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FIREARMS LEGISLATION

HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

FIREARMS LEGISLATION

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These hearings are in 8 parts. Part 1 (Washington) February 18, 20, 27, March 5, 6, 13, 20, 26, and April 9; Part 2 (Chicago) April 14 and 15; Part 3 (Detroit) June 9 and 10; Part 4 (Cleveland) June 16; Part 5 (Denver) June 23; Part 6 (Atlanta) July 21; Part 7 (New York) July 25; Part 8 (Washington) May 14, July 17, 23, 24, September 24, and October 1 and 9, 1975

Serial No. 11

Part 3

Detroit

Printed for the use of the Committee on the Judiciary

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FIREARMS LEGISLATION

DETROIT, MICH.—MONDAY, JUNE 9, 1975

House of Representatives,
Subcommittee on Crime, of the
Committee on the Judiciary,
Washington, D.C.

The subcommittee met pursuant to notice, at 10 a.m., in the 13th floor auditorium, city-county building, Detroit, Mich., Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, and McClory.

Also present: Maurice A. Barboza, counsel; Timothy J. Hart, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. Conyers. Will the members of the subcommittee take their places.

I am very happy to begin these hearings on Federal firearms legislation in Detroit, Mich., here in the city-county building.

This morning the Subcommittee on Crime continues hearings on more than the 50 legislative proposals that would amend the Gun Control Act of 1968. For the benefit of those who are in the audience, I would like to introduce the members of my subcommittee who are here.

To my left is Hon. Robert McClory, a Member of Congress from the State of Illinois, and a very articulate and knowledgeable member of this subcommittee.

On my extreme right is Hon. James Mann, a Member of Congress from South Carolina who is also a distinguished member of this subcommittee and a member of the full Judiciary Committee.

To my immediate right is our staff counsel, Maurice Barboza.

I'm pleased that these members were able to take time out of their extremely busy legislative schedules to join me in the city of Detroit to consider what is clearly one of the most significant issues before the Congress, firearm control legislation.

In mid-February of this year this subcommittee conducted the first congressional hearing on firearms legislation since 1972, and since then has held a total of 12 hearings in Washington, D.C., and Chicago, Ill. Today's hearing in Detroit marks the start of a series of road hearings that will be held in key cities around the country during the month of June. Next month the subcommittee will travel to Cleveland, Ohio, followed by hearings in Denver, Colo., and, in addition to the nearly 70 witnesses that have already been heard, another 80 additional witnesses added to the record.

Before we are finished the subcommittee will probably have heard more testimony on this subject than any other previous panel in the Congress.

This has not occurred by accident but, rather, by design. In March last year the chairman of the subcommittee, Representative Peter Rodino, referred to this subcommittee more than 100 firearms bills introduced in the 93d session of Congress. I promised him that I would review each of these proposals as thoroughly as possible. I believe that we succeeded in this task in large measure without duplicating testimony that previous congressional committees had compiled. While we have heard that many of the traditional viewpoints on the issue have been explored, our emphasis has been on finding facts and avoiding the emotional appeals and personal prejudices that understandably attend this subject.

The subcommittee has heard testimony from Members of Congress, law enforcement officials, medical doctors, psychiatrists, gun dealers, police officials, and leaders of citizen organizations.

One of the most important phases of our hearings has centered around the Bureau of Alcohol and Tobacco and Firearms of the Department of Treasury. Now, this unit, unbeknownst to many citizens, is that Federal Agency charged with the responsibility of administering and enforcing the Federal Firearm Law. In attempting to determine the effectiveness of the gun laws, it seemed logical to us to make a number of requests to ATF, as we refer to them, for specific information covering the Gun Control Act of 1968 and its administration. A great deal of this information is now on the public record. But much more remains to be developed in our subsequent hearings and investigations. Today and tomorrow our subcommittee will hear testimony from local law enforcement officials, judges, State police, criminal justice researchers, Members of Congress, State representatives, our mayor is with us, gun collectors, psychiatrists, and the director of the central region of the Bureau of Alcohol, Tobacco, and Firearms. All of the witnesses, together with previous witnesses, will aid this subcommittee in identifying and answering many of the complex and distressing questions centering around firearms control.

We all know from newspaper accounts that thousands of people are killed each year in the United States, particularly in our large metropolitan areas. There is no need then for us to engage in any kind of statistical overkill beyond saying that the number one cause of homicides in Detroit is the same as in most of the rest of the country. What the public does not know with precision, and I must say that the Government either, is why particularly law-abiding citizens are sometimes compelled or, for other reasons, to take the lives of other people, many of whom are emotionally attached to them.

They also do not know why the handgun has played such a prominent role in the destruction of human lives and hopes. These are questions that our hearings are honestly searching for some more definitive answer to than we have had in the past.

A prominent Washington psychiatrist, for example, testifying before this subcommittee in March, said that most Americans are blind to the banal realities of homicide. He said: We have been dazzled by detective stories and misled by gangster movies, we're under the misconception that murder is generally the work of criminal master-

minds who kill to achieve profit or power." Well, after citing FBI statistics for 1971 which show that some 70 percent of all the homicides are committed by relatives of the victims or the victims' close personal acquaintances, he added, what we have discovered is that a majority of killers were previously law abiding citizens who are not even consciously intent upon murder. They do kill when, during a temporary explosion of anger, they utilize a dangerous weapon, a handgun, as a means of expressing homicide.

Now, the Bureau of Alcohol, Tobacco and Firearms, which has testified on four separate occasions before this subcommittee, reported that almost 2.4 million handguns were sold in the United States last year, including over 400,000 imported weapons. This represents an increase in the number of handguns entering the stream of commerce since 1965 of 1.4 million, added to the already estimated 40 million guns that already are in American homes and businesses.

We heard that, at best, the passage of the Gun Control Act of 1968 did little more than slow down the rate of the increase in domestic and foreign manufacture and importation of handguns. That is quite important because, to the contrary, the 1968 law has served as an incentive to domestic firearms manufacturers, ironically due to the imposition of restrictions on the importation of cheap and easily concealable handguns, that were saturating the absorbable domestic market.

Picture then, as you will, a society over its head in domestic and international turmoil during the early sixties. As you will recall, in the middle of that decade our cities exploded under the pressure of the combined charges of racial discrimination, unemployment and underemployment, poor educational opportunities and inadequate housing, which remain potent reminders of the past. A situation, I am sure, that the distinguished mayor of this city will remind us is still a challenge that confronts us now.

The Gun Control Act, which should have had the effect of keeping firearms away from this powder keg, had just the opposite effect, adding to the firearm manufacturers' piggy bank, needless to say. The handguns, even as we speak this moment, continue to roll off the assembly lines of 34 major manufacturers in the United States, and continue, from across the seas, to come to the United States destined for service in this country.

The answer to the question of why people use handguns in the commission of homicides, I think, may be found in part in the concise definition of this weapon which the police director of Newark, N. J., provided to the Subcommittee. He said:

> It is a commodity which is carefully designed and skillfully manufactured with one purpose, to provide an instrument of death which can be concealed, readily drawn with no warning, and used with awesome speed and effectiveness on friend and foe alike.

While the subcommittee's record and its staff investigations thus far have shown that the handgun does have many lawful uses, the unlawful purposes for which it is used could not be achieved with such brutal efficiency as with any other instrument. That is why it is the first choice of criminals and others who would kill or commit lesser crimes.

On April 3 and 28, I directed a letter to the 34 handgun manufacturers in the United States for critical information that would shed some light on the important question of the relationship between the availability of these weapons and violence in our urban centers. Essentially, what we asked for was the name of the distributors of handguns for each manufacturer, in addition to the number of guns manufactured and the gross and net receipts from the sale of the handguns. To date, almost 3 months from my letter, I have received responses from only eight manufacturers. Some of them, particularly the established companies, have substantially complied with the questions for information contained in the letter; but 26 of these letters remain unanswered. This information could demonstrably aid the subcommittee in determining whether the frustrations and the fears attending urban living serve as landmarks for gun businessmen in search of a market for the handgun.

A law professor who recently completed a comprehensive study of the effectiveness of the Gun Control Act made some perceptive observations about violence and the availability of handguns in an article entitled, "Firearms and the Federal Law, the Gun Control Act of 1968." He said the increase in urban ownership from 1965 through 1968 was paralleled by an increase in urban gun violence. The most spectacular case, of course, was the study that occurred in the city of Detroit, which shows that in 1965 Detroit experienced a total of 140 homicides, 55 of these, or 39 percent, were committed with handguns.

Three years later, 72 percent of Detroit's 389 killings were committed with guns. Although not as pronounced, the increase in gun violence in other areas was steady and substantial during the years as this article points out.

Well, regardless of how gun manufacturers feel about providing information to this committee, I'm confident that we will take the action that is necessary to insure that we have the information to determine the future of the regulation of firearms in this country.

Both sides of the gun control question, or all sides, I think there are probably more than two, are being done a disservice by anybody withholding information or views that bear directly on this issue. Indeed, in many respects, we are conducting an informal trial. Firearms, in general, and handguns, in particular, have been charged with enhancing the level of violence in America. The question of guilt or innocence lies among the pages of this subcommittee's record and it is going to be a complete record which I am sure will stand on its own merit against the tide of those that would cast reason aside in these matters.

On that note, and I know that both of my colleagues on the subcommittee will have statements of their own to add, I would like to ask the mayor of the city of Detroit, the Honorable Coleman Young, to come forward and join us at this hearing. We are very pleased that this dear friend of mine across the years, politically and personally, is here to welcome us, as this committee undertakes the search for the tough answers to the tough questions that are raised in terms of firearms regulation. So I am very pleased to welcome a man who is frequently in Washington bringing to national focus

the questions that so sorely try him as the chief representative of the fifth largest city of the United States. It is my honor to present and welcome the mayor of the city of Detroit, Coleman A. Young.

Welcome, Mr. Mayor, you may proceed in your own inimitable way.

TESTIMONY OF HON. COLEMAN YOUNG, MAYOR, CITY OF DETROIT

Mayor YOUNG. Thank you very much, Mr. Congressman and honored colleagues of yours.

I'm certainly happy, as the mayor of this city, to welcome you to Detroit. I want to congratulate you on what I consider to be, not only a very important undertaking, but a many faceted and difficult one.

Certainly, Detroit has long been concerned with the incidents of crime in which hand guns are involved. I'm happy to say that you do not now come to the murder capital of the United States. We gladly bow to several other cities who share a greater distinction in that area than we do at this time.

We have, at least, in a relative sense, experienced in the last year, home reduction in crime in this city, in spite of many, many pressing problems, of which you're well aware. In terms of abilities of cities today to maintain minimum services for their people, including police protection, I would much rather talk to a group of Congressmen about how we can get some money into the cities to avoid laying off civil servants and police officers. I think that goes a whole lot more directly to the problems that you're talking about, than maybe some of the more general discussion, but I will be seeing all of you gentlemen, I'm sure, on that matter, at another time, very, very soon.

I appreciate the complexity of your problem. I have wrestled with it myself. I come here with no particular recommendation. Since you have no bill, it's obvious that you're searching, as I have been searching, for an answer. As of the first of the year, in the State of the City message that I delivered, I recommended as one approach to the problem of the proliferation, the use of handguns, that a mandatory sentence be imposed on any individual committing a crime while in the possession of a handgun. Such a law has been passed by the State Legislature. I believe that is an important step. I believe that would tend to indicate that a better enforcement, a more effective enforcement, particularly on a Federal level, certainly on a State and local level of all laws now on the books pertaining to handguns, might be a long step in the direction of coming to grips with our problem.

I think this committee, as it considers this problem, and as it goes around the country, searching for answers, must consider the conflict between the necessity of the people for protection from being victimized by handguns, and, at the same time, the right of the people to bear arms and protect themselves, and their own persons, and in their own houses, and in their own homes. These are heavy questions, I'm sure that you're not unaware. There is a question of the absolute control of handguns as opposed to the fact that

there is a distinct possibility that criminal elements who have shown no respect for the law in the past, would have little reason for showing any respect for a new law, so what happens when they give up their guns? Honest law abiding citizens and the criminals are left with guns. These are problems, I'm sure, that you will examine. These are problems which trouble me.

I can only say that I look forward to the complete results of your explorations in these areas. It's entirely possible that your deliberations might result in a bill which can come to grips with one of the major problems that confronts this Nation today.

Again, congratulations on your courage and hard work, your willingness to undertake this task, and welcome to the city of Detroit.

Mr. CONYERS. Thank you very much, Mr. Mayor. We know your schedule has been pressing from the first day you took office, but we know that you will follow our deliberations closely and carefully. We will, of course, be evaluating all of our information as we gain it, particularly here in Detroit. As you indicated, you will be seeing us again in Washington, as you raise the kinds of questions that are so vital to this city.

I want to thank you very much, and I would now like to recognize the gentleman from Illinois, Mr. Robert McClory.

Mr. MCCLORY. May I have the opportunity to ask the mayor a few questions? I would particularly like to ask him one or two questions in light of his statement here, Mr. Chairman.

Mr. CONYERS. Well, I think the mayor had come in the capacity more or less to welcome us, I did not schedule him as a witness, and, under those circumstances, I think that perhaps we would not engage in any questioning at this time.

