is carrying the gun around that the
23 rules have suddenly shifted and if he's caught in possession
24 of a gun, it will be admitted into evidence against him.
25 Do you think if this took place, it would have a significant

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1 effect on carrying and abuse?

2 MR. MOORE: That's a very good question. I
3 don't know the answer to that. I think that I would defer
4 judgment on that.

5 MR. CARRINGTON: Judge Wilkey addressed it to
6 some extent in his written debate with Professor Kamisar on
7 doing away with the exclusionary rule.

8 Finally, --

9 MR. MOORE: Never mind.

10 MR. CARRINGTON: It may be something we'll have
11 to try it out to see if we can get some numbers on it
12 before anything else.

13 MR. MOORE: I think the crucial question there
14 that I think is going to turn out to be again a question
15 of enforcement procedures. All right, that is we do not
16 at this stage know very much whether and how arrests for
17 illegal weapons carrying are made. All right, and I think
18 whether we would be comfortable with the policies that would
19 emerge in a world where the exclusionary rule had disappeared
20 and we were increasing efforts to control illegal carrying
21 of weapons on the street would be a very, very difficult
22 issue, indeed.

23 MR. CARRINGTON: Third question. In 1968, I
24 believe, the Los Angeles Police Department on its own
25 initiative made a study of 100 persons who were apprehended

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1 in the commission of serious crimes and who either carried
2 no weapon or an inoperable weapon or a toy weapon or an
3 unloaded weapon. I think they all involved handguns, if
4 a weapon was carried but none of them were functional, to
5 be used. The study was taken on a deterrent effect of the
6 death penalty and it came up with about 50 percent of the
7 people said they carried the inoperable weapon because
8 they were afraid of the death penalty.

9 I readily concede that that is entirely too
10 small a number to be statistically valid. Do you know of
11 any similar studies on inoperative weapons and do you
12 think it would be a useful area to conduct research in?

13 MR. MOORE: The question of what are the current
14 carrying practices of offenders with respect to both
15 operable and inoperable weapons is an important area for
16 study. There have been a couple of such studies and it
17 turns out that gun carrying among criminal offenders is
18 a relatively common practice. Ironically less frequently
19 when they're on route to offenses than when they're in
20 doing other things.

21 MR. CARRINGTON: One final question. Doesn't
22 the legal definition of a "Saturday night special", isn't
23 that hitched to the alloy content of the weapon?

24 MR. MOORE: Currently that is the terms in which
25 it's discussed but as Professor Wilson suggested by his

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1 questioning and as my colleague, Phil Cooke has written,
 2 it probably is a mistake as a matter of principle, the
 3 focus of restrictions on new production should be on the
 4 concealability of handguns, not on whether they support
 5 sporting purposes or not. If you shifted to that question,
 6 the concealability of the weapon as the crucial criterion
 7 you could dispense with a lot of the current discussion
 8 about melting points, barrel length, the elaborate set of
 9 criteria that have been developed to help us implement
 10 the 1968 Gun Control Act with respect to imports and focus
 11 on much simpler criteria having to do with total size or
 12 total weight.

13 MR. CARRINGTON: But the alloy content is a
 14 function of the expense of the weapon, is it not?

15 MR. MOORE: It is, yes.

16 MR. CARRINGTON: Yeah, so, I think Professor
 17 Wilson mentioned that Colt, Smith and Wesson makes some
 18 very expensive arms, \$200 chief special, that would be --
 19 let's see, \$400, to just economically less accessible to
 20 the street person than one that's manufactured and he can
 21 buy it for \$59 or something.

22 MR. MOORE: That's correct.

23 MR. CARRINGTON: Thank you very much.

24 MR. MOORE: That is high quality guns would be
 25 included in the restriction associated with concealability

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1 and they are not included under the restrictions associated
 2 with sporting arms, that's correct.

3 MR. HARRIS: Mr. Edwards?

4 MR. EDWARDS: Yes. Professor Moore, I enjoyed
 5 your comments and couldn't agree with you more that it is
 6 a very emotional issue and doesn't lend itself to object-
 7 ivity. I would like to ask you a couple of questions on
 8 that. In your research have you had occasion to interview
 9 criminals, to determine what their views are as to whether
 10 access to guns amplified their threats or not?

11 MR. MOORE: I have not conducted such interviews.
 12 We tried several times to do it but were unsuccessful. We
 13 couldn't get into the offender populations.

14 Others have, and I think that all such testimony
 15 from the offenders has to be taken with a large grain of
 16 salt and it was done primarily with respect to their habits
 17 with respect to acquiring and carrying guns rather than
 18 whether it deterred them in any important centers or made
 19 things inconvenient. I think what we ought to assume is
 20 that there's a distribution of offenders. Some of them
 21 are prepared to make relatively large investments in their
 22 capacity to commit offenses and for whom any marginal
 23 change we could make in the difficulty in acquiring a gun
 24 would be relatively significant and others who are less
 25 prepared to make large investments in equipping themselves

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1 to commit crimes and for whom marginal changes in the
2 difficulty in acquiring gun would matter a great deal.

3 I think because most people are not prepared to
4 make large investments to accomplish purposes, that the
5 second group is very large, relative to the first and
6 may account for some of the scariest crimes that occur in
7 the population.

8 It's that that leads me to believe that rather
9 marginal changes or marginal increases in the difficulty
10 of acquiring a gun would importantly reduce crime or could
11 conceivably reduce crime.

12 MR. EDWARDS: Referring back to some of Chief
13 Hart's questions, do you have any data that would support
14 that mandatory sentencing laws would serve as a deterrent?

15 MR. MOORE: The only data that has, I think my
16 colleague who's going to speak later this morning has some
17 on the Michigan law and so he can comment directly on that.

18 There have been a couple of studies of the
19 Bartley-Fox law in Massachusetts which has imposed a one
20 year minimum mandatory sentence for carrying. It is not
21 one of the laws that Chief Hart was indicating an interest
22 in which is adding a sentencing increment to robberies or
23 assaults committed with guns.

24 Would you like me to respond briefly on the
25 evidence of Bartley-Fox or would you -- is that the kind

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1 of law that you're interested in?

2 MR. EDWARDS: No, I was primarily interested in
3 knowing -- I know in Florida we have mandatory sentencing
4 laws for robberies and it's interesting when you look at
5 those statistics to see what has been the resolve after
6 several years of usage and I was just wondering if that
7 could be applied throughout the country or if that was
8 just significant to Florida?

9 MR. MOORE: I can't comment on that. I would
10 comment though on Chief Hart's interest in sort of saying,
11 wouldn't a mandatory sentence cause the criminal justice
12 system to enforce the existing laws in a useful way or as
13 they were now written into the law and I think the answer
14 there from the Bartley-Fox experience where there was a
15 rather harsh penalty associated with what had previously
16 been considered a relatively minor offense does indicate
17 the judges will go ahead and prosecutors will go ahead and
18 comply with a law establishing minimum mandatory sentences,
19 so to the extent that you are concerned about prosecutorial
20 and judicial discretioning, weakening the sanctions associated
21 with a given law and thought of the minimum mandatory
22 sentences is a device for eliminating that discretion.

23 I think the current evidence is that that does
24 succeed despite the fact that judges and prosecutors don't
25 like it. Again whether that's a wise policy is a matter for

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1 the task force to decide, not for me, but the evidence
2 is clear.

3 MR. EDWARDS: You indicated that theft and
4 black market are major sources of guns used by the criminal
5 element. I'm curious --

6 MR. MOORE: Where the criminal element is under-
7 stood as contributing only a portion of the crimes. There's
8 a reasonable portion of crimes that are committed by
9 the non-criminal element.

10 MR. EDWARDS: Right, you referenced robberies
11 specifically. I have a question on that. If that be the
12 case then what would be the impact of gun control laws
13 if they were further enacted beyond what we now have today?
14 If you take the assumption and it's a valid assumption,
15 what would be the impact of a gun control law to deter
16 that particular element?

17 MR. MOORE: I think anything that you do, there
18 are two things. Whether guns are going to be easy to get
19 through thefts and black markets, all right, depends on the
20 average density of guns in the population. All right.
21 Anything you do to affect the stock of guns is going to
22 gradually over time reduce access. All right, so that
23 if you were to cut off new production next year or new
24 production of some kinds of guns, that would have an affect
25 next year and the affects would continue to grow as the

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1 existing stock depleted. All right.

2 If you added to that some capacity to withdraw
3 the existing stock either through a buy back program or
4 through a confiscation program, you could again over time
5 gradually reduce the availability of weapons through
6 thefts and black markets. Right. The price you're paying
7 for all of that is reductions in legitimate uses of guns
8 for which you will pay a price measured in terms of reduced
9 access of citizens to self defense, to recreational shooting
10 and to the pleasures associated with collecting and you
11 may as per Professor Wilson's questioning earlier indicated,
12 be sacrificing some total deterrents in the system that
13 was wielded by private people in addition to the criminal
14 justice system so that to the extent that you believe that
15 there is an actual deterrent affect associated with private
16 self defense, you would be sacrificing that as well.

17 Those are very difficult judgments to make as
18 to -- as we shrink that sector how much we'd be prepared to
19 shrink that sector in pursuit of reduced availability to
20 the criminal offenders. My own proposal might be to say,
21 let's leave it that way and let's try to tighten the loop-
22 holes that are allowing the guns to migrate from one place
23 to the other.

24 Okay, essentially add friction to that system.
25 Reduce the rate at which guns move from legitimate sector

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1 to the illicit sector.

2 MR. EDWARDS: One last question. I was interested
3 in your second principle dealing with the recognition of
4 legitimate uses of guns and then you build in a risk factor
5 in which you said these factors would be assessed. Have
6 you developed that and been able to partition out who are
7 the risks and who are not because it seems that the criminal
8 justice system as a whole is having a problem solving some
9 of the disparities in its process and if you could take one
10 particular issue and develop it, it might help us greatly
11 in other areas.

12 MR. MOORE: I'd love to have a chance to discuss
13 that because I didn't get a chance to in the testimony.
14 I think that they're drawing this line between safe and
15 risky people is in many ways the most difficult and most
16 challenging part of designing gun control policies
17 designed to protect legitimate uses of guns.

18 Our current -- there are two radically different
19 approaches to that question. One, it says the right to
20 own and use a gun is there available to people unless they
21 give clear signs of recklessness which would then dis-
22 qualify them from possessing that right. We describe that
23 as a permissive licensing system.

24 The other kind of system shifts the presumption
25 and would operate more like we operate with respect to

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1 automobiles and the right to own a tavern and we would say
2 that you have to demonstrate evidence that there's not a
3 presumption of entitlement to those things. You have to
4 demonstrate a combination for any one feature of competence
5 in managing or using the equipment, need for the equipment,
6 and good character. All right.

7 And unless you can demonstrate those three things
8 you will not have the right to own a gun. That's what we
9 think of as a restrictive licensing system. It's been
10 very difficult to shift in the United States from a permissive
11 licensing system on guns to a restrictive licensing system
12 but I can't think of anything that would draw the line more
13 tightly on who's entitled to own a gun than making that shift.
14 I think many people would still have access to guns and there
15 would still be a large legitimate sector but it would be
16 substantially smaller than the legitimate sector now is,
17 if we were to shift from a permissive to a restrictive
18 licensing system.

19 In defense of that, all I can point out is that
20 we have a restrictive licensing system with respect to
21 things like automobiles which in many ways seem much less
22 dangerous and have much fewer externalities than handguns
23 and so it might be wise to shift to a restrictive licensing
24 system if we could figure out a way to do that.

25 Okay, so, if we don't do that, then we're left

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1 with the question of how -- what pieces of evidence we
2 should take or what characteristics of a person we should
3 consider as probative of recklessness in using a gun, all
4 right.

5 In the current pieces of evidence we take with
6 respect to that the most important one is previous convictions
7 for crimes, all right. We could extent it to exclude people
8 who have been involved in violent misdemeanors of various
9 types or certain types of misdemeanors but I'm not sure
10 that the advantages in terms of control outweigh the --
11 of extending the line in that way outweigh the administrative
12 costs associated with observing that new characteristic.

13 And everytime we add a characteristic to the
14 disqualifying attributes, remember you have to ask about
15 the availability for record keeping system to support that
16 and at this stage the record keeping system to support
17 even the first line, namely convicted of a crime is
18 sufficiently bad that we can't make that work very well.

19 MR. EDWARDS: Thank you very much.

20 MR. HARRIS: Mr. Littlefield?

21 MR. LITTLEFIELD: Professor Moore, are you
22 aware of any studies which determine what percentage of
23 persons convicted of crimes thought that they were going
24 to be arrested and convicted before they committed the
25 particular offense?

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1 MR. MOORE: No, sir, I'm not.

2 MR. LITTLEFIELD: Do you think that a requirement
3 that before a person could purchase a firearm that they
4 take some firearm safety course might be of some assistance
5 in this problem?

6 MR. MOORE: This is along the lines of shifting
7 from a permissive to a restrictive licensing system and
8 when I've thought about this on occasion, it does seem to
9 me, just as with automobiles we require people to take
10 tests and show their competence and to teach them a set of
11 values about the use of the automobile, that such a thing
12 might be appropriate with respect to handguns as well.

13 I then occasionally, this is I think a very
14 zany idea that may have some merit to it, again it's for
15 the task force to decide the wisdom of it. It has
16 occasionally occurred to me that it might -- if we were
17 to shift to a restrictive system and worry about educating
18 people about the proper use, care, protection, et cetera,
19 of guns, that a logical group to manage the courses in
20 managing the licensing might turn out to be the National
21 Rifle Association, that essentially we could turn just as
22 now you may ask -- you might ask yourself the question,
23 who is responsible for children in swimming pools, right.
24 The answer is a set of people certified as lifeguards by
25 a private association called the American Red Cross. that

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1 teaches them about the virtues and skills associated with
 2 being a lifeguard and perhaps we could ask the NRA to take
 3 responsibility for the gun owning members of the society
 4 and teach them proper use and care of a handgun.

5 MR. LITTLEFIELD: Thank you, Professor Moore.

6 MR. HARRIS: Professor Moore, I have a couple
 7 of questions I'd like your view on. Mr. Carrington was
 8 asking about the exclusionary rule which is the remedy
 9 applied after an illegal search. I'd like to focus on
 10 the question of the reasonableness of the search. As
 11 you know, airports searches have been legally justified
 12 on the basis of the possession of a skyjacker profile.
 13 A profile which lets law enforcement people, gives them
 14 certain information which the courts have found justified
 15 in stopping and searching.

16 Do you think the research could be designed and
 17 done which could come up with a profile which would
 18 justify a police officer in a city from doing a search on
 19 a person and that search, the profile would be accepted
 20 in court as reasonable so that the production of a handgun
 21 in the search would not be illegal, an illegal search where
 22 the exclusionary rule would have to come in, rather would
 23 be justified as a reasonable search?

24 MR. MOORE: Okay. Let me respond to that in
 25 two ways, because I think that's a very important question

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1 as well.

2 My understanding of the airport search rules
 3 was that the reason that they were justified was not on
 4 the profile but that the person consented to the search
 5 by wanting to get on the airplane and he, in effect,
 6 volunteered to be searched by wanting to take the flight.

7 We could, in principle, apply that to restricted
 8 areas of cities. I have sometimes thought, for example,
 9 of requiring -- this is another zany idea. Fortunately,
 10 you're the people who are responsible for being wise. I
 11 can be zany. I have sometimes thought about the possibility
 12 of requiring bar owners, for example, to have magnetometers
 13 in bars and announce that in advance as part of a strategy
 14 for keeping guns off of city streets and out of dangerous
 15 locations much as we do with the airports and much as was
 16 done in the Old West, when people were required to hang
 17 their guns up before they went into the bar but that's a
 18 zany idea.

19 The more serious question you asked has to do
 20 with profiles. I would, instead of using the word profile,
 21 I would use the word "predicate" and I think if we were to
 22 think of how to enforce guns or enforce laws against carrying
 23 on city streets, I would want, I think, the police and
 24 the courts to require the police to establish some kind of
 25 "predicate" for their activities in this area and the

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1 "predicate" has two important features. One is, it narrows
 2 with respect to scope, I mean with respect to time, place
 3 and kinds of activities in which the increased observation
 4 will be done and it also justifies it by giving it some
 5 rational purpose like a very high level of gun carrying
 6 or a very high level of street muggings committed with
 7 guns or a very high level of assaults committed with guns
 8 in a particular location, so I would think that as a matter
 9 of good policy as well as, perhaps constitutional principle,
 10 in enforcing laws against carrying on city streets, we
 11 would require the police to develop a "predicate" narrowing
 12 and justifying intensive levels of enforcement.

13 MR. HARRIS: Do you know of any work that's
 14 being done in this area to try and develop a profile or a
 15 "predicate" as you call it, or experimentation by your
 16 colleagues --

17 MR. MOORE: Not with respect to enforcement in
 18 cities. We do it, of course, with respect to enforcement
 19 at the border and here my criti -- there's an interesting
 20 technical feature of this that is very important to establish
 21 which is that in order to get a correct profile, you have
 22 to have some portion of the searches be random, lest your
 23 profile be -- repeat itself. If you have a profile and
 24 you search there more intensively it will always turn out
 25 to be true that the profile produces more offenses than

1 any other. In order to eliminate that feature from the
 2 construction of the profile, there should be a portion of
 3 your activity that is strictly random, that checks the
 4 validity of your profile.

5 MR. HARRIS: Another question. A number of your
 6 recommendations you have already factored in your view of
 7 the political situation in Congress and elsewhere. Would
 8 -- let me ask you now to step back and factor those out
 9 again. What changes would you recommend -- what recommendations
 10 or what things would you change if I asked you to factor
 11 out your evaluation of the political doability?

12 MR. MOORE: The answer is not -- political
 13 doability means lots of different things. If you can
 14 think about passing legislation at federal or state levels
 15 or implementing capability.

16 MR. HARRIS: Well, let me tell you what I mean
 17 by it is whatever you meant when you said you were taking
 18 it into account.

19 MR. MOORE: Yeah, and the answer is I would, if
 20 I took out, I don't think my proposals would change all
 21 that much because I think the most decisive fact in the
 22 area is the existence of handguns already in private
 23 circulation which means that there is going to be a legitimate
 24 use and means that there is going to be a movement of those
 25 guns to the illicit sector, so everything I've proposed

1 here is designed largely to deal with that problem which
2 I think has been neglected in most prior discussions of
3 gun control stuff.

4 I do not think on substantive grounds I am
5 skeptical about the short term benefits of federal
6 legislation, largely due to the existence of this large
7 supply of handguns out there and if you were to ask me
8 the question, me as a person, do I wish that we'd never
9 had guns in this country. Okay, do I wish that we had a
10 tradition more like England or more like something else,
11 my answer as a person might be, yes. People radically
12 disagree with that and I'm not in any sense an expert in
13 asserting that but it seems to me foolhardy to continue
14 to act as though there weren't 50 million handguns already
15 in circulation.

16 MR. HARRIS: Anything further? Professor Moore,
17 thank you very much. You made a substantial contribution
18 to our deliberations and we really appreciate your coming
19 here today. A great privilege. Thank you, gentlemen.

20 Our next witness is Professor Colin Loftin,
21 University of Michigan. Professor, welcome. We're pleased
22 to have you here this morning.

23 PROFESSOR LOFTIN: Thank you very much. Get
24 some water here.

25 I believe that copies of my presentation are

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1 being circulated. I'm not going to read it but there are
2 some figures there that I want you to look at. I was
3 concerned that my comments this morning might be too narrow
4 particularly compared to Professor Moore, but it seems that
5 a number of you have raised questions that are quite
6 relevant to what I have to say.

7 What I'm going to do this morning is to describe
8 the research that my colleagues, Milton Human and David
9 McDonald and I have been doing on the Michigan Felony Firearm
10 Law. You're already raised some questions about it and
11 what I'll try to do is to describe the results that we have
12 in hand so far. We're not through with the study. We've
13 been at it for about four years and we're about through and
14 I will bring you up to date on where we stand as of today.

15 Let me give you some background both on violent
16 crime in Detroit and on the Michigan Felony Firearm Law.
17 There are two figures there, 1 and 2, that give you about
18 50 years of crime data for the City of Detroit. Figure 1
19 is the homicide. It's not a rate, that's just simply the
20 number of homicides. Since population data yearly is somewhat
21 complex, I thought it better just to present the raw data
22 but you get a good picture of what has happened over a
23 long period of time for criminal homicides in the City of
24 Detroit.

25 Figure 2 is similar data for robberies and I've

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1 broken that down by gun robberies and non-gun robberies
 2 and that will become relevant as we talk about the law.
 3 The pattern in those data is very much the same, is a
 4 spectacular rise in the early 1960s which is just very,
 5 very dramatic and then in the late 1970s there's a very
 6 welcome decline which does not seem to be just a blip but
 7 is a fairly sustained decline. It does not bring violent
 8 crime back down to what it was in the early 1960s but still
 9 it's a very welcome decline.

10 The third figure that you have is not crime data
 11 but rather the purchase data or it's the number of licenses
 12 to purchase a handgun in the City of Detroit. I present
 13 that as background, it doesn't directly bear on the
 14 Michigan Felony Firearm Law because that law doesn't deal
 15 with the legal possession per se but I thought it was
 16 interesting background.

17 We've done some analysis of those data and one
 18 of the interesting things about it is that it does very
 19 clearly respond to both the level of violent crime in
 20 the city. When violent crime goes up, the number of sales
 21 of handguns increases and another interesting thing, it's
 22 very surprising to me is that it responds to the level of
 23 police per capita in the city. When the number of police
 24 per capita rises, the number of handgun sales goes down so
 25 it seems fairly clear that those data are responsive or

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1 those sales are responsive to the public's confidence that
 2 the police are able to control violent crime.

3 Let me talk more specifically about the Michigan
 4 Felony Firearm Law. The provisions of the law that it
 5 mandates a 2 year flat sentence for committing a felony
 6 or attempting to commit a felony in the State of Michigan.
 7 In addition to the 2 year mandatory sentence, it precludes
 8 probation, parole, or suspended sentences.

9 The attorney general of the state is also ruled
 10 that it precludes good time discounts to sentences. That
 11 was not explicitly a part of the law but the attorney
 12 general has ruled that so it's a flat mandatory sentence
 13 which is added onto felony sentence. It must be served
 14 prior to the underlying felony. It is different from the
 15 so-called Bartley-Fox Law in Massachusetts, in that you must
 16 commit a felony in order for this law to apply.

17 It does not apply in the case of carrying a
 18 concealed weapon which is considered an included offense.
 19 The Bartley-Fox Law in Massachusetts is a one year mandatory
 20 for illegal possession of a gun.

21 The distinctive feature of this strategy, one
 22 of the things that makes it really popular is that it
 23 promises a strategy for reducing violent crime without
 24 imposing restrictions on people who use guns legitimately,
 25 law abiding citizens, so it's very popular.

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1 I had some survey data from the state that
 2 shows that something like 75 percent of the population in
 3 the metropolitan area strongly favor the law. It's
 4 politically feasible, or at least it certainly was in
 5 Michigan. It had wide support when it was introduced in
 6 the legislature.

7 There's another feature which is very interesting.
 8 It has to do with the application of the law in Detroit,
 9 and that is, the law itself does not place any restrictions
 10 on plea bargaining. There was some discussion that it --
 11 the way it was written might make plea bargaining more
 12 difficult but there's nothing explicitly in the law that
 13 prohibits it. Prosecutors are free within the law to
 14 engage in plea bargaining, but in Detroit, Mr. Cahalan,
 15 the Wayne County prosecutor, when the law went into effect,
 16 said that he would not plea bargain any of these cases,
 17 that in no case would he allow people in his office to
 18 reduce this charge in exchange for a plea of guilty. So
 19 in Detroit you have an unusual combination of a mandatory
 20 sentence which enhances firearms offenses and you have the
 21 policy of no plea bargaining. So it makes for a somewhat
 22 unique and very interesting study of what happened when
 23 this law was initiated.

24 A little bit on what was going on in Detroit as
 25 the law went into effect. I think it's important background.

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1 The law went into effect in January of 1977. Well, 1976
 2 was a very, very bad year for law enforcement in Detroit.
 3 If you just take the events that made national news in
 4 that year, there were such things as the layoff of about
 5 1000 police officers, at least in the early part of the
 6 year some of them were brought back later on in the summer.

7 There was a tremendous backlog of cases in the
 8 recorder's court which has jurisdiction over felonies committed
 9 in the City of Detroit. Hundreds of cases were backed up,
 10 cases that had been on the docket for more than a year and
 11 so on. In addition, in the summer of 1976 there were some
 12 very widely publicized and serious incidents with street
 13 gangs in the city. While other cities in Detroit's size
 14 class were experiencing a decline in violent crime in 1976,
 15 Detroit was experiencing an increase.

16 If you take all the violent crime, it went up
 17 in Detroit by about 5 percent during '76, whereas other
 18 cities in its size class it went down by 5 percent.

19 If you look at robberies specifically, the
 20 differences are greater. It went up by 5 percent in Detroit
 21 and fell by 13 percent in other cities. The homicide rate
 22 in 1976 was approximately 50 per 100,000 which was almost
 23 the peak which Detroit reached in 1974, which was 52 per
 24 100,000.

25 In 1976, as the law went into effect, a virtual

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1 criminalological miracle occurred in Detroit. For 6 days
 2 Detroit went without a homicide and this was widely noted
 3 in the press. At first people attributed it to the weather,
 4 it was a very cold period in the city. The new police
 5 chief, William Hart, was quoted as saying it was a million
 6 to one shot, but then it happened again and this time it
 7 went for 7 days without a homicide.

8 And by summer it was very clear that there had
 9 been a major turn around in violent crime, well not just
 10 violent crime, all crimes in the city had declined, and
 11 that trend has continued.

12 There's been some indication that there may be
 13 an increase recently, but still violent crime in the city
 14 is way down from what it was in the 1976 period.

15 Now a natural conclusion is that the Michigan
 16 Felony Firearm Law may have been responsible, at least in
 17 part for that change in violent crime.

18 Our study has addressed that and I'll try to
 19 show you some data subsequently which I think suggested
 20 that the law is not responsible for that.

21 Let me tell you about our study. Our study has
 22 dealt with two issues. The first one is what impact did
 23 the Michigan Felony Firearm Law have on the certainty and
 24 severity of sanctions that were delivered by recorders
 25 court in the City of Detroit. We thought that was the

1 prior question before we asked what affect did it have on
 2 the streets, we wanted to know whether it changed the
 3 sanctions and if so, in what way so that we could map
 4 that against possible changes in crime.

5 We've studied over 8,000 cases that were processed
 6 by the court during 3 years. One year back from the time
 7 the law went into effect, and two years forward.

8 The second question is what effect did it have
 9 on crime in the street. Let me discuss the research in
 10 recorders court first.