Mayor YOUNG. If we got into that, it would take more time than I have.

Mr. MCCLORY. Would you help me with one question? I am concerned about this single thing, that if we took the guns away from the criminals, that then the people would be without guns, and the thing that disturbs me about that is that are we, at this point, in time, relying upon individuals, shopkeepers, homeowners, to protect themselves with weapons and not relying upon law enforcement officials to carry out that role?

Mayor YOUNG. First of all, Congressman, either I misstated myself or you misunderstood me. I did not say to take the guns away from criminals that people are left without protection. I said that it's very, very possible that an absolute gun control law, a law which said that it's illegal for anybody to have handguns, would result in law abiding citizens giving up their guns, therefore being disarmed while the criminal, who, by definition, has no respect for the law, that's why he commits crimes, would keep his. It would create possibly an imbalance. I pose that as a question for you to answer. I'm not prepared to answer it. I hope you give it serious consideration.

Mr. CONYERS. Thank you again, Mayor Young.

We would like to move on at this point to recognize the gentleman from Illinois before we call our first witness, for any opening

remarks that he might have and then our colleague from South Carolina, Mr. Mann.

I recognize Mr. Robert McClory, member of Congress from Illinois. Welcome to our city.

Mr. McCLORY. Well, thank you very much, Mr. Chairman, for the warm welcome, and I want to thank the mayor, too, for his welcome here this morning.

I do hope that in the due course of time that we will get some concrete recommendations from the mayor as to what he feels would be the best approach for this committee to take in recommending to the Federal Congress what improvements in our gun control legislation we can have.

We were privileged in Chicago to have Mayor Daley as a witness who testified in great detail on this subject, and—so I would appreciate a comparable bit of testimony from Mayor Young. But I do want to say that, Mr. Chairman, that in arranging this hearing here today, I think that you have made a distinct contribution towards our future understanding of this problem.

I think it should be made clear that gun control legislation is not the complete answer to crime in America. Guns are only part of the problem and gun control is only part of the solution to this overall problem. I'm also aware of the fact that there is meaningful legislation in the city of Detroit and in the State. The Michigan State Legislature has done what I think is a capable job in providing legislation toward helping to control handguns. But there is a definite need for much more cooperation and coordination between the Federal and the State and the local authorities.

Now, I would like to make it perfectly clear at the opening of this hearing that this is not a partisan issue. It's an issue in which I, as the ranking Republican member, am endeavoring to cooperate fully with our chairman who is a Democratic chairman of the committee. I also believe that gun control is a subject in which the Congress alone is not going to be able to find the answer without the support of the President, the President's Domestic Counsel, the Attorney General, and the Treasury Department, which has general, overall jurisdiction over the subject of handguns. I am confident that the draft legislation that you, Mr. Conyers, and I have talked about, is in the general area of what it should be possible to enact at this session of the Congress.

I think the mayor, really, takes a realistic position with regard to this subject. I think we have to exercise the traditional "art of the possible" which is the political solution to what needs to be done, and I would suggest, almost at the outset, that the complete banning of all guns, of course, long guns and handguns, would not be a realistic recommendation because it just wouldn't go anywhere in the Congress. We should aim our principal attack at the criminal and try to get better control of this subject and hopefully, to come up with some answers that are not only desirable and effective insofar as controlling crime is concerned, but possible to enact in the Congress.

I thank you very much for recognizing me and I want to say that I appreciate the warm welcome which we're having here in Detroit today.

Mr. CONYERS. We deeply appreciate those words that clearly come from a veteran national legislator.

I turn now to welcome our colleague who hails from South Carolina, who has worked very closely with me in the Judiciary Committee on a broad range of subjects. I am delighted to present Congressman James Mann of South Carolina.

Mr. MANN. Thank you, Mr. Chairman.

You know, initiatives that have brought about this hearing, have brought about this investigation by the Subcommittee on Crime of the House Judiciary Committee are largely those of your chairman, Congressman Conyers. His objectivity is shown by the fact, I heard him say on the tube a little bit before we started, that he had not introduced a bill. The mayor commented that the committee, itself, did not have a bill. This is true, but there are well over 50 bills pending in the Congress on this subject. They range anywhere from a total ban to repealing the Gun Control Act of 1968, to a variety of mandatory sentence bills, so this committee is attempting to be objective about it, to get input from those parts of the country and those types of persons who have ideas and who have attempted to solve some of the problems.

I want to second the motion of those who have said so far that this problem is so complex that we're not going to solve it with mere laws or with mere policemen. It's a problem that is interrelated with all of the other urban problems, as a matter of fact, all of the problems of our modern society, economic, social, and otherwise. So we don't sit here saying that we're going to find the solution; we sit here saying that we're going to do our part in seeking the solution and seeking national legislation that will, perhaps, lead the way; but there is a job to be done by not only Government but by all of those volunteer organizations, by all of those churches, by all of those programs that fall into the category of crime prevention. Those institutions start with the individual and go right up to the duet and the quartet, to the church, to the community club, to the civic club, to the schools, and it's that type of all-out attack on this problem that is going to lead to a solution that is tolerable in our society.

So I hope that as you look at us doing our job, you will look in the mirror and join us. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much.

I would like to call our first witness, a member of the Michigan Criminal Justice Commission, Mrs. Lorraine Beebe and Dr. Barbara E. Bryant, vice president of social research for the Market Opinion Research Corp.

Are those two witnesses present, and, if they are, would they come forward?

Mrs. Beebe is well known as a former senator from the State Legislature, she was chairperson of the Health and Social Services and Retirement Committee, she is a teacher, and has been active in political and civic affairs across the years.

We welcome both of you ladies and we note a point in favor of women's rights that women are our first official leadoff witnesses at our hearings in Detroit.

We have prepared statements by you both, which we're grateful for. You have been very thoughtful in preparing your testimony,

which will be incorporated into the record. That will allow you to proceed in any way that you want. You may want to read a small part of your testimony, and then tell us some of the things that you weren't able to reduce to the printed page.

Welcome and you may begin.

TESTIMONY OF LORRAINE BEEBE, MEMBER, MICHIGAN CRIMINAL JUSTICE COMMISSION, AND BARBARA E. BRYANT, PH. D., MARKET OPINION RESEARCH CORP.

Mrs. BEEBE. Thank you very much.

Mr. Chairman, and members of the committee, it's a delight to be here and to offer to you the findings of the Michigan Advisory Commission on Criminal Justice. I'm Lorraine Beebe and I'm a member of the Michigan Advisory Commission on Criminal Justice and I was appointed by the Governor in 1973.

The commission met in September 1973 and organized in six task forces to develop Michigan goals and standards. I think it's important that I clarify this because at that time we did not take in the very volatile issues that we will be discussing.

If I may quote, the goals and standards report is predicated on the knowledge that the criminal justice system is fractionized and decentralized over many layers and many branches of government. It's predicated on the fact that much of the separation and the decentralization of power is in keeping with the best traditions of democracies and are worth preserving. It's also predicated on the fact that any comprehensive study and/or action relating to that field must be undertaken and concurred in by a large number of elected officials responsible for various levels of government. I served on the Criminal Justice Management Committee Task Force and the Juvenile Justice Task Force.

This advisory report has been submitted to the Governor and he has already indicated his position on several issues. But the goals and standards do not answer or address some of the emotional laden and volatile issues which created the panel on criminal justice: one was capital punishment; another, the decriminalization of victimless crimes; and the third was gun controls, and I was a member of the Gun Control Committee.

When I was appointed to this task force I realized that I knew little or nothing about guns, particularly handguns and the Saturday night special. So what I did was I went down to the 1st precinct here in Detroit on a Monday morning and went through the Gun and Ballistics Department. Believe me, it was an education. I also talked to many people, those like myself, who knew little or nothing about guns, to those who aren't experts, so that I could be a contributing member on the Gun Control Committee. There were 23 members representing the executive and legislative branches of State government, city and county officials, law enforcement agencies, concerned citizens, and educators. We met several times. We reviewed the total problem, concurred that the emphasis should be on the handgun and not on the rifle or shotgun. It became very apparent there was limited research regarding the accessibility of firearms, available research was distributed and studied and discussed.

Most of the arguments for or against gun control are individual

opinions and in few instances is there a total consensus on the resolution of the problem. Each committee member was encouraged and given the opportunity to express their particular point of view.

The next step was public hearings. Those were held simultaneously in Lansing, Detroit, Grand Rapids, Marquette, and Bellaire. A total of 171 persons testified. Following the public hearings, the committee met and drew up its recommendations which were submitted to the committee of the whole, the commission, for approval, and then sent on to the Governor. This meeting was held on May 12.

The State of Michigan is one of the States that has relatively strict handgun laws. It's required by law to have a license to purchase. It's required by law for the registration of a gun. It's required by law for a safety inspection. It's required by law that the dealer is required to make a record of sale and send copies to the police commissioner.

Sometimes it is necessary to carry a concealed weapon. Laws are only as effective as they are enforced and these laws, like many, have to be equally enforced throughout the State and they are not. Michigan laws can only be as effective as other States pass legislation to control handguns. This calls for national legislation to close up the big loophole in the existing law, the Gun Control Act of 1968. Probably one of the most important loopholes is that which allows the import of parts of handguns, particularly the Saturday night special, to be assembled in this country and sold.

Another point is the need for education, emphasizing not only how to use a gun but the negative and positive aspects of the use and the responsibilities that go with owning a gun.

Another point, and one which we spent a great deal of time, not only with—in the Gun Control Committee, but goals and standards, is the negotiated plea or plea bargaining. We believe that negotiations between the prosecutor and defendants concerning possession should not be made in return for a guilty plea. This should be eliminated. This is a recommendation of the goals and standards report with a mechanism for implementation.

Too many people are arrested where a handgun is involved in the committing of a crime, never come to trial on that charge. We believe also that there should be a mandatory minimum sentencing, in other words, a certainty of punishment.

At the present time Governor Milliken supports mandatory sentencing and there is legislation pending. The first conviction would be 2 years; second, 5 years; third, so on and so forth, would be 10 years. These would be served consecutively when proven guilty of any other felony and they would not be—the individual would be denied parole.

The recommendations of the committee on control reflect these points:

The Commission favors and recognizing current Michigan law—now, these are the recommendations, gentlemen, that you have before you, do you want me to just go over them quickly, or would you prefer to ask questions?

Mr. CONYERS. I think we can bring them out in the question period.

There are about 15 of them, are there not?

Mrs. Beebe. There are 12.

Mr. Conyers. You have 12?

Mrs. Beebe. Yes.

Mr. Conyers. Well, let's see if we can develop them in the question and answer period.

Mrs. Beebe. All right.

Mr. Conyers. I would like to recognize Dr. Barbara Bryant of the Market Opinion Research for her complementary statement in connection with this subject, and with Mrs. Beebe, so you may begin.

Dr. Bryant. We are one of the suppliers of research to the Office of Criminal Justice programs. I'm sure that they have other data sources that go into their recommendations and decisions.

What I'm presenting you with this morning, in a written statement, is the results of one question which is pertinent to the interests of this committee, which has been asked on three statewide surveys, the details of the sample and methodology have been provided to you and I won't go into them further, except to say that these are representative probability samples of adults 18 and over in occupied dwelling units in the State of Michigan.

Interviewing was done in October 1972, which is referred to as our 1973 report, in January 1974 and in January 1975.

If you want to turn to the fifth page of my statement, that immediately follows the numbered pages, we will get right to what we found out and what is most current.

First of all, I can only speak to one question, and I'll repeat it, the question asked, and it was asked the same in every hamlet of Michigan: There has been talk of outlawing the possession of handguns by anyone except law officers. Would you like to see a law which would outlaw handguns? Permissible answers were yes, no, and don't know, or no opinion.

If you will look at the 1975 data you will find that Michigan adults currently are very split on whether or not they would want to see handguns outlawed and possession limited to law enforcement officers.

Specifically, as of January 1975, they say: Yes, 46 percent for outlawing handguns; no, 52 percent; and don't know, 2 percent; which I might point out is a very low don't know on any kind of survey.

As you will look back across 1973 and 1974, you'll see that opinions have wobbled across the 50 percent mark. Today they are very similar to what they were 2 years ago in an interim period in January 1974, there was a slight preference in favor of outlawing handguns. I might point out, in my sample survey, there is a certain sampling error which is the difference you would get in interviewing a sample of a certain size versus if you had talked to one adult in every household in Michigan.

The sampling error in this survey is plus or minus 4 percent. This means our 46 percent yes for outlawing handguns can actually range from 46 percent plus 4 percent, that's 50 percent, or 46 percent, minus 4 percent, and that is 42 percent.

Looking across this table, you will notice that in the Detroit area cities, and here we have clustered our respondents from Detroit, Highland Park, Hamtramck, and Pontiac, opinions in 1975 are very

similar to what they are statewide, 45 percent, yes; 53 percent, no.

In the Detroit suburbs, there is a slight preference for outlawing handguns.