11 That research is very complex because the legal
 12 process is very complex but I can summarize I think fairly,
 13 our conclusions in terms of three statements.

14 The first one is that the prosecutor did follow
 15 through on his promise. It's very clear that although it
 16 was difficult at first, the prosecutor did enforce his
 17 rule of no plea bargaining. Cases were not reduced,
 18 charges were not reduced in exchange for a plea. There was
 19 a lot of litigation that the prosecutor's office was
 20 responsible for, but it's very clear that there was an
 21 attempt to toughly and evenly enforce the law.

22 The second pattern is that the change in
 23 sanctions is very uneven. Some offenses, the sanctions
 24 changed, others they didn't. We took approximately 11
 25 offense categories that represented the offenses we thought

1 were targets for the felony firearm law which ranged from
 2 murder to assault. I'll describe that in more detail but
 3 in general we found that there was not an across the board
 4 change. It was selective to certain offenses.

5 The third conclusion is that there is not a
 6 step-like increase in sanctions. There is some selective
 7 increase in sanctions, it is not an across the board change
 8 either in certainty or in severity and we tried to analyze
 9 those separately but if you look at it overall, or if you
 10 look at it by the probability of incarceration or the length
 11 of sentence, the changes are very selective.

12 Now let me try to illustrate that. The statistical
 13 analysis is complex but I have one figure there which I
 14 think illustrates what we're trying to do. It's figure 4,
 15 and what it is is the sentences for armed robbery divided
 16 into four groups. The groupings depend on whether the
 17 offense occurred before the law went into effect, that is
 18 during '76, or after the law went into effect, that is in
 19 1977 or '78, and then whether there was a gun involved in
 20 the offense or not so that there are 4 groups of sentences.

21 Now the variable there that you're looking at
 22 is approximately what an offender can expect to serve given
 23 conviction. What I -- there are complexities because of
 24 the indeterminate sentence. What I did was to apply the
 25 rules that the Michigan Department of Corrections applies

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1 so I discounted sentences for good time except for the
 2 felony firearm. I, for life sentences, I treated them as
 3 though they had the length of time that they would serve
 4 until the first possible parole so that this is something
 5 like expected sentence. I've done it many different ways
 6 and I get the same result. This one is the clearest for
 7 presentation.

8 What you can see in the data basically is that
 9 there's very little change in the armed robbery sanctions.
 10 When you do a detailed statistical analysis, what you
 11 find is that there is a statistically significant increase
 12 in the length of sentence for felonies committed with a
 13 gun in the post-intervention period and you can see that
 14 as a little blip out on the top right-hand figure, you can
 15 see that there's a little bit of an increase there but if
 16 you look at it closely, you'll see that it's offset somewhat
 17 by decline in the probability of incarceration so overall
 18 there is very little change in the sanction.

19 Now for other offenses, what we find in very
 20 general terms is that it's only in the case of assault that
 21 there was a change in the sanction. For example, felonious
 22 assault, we found very clearly that there was a change in
 23 the sanction for felonious assault. The probability of
 24 incarceration goes up, the length of sentence goes up, but
 25 the change is fairly limited to felonious assault and some

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1 other selective types of assaults.

2 Turning now to the evaluation of what affect
3 did this have on violent crime in the city, what we did
4 was to gather crime data monthly by type of weapon and
5 what I've presented here is basically gun-nongun so that
6 we can compare what happens to gun offenses and nongun
7 offenses to see if there's some distinctive pattern of
8 change among the gun offenses as you would expect, if the
9 felony firearm law had a preventive affect either through
10 deterrents or incapacitation.

11 For the most part, I have about 13 years of
12 data. In the figures you have, which are figures 5, 6 and
13 7, are something like focusing in a microscope of figure
14 1 and 2. Figure 1 and 2 are a 50 year period by year. We
15 focus in on the last 13 years and blow it up to months,
16 then what you have there are the gun-nongun series by month,
17 for homicides committed in Detroit, for robberies committed
18 in Detroit, and assaults committed in Detroit by gun and
19 nongun.

20 Now what is evident in the data is that there
21 was a dramatic decline in the data. We've already alluded
22 to this. There was a spectacular decline in homicide.
23 In one year it went down like 31 percent. Robbery went
24 down by 27 percent and assault went down very little, about
25 2 and 1/2 percent. The same thing happened with property

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1 crime, which of course is not affected by the felony
2 firearm law directly but burglaries, larcenies and auto
3 thefts also fell.

4 Now there are three features of the data that
5 if you look at them carefully, I think argue against
6 attributing this change or any part of this change to the
7 affects of the felony firearm law. There are three features.
8 The first one is that in the monthly data it's clear that
9 the decline begins several months before the law went into
10 effect. The peak was July of 1976, that was the time of
11 the youth gang incidents. The decline in all the offenses
12 begins immediately after that which is some 5 months before
13 the law went into effect.

14 There was an extensive publicity campaign for
15 the law. There were billboards and bumperstickers through-
16 out the city but that did not begin until about a month
17 before the law went into effect so there's a 4 or 5 month
18 period in there where the offenses began to decline before
19 the law went into effect.

20 The second is that it's only in the case of
21 homicide that there is a selective decline in gun offenses.
22 We see that homicide is quite spectacular, the gun homicides
23 fell about 11 per month for a year or so and nongun homicides
24 remained approximately the same. If you look at the other
25 offenses, robbery goes down quite spectacularly but gun and

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1 nongun robberies declined.

2 The third feature is that assaults don't change
3 at all and you would have expected that given the change
4 in sanctions in recorder's court and the way the law is
5 directed, that assault is an area where you would have
6 expected to find a selective decline in gun assaults, perhaps
7 even an increase in nongun assaults if offenders were
8 switching from one weapon to the other.

9 When I first looked at the data I was very hopeful
10 because I saw this selective decline in homicide and I
11 thought given the change in sanctions in recorder's court
12 that we were really onto something that by enhancing the
13 sentences for assault, we could reduce homicides. Given
14 my analysis of the assault data, I'm now much more skeptical
15 that that's the case. It does not appear that you can
16 attribute the decline of homicides to the felony firearm
17 law unless there's some decline in the number of assaults,
18 so my current working hypothesis is that the Michigan
19 Felony Firearm Law did not have a preventive affect on
20 firearms offenses in the City of Detroit.

21 Now, we can ask why, I think there are two
22 possible reasons, maybe more if we assume that are data
23 are correct and that our analysis is reasonable. The first
24 one, it seems to me, is that the law is simply too weak
25 in intervention. If someone is considering committing an

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1 offense with a gun, that is they're premeditating it, the
2 kind of thing where you might expect they would take into
3 account a mandatory sentence, it may be that a two year
4 sentence is just not strong enough deterrent if the possibility
5 is that you're going to be facing someone who may be armed
6 so that your own life is at stake so one possibility is
7 that it just isn't a strong enough sanction to have an
8 affect.

9 Another possibility and I think this may be
10 more reasonable and it fits with the sorts of things that
11 Professor Moore was saying, is that the scope of the law
12 may be much too narrow. That is, it deals only with those
13 people who are committing a felony such as an armed robbery
14 or an assault and it does not influence the carrying of a
15 gun, the kind of thing where one might become involved in
16 an altercation or decide on an impulse to commit an offense.
17 The law does not give the law enforcement any tools to deal
18 with the casual carrying of a weapon. I'm unable at this
19 point to distinguish between those possibilities but I think
20 that those are the lines that one should pursue in trying
21 to determine exactly what is going on.

22 I'd like to point out that the -- it seems to
23 me that this is a very popular strategy because it offers
24 a strategy to reduce violent crime without great cost and
25 therefore there's a lot of enthusiasm for it. On the

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1 other hand, if in fact, it turns out that the law, this
 2 kind of strategy does not reduce crime then I think that
 3 there's some question as to whether it's a viable strategy
 4 to pursue, primarily because it may defer the attention from
 5 other kinds of policy such as restrictions on carrying
 6 which might have a better chance of reducing violent crime.

7 If the law had had an affect, there would have
 8 been considerable cause for celebration. I think we would
 9 have had something comparable to a criminalogical wonder
 10 drug, like Penicillin, because it would reduce crimes,
 11 save lives, and it would be low cost. On the other hand,
 12 if it in fact, doesn't save lives, it may be something
 13 more like Laetrille rather than Penicillin.

14 MR. HARRIS: Thank you. Professor Wilson?

15 PROFESSOR WILSON: I want to congratulate you,
 16 Professor Loftin, for a very thoughtful piece of research
 17 and a very dispassionate presentation. As you know, fellow
 18 academics always like to test one another's arguments with
 19 questions. I'm going to test yours with questions not
 20 because I disbelieve your arguments but because I'm not
 21 sure yet I fully understand and I want to make certain
 22 that you haven't answered as I suspect you do, to all of
 23 the questions that naturally occur.

24 PROFESSOR LOFTIN: Well, I'm eager for questions.
 25 I haven't had much of a chance to talk with --

1 PROFESSOR WILSON: My --

2 PROFESSOR LOFTIN: -- other people about this.

3 PROFESSOR WILSON: I'm putting myself in the
 4 position of a person in Detroit, Wayne County, aware in
 5 general terms that this law is passed and asking would I
 6 change my behavior and if I did change it, would my
 7 behavior change in a way that resembles what your figures
 8 show. You interpret the figures as suggesting no change
 9 in behavior attributable to the law and I want to offer
 10 the counter hypothesis that there was a change in behavior
 11 attributable to the law and see where the weaknesses are
 12 in my argument.

13 First, the fact that the decline in crime starts
 14 five months early strikes me as plausible. If I knew such
 15 a law were going to be passed and if I knew that it takes
 16 a long time for a case to come to trial and for judges to
 17 make a decision, I might not be to clear as to exactly when
 18 I would be exposed at greater risk and therefore if I were
 19 rational about it, I would probably reduce predatory acts
 20 involving guns well before the announced date of the law
 21 just to make sure that I wasn't caught up with a sentencing
 22 decision made after the law went into effect for an arrest
 23 that occurred or a crime that occurred before the law.

24 I would be vague on this and therefore being
 25 prudent, I would cut back early. That might be consistent

1 with the early decline. With respect to the decline in
 2 homicides but not assaults, perhaps I would say to myself,
 3 when I really get mad at my wife or lover or whoever,
 4 probably the existence of this enhanced sentencing law
 5 isn't going to affect me when I'm impassioned in short, and
 6 most assaults are probably crimes of passion. The existence
 7 of this law will probably make no difference. Many murders
 8 are of the same character, crimes of passion but as we
 9 know in Detroit and other large cities, a very large
 10 fraction of murders now involve non-familial, stranger to
 11 stranger, attacks and therefore I would say to myself well
 12 I'm going to cut back on that component of my activity, the
 13 premeditated more deliberate crime.

14 Not all murders will go down therefore, but that
 15 component of the murder rate would go down, and then the
 16 third thing I would say to myself is that after the law
 17 has been in effect for a while and I notice that Mr. Cahalan
 18 vigorously is prosecuting it, I then begin to notice the
 19 judges are not enforcing it. That the add-on is not occurring
 20 and I'd say hey, Cahalan is pulling a fast one on me.
 21 This is a public relations stunt. He may be well intentioned
 22 but the judges aren't on his side and so then I would
 23 probably start allowing my rate of criminality to go back
 24 up.

25 Now what is wrong with that alternative

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1 interpretation?

2 PROFESSOR LOFTIN: Okay. Well, there are three
 3 and they're all very, very good points. They're things
 4 that I've thought about and tried to deal with.

5 PROFESSOR WILSON: I'm sure you did.

6 PROFESSOR LOFTIN: The first one, I guess is
 7 the most difficult thing to deal with. The question is
 8 where do you start looking for the intervention and if you
 9 leave open the possibility that it could occur anywhere
 10 then it's very difficult to come to a conclusion. The
 11 facts are that I went through the newspaper. The law passed
 12 the legislature in February of '76. Then there was no
 13 publicity in either of Detroit newspapers until one month
 14 before the law went into effect, and there was a lot of
 15 publicity about other crime problems. It may have crowded
 16 it out so I don't see any reason to indicate that potential
 17 offenders would have been anticipating this law, particularly
 18 there were other things that were going on, that people were
 19 very aware of and it may be that the change in the
 20 administration of the police department was something was
 21 undoubtedly communicated to the population and new policies
 22 and so on but I don't see those as being distinctive to
 23 the felony firearm law.

24 Though it's interesting that even in recorders
 25 court there was some confusion as to when the law went

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1 into effect. We found a few cases where they were trying
2 to prosecute cases that, where the offense had been
3 committed in '76 before the law actually went into effect
4 in '77, but that was trivial, just a couple of cases.

5 The second issue as to the homicides, I've tried
6 to deal with that by looking at the type of homicide and
7 looking at stranger homicides as opposed to homicides
8 between more intimate relationships because I divided the
9 homicides into three groups. Those that were clearly
10 strangers, those that were acquaintances. Now acquaintances
11 is very difficult. That's the ones usually where you don't
12 know what the victim-offender relationship is and then
13 those that are among close relatives and close friends, and
14 I find exactly the same pattern in both of those and that
15 doesn't preclude your interpretation but it does make it
16 less likely because you would expect to find that the law
17 would have more of an affect on stranger homicide than on
18 the non-stranger homicide.

19 I have more of those data to look at. I have
20 the ten years of homicide data that we collected during the
21 year. I'm still working on that. I'm going to pursue that
22 line.

23 I believe it was the third point, what was the --

24 PROFESSOR WILSON: The judges didn't, in fact,
25 enforce the law.

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1 PROFESSOR LOFTIN: Yeah, I tried a number of
2 different intervention models to see if perhaps there was
3 an affect early that when the offenders found out that the
4 law was not being enforced in recorder's court that their
5 behavior might have changed and I tried one where there's
6 an immediate step reduction. I tried one where it goes in
7 slowly and stays down. I've tried one where it goes in
8 and just drifts back up and none of those fit. There's no
9 indication that the offense data corresponds to those kinds
10 of alternatives. Now I've only done it for a couple of
11 years. It's possible that through time the patterns will
12 stabilize and we'll find something else but in approximately
13 three years of monthly data, after the law went into effect,
14 I don't find anything that mirrors either deterrents or
15 an incapacitation of facts.

16 PROFESSOR WILSON: Thank you, I give you an A
17 for your seminar presentation.

18 MR. HARRIS: Chief Hart?

19 CHIEF HART: Professor Loftin, that was an
20 outstanding presentation. This scientific research is
21 put together in a fashion that the practitioner can understand
22 it. It looked like one of Deputy Chief Hale's reports,
23 that the Department have to understand. He's in charge of
24 the major crimes division. They're concerned with most
25 of the problems that you identified.

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1 One of the things that I noticed about your
 2 report on figure 1, on homicides in the City of Detroit,
 3 you remember the civil disturbance of '67, the citizens
 4 ran out and bought guns to defend their homes and they
 5 began to use those guns in the '60s and mid-70s on each
 6 other, and we have a high peak. I noticed that you identified
 7 the middle of the '70s as the height of our homicide period.
 8 Also taken into consideration was the drug war going on
 9 at the time and coupled with the layoff of police officers
 10 and a backlog in recorder's court and the gang problems of
 11 the '70s, what made your report so good, you proved it
 12 scientifically what we were saying all along and also
 13 when we're going to start to enforce the law in the city,
 14 most cities do this, we advertise so citizens can understand
 15 what our intentions are, and you proved that scientifically
 16 that it pays to advertise so citizens will understand and
 17 probably those 6 days that we didn't have any homicides
 18 had a great affect on that.

19 Also I still think it was a million to one shot,
 20 that a million and a half people coexist in a 146 square
 21 miles with all the aggravations they get into and not
 22 end up in the assaults, end up in ones death and I'm sure
 23 that the great affect was the advertising campaign that
 24 went on on that -- but as you pointed out, it was not
 25 directed at homicides at all, the kinds that usually occur

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1 between friend and family. However it did affect greatly
 2 the felony murders, the multiple types that narcotics dealers
 3 was knocking each other off a territory. It had an affect
 4 on that and along with the narcotics enforcement of course,
 5 so the only question that I have, I think your report was
 6 self-explanatory and I certainly don't have any questions
 7 except one I did write down here that I was going to ask
 8 you about for the future.

9 Well, Professor Wilson hit on that and we brought
 10 that up earlier, probably sitting there and heard me ask
 11 Dr. Moore the question and he kind of -- I asked the three
 12 ways he still got away from me, but you pointed it out that
 13 the problem now is with the mandatory sentence is the judges.
 14 They resist. I guess it's human nature to resent that you
 15 would be compelled to mandatory sentence someone to prison.

16 I don't know how we're going to get around that
 17 one. I did ask Dr. Moore and I'll ask you. Would you
 18 recommend that perhaps to make this a universal law through-
 19 out the nation, that if you commit felony with gun in
 20 possession, that you'll get a -- 2 years is not enough,
 21 you said, perhaps 5 years or more. We're concerned greatly
 22 as you know, about the violence in America and the average
 23 citizen does possess a gun. There's about 50 million
 24 described by Dr. Moore, that means that 1 out of every 5
 25 persons theoretically have a gun and some families have

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1 several. That means some of us don't have guns but they're
 2 out there and they're being used by felons. Would you
 3 recommend that, to the panel, that they should consider
 4 a mandatory law in the use of gun. You wanted to stretch
 5 it beyond felony, apparently because of some of the violence
 6 never subsided, although the law went into effect.

7 PROFESSOR LOFTIN: I tried to give you a direct
 8 answer to that. The law is very popular. I did a survey
 9 which I alluded to earlier, two years ago in the metropolitan
 10 area and one of the things I asked people was even if the
 11 law doesn't have any effect, that if it doesn't prevent
 12 violent crimes, would you still approve it even though
 13 it costs money to incarcerate people and to process these
 14 cases?

15 65 percent of the population said yeah, they'd
 16 still approve of it and that's because they think that
 17 there's justice in sentencing people who commit offenses
 18 with a gun and on those grounds the law may be very good
 19 because of the justice involved in it. On the other hand,
 20 I think you have to be very careful if you're going to
 21 institute this. It's a way of controlling violent crime
 22 which is another goal and I think that I'm somewhat more
 23 skeptical about that. It's nothing -- I wouldn't oppose
 24 it any on those grounds but the problem is that one might
 25 do that on the assumption that that's going to reduce violent

1 crime and it probably won't have that affect, or at least
 2 that's what our experience here would indicate, and to
 3 the extent that it might divert attention from possible
 4 policies that would have preventative effect, then I think
 5 it would be problematic.

6 CHIEF HART: Okay, I understand the problem.
 7 The problem is the good citizens do carry their guns to
 8 the street and we catch them and they will tell us we'd
 9 rather the police to catch us with it than the criminal
 10 to catch us without it so we understand that. I'm not
 11 talking about, you know, having mandatory sentence on those
 12 people but I'm talking about people that go out and rob,
 13 you know, for instance.

14 PROFESSOR LOFTIN: My answer is that don't expect
 15 that policy to have a preventative effect on violent
 16 offenses, on the basis of our experience here. It may be
 17 good because it's just.

18 CHIEF HART: But why didn't it have an effect
 19 here?

20 PROFESSOR LOFTIN: Well, two speculations. One
 21 is that the -- it was not enough of an intervention either
 22 because it was muted by the court or because two years
 23 just isn't enough if you're considering committing an
 24 offense with a gun. If you're committing an offense with
 25 a gun, you're are serious and you may be robbing, you know,

1 someone who is armed so that you're making a calculation
 2 where you're saying well, it's a possibility of a two year
 3 mandatory but the guy that I'm robbing may have a gun so
 4 it's going to take a lot more than the possibility of a two
 5 year sentence to get me to switch to a knife rather than
 6 using a gun.

7 It's also possible that the sanction didn't change
 8 enough in the court but I'm skeptical of that because this
 9 was a tough law. I mean in all the sentences that you
 10 would expect and people should have believed, it certainly
 11 took me two years to figure out that the sanctions didn't
 12 change much. People should have believed that there was
 13 going to be a significant change in the probability of
 14 incarceration of a lengthy sentence.

15 CHIEF HART: Well, they did in the beginning
 16 but as soon as they found out that there were ways to
 17 circumvent it then they continued. I agree with you, the
 18 sentence probably should be longer and you have to be serious,
 19 you know, to portions of the criminal justice system. That's
 20 why I keep raising the question. If we could make it a
 21 federal law --

22 PROFESSOR LOFTIN: I think it's always possible
 23 to devise new ways of constraining the judges. I mean,
 24 you can plug additional holes and so on but I'm just not
 25 sure that that's going to have a payoff in terms of preventing

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1 offenses.

2 CHIEF HART: Thank you very much.

3 PROFESSOR LOFTIN: It may.

4 CHIEF HART: I won't keep harping on judges so
 5 I'll end the questions right now.

6 Thank you.

7 MR. HARRIS: Mr. Littlefield?

8 MR. LITTLEFIELD: Professor, was any consideration
 9 taken in your studies to the decline in the population in
 10 Detroit between 1970 and 1980?

11 PROFESSOR LOFTIN: Well, as I say, it's difficult
 12 to get population data between censuses and my collaborator,
 13 David MacDonald and I went to great efforts to estimate
 14 population in Detroit over the full 50 year period so that
 15 we could get baseline data. We did the best we could, in
 16 doing things like getting school censuses, getting vital
 17 statistics and trying to estimate the population of the
 18 city and to the extent it was possible, we did that but
 19 it's certainly difficult issue and there has been a dramatic
 20 change both in the numbers and in composition of the city.

21 MR. LITTLEFIELD: It's down about 20 percent,
 22 is it from 1970, the population?

23 PROFESSOR LOFTIN: At least.

24 MR. LITTLEFIELD: Thank you.

25 MR. HARRIS: Mr. Armstrong?

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1 MR. ARMSTRONG: Do you have some other suggestion
2 then that you can recommend to the panel. Obviously, if
3 the mandatory sentencing structure that you have here is
4 not as effective as you so have proven, we're looking for
5 programs that can be laid over universally, you know, the
6 federal system. You've heard some talk about regulation
7 and I just read recently where someone who wants to bring
8 into this country a piece of Italian sausage goes through
9 more regulations than someone who wants to bring in a
10 firearm.

11 Can I lead you off into that path because I
12 think you've answered most of the questions dealing with
13 your findings. Do you have some thoughts and recommendations
14 that you can give the task force?

15 PROFESSOR LOFTIN: I would like to see more
16 experimentation with restrictions on carrying and possession.
17 It seems to me that if the preliminary evidence from
18 Massachusetts hold up, that at least what I've seen from
19 the there there's some indication that that kind of a law
20 which is more broadly focused on carrying a weapon rather
21 than using it, specifically in the commission of a felony,
22 seems to have had some effect.

23 Now I think that kind of law ought to be
24 subjected to scrutiny but it seems to me that that's of
25 the policies that I'm aware of that's the one that seems to

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1 hold some promise but I think we're in a situation where
2 we don't really know. We have limited evidence in a few
3 places and there's strong need to investigate those kinds
4 of policies.

5 MR. ARMSTRONG: One of the recommendations that
6 the task force is already made in Phase 1 is that we need
7 some system of tracking the firearm offenders in this country
8 so that there's data available to other law enforcement
9 agencies. The Secret Service in the protection of our
10 elected national figures to the assistance in investigations.
11 Do you feel that if that were implemented that that would
12 have a deterrent effect or do you think it's going to go
13 by the way of mandatory sentences?

14 PROFESSOR LOFTIN: I really don't have any basis
15 for a statement on that. I mean, there are lots of problems
16 in keeping up with offenders and to the extent that firearms
17 are an indication that this is a serious, potentially a
18 serious offender, then it might have some real payoff but
19 I really don't have any basis for evaluating that.

20 MR. ARMSTRONG: Thank you.

21 MR. HARRIS: Mr. Edwards?

22 MR. EDWARDS: Yes. Professor, one observation.
23 The recognition of the lag time factors associated with
24 mandatory sentencing laws and your conclusion that usually
25 this type of thing is a cumulative reaction; one, public

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1 sentiment considerations, good police management practices
 2 and thirdly, the reaction with funding mechanisms to react
 3 to a particular situation all have accumulative effect that
 4 does in some ways deter crime for a significant period of
 5 time but it does have a sine wave approach. It's going to
 6 be up and down dependent upon how well it's publicized and
 7 recognized throughout the area at that time.

8 I did want to ask you one question where you
 9 referenced a direct correlation between handguns sales and
 10 violent crime increases. It leads one to the conclusion
 11 that they're directly related. My question really is,
 12 is that a reaction by the public where as violent crime
 13 goes up, they're going out and buying more guns for self-
 14 protection as well as the conclusion that can be drawn that
 15 as handgun sales go up, then violent crime goes up. Would
 16 you clarify that a little, please?

17 PROFESSOR LOFTIN: Well, my research to this
 18 point deals only with the first half of that. Although
 19 technically you can't ask one question without asking the
 20 other. You have to look at both but that's really a
 21 technical statistical consideration in how you estimate
 22 the equations that are involved but what we have done so
 23 far is focused on the demand for legitimate sales of
 24 handguns. These are, in Michigan if you purchase a
 25 handgun, you must get a permit from the police department

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1 and those data are that the number of licenses to purchase
 2 a handgun for the City of Detroit from 1951 to 1979, and
 3 what we find is that there's a consistent pattern that
 4 when violent crime goes up, the handgun sales -- or the
 5 purchases, permits to purchase go up and we interpret that
 6 and statistically it fits that kind of model.

7 The other half of that is that when the police
 8 per capita rises, the sales go down and vice versa, when
 9 police per capita go down, which may be more characteristic
 10 of Detroit, the handgun sales go up.

11 Now, the other half of that is do handguns drive
 12 or produce violent crime. We did our estimates on the
 13 assumption that that was true, just to take that into
 14 account. If it were true that was taken into account in
 15 our estimates, but we have not investigated. That's much
 16 more difficult because in order to do that you have to have
 17 some indication of how many guns there are in total in the
 18 city, not just legitimately purchased handguns and the
 19 only thing we have data on is the number of purchases of
 20 legitimate handguns. There may be many illegal guns in the
 21 city and we don't have that -- those data.

22 MR. EDWARDS: Thank you.

23 MR. HARRIS: Professor, I just have one question.
 24 It's along the hypothesis lines. If you look at the money
 25 mortgage rates, you know there was a time in this country

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1 when if you suggested to anyone that they would be paying
 2 mortgage rates in excess of 10 percent, they would have
 3 told you that no American would ever sign his name on the
 4 line for 10 percent mortgage. Now people camp out in the
 5 streets to get 12 and 13 percent mortgages.

6 What I'm suggesting is perhaps what you see in
 7 your study or have you considered the fact that it is
 8 simply explained by the adaptability of the human condition
 9 in that the criminal class adapts to impediments and to
 10 changes in their work environment in a way which all
 11 Americans do?