On the next page, I won't go through each column at a time, but on the next page you will find what we call the outstate area, and this is those in nonstandard metropolitan statistical areas, the rural, small town residents, show the lowest support for outlawing handguns. Currently, 34 percent in favor of the outlawing and 64 percent against.

The third page of this table, I think we will not go into here, this was a special group that showed somewhat similar to the total sample, but on the final page, what I call table 46, part 4, you will see that there is a difference between men and women on this point, and this is actual and not just because I am a woman that I bring it up. The females are statistically significantly more in favor of outlawing handguns than males are, though, again, we're hovering right at that 50 percent margin. Although 51 percent of females would outlaw handguns, only 40 percent of males would.

The difference between the two major races in the state are not statistically significant, though we show 47 percent of whites would outlaw handguns and 42 percent of blacks, given the sample sizes, these, one can say, are the same opinion.

So, in conclusion, I would say that Michigan residents are split on this issue and have been dividing over the past 3 years right around the 50 percent mark.

Mr. CONYERS. Might I begin by first thanking you for your testimony. I have one question for each of you, and then I will yield to my colleagues.

First of all, might I raise the point of why the question asked in your sample was phrased in the way that it was? It just seems to me that in the course of our hearing we have—we have found that sometimes raising this question doesn't get you the best answer possible. Would you like to see a law which would outlaw handguns?

Now, that's—that, I think, we would agree, is an extreme question in terms of putting to any citizen for any kind of response because it does, does it not, Mrs. Bryant, raise a great number of alternatives? We could do a lot of things in terms of improving firearm regulations short of banning handguns. When you say, banning, it doesn't give any indication of whether you're talking about including confiscatory techniques or whether you're going to give points to get back guns or whether you're merely going to halt the further production and sale of handguns.

Had you checked with me in framing that question I would have probably recommended that we get down to some specific alternatives, because it seems not feasible, if I can draw a note from Congressman McClory's opening remarks, that we are actually, in any legislature, local or Federal, ever going to actually ban all handguns. Could you give me your views in response to that question?

Dr. BRYANT. First of all, I have to say that the question is now 3 years old and it's a little hard for me now to recall the history of why it was phrased in exactly that way.

It was developed jointly by our company and the Office of Criminal Justice Programs, and once used, in order to trend it, we have had to stay locked to the same wording.

The study that we did for the Office of Criminal Justice Programs concerns a great many things about the attitudes toward crime and the number of specific laws. The questioning takes almost an hour to go through with response and, unfortunately, the time for any particular area of concern is very limited on that questionnaire. As a result, it was narrowed to one question, and I would agree with you that it's the very hardest, toughest question.

We have done other studies, not for the Office of Criminal Justice Programs, but in the metropolitan area, that would suggest a more generalized question, such as would you like, you know, gun control law stricter, which does come out with a majority who say, yes. Again, that is not putting it in any legal terms; and the other thing we have identified, not in this survey, but in others, is that there is a very low level of knowledge, specifically, of what gun control laws are in the State.

Mr. CONYERS. Thank you very much.

Mrs. Beebe, am I correct in suggesting that the key recommendation made in your package was to ban the manufacture, transportation, sale, of nonsporting weapons, which I think would probably go directly to the handgun?

Mrs. BEEBE. That is not just the one. There are several key issues. There are 12 of them that we feel are of importance.

This, of course, would take national legislation in order to implement because, without cooperation from other States, and where there is equal requirements, we can expect to enforce completely the laws which are already on the books in Michigan. So that this is what we are looking for and this is the intent of that recommendation.

Mr. CONYERS. Then you're saying that you recommend to the Governor that if the Federal law were to ban the further sale and manufacture of handguns, nonsporting weapons, that you would recommend that the State follow that with legislation at the State level?

Mrs. BEEBE. We would recommend that we follow—of course, I would like to qualify that and say that if the Congress should come up with something that was not feasible, and could not implement it, that the State should take it under advisement, as to how it would best effect and be implemented in this State. We were talking on the basis of the situation today, what is happening in Washington, what is happening in the State of Michigan and what is happening in the States around us. Without total cooperation, and I mean that, total, we can't expect to be very effective in the handling of handguns and controlling them. When our laws are not—we can't implement them because of the lack of cooperation from the Federal Government and from other States.

Mr. CONYERS. Your point is well taken. I yield now to Mr. McClory for any questions that he might want to put.

Mr. MCCLORY. Well, thank you very much, Mr. Chairman. I want to commend both of these witnesses for their contribution to our hearing.

The question that I directed to the mayor, in a way I would like to direct to both of you, because I think you may have something to contribute on this subject. The thing that bothers me is this: for instance, Mrs. Bryant, in your statistics there is an indication that there is less interest in banning handguns now, this year, than there were—than there was several years ago. Although up to that time the statistics seemed to go up. What I'm fearful of is that there is a general feeling now that law enforcement has broken down to the extent that the law enforcement elements are not capable of protecting the community against crime, and, consequently, there is a greater opposition to the banning of handguns or limiting in this way the possession of handguns to individuals who we look to, to defend themselves.

Would you have any way of knowing whether or not that statistic that you have bears out that feeling?

Dr. BRYANT. It's difficult to really pin the attitudes behind a single question. Yes, we are showing a drop in the hard question of banning handguns this year, and it's, as I say, the opinion is very similar to what it was 2 years ago, but it has dropped from 1 year ago.

One partial kind of explanation, of course, is that there is a great deal of difference in the media focus on the handgun issue throughout the State from time to time. There have been several things in Michigan that could contribute one way or another to—to attitudes and I only throw these out as these are few of the influences and there are probably more that I can't think of. There was a petition drive to get some handgun legislation on the ballot, the petition drive failed. There has been considerable focus, particularly a year ago, on the homicide rate in Detroit, when it went over 800, and related stories, you know, on the number of these homicides that were attributable to handguns.

There have been, you know, various up and downs of police community relations' feelings, particularly in the city, any of those, you know, could be an underlying factor, but, beyond that, I have no specific explanation because, unfortunately, we did not go on in this study to problem in depth about what do you really mean?

Mr. MCCLORY. Let me say in defense of your question that it appears to correspond precisely with the question which Dr. Gallup has posed on a nationwide basis and with almost the same results. The report of Dr. Gallup just came out in the last few days and, Mr. Chairman, with your permission, I would like to insert in the record, at this point, the report from the New York Times issue of Thursday, June 5, 1975, an article which records accurately, I believe, the polling by the Gallup organization on the subject of handgun registration and the banning of handguns, except in the hands of law enforcement officials.

Mr. CONYERS. Without objection, we will incorporate the reference from the New York Times.

[The article referred to follows:]

[From the New York Times, June 5, 1975]

FIREARMS CONTROL HAS WIDE BACKING

GALLUP SURVEYS FIND 67 PERCENT FAVOR GUN REGISTRATION

The Gallup Poll said yesterday that 67 percent of the Americans it had polled favored the registration of all firearms and that this finding was

consistent with its surveys over the last three decades showing similar majorities supporting such legislation.

All major segments of the population—among gun owners as well as non-gun owners—were found to support registration of shotguns, rifles, and handguns, the polling organization said.

The Gallup organization said that a majority of persons living in high crime areas—large cities and in the East—favored banning the possession of handguns by anyone except the police or other authorized persons.

However, the poll found that persons living outside the East and in smaller communities opposed such a ban. Nationally, it was said, 55 percent thought there should not be a law forbidding the possession of handguns by private citizens, while 41 percent said they would favor such a law.

The findings showed support for such handgun legislation highest among women, persons with a college background, Easterners and persons living in large cities of the country.

The following question was asked in the survey: "Do you favor or oppose the registration of all firearms?" Following are the results nationwide, by key groups and by gunowners and non-gunowners:

	Favor registration (percent)	Oppose registration (percent)	No opinion (percent)
Nationwide	67	27	6
Men	61	33	6
Women	72	22	6
College background	73	22	5
High school	68	27	5
Grade school	57	33	10
East	74	20	6
Midwest	64	31	5
South	66	28	4
West	63	33	4
City size:			
1 million and over 5	81	15	4
500,000–999,999	77	17	6
50,000–499,999	71	25	4
2,500–49,999	64	30	6
Under 2,500	50	42	8
Gunowners	55	39	6
Nongunowners	76	18	6

The police said that analysis of the findings had shown that outside the high-crime areas—the East and the nation's largest cities—all major groups opposed the banning of handguns, with two exceptions. Among women and persons with a college background, opinion was closely divided.

The findings follow:

	Should be law forbidding possession (percent)	Should not be (percent)	No opinion (percent)
Nationwide	41	55	4
East	58	37	5
Midwest	44	53	3
South	27	69	4
West	29	65	6
City size:			
1 million and over	66	29	5
500,000 to 999,999	44	53	3
50,000 to 499,999	40	55	5
2,500 to 49,999	36	58	6
Under 2,500	28	69	3
Men	35	62	3
Women	46	49	5
College background	49	47	4
High school	39	57	4
Grade school	39	57	4
Gunowners	24	74	2
Nongunowners	54	40	6

More than four in 10 households in the United States (44 percent) were found to have at least one gun. The highest proportion of households had a shotgun (26 percent) or rifle (also 26 percent), followed by pistol or handgun (18 percent).

Gun ownership was highest in the nation's smaller communities and in the South, where a majority of residents (58 percent) said there was some kind of gun in their homes.

The results reported yesterday were based on two nationwide surveys of adults, 18 and older, interviewed in person in more than 300 scientifically selected localities in the nation. The first survey was conducted March 7-10 with 1,542 persons; the second was conducted March 23-31 with 1,266 persons.

Mr. McCLORY. May I just state for the record, at this point, that, nationwide, the figure is 67 percent of the population supporting handgun registration, as opposed to 27 percent opposing it. This indicates that we want to get a better handle on who has the handguns so that, if crimes are committed, we know where to look for the owner of the handgun, and to try to determine also where all these handguns are going, which, I think, would contribute to our overall fight against crime.

Mrs. Beebe, I gather that you took a very realistic position with regard to this subject, as I do. In other words, of your 12 recommendations, you're not recommending the banning of all handguns, you're recommending beefing up laws with respect to licenses and registration and things of that nature and the banning of the Saturday night special, which is the non-sporting weapon. And it seems to me that in doing so, you're—you're being realistic, you're being pragmatic and very constructive insofar as helping to get at the criminal use, the misuse of the handgun.

Mrs. BEEBE. Well, I assure you, sir, that we're trying very hard and we really worked into this, but it's very frustrating to the citizens of the State of Michigan to be told they have one—that we are one of the States that have relatively strict gun laws and, yet, we have the highest of crime, murder, and use of the gun, so that we have come to the—our recommendations, first of all,—as you say, beefing up, the licensing, the regulation and registration, beefing up the inspection of safety on guns, the inclusion of education for the—on the part of applying for a gun, and also the people say why, why should we get upset any more than we are because no one does anything about it. A person is arrested in the act of committing a crime with the gun, but he can bargain his way out and be back on the street and he doesn't serve any time. So we have gone, even knowing the financial costs of a mandatory amendment sentence, in order to make sure that the certainty of punishment is there. This will all be turned over to the legislature because many pieces of legislation will have to be pursued.

Mr. McCLORY. The main thrust of your recommendations, of course, is toward the State or the State and local enforcement, toward the problem of plea bargaining, for instance, that occurs mainly in the State courts, but these recommendations would be logical and important recommendations with regard to the Federal administration of gun laws, too, so that I would—I would assume that your recommendations with regard to improvements, with regard to registration, with regard to mandatory penalties, would apply to Federal courts?

Mrs. BEEBE. This would be our hope, that they would, so there would be a continuity of enforcement across the Nation.

Mr. McCLORY. Would you give me a little description of your organization? How large is it? What does the membership consist of?

Mrs. BEEBE. There are 73 members on the Michigan Advisory Commission on Criminal Justice appointed by the Governor, and the appointments to the categories is pretty much regulated by LEAA. We have, interestingly enough, 11 women out of the 73 that have served on the Criminal Justice Commission.

We previously were more concerned with the grants to be given out in law enforcement. Now we have become an advisory commission to the Governor. We have got into the goals and management and we went right across the board to bring in all the fragments of criminal justice, the law enforcement, preventative, the whole gamut of the question of crime together to establish goals and management controls, and then we, knowing full well that gun control, capital punishment and the decriminalization of victimless crimes were three areas which were very emotional and probably could have taken up all our time and we wanted to get the general, overall picture done first.

Mr. MCCLORY. Let me make one more point, if I may, because I think it's a position that you and I both advanced, and that is with respect to our efforts to provide better gun control legislation, and administration, we are in no sense endeavoring to confiscate the guns of any person, any law abiding citizen who is in the lawful possession of a handgun or a long gun at the present time; is that correct?

Mrs. BEEBE. Well, the recommendations that we have made are very clear. We do not—we are speaking specifically with the exception of one, on the handgun, and this will have nothing to do with the law abiding citizen who fullfils the requirements of licensing and registration—the one area that we are very much concerned, and, of course, this ties in with the education, the need for knowledge of how and why and where and what I'm talking about—the other thing is that we had a demonstration of how a sawed-off shotgun could be taken apart, carried in under a jacket into a store, or wherever, and quickly put together in a matter of just a few seconds. And we are very concerned, and that is where we have some requests for legislation on the determination of this type of thing.