12 PROFESSOR LOFTIN: Well, it's a very interesting
 13 point. I think that's probably true but it takes some
 14 period of adaptation and I think that what, by looking
 15 at it monthly, if there had been some reduction it would
 16 have been evident, even though it might have drifted back
 17 up to the original level just as presumably people return
 18 to buying houses, there's some period of reduction in
 19 demand for housing when the mortgage rates go up and
 20 there's no indication of a reduction in the demand for
 21 firearms offenses in Detroit.

22 MR. HARRIS: Professor, thank you very much for
 23 being here. We certainly appreciate your report to us.

24 PROFESSOR LOFTIN: My pleasure.

25 MR. HARRIS: Right now, we're going to take a

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1 slight departure from our agenda. As you know, yesterday
 2 in Chicago, the task force finalized its Phase 1 report to
 3 the attorney general and we have with us today the associate
 4 attorney general of the United States, Rudolf Guiliani,
 5 and I understand that the attorney general has made some
 6 decisions about our recommendations and Mr. Guiliani has
 7 asked a chance to tell the task force the department's
 8 reaction to our recommendations.

9 MR. GUILIANI: Good morning and thank you very
 10 much. I'll be very brief. I thought it was appropriate
 11 since you have on time and in a very expeditious manner
 12 produced recommendations for the Department of Justice,
 13 in that the attorney general had reviewed last week in
 14 draft form and that I spoke to him about this morning,
 15 now that they are finalized, that I delivered to you as
 16 quickly as possible, at least his preliminary views on
 17 your recommendations.

18 The attorney general, Attorney General Smith,
 19 as you know, views the problem of violent crime in America
 20 as a crucial problem that our society, that government at
 21 all levels must face up to, and he has reviewed your Phase
 22 1 draft report, and now your final report, and he and I have
 23 been very impressed. Your task was not to study the problem
 24 of crime to death but to recommend, based on your expertise
 25 and you've done that and done that very effectively.

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1 Your task in Phase 1 was not to follow the
2 familiar political response of throwing more and more money
3 at the problem of crime but rather to come up with
4 recommendations without considering additional resources
5 or new legislation and that is a very, very difficult task
6 and you've done that very effectively.

7 Your thoughtful analysis of the Federal Law
8 Enforcement System and its necessary interrelationship
9 to state and local law enforcement is of real use and value
10 to those of us who have to get the job done, to professionals.

11 Some of the significance of it may be lost by
12 those who approach this problem by treating it as one that
13 lends itself to simplistic one answer solutions. But
14 rather than involving yourself in that kind of thing, you
15 have presented us with an analysis of those things which
16 are realistic and which actually can be done. It is
17 remarkable that you have prepared your draft in the period
18 required and that it has been such a useful work and one
19 that will be of such great assistance to us.

20 The attorney general on Tuesday in dedicating
21 the new FBI facility at Quantico commended you for your
22 fine work and I want to bring those commendations to you
23 directly from him and we will respond in kind.

24 Next week the chief officials of all of the
25 federal law enforcement agencies and prosecuting agencies

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1 will be asked by the attorney general to implement each one
2 of the recommendations that you have made that he does
3 agree with and to offer constructive analysis very, very
4 quickly within 10 days of all of your proposals and to offer
5 plans for implementing them to the extent that we can find
6 uniform agreement, within and among the federal law
7 enforcement agencies.

8 I'd like to briefly cover some of those, at least
9 tell you, report to you quickly the preliminary response
10 and then later report back to you on precisely what's been
11 done with each one of your recommendations.

12 The first recommendation, that the attorney
13 general should examine the feasibility of designating a
14 single federal law enforcement agency to coordinate all
15 federal and state unlawful flight to avoid prosecution
16 and other fugitive activities will be assigned to the FBI
17 and to the United States Marshalls to develop what I would
18 imagine would be alternative plans, within 10 days for
19 decision by the attorney general and by the time of your
20 next meeting, we hope to be able to report to you what that
21 decision is and there will be a decision by then.

22 The second, the attorney general should invoke
23 his authority under Title 21 of the United States Code and
24 request the United States Navy to assist in detecting air
25 and sea drug traffic, will be given to DEA for action and

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1 for decision by the attorney general, by early next week.

2 The third, that the attorney general should work
3 with the appropriate governmental authorities to make
4 available military facilities, will be given to the Bureau
5 of Prisons for action so that they can develop a plan and
6 that can be presented to the attorney general so that that
7 very, very useful and important recommendation is implemented.

8 Attorney General Smith believes that a first
9 priority of the Criminal Justice System has to be No. 1, to
10 build more prisons and No. 2, to look for ways in which we
11 can do more with the prison population that we have.

12 This is a very, very useful first step in dealing
13 with that problem and dealing with the emergency nature of
14 it.

15 The fourth which relates to FBI Interstate
16 Identification Index will be given to the Bureau for action
17 and for decision by the attorney general as will the fifth
18 recommendation.

19 The sixth and seventh recommendations relating
20 to establishing law enforcement coordinating committees and
21 the cross designation program has already been implemented
22 by the attorney general. He announced that the other day
23 and all that remains now is to work out an actual order and
24 directive from the attorney general to implement those two
25 recommendations.

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1 Since a good deal of that activity falls within
2 my area of responsibility, I can tell you that your analysis
3 and your recommendations in that area will be very, very
4 useful to me and I commend you for them.

5 The rest of the recommendations rather than going
6 through each one of them individually, I think the most
7 sensible thing to do would be for me to report to you either
8 at your next session or the session after that on exactly
9 what's been done to implement each of these to the extent
10 that there may be some disagreement or there may be some
11 different way of going. I will also report that to you,
12 but I want you to know that each one of these recommendations
13 is going to be considered. It's going to be considered
14 within the next week and the process is going to move along
15 quickly to implement these.

16 These are very useful, very, very practical
17 recommendations that can be of assistance to us. They
18 don't have -- and they're recommendations that I think are
19 understood best by those of us who have to do this kind
20 of work and have to get this kind of job done. And we
21 will keep you apprised of precisely what we do to implement
22 them.

23 MR. HARRIS: Thank you very much. We appreciate
24 you coming today.

25 MR. GUILIANI: Thank you.

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1 MR. HARRIS: Our next witness is William L.
2 Cahalan, the prosecuting attorney of Wayne County. Mr.
3 Cahalan, welcome.

4 MR. CAHALAN: Thank you. I'm surprised on a
5 day like this that the Chief doesn't have you out on Belle
6 Island instead of in this hotel.

7 I'd like to thank you for this opportunity. I
8 want to congratulate Chief Hart in getting his Doctorate
9 Degree. Professors are not the only Doctorates in the
10 room, and I want to welcome you all to Wayne County.

11 I'm particularly pleased to see Professor Wilson
12 here and on the panel because in my opinion, which is not
13 humble, he is probably -- has said more and clear and shed
14 more light on the criminal justice system than any person
15 I've ever contacted.

16 To show my sincerity in that I think I purchased
17 15 copies of the book and sent it around to all different
18 people so that's --

19 PROFESSOR WILSON: There is no higher compliment
20 you can pay than actually cash money only.

21 MR. CAHALAN: Cash money. I will have to
22 admit, however, I did submit a voucher to the county.

23 Just very briefly some background about where
24 you are. You're on Wayne County, third largest county
25 in the United States with Detroit and 42 other cities.

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1 And our office handles about 30,000 cases a year.
2 We handle them all, the trial courts and juvenile court.
3 We represent the people in all the appellate courts including
4 the United States Supreme Court where we appeared three times
5 and were batting 1,000.

6 And we do all this with relatively few people.
7 We have about 100 attorneys, 13 investigators and 47 clerical
8 help.

9 We have the reputation, I'm very proud to say is
10 one of the most efficient offices in the country. If
11 you have time I'd like to show it to you.

12 I hope I can help you in making your recommendation
13 to -- on what the federal government can do to combat violent
14 crime in the United States. Crime and the fear of crime is
15 still perhaps the number 1 issue in America, at least
16 particularly in large cities which determine where we live,
17 where we work, where we send our kids to school and where
18 we play, and that's right. It should be that way.

19 In fact, the fear of crime is making all of us
20 the greatest prison population in history. Self made
21 prisons that we form when we place bars on our own windows.
22 As I drive around my own neighborhood I see house after
23 house putting up bars on their windows and doors, putting
24 double locks on our doors and alarm systems throughout our
25 homes and so many guard dogs at our entrance that it's not

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1 safe to jog in my neighborhood anymore because of the dogs.

2 This fear, if allowed to go unchecked will empty
3 the cities and will destroy the American sense of the
4 friendliness and community and I'm confident that it will
5 lead to vigilantes. Today, more and more people are arming
6 themselves. Today, more and more law abiding citizens are
7 arming themselves. Today, criminals more and more use
8 handguns in the commission of crimes. The reason for
9 both, our criminal justice system.

10 The law-abiding have no confidence that the
11 criminal justice system works and will protect them. The
12 lawless have confidence that the criminal justice system
13 will not work and that they have nothing to fear. Volumes
14 have been written and spoken about gun control. The best
15 way to achieve gun control is to instill confidence in the
16 law-abiding that the system works and to instill fear in
17 the lawless that the system works.

18 Professor Loftin pointed out that the sale of
19 guns goes up as the confidence in our system declines.
20 Fortunately here in Wayne County and in particularly in
21 Detroit, we have tried some things and they do work.
22 They make this criminal justice system work better and
23 this has had an affect upon crime in the City of Detroit,
24 a significant affect upon crime in the City of Detroit.

25 Detroit stands out among the major metropolitan

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1 areas in the nation for having countered the national
2 trend for the increase in crime. In the last 7 years, from
3 1973 to 1980, in the United States of America, crime
4 increased 53.3 percent. In Detroit, 9.4 percent. A signi-
5 ficant difference. Why is this occurring in Detroit? Well,
6 I'd like to enumerate and comment briefly on what was
7 occurring in the legislature, in the police department,
8 the courts and the prosecutor's office during this same
9 7 year period, and perhaps we can find out what the answer
10 is that Detroit had such a small increase in crime compared
11 to the national average.

12 In the early 1970s, Detroit was experiencing
13 a sharp rise in homicides, particularly in narcotics
14 related execution killings and in robbery murders.

15 Detroit became known as the murder capital of
16 the nation, so in January of 1974, "Squad Six" was formed.
17 It consisted of 10 detectives and 1 assistant prosecutor.
18 Their assignment was to attack narcotics related executions
19 and from its inception "Squad Six" was successful. Its
20 success led to the creation of "Squad Seven" in December
21 of 1974. There we had 12 detectives and 1 assista
22 prosecutor who were assigned to investigate and prosecute
23 felony murders. The success of both squads is reflected in
24 the statistics.

25 In a 7 year period, after it was established,

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1 homicides in the United States of America increased by 12 1/2
2 percent and at the same time in Detroit they decreased by
3 1/3.

4 Why? Because we tried to make the system of
5 criminal justice work a little better. The police and
6 the prosecutor cooperated. We improved the criminal justice
7 system and crime, murder, decreased.

8 Another serious problem was rape. On April
9 1st, 1975, Michigan or the Michigan legislature enacted
10 and put into affect what is described as the most comprehensive
11 rape law reform in the nation.

12 Since that time approximately twice as many
13 rapists and sex offenders are behind bars because the
14 criminal justice system was improved by this legislation,
15 and it is reflected. Nationally, from 1975, the year the
16 law went into affect, to 1980, nationally rapes increased
17 by 51 percent. In Detroit rapes decreased by almost 8
18 percent. As a consequence of this legislation, things are
19 notable. First, more of the committed rapes are now being
20 reported and yet there has been a decrease in the number
21 of reported rapes since 1975.

22 While there has been a small increase each year
23 since 1976, in Detroit, Detroit compares very, very favorably
24 with other large cities in which rape leads all crime
25 categories in the percentage increase in each year.

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1 Finally, these gains of increasing the reporting
2 of rape, decreasing the number of rape and incarcerating
3 more rapists, have been accomplished simultaneously with
4 protecting the sexual privacy of the victim.

5 The major aim of the new law was to prevent the
6 so-called "second rape". The "second rape" was that what
7 we call when the victim testifies in court after having been
8 raped, she has to go on the witness stand and testify in
9 court, and be oftentimes be crucified by defense attorneys
10 on her every thought, desire or act on her prior life,
11 no matter how irrelevant to the case. That no longer
12 occurs in Michigan, and the reason the system is working
13 better in that area is because the citizens, particularly
14 the womens' groups in Michigan, the police, the prosecutor,
15 and the legislature got together, passed the law, made the
16 system works. When the system works, rapes decrease.

17 In another area, the prosecutors repeat offender
18 bureau was begun, September of 1975, with federal assistance.
19 It was based on the theory that a small number of criminals
20 account for a disproportionately large number of crime.
21 A study by the Law Enforcement Assistance Administration
22 found that in Washington, D. C., 7 percent of the defendants
23 were responsible for 25 percent of the cases.

24 A study by the New York Times found in New York
25 6 percent of the defendants were responsible for 67 percent

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1 of the violent crimes.

2 The theory was to focus some of our very limited
3 resources, as I commented on them earlier, to focus these
4 limited resources on the most dangerous repeat offenders.
5 These resources allowed smaller case loads for our assistant
6 prosecuting attorneys and vertical prosecution instead of
7 horizontal prosecution, and I think you know what I mean.
8 We assign an assistant prosecutor even at the investigation
9 level and that assistant prosecutor stays with the case
10 all the way through, whereas with the mind run, though I
11 hate to reuse the term mind run when we're talking about
12 crime but that's what we have to do. We have a horizontal
13 or a modular or an assembly line system of justice because
14 it's the most efficient.

15 Probe is and is highly successful, very successful
16 because from 1975 to 1980, the probe unit convicted over
17 2,000 hard core criminals and the average minimum sentence
18 was 10 years. Because of that it is reasonable to conclude
19 that on a conservative estimate, each of these convicted
20 defendants would have been responsible for 20 potential
21 felonies per year. Using those figures, it is reasonable
22 to conclude that this unit has prevented at least 120,000
23 felonies over a 5 year period by taking these hard core
24 criminals off the street.

25 This is a conservative estimate in light of the

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1 type of the defendants that this unit convicted.

2 Just 4 examples. One defendant, 65 robberies
3 in 3 months. Another defendant, 200 burglaries in 1 year.
4 Another defendant, 125 rapes in 2 1/2 years. He's fortunately
5 doing 2 life terms. Another man, 14 murders. That man
6 is doing 3 life terms. You take them off the streets,
7 you reduce crime.

8 The syst -- make the system work, you reduce
9 crime. Unfortunately the funding for this unit has been
10 cut in half by the local authorities.

11 Prosecutor, state and federal authorities
12 cooperated to establish the probe unit, made the system
13 work, therefore less crime. The felony firearm law took
14 affect, as you heard, on January 1st, 1977. Professor
15 Loftin has covered this in detail.

16 You will recall the provisions of the law,
17 2 year mandatory sentence for carrying a gun while committing
18 a crime -- felony.

19 When it first went into affect, it had I think,
20 impact. It was highly publicized that it would be strictly,
21 certainly and uniformly enforced. Unfortunately, the will
22 of the people of the State of Michigan has expressed through
23 their legislature was thwarted by the judiciary.

24 It must be a judge in the audience.

25 First of all a large number of trial judges

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1 found the law to be unconstitutional. This jud -- this was
 2 the typical judicial reaction to any interference with their
 3 God given right to determine the sentences, unfettered by
 4 the legislature, by the people, by the prosecutor or by the
 5 police, and that wasn't corrected until June of 1979 when
 6 the Michigan Supreme Court in a case of the Wayne County
 7 prosecutor versus the recorders court judges, determined
 8 that the law was constitutional.

9 Another thing was that before and after that date
 10 the judges refused to find defendants guilty of the crime
 11 even though the evidence was overwhelming thus obviating
 12 the necessity to send the person to jail for 2 years.

13 There was nothing that the prosecutor's office
 14 could do about this. The data on that is overwhelming.
 15 Ordinarily in a bench trial, in the City of Detroit, recorders
 16 court 65 percent of the people are found guilty. Felony
 17 firearm, 13 percent. It's interesting to note that of those
 18 people who were found not guilty of the -- the 85 percent
 19 found not guilty of the felony firearm, 71 percent of them
 20 were found guilty of the underlying felony.

21 Here, the citizens, the legislature, the police
 22 and the prosecutor cooperated. The judiciary did not. The
 23 system doesn't work. The crime with the guns did not
 24 decrease.

25 Another dramatic increase I'd like to talk to

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1 you about what we call the crash program. Because of a
 2 dramatic increase in the docket of recorders court, the
 3 federal government and the state government assisted in
 4 financing a docket reduction program during the year of
 5 1977. As a result in that year, 4,461 criminals were
 6 incarcerated. This is the largest number in the court's
 7 history and I believe this factor, more than any other,
 8 contributed to the substantial decrease in crime during
 9 1977 and if you'll recall back here, the decrease in crime
 10 in 1977 in Detroit was 19 percent. Nationally it was 3
 11 percent. In 1978, which would still have affect on that
 12 crash program, there was 10 percent decrease in Detroit
 13 and almost a 2 percent increase nationally.

14 When you put people in jail, you're going to
 15 decrease crime. Let's improve the system. The time now
 16 between warrant and disposition of the case in recorders
 17 court is an enviable 90 days. We make the system work,
 18 we all cooperated there, the federal government, the local
 19 government, the police, the prosecutor and the courts,
 20 we made the system work. Crime decreased dramatically.

21 These are some of the examples that we have done
 22 locally to make the system work. Now, what can this task
 23 force recommend that the federal government do about violent
 24 crime in the United States, and the answer very simply is
 25 money.

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CONTINUED

1 OF 3

1 Now I might hear the groan of disappointment,
 2 particularly after I heard the attorney general talk about
 3 throwing money at a problem, but that's the unvarnished truth.
 4 It's true that millions of dollars were undoubtedly wasted
 5 during the early years of LEAA. I was here when it went
 6 into effect, and I participated perhaps in some of the
 7 waste of that money.

8 No one really knew what we were doing at that
 9 time. It was the first time in the history of the United
 10 States that we were taking a serious look at the criminal
 11 justice system, but the experience of those years have
 12 paid off. We now know what programs do work, but we need
 13 money in Wayne County to continue with our efforts and
 14 "squads six and seven" thus making the system work, making
 15 murders reduced. We need money to set up a sex crime unit
 16 in the prosecutor's office, make the criminal justice
 17 system have fewer rapes. We need money to continue the
 18 work of our repeat offender bureau and to expand it to
 19 include crime against senior citizens. We will not find
 20 the money in the treasury of the County of Wayne.

21 The Wayne County prosecutor's office is the
 22 most understaffed and underfunded prosecutor's office in
 23 the nation. During the law suit that it was necessary to
 24 bring against our funding unit, the Wayne County Board of
 25 Commissioners, Joan Jacoby of Washington, D. C., a nationally

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1 recognized expert, testified that 99 percent of all prosecuting
 2 agencies in this country had a lower case load and better
 3 staffing on the attorney, investigation and clerical level
 4 than did Wayne County.

5 The need for our repeat offender's bureau and
 6 the other special units such as "Squad six and seven" and
 7 a proposed sex crime unit becomes more clear when one
 8 understands that each trial attorney in Wayne County
 9 actually tried 40 felony trials last year and each appellate
 10 attorney handled 148 briefs. This is the greatest workload
 11 of any trial or appellate attorney in the nation.

12 The money, if it is to come, must come from the
 13 federal government, and it's proper that the federal
 14 government spend money in this way. It will be costly but
 15 in the words of Chief Justice Burger in his most recent
 16 speech, for the last 10 years many of our national leaders
 17 and those of other countries have spoken of international
 18 terrorism but our rate of routine day to day terrorism in
 19 almost any large city of the United States exceeds the
 20 casualties of all the reported international terrorists
 21 in any given year.

22 Certainly it will be costly for the federal
 23 government to undertake this program but in the words of
 24 James Reston, less costly than the billions of dollars and
 25 thousands of lives now hostage to crime in this country.

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1 As Burger said, this is as much a part of our national
2 defense as the Pentagon budget. We have seen that if we
3 improve the criminal justice system, crime will decrease.

4 We have seen this happen in Detroit with murder,
5 rape and Part 1 crimes, generally. We in the so-called
6 front lines of defense know what works. We can make this
7 system work. We can once again assure the law abiding that
8 the system will work and protect them and they can lay
9 down their handguns, and we can guarantee the lawless that
10 if they commit a crime they will be convicted and incarcerated
11 and we can impress the potential wrongdoer that crime really
12 does not pay anymore. We don't need any more gun laws.

13 We don't need to abolish the exclusionary rule.
14 We don't need capital punishment. What we do need is
15 just a few dollars and it's relatively a meager amount to
16 make the criminal justice system work.

17 You know, when I was preparing for this talk
18 and I looked over and saw that on the agenda and realized
19 that the 3 of the persons from the Academic world and I
20 have great respect for them and I cooperate with them fully,
21 were testifying this morning and I looked back over my
22 presentation and saw that it was -- dealt with statistics
23 and percentages and numbers and increased percentages,
24 decreased percentage, it occurred to me that perhaps we
25 should take a moment and think of the flesh and blood issues

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1 that we are dealing with today. We're not dealing with
2 numbers and percentages and theories. We're dealing with
3 Gregory Young who drove a customer home from the car dealer-
4 ship to her home in Rosedale Park, a section of Detroit,
5 sexually assaulted her, beat her to death and left her on
6 the kitchen floor for her 8 year old son to discover when
7 he returned from school.

8 We're talking about Earl Sullivan, and Dennis
9 DeJohnette who shot and killed an 83 year old man while he
10 was trying to protect his wife's purse from being snatched
11 while they were taking a stroll on the east side of the
12 City of Detroit.

13 We're talking about a 14 year old newspaper boy
14 who was lured into a home, sexually assaulted and brutally
15 murdered.

16 We're talking about a 19 year old girl that pulled
17 into her own driveway and at that point was kidnapped, taken
18 to an abandoned house and raped and murdered.

19 I think that we don't have to talk about throwing
20 money at a problem. I think that we should have enough
21 courage to recommend to the Congress that the people of this
22 nation are willing to pay to put an end to this carnage and
23 we know how to make the system work. All we need is a
24 relatively small amount of money, and I'm going to thank you
25 very much.

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1 MR. HARRIS: Thank you very much. Questions,
2 Chief Hart?

3 CHIEF HART: First one up to bat, Mr. Cahalan.
4 The Prosecutors Repeat Offenders Bureau had police officers
5 and your investigators. What we're looking for is ways
6 that the federal government can participate in turning around
7 the problem of violent crime in America.

8 Cross designations, we've looked at around the
9 country. In your Prosecutors Repeat Offenders Bureau,
10 could you see federal prosecutors working along with the
11 local police and your local prosecutors in working
12 conspiratorial type cases as we do together, and other
13 violent street crimes? Could you recommend that it could
14 be extended, not for just Wayne County but also have federal
15 participation?

16 MR. CAHALAN: Well, the Repeat Offender Bureau,
17 is probably one of the best things that was ever done with
18 LEAA money and anything to assist any Repeat Offender
19 Bureau's agency and all the offices throughout the country
20 would help. I would personally like to of course, see that
21 the funding come there but if it is impossible, if we're
22 going to assume that the people don't want to pay for a
23 decrease in crime very much, then we certainly would welcome
24 the cooperation of the federal authorities in assisting the
25 prosecution and assisting the police.

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1 We are fortunate, as you well know, in having
2 great cooperation among the law enforcement community here
3 in the Metropolitan Detroit area, both locally and federally,
4 in that I would welcome it if that's the way it was.

5 CHIEF HART: Then you have no problem with
6 including federal prosecutors being part of the team,
7 the task force?

8 MR. CAHALAN: Not at all. Not at all.

9 CHIEF HART: You hit on the exclusionary rule,
10 that apparently had a sore spot with you. I don't think
11 we're talking about doing away with the exclusionary rule.
12 Like the Walker hearings that we have here in the county,
13 when the evidence is not clear to a judge or maybe you're
14 not satisfied and the police are not too crazy about the
15 way evidence was gotten, we have what you can describe
16 what the Walker hearing is about, but I think that's what
17 we're talking about. When an officer confiscates a cache
18 of narcotics or some guns and there's some question about
19 the confiscation, the exclusionary rule give the police,
20 prosecutor and no one else any chance to get this into
21 evidence.

22 We're talking about now protecting victims of
23 crime. We all have our arms wrapped around the defendant,
24 protecting his rights, but no one remember the victim, so
25 that's what that's all about, having some kind of modification

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1 of the exclusionary rule, not -- we don't want to go back
2 to kicking in doors and that kind of stuff, even if we're
3 allowed to, we'd never go to that again. So we understand
4 the Miranda, Escavido and the Mapp versus Ohio, to protect
5 citizens from unusual search and seizure and we certainly
6 adhere to that.

7 The federal agencies always did. Those are
8 directed at the local authorities but the exclusionary
9 rule excludes the victim, to get his just dues in court.

10 Well, you have any problem with some modification
11 of the exclusionary rule, not the abandonment of such.

12 MR. CAHALAN: Well, when we're talking about
13 doing such things as changing the exclusionary rule, we're
14 talking about long lengthy process. I'm telling you, if
15 you'll recommend to the federal government that they give
16 me \$500,000 and what in the hell is that, I will guarantee
17 that we will make the system work that much better. Crime
18 will decrease that much more. It's the simple.

19 CHIEF HART: Okay, that's the only 2 questions
20 I had. I knew what your speech was going to be all about
21 so --

22 MR. CAHALAN: Well, you helped me write it.

23 CHIEF HART: That was speech No. 68, wasn't it?
24 Okay. Thank you very much. It was a great job. Appreciate
25 it.

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1 MR. HARRIS: Professor Wilson?

2 PROFESSOR WILSON: Mr. Cahalan, I was very moved
3 by your remarks even after having set aside your comments
4 about me, I'm sure if I were in your position, I would have
5 adopted and followed exactly the same strategies you followed.

6 I think you were attempting to do the best
7 possible job with limited resources. You've asked us to
8 recommend that you receive money. Now I have to ask, 2
9 tough questions in return because every city asks for money.

10 The first question, why does Wayne County cut
11 your budget? Why does Wayne County, by no means the poorest
12 county in the United States, indeed, in per capita income
13 one of the most affluent counties in the United States,
14 why does it deny you the resources to do the job that you're
15 patently capable of doing?

16 MR. CAHALAN: Well, I hate to defend the Board
17 of Commissioners who I sued to get the money, but they did
18 have a real reason -- I hope that this is not being recorded.