Mr. MCCLORY. That is a very important point to make, it seems to me. Thank you very much.

Mrs. BEEBE. Thank you.

Mr. CONYERS. Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

Mrs. Beebe, when did the Michigan licensing law go into effect?

Mrs. BEEBE. It's been on the books, I believe, since 1960—no that's the Federal. I'm sorry sir, it's around the time that——

[Voice] 1972.

Mrs. BEEBE. 1972. Thank you.

Mr. MANN. Do you know whether or not it had any requirement that the then current owners of guns were required to license their guns or was this only for sale?

Mrs. BEEBE. I believe it was only on the sales. There is nothing grandfathered in.

Mr. MANN. Do you have any ideas what the—what percentage of guns in Michigan now would be licensed or unlicensed? That would perhaps be revealed by police records?

Mrs. BEEBE. And add to that only when a gun is used in the act of committing a crime that we find out they are not registered.

Mr. MANN. Do you have any——

Mrs. BEEBE. No, I don't have that.

Mr. MANN. Mrs. Bryant, was any effort made to correlate the answers to these questions with the level of crime during those years, or the level of crime in those different areas?

Dr. BRYANT. The only thing that we did do, we identified persons in households where someone in the household or the household had been the victim of a crime. Most of those crimes that you identified turned out to be crimes of property rather than of person, when you're on an 800 interview sample.

I do show that in our tables, the one called table 46, part 3, in which 49 percent of those in households that have been some victim of crime, would currently favor outlawing the possession of handguns, compared to 45 percent of those in other households, and that difference, really, is not meaningful. That does not get at the people who have been specifically victims of crime committed with a firearm.

Mr. MANN. Mrs. Beebe, I find your recommendation, number 7, I believe it is, demonstrating adequate skill, I wonder if there was any discussion in your commission of the effect that might have been on people with a little more confidence in the use of a gun, whether or not that might cause the wife to be able to shoot that gun, where, otherwise, the husband might have been spared?

Mrs. BEEBE. There was a great deal of discussion on this particular recommendation, but it was found that this is part of the education. In other words, no person should have a gun, handgun, or a long gun, in their home, or about their business, unless they know what it's all about. There is that question, that if a gun is available, whether a person is—has it licensed, registered, and so forth, if, in an extreme point of anger, would not use it. This has been—was very strong. Of course, interestingly enough, it was always the woman who was going to shoot the man, and I said, well, probably he deserved it, but that is an aside.

The point is that we feel—we felt from our testimony and from all the things that we are involved in, as far as this is concerned, that it's imperative that we have some background and education on that—the handling of a gun, what it's all about, and the dangers not only for the person who might be using it with intent, or without premeditation, but also the fact that they are responsible to make sure that the gun is not within reach of children. So that—like an automobile, it's a lethal weapon, it can be, and, therefore, we felt that this, again, would be left to the legislature to determine those things which were essential in—if I were to go and apply for a license, to buy a gun, I would be—I would hope that someone would say, I would like to teach—now, the question of financing this type of thing was very much discussed. Hopefully it would go that many of the organizations who were advocating no gun control, or supporting the idea that guns should not be controlled, would work with us to teach people, or to set up standards of how to use a gun, and that responsibilities that go with it.

Mr. MANN. I don't believe I found among your recommendations, any recommended change with reference to the current practice of permits for carrying concealed weapons. Is there any evidence that that has been abused?

Mrs. BEEBE. Well, yes; there is evidence in the police records that it has been abused, but Michigan does have a concealed weapons law, and you have to have a separate permit in order to get it, and it has to be valid, not vague reasons.

Mr. MANN. That is really my question. Has the permit system been abused? I know carrying of guns has been abused.

Mrs. BEEBE. I think from my experience, yes; it has been abused, and, again, this is again, within the state we have to begin to pull all this together and work on an equitable basis so that the law is equal across the board.

Mr. MANN. Thank you.

Mr. CONYERS. Ladies, you have been appropriate leadoff witnesses for our hearings here.

I notice that although you are both Mrs., it's really still Senator Beebe and Dr. Bryant. In our professional and individual capacities we are delighted that you could bring your statements, experience and comments to bear on this subject. Thank you for appearing.

[The statements of Senator Beebe and Dr. Bryant follow:]

STATEMENT OF HON. LORRAINE BEEBE, MEMBER, MICHIGAN CRIMINAL JUSTICE COMMISSION

POSITION OF THE MICHIGAN COMMISSION ON CRIMINAL JUSTICE ON GUN CONTROL

In its deliberations, the Michigan Commission on Criminal Justice found that there is a wide range of opinion regarding gun control. At one end of the spectrum are the persons who feel that individual citizens should not be permitted to possess either handguns or long guns. At the other end are persons who feel there should be no control over the possession or carrying of either type of gun. In between are a variety of beliefs—banning handguns and licensing long guns, licensing handguns but not long guns, licensing both, requiring safety training for anyone possessing guns.

There is a marked absence of research regarding the virtues or danger of the accessibility of firearms in the Nation. Consequently, most arguments are advanced solely as individual opinions. The most frequently cited reasons are listed below, with pro gun control listed first followed by the reasons for opposing gun control. It should be remembered that there is a gradation of opinion, as indicated above, and the reasons reflect various degrees of stringency of control.

STATED REASONS FOR GUN CONTROL

1. The easy availability of firearms contributes to the commission of certain types of crimes.
2. The value of firearms in the home as a defense against crime is overrated.
3. The accessibility of guns in the home can turn arguments between friends and domestic quarrels into homicide.
4. While the primary purpose of long guns is for hunting and target shooting, the primary purpose of the handgun is for use against other humans.
5. The constitutional provision regarding keeping and bearing arms does not apply to private citizens, only the militia.
6. Existing gun control laws are not successful in limiting crime; therefore, new and more stringent ones are necessary.
7. Widespread gun ownership leads to more gun accidents.
8. While it is true that other weapons would still be available if guns were banned, it is also true that other weapons do not result in homicide as frequently.

9. In use of actual enemy attack, handguns would be ineffective means of defense anyway.

STATED REASONS FOR OPPOSING GUN CONTROL

1. The state and federal constitutions guarantee citizens the right to keep and bear arms.

2. Banning guns would result in increased crime because criminals would not fear disarmed citizens. This is particularly true in rural areas where police response is extremely slow.

3. Existing laws are adequate in Michigan, but they should be enforced more fully by the police, prosecutors and courts.

4. If guns were banned, only law abiding citizens would comply.

5. In most of today's homicides, the perpetrator is already violating a gun law, such as carrying a concealed weapon or possessing an unregistered gun. More stringent laws would be ignored in a similar fashion.

6. Hunting license fees and ammunition taxes are one of the main sources of financial support for conservation departments and conservation projects.

7. A reduction of gun accidents can be accomplished by compulsory gun safety education in lieu of banning guns.

8. Stronger gun control would only create a bootleg market supported by both criminals and otherwise lawful citizens. Also, unless all states observe similar gun control laws, guns will be easy to procure across state lines.

9. The proposal for the government to purchase all handguns would be prohibitively expensive.

10. Disarmed citizens would be left helpless in case of government crisis or emergency.

11. The banning of handguns is only a first step which will inevitably be followed by a ban on long guns.

With these and other arguments in mind, after hearing public testimony, and after receiving many letters from concerned citizens and groups, the Michigan Commission on Criminal Justice has adopted the following recommendations:

1. Resolved, that the Commission favors the enactment of Michigan legislation that, compatible with and subject to federal law, would ban the manufacture, transportation, possession for sale or transfer, sale, transfer or other trafficking in nonsporting purpose weapons.

2. While this Commission recognizes current Michigan law as superior to most states and adequate in most respects, it does suggest some modification in the areas of licensing, registration, safety and violation of gun laws.

3. This Commission recommends that an investigation be initiated to study the feasibility of enacting legislation to prohibit modification of a firearm which would facilitate concealment (i.e.: prohibit sawed-off shotguns).

4. This Commission recommends the establishment of state-wide standards to qualify persons applying for a permit to carry a concealed weapon. These standards to be used by county boards in evaluating applicants for carrying a concealed weapon permits.

5. This Commission recommends legislation to provide the authority for county gun boards to revoke carrying a concealed weapon permits for cause pursuant to the Administrative Procedures Act.

6. This Commission recommends legislation requiring persons at the time of application for a permit to purchase a gun to demonstrate knowledge of safe handling of a firearm and knowledge of Michigan gun laws.

7. This Commission recommends legislation requiring persons applying for a permit to carry a concealed weapon be required at the time of the application, to demonstrate adequate skill in handling their firearm, knowledge of the responsibilities incumbent upon a person carrying a firearm, and knowledge of Michigan gun laws.

8. This Commission recommends the State of Michigan establish product safety standards for firearms, such standards to be set by the legislature.

9. This Commission recommends the enactment of legislation to prohibit the sale of unsafe firearms in Michigan as determined by #8 above.

10. This Commission recommends the enactment of legislation authorizing the confiscation of firearms determined to be unsafe or unlawful when said firearms are presented at the mandatory safety inspection.

11. This Commission recommends that the owner of any gun acquired by inheritance, gift or private sale, be subject to all the requirements placed upon the purchaser of a new gun.

12. This Commission recommends, in accordance with the concept of certainty of punishment, fixed minimum sentences be set for violation of any Michigan gun laws and for the commission of a felony with a gun. Said penalties to be commensurate with the crime charged. Multiple offenses should be dealt with more severely each successive violation.

Further, this Commission wishes to strongly support the adoption of a strict attitude among all law enforcement personnel regarding the aforementioned violations specifically including the area of plea bargaining.

STATEMENT BY DR. BARBARA E. BRYANT, VICE PRESIDENT FOR SOCIAL RESEARCH, MARKET OPINION RESEARCH, DETROIT

I am Dr. Barbara E. Bryant, Vice President for Social Research of Market Opinion Research Co., Inc. Market Opinion Research is a national attitude and survey research company headquartered in Detroit.

In October 1972, January 1974 and January 1975, our organization conducted statewide surveys on attitudes toward crime and the criminal justice system for the Office of Criminal Justice Programs, State of Michigan. These surveys were based on statewide probability samples of 800 (in 1974 of 900) adults age 18 and over resident in occupied dwelling units in the state.

Only one question in this survey each year pertained to the subject of firearms legislation. That question was:

"There has been talk of outlawing the possession of handguns by anyone except law officers. Would you like to see a law which would outlaw handguns?"

The answer to this question for the statewide sample each of the three years has been published by the Office of Criminal Justice Programs in the publication "The Michigan Public Speaks Out on Crime, 3rd Edition" on page 47. I understand your committee has been supplied a copy of this publication. Answers in prior years were published in similar publications, the 1st and 2nd editions, issued in March of 1973 and March of 1974.

I am here this morning to discuss with you the answers to the single question on handguns as given by the total sample of Michigan adults and by particular subgroups of that sample. There was not space for subgroup information in the Office of Criminal Justice Programs' publication.

As of January 1975 when interviews were conducted throughout the state, Michigan adults answered the question, "There has been talk of outlawing the possession of handguns by anyone except law officers. Would you like to see a law which would outlaw handguns?"

46 percent, yes.
52 percent, no.
2 percent, don't know.

There is an error in any sampling survey called sampling error. This is the allowance for the difference one gets in answers from a properly chosen sample compared to what one would get from the entire population if one had interviewed an adult in each household in the state. In this January study that possible error (at the 95% confidence level) is plus or minus 4%. This means that the proportion of persons who would have answered this question "Yes" in January could be as high as 50% or as low as 42%. This means the Michigan adult population is split on the issue of outlawing handguns but appears to be marginally in favor of not outlawing them.

The prior year, in January 1974, the margin was in the direction of outlawing handguns. At that time, survey results showed 54% "Yes," 44% "No" and 2% "Don't Know" on the same question. October 1972 figures (reported in 1973), however, were almost identical with those of this year (47% "Yes," 52% "No" and 1% "Don't Know").

The fact that the margin for and against outlawing handguns has moved back and forth by a small percent above and below the 50% mark over a three year period means that the adult population in Michigan is divided on this issue. Particular incidents, the homicide rate in Detroit, and media attention to handguns have served to shift opinions back and forth by small margins at various points in this time period.

I am supplying the committee with tables from Market Opinion Research's most recent full report to the Office of Criminal Justice Programs on measurement on this issue for the total state and subgroups. As you will see from Table 46, Part 1 present opinions in the Detroit Area Cities of Detroit, Highland Park, Hamtramck and Pontiac closely match those of the entire state. Forty-five percent favor outlawing handguns, 53% say "No." However, the year before in January 1974, residents of these cities favored outlawing handguns more than those in any other area of the state did.

Today, in 1975, those most against outlawing handguns are those who reside in outstate small town and rural areas outside of Standard Metropolitan Statistical Areas. Among these residents, answers to the question are 34% "Yes"—for outlawing and 64% "NO." (Table 46, Part 2)

The opinions of white and black residents of Michigan are currently similar. The data shows 47% of whites say "Yes" to outlawing handguns while 42% of blacks do. This 5% difference is not statistically significant. (Table 46, Part 4)

The difference between the opinions and men and women is significant. Fifty-one percent of women, but only 41% of men say "Yes" to outlawing handguns. (Table 46, Part 4)

There has been talk of outlawing the possession of handguns by anyone except law officers. Would you like to see a law which would outlaw handguns?