19 MR. HARRIS: It is.

20 MR. CAHALAN: I think we're going to have something
21 like a \$29,000,000 deficit in Wayne County this year. They
22 are broke and it's a question of whether or not they're
23 going to -- they got to make the hard choices, do we give
24 Cahalan another assistant prosecutor and take a nurse away
25 from somebody who is terminally ill in the Wayne County

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1 General Hospital? That's a real problem, and they have to
2 make the hard choices. They just don't have the money.

3 You know, for years after Franklin Roosevelt
4 came into office, we subsidized the farmers, because the
5 cities had the money. For years the County of Wayne
6 subsidized the rest of the State of Michigan. Half the
7 things we do down here are paid for by the citizens of
8 the County of Wayne because we had the money, because the
9 money was in the metropolitan area and we had more money
10 than we had expenditures and that thing has reversed.

11 We need money in the big cities now. All I'm
12 doing is what's sauce for the goose is sauce for the gander.
13 We helped the farmers, let them help us now.

14 PROFESSOR WILSON: My second question has to do
15 with the form of any federal investment in this area. I
16 think we all have grave skepticism about reviving an LEAA
17 program that spends money rather indiscriminately across
18 a wide variety of jurisdictions and a wide variety of
19 programs. I think also we would agree that the federal
20 government has an important role to play in research,
21 testing evaluation, demonstrating, finding out what things,
22 like career criminal programs and the like might be workable,
23 but what formula would you suggest the federal government
24 employ in determining which jurisdictions get money and
25 secondly, to what ends. Would you recommend giving money

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1 on a block grant basis to all jurisdictions above a certain
2 size or do you think the federal government should be more
3 selective and make the money available for certain
4 specific purposes and not others?

5 I don't think, in all candor, we can recommend
6 to the attorney general that he propose to the Congress
7 that they simply underwrite the deficit of Wayne County
8 because there are 3000 counties in the United States, all
9 of which are represented in the Congress of the United
10 States, and I suspect each one of the other 3000 county
11 prosecutors in the United States will make an equally
12 compelling case and therefore the matter may well fall on
13 deaf ears.

14 Do you have a means to propose to target money
15 most efficaciously on those things that are most useful.

16 MR. CAHALAN: The experience with LEAA, I said
17 they wasted a lot of money but it was perhaps sort of like
18 pure research when we were running LEAA, because we were
19 experimenting. We went to the LEAA coffers and we says
20 we got an idea. We don't know if it will work or not, and
21 they said all right, we'll give you \$10 million and we'll
22 also give -- fund another agency of \$10 million to find
23 out whether that idea works, and maybe that was necessary.

24 Now we know it works and I would suggest that
25 if the federal government is to assist us, that we go to

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1 them with a plan that we can prove works, such as our
2 Repeat Offender Bureau and say this does work. This is
3 what we need and this will be the result which we can
4 guarantee.

5 PROFESSOR WILSON: Thank you, no further questions.

6 MR. HARRIS: Mr. Armstrong?

7 MR. ARMSTRONG: Let me compliment you for bringing
8 the urgency of this matter to the task force attention.
9 We've examined testimony about long range plans, that the
10 federal government can be of assistance to the state and
11 localities in dealing with the problem of violent crime.
12 There's no question in your mind or mine as a prosecutor
13 that we have a true crisis in this country and it calls for
14 a quick fix. I think the American public wants a quick
15 fix.

16 Have you examined in this area of new financial
17 resources and the federal government's role in playing that,
18 what the state can do or the locality can do to make the
19 criminal pay for the cost that the state has to incur in
20 housing or in the whole case processing system so that the
21 innocent, the public, doesn't have to bear that financial
22 burden.

23 A lot of examples have been presented to the task
24 force as, not only in restitution programs but programs
25 where the criminal would pay for the privilege of being

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1 on probation or parole, paying a fee like that have in
2 Florida. Have you looked at any of those concepts or has
3 your state looked at any of those concepts?

4 MR. CAHALAN: Well, we do require the defendant
5 when he's on probation to make contributions to the system
6 to pay for the cost of his probation. I doubt that it
7 covers the total cost. I don't know, are you suggesting
8 that we use people who are convicted to construct prisons
9 and things like that?

10 MR. ARMSTRONG: I was giving you a toss up,
11 and letting you run with that.

12 MR. CAHALAN: Well, this is, you know, the
13 stronghold of the union in the United States here and far
14 be it from me to recommend that we have prisoners out
15 there competing with fine members of the union, so I don't
16 think it will work, matter-of-fact, they even tried that
17 one time at the -- Jackson isn't the greatest prison in
18 the world, but we do have some fine prison facilities in
19 Michigan and one of them was to -- we have one of the finest
20 labs where you can teach people to make teeth, and --

21 MR. ARMSTRONG: Excuse me, make teeth?

22 MR. CAHALAN: Make teeth, you know --

23 MR. HARRIS: Denturism.

24 MR. CAHALAN: What did you think I said?

25 MR. ARMSTRONG: People sitting around making teeth,

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1 I know that. Only God could make a tooth.

2 MR. CAHALAN: And it was billed at some infinitesimal
3 tesimal amount of money because that was before the -- when
4 they could use so-called convict labor and they had to
5 expand it recently and it cost about times more because they
6 had to use union labor. I'm not commenting editorially
7 on that at all.

8 MR. ARMSTRONG: It appears from my experience
9 in criminal justice, we've never really had a national
10 policy that's been somewhat consistent to the needs of
11 state and local law enforcement authorities. If there is
12 this desire to form by say, the attorney general of this
13 administration, a national policy to assist state and
14 local law enforcement agencies, what, if you had a voice
15 in drafting that national policy, if you could give us some
16 suggestions as how you would formulate that policy at this
17 time?

18 MR. CAHALAN: I think that what we should keep
19 in mind is that perhaps we know how to deter crime. I'm
20 absolutely confident that we don't know what causes crime
21 and probably never will, so if we're going to work on a
22 national policy, I think that policy should be one to deter
23 crime and not to be spending billions and billions of
24 dollars trying to figure out why that particular person
25 does that particular thing at a particular time.

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1 I don't know even why I'm here this morning so
2 how could I be able to tell why a person holds up a gas
3 station at a particular time of day. In fact, one of the,
4 if I have it here, talking about causes of crime in that
5 in one of the crime commission's report, I think that came
6 out in 1967 they had some good stuff in there and this was
7 one of the best things.

8 Each crime is a response to a specific situation
9 by a person with an infinitely complicated psychological
10 and emotional make up who is subject to infinitely complicated
11 external pressures. Crime as a whole, is millions of such
12 responses. I don't think we should spend too much more
13 time at this time.

14 Once we get crime to its irreducible minimum,
15 then maybe we can talk about the causes of it but let's
16 deter it first, so I'd say that the policy should be let's
17 deter violent crime.

18 MR. ARMSTRONG: Thank you.

19 MR. HARRIS: Mr. Carrington?

20 MR. CARRINGTON: Mr. Cahalan, President Reagan
21 campaigned among his economic theories on the basic concept
22 of either block grants with much freer application by the
23 states or just leaving money with the states, period. Would
24 this go toward solving your problem or would you still be
25 in a kind of an intracounty fight with the other agencies

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1 that need to be funded?

2 MR. CAHALAN: In just a block grant to assist
3 in the governmental functions or overall?

4 MR. CARRINGTON: In the alternative -- yes, or
5 in the alternative, leaving the money here, not even taking
6 it to Washington and then sending it back. Both of those
7 concepts were put forward. Would that help alleviate the
8 problem that you've talked about?

9 MR. CAHALAN: Somewhat. It wouldn't be as
10 efficacious as I think a grant specifically to the Wayne
11 County prosecutor's office but it would be affective.

12 MR. CARRINGTON: On another point very briefly,
13 when the judges were more or less supporting the will of
14 the people in the legislature, your office pursued the very
15 proper professional course of going to the Michigan Supreme
16 Court, I just wonder in the interim period between the time
17 that these things started happening and the case got to
18 the court and was decided, were there any initiatives
19 such as recall petitions or a-ttempts to defeat a judge at
20 reelection, particularly the judges who were perceived as
21 being the leaders in this effort to not convict people
22 when they should have been convicted?

23 MR. CAHALAN: No, one of the things about being
24 a judge in a metropolitan area is you're anonymous.

25 The chief of police is not anonymous, the

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1 prosecutor is not anonymous but a judge is anonymous and
2 the people really don't know what the judges are doing,
3 each judge.

4 MR. CARRINGTON: Thank you, sir.

5 MR. HARRIS: Mr. Edwards?

6 MR. EDWARDS: Yes, sir, I just have one question.
7 You referenced a program that was successful for you here
8 in 1977, the docket reduction program. Could you expand
9 upon that a little, please?

10 MR. CAHALAN: Well, first of all we got some
11 money from the federal government and the local government
12 and we brought in more judges and we brought in more
13 prosecutors was one of the things we did but at the time
14 this was about the fourth crash program that we had undergone
15 and many of us said, look, if you're just going to give us
16 another crash program, forget it. We're going to have to
17 do some things. So now we have looked at the docket system.
18 We have what we call tracking which keeps track of the
19 cases to see that they don't get lost in the system in that
20 when one judge's docket is starting to backlog, something
21 is done about it. We have an executive judge in the
22 records court now who is more of an executive and looking
23 to make sure that the workload is being done and it's
24 working. It's working. And they went in, they even went
25 into such things as files, improving our file system in

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1 recorders and circuit court, and improving the availability
2 of court reporters and just making the system work efficiently
3 is about all they were doing.

4 And as I say, it is working.

5 MR. HARRIS: Mr. Littlefield?

6 MR. LITTLEFIELD: I don't have any questions of
7 Mr. Cahalan, but I'd like to congratulate you and your
8 attorneys and the supporting staff for the job that you're
9 doing. These case loads are astronomical. I just don't
10 see how they can handle them. They're just way too high.

11 MR. CAHALAN: Thank you very much.

12 MR. HARRIS: Thank you, Mr. Cahalan. We appreciate
13 you coming today. Our concluding witness for our morning

14 session is Professor Albert Reiss, Jr. of Yale University.

15 PROFESSOR REISS: Distinguished members of the
16 task force on violent crime, I am pleased to be here to
17 discuss with you something that one of your members may
18 have referred to as more heat than light. I like to think
19 of there being sort of 3 functions of knowledge, intelligence,
20 enlightenment and engineering. What I have to say this
21 morning probably is less related directly to the engineering
22 functions which is your task, than to the enlightenment
23 functions.

24 I do not intend to read the 16 pages I probably
25 gave -- distributed to you. I tried to pack certain number

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1 of facts in there and then some applications. Let me,
2 rather just run through very quickly, some what I would
3 call disquieting facts of which we may need to be reminded
4 in thinking about victims. That is, I take this as a kind
5 of watershed point, removing sort of from the offenders to
6 the victims.

7 So I want to remind you of some disquieting facts.

8 It is true that despite the diversity among violent crimes,
9 that minorities are disproportionately victimized. Indeed,
10 we tend to sort of slough over the fact that in this
11 country about 45 percent of all victims of homicide are
12 blacks. They comprise 12 percent of the population.

13 Roughly blacks are victimized 5 times as often
14 by homicide as are whites. That's a disquieting fact. It's
15 disquieting because we tend to think of it in a causal
16 framework.

17 The second disquieting fact is that increasingly
18 what we have are younger persons being both victims and
19 offenders of violent crimes. It has increasingly led to
20 a kind of terrorism. I mention in the course of paper, a
21 study done in Philadelphia ghetto in which a substantial
22 majority of both parents and children, the parents were
23 afraid to have their children go to school each day. The
24 children were literally afraid to go to school each day
25 because of the fear of victimization.

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1 It is the sort of -- the violence of robbery,
2 intimidation, assault, going down to the level of the
3 school, that is a very disquieting fact and we've had
4 studies at school, violence in connection with that.

5 The third kind of disquieting fact is that when
6 we look at statistics by age, as I said it is the young
7 who are disproportionately victimized and not the elderly
8 and yet there's something that doesn't quite ring true
9 about that and I'd like to say what I think doesn't ring
10 true.

11 And that is, that when we come to be elderly,
12 a substantial portion of us are just necessarily homebound
13 and so when you look at population statistics, we tend
14 to think of it as we do of younger people, that everybody
15 can sort of go about in communities.

16 The tragedy is that when you're elderly and
17 have to go about in a community, you probably are
18 disproportionately victimized though I would be hard put to
19 prove that to you with the current statistics but that is
20 my considered judgment so we must be careful in interpreting
21 what that means.

22 It is also true that because the elderly are
23 fragile, they are more likely to be harmed and that is even
24 true of things like purse snatching. You snatch a purse
25 from an elderly woman and she falls, she is apt to hurt

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1 herself, break a hip and so on.

2 You snatch if from a younger person, they fall
3 down and are bruised, so that it is that fragility that
4 we need to bear in mind when we think of the elderly as
5 victims.

6 Two other facts very quickly, that I want to
7 draw your attention to, one is that the violent crime
8 problem, no matter how we look at it, is so disproportionate
9 like concentrated in our inner cities, in the central
10 business districts and in the communities surrounding it,
11 that it is difficult for me to think of that problem except
12 in that context and I want to draw some implications of
13 that later.

14 One of the recent findings, because we have a
15 national panel of crime victims, we can now look at it
16 over time and I want to draw your attention to 2 facts there
17 that I find rather startling. One is, if you think of
18 people at the beginning of a calendar year and you find
19 out whether or not they've been victimized by a violent
20 crime, and then you go back and get information from them
21 again at the end of the year, if you were a victim of a
22 violent crime and this holds particularly for assaults
23 and robberies. In the first half of the year you have
24 10 chances out of 100 you're going to be victimized in the
25 last half of that year.

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1 If you were not victimized in the first half
 2 of the year, your chances are 2 in 100. Now, if you
 3 follow them for the next 6 months, you're going to find
 4 the same thing to be true. That is to say, whoever comes
 5 into that population, so that clearly there's a high victim
 6 proneness there. Some other work I've done suggests that
 7 one of the ways people try terminate that is by moving,
 8 by changing their residence, but they don't have much chance
 9 of changing their residence. They usually change it for
 10 one high crime rate area for another so that it's very
 11 difficult for people to alter it, the victims to alter
 12 their life condition, to alter their risks and the final
 13 one I want to call attention to before, then drawing
 14 very quickly some implications is that we forget that
 15 business and other organizations are often victimized by
 16 one of these violent crimes, namely robbery.

17 At least 3 of every 10 robberies are businesses.
 18 Now that has a dual effect, one is that it's always a person
 19 who is robbed as an employee.

20 The other is and that employee may be injured,
 21 et cetera, in the course of that robbery. The other is
 22 that the business or organization begins to consider the
 23 contingencies of being victimized and therefore altering
 24 its behavior as an organization. For example, if it is
 25 repeatedly victimized and the highest repeat victimizations

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1 for robbery are for businesses rather than for persons,
 2 they then alter their behavior by moving.

3 We did some panel studies of that in the '70s
 4 and showed that that was very highly related to moving
 5 from an area, from inner city areas.

6 Now I should mention one other thing and that
 7 is in the course of this I point out that if you look at
 8 it in the aggregate, physical harm is not all that substantial
 9 for most crimes of violence, that is that we call violent
 10 crimes and I give you some statistics on that and be glad
 11 to talk about them in detail.

12 Secondly, economic loss for persons is on the
 13 whole small, unless you consider it relative to income
 14 and we don't have good figures on relative to income but
 15 most of the losses to individuals in robberies, et cetera,
 16 are small. For business and commercial establishments,
 17 it's quite the opposite. The average tends to be rather
 18 substantial so that in the economic loss sense, it tends
 19 not to be on the average very large, and indeed since better
 20 than half, except for robberies, better than half of all
 21 crimes are attempts rather than actually completed crimes.
 22 There are no economic losses in those.

23 Now, the important thing to remember is that
 24 probably the psychic harm is greatest, and that affects
 25 victims and nonvictims alike, in that the consequences of

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1 the psychic harm are probably as great or greater for the
2 nonvictims as for the victims and there's some evidence
3 in fact that increasingly it's the nonvictims that alter
4 their behavior.

5 Now, I just want to, since the time is late, to
6 draw one of several implications I draw in the last section,
7 because to me it puts a different prospective on victims
8 and I shall read here since it may be more economical.

9 I say we would be remiss if we thought of violent
10 crimes only in terms of their consequences for the persons
11 and organizations who are their immediate victims. The
12 most consequential and long run effects of violent crime
13 in my opinion are those upon communities, particular when
14 it includes violence toward property as well as towards
15 persons and I want to underline that violence towards
16 property.

17 Violent crimes have major effects on the business
18 and the social life of communities, indeed, one might well
19 argue that the importance of crimes of violence against
20 persons and their property plays a major role in the life
21 and death of communities and neighborhoods. Most communities
22 in our inner cities at one time had low crime rates and
23 gradually they were transformed to the high crime rate areas.

24 I do not wish to pursue all the facets of that
25 transformation here but I want to dwell on the role of

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1 violence in transforming those communities. There are
2 2 major prongs to the cycle of death by crime for
3 neighborhoods and communities. One of these involves violence
4 toward property and organizations in the community. The
5 other violence towards its members, towards persons. The
6 violence towards property cycle begins with what is often
7 treated as a minor crime, namely vandalism.

8 It perhaps has mistakenly in my opinion been
9 treated as minor because it is disproportionately committed
10 by juveniles, yet it should not be treated as inconsequential.

11 The costly and in the long run highly destructive
12 nature of vandalism is all too evident. What begins as
13 vandalism to public and private property eventuates in
14 torching and bulldozing it, to arson and to destruction of
15 the vandalized buildings.

16 Both residential and commercial property are
17 highly subject to this cycle of vandalism and arson. Both
18 are fed also by the gradual threats to commercial as well
19 as residential enterprise. The vulnerability of businesses
20 and other organizations to violent crimes, particularly
21 robbery and to the nonviolent one of breaking and entering,
22 leads to the city of iron grates where the message is
23 quite clear.

24 Our schools become microcosms of the larger
25 communities in which they are sited, with assaults, rapes

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1 and robberies of teachers and pupils not uncommon in
2 inner city schools.

3 Schools and their pupils and teachers alter
4 their character in the face of that growing violence. Now
5 in my judgment some neighborhoods and communities are
6 further threatened in this transition because it brings
7 with it a commerce that contributes to the growing rate
8 of violent crime.

9 Some residential neighborhoods in every city
10 become the haven for the illicit and the illegal business
11 and for the legal business that attracts transients and
12 outsiders to the community who fall prey to those crimes
13 of violence.

14 The residents of those communities often do not
15 participate in that commerce, whether it's prostitution
16 or pornography or narcotics but they fall prey in that
17 their communities deterioration is accelerated. Victimless
18 crime often is only apparently so, generating as it does,
19 crimes of violence to the victimless transients and non-
20 residents and to a loss of community for the residents
21 themselves.

22 In considering violent crime then, I would argue
23 that we must consider it not only in terms of persons as
24 victims but as neighborhoods and communities as victims
25 because that is where it is concentrated.

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1 We must come to view it not simply as
2 consequential for residents in their distributive capacity
3 but it's even more consequential for their collective
4 capacity as well.

5 Someone referred this morning to our cities,
6 inner cities may very well die. In some sense they have
7 and it only remains to see how we shall resurrect them,
8 for in the long run violent crime in my judgment is both
9 cause and consequence of the deterioration of our neighbor-
10 hoods and it would be a mistake then to think of it simply
11 as cause.

12 MR. HARRIS: Thank you. Professor Wilson,
13 questions?

14 PROFESSOR WILSON: Thank you, Professor Reiss.
15 I especially appreciate the emphasis that you've given
16 not only to the communal consequences of crime but to
17 an additional equally necessary point, that it's mistaken
18 to segregate violent crime from all other crime as if it
19 were a wholly special or unique phenomena or even that
20 violent crime is necessarily more harmful to individuals
21 and communities than nonviolent crime. We are talking
22 really and my colleagues on this panel know it all too well
23 by now, in my view, about predatory crime generally which
24 can if unchecked precipitate this cycle of communal and
25 environmental decay and that this decay in turn has an

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1 affect on the rate at which individuals in the community
 2 may commit additional victimizations so that I hope that those
 3 who hear us or read our report realize that we're not really
 4 talking about violent crime as a unique phenomena. We're
 5 talking about predatory crime.

6 Now having said this, which simply repeats what
 7 you said before, let me ask you the following. You have been
 8 on the staff of President Johnson's crime commission. You
 9 did an important study of police behavior. You have been
 10 connected in one way or another with virtually every effort
 11 that's gone on in this country to improve the way we cope
 12 with crime.

13 If you were on this panel, and you knew that
 14 you had to recommend something to the federal government
 15 and in particular to the Department of Justice within the
 16 federal government, is there anything you would recommend
 17 us doing?

18 PROFESSOR REISS: Well, let me say first that
 19 the easiest thing would be to pass it to you because
 20 everything you have said about association with these, I
 21 could say has also been true in your case, but I won't
 22 pass the buck that way. Let me say first that I, in an
 23 important sense, the problem lodges in local communities
 24 and therefore its solution lies in local and state government
 25 in this country and I firmly believe that. Let me add one

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1 thing there. I also have to firmly believe that we need
 2 to pay much more attention to juvenile offenders than was
 3 in some sense evidenced this morning because if we're right
 4 about things beginning with cycles of vandalism and so on
 5 and violence in those contexts, then it is partly the
 6 young people.

7 PROFESSOR WILSON: Yesterday we devoted almost
 8 our entire day to juveniles.

9 PROFESSOR REISS: That's fine, right. So I'd
 10 just say that that's one implication. Now, that means
 11 that I think the role of the federal government is in one
 12 sense, far more limited than most people would think. I
 13 think we need to consider very serious in light, how we
 14 can mobilize resources at the local level and mobilize
 15 them at the neighborhood and community level. That is to
 16 say, if -- let me give you one example where federal policy
 17 needed to change.

18 If one looks at arson, it's not at all clear
 19 that all of the federal money that has gone into rehabilitating
 20 cities hasn't generated arson itself. If you want to get
 21 people, say local government in New York City, it seems
 22 increasingly true from the evidence that's coming there,
 23 that since you have a rent control law to protect people
 24 and there's a demand, a housing demand out there, and you
 25 want to get people out of those houses, the thing to do is

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1 to burn the houses sufficiently to renovate them and get
2 federal subsidies for it in addition.

3 This is a good program and like rent control,
4 can have disasterous consequences for one group though it
5 seems to me, it all seem to be in New York it would be much
6 more sensible to allow the housing to be converted that is
7 there and then do something with all that property in the
8 South Bronx, that it doesn't seem to want to do anything
9 but I'm simply saying I would say the role of the federal
10 government in my judgment is much more at the level of
11 intelligence, enlightenment and demonstration of what can
12 be done at the local and state level and to try to
13 facilitate that but the federal government for the most
14 part in my opinion, is not going to solve those local
15 problems.

16 PROFESSOR WILSON: Thank you.

17 MR. HARRIS: Chief Hart?

18 CHIEF HART: Congratulations, professor, on the
19 very deep presentation. You hit the last vestige of identifying
20 violence in America. I see a couple of community people
21 here that I deal with on a regular basis and I'm sure
22 they appreciate it. Mr. Gibbs is here, a real estate dealer,
23 and he pointed out to us scientifically also with 20 years
24 of experience that people will move when prostitution and
25 other crimes such as this move into a neighborhood and

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1 people will move when they feel that their safety is
2 threatened and their property is being destroyed.

3 I certainly can identify with your scientific
4 study. Thank you very much.

5 MR. HARRIS: Mr. Littlefield?

6 MR. LITTLEFIELD: I have nothing, thank you
7 very much, professor.

8 MR. HARRIS: Mr. Armstrong?

9 MR. ARMSTRONG: I really think that your last
10 comment spoke for the need for a national policy that
11 local and state governments can do their planning upon
12 and so there's not that kind of hitch or working at
13 counter purposes and hopefully that there ought to be some
14 kind of national policy set, would you have an opinion as
15 to what agency in the federal government should set the
16 law enforcement policy for this country?

17 PROFESSOR REISS: I have always had confidence
18 in the United States Department of Justice.

19 MR. ARMSTRONG: And you fully recognize though
20 that there are a lot of law enforcement agencies in other
21 cabinet departments?

22 PROFESSOR REISS: I understand that. I think that
23 the coordinating and role should lodge in the Department of
24 Justice, in the broad sense.

25 MR. ARMSTRONG: We talked about this. Do you

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1 have an opinion about the other law enforcement agencies
2 that are located in Treasury and other --

3 PROFESSOR REISS: Treasury, for example.

4 MR. ARMSTRONG: Should there be some kind of
5 consolidation of those agencies within one cabinet level
6 department?

7 PROFESSOR REISS: Well, from an organizational
8 prospective, which I sometimes think I'm not an expert, but
9 from an organizational prospective, I think the problem is
10 primarily an organizational one so it maybe doesn't make a
11 lot of difference whether you -- Professor Wilson can
12 speak more eloquently on this, of where you quite lodge
13 the judge enforcement question. It's a question of how
14 you organize it so that I would say that there are clearly
15 somethings because functions are a lot like customs, are
16 lodged in Treasury. That certain things obviously reside
17 in customs enforcement that would deal with criminal matters
18 but drug problem, it seems to me, that's a question of
19 primarily how you want to organize it and I would just have
20 as much confidence in dealing with the Department of Justice
21 as I would in Treasury.

22 MR. ARMSTRONG: Thank you.

23 MR. HARRIS: Mr. Edwards?

24 MR. EDWARDS: Just one question, doctor. You
25 referenced a particular populations that seems to be

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1 disproportionately victimized but yet when you look for
2 statistics to support that there are none.

3 I would like your feelings, do you think that we
4 should look to gathering that type of statistic more
5 adamantly than we have in the past? What are your feelings
6 in that area?

7 PROFESSOR REISS: For the elderly, for example?

8 MR. EDWARDS: Yes, sir.

9 PROFESSOR REISS: Well, I think that certainly
10 it would be useful to put a certain amount of money into
11 refining are information on that and again I think it's a
12 problem that is disproportionately concentrated in a few
13 very large cities in this country so again, I think putting
14 federal money which always tends to go then across the
15 board, everywhere, it's just a mistaken thing. That's
16 not the way that problem distributes itself so we got to
17 figure out where it lies or just, you know, a little more
18 cleanly, but it's not across the board, so I -- my answer
19 is yes but then I'm being self-serving.

20 MR. EDWARDS: Well, this was very interesting
21 thing. When we were looking at our state at putting to-
22 gether a victimization program specifically identifying
23 crimes against the elderly, obviously we go out and find
24 out what programs are available nationally and it was very
25 surprising to find that there are very few cities that

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1 have addressed the problem and no states that have addressed
2 it specifically.

3 PROFESSOR REISS: That's correct.

4 MR. EDWARDS: Thank you.

5 MR. HARRIS: Doctor Reiss, thank you very much
6 for appearing today. We appreciate your comments. We will
7 now take our luncheon recess which will be on the terrace.
8 I cannot advise anyone in the audience who is joining us
9 for lunch how to get from here to the terrace but perhaps
10 there are others outside who can.

11 (Whereupon, a lunch break was taken at 12:10 p.m.)
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1 LUNCHEON PRESENTATION

2 (COLEMAN YOUNG, MAYOR OF DETROIT)

3 MR. HARRIS: On behalf of the attorney general's
4 task force on violent crime, I'd like to tell you we are
5 delighted to be here in Detroit today, however, surpassing
6 our delight at being here has been the opportunity to
7 work with your police chief, Williams L. Hart, for the
8 last 2 months and the opportunity to continue to work with
9 him over the remainder and life of our task force which is
10 another 2 months.

11 His contribution to our work has been significant
12 and to the extent that our efforts help to improve the
13 criminal justice system in this nation, we will owe him a
14 debt of gratitude.

15 Today we are honored to have your mayor as our
16 luncheon speaker and instead of reviewing for you his
17 background which I'm sure you already know, I would just
18 like to say that one of the things that we have been saying
19 and I know the attorney general has been saying is that
20 in dealing with crime, states and localities have to make
21 very, very difficult budgetary and fiscal decisions.

22 The answer to all your problems will not be
23 coming from Washington and states and localities are going
24 to have to deal with difficult fiscal problems in large
25 measure by their own courageous actions and it is our

1 understanding that Mayor Young is in the middle of a program
 2 which he has proposed to try and deal with the fiscal
 3 problems of this city. Those that we recognize all such
 4 programs in trying to sell the public on them are very
 5 difficult but these are the kinds of programs and courageous
 6 actions that public officials at the state and local level
 7 will have to take if we're to continue to enjoy the kind
 8 of society in which we would like to live.

9 Without further ado, let me introduce to you,
 10 Mayor Coleman A. Young.

11 MAYOR YOUNG: Thank you very much, Mr. Harris,
 12 and ladies and gentlemen. It's my pleasure to speak here
 13 at this luncheon session of the attorney general's task
 14 force on violent crime, which I gather in dealing with this
 15 issue, as they meet around the country and there's no question
 16 that violent crime is a matter of increasing concern for
 17 those of us in the United States and particularly for those
 18 of us who live in cities.

19 I believe that the present economic condition
 20 that exists in cities and the accompanying social instability
 21 which these conditions produce mean that violent crime
 22 today is of more immediate concern to law enforcement
 23 people than at anytime in the recent past, and I think that
 24 there's ample documentation to support that but first I'd
 25 like to deal very briefly with day-to-day violent crime

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1 if you want to use the phrase. I mean day-to-day crimes
 2 like murder, assault, et cetera.

3 The top, the class A crimes. We are beset with
 4 an increase in the murder rate as unemployment widens and
 5 job opportunities narrow, we find that fists, assaults,
 6 crime against property, also increase and this places an
 7 increasing burden upon local law enforcement agencies at
 8 precisely the time that these agencies are least able to
 9 afford an increased responsibility.

10 Now I know that Detroit is a more volatile
 11 economy than almost any city in the nation. It had been
 12 said of Detroit that when the automobile industry sneezes,
 13 we catch pneumonia and if that is the case, we have a most
 14 advanced sickness at this point but the malady as it's
 15 affecting the automobile industry is worldwide. It's certainly
 16 nationwide and it affects industries other than auto.

17 Certainly the obvious ancillary or related
 18 industries such as glass, steel, rubber, electronic, et
 19 cetera, but more than that we are in the midst of a national
 20 recession in which city after city, particularly those
 21 in the industrial east and midwest find more money coming
 22 in -- less money coming in and more money going out, just
 23 as there is an increased need and an increased demand for
 24 improved city services including law enforcement. There's
 25 a sharp curtailment of revenue because of the unemployment

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1 situation, the economic situation.

2 In the auto industry alone, which is contemplated
3 here in Detroit and Michigan, we have some 200,000 employees
4 out of work. In the City of Detroit, unemployment is in
5 high, double-digit figures but Detroit as I said, is not
6 alone. If you look to the east, you find that Boston and
7 Massachusetts for their own individual reasons are suffering
8 as badly if not worse than Detroit.

9 Look to the south and the east, Cleveland just
10 imposed upon itself an increase in the local income tax
11 on residents and nonresidents alike, in order to pull itself
12 up from bankruptcy. I guess we see the contradiction of
13 massive tax cuts being pushed and promised at both the
14 national and the state level while city after city in this
15 nation finds it necessary to increase the taxes in order to
16 meet the minimum needs of the people.

17 Now this problem is not confined as it once was
18 to the so-called frost belt, the east and midwestern older
19 cities, industrial cities, although it is prevalent through-
20 out that area. I mentioned Boston. I should have also
21 mentioned Philadelphia and Pittsburgh and other cities in
22 our area, certainly practically every municipality in the
23 State of Ohio is in trouble. The same is true of Indiana,
24 Kentucky, et cetera. We find that even in the golden west
25 in the sunbelt, the bloom has come off the rose of

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1 Proposition 13, now that that gigantic surplus what the
2 State of California had in hand in 1978 at the time when
3 Proposition 13 was passed, now that that surplus has been
4 expended and there's no more money to pass out to cities
5 and local units of government, to schools, we find that
6 the great City of Los Angeles is doing exactly the same
7 thing in order to attempt to balance its budget, as we are --
8 as we have done in the City of Detroit. They're laying off
9 police officers.

10 You go north to San Francisco and they're
11 literally trying to hock the golden gate. They're out of
12 money. Across the bay in Oakland, you have the same
13 problem so I think we have to recognize that law enforcement
14 personnel at the local government is being overpressed,
15 cannot possibly accomplish the role of eroding and controlling
16 violent crime without a national plan and a plan doesn't
17 mean much without some national money and without some
18 state plans and some state money, because that is the name
19 of the game. We here in the City of Detroit have laid
20 off well in excess of 1,000 police officers. We are down
21 now from a high of some 58, almost 59 police officers 2, 3
22 years ago to somewhere in the low 40's now.

23 I don't believe any other city in the United
24 States has taken such a severe cut in law enforcement
25 personnel and managed to maintain basically essential

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1 law enforcement services. As a matter-of-fact, up until
2 last year, for the three previous years, Detroit, the city
3 that has been known as the murder capital, the so-called
4 dead city, which is now known as the renaissance city, led
5 the nation in reduction of major crime for three straight
6 years.

7 As a matter-of-fact, over that three year period,
8 major crime declined in Detroit by 30 percent on a
9 cumulative basis, while they were going up on the national
10 basis lever about 7 or 8 percent. I think that's a remarkable
11 accomplishment and it speaks to a number of ingredients
12 in the war against violent crime. First of all, I do not
13 believe there could be any effective control of crime unless
14 there is an effective understanding, a mutual respect and
15 cooperation between the people and the police. That has
16 not always been the case in Detroit. It has not always
17 been the case in the country.

18 If we want to look back to one of the worst
19 incidents or series of incidents of violent crime in
20 recent years, I refer to the insurrections, rebellions,
21 riots if you please, of 1967 and '68, almost without
22 exception, although the root causes of the insurrection
23 were obviously deeper the immediate cause was a spark resulting
24 from a conflict between black people and the police, and
25 sent across this nation, and we in Detroit have sought to

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1 address ourselves to this alienation and to eliminate it
2 or certainly to reduce it substantially.

3 One of the first things that must be done is
4 that police departments, if we are to deal with violent
5 crime or any other kind of crime, must be representative
6 of the people in a given city where they're expected to
7 enforce the law. It is incomprehensible to me how anybody
8 can expect in this modern day police departments that are
9 almost lily-white, to effectively enforce the law in cities
10 that are becoming increasingly black and Latino. It's
11 also about time we recognized that the macho all-male
12 police department is a thing of the past and that women
13 too have their right to be represented in our police
14 departments.

15 That we have taken very seriously in the City
16 of Detroit and as a result up until the time we were
17 forced to begin our layoffs some 3 years ago, we had
18 increased the black and Latino, Hispanic representation
19 on our police department from something like 15 percent in
20 1974 to close to 45 percent in 1978 and '79, before the
21 beginning of the layoffs. Beyond doubt, had it not been
22 for the economic decline that has forced us to stop hiring
23 and start laying off, we would in truth have a 50/50 objective
24 in the Detroit police department together with an unprecedented
25 number of women police officers. In my opinion, this very

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1 fact alone, the fact that we have followed affirmative action
 2 in promotion has been a reassurance to all the people of
 3 this city that our police department belongs to all the
 4 people, represents all the people and therefore deserves
 5 the respect and cooperation of all the people.

6 We've had an unusually high incidence of solving
 7 crime and I don't go to percentage, you probably get it
 8 from the chief, been very, very high. It boils down to
 9 the fact that if you commit a crime in the City of Detroit,
 10 the odds are you're going to be caught. You're going to
 11 be arrested for it. There's no big mystery to that. All
 12 of a sudden, our crime solution machinery has not been
 13 imbued with magical qualities. We don't have a whole lot
 14 of Sherlock Holmes and other geniuses working for the
 15 department. Anybody who knows police work knows that most
 16 of the arrests you make are based on what people tell you.

17 Now when somebody commits a crime, somebody
 18 knows about it, almost all the time somebody knows about
 19 it. Whether that somebody trusts your police and has
 20 enough respect for your police to tell them about it, is
 21 yet another question.

22 Detroit, like the rest of the nation, has seen
 23 a gradual increase in violent crime over the last 2 years.
 24 I attribute this to mainly, to the economic conditions
 25 that have put many, many people out of work, also to the

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1 fact that we've had to cut, cut, cut in order to get police
 2 on the street, many of the investigatory and other backup
 3 units have been shaved to the bone so it's very, very obvious
 4 that you cannot run a first class police department without
 5 sufficient funds.

6 There have been some sharp differences between
 7 members of the police union and me over the issue of wage.
 8 I fought vigorously against what I considered to be an
 9 exorbitant labor award by way of arbitration which has made
 10 a major contribution to the fact that this city today is
 11 threatened with going on the economic rocks but the
 12 differences that I had with our police unions over wages
 13 do not deter my recognition that we do have some of the
 14 best professionals in this nation and I'm proud of the
 15 performance of that department. There's a new level of
 16 cooperation between them and the people.

17 We've also attempted to institute a couple of
 18 other reforms and I only remember a couple -- mention a
 19 couple of them that I think are most important. Early on
 20 in my administration, we recognized the necessity of putting
 21 police back on the beat, attempting to bring police back
 22 in the neighborhoods. It's easy to understand why in the
 23 motor city, all the cops should be motorized and so they
 24 were in Detroit not to long ago and when you get into the
 25 advanced gadgetry of air conditioning, they would not

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1 only motorize but they were cruising around with their
 2 windows up and they couldn't hear a God Damn thing. This
 3 has something pretty decent, who could detect a crime
 4 and so we have initiated a mini-police station, m-i-n-i.
 5 A mini-police station program which was designed to place
 6 small substations of police stations in neighborhoods.
 7 The neighborhood with a high incidence of crime, a neighborhood
 8 with a large concentration of senior citizens, a neighborhood
 9 where businesses were concentrated and to have these police
 10 officers walk or some police officers literally walk out
 11 of these mini-stations, learn the people. It was a good
 12 thing in the old days. We lost some of that, when a good
 13 beat cop could instantly detect a strange automobile on
 14 his beat or a stranger, the police stayed on top of
 15 situations.

16 I believe that our mini-police station experiment
 17 was highly successful. It to, unfortunately, has had to be
 18 cut back because of cut backs generally and another most
 19 important reform that we've attempted to instill in this
 20 city is an expanded number of police reserves. Today we
 21 have about 3,000 police reserves, is that right chief?

22 Our objective, immediate objective, is 4,000.
 23 Now there are some including some of the police union who
 24 look upon the creation of a police reserve as a threat
 25 to regular policemen. Obviously that is not true but it's

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1 also true that if the people are not to protect themselves
 2 and there are not enough police to go around, then who is
 3 to protect the people?

4 In any instance, if we had 6,000 police again,
 5 I would still want 6,000 police reserves, the eyes and
 6 ears in the community, the private voice of the department.
 7 These reserves have been furnished up to now with uniforms
 8 and equipment by LEAA I understand, and I know you all are
 9 talking about that in your conference, were trained at our
 10 police academy and therefore are paraprofessionals. They
 11 know what they're doing, and they have cooperated with
 12 radio -- the C. B. units, which patrol our communities
 13 and are tied into the police department so we literally
 14 have increased the eyes and ears of the police department
 15 many fold. I think that that will be an increasing answer
 16 as the threat of violent crime continues, and it very
 17 well might because violent crime today has taken on some
 18 new aspects which I'm sure you've discussed.

19 Obviously the taking of hostages, terrorism,
 20 is one ugly aspect of violent crime which is escalating
 21 all across this nation. We have been lucky in Detroit,
 22 which is an international city, an ethnic city you'll
 23 find anywhere, that we've had no serious incident of that
 24 type here but I think every city in America must assume
 25 that the spreading wave of terrorism, the taking of hostages

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1 could easily occur and of course we are taking special
 2 plans, making special plans to deal with these eventualities
 3 but they are real and here again if we are to be effective,
 4 we need a coordinated national approach. We also need
 5 some national support. We cannot do it within our own
 6 means.

7 In addition to that, I think the growing divisions
 8 in this nation, the threats of racial bigotry, the threats
 9 of religious bigotry are becoming more obvious to us daily,
 10 and when I read in the paper and see on television, hear
 11 it on radio about the Ku Klux Klan, literally running a
 12 training camp in Georgia and yes, in Michigan, a training
 13 young people for the next race war, then I begin to get
 14 worried. I think we all ought to get worried.

15 When I see a situation that's developed here in
 16 Southfield, Michigan, just outside the city limits of
 17 Detroit, three weeks ago where Nazis in uniform and with
 18 Swastikas had the gall to picket and attempt to intimidate
 19 a peaceful Jewish gathering in commemoration of anniversary
 20 of the founding of Israel, then I become worried and when
 21 I look at some of the killings, the senseless killings in
 22 Salt Lake City and in Pittsburgh, in Buffalo. I don't
 23 know how to characterize what's going on in Atlanta, but
 24 it's scary. I know that's surely an example of violent
 25 crime and I think we'd better recognize that we need to be

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1 prepared to handle a new level of violent crime. I
 2 think we need to learn from the lessons of the '60s.

3 But what started out as confrontations between
 4 the police and the black community triggered by social
 5 problems and long alienation between these 2 groups,
 6 quickly escalated into explosions which would threaten
 7 entire cities.

8 I hope we've learned, I hope that as we meet
 9 and discuss the control of violent crime, we'll be
 10 emphasizing the necessity of non fatal force in controlling
 11 the various insurrections and uprisings which might very
 12 well take place in this country.

13 I was not able to attend the conference of
 14 mayors in Louisville although I know the chief did and
 15 I have read that many of the mayors in Louisville were
 16 predicting "long hot summers", problems in the streets
 17 this summer. I'm not predicting that. I don't think it's
 18 going to happen. I think that as far as the black people
 19 in Detroit are concerned, we learned a bitter lesson in
 20 '67. All that happened in '67, was we burned down the
 21 ghetto.

22 The rest of the town did pretty well. In some
 23 places, well even Detroit, what's it, 14 years later, we're
 24 just -- we're still rebuilding 12th Street, now known as
 25 Luther Parks Boulevard, but in order to keep such uprisings

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1 should they occur, in hand, you need two way communications
 2 between the people and the police. We're dedicated in this
 3 city to guaranteeing that there'll be cooperation between
 4 the people and the police.

5 We're dedicated to curtailing of violent fatal
 6 confrontation, as has occurred in the past. We had a near
 7 miss my second year in office and it was avoided because
 8 the forces of the community, black and white, mobilized
 9 and literally intervening, interposed themselves bodily
 10 between the people in one case and the police on the other,
 11 and because there were reasonable voices among the people
 12 and because there was professional discipline among the
 13 police who were provoked and who, had they been less
 14 professional, could easily have gotten off one round and
 15 one round could have been a blood bath. One round can be
 16 a blood bath in almost any city in America and so had the
 17 threats been of violent crime on what I call the regular
 18 basis and the new escalated social basis, as that threat
 19 becomes more evident to us, it seems to me that there's
 20 an additional weight upon us to have a social approach
 21 that will involve the union of the people.

22 We have ways of dealing directly with the people,
 23 have a professional approach, a no-nonsense approach with
 24 the police which demands professionalism but also demands
 25 respect for and cooperation with the people. I make it if

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1 we can do these things and coordinate our plans for the
 2 period ahead, we'll be able to weather what could very well
 3 be a rough period in American history.

4 I do not know. I have no crystal ball. I know
 5 today Detroit teeters on the brink of bankruptcy. I'll be
 6 approaching the people of this city next Tuesday, asking
 7 them in the face of the so-called national tax revolt, to
 8 tax themselves to save the city.

9 I believe that they're going to answer yes. I
 10 believe that this is this kind of city, but all across
 11 this nation, this challenge could very well face city
 12 after city. We might have to deal with a growing national
 13 crisis of the cities.

14 This puts additional burdens on our police
 15 forces. This puts additional responsibility on the civic
 16 leadership, political leadership in our city and also our
 17 professionalism and the discipline of the police forces.

18 I think there's one other element that has
 19 placed Detroit at the head of what I consider to be relationships
 20 between, good relationships between the police and the
 21 people and that is the fact that we have a Detroit Police
 22 Commission, a civilian commission which is responsible
 23 for setting policy in the police department. There's no
 24 confusion here about who the police answer to.

25 The police answer to the people. Police are

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1 a paramilitary organization and to quote Dwight Eisenhower
 2 as he left office, he warned the people, some of you
 3 remember, about letting the military take over the
 4 civilians. We're very conscious of the role then between
 5 a civilian police commission and a professional police
 6 department. I think the relationship between that
 7 commission and between the chief and between my office
 8 and with the city council are good.

9 I think it is this type of relationship that
 10 leave -- I won't use the word safety net because a safety
 11 net is a nonexistent net let's say furnishes the gridwork,
 12 the base for effective police action. I'm proud of what
 13 we've done here. We have many, many problems. We have
 14 much to learn from you and I hope that we will derive
 15 much from your deliberations here. I would urge you as
 16 they're concluded to, if I made one point and I want to
 17 come back to it, with all of our professionalism, with
 18 all of our good will, those of us in the cities cannot
 19 do this job by ourselves.

20 I'm glad the justice department has called this
 21 conference and I hope that everyone here will speak out
 22 in a loud voice so justice will understand that we need
 23 justice. Thank you.

24 (Applause)

25 MR. HARRIS: Thank you, ladies and gentlemen.

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1 We'll resume our hearings in the Riverfront Ballroom at
 2 2:00 o'clock.

3 (Whereupon, the hearing was recessed until
 4 2:00 p.m.)

5
 6 A F T E R N O O N S E S S I O N

7 2:10 p.m.

8 MR. HARRIS: Next is Richard J. Gross, who is
 9 President of the National Association of Crime Victims
 10 Compensation Board, as our witness. Mr. Gross, welcome.

11 MR. GROSS: Thank you.

12 MR. HARRIS: Delighted to have you here.

13 MR. GROSS: I want to say that I'm really
 14 honored to be here and I really appreciate your invitation.

15 In terms of my prospective, I am the President
 16 of our National Association and I'm also the executive
 17 director of the North Dakota program which has been in
 18 existence since 1975. I have been the administrator since
 19 its inception.

20 Our program is probably the smallest state
 21 compensation program in the country. We operate on an
 22 annual budget of around \$100,000 for payment of claims
 23 and administration of those claims.

24 I'm also on the NOVA board of directors and
 25 during last year, I taught seminars under a grant from the

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1 Department of Justice relative to crime victim compensation
 2 in about a dozen states around the country so a great deal
 3 of what I have to say and the information that I have is
 4 dependent upon or gathered from people I've talked to in
 5 programs in -- in existing programs around the country.

6 You may be aware that there are essentially three
 7 models for the compensation programs. They are new programs
 8 as exist in California and New York for example. Becoming
 9 a part of existing programs as we have, we are part of the
 10 North Dakota Workmens Compensation Fund which is rather
 11 unique in itself because we're an exclusive state program.

12 And then there's also the court system, that is
 13 compensation programs administered through the court system.
 14 Many advocates of crime victim comp programs have felt the
 15 need to justify those programs on historical or other
 16 philosophical basis. I really don't think that's necessary.
 17 I don't think anyone disagrees that somehow crime victims
 18 should be compensated but some feel that they should look
 19 to civil remedies. But when most offenders are not caught
 20 or if not caught, or if caught, not convicted, and if
 21 convicted incarcerated or have few funds anyway and when
 22 victims refuse to become revictimized by first going to
 23 the criminal justice process and then through the civil
 24 process and by the delays and additional trauma, one would
 25 suspect that recoveries by victims through the civil route

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1 in this country are low.

2 In a 1973 report from the President's commission
 3 on the causes and prevention of violence concluded that
 4 only 1.8 percent of crime victims ever recover anything.
 5 That's not to say everything. 1.8 percent recover anything
 6 from the offenders. I doubt that that figure has changed
 7 much since 1973. As a practical matter then, civil remedies
 8 for crime victims are largely illusory so that while everyone
 9 agrees that crime victims deserve recovery, except for the
 10 existing state compensation programs, the only real
 11 alternatives are the victims own resources or welfare.

12 There are now 27 operating crime victim compensation
 13 programs and apparently 5 more states have adopted such
 14 programs this year and that sounds good.

15 The entire United State experience is since 1965
 16 so that really amounts to almost 2 programs per year but
 17 disturbing trends are also occurring.

18 Louisiana passed a law several years ago to
 19 provide for a compensation program but it didn't fund it.
 20 Their courts there actually required them to process claims
 21 even though they couldn't pay any benefits and finally
 22 the Louisiana legislature simply repealed its law.

23 Rhode Island has a compensation program to become
 24 effective if and when federal crime victim compensation
 25 legislation reimbursing the states is passed and the

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1 Washington program which was 1 of the leaders. I believe
 2 it was the 10th or 11th program was killed this year. It's
 3 being phased out and they were supposedly given enough
 4 money to pay off existing claims although there is even
 5 some doubt about that.

6 The North Dakota program inspite of its relatively
 7 low cost had a tough time. We waited until the last day of
 8 the legislative session to approve our continued operations.

9 The Tennessee program has been in trouble since
 10 its inception. I think you have to understand that these
 11 are new programs, in many cases experimental programs, often
 12 poorly funded and the first to be axed when the legislatures
 13 are in budget axing moods.

14 In addition the funding problem relates to
 15 limits and exclusions which in many cases eliminate victims
 16 from eligibility. Many states have financial means tests.
 17 Most, almost none compensate for any kind of property loss.

18 Most have maximums either overall maximums or
 19 weekly maximums or both that generally range around the
 20 \$10,000 area, some up as high as 25 and 50,000. Others
 21 have minimums and deductibles. Most have some sort of
 22 family exclusion. Most pay nothing for pain and suffering.
 23 Most pay nothing for a victim who has to be a witness.
 24 Some have no psychiatric or psychological care. All programs
 25 that I know have some sort of a collateral source set up.

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1 In most programs publicizing the program is
 2 not mandatory. Most have a reduction or even a denial if
 3 there is contributory misconduct on the part of the victim,
 4 in those states that have the denial, no matter how small
 5 the degree of contributory misconduct, the victims are
 6 then eligible for nothing.

7 These limitations have philosophical justification
 8 but the basic reason for them as I see it, is to minimize
 9 cost to the programs. Another problem that relates to
 10 funding as well, is the limitations on which citizens
 11 are eligible for recovery. Some states only pay state
 12 residents injured in the state. Other states pay state
 13 residents wherever they're injured. Some states pay any-
 14 one injured in the state and recently states have begun
 15 passing legislation that said that they will cover victims
 16 injured in that state if the victim would also be covered
 17 or if that citizen would also be covered in another state,
 18 that is if the victim is not a state resident, if that other
 19 state would cover the citizens of its state, he'd be covered
 20 in this state. As a result, some victims are not covered
 21 at all, even where there are crime victim compensation
 22 programs and some are actually eligible for a double recovery.

23 A California resident, for example, where the
 24 State of California pays its residents wherever victimized,
 25 if he were victimized in North Dakota, North Dakota pays

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1 its citizens and anyone injured in the state, so a California
 2 resident in effect could come to North Dakota, become a
 3 victim and be eligible for compensation in both states.

4 In addition because of funding problems,
 5 competition is developing between victim compensation
 6 programs and other types of victim assistance programs,
 7 that is victim assistance, victim witness assistance, spouse
 8 abuse programs, child abuse and those types of programs.

9 When our criminal justice budgets allocate such
 10 a minimal amount to victims, in North Dakota it's something
 11 around 1 percent of the entire criminal justice budget, I
 12 think it's absurd and ironic that these programs have to
 13 compete for these limited funds.

14 Many states have passed fines and penalties
 15 provisions to fund their programs and that's got a lot of
 16 public appeal, in effect to say that the offenders are to
 17 pay the costs of victim programs and some of the proposed
 18 federal legislation which has been proposed for the past
 19 10 years has required such provisions in order for the
 20 state to be eligible for federal reimbursement. Aside
 21 from the fact that the federal government, I don't think
 22 should care how states raise their money to fund their
 23 programs, there are very few justifications for such fines
 24 and penalties provisions in principle. That is, in some
 25 states traffic offenders must pay such a fine but the victims

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1 of traffic accidents are not eligible for recovery and if
 2 national statistics are accurate and only about 3 percent
 3 of the offenders are caught and convicted, what that really
 4 means is that a very small number of offenders is being
 5 called upon to pay for all of the victim programs.

6 Furthermore, there is little penal or rehabilitative
 7 effect in a \$10 fine or a 6 percent fine on a violent
 8 offender which goes to the victim compensation fund.

9 Furthermore, they oppose added burdens, impose
 10 added burdens on the already overburdened court system
 11 and in some cases as in Pennsylvania, they bring in a great
 12 deal more or a great deal less as in Tennessee, than is
 13 needed for even the compensation program and that applies
 14 to a general argument against earmarking funds.

15 I think that the appropriate federal response
 16 is rather simple to say and has been very difficult to
 17 achieve. The Rodino Bill designated HR 2855, is really a
 18 continuation of about a 10 year process of an attempt to
 19 help to reimburse the state programs. That Bill as it's
 20 presently written would reimburse the state programs for
 21 approximately half of what they have paid out on behalf of
 22 crime victims.

23 By setting up an advisory board with the attorney
 24 general, it would provide for coordination and dialogue
 25 among and between victim compensation programs and such

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1 programs in other victim service programs. Such funding
2 would reduce competition for funds among all the victim
3 service programs. Certainly such funding would also
4 encourage those states without programs to adopt programs
5 and those states with programs to keep their programs.