TABLE 46, PART 1

	Total Michigan adults				Detroit area cities (Detroit, Highland Park, Hamtramck, Pontiac)				Detroit suburbs (balance of Wayne, all Oakland, Macomb)			
	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75
	Percent	Percent	Percent		Percent	Percent	Percent		Percent	Percent	Percent	
Yes	47	54	46	−1	48	60	45	−3	56	57	52	−4
No	52	44	52	0	52	38	53	+1	44	39	47	+3
Don't know	1	2	2	+1	------	2	3	+3	------	4	2	+2
Base	(800)	(900)	(800)		(144)	(185)	(152)		(240)	(256)	(234)	

TABLE 46, PART 2

	Other cities (in SMSAs/not Detroit)				Other suburbs (balance of SMSAs, not Detroit)				Outstate (non-SMSA)			
	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75
	Percent	Percent	Percent		Percent	Percent	Percent		Percent	Percent	Percent	
Yes	52	60	57	+5	42	51	46	+4	35	43	34	−1
No	43	38	39	−4	57	47	54	−3	63	53	64	+1
Don't know	5	2	4	−1	1	2	------	−1	2	4	3	+1
Base	(81)	(99)	(96)		(144)	(154)	(128)		(191)	(208)	(190)	

TABLE 46, PART 3

	Victim of crime[1]							
	Yes				No			
	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75
	Percent	Percent	Percent		Percent	Percent	Percent	
Yes	47	51	49	+2	46	55	45	−1
No	53	48	49	−4	52	43	53	+1
Don't know	------	1	3	+3	2	2	2	0
Base	(146)	(180)	(154)		(653)	(721)	(646)	

[1] These are the 20 percent of Michigan adults who live in a household in which some member of the household, or the household property, has been a victim of crime in the past year. Most of these crimes are of property.

There has been talk of outlawing the possession of handguns by anyone except law officers. Would you like to see a law which would outlaw handguns?

TABLE 46, PART 4

	Sex								Race							
	Male				Female				White				Black			
	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75	1973	1974	1975	Change 1973–75
	Percent	Percent	Percent		Percent	Percent	Percent		Percent	Percent	Percent		Percent	Percent	Percent	
Yes	40	50	41	+1	52	57	51	−1	48	55	47	−1	40	45	42	+2
No	60	48	58	−2	47	40	46	−1	51	43	51	0	60	52	55	−5
Don't know	.....	2	1	+1	1	3	3	+2	1	2	2	+1	.....	3	3	+3
Base	(336)	(403)	(383)	.....	(464)	(500)	(417)	.....	(695)	(783)	(696)	.....	(103)	(108)	(98)	.....

Appendix A.—Technical Information, Statewide Surveys for the Office of Criminal Justice Programs

(By Market Opinion Research)

SAMPLE

Study findings for 1973, 1974, 1975 are based on interviews with three similarly designed samples of 800 residents of Michigan, age 16 and over. Samples were drawn on a probability-proportionate-to-size design, based on the 1970 U.S. census count of occupied dwelling units in Michigan. One hundred sampling points were selected each year and 8 interviews assigned to each. Interviewers were given a map with a randomly designated starting point in each sampling point, and a skip interval of four for selection of households.

In 1974, an additional 100 interviews were assigned to sampling points with large proportions of black respondents, in proportion to the black population in each of these points. Additional interviews were with blacks. Data was later weighed to black/non-black racial proportions according to known figures for Michigan. The purpose of the oversample of blacks was to give greater statistical stability to data reported. This increased the number of blacks interviewed that year to 190, as a check on the stability of data obtained in other years from about 100 black respondents.

RESPONDENT SELECTION

The Troldahl-Carter-Bryant technique was used for random selection of the individual age 16 and over to be interviewed in each household. This technique randomizes selection according to age and sex, and compensates for the fact there are more women-only than men-only households in the U.S. at this time.[1]

NUMBER OF ATTEMPTS TO REACH DESIGNATED HOUSEHOLD AND RESPONDENT WITHIN HOUSEHOLD

An original call plus two callbacks at different times of day, and day of week, were made at each chosen household to reach the household, and the selected respondent within it. Interviewers were encouraged to make telephone appointments for personal interviews if contact was made with the household, but not with the correct respondent within it. A large proportion of interview attempts were made on weekends or in the evening. If after three attempts an interview was not completed, the house next door was substituted and procedure using the Troldahl-Carter-Bryant technique with three attempts begun again.

INTERVIEWS

Interviews were conducted in person at the residence by professional interviewers trained and under the supervision of Market Opinion Research. Interviewers were particularly trained for classifying crime descriptions into pre-coded categories. A third year law student in the employ of Market Opinion Research conducted this training using category descriptions developed by the Office of Criminal Justice Programs. Interviewers used a structured questionnaire. Interviewers were of the same race as the majority of residents in each sampling point.

Interviews were conducted in late October and early November 1972 (results reported 1973), in January 1974 and in January 1975.

QUESTIONNAIRES

Questionnaires were developed jointly by professional staff of Market Opinion Research and the Office of Criminal Justice Programs, Executive Office, State of Michigan. Many questions were kept identical throughout the three years and trends are presented only for these questions.

DATA PROCESSING

Interviews were coded, keypunched and results computer printed. Open end questions similar to those used in the first study were coded into the

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[1] Barbara E. Bryant, "Respondent Selection in a Time of Changing Household Composition," *Journal of Advertising Research*, scheduled for publication, May 1975).

categories developed previously but additional categories were added for new answers.

QUALITY CONTROL

Ten percent of all interviews were validated with respondents, by persons other than the original interviewers. Keypunching was 20% verified. A computer "clean" program was run prior to processing of each study to check for invalid codes, wild scores, etc. Where errors were found, punchcards were checked against original questionnaires.

SAMPLE CHECKS

After interviewing was completed, those interviewed were compared with census data on persons 16 and over in Michigan. Respondents compared as follows:

CENSUS FIGURES, STATE OF MICHIGAN

	1970 (percent)	1973 (percent)	1974 (percent)	1975 (percent)
Age:				
16–24	23	16	18	17
25–59	59	62	61	61
60 and over	18	22	21	22
Race:				
Black	11	13	11	12
White	89	87	89	88
Sex:				
Male	48	42	45	48
Female	52	58	55	52

The geographic distribution of those in the study compared to census figures is as follows:

U.S. CENSUS OF HOUSEHOLDS

	1970 (percent)	1973 (percent)	1974 (percent)	1975 (percent)
Detroit area cities (Detroit, Highland Park, Hamtramck, Pontiac)	21	18	21	19
Detroit suburbs (all remaining in Wayne, Oakland, Macomb)	27	30	28	29
Other cities (central cities of SMSAs other than Detroit)	11	10	11	12
Other suburbs (outside central cities in SMSAs other than Detroit)	17	18	17	16
Outstate (rural/small town—outside of SMSAs)	24	24	23	24
Total	100	100	100	100

SAMPLING ERROR

Sampling error for a study based on 800 interviews is ±3.5%. This means that when the statement is made, "Thirty-five percent of Michigan adults 16 and over agree . . ." the true figure in the population, if every adult had been asked the question at the interviewing time, lies between 31.5% and 38.5% (35% ±3.5%). The reader can be confident that if repeated samples had been drawn from the Michigan population at the same dates, 95 out of 100 samples would have given a result within ±3.5% of the figures reported here.

STATISTICALLY SIGNIFICANT DIFFERENCES BETWEEN GROUPS

Many of the results of this study are compared with answers to the same questions in the surveys of 1973, 1974, 1975. Any change of 5% is greater than could be caused by sampling error between the 1973, 1974, and 1975 samples. If a figure has changed by a margin greater than 5%, the reader can be 95% confident that a true difference in opinion exists.

Statistically significant differences vary according to subsample size. Within each study statistically significant differences between subgroups are as follows:

7% between males and females
10% between blacks and whites

9% between residents of Detroit area cities and Detroit suburbs
12% between residents of Detroit area cities and other cities
11% between residents of Detroit area cities and suburbs of other cities
10% between residents of Detroit area cities and outstate rural/small towns
9% between those 25–59 in age and those 16–24
9% between those 25–59 in age and those 60 and over
8% between those who have been victims of crime recently and those who have not

Between the same subgroups on different years of the study, statistically significant differences are:

5% Total sample
11% Detroit Area Cities
9% Detroit Suburbs
14% Other Cities
11% Other Suburbs
10% Outstate (rural/small town)
11% Victim of crime
6% Not victim
7% Male
7% Female
5% White
14% Black
11% 16–24
6% 25–59
10% 60 and over

DATA ANALYSIS

For purposes of analysis, data has been printed by the following subgroups. For each subgroup, change scores were computed and printed for any questions asked in all three surveys. Change scores show the 1975 minus 1973 difference.

SUBGROUPS ANALYZED

Total sample

By area of residence:
- Detroit area cities (Detroit, Hamtramck, Highland Park, Pontiac)
- Detroit suburbs (all remaining residents in Wayne, Oakland, Macomb counties)
- Other cities (Central cities of SMSAs other than Detroit)
- Other suburbs (residents outside central cities in SMSAs other than Detroit)
- Outstate rural/small town—all residents outside SMSAs

By crime victimization:
- Victim (member of household in which anyone was a victim of crime in past year)
- Non-victim (member of household in which no one victim of crime in past year)

By race:
- White and other
- Black

By sex:
- Male
- Female

By age:
- 16–24
- 25–59
- 60 and over

Mr. CONYERS. In our next witnesses, and we will take them individually, are members of the State legislature. I am privileged to call upon the representative of the 18th District of Michigan, the Honorable Jackie Vaughn III.

Representative Vaughn has been my representative in the legislature for many years. He is currently the vice chairman of the

House Judiciary Committee, to which all State legislation on gun regulation has been referred. He has done a great amount of work in this area and, characteristically, he has prepared a very detailed statement which will be incorporated into the record at this point. We welcome you. I think this is the first time that Representative Vaughn has had a chance to appear before a Federal judiciary panel and I'm delighted that he is with us today. You may proceed in your own way.

TESTIMONY OF HON. JACKIE VAUGHN III, 18th DISTRICT OF THE MICHIGAN HOUSE OF REPRESENTATIVES

Mr. VAUGHN. Mr. Chairman, members of the committee, first I am grateful for the opportunity, as you have indicated, this is my first exposure to a Federal panel.

I serve in the Michigan House as chairperson of colleges and universities for the State of Michigan and also as vice chairperson of the Judiciary Committee.

I would just care to make some remarks because, as most of you know, as a pioneer in the field of gun control legislation for the last 6 years, I am very pleased to identify, and I have served in the Michigan House for almost, now, 10 years. My bill differed from those that currently are in the Michigan House or Michigan Senate in which I talk about the sale, the manufacture, the purchase, possession of all handguns. I think that it's unthinkable in this, 1975, that we think about legislation of this magnitude without at least trying to dry up the source.

Second, I hasten to add, as a person who has represented the near west side of Detroit, where the poverty and the unemployment rate is much higher than other sections of our city and our State, the inflationary period throughout the State of Michigan, and the mayor and the other elected officials have indicated that if you prorate the unemployment rate in our town, it can run as high as 60 percent. And if you prorate that into terms of ethnic minorities, and black, the rate is even higher. So I hasten to place this as part of the record in discussing the—really, the manufacture, the sale, the purchase, possession of all handguns. I think that is the only way a decent society can really effectively, really try to get at the awesome task, as the members of the committee have already indicated.

I have requested, as most of you know, of the Speaker of the House, for a special subcommittee. I have introduced a resolution asking that we do like you are doing for the State of Michigan, to go in every segment of our State and try to hear from both pros and cons, those who support and those who do not in terms of this important legislation. That is still pending, Mr. Chairman. I hope by this meeting that would have been announced. That is still before the Speaker and it's his jurisdiction to appoint. Hopefully I can become that chairperson to really do an effective job to try to show what is needed.

I do not have to belabor in the position in terms of the need for legislation of this nature. And I would just like to point out, because of the issue of poverty, unemployment, inflation, and racism that

exists in our society, we have to really deal with those issues, but, in the meanwhile, I submit to you, we must also deal with the Michigan use and availability of all handguns. I think that's the only way we can really deal effectively with this.

I have misgivings with this, also, because, at the present time, the tremendous mistrust of the police department. It's real. At present, as you know, the 5th largest city is struggling with a residential problem. The interesting thing about this, Mr. Chairman, and members of the committee, under the last two mayors, before Mayor Young, this was never an issue, the issue of whether or not a law enforcement officer was going to be a member of that community. And it's in the courts now and there is a strong possibility it might go either way. But that's a real concern in terms of talking about complete total ban, manufacture of guns.

Second, what occurred the other day, the other week, in terms of a police brawl in this city, which does not serve the purpose of my statement in terms of the complete abolition of the sale and manufacture of handguns. I think that, in spite of all of this, in spite of the poverty level and in spite of unemployment, we must move to the position of really giving people hope, doing something about the sale and manufacture, if we're serious about the business, and, Mr. Chairman, and members, I am totally opposed to strict, outright, mandatory sentence without discretion on the parts of the court. Obviously, I think this should be some minimum opportunities to movement, but I think that with the whole history of big cities, in terms of the infamous stress, the infamous stop and frisk, that is what I am frightened of in terms of the eventual leading to this kind of attitude and this kind of society, in which you disarm the people and we must have stronger laws to control the action, the deed, the public record of our law enforcing officers in our society.

Also, lastly, as a part of this, as the mayor of this town has indicated, a police force that represents the population. To me, that is nonnegotiable in terms of the residential issue, in terms of a police department that represents the population of the city and also a review in which we move strongly under the new charter in terms of trying to restore confidence on the part of the people in terms of where, the direction we are going.

These are my concerns; but, in spite of all this, I believe that we must move in terms of some kind of sanity, and, incidentally, I don't believe that any public official should be given the privilege of carrying a gun. I think that is unthinkable in terms of phychological, in terms of the other issues, but I think that when we live in a climate of fear, mistrust, and particularly daily the activity of the law enforcement agency, I think that there is a great deal of concern, that we do this in terms of trying to raise the level of people in the State of Michigan in terms of where we should be and what we should be all about.

Thank you, Mr. Chairman, and members.

Mr. CONYERS. Thank you very much, Jackie Vaughn.

I would like to read, representative, just one small portion of your testimony that I think deserves our reflection. It's your closing couple of sentences. It says:

But, passage of a handgun ban will not signal the end of our efforts. Indeed, it will be only the beginning. When handguns are outlawed and violence is limited, we must then concentrate our energies on the causes of violence—the appalling amounts of poverty, hunger, unemployment, racism and injustice found in this land. Only after the sacredness of human life and the fundamental right of human dignity are assured—assured to every man and woman regardless of their heritage, or their color, or their social standing—only then will our society really be free of violence and fear.

I want to commend that as a very thoughtful statement because, clearly, you see this question of firearms regulation as going far beyond the mere cutting off of guns. You say that it's related on our police support, it's related to a society that really provides opportunity. Frequently, you say in many of the areas where there is a gun problem, there is also a high incidence of unemployment, violence, and general unsafety, and so I think that you clearly stretch your ambit of concern to take in all of those things. As has been stated earlier, we're not going to solve all of the problems relating to crime in our society by merely passing a law.

Now, on the question of mandatory sentences, let me raise this with you. Do you see in the mandatory sentence law, some danger that the judge, by having this discretion removed from him, will be reduced to sentencing people on a very arbitrary basis? Or, by way of example, I think we had someone testify that a policeman's mother was taking his gun back from the airport on a trip and, somehow or other, the gun came into her possession, and it came to the knowledge of the police authorities. Is she to be sentenced manditorily for 2 years? Is there no exception, no discretion?

Because of what it might lead to, and the thing that I think gives some cause for concern, is that we will end up with selected cases that are so ludicrous that the prosecuting attorney simply won't bring the charge to prosecute the person. Won't that leave us with the law being discretionarily applied at another level?

Mr. VAUGHN. Yes.

Mr. Chairman, members, I think you raise a very important question. I think we are caught in a dilemma. On the one hand you have people who suggest that the courts are not doing their job, therefore, if you would get rid of some of the members of the bench, perhaps we could solve the spiraling rate of crime. I do not subscribe to that.

Second, you do have this inconsistent, in terms of really exactly what we should do in terms of—for an example, if Michigan has a law, a person from Ohio, Indiana, not knowing, therefore, in my statement, I indicated that I would lean, my own personal leaning, would be in terms of not mandatory sentence but discretionary, and I recognize the misuse of that in terms, oftentimes, by the court, but I think you have to have—I lean more in that direction in terms of discretionary on the part of the court, than I do on the mandatory in which you would just arbitrarily divest that kind of authority from the courts.

Mr. CONYERS. On that note, I think I will yield to the gentleman from South Carolina, Mr. Mann, for any questions.

Mr. MANN. Thank you, Mr. Chairman.

I was intrigued by the same thing you were, Mr. Chairman, the statement on mandatory sentencing. You know, our casting about

for solutions has caused us to hit on that as a deterrent, and yet, I think that the record will probably show that all increases in penalties have a very dubious record of increased deterrence. We know what the status of the arguments on capital punishment is these days, as to whether or not it's a real deterrent.

With all of the specialties and all of the research that we have put into rehabilitative methods, and alternate methods of sentencing, here we are about to cop out on all of that with a somewhat emotional response to the gun business. We know that recidivism is one of our biggest problems, as far as crime is concerned, and we also know that the best way to combat recidivism are some of these new methods of alternative sentencing, the idea of hope for probation or parole, parole, in particular. So I am most pleased to hear your courageous statement indicating that, in spite of the fact that courts aren't perfect in their sentencing methods, it's sure great to have that judge sitting there with a heart and a mind of discretion to be able to take care of that son of yours or that grandson of mine, or that mother who might have, through some freak circumstance, or some emotional lapse, violated that particular law. I think it's inherent and basic to our system of justice that that kind of mercy can accompany sure justice.

Now, you made a reference to the permits granted to public officials to carry guns. I assume from that that it is a rather widespread practice. Does that practice include others than public officials, such as the typical businessman, or tavern owner who has to get to the bank after hours. What is the general practice on that?

Mr. VAUGHN. Mr. Chairman, the general practice, I am told that, as a public official, in just a matter for going down, I am entitled to some kind of protection, or the business person, because of the over—the ability to overkill, the outrageous number of handguns that are available, it makes the business person in a community, appears that if, in order to survive, he must have some sort of protection. I really fear for that person who has worked very hard. What I'm talking about, if we can really, somehow, in some way, dry up the sale, the manufacture, the possession, any kind, then we will have reached that kind of society in which he would not feel—the businessman in my district said that he really supports my bill if he can feel that 40, 50, 60 percent of his customers that come in daily do not have guns. And I think there is something in this in terms of the ability to try, at least to attempt to dry up the availability and gun uses in our society and I understand we have the ability to overkill, everyone has a gun because of fear that everyone else is carrying a gun, what we call the vicious cycle and so we never end on that note. But I would hope that the same way is to try somehow to start even with the good people, to start with, really, with those law abiding citizens, and I think there are many of those, and I think that we would make sense in terms of feeling more secure, that we are not part of an armed society.

Mr. MANN. Well, I will be the first to concede that South Carolina has perhaps the worst gun laws in the Nation. It's a source of illegal traffic of guns, and yet we don't have this permit, carrying gun permit business, and I can see an insidious result because, as

we know, the big argument, the biggest argument is that a citizen is entitled to have his gun in his house for that same reason. Of course, an example of a public official carrying a gun, is certainly not going to contribute to holding down the ownership of guns in one's home. Not that that isn't fraught with many other problems which are far beyond that public official carrying a gun. Thank you very much.

Mr. VAUGHN. The number of people fatals that occur in the home, they are outrageous. This person who maintains that he has, under the Constitution, which we question, a right to defend his own home. But what occurs, as you know perhaps better than anyone else, the number of fatalities that occur between the husband and wife or between a member of the family, or the young kid discovering the father's gun, the soaring statistics on this are very, very clear, that the misuse of a gun, although not intentionally, is a matter of public record.

Mr. MANN. Thank you.

Mr. CONYERS. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

Thank you Representative Vaughn, for your testimony here this morning. I am interested in your final observation, particularly since it's a fact that a great many accidents occur with guns, and, as I understand, guns in the home are more apt to kill the wrong person about 5 or 6 times than they are to kill the right person. That's the accidental misuse of guns or the unintended use of a handgun. It seems to me, however, that our primary effort must be directed toward the criminal misuse of handguns, and I am concerned about your testimony. For one thing, I wonder whether you really, honestly feel that your recommendation, for instance, with regard to the prohibition against the manufacture, sale, and possession of handguns, even if applied in the State of Michigan, is a realistic expectation. Do you really feel that that kind of legislation is possible of an enactment in the State of Michigan?

Mr. VAUGHN. Yes, I do. I introduced, 7 years ago, a bill to strike all penalties from the drug law, and I am very happy to say today Michigan has moved not all the way but pretty near that kind of legislation. It's amazing what you can do in terms of, as an elected official, to raise the level of people's thinking in this State. I am very pleased to say that crime compensation 6 years ago, we passed that, the bill that I introduced in the Michigan house in the judiciary committee, I am very pleased—this was unthinkable. I think we have a double responsibility to raise the issues, to raise the level. Hopefully that people will come up. I am quite convinced that the rate that we're going, crime of passion, don't have to tell you about that, it's real in our community, in our society and I believe that once we can take the profit out of gunmaking, because guns are made to take human lives, the article, my neighbor is going to kill me, is a very clever one in this whole area, so it's my hope that your committee coming to Michigan, that we can have more determination to push legislation of this nature. I believe that it will work and I believe that it—it takes a little time but I think that it will come around.

Mr. McCLORY. Well, I would venture that that 90 percent of the law abiding citizens that possess guns probably wouldn't agree with your statement that guns are manufactured for the purpose of killing people because, well, in the first place, most gun owners are sportsmen, they are not thinking about shooting anybody at all.

Mr. VAUGHN. We're talking about handguns.

Mr. CONYERS. Will my colleague suspend. I feel it my duty to inform all of our friends that have joined us here today that we are not in popularity contests, and that we are going to listen to the testimony under the rules of the House of Representatives, which requires that our visiting audience give no responses pro or con about the statements that we're receiving as the testimony. Thank you.

Mr. McCLORY. I want to join, Mr. Chairman, in that admonition. I was wont to assure you, too, that I wasn't making a statement here for the purpose of getting an audience response.

But the thing that I did want to get at was, that legislation, either at the State level, I would assume, and, certainly, at the Federal level, which would outlaw the manufacture, sale, and possession of even handguns would not be, in my opinion, realistic at this point, because even with regard to handguns, I am sure that the statistics would indicate that in excess of 90 percent, I would venture, 95 or 98 percent of the handguns that are used, are in possession of persons, are in the possession of law abiding citizens who feel that either for sporting purposes or for matters of personal protection, or because they are collectors or for other reasons, feel a legitimate right to possess that particular weapon.

The thing that I am concerned about is your recommendation, would that go so far as to preclude the sale of handguns to—or have them in the possession of law enforcement officials or the military?

Mr. VAUGHN. No.

Mr. McCLORY. It could exclude those?

Mr. VAUGHN. As a student in England, at this time, no, but I wouldn't think it wouldn't be a bad idea to eventually get rid of all guns, including the law enforcement.

Mr. McCLORY. Now, the American firearms manufacturers would still be permitted to manufacture handguns then for law enforcement officers or military?

Mr. VAUGHN. Military. I think I make that crystal clear that the military are not included in my concern at this time.

Mr. McCLORY. Of course, they could get them from more than American manufacturers, if we banned the manufacture, but you're not representing a banning of the manufacture?

Mr. VAUGHN. No.

Mr. McCLORY. Now, getting to the subject of mandatory penalties, and, of course, really, while you're dealing with the State legislature and the State laws, we're bound to deal with the Federal legislation, we do have mandatory penalties at the present time with regard to second and third offense for crimes committed with handguns. One of the problems we have encountered in some of the testimony we have already received indicates that persons who commit a crime with a gun, a robbery, burglary, or something of that

nature, are released and commit another crime. Therefore, it's felt that a mandatory penalty for the first offense of a crime committed with a gun, I am really not talking about failure to register or something of that nature, but a crime—say we take a felony, a felony committed with a gun, that that should be punished with a mandatory prison sentence, but I gather from your testimony you would oppose that?

Mr. VAUGHN. Yes, and I think for a very good reason. I'm sure that the courts would take into consideration the probationary record, reports of any individual. He could very quickly discern whether or not an individual would have been before the courts a half dozen times. I'm sure that is not the case, but I think what I would be worried about is the whole philosophy that the more the sentence, the more you're going to do and prevent crime. I think that is my concern. I think we, as lawmakers, must be very cognizant of that very basic point, building more jail houses, more institutions will not necessarily reduce crime. I think we have to deal with people and their problems, we have to deal with people in terms of hopefulness that we can somehow give back to society a law abiding, hopeful citizen so that he can make a contribution to our society. That is my thrust.

Mr. MCCLORY. Are you satisfied, yourself, that the courts are dealing adequately, today, with offenders who commit offenses with a gun?

Mr. VAUGHN. Within the law I think that the courts are doing their prescribed constitutional duty. Again, I think we have to be very careful about those who would impede the Supreme Court, the Federal Court, or the local courts. Often times I hear this kind of generality, and I am fearful of that because, as it has been stated here, our courts are our last bastian for our democracies in terms of really protecting the people.

Mr. MCCLORY. They are also the institutions upon which we rely to enforce the laws and, if they don't inflict the penalties that we, as lawmakers provide, why, they frustrate our best efforts, don't they?