6 Such an act, an advisory board could also provide
7 for an evaluative function, that is try to do some studies
8 to determine how the programs are working, what are the
9 best methods of operation, what's working, what's not
10 working. There's really no such evaluation going on right
11 now, and related to that it could also perform an educative
12 function among the various compensation systems and some
13 uniformity in terms of which citizens are and should be
14 covered and uniformity as to the various interpretations
15 of similar provisions.

16 As an aside, and I'm not sure what to do with
17 this, this may not even be a surprising figure to you. In
18 my conversations with most program administrators around
19 the country, we find that approximately 60 to 70 percent
20 of claims of crime victims are alcohol-related and in states
21 with a larger drug problem it goes up to 80 to 85 percent
22 alcohol or drug related.

23 That's all I have in terms of prepared remarks.
24 I'd be happy to answer some questions.

25 MR. HARRIS: Professor Wilson?

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1 PROFESSOR WILSON: Thank you very much for taking
2 the trouble to be with us and telling me, at least the
3 many things I did not know about these programs. I have
4 to ask you however the same question I asked Mr. Cahalan
5 this morning. Over half the states now have some victim
6 compensation program. It's possible that eventually all
7 the states will. Why is it a federal responsibility to
8 pay the cost of it?

9 MR. GROSS: Well, I think that I delineated those
10 reasons. Essentially I think that it would help to
11 encourage and keep state programs as I indicated, there is
12 at least a beginning trend in the opposite direction.

13 PROFESSOR WILSON: I understand but if that
14 is the judgment of state authorities, what is the argument
15 for the federal government saying a program that cannot
16 receive the support of state authorities when the amount
17 of money is relatively small and the fiscal stress, at least
18 many of these states is not sufficiently great to put
19 programs of this modest dimension in jeopardy
20 why should the federal government which also has some fiscal
21 responsibilities attempt to redistribute money for this
22 purpose.

23 Take my own state of Massachusetts. Massachusetts
24 has a very high per capita income. It has a fiscal problem
25 in that people don't want to tax themselves to pay for a

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1 large number of public services. For the federal government
 2 to pay for victim compensation program in Massachusetts
 3 would in effect mean 1 of 2 things. Either the federal
 4 government is taking money from Mississippi and sending it
 5 to Massachusetts, which I don't think can be justified in
 6 terms of principles of equity, or the federal government
 7 is taking money from the more affluent parts of Massachusetts
 8 and sending it to the less affluent parts of Massachusetts.

9 Now that's a perfectly legitimate way to transfer
 10 income. The question I ask is if the legislature and the
 11 people of Massachusetts will not do this, why should the
 12 federal government be told to do it.

13 MR. GROSS: Well, I think that a very quick and
 14 pass on that too. I'm not sure that, how deep it goes is
 15 that the state programs, at least all that I know, are now
 16 covering the victims of federal crimes, and so that is a
 17 very simple reason for doing so.

18 PROFESSOR WILSON: To the extent there's a federal
 19 interest, obviously there's a federal responsibility to do
 20 that.

21 MR. GROSS: Correct. In addition, there is really
 22 no organized constituency of victims and I think that more
 23 so at the state than the federal level, that has an affect,
 24 the fact that lobbyist in the state legislature can come in
 25 and influence legislation and there is no really lobby for

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1 victims, certainly on the state level and so I think that
 2 it is important that the federal government sets some sort
 3 of a tone in that area, because it's really hardly going
 4 to be done by any organized constituency of victims.

5 I think those are 2 basic reasons. I guess I'll
 6 stop there.

7 PROFESSOR WILSON: All right, thank you.

8 MR. HARRIS: Chief Hart?

9 CHIEF HART: I have 1 or 2 questions. Appreciate
 10 your presentation. Apparently from the beginning you don't
 11 have too much faith in the crime victim compensation programs
 12 in most states. I am somewhat familiar with the 1 in
 13 Michigan and it seems to me it's directed at the problem
 14 rather than free lance or free lunch type programs, where
 15 anyone who apply have to put enough pressure, exert enough
 16 pressure to get some response so it seem to me the way
 17 it's set up in Michigan and enacted by the legislature and
 18 in the governer's office he appoints someone to oversee
 19 the program and he petition the police agencies where the
 20 victim has been victimized. And determine if the victim,
 21 indeed need help. Most of the victims have been compensated
 22 that I have knowledge of, have been elderly citizens who
 23 have lost property that they don't have money to recover
 24 or some money to buy food or pay their rent.

25 Would you be in favor of a program such as this

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1 that's directed at the problem on the state level?

2 MR. GROSS: I think I -- my basic answer to that
3 is no. I think that these programs have been established
4 not as welfare type programs, that anyone who is a victim
5 of a crime, no matter what his financial means, should be
6 eligible for some sort of a recovery because at least in
7 terms of 1 of the rationales, society has a responsibility
8 to all of its citizens relative to protection and when
9 that protection has failed, all of the citizens should be
10 eligible for compensation.

11 As a practical matter, most state programs
12 right now have collateral source provisions which simply
13 means that you have to take into consideration what their
14 other avenues for payment of those same losses are. If you
15 have health insurance that covers you for all the losses
16 you have sustained, then you would be eligible for no benefits.
17 If you have a disability insurance policy that covers you
18 for your whole loss, you would not be eligible so I think
19 that the collateral source provisions pretty much take
20 care of making sure that no body is in effect getting a
21 double recovery.

22 CHIEF HART: Well, that's my point. Are you
23 for a program that's directed at the problem rather than
24 all you have to do is apply, as I described in Michigan, as
25 an advocate for victims of crime, who can't help themselves

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1 and what the advocate does is come to the police agency and
2 have them investigate whether the victim need help and if
3 no help is needed then none is given.

4 MR. GROSS: Well, yes. I had the impression
5 that what you were referring to is essentially programs
6 to help the elderly, specifically, or any specific group.
7 As a general matter, yes, all of the crime victim compensations
8 are directed at people who have no other resources to pay
9 for these same benefits.

10 CHIEF HART: Okay, that's the point I wanted to
11 clear up. You're not against all victim crime programs
12 but you are against the ones who just carte blanc give
13 people money.

14 MR. GROSS: I don't think I'm against any of
15 the crime victim compensation programs. I don't know of
16 any of them that just carte blanc give the money as you
17 suggest.

18 CHIEF HART: Fine, but you do have problems --
19 you did state that most of the programs you know, don't
20 take care of the problem.

21 MR. GROSS: No, I think what I did state is that
22 there are many exclusions in the act and minimums, maximums
23 and that kind of thing which because of those they don't
24 adequately take care of the problem but they certainly
25 attempt to do so.

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1 CHIEF HART: But then again, you only advocating
2 that victims of crime that when the federal law is violated,
3 you're only concerned about the federal government picking
4 up that piece, is that just about it?

5 MR. GROSS: No, I think that it is more extensive
6 than that. What I, I feel that certainly there is a direct
7 federal responsibility for that kind of payment, however,
8 I think the federal responsibility goes beyond that and
9 that is to help to encourage such programs in all states
10 and to encourage a general concensus on behalf of an
11 awareness of victims, certainly as much so as they have
12 done on behalf of the defendants in the past, certainly the
13 50 years, last 50 years, especially, that there should be
14 some adequate emphasis and equal emphasis upon victims
15 that there is upon the rights of defendants and offenders
16 in this society.

17 CHIEF HART: Fine then you're not asking for
18 money, you're asking for support.

19 MR. GROSS: Well, to the Rodino Bill it would
20 also ask for additional funding. Yes.

21 CHIEF HART: Okay. Thank you.

22 MR. GROSS: Thank you.

23 MR. HARRIS: Mr. Carrington?

24 MR. CARRINGTON: Mr. Gross, a couple of short
25 points for the record. First of all, your national

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1 organization of victim compensation board is a member
2 of a larger organization, the International Association
3 of Crime Victims Compensation Boards?

4 MR. GROSS: That's correct.

5 MR. CARRINGTON: Could you in 25 words or
6 less, just at least put in the record what the International
7 Association does?

8 MR. GROSS: All right.

9 MR. CARRINGTON: -- so we have a complete
10 picture?

11 MR. GROSS: The International Association is a
12 group of countries as well as states which have compensation
13 programs and it includes such countries as England, all
14 of the Canadian Provinces, Australia, Japan, which just
15 enacted a program and I guess also in response to prior
16 questions, those are countries which have programs and
17 in the United States it is generally done on a -- obviously
18 done on a state-by-state basis.

19 MR. CARRINGTON: Another point for the record.
20 You mentioned quite correctly that the victim is civil
21 litigant when the suit is a victim against the perpetrator
22 generally fails to recover it because of uncollectability.
23 You do not mention the area of third party litigation
24 where the victim sues the negligent third party responsible
25 for the victimization. For example, the Connie Francis

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1 case where she recovered a million and a half dollars from
 2 a motel chain that had inadequate security and she was
 3 raped or recoveries against correctional authorities that
 4 are negligent in a release or failure to supervise or
 5 failure to warn of dangerous tendencies of prisoners.

6 I assume that you have no objection to this
 7 particular --

8 MR. GROSS: Certainly not. It is however, a
 9 very new area of law in general and in terms of most
 10 victims, that kind of an avenue is not open to them.

11 MR. CARRINGTON: It is probably the fastest growing
 12 area of victims that I know of in the country today though
 13 because the lawyers are in business to make money and if
 14 they see a non-collectible rapist in the penitentiary, they're
 15 going to be a whole lot less likely to take the suit than
 16 against a major motel chain.

17 MR. GROSS: Right.

18 MR. CARRINGTON: And from my personal experience,
 19 it's almost literally an explosion of these third party
 20 lawsuits. I don't think they're going to solve the problem
 21 but they do have the preventive aspect that perhaps the
 22 people who have been stung once will take the proper
 23 precautions, so that they won't be sued again in their own
 24 self interest, preventing some litigation.

25 MR. GROSS: And that's an area that you know a

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1 great deal more about than I do.

2 MR. CARRINGTON: The third observation is an
 3 observation but I'd like your opinion on it. On the
 4 Rodino Bill, which I have testified in favor of, we've
 5 struck out at least 5 times in the Congress of the United
 6 States, the proponents of such a bill. Sometimes we've
 7 passed the Senate, sometimes it would pass the House
 8 but it's never passed both houses and I say at least I think
 9 it goes back 8 sessions, that it hasn't passed. I am not
 10 given much to studies of any kind unless they're really
 11 flat but I think we may be premature in going for the
 12 Rodino Bill without a study of why we struck out for "X"
 13 number of sessions of Congress and bring in all of the
 14 good points of all of the various state compensation
 15 legislation that you've mentioned.

16 You've mentioned a lot of weak points in them
 17 too and at least the President's advisory committee on
 18 victims that I happen to chair, came out with the idea
 19 that there should be a minimum of federal compensation for
 20 victims of federal crimes and perhaps federal severation.
 21 but since the area is so new and in such a complete state
 22 of confusion right now, that maybe the study should come
 23 first, a comparative study, what's good and what's bad,
 24 things to that affect, and then take that and use it as a
 25 basis for federal compensation and severation bill. Would

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1 you comment on that?

2 MR. GROSS: I'll try. Basically, my understanding
3 is that there has been little or no administrative support,
4 that is executive support, at least direct. That is the --
5 well, the past presidents have not been opposed to the
6 Rodino Bill and bills like it, they have done really little
7 to encourage their passage. Last session a bill did pass
8 both houses, however after it came out of conference
9 committee, it was not adopted by the house because of the
10 changes that were made so that it would seem that if an
11 evolution has gone on and if the present administration
12 is, as it says, in favor of victims then this might be just
13 the right time to favor the Rodino Bill and to push it.

14 MR. CARRINGTON: I think we have a certain
15 ambivalence on the part of this administration. Clearly
16 they've done more for victims in the --even before the
17 election by setting up the victims advisory task force and
18 by proclaiming victims rights week which I concede is
19 somewhat cosmetic but at least it shows the focus of the
20 administration's intention. On the other hand, we have a
21 very tightly financial control in the administration. I
22 don't know how it's going to work out. I think philosophically
23 we've never been in better shape with this administration.
24 Economically the 2 almost go at loggerheads but I'm not
25 really sure we have much of a chance of getting anything

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1 comprehensive through federally until we have an opportunity
2 to study the pros and cons of the state laws. We certainly
3 recommended this in our advisory task force, that it be
4 an initial step. You seem to have some problems with the
5 off the top state laws where the money is not appropriated
6 by the legislature as such but is taken with -- from fines
7 or something like that. I know it works very well in
8 Virginia, my home state.

9 I think it works well in Ohio. California has
10 the same thing but they take about 10 different things
11 off the top. They take the police officers standards and
12 training academy and any number of things. Wouldn't you
13 say that is better than nothing as opposed to being at the
14 mercy of each legislature that comes into existence?

15 MR. GROSS: Certainly.

16 MR. CARRINGTON: In 2 years?

17 MR. GROSS: However, what it is basically is
18 I think a convenient form of taxation and not really something
19 based in principle.

20 MR. CARRINGTON: Isn't an appropriation of money
21 out of a general fund which all taxpayers contribute to
22 doing essentially the same thing, at least when you're taking
23 off the top, you'll find you've got some kind of violator
24 paying for victims as opposed to lifting it out of all of
25 the taxpayers.

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1 MR. GROSS: I guess it somewhat depends upon
2 what your philosophical justification for crime victim
3 compensation programs is. Certainly there is the justification
4 that society has the responsibility and that the loss
5 should be spread over society and therefore spreading it
6 over the, only these small number, relatively small number
7 of convicted criminals does not do that.

8 MR. CARRINGTON: Finally, you said that victims
9 are generally without a lobby and I tend to agree with
10 that but would you agree with me that say in the past oh,
11 5 to 10 years, victims have had at least the beginnings of
12 a lobby, organizations like NOVA which is now an umbrella
13 2500 I believe is the figure, things ranging anywhere from
14 rape crisis centers to victim compensation boards and things
15 like that. In New York, for example, your counterparts
16 up there have put into the hopper for legislation the
17 victims bill of rights which I think is a historical kind of
18 thing. I think we're starting to get a lobby anyway.

19 MR. GROSS: I certainly agree with that and I
20 think that that lobby is what is primarily resulted in the
21 pro -- 5 new programs this year.

22 MR. CARRINGTON: Uh-huh. Thank you, sir.

23 MR. HARRIS: Mr. Littlefield?

24 MR. LITTLEFIELD: Carrying Mr. Carrington's
25 last question a little bit further, has your organization

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1 recognizing you don't have a very heavily organized
2 constituency, have you ever considered joining forces with
3 a very well organized lobby which is in every single
4 legislative house in these United States, the insurance
5 lobby? Eliminate the collateral source doctrine and then
6 perhaps you would get substantial amount of support from
7 a very strong lobby and you might get a lot more money
8 than you're getting now.

9 MR. GROSS: I might say we have not considered
10 that and it's certainly something to consider. I am not
11 quite too sure how that would square with most people's
12 philosophical views about the crime victim compensation
13 programs.

14 MR. LITTLEFIELD: Thank you.

15 MR. HARRIS: Does the state of North Dakota's
16 program go after the defendant, and convicted defendant
17 or convicted felon for recovery?

18 MR. GROSS: This relates somewhat to a topic that
19 generally comes up relative to subrogation. All the states
20 have subrogation statutes.

21 MR. HARRIS: Do they vigorously pursue them?

22 MR. GROSS: We -- what we attempt to do is if
23 there is any resource at all on the part of the offender,
24 we attempt to encourage the victim to do that since we
25 have little or no administrative ability to do that and we

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1 also when we learn that offenders have been caught and are
 2 being prosecuted, we write to the judge and indicate that
 3 a claim has been filed in this particular case. If the
 4 offender is found guilty, we would appreciate sentencing
 5 him to restitution which the judges in North Dakota have
 6 the authority to do.

7 As a practical matter I believe in the entire
 8 5 years that we've been in existence we have received
 9 approximately \$1500 back in that method. It has really
 10 not worked.

11 MR. HARRIS: Don't you think that your programs
 12 would be more successful if there was vigorous subrogation
 13 of these claims?

14 MR. GROSS: I do not and --

15 MR. HARRIS: Don't you think that people want
 16 to know that even if that convicted felon is earning
 17 35¢ an hour doing license plates, that that ought to be
 18 taken away from him to the extent that the rest of us have
 19 had to pay out money because of what he's done?

20 MR. GROSS: I think that that again is a very
 21 great P. R. approach but in terms of practicality it really
 22 produces almost nothing because if they are incarcerated
 23 and can make very minimal amounts of money and pay it back
 24 over a long term system, all you're essentially doing is
 25 putting another burden on the court system that doesn't want

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1 it and can't handle it.

2 MR. HARRIS: Don't you think there is some
 3 deterrent value in a convicted felon getting his paycheck
 4 every week, if he's -- once he's out or his money that he
 5 earns if he's working in prison and see a deduction on that
 6 which reminds him that he is bearing part of the responsibility
 7 and the costs for what he's done?

8 MR. GROSS: Absolutely. Not only deterrent but
 9 also rehabilitative but again you're talking about the
 10 same number of cases in which the offender is caught and
 11 convicted and that percentage is so low that in terms of
 12 doing anything for victims, it's literally -- it does little
 13 or nothing and it's a great P. R. approach but that's it.

14 MR. HARRIS: Well, isn't it more than P. R.?
 15 Isn't it more than a P. R. approach. I'm not contending
 16 that it is of great financial benefit to the states. What
 17 I'm saying to you is you're wondering why you don't have
 18 a constituency and why some programs are going under and
 19 isn't that part of the important philosophical underpinnings
 20 that we don't ask third parties, the innocent citizenry
 21 to pay the costs of these things until we have made those
 22 who should properly bear the responsibility pay to whatever
 23 extent it and if it's 35¢ an hour, if it means they can't
 24 buy candy bars or whatever it is, so be it, but don't you
 25 think that the public would be willing to accept the

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1 responsibility over and above that only after knowing that
2 the state will vigorously pursue that sort of thing?

3 MR. GROSS: Again I think that it is a good
4 philosophical basis. I think it has some deterrent value.
5 It has some rehabilitative function but very little
6 practical effect.

7 MR. HARRIS: Well, you've answered it 3 times.
8 I guess then that Chief Hart's rule, when you get the same
9 answer 3 times that's it.

10 Mr. Gross, thank you very much.

11 MR. GROSS: Okay. Thank you.

12 MR. HARRIS: Our next witness is Catherine G.
13 Lynch, who is Director of the Dade County Advocates for
14 Victims. Welcome, we're pleased to have you with us today.

15 MS. LYNCH: Thank you. I'm terrified.

16 PROFESSOR WILSON: Ms. Lynch, before you start,
17 if I should stand up and walk out while you're speaking it
18 is only because of a difficult transportation problem and
19 not because I'm outraged by what you're saying. Excuse me.

20 MS. LYNCH: Thank you. Thank you for inviting
21 me to appear before you today and thank you for your
22 interest in victims and victim services. I think it's
23 very significant that this is the first time that people
24 who do represent victims and victim services beyond people
25 like Frank whose role has been very important, have been

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1 asked to appear before a body of this nature.

2 As you may find, during the course of the
3 ensuing discussion we don't always agree with each other
4 but we support each other and respect each other.

5 What I want to stress this afternoon is the
6 impact of violent crime upon the victims. Some of you
7 don't need to hear it. I think maybe perhaps some other
8 people do and the need for joint efforts between the
9 federal government and local communities to work together
10 to reduce that impact of crime upon victims.

11 I've been involved since late 1974, in developing
12 and providing specialized services to victims of violent
13 crime. I'm in daily contact with adults and with children
14 who have been brutalized by strangers or victimized at the
15 hands of the family members who are supposed to love and
16 protect them.

17 I'm in charge of 3 interlocking programs for
18 assisting different kinds of victims. I provide emergency
19 shelter, food, crisis counseling, paralegal counseling,
20 clothing and advocacy around the clock to victims of muggings,
21 robberies, rapes, and to survivors of murder victims.

22 We also have a shelter, crisis counseling, short
23 term counseling and advocacy for battered women and their
24 dependent children, also around the clock, and we also
25 provide specialized case management and individual, group

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1 and in depth family counseling to victims of incest, their
2 siblings who are often also victims of incest, although
3 not originally identified as such and their mothers or
4 caretakers.

5 I've also assisted in the development of other
6 programs, some oriented towards the treatment of victims
7 and/or offenders, pre-trial diversionary programs for
8 domestic offenders, others towards training and information
9 exchange.

10 I'm active in various task forces and advisory
11 boards and in professional training and community education
12 at the local, state and national levels so I hope that I
13 offer a rather broad prospective and range of experience.

14 It is sometimes very difficult to communicate
15 what happens to victims without resorting to sensational
16 pictures of mutilated bodies or graphic descriptions of
17 brutality and the resulting depravation. Mr. Cahalan
18 did that very nicely this morning. He didn't go into the
19 graphic brutality but he gave you some examples of the kinds
20 of things that those of us in the field, whether we're in
21 social services or criminal justice, deal with everyday.

22 The real people, not the numbers, not the
23 percentages. People who are sure they never will be victims
24 because of physical strength or economic circumstances are
25 often unable to comprehend the horror, the shock, the loss,

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1 the lingering fear and sometimes the impotent anger and
2 sometimes the guilt for not having protected oneself better.

3 People who have been or who have known victims
4 or who are aware of their own vulnerability or that of
5 their loved ones usually are very much aware of the need
6 for the kinds of services that victim service agencies
7 provide.

8 Let me go off on a tangent for a second and then
9 come back. For most of us there's a difference between
10 victim services and victim compensation and that is why
11 I think there was some confusion about some of the questions
12 with Mr. Gross, and if I can clarify some of that along the
13 way I will try to do so.

14 Kinds of services I'm talking about are the
15 need for crisis counseling, whatever time of day or night,
16 if someone has just been severely victimized, this is not
17 only true with rape victims where you hear about it most
18 often or with family violence victims but with any kinds
19 of victims. The need for crisis counseling, the need for
20 basic information. Mr. Carrington earlier gave you an
21 example of the kind of basic information that many victims
22 need. Most victims are not aware of the possibility of 3rd
23 party suits and most victims are not going to consult an
24 attorney about that because they don't know there's a
25 possibility.

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1 In our particular jurisdiction they're not
 2 going to find out about it because the state attorney's
 3 office believes that they do not have the obligation to
 4 provide this kind of information, so there's definitely an
 5 information function that victim service programs provide.

6 There's a need for advocacy before other agencies
 7 whose response to victims is often a second victimization
 8 and you were given some examples of that earlier today and
 9 I can give you examples of that for hours if we want to go
 10 into it. There's a need for, in some cases, food, shelter
 11 and clothing. In Miami we have a very large number of
 12 transient victims, people who come down and if all of their
 13 money is taken, there is nowhere for them to stay and no
 14 way for them to pay for that. If their clothing is destroyed
 15 in the process of the attack or taken for lab purposes,
 16 what do they wear to leave the hospital, that basic.

17 There's a need for paralegal counseling, a
 18 tremendous need for paralegal counseling, explanation of
 19 what all this ritual means, what these terms mean.

20 There's a need in many cases for transportation
 21 to and from medical appointments, the police and the court.
 22 There's a need for assistance with medical expenses and
 23 for protection from further violence in many cases and
 24 although some victims may imagine this because of the affect,
 25 normal affect of the victimization upon them, in many

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1 cases their fear is quite real and I think the ABA has
 2 addressed this in some detail.

3 The need for protection from further violence
 4 in our experience is especially true if the offender is a
 5 family member or a neighbor.

6 Now not all victims need all of these services
 7 and there are a few victims who have access to most of them
 8 through private means but there are many people, at least
 9 in our community, from many -- all segments of the community
 10 who need victim services, who do not receive them and who
 11 do not as a result, recover their ability to function
 12 as contributing members of society.

13 I want to make an aside comment, based on stuff
 14 I overheard this morning. I hadn't thought it was necessary
 15 to say it and I hope it's not necessary to say it but not
 16 all victims of violent crime are poor. Not all victims of
 17 violent crime, although many victims of violent crime are
 18 poor and the majority of victims of violent crime may well
 19 be poor, but there are large numbers of people who are
 20 from middle and upper income classes.

21 Not all victims of private crime are drunk or
 22 going around with masochistic fantasies which they're
 23 living out and I thought we'd gotten well beyond this stage
 24 but I just want to make sure that that's clear. I'm sure
 25 it's clear to you all but also clear to the audience.

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1 The point I just made about victims recovering
2 their ability to function is to me one of the strongest
3 arguments in behalf of the need for victim services.

4 Provision of immediate appropriate assistance to
5 victims reduces long term trauma. It reduces cost to our
6 society for subsidized physical and mental health care.
7 It speeds up the return of productive members to the
8 community. Many victims are bread winners. It often
9 increases the probability of conviction of the assailant.
10 If you've got a good victim witness program that really
11 does what it's supposed to be doing, your probability of
12 conviction goes up at least again in our experience.

13 In many cases, it also reduces the production
14 of a new generation of criminals. Many violent sex offenders
15 were sexually abused as children and came from violent
16 homes.

17 Many runaways, prostitutes, substance abusers
18 report being sexually abused as children within the home.
19 The percentages go from 40 to 90 percent depending on which
20 study you're using. Most abusive parents were abused as
21 children. If we can stop it when they're abused as children
22 they won't grow up to abuse their own.

23 Most battering spouses and their victims are
24 repeating criminal behavior learned from their parents.
25 Again if we can stop it with the kids before they grow up

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1 and do it again, it's going to save us a lot of money and
2 a lot of suffering in the long term.

3 Early skilled intervention in family violence
4 not only reduces the probability of one of the participants
5 killing or permanently incapacitating the other. It also
6 reduces the probability of police injury or death. The
7 number of repeated police call outs and the number of cases
8 in felony and misdemeanor court. It may increase the
9 number of cases in family court. That's something that I
10 don't think anybody's looked at.

11 Early provision of assistance to battered women
12 and abused children does not break up nourishing, protective,
13 loving families. Nobody wants to break up nourishing,
14 protective, loving families. It may give these people
15 the skills to stay together without destroying each other.

16 None of the specialized services that our programs
17 provide are consistently available at a minimum level of
18 quality from any other local agency, public or private.
19 We do not duplicate existing services.

20 All of the services our programs provide were
21 developed in response to repeated requests from victims
22 and/or other agencies. These are not demands that we
23 invented in order to apply for federal funding. These are
24 requests that came straight from the people who are coming
25 to us for help. Our program has quadrupled in size over

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1 the past 7 years, in desperate effort on our part to meet
2 some of the requests for service that were coming in.

3 As I said, our caseload has quadrupled in 6 years
4 in an effort to meet the demands for service. We can still
5 meet only half of the eligible requests for service. The
6 rest go on waiting lists which tears us apart. You got a
7 kid who's in a situation where they're a victim of incest
8 and we cannot take them. We cannot work with them because
9 we do not have the staff to work with them, and we've got
10 to say well, you know, we hope you're okay for the next
11 3 months until we can assign a social worker to work with
12 you.

13 Most of the victims we serve are referred by
14 police or hospitals or crisis lines or other social services
15 or know of us through the media. We haven't had time to
16 go looking for victims for the past 5 years. We do no
17 organized outreach. Our community and others like it believe
18 in the value of the kinds of services we provide and have
19 been willing to support us increasingly through the
20 allocation of tax dollars. Now these are federal revenue
21 sharing funds so they're also introduced by -- influenced
22 by federal policy but they are allocated at the local level,
23 through interagency coordination in case management and
24 protocols and the donation of goods, cash and professional
25 and paraprofessional services.

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1 Now let me go back and talk about something
2 Dick Gross was talking about. In terms of political
3 feasibility, morality, philosophy, public relations, the
4 community donations that we receive are extremely important.
5 In terms of their actual value in running a program, if
6 you exclude the value of the donated professional services,
7 if you exclude the value of a lawyer's time donated \$100
8 an hour, we received \$9,000 in community donations last
9 year.

10 Our total budget is around \$450,000. We could
11 not run the programs we run on community donations and I
12 think the point that Dick was trying to make earlier is
13 that the idea of restitu -- of forcing the offender to pay
14 for something is a nice idea. It's great politically
15 but in terms of if you were to try and fund victim
16 compensation programs on that, you wouldn't have any victim
17 compensation programs.

18 It's the same thing with victim service programs.
19 If we did not have considerable support from the local
20 government, I'm a Dade County employee. We would not have
21 victim service programs.

22 All of our programs were started with federal
23 funds. Almost every successful victim service program of
24 which I am aware and there may be some I don't know about,
25 sought and received federal grants in its early stages.

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1 either from LEAA, HEW, which is now HHS, CETA or HUD's
2 community development.

3 I do not think there would be more than a
4 handful of victim service or victim witness programs today.
5 If LEAA had not pointed the way by earmarking specific
6 funds for victim witness and family violence programs.
7 Local communities, this is based on my experience in Florida
8 and from listening to other people across the country,
9 local communities are usually not going to develop new
10 or innovative services no matter how much they are needed
11 if they have to provide all the front money, assume all the
12 risk, develop all the new professional skills, divert limited
13 funds from numerous competing local pet projects and admit
14 and this is the most important in many ways, that the
15 status quo is in need of severe overhauling. Just not
16 going to do it.

17 Local communities have been willing to support
18 proven winners, once they've seen them in action, thanks
19 to the leadership of the federal government.

20 Local personnel have been able to develop the
21 necessary skills to run excellent programs and even to
22 bring them further ahead than what was specified in the
23 federal guidelines. Once they had the start up funds and
24 basic directions to go in and access to experts to learn
25 from. The locals have not, in most cases, been able to

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1 develop good programs without federal leadership and start
2 up funds and support. The feds in most cases, have gotten
3 a good return on their investment in developing victim
4 services.

5 There have been failures but we had to know what
6 didn't work. Again it's a new field and in private industry
7 everything you try doesn't work. In criminal justice and
8 social services, everything you try doesn't always work.
9 We need continued federal investment in starting up new
10 and innovative programs.

11 Now the federal government plays a crucial role,
12 not only in stimulating necessary new services but also
13 in keeping track of achievements and failures and in
14 disseminating this knowledge through information exchange
15 and technical assistance. The newsletter response, some
16 of you may be aware of it, it's an excellent example of
17 the successful distribution to local communities of key
18 information on new findings and resources.

19 If local programs do not have access to this kind
20 of knowledge, they must, in effect, reinvent the wheel
21 which is a waste of limited resources and a failure to further
22 reduce victim suffering when the scales are available to
23 not cause that kind of suffering.

24 There is no excuse for the new programs to repeat
25 the mistakes that we made with rape victims 6 years ago

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1 and unfortunately we made mistakes. The mistakes we made
2 with battered women 3 years ago, or the mistakes that we
3 made with incest victims 1 year ago.

4 There's no excuse for my programs to blunder
5 forward in isolation using victims as guinea pigs or worse,
6 unintentionally increasing their suffering if someone else
7 has already developed techniques for affectively providing
8 these services.

9 States and municipalities, however, do not have
10 the breath of overview, the sophistication or the resources
11 to provide information and technical assistance at the same
12 level of affectiveness as the federal government nor do
13 they have the contacts to search out the pioneers and put
14 them in contact with each other to push knowledge and skills
15 even further.

16 Victims services is still a new field inspite
17 of the rapid progress made since 1974 and there are still
18 many basic questions to be asked and to be answered.

19 Local programs will use new knowledge if it is
20 disseminated to them but they usually cannot make significant
21 progress in isolation so that I think is an important role
22 of the federal government.

23 Only the federal government has the overview
24 and the resources to stimulate necessary new research on
25 questions with national application. Based on some of the

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1 earlier conversations this morning, I'd like to resurrect
2 one of my zany ideas that I'd like to see the federal
3 government fund which is develop a way for local groups
4 to measure the affectiveness of local judges and then
5 publicize it. I sat down with our local crime watch 4 years
6 ago and tried to develop some kind of instrument that the
7 volunteer groups could use, the court watchers could use.
8 I couldn't develop it. I did not have access to the
9 resources to develop it but earlier this morning several
10 comments were made about the way that the judges have not
11 helped carry out some of the intent of the legislature.

12 I think that would be one way of dealing with
13 that. There are other particular research issues that I'd
14 like to see addressed and I don't think are necessary to
15 go in here.

16 The federal government can set a moral tone for
17 this country as no other entity can through the legislation
18 it chooses to enact and through the policy directives it
19 chooses to implement in areas under its jurisdiction such
20 as military bases.

21 Proclamation of a national victim's bill of
22 rights would be a logical follow upto President Reagan's
23 declaration of national victim rights week last April.
24 The national bill of rights. There are several states
25 that have them. Passage of national victim compensation

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1 legislation providing partial, not total but partial
 2 funding of state awards would stimulate the states to
 3 provide meaningful compensation to victims devastated by
 4 medical expenses and lost wages. Many murder and robbery
 5 victims in the Miami area are small shop owners and
 6 convenience store clerks. Bread winners for their families.
 7 They don't even know about Florida crimes compensation
 8 because the state allocates no funds for out reach. Their
 9 families are set back for years because our society has
 10 failed to protect them. If it were a hurricane or a frost
 11 that had injured them, they would receive more adequate
 12 and less begrudging help. On military bases, the federal
 13 government could slowly bring about major changes by a
 14 number of things, directing one, that restitution to victims
 15 be an automatic part of all sentencing and there's a part
 16 of me that doesn't care how much that costs administratively.

17 I believe very strongly that restitution should
 18 be imposed and I don't care if that offender only makes
 19 10¢ an hour, but 10¢ an hour should go back to the victim.

20 I agree with Dick, however, that it is going to
 21 be extremely expensive administratively and that not only
 22 that but it's going to be sabotaged every step of the way
 23 by the people who are supposed to implement it unless
 24 those issues are very, very carefully thought out.

25 We have all sorts of restitution procedures in

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1 Florida which are almost never used. The law is on the
 2 books. The law has to be enforced and the administrative
 3 mechanisms have to be worked out for enabling that to happen.
 4 Also in terms of military bases, I'd like a review to be
 5 made of existing procedures for interviewing victims of
 6 rape and child sexual abuse, insuring approved sensitivity
 7 to the victims. The way rape victims on our military bases
 8 in Florida are interviewed drives me up the wall. Never
 9 mind what it does to the victims, and 3, that it be a
 10 defined policy that violence against spouses and children
 11 is a crime that will be stopped. This is something the
 12 federal government has the power to do on its military bases.
 13 That victims should be offered protection from such criminal
 14 acts, and that specialized mandatory counseling or incarceration
 15 as appropriate and it's going to be different in different
 16 cases, be provided for the offenders.

17 In conclusion, the federal government has the
 18 opportunity to continue to improve the way our criminal and
 19 family justice systems operate and they certainly need
 20 improvement, or the federal government can turn its back
 21 by pretending there is no problem or if there is, it's
 22 someone else's responsibility. It's extremely encouraging
 23 to me that you've made the commitment to analyze the role
 24 of the federal government in preventing and in responding
 25 to violent crime, and I hope you will recommend after due

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1 deliberation that the federal government continue to support
2 local efforts and provide the backup and direction necessary
3 for them to continue. Thank you.

4 MR. HARRIS: Thank you very much. Chief Hart,
5 questions?

6 CHIEF HART: Director Lynch, you certainly
7 enlightened me on the whole problem, identified it very
8 well, made a great presentation and I'm certain that you're
9 no longer terrified if you were in the beginning. As you
10 could see how narrow my questions were to the President
11 of the organization, the problem in the several states is
12 they're are, as you pointed out, they're separate divided
13 and not together. We have a program called crisis intervention
14 to take care of some of the problems you described, in
15 the other hand we enacted a law recently to take care of
16 the victims of crime. What I heard you say and that's
17 what we're looking for, the mechanism to unify the effort
18 so my only question is do you have a specific plan or how
19 this should be accomplished?

20 MS. LYNCH: To unify the different victim service
21 efforts?

22 CHIEF HART: Yes, because you can see how divided
23 we are on the state level as the President pointed out,
24 they're so varied and different, even in the states that
25 have fairly good programs. They're divided, they're not

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1 together.

2 MS. LYNCH: I think we need coordination at
3 different levels. I threw that part of my speech out. I
4 figured it was too long, but I think we need improved
5 coordination at the local levels so that we don't have the
6 kind of situation that Mr. Gross was talking about where
7 the funding is so limited that we're at each other's
8 throats, trying -- each one of us trying to keep one --
9 you know, all of it because none of it's -- it is not
10 enough for each separate entity. That's been a tremendous
11 problem in our community, where the way funds are set out,
12 victim service programs can only apply for a certain part
13 and, you know, there's \$50,000 total available and it
14 takes \$100,000 to run each of the 5 necessary programs and
15 it's insane.

16 I think there's a need, I'm not sure what the
17 federal government can do to help that coordination except
18 provide more money for victims services but at the federal
19 level, I think that there's some things that the federal
20 government can do in terms of interagency coordination.

21 If you will forgive me, I will make a pitch for
22 funding the national organization of victim assistance
23 services which tries to do precisely that. I think that
24 you need some kind of support for the national organizations
25 that are trying to bring all of the different groups

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1 together.

2 I think that the federal government can support
3 interagency coordination among its own agencies, not only
4 the criminal justice, not only getting LEAA and the FBI
5 and Drug Enforcement Administration working together better
6 sometimes but also to have conversations between,
7 conversations and commitment cooperation between the social
8 services and criminal justice agencies. There's been
9 some beautiful work done between NCAN, National Center for
10 Child Abuse and Neglect, and LEAA, and some of the pilot
11 projects they funded in terms of child sexual abuse are
12 models throughout the country. They always will be.

13 I think there are a number of things that can
14 be done.

15 CHIEF HART: Mr Carrington has a good handle
16 on this. He's involved on the national level and I'm sure
17 he's very interested in what you have to say also. Thank
18 you very much.

19 MS. LYNCH: Thank you.

20 MR. HARRIS: Mr. Carrington?

21 MR. CARRINGTON: Cathy, we've disagreed on a
22 lot of matters but I must say today, in the past, but I
23 must say today you hit the nail absolutely on the head and
24 the single most important words, as far as federal support,
25 sevention and what not, is startup. This, when we're

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1 working with a transition, naturally they question of what
2 role the federal government should play in law enforcement,
3 criminal justice, generally victims, we came up with kind
4 of a tripartite formula. First of all we did have a direct
5 beneficial effect on whatever it was trying to approach.
6 Second, would it be cost effective and third, and perhaps
7 most important, did it have the potential to become self-
8 sustaining. Now, this is more in the form of a statement
9 than a question but I want your reaction to it.

10 Mr. Cahalan, this morning seemed to give me the
11 impression that since the local government picked up his
12 extremely successful programs, only to the extent of half
13 of the funding, that it was then up to the federal government
14 to subsidize, I suppose, the other half, ad infinitum,
15 forever, and I think that this is not a role for the
16 federal government. I think the startup costs where they
17 have the funds to do it and they have the resources and
18 all like that are what really pays off but I don't think you
19 can expect the federal government just to continue grants
20 for the next 10, 15, 20 years, for the same thing.

21 How did -- is your program been weened away to
22 any extent from federal funding?

23 MS. LYNCH: Okay. I think, let me preface this
24 by saying I think I have some options that Mr. Cahalan does
25 not. I can get groups of women marching down the front,

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1 you know, main street of Miami because of the kind of
2 services I involve, and he cannot.

3 We can do bake sales and I can go hat in hand to
4 private employers. If he were to go hat in hand to the
5 private business community, he'd be accused of conflict of
6 interest so the kinds of things that we've done to stay
7 in business are not the kinds of options that are available
8 to something like a prosecutor's office or a police department.
9 I mean, our police department, public safety department
10 officers are uncomfortable accepting a free cup of coffee.

11 You know, I'm delighted to get a free cup of
12 coffee and if I can get 5, even better, but I think it's
13 very, very basic that those, when someone is able to get
14 federal funds and we've had federal funds from different
15 federal agencies and at different levels we've had
16 discretionary grants, we've had local block action grants,
17 we've got national grants from HHS and we've got some
18 CETA funds and, you know, anything I can ethically get
19 my hands on we have applied for and gotten.

20 Your first year really has to be devoted, well
21 before you even apply for the funds you have to know that
22 you're doing something that's necessary. It can't be --
23 there are lots of grants that come down and you look at them
24 and you say, that's interesting. That's even nice, but
25 that's not what I can ethically do. I remember not going

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1 for the crime prevention grants because I just felt that
2 if I went for those grants, I didn't -- I was not going to
3 be able to provide those services and I wasn't even going
4 to try so that the funds that are available have to be
5 available for something that is needed and not somebody
6 brainstorming on something that might be nice.

7 Once that you know that that service is needed,
8 then the next year or 2 is really devoted to developing
9 legitimacy in the community, to making sure that the services
10 are being well provided and that is tremendously difficult
11 in the crisis kind of field that we all operate in, and
12 it's -- I've threatened everytime I threaten to quit,
13 is usually around a growth problem in a program or an
14 interagency hassle.

15 This is such a new field and we know so little
16 about how to do it that the fatality rate, the mortality
17 rate is just incredible. I feel like I'm babbling a little
18 bit but one of the things that struck me when I was
19 listening to Mr. Cahalan this morning was a lot of the
20 problems we have are divided in 2 fields, this is in victim
21 services. One is we don't really know what to do. We've
22 learned a tremendous amount over the past 10 years and the
23 way that I would handle a certain kind of victim from a
24 counseling approach or the way that I would handle a battle
25 with another part of the criminal justice system, I've

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1 learned tremendously but, too, a lot of it is basic
 2 administration and supervision and so much of what seems
 3 to go wrong should be possible to approach from the
 4 administrative aspect but if you had 6 years ago developed
 5 a -- earmarked certain funds for me to apply for to learn
 6 to be a better administrator, I wouldn't have looked at
 7 it. I would now. There are a whole bunch of issues we're
 8 trying to deal with that we just really don't know how to
 9 deal with.

10 I'm not sure I answered your question at all.

11 MR. CARRINGTON: Well, you didn't answer the
 12 part about have you gotten yourself totally self sustaining
 13 a year with local government funds or other funds away from
 14 the federal --

15 MS. LYNCH: Yeah, we are currently, as each
 16 federal grant has been phased out, obviously I've been
 17 building a base in the community for the community to take
 18 over that funding and the county government primarily through
 19 federal revenue sharing funds which is the way all social
 20 services in our county are funded, the county government
 21 has absorbed the cost of those funds, so technically we are
 22 once again in next years budget, however we're in the same
 23 crisis that I think every other city is in which is our
 24 state legislature has not appropriated sufficient funds
 25 as I'm sure you're well aware, to do much of anything.

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1 It means the county is going to have to either
 2 cut out social services or increase its millage and we
 3 don't know what we'll be doing next year.

4 MR. CARRINGTON: Okay, then if we were to make
 5 recommendations that the federal government gets back into
 6 the subsidation of various programs and particularly the
 7 ones that have worked like victim, witness and things like
 8 that and then they start innovating with other programs
 9 related to victims or some other form of criminal justice,
 10 that if the grant is made, it's made for a timed certain,
 11 in other words, the grantee will be advised. We're
 12 going to give you "X" number of dollars for a 3 year period
 13 and it is up to you, you are going to have to convince
 14 us, Mr. Applicant before or Ms. Applicant, before the grant
 15 is even awarded that you have this potential to become
 16 self sustaining because after the time study --

17 MS. LYNCH: No, I would argue with you on that
 18 one because, how do I put this, many new innovative
 19 programs are rocking the boat and they're going to rock
 20 the boat and if they have to have too much community
 21 support behind them. They need some or they're not going
 22 to survive but you can put them in an extremely impossible
 23 position.

24 MR. CARRINGTON: Remember, I said the potential
 25 to become self sustaining, you don't have to guarantee to

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2 OF 3

1 become self sustaining.

2 MS. LYNCH: All right.

3 MR. CARRINGTON: -- but built into the factors
4 that you submit to the granting agency would be an evaluation
5 based on other programs such as yours which have generated
6 proper community support, that say you wanted to go off
7 on a different tack in the victim's area, that you could
8 show them a probability or at least the possibility
9 potential that they would be self sustaining and you go
10 into the grant with the knowledge that this is part of
11 what you undertake to do with the grant, to do the work
12 that the grant is made for but also to start generating
13 the self sustaining support so you can get out of the
14 federal business in a period certain. I mean, I just
15 raised 3 years as an example.

16 MS. LYNCH: Yeah. The bureaucrat in me would
17 like to take that a little further. I think it would be
18 an excellent idea. I know I would complain about it
19 tremendously while I was submitting the grant but I think
20 it would be an excellent idea to ask people to develop
21 to some degree exactly how they plan to get that continued
22 support.

23 MR. CARRINGTON: I think that's going to be the
24 key to an awful lot of what this administration does with
25 its various grants in this area. Also I did not mean to

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1 give the impression I was anyway critical of Mr. Cahalan
2 or his programs. It just makes your blood boil that
3 programs so good are then cut in half. It almost makes
4 you feel like if that's the attitude the county is going
5 to take then --

6 MS. LYNCH: Why bother?

7 MR. CARRINGTON: Yeah. Okay. Victim services
8 can basically be rationalized under 2 theories. One is
9 purely humanitarian. The other one is practical. From the
10 point of view of criminal justice if you increase aid to
11 victims and service the victims, to a certain extent
12 then more victims are going to respond, more witnesses are
13 going to be willing to testify in the project turnaround
14 in Minneapolis --

15 MS. LYNCH: Milwaukee.

16 MR. CARRINGTON: Lowell Jenson's program in
17 Oakland has shown dramatic increases in first willingness
18 of victims to come forward, witnesses to come forward
19 and second, in convictions. Have you collected any kind
20 of data to that effect from your program?

21 MS. LYNCH: In terms of our program, no. There
22 has been some resistance in our prosecutor's office to
23 implementing a significant substantive victim witness
24 program in terms of the fact that it is too expensive and
25 too difficult and not a priority. There has been 1 person

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1 assigned to coordinate something like 30,000 witnesses
2 which is a little bit difficult to do.

3 MR. CARRINGTON: Even if it is not coming out
4 of the prosecutor's office though, wouldn't you say that
5 the programs you have which are funded in large measure
6 apparently by local agencies have something to do with
7 criminal justice, just give the victim a better feeling
8 about the system and make him more willing to participate.

9 MS. LYNCH: Yeah, let me come back. People who
10 have lots of data usually have funds and staff to collect
11 it, all right, so that you need a large research component
12 to be able to come back with those statistics. I can
13 say on the basis of 6 years of experience that those
14 victims that we have worked with, provided paralegal counseling
15 and brought through the criminal justice system or the
16 family court system, many of them and there are many
17 prosecutors who would support these statements, many of
18 them would have dropped out if we had not been there.

19 That, because of our support and our, I think
20 you need a football term for this one, just pushing it
21 through, and our insistence that, what do you mean, you
22 lost the case. You know, I'll go find it. Well, I'll go
23 through the police logs and check it out because I know
24 this victim called the police and, you know, that kind of
25 thing, that we've done a tremendous amount of leg work on

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1 those cases and we've done a tremendous amount of reinforcing
2 the victim when her family was saying, or his family was
3 saying don't prosecute so yes, we -- I think victim service
4 programs and victim witness programs can have a tremendous
5 impact on that.

6 MR. CARRINGTON: That's all. Thank you. Thank
7 you very much.

8 MR. HARRIS: Mr. Armstrong?

9 MR. ARMSTRONG: I presume, Ms. Lynch, that you
10 favor the independence of your office from the DA's office
11 of the police department?

12 MS. LYNCH: Not necessarily. I think that each
13 one of those decisions has to be made on a local basis.
14 In some jurisdictions I think that having a -- first of
15 all I think it's better to have some victim services
16 program than none whatsoever and second, so whoever is
17 willing to support it, I think it should be there.

18 Second, it's just going to be different in
19 every jurisdiction. I think that whoever is running a
20 victim services program that the person behind it, the
21 prosecutor, the DA, the police have to be very much in
22 support of it and willing to stand behind it when some of
23 the routines get challenged and some of the fur starts
24 flying.

25 MR. ARMSTRONG: Do you think that in your

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1 situation had your program been initiated by the DA's office
2 and brought in as a integral function of the DA's office
3 you would not be in the financial situation you're in
4 today.

5 MS. LYNCH: The programs that were initiated
6 by the DA's office in our jurisdiction have all died. As
7 soon as the LEAA funding went, the programs died.

8 MR. ARMSTRONG: Was there a reason for that?

9 MS. LYNCH: I think you should ask our DA.

10 MR. ARMSTRONG: Maybe this is a statement more
11 than a question, but the role of the victim of crime is
12 a unique role that is probably one that is embraced more
13 readily by the prosecutor than any other function of the
14 criminal justice system.

15 So it makes sense if you're going to be able to
16 try and develop victim services within the criminal justice
17 system and that's what we're about, criminal justice, not
18 social services, that if you're really headed into that direction
19 doesn't it make sense that we look to long range program
20 that would integrate victim services and DA's offices or
21 in some instances, police departments where they are an
22 integral part of that whole process. You know, can you --
23 it's a statement I know, but can you respond to that in the
24 fashion that you're looking down the road, are we going
25 to make victim services another function of criminal justice,

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1 separate and apart from the prosecutorial and investigative
2 function? If so, what's the livelihood of that concept
3 versus the livelihood of the concept that's integrated
4 within one of those other 2 functions I mentioned?

5 MS. LYNCH: Are you asking me where I think is
6 the best place to put a victim services program?

7 MR. ARMSTRONG: Yes.

8 MS. LYNCH: Okay. I have to come back to each
9 locality is going to be different. There are victim
10 service programs under prosecutor's offices that have
11 absolutely fantastic. They make an effort to provide
12 services to victims. There are other victim service
13 programs under prosecutors offices that as soon as there's
14 an arrest and the probability of prosecution, they will
15 think about getting involved. There are other programs
16 under prosecutors offices where the extent of victim
17 services consists of handing the victim a piece of paper
18 when they walk in, they do provide coffee and a place to
19 sit which is more than nothing, that says do not chew gum,
20 be sure to wear a tie, if you are a woman wear a long
21 sleeve dress so where you house it is to me, not nearly
22 as important as why you're doing it and how stongly that
23 person stands behind it.

24 MR. ARMSTRONG: Well, you and I greatly differ.

25 MS. LYNCH: Okay.

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1 MR. ARMSTRONG: If the federal government is
2 going to look towards allocation of resources to combat
3 violent crime, then it's got to stay within the framework
4 of the criminal justice system and if there's an agency
5 outside of that system or declares itself outside of that
6 system as an adjunct to the prosecutor, to the police
7 functions, then I think the federal government might need
8 to address that in some other department besides the
9 justice department.

10 MS. LYNCH: I would hope that the --

11 MR. ARMSTRONG: Our ship is coming in. I hear
12 it.

13 MS. LYNCH: I would hope that the criminal
14 justice community could work with other parts of the community
15 as well.

16 MR. ARMSTRONG: That killed LEAA, though, because
17 it span off into spouse abuse programs and other things
18 that the criminal justice system had no business in and
19 you know I have a victim program and we run a victim program
20 for the State of Kentucky and we target in on prosecutor's
21 offices and we make them very sensitive to the fact that
22 victims of crime are voters and are a natural constituency
23 for prosecutor and they embrace them and they see if they're
24 a line item in their budget every year at the local and
25 state level and that seems to me to be the appropriate place

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1 for victim service if you want it with any kind of longevity.

2 MS. LYNCH: Because you are willing to fight for
3 it.

4 MR. ARMSTRONG: Absolutely.

5 MS. LYNCH: Okay.

6 MR. ARMSTRONG: And your advocates in the county
7 budget, that's where you're located, are, you know, you're
8 just one other social service agency that they're going to
9 look at but if they're looking at the DA's budget and they
10 know that that's very important to them at a local level,
11 then I think your chances of getting funded are far greater
12 if you place yourself within the purview of the DA or the
13 police department.

14 MS. LYNCH: The thing is that in some cases the
15 DA's have not been willing to fight for these programs.
16 They have not been willing to fund them once the federal
17 funding has gone so if you're talking about long range
18 institutionalization, in some cases placing these programs
19 under the DA or under the police simply has not worked.
20 In other cases as in Kentucky, it has evidently been quite
21 successful.

22 MR. ARMSTRONG: This is a comment, not a question.
23 I really think that unless a decision is made by those in
24 victim advocacy that you have to integrate yourself within
25 the existing functions of criminal justice, you're doomed.

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1 I think you're really doomed because I don't see where
2 separate agencies and services that you're delivering can
3 exist without coming within the framework of criminal
4 justice.

5 I'm not asking for a response. This is an
6 editorial opinion. Thank you very much.

7 MS. LYNCH: Your welcome.

8 MR. HARRIS: Mr. Edwards?

9 MR. EDWARDS: Ms. Lynch, as a fellow Floridian,
10 I share your concerns and I think there has been a lack of
11 emphasis on victim compensation programs within the state.
12 I would just like to get a feel, as I understand your
13 program, in working within the Dade County structure, what
14 percentage of your budget is presently being handled by
15 Dade County?

16 MS. LYNCH: All right, you'll have to forgive
17 me if I do this in my head. The total budget is currently,
18 excluding donations, around \$440-\$450,000. \$50,000 comes
19 from HRS, \$50,000 comes from HHS, the rest is Dade County.