Now, getting back for just a moment to the subject of penalties, mandatory penalties, and you indicated that you were—that you had had some involvement with the drug enforcement legislation in the State of Michigan, but isn't it a fact that the Federal laws that have increased the penalties against drug traffickers, trafficking in hard drugs, have had a very distinct deterrent effect on drug traffic?

Mr. VAUGHN. Again, we are talking about people who, for various reasons, like the present commission on crime recommended home use, the attorney general of the United States, just a couple days ago came out for permission, he saw nothing really out of the ordinary.

Mr. MCCLORY. You're talking about marijuana?

Mr. VAUGHN. Right.

Mr. MCCLORY. I'm talking about narcotic drugs and the real insidious effect which the unlawful trafficking in hard drugs——

Mr. VAUGHN. Trafficking is a whole different ball game.

Mr. MCCLORY. But tougher penalties have had a very—have had a strong deterrent effect on drug trafficking, have they not?

Mr. VAUGHN. Oh, yes.

Mr. MCCLORY. So that there are instances when tougher penalties, even mandatory penalties, would be beneficial?

Mr. VAUGHN. We have reference to—about 5 years ago we had sent people to prison for their own personal use, smoking. It's interesting how much we have progressed away from that kind of concept that 10½ years to break a person of a habit, as opposed to doing something about his particular problem, his illness, his sickness.

Mr. MCCLORY. Now, assuming that we can't get through the congress a law to ban the manufacture, sale and possession of handguns, which I can assure you we can't, do you think it would be helpful to discourage the possession and use of handguns by criminal elements if we provided a better system of identification of the gun owner after a crime has been committed, for instance, and we provided against the sale and possession of the so-called Saturday night special, as a nonsporting weapon? Would those be helpful, do you think?

Mr. VAUGHN. This whole question worries me. As a person who prides himself, we know other legislation was introduced, I introduced gun control legislation in terms of driving out—but I am fearful of the enforcement and the—we've had in big cities, and I think this is unique all over, a history and stop and frisk, at the wrong place, at the wrong time, you're from a poor community, this kind of attitude, you're talking about a person who has really been convicted of a crime. I'm very much concerned, as you are in terms of how can we save human lives, and then, on the other hand, I am still supporting—but I have suggested a much better method in terms of reality, if you are serious about it, you will try to get rid of the availability, the manufacture, the sale, the possession of guns. And it seems to me that that is the best way to approach this problem.

I am not opposed to that kind of legislation but I would seriously urge strong consideration of legislation that would really get at the basic cause and dry up the availability, particularly of handguns, in our society.

Mr. MCCLORY. Let me say we are not considering stop and frisk legislation. We are not even considering pretrial detention legislation at this state, and I am interested in the positions you have taken, officially, in your capacity as a State legislator, and I am grateful for your testimony here this morning.

Thank you, Mr. Chairman.

Mr. CONYERS. Representative Vaughn, you have demonstrated you are a man of courage and vision and hope. I appreciate the fact that you share our responsibility at the Statewide level, as vice chairman of the House Judiciary Committee. I think you have added a view that, really, ought to be a part of the hearings of this subcommittee coming to Detroit. We are, as usual, grateful for your close connection with the House of Representatives on a wide range of other subjects.

I recall, because we have hearings about to commence in Washington on the Martin Luther King bill, that you were the original and leading sponsor of that legislation in the State Legislature, and

with extremely good success. So we wish you well and thank you for testifying.

Mr. VAUGHN. Thank you, Mr. Chairman, and members.

[The prepared statement of Hon. Jackie Vaughn follows:]

STATEMENT OF HON. JACKIE VAUGHN III

Mr. Chairman, I appreciate the opportunity to present a statement on the subject of handgun control to your Subcommittee on Crime of the House Committee on Judiciary.

My interest in handgun control legislation is not a recent development. I have sponsored such legislation in the Michigan House of Representatives during the previous two sessions. This session, my bill would prohibit the manufacture, sale, purchase, or possession of handguns by any person other than the military or police officers while on duty. That bill is currently in our House Judiciary Committee.

I am pleased to report that the Michigan House has recently passed a resolution creating a special study committee to examine the entire question of handgun control. As the Chairman of that committee, I am planning a series of public hearings throughout this state. I am confident that the testimony generated at these hearings will produce in Michigan the kind of awareness and concern that your subcommittee hearings are generating at the national level.

Crime in this nation is the subject of endless discussion, study and debate. Citizens consistently cry out for better police protection, candidates urge more stringent administration of justice, legislators demand an increase in punitive laws. Yet, violence continues to increase while our individual security diminishes day by day. The disgraceful 17 percent jump in the 1974 crime rate—the highest since the FBI began collecting statistics 45 years ago—amply illustrates my point.

It is clearly past time that the people of this country boldly face the fact that the limitless proliferation of handguns in every segment of our society must be ended before any meaningful, positive steps can possibly be taken to control crime.

Consider, for a moment, the amount of violence handguns account for in our society. Since 1970, more than 400 police officers have been killed with pistols. Since 1966, the use of guns to commit murder has nearly doubled. Since 1968, armed robbery has increased 60 percent. If the present rate of handgun homicide continues, more Americans will be shot down on the American battlefield in the next four years than were killed during 12 years of Vietnam War.

Detroit is a perfect example of the armed camp I am describing. This city has had a homicide increase of 370 percent over the last decade. According to estimates, there are 500,000 handguns, or one for every three citizens, in Detroit. Last year, 801 people were murdered in this city—over one-half of them with handguns.

I simply cannot believe that a civilized society will continue to tolerate such deplorable conditions. Private ownership of guns is a way of life that has long outlived its usefulness. In fact, such a custom is counter-productive today. Let us consider some of the more common arguments advanced by those who oppose handgun control.

The most frequent of these concerns the second amendment to the Constitution, which reads in full: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The Supreme Court, in a 1939 decision, *U.S. vs. Miller*, made it clear that this amendment does not guarantee the individual's right to bear arms, as the "pro-gun" lobby would have us believe. Instead, that decision clarified that the constitutional guarantee was made to assure the continuation and render possible the effectiveness of the militia. Thus, the right of the people to keep and bear arms is a collective right of the citizenry to preserve a militia, not an individual right of self-defense.

Another common argument claims that banning handguns would result in increased crime, because criminals would not fear disarmed citizens. All

available evidence indicates, however, that the handgun is of greatest danger to so call "law abiding citizens" who keep handguns for protection against criminals. According to FBI crime statistics, 70 percent of reported homicides are committed by people close to the victim—wives, husbands, relatives or friends. The majority of homicides do not result during the commission of another crime. The profile of the typical homicide indicates that the loss of life results from careless use of the handgun or during moments of passion.

Finally, we hear so often that guns don't kill people—people do. This statement ignores the fact that handguns are basically designed and primarily used to kill people. Their use for sporting purposes is very limited. In addition, given that crimes of violence will occur no matter whether or not handguns are available, it becomes all the more essential that we ban handguns. The principal argument for this position is that people who commit violence with weapons use the most readily available weapon. No other weapon has the combination of portability, availability, and ability to kill that is possessed by the handgun. If we limit people's ability to kill through control of handguns, we can substantially reduce the homicide rate in our state and our nation.

I could continue indefinitely to refute similar objections to handgun control with a barrage of facts, figures, and statistics. Let me just say, however, that we are no longer living in a simple, agrarian society where guns may have once been a necessary part of life. The American patriot who once fought for the right to bear arms against English tyranny has been replaced by the assassin who stalks people and political figures. The individualist who needed a gun to protect his family on the frontier has become the man who murders his wife in a fit of rage. The backwoodsman who depended upon a gun for food and clothing, translates today into the security guard who shoots a man to death in a theater, in an argument over popcorn.

What sense does this make? We are not revolutionaries, frontiersmen or backwoodsmen—we are civilized human beings who live in a society much too complex to withstand the tragedy and violence which handguns inevitably lead to.

I am very encouraged with the results of a survey, taken in March of 1974, for the Michigan Office of Criminal Justice Programs. The survey shows that 54 percent of the citizens of this state said they would favor a ban on owning handguns. This is an increase of 7 percent over September 1972, when that same question was asked. Heaviest opposition to the ban is still found in outstate rural areas where only 43 percent said they would favor it. Yet, even this figure is encouraging. In 1972, only 35 percent of these persons were in favor of handgun control. In fact, support from every segment of our state is increasing.

We must seize this opportunity. I am convinced that the time is right for an all-out war on private guns. Working together, I am certain that we will succeed in this campaign against violence.

But, passage of a handgun ban will not signal the end of our efforts. Indeed, it will be only the beginning. When handguns are outlawed and violence is limited, we must then concentrate our energies on the causes of violence—the appalling amounts of poverty, hunger, unemployment, racism and injustice found in this land. Only after the sacredness of human life and the fundamental right of human dignity are assured—assured to every man and woman regardless of their heritage, or their color, or their social standing—only then will our society really be free of violence and fear.

Thank you.

Mr. CONYERS. I would like to ask the Honorable Dennis Hertel, who is the representative from the 12th Legislative District in Michigan, to join us now.

Representative Hertel has strong views and has been very active in the area of gun controls on which we are conducting hearings. He has been thoughtful enough to prepare a statement and submit it in advance to the subcommittee, for which we are grateful. We welcome you, Representative Hertel. We will incorporate your statement in full into the proceedings, allowing you to address us as you choose.

TESTIMONY OF HON. DENNIS M. HERTEL, 12TH DISTRICT OF THE MICHIGAN HOUSE OF REPRESENTATIVES

Mr. HERTEL. Thank you, Mr. Chairman, members of the Subcommittee on Crime of the House Committee on the Judiciary. I thank you for your invitation.

I have, before the Legislature, House bill 5073, and I have brought copies of it for the committee. It passed the House of Representatives by a vote last month of 98 to 6. It has not yet been taken up by the Senate Judiciary Committee and I wanted to point that out because I believe there was a misstatement before. But a more serious misstatement has been made by the last speaker and I am very disappointed really that Representative Vaughn was not familiar with the House bill 5073 as it addresses mandatory sentences. It's important to point out first of all that we are talking about a 2-year mandatory sentence for one possessing a firearm when they attempt or in fact commit a felony while having possession of a firearm.

So the case that was brought forward before about a woman who didn't have a properly registered or—someone who was transporting a gun improperly would not apply under this bill and we had a specific exclusion for concealed weapons because of this problem, people that weren't committing a felony or breaking a law, and committing a crime against someone, I guess would be the best way of putting it, but, instead, only people that are committing crimes, such as armed robbery, such as breaking and entering, because we have seen a great increase in the number of burglars who bring guns with them now, who didn't do so years ago. People that are breaking into a house, which is usually a crime not of violence, but when they are surprised, use that gun without thinking, and what happened over on the east side of Detroit was a burglary, and the woman got on the phone because she discovered the burglars were still there, and while she was on the phone she was shot repeatedly and this was played over radio stations and so forth, all of us have heard this, I think, in the Detroit area, very shocking.

This, really, is what this bill is aimed at, people who are committing felonies that are made where predetermination to commit a crime against another has been made and then to make that predetermination to bring a firearm with them.

We talk about possession because it's very hard to define use of a handgun or a firearm. Is that bringing that with them? Is that pointing it at somebody? Is that shooting? So possession is in the language of the bill.

We talk about attempt, or, in fact, committing a felony because we are trying to get at the problem of plea bargaining. We have the Michigan Prosecutors Association who, in fact, helped me somewhat with the language, who have endorsed it wholeheartedly, this bill, and they feel that it would have a—it may be really a bar to plea bargaining, make it more difficult to plea bargain because, in fact, it's very easy to prove that somebody had a gun in their possession when they attempted to commit the crime.

We have also talked about the figure of 2 years because we are not concerned with the severity of the sentence. Many studies in

Europe show that it's not severity but certainty of punishment which is the most important deterrent in a legislative act.

Two years seems to be a reasonable time for the chance of rehabilitation, the chance to work with the person, and to, of course, make it clear to him that he has violated a law and must pay a price. At the same time, it's not too long to be imprisoned for someone's first offense. Basically, though, I don't feel that badly about putting someone off the streets when they have chosen to take a gun with them, and possibly use it on another human being. They have made that decision, this isn't a crime of emotion or it isn't a state of emotion, they have made that predetermination and I'm very concerned about that.

Looking at our courts, we see the most recent compiled figures of 1973, for the State of Michigan, and we find that in the category of armed robbery, which holds a sentence up to life, 24 percent of the people that were convicted, found guilty of armed robbery, served no time in prison, lost none of their freedom, at all, and I would submit then to the committee, as I already have to the Legislature, that people are feeling that if they get a free ride the first time, no matter how serious their crime, that it's possible for them to have a free ride and not serve any time for that first offense because of suspended sentences, paroles, probation.

Our bill specifically says that those cannot be done for at least this 2-year sentence which is in addition to any sentence they receive for the crime but at least for that 2 years that sentence cannot be suspended, parole or the person cannot be put on probation. We feel that this may have a deterrent effect, it's very hard to prove, we feel that it might because the word might get out on the street that instead of committing that first crime and having a free ride, you're going to be put away for 2 years if you take a gun with you when you commit that crime.