20 MR. EDWARDS: If the recommendations were to
21 come out of this committee that the victim compensation
22 program should be integrated into the existing criminal
23 justice community, as a subunit of one of the disciplines,
24 what would be the reaction of Dade County to that?

25 MS. LYNCH: To the victim compensation program

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1 under the state's crime compensation?

2 MR. EDWARDS: Yes.

3 MS. LYNCH: Our reaction would be we would be
4 delighted to see anything happen that would increase out-
5 reach and service to victims. As you well know the back-
6 log is incredible. Very few people are aware of it. There
7 are a tremendous amount of problems with filing claims and
8 with processing them. We end up appealing a lot of them.
9 It certainly needs any kind of improvement that it can be
10 given.

11 MR. EDWARDS: Thank you.

12 MS. LYNCH: Your welcome.

13 MR. HARRIS: Just one question. It's a little
14 off target but during your presentation you mentioned that
15 6 years ago you made mistakes with rape victims and 3 years
16 ago child abuse and a year ago incest. I take it those
17 are -- were different emerging groups of victims which --
18 who have been hidden in the past. Since you're on the cutting
19 edge of this, are there other identifiable classes of victims
20 that are hidden below the subsurface? What's next year's
21 revelation? Are there other such groups that we ought to
22 know about that are not generally known?

23 MS. LYNCH: I'm not sure. Those were the ones
24 that I felt the most strongly about. The other groups that
25 I feel very strongly about are elderly victims but I think

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1 we've already done a lot of work with elderly victims and
 2 it's just that we have not, in Dade County had the resources
 3 to really do that well, or the time and there have been
 4 some other reasons why not. My own sense is right now,
 5 maybe I'm just too much on the cutting edge. I've got my
 6 head really full of what we're trying to do with family
 7 violence and the more we learn about it and the more we
 8 realize that just a lot of the traditional counseling
 9 approaches and psychological approaches just perpetuate it
 10 instead of stopping it.

11 A lot of very significant things have been done
 12 in that area. I, perhaps if I had some time to think about
 13 it I'd like the chance to get back to you on that but off
 14 the top of my head I can't give you an answer.

15 MR. HARRIS: All right. Well, 2 things you
 16 said, maybe you can get back, we're going to be in Miami
 17 as you know, in the 3rd week in July. The other question
 18 that you mentioned or the other group, the aged, I won't
 19 ask you now but I'm curious as to what some of those other
 20 reasons are. So maybe we can be in contact in the next
 21 few weeks about that.

22 MS. LYNCH: Okay.

23 MR. HARRIS: Well thank you very much for
 24 appearing today.

25 MS. LYNCH: Thank you.

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1 MR. HARRIS: My apologies.

2 MR. LITTLEFIELD: Just a couple of questions.
 3 Ms. Lynch, how many people do you have on your staff,
 4 salaried persons?

5 MS. LYNCH: 22.

6 MR. LITTLEFIELD: And how about volunteers?

7 MS. LYNCH: Oh, dear. Off the top of my head
 8 between 6 and 10.

9 MR. LITTLEFIELD: And are these volunteers
 10 work full-time or part-time?

11 MS. LYNCH: No, most of them are part-time.
 12 They are people like lawyers. We have a number of volunteer
 13 therapists who give us 2 to 3 hours a week as group
 14 cofacilitators, things like that.

15 MR. LITTLEFIELD: And how many clients do you
 16 serve in a year?

17 MS. LYNCH: In a year we serve approximately,
 18 somewhere in the neighborhood of 800 face to face and almost
 19 2,000 over the phone.

20 MR. LITTLEFIELD: And you're open 24 hours a
 21 day?

22 MS. LYNCH: Yes we are, sir.

23 MR. LITTLEFIELD: Do you know whether any
 24 consideration has ever been given to establish in the
 25 United States Department of Justice some sort of a victim

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1 liaison or victim assistance group or section or something
2 like that?

3 MS. LYNCH: I know there was some discussion
4 discussing and establishing an office of victims. I do
5 not know where that discussion has gone.

6 MR. LITTLEFIELD: Thank you.

7 MS. LYNCH: Your welcome.

8 MR. HARRIS: Mr. Littlefield, I'm sorry I have
9 failed to recognize you or Ms. Lynch to prematurely get
10 you away from the microphone. We do thank you for coming
11 and we'll be in touch on those other questions. Thank
12 you very much.

13 We have a slight program change. Originally,
14 Walter Douglas, President of New Detroit was going to testify
15 and he has been detained out of the city, however New Detroit
16 will be admirably represented by Aaron Lowery, the Director
17 of Public Safety and Justice, and Professor Harold Norris.

18 Gentlemen, we appreciate your sitting in for
19 Mr. Douglas and welcome.

20 MR. LOWERY: Thank you very much, Mr. Chairman.
21 I'm --

22 MR. LITTLEFIELD: Sorry, before we start, I
23 might have to leave a little early, just a transportation
24 problem so if you'll excuse me if I do have to leave a
25 little early.

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1 MR. LOWERY: Let's certainly hope that you do
2 not experience the same problem as Mr. Douglas has. Perhaps
3 it might be the air traffic controllers.

4 Mr. Chairman, and distinguished members of the
5 task force on violent crime, I am Aaron Lowery and appearing
6 with me is Professor Harold Norris. New Detroit is a non-
7 profit organization representing a cross section of volunteer
8 citizens of Detroit Metropolitan, tricounty community.

9 The citizens who comprise this are 72 board
10 members include industry leaders, bankers, school board
11 members, college presidents, labor leaders, high school
12 students and members of the legal profession.

13 The trustees are black, white and brown,
14 Christian and Jew, militant and conservative. As you
15 know, crime and the fear of crime is a major and growing
16 concern of our nation. Crime in the United States as
17 measured by the crime index, offenses increased 9 percent
18 during the calendar year 1979, over 1978. Violent crime
19 as a group increased 11 percent. Guns were used in many
20 of those violent crimes.

21 In 1979, handguns were used to commit 50 percent
22 of this country's murders. The tragedy is that most of
23 those victims were relatives, friends, acquaintance and
24 neighbors of the assailants.

25 Another tragedy is that 106 law enforcement

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1 officers were feloniously killed in 1979. 76 of those
 2 lives were ended by handguns. There are many more startling
 3 statistics that indicate the frightening consequences of
 4 uncontrolled manufacture, distribution and use of handguns
 5 in the United States today. Throughout the country,
 6 concerned citizens are beginning to coalesce in a range of
 7 activities aimed at encouraging action that will halt the
 8 proliferation of handguns and eliminate the unsupervised
 9 use of the approximately 40 million or more of these weapons
 10 which exist today.

11 Because handguns are involved in so many of the
 12 gun crimes, especially murder, and many other incidents,
 13 New Detroit's Board of Trustees adopted on June 6, 1975,
 14 a position statement regarding handguns. The statement
 15 urges consideration of one, New Detroit's 1968 gun control
 16 recommendations that have not been implemented, and two,
 17 the support and adoption of additional federal handgun
 18 recommendations that would include making it unlawful, with
 19 limited exception, for a person to import, manufacture, sell,
 20 buy, transfer, receive, possess, or transport any handgun
 21 or handgun ammunition. Copies of New Detroit's handgun
 22 statement are attached to this testimony which has been
 23 distributed to task force members, however, I would like
 24 to highlight New Detroit's recommendations regarding
 25 handguns.

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1 First, that a period of 180 days be established
 2 during which time citizens are required to turn in their
 3 handguns for which they might receive appropriate compensation
 4 from the government. Two, that a reasonable period of time
 5 be established perhaps 180 days, that after such a period,
 6 any unauthorized person with a handgun in his or her
 7 possession would be subject to a jail term and/or fine.

8 Three, that handguns would be allowed in possession
 9 of police and licensed security guards. Four, that target
 10 shooting clubs would be allowed to own handguns if such
 11 guns were stored in a safe place or in a police station.
 12 Five, that antique guns would be exempted. Six, and final,
 13 that but for the exceptions above, it would be unlawful
 14 for any person to import, manufacture, sell, buy, transfer,
 15 receive or transport any handgun or handgun ammunition.

16 We believe the time has come in our nation to
 17 take bolder action as our task is new, we must think anew.
 18 Together with other affective crime prevention and crime
 19 reducing measures, as part of a comprehensive program,
 20 we must curtail and eliminate the availability of handguns.

21 The above recommendations are imperative to
 22 secure and preserve the domestic tranquillity necessary
 23 for self-government in the United States.

24 This concludes my presentation. On behalf of New
 25 Detroit, Incorporated, I would like to thank the task force

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1 members for requesting that I share New Detroit's views
2 on this national problem.

3 MR. HARRIS: Thank you very much. Questions,
4 Chief Hart?

5 CHIEF HART: Mr. Lowery, good to see you again.

6 MR. LOWERY: Thank you, chief.

7 CHIEF HART: I recognize that New Detroit has
8 been in the forefront of promoting peace and tranquillity
9 in the community since the '67 civil disturbance. As a
10 matter of practical application here, if you recall, we
11 did have a moratorium on guns. The last one was in the
12 middle of the '70s. My question is, even if citizens turn
13 their guns in, we're not going to get at the ones who are
14 really committing the crimes. You have provided some
15 incentive here by having the government pay some bounty
16 for these guns. How do you propose to do that?

17 MR. LOWERY: I hear 3 questions, Chief Hart.
18 One is in terms of the moratorium that the city had a few
19 years ago and of course, its impact. The second is the
20 whole question about the proliferation of the existing
21 handguns in the city and third, you know, what mechanism
22 would we suggest in terms of implementing such a program.
23 And taking them in terms of the first question you raise
24 about the moratorium, I'd like to perhaps turn your attention
25 to the Washington, D. C. Handgun Control Act. If I remember

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1 correctly, based on the U. S. Department of Justice report
2 that that gun control act did reduce the number of homicides
3 committed by handguns by 26 percent and I believe the number
4 of robberies by handguns by 22 percent. I would suggest
5 that perhaps Washington, D. C. is somewhat of a unique
6 city in that it is not surrounded by other states which
7 do not have perhaps the same degree of control as the
8 State of Michigan. I would say that if given the same
9 three year period of time that Washington, D. C. study
10 was conducted, perhaps a moratorium that we conducted here
11 in the City of Detroit did not last long enough to produce
12 the same degree of results.

13 That's my response in terms of your first question.

14 I think in terms of the latter question, in terms of
15 implementation, we recognize that handgun control is a long
16 process and that things happen in increments. What we
17 would suggest that is needed most is federal laws because
18 of the 20,000 or more local ordinances that exist within
19 this country it would be very, very difficult to a limited
20 degree.

21 We suggest in terms of implementation that first
22 of all that federal legislation be enacted so that we can
23 have somewhat more uniform laws, so that there are not
24 20,000 different local ordinances throughout the country.
25 I think that would certainly have an impact in terms of

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1 uniformity. I think the second thing that we'd have to
 2 do is that to see, as you indicated about the moratorium,
 3 how many citizens are willing to voluntarily turn in their
 4 handguns and I think that polls are beginning to show that
 5 there are many more people today who are willing to turn
 6 in handguns then perhaps when we had our moratorium and
 7 this is inspite of the fact that crime is beginning to
 8 increase again, so I do think that there is a chance and
 9 I would suggest that we should give first of all an
 10 opportunity for federal laws to be enacted and perhaps we
 11 could have some uniformity in terms of the other state
 12 and local ordinances.

13 CHIEF HART: Okay. Thank you very much. Then
 14 perhaps we're wrong. We were all seeing, when I say we're
 15 all seeing in law enforcement that if you had a moratorium
 16 and asked citizens to turn in their guns, the crooks wouldn't.
 17 If those crimes went down 26 percent, they must have had a
 18 mechanism or the guns they turned in weren't stolen by
 19 crooks and used in crime.

20 MR. LOWERY: Well, that -- I might just add,
 21 Chief Hart, that as you may recall that at one time the
 22 Detroit Police Department was confiscating somewhere around
 23 2000 handguns per year. I think that if we didn't have the
 24 continuation of the manufacturing and assembling of handguns
 25 in this country, that certainly that process when multiplied

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1 by other major law enforcement agencies would begin to
 2 dry up those handguns. I also believe that, you know,
 3 based on the studies that have been made concerning, you
 4 know, the whole question of whether or not if criminals
 5 have handguns, that the citizen will not have handguns,
 6 et cetera. I think the studies certainly reveal that the
 7 chances are more than likely that those citizens who have
 8 handguns for their self protection are more than likely to
 9 kill or injure a friend, acquaintance, than they are a
 10 criminal who's attempting to burglarize or to B & E.

11 CHIEF HART: Well, that bring up another interesting
 12 point. When we were confiscating 2000 guns or more per
 13 year, most of those searches were illegal but we took the
 14 chance anyway so it would get back again to the fruit of
 15 the poison tree, exclusionary rule. I think, point out
 16 that under certain conditions perhaps some of the evidence
 17 that's confiscated now can be thrown out by request of
 18 defense counsel, shouldn't be.

19 MR. LOWERY: I certainly -- and I'm sure New
 20 Detroit certainly would not suggest that we would violate
 21 any individual's rights in that process. We think that
 22 whatever is done should be done within certain of the legal
 23 ramifications of the Constitution. I would say, you know,
 24 however that the whole question of the number of handguns
 25 that are not reported stolen from homes when there are

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1 burglaries or robberies, et cetera, we don't even have a
 2 good estimation of what those are and I would say that
 3 perhaps as you probably know from your experience that there
 4 are many handguns that are used that are in the possession
 5 of assailants because they were stolen from homes of
 6 individuals.

7 CHIEF HART: Okay. Thank you very much.

8 MR. HARRIS: Mr. Carrington?

9 MR. CARRINGTON: Could I ask you, is there any
 10 particular reason the term possess is left out of section
 11 6? It seems if you're going after the broad guage approach
 12 that your recommending, it leaves a big gap in it. If
 13 somebody is already has a handgun in their home, it would
 14 seem that they would not fall within the purview of this
 15 statute.

16 MR. LOWERY: I think that, I guess it's a
 17 matter of semantics in terms of the possess versus being
 18 in the possession of someone. I think that's encompassed
 19 within the statement itself in terms of possessing handguns.
 20 We're certainly not suggesting that in this approach that
 21 it would be any easier to go and convince those individuals
 22 who possess handguns to turn those in anymore so than those
 23 who have, you know, the desire to go out and pick up handguns,
 24 to purchase a handgun, but it is all-encompassing in
 25 terms of your question, in terms of leaving out the word

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1 possessed.

2 MR. CARRINGTON: This is somewhat of an observation.
 3 I think that one of the reasons this task force is in
 4 existence is because people have a very justified fear
 5 of crime and criminals. I don't know whether the statistics
 6 are correct about guns kept in the home for purely defensive
 7 purposes are often cause more injuries to innocent parties
 8 than they do to people who are breaking in. I simply don't
 9 know. It just seems to me that people who are in this
 10 status of fear probably have, and if they feel that having
 11 a gun there makes them feel more secure, it would be -- their
 12 fear of the criminal would perhaps overcome their fear of
 13 running afoul of this law and therefore probably would
 14 not turn them in. Just your comment on that.

15 MR. LOWERY: No, I don't think we have the
 16 experience except for, I suppose the moratorium in terms
 17 of the number of people who turn in handguns. There were
 18 no surveys accompanying that moratorium to determine why
 19 people did or did not turn in those handguns so anything
 20 we say then would certainly be a guess in terms of whether
 21 or not fear would perhaps overcome the desire to turn in
 22 handgun versus you know, their perception of what that
 23 fear might be, or the level of fear.

24 MR. CARRINGTON: It would probably be almost
 25 impossible to get those figures cause you'd be proving a

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1 negative. You can't prove, that many people didn't turn
2 in guns because you don't know about them.

3 MR. LOWERY: That's correct.

4 MR. CARRINGTON: Thank you, sir.

5 MR. HARRIS: Mr. Littlefield, since you may have
6 to leave, let me ask you if you have questions.

7 MR. LITTLEFIELD: Okay, thank you. Mr. Lowery,
8 one thing, the tragedy of the hundreds of persons or
9 thousands of persons that are killed by handguns every
10 year is really great but we have many more thousands of
11 people who are killed senselessly on our highways every
12 year but no one suggests, and it's certainly not in Detroit
13 anyway, that we ban private ownership and operation of
14 motor vehicles. Isn't that some of what the same thing,
15 if we have a lot of senseless killing by motor vehicles
16 why don't we just ban people owning motor vehicles and
17 operating them?

18 MR. LOWERY: No, I think that it's quite the
19 contrary, sir, is that we're talking about a war on crime
20 and I think that we have experienced this country certainly
21 a war on motor vehicle accidents. What you try to do is
22 take away the capabilities of waging war and as it relates
23 to crime, what you try to do is take away the capability
24 of waging traffic accidents. One method of doing that in
25 terms of auto is to reduce the speed limit. That's the

1 increments that I speak of. The second step we do is once
2 we find that the criminal justice system through fines,
3 through other adjudicatory disciplines such as incarceration
4 does not work then we suspend a person's license. That's
5 one way of depriving that person from making war on the
6 highways and I don't think that's any different than what
7 we're suggesting is take away the capability of waging war
8 by criminals and that is take away the handguns.

9 MR. LITTLEFIELD: Do you think that banning the
10 manufacture of handguns in the United States would contribute
11 to light industry in Canada and Mexico?

12 MR. LOWERY: Well, I think that there are 2
13 aspects to that. One is the manufacture of those handguns
14 in this country and the other one is the assemble. Those
15 parts that come into this country where parts are assembled
16 in this country and we understand that certainly that that's
17 -- we're talking about employment here and certainly it's
18 something like the City of Detroit now is trying to diversify
19 its economy. We know that we can't rely strictly on the
20 auto industries from now on so we must diversify our
21 economy. I think that those same industrial complexes can
22 look for other things to do. I think that we're not saying
23 that the military weapons, for example. Perhaps they can
24 turn to manufacturing military weapons.

25 We did not talk about antiques, et cetera. There

1 are other ways of compensating those companies for manufacturing
2 things other than handguns which are used to kill people.

3 MR. LITTLEFIELD: One problem that I just
4 can't answer that people ask me, they say, well look, if
5 you take my gun away and the policeman can't get there
6 for 18 minutes at the earliest after they get a call, what
7 am I going to do with the burglar there. If you can't
8 protect me with the police, can't I protect myself with a
9 handgun?

10 MR. LOWERY: Well, that's one thing that statistics
11 do show is that more than likely that if we have the handgun
12 it will not be the assailant who will be killed or the
13 person will be killed by the assailant, but it will
14 probably be a friend or relative or acquaintance. I don't
15 think that we have that many cases where people have called
16 for law enforcement protection where a response resulted
17 in a homicide because they could not respond in a sufficient
18 period of time.

19 MR. LITTLEFIELD: Thank you.

20 MR. HARRIS: Mr. Armstrong?

21 MR. ARMSTRONG: On the confiscation proposal,
22 would you exclude non-operative handguns?

23 MR. LOWERY: You'd have to define that non-operative
24 handgun, sir?

25 MR. ARMSTRONG: Just, it doesn't work, it's broken

1 but yet it's a handgun.

2 MR. LOWERY: Well, if it's repairable, I put
3 it in that, I think that certainly if it's repairable that
4 it would not be excluded.

5 MR. ARMSTRONG: Okay. Item No. 7, in your
6 proposal to require the registration of all hand -- of
7 all gun dealers, isn't that done today?

8 MR. LOWERY: I think it is done in some states.
9 I don't believe it's uniformity. I don't believe that
10 many southeastern states that do, No. 1 where the dealers
11 are not required to register and No. 2, where you even
12 have to have a registration for handguns, period, or a
13 waiting period to purchase a handgun.

14 MR. ARMSTRONG: If I recall, I think ATF requires
15 if guns are in interstate shipment or commerce, you must
16 have a federal license as a federal gun dealer.

17 MR. LOWERY: That's fine, interstate transfer
18 of those. I'm talking about a state where a person walks
19 in, the guns come into a state, I guess a typical state
20 could be Georgia, Alabama, where handguns or parts are
21 brought in and they are assembled right in that state.
22 Dealers dealing with those are not required to be registered
23 at all.

24 MR. ARMSTRONG: I think so, if I'm not mistaken.
25 If they're assembled within the state and those parts are

1 shipped interstate commerce, I could be corrected on it.
 2 I share your concern and particularly I share your concern
 3 because I see a number of these Magic Markets or 7-11
 4 Stores that are now in their display cases by the checkout
 5 counter, not only have the Mickey Mouse watches but the
 6 cameras, but also the .22 caliber pistols on sale and
 7 that's simply putting it really up front. The merchandise
 8 that apparently America is looking for today, even in a
 9 convenience store, so I commend what you're trying to do.
 10 Could there be some approach to this in your coalition
 11 with this area of ammunition, limiting the ammunition that
 12 someone would be able to buy, not only to your request
 13 here on item 8 is to present your gun permit, but I think
 14 you might have some trouble with that but if we could say
 15 look towards regulating the amount of ammunition that an
 16 individual be able to buy.

17 MR. LOWERY: Well, I think that the intent here
 18 is that if a person comes in with a .35 -- who has a .35
 19 caliber pistol and he's trying to buy .45 caliber ammunition,
 20 it should send up a red flag, something may be wrong and
 21 perhaps, you know, this is another mechanism for perhaps
 22 slowing down the process of not completely limiting the
 23 process.

24 MR. ARMSTRONG: Just one question. Your community
 25 based group here, is that for law enforcement purposes or

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1 do you get into other community issues as well.

2 MR. LOWERY: We do get into other community
 3 areas. The criminal justice system is one of about 14
 4 respective areas.

5 MR. NORRIS: May I make one comment --

6 MR. HARRIS: Yes, Professor.

7 MR. NORRIS: -- to rise to defense of Detroit
 8 with regard to the analogy between an automobile and a gun.
 9 The purpose of an automobile is transportation and the
 10 question of carnage or accident or injury is ancillary.
 11 It's not the primary purpose of the automobile but the
 12 purpose of a gun is to kill. The purpose of a handgun is
 13 to kill and mostly kill another human being and I think
 14 the very nature of the subject matter in my judgment leads
 15 to some of the conclusions of this New Detroit report.

16 I would like to make one comment, having been
 17 given the opportunity to be part of this proceeding and I
 18 laud this committee and its appointment and I had not taken
 19 this up with our committee and the New Detroit but I'd
 20 like to know whether this is an appropriate question.

21 Justice Frankfurter once said that to come up
 22 with the right answers you have to ask the right questions
 23 and maybe I'm more disposed by ignorance but let me ask this.

24 Here you're meeting in Detroit, you're talking
 25 about violent crime. We have the grave situation of our

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1 city administration having to lay off the direct means by
 2 which a city deals with violent crime, namely police officers,
 3 at least 1000 are already laid off, more are contemplated.

4 Are city is in a very difficult financial
 5 situation with regard to meeting all city services but even
 6 the basic services are in jeopardy. We have a county
 7 that's practically bankrupt and is now in the process of
 8 framing a reorganization program. Our state has just put
 9 our city in a difficult situation with regard to a tax
 10 matter, and so the question that moves me to move this
 11 committee is, what is the role of the federal government
 12 with regard to the financing of police departments in the
 13 United States? I know that police departments are local
 14 matters and we don't want a national police force but if the
 15 primary purpose as I understand the appointment of this
 16 committee was to deal in an immediate fashion with violent
 17 crime, then isn't the question of providing adequate local
 18 police officers one of the most immediate tasks for this
 19 committee and is there a proper role of the federal government
 20 in that regard?

21 MR. HARRIS: That is an appropriate question and
 22 as a matter of fact, we have 2 days of hearings planned
 23 on that issue in New York in August, so the answer is yes,
 24 we do want to consider that. Most people tell us however,
 25 that the area most in need in the criminal justice system

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1 is corrections, is prison space, and it doesn't really
 2 pay to make Chief Hart more efficient because Chief Hart's
 3 work product has no place to go so the whole question --
 4 the question that you asked is one that we're going to
 5 address but not simply in the context of police. It's the
 6 broader question of what is the appropriate role the federal
 7 government providing financial assistance across the criminal
 8 justice system and we do intend to consider that and we do
 9 have hearings scheduled on that subject in New York.

10 MR. NORRIS: Well, there's certainly ample
 11 justification in Michigan for that part of your answer too
 12 with regard to the recent riots and others we've had in our
 13 correctional institutions but what I would like to -- as
 14 mention, as I have a great sense of immediacy, of urgency,
 15 of need, a sense of frustration and difficulty. Our citizenry
 16 faces all kinds of difficult choices with inadequate means
 17 and there's a general disinclination on the part of the
 18 federal government to move in these directions and if this
 19 committee under federal auspices can be urged to move with
 20 precision and alacrity in the area, I think the public
 21 purpose will have been served.

22 MR. HARRIS: Well, thank you for your comments.
 23 We appreciate both of you coming here today and we do
 24 intend to move with some speed. We will be out of business
 25 by the middle of August, having completed our work and we

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1 prior to that time will have reported on the matters that
2 you suggest and others to the attorney general.

3 Thank you very much.

4 Now, gentlemen, we had a discussion Phase II
5 issues and I have a slightly alternative proposal. I have
6 prepared a list of possible Phase II issues and let me
7 tell you how I got the list.

8 Everytime each one of you said gee, that's
9 something we ought to consider in Phase II, I had someone
10 listening so we have gone through all the transcripts and
11 we have put all those areas down. We have considered every
12 bill that is presently in the hopper in the United States
13 Congress as well as any other ideas that the staff had.

14 Now what I think I'd like you to do is I'd like
15 to give you the list. It's late in the day. We've had
16 2 difficult days. We will be in touch with you and what
17 I'd like you to think about are 2 things. No. 1, are there
18 areas that shouldn't be on here that are on here. Are there
19 others that you'd like to put on, but more than that, as
20 we enter Phase II, it seems to me we have a particularly
21 difficult task in that the universe is open to our consideration
22 and that we do have to do some, and since Professor Wilson
23 has left, "prioritizing" as well as focusing and I think
24 that we are probably not going to be able to deal with every
25 possible issue that falls within our charter or that we

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1 conceivably could and I'd like you to think about where
2 you think we ought to focus our time in the next 2 months.
3 Which issues, and myself or some of the staff will be
4 in touch to get your thoughts in the next couple of weeks.
5 If that's satisfactory, let's do it that way.

6 I think that concludes our meeting and we will
7 adjourn at this time to next meet in Miami, Florida on
8 July 21st.

9 (Whereupon, at 3:58 p.m., the meeting was
10 adjourned until July 21st.)

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C E R T I F I C A T E

This is to certify that the attached proceedings
in the aforecaptioned matter were held on June 18, 1981
and that this is a true and accurate record thereof and
that this is the original transcript thereof.

Neal R. Gross
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END