I would like to point out further that the bill has been endorsed either in concept or specifically, this House bill, by the Governor of the State of Michigan in his state of the State address when he called for a 5-year mandatory sentence for people that commit crimes with firearms, by the mayor of the city of Detroit, Coleman Young, by UAW-CAP and I think most important, because they will have people work with the law and work with this problem directly, the Michigan Law Enforcement Legislative Committee, this group is made up of the Michigan Prosecutors Association, the Michigan Sheriff's Association, the Michigan Police Association, and the Michigan Police Chiefs' Association, and they only endorse a bill in our Legislature in the State of Michigan when they are totally unanimous in support of it, as it stands, as it's written. They did so on House bill 5073. In fact, the only body that is opposed to this bill, that I am aware of at all, that has contacted me, is the Michigan Department of Corrections, and their only reason, really, was cost, because they felt that our prisons are now becoming overcrowded in the State of Michigan. That was really their concern.

Well, I am very concerned about prison reform. I have worked as a staff assistant to the Governor's Commission of Corrections Reform back in 1973, and I have many bills to deal with correction

reform which I would be happy to talk about this morning, but I think it might go out of your parameter that you would like to hear.

I don't think that the Michigan Legislature, in fact, I know the Michigan House of Representatives is not ready to tell felons carrying guns that we don't have room for them in our prisons, and I think that that is why it passed 98 to 6 in the Michigan House of Representatives. I think they have made it clear to the criminal that they are not going to tell him that we can't afford to take him off the streets.

Let me conclude by saying that I'm aware that the Congressman, James G. O'Hara, from Mt. Clemens, and the State of Michigan, has introduced a similar bill in Congress, this session, and I certainly want to voice my strong support of Congressman O'Hara's efforts and feel that this direct approach to the ever-growing crime problem that we have throughout the country should be tried and evaluated.

Let me tell you something else that we're doing in the House of Representatives. Representative Monty Geralds from Oakland County has introduced a bill which, I believe, will pass out of committee, with the amendments we worked on last week for 3 hours. It deals with concealed weapons, which we have excluded from House bill 5073 and it deals, along with mandatory sentences, keeping the maximum which we presently have of the $2,500 fine or 5 years, or both, but going to mandatory minimums, $1,000 for the first offense, which can be paid if the person is an indigent or if there is severe economic hardship in regular payments that the court can set up. Second offense would be 1 year, the third is—would be 5 years. This then would get at that problem of people not having a permit and carrying a concealed weapon without a prison term the very first time but a very stiff fine to let that person know what a serious offense he is committing. It deals then on that first level and we then have the mandatory sentences after that and we also still have the maximum if the judge feels it's warranted, too, in fact, incarcerate the person for 5 years. So on that note I would open the questions, Mr. Chairman.

Mr. CONYERS. Thank you very much for a very articulate defense of your legislation.

We are moving toward a deadline. We are trying to complete your questions by 12 o'clock and then call another witness, the executive director of the Michigan United Conservation Clubs. What I want to do is lay before you a series of questions. You may not be able to grapple with them all in this limited time because I want to keep myself under the restrictions that I'm imposing on my colleagues.

I want to be honest with you. You sound like a very effective State legislator, one who has operated with great care. You do not seem to be anything but a deliberate and thoughtful gentleman on this subject. Let me tell you the problems that arise with me about this, and I admit that I have not made a decision about it.

When we say we are going to mandate a sentence in a certain area, what we are, in effect saying is that we have a lack of belief, or confidence, in our criminal judges and that we are taking from them what would normally be a very clear area of their jurisdiction.

We are implying, if not saying flat out, that we think that they wouldn't know how to handle, in the way that you and I would want to, a case where someone committed a felony, endangered or attempted to endanger someone's life with a gun. We imply that they might let them off, turn them out, let them plea bargain their penalty away.

Now, in view of the fact that most of the people in the State prison, and I note that the corrections' director was against this bill, are black or minority citizens, and, as a member of the judiciary, and as a lawyer in Detroit before going to Congress, we have had continual problems of racism in the criminal justice system of black citizens, particularly, being sentenced without benefit of the whole criminal process. We have case upon case in which they weren't favored with any of this leniency that we hear so much of. As a matter of fact, they got much less than due process. We have stacks upon stacks of correspondence from constituents and relatives of people who are in prison and who are seeking new trials and so forth. That, to me, suggests no leniency of judges. And, as I go to the Recorders Court, I don't see any great leniency taking place there, at all. I see people being lined up almost like cattle, being sent through a judicial process.

Now, when we say that prosecutors joined in, at another examination of this problem, and supported your bill to eliminate the plea bargaining, I can't help but recall that it's the prosecutor with whom the plea bargaining takes place and without whom there couldn't be any plea bargaining. The judge doesn't have anything to do with the plea bargaining, he only hears about what the two lawyers, one, the prosecution, and the other, the defense lawyer, have done, when they bring the case before him. He is rarely a party to it until he is advised. So that I am trying to figure out why the prosecutors would be anxious to support a mandatory provision when all they have to do, as a body, is to stop entering into plea bargaining, themselves, and they wouldn't have to be as enthusiastically in support of this legislation.

The third point, Representative Hertel, that is disturbing me a little bit, is where does this stop? If we have to build a number of additional Jackson prisons in the State of Michigan to accommodate this legislation, what is going to happen ultimately? Will there be more people sent to prison? I think corrections superintendent Johnson gave some eloquent testimony on the cost, but assuming we can afford it, and determine to pay for it, and we built two more Jackson prisons, and we take all of these people out mandatorily for 2 years, my question is, after 2 years, what will they come back as? They are not going to go to prison forever. What we see in this horrible recidivist rate is that the prisons become a breeding ground.

Now, what I see is a geometrical progression of more people going to prisons, more prisons being built, more people coming out of prisons going into more crime, and pretty soon we may have half our population in prisons as a result of this approach. Would you try to give me your views on any or all of these things that bother me?

Mr. HERTEL. Yes, Mr. Chairman, I will try to hit them as you asked them.

First, as to the judiciary, I think it's failing in many respects. We are talking about, as I pointed out, in 1973, 24 percent of the people who are convicted in the courts with the prosecutor, jury, so forth, convicted of armed robbery and serving no time. So I would say yes. There are many excellent jurists, very many, but there are some poor ones. We have a real problem and the people feel that and I think the people are right.

As far as racism, race being an issue, I would like to point out to the committee that I give this a good deal of thought and talked to members of my Democratic caucus before introducing this legislation, in fact, Mr. Cushingberry is a cosponsor from northwest Detroit. In fact, during the debate, Ray Hood, representative from Detroit, Morris Hood, representative from Detroit, and Joe Young, representative from Detroit, all spoke in favor during the House debate. These men all happened to be black, but all spoke in favor saying that they believed that something needed to be done in this area and that they were in favor of it and didn't view it that way.

I think the problem, as far as our prisons having more minority people in them, and I visited all the prisons in the State of Michigan except Marquette, have looked at the figures, as far as convictions and even charges in the State of Michigan, is that we are not prosecuting white-collar crime very frankly. Very few people are prosecuted for embezzlement. In fact, very few people, something that your committee is very familiar with, I would guess, are convicted of bribery including public officials, and I am looking at all those laws now and working with some prosecutors who feel that this is a very difficult area to get in because there is really no sentencing and there really are not now the tools on the State level even to move ahead on these more complex crimes, as far as proof. I do see that as a great problem, though, and I think that is why we have some imbalance. We are going after the street criminal more than we are after white-collar criminals, saying since it wasn't a violent crime it's not as evil. I think with our hearings with our former president we found in American people how evil those other crimes can be, violent in a different sort of way, as to people's rights and property.

As far as plea bargaining, this would be after plea bargaining, and I would admit that the prosecutors from the metropolitan area, the prosecutors from Wayne, Oakland, and Macomb, really are the chief advocates in this vein, in saying it would limit plea bargaining. When I talk about sentencing for armed robbery, these people have all been convicted and that the prosecutor has charged them with armed robbery, he has brought proofs forward and, in fact, they weren't sentenced, and that was the duty of the judge, the judiciary to make a sentence that was up to life by the legislature, they could have given the people. But I guess what I'm trying to say about plea bargaining really is that there sometimes is a problem of proof in a trial, and, as an attorney, I know that you understand that this—you take your best shot at the defendant, and you might have to plea bargain down because it would be hard for you to prove they committed the crime but it's easier to prove that he attempted to commit it because it wasn't complete, if nobody saw the gun that he had or he didn't hold it out on somebody, he had it in his coat,

so it was armed robbery instead of armed robbery from a person. That is what we're trying to get at here, by making it simple, that they only have to have the gun in their possession when they commit the crime, itself, to get 2 years, to discourage the person from bringing the gun with him.

Last then, as far as additional prisons, I think, again, going back to the idea of white-collar crime, and violent crimes and what we see in our society, I agree that our prisons are universities for crime, very often.

First, I would submit that somebody has already decided to use a gun. I think committing a crime, maybe taking someone's life, the man has made a very serious decision. They are not going to be stopped by going to prison.

As far as overcrowding, because they have a very small value on human life, I think that the people they are going to run into in prison is not going to be a shock to them—well, how should I say that—it's not as influential to them, as if someone who had written a bad check or larceny of a building or something of that sort; somebody who is 19 or 20 years old, didn't take a gun with him.

I think what we have to do in this legislature, is to divide up our crimes and our procedures such as violent crimes and nonviolent crimes and I don't know that people that commit nonviolent crimes should be going to prison and serving time with people that do commit violent crimes because of their influence and I think that would lower the amount of people you have in prison. I think there are some people in our society and I know that you know as a committee, from the recidivism rate, that after the second or third are never going to go straight, very frankly, are going to commit another crime and another. We have lost them, or somehow, our society has failed them in working with them and finding at a younger age how to bring that person around to be a contributing member of society.

But I'm concerned first of all about separation of the first time offenders and second, nonviolent offenders and having alternative programs and expanding them. Let me say this law, though it's a mandatory sentence, would not require that the judge sentence that person if he's a first time offender or a young person or whatever the judge's discretion, exceptions that he took to that individual's circumstances, he would still have the ability to sentence that individual to any type of program that he wanted to. We have many training programs, for instance, for first time offenders. We have even conservation programs up north in this State. Now, the judge would still have that discretion and I don't want to take that discretion away from him, but that person would at least have to be off the street for 20 years so he couldn't commit another crime against someone for at least that time. Second, he would have to be involved in some program that the judge ordered, whether it was conservation training or, in fact, Jackson prison, or maximum security prison so there is still that discretion and there is still that chance to work with that person. But I think that we're dealing with an individual who does have this—if I emphasize again, this feeling that human life doesn't mean very much, and that he is not

too concerned about our laws and the population, if he takes a gun with him.

Mr. CONYERS. Thank you.

Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

As a prosecutor, myself, for 10 years, I had my share of frustrations with the courts not giving what I considered to be adequate sentences, from my viewpoint, of course, and I do feel that the judiciary has not been as responsive to the situations that exist in our society as they should have been. That's both good and bad but it has enough bad to where something needs to be done about it. It's good because it demonstrates that each judge is his own man and he is not hooked into any system as to how he is going to administer justice, tempered with such mercy as he may find.

But in each of our States we can have a greater exchange of ideas and meetings and a system to cause these judges to be more aware of the situations that exist in the areas where they are holding court at any given time.

I also think we fail the judges, in not furnishing them with adequate presentence information. Improvements are being made throughout this country on recordkeeping and presentence reports but, let's face it, it is only fairly recently, that it has achieved any good, solid substance at all.

So those are our problems, but I think the judges and the administration of justice can be responsive to the public's attitudes and to situations. I hate to see us arrive at a simplistic solution because of our frustration because the other solutions are so difficult, and I start with the sentencing and I go to the rehab problem, the punishment problem.

They are not simple. Therefore, it's a little bit too easy to endorse the idea of a mandatory sentence as being the answer.

Now, I agree with your statement, again, but I wonder if you and I have—if your implication and my interpretation are different. Various studies have shown that the certainty of punishment is even more important than the length or severity of it and will help determine how effective a deterrent any punishment will be. Of course, we know that the certainty of punishment is paramount, and then we get to the third spectrum of law enforcement, catching the violator. So we can immediately agree that catching the violator is the most important step and where we're falling down the most.

The certainty of punishment, the certainty of being caught, is the way I interpret that, and I don't think mandatory sentence means certainty of punishment, it's the certainty of being caught, the certainty of being put through the process, the certainty of having guilt determined that is the keystone of an adequate law enforcement effort. It is the certainty, the stigma, that is the deterrent. That is the important function of the system of justice that is going to prevent the recidivism that we are working at.

So we start with that idea, we go to the inadequacies of the judges' sentencing process, and then the rehabilitation process, and we have got a very difficult problem. Do I imply from your statement here that

you include in the phrase certainty of punishment, the idea of certainty of confinement?

Mr. HERTEL. Well, I certainly don't—Mr. Chairman—Congressman Mann—I certainly don't tie the two together. Let me say how I see it.

Confinement, yes, but not your first point earlier, certainty of being caught. Let me try to make a brief comparison to our traffic laws, and I would be happy to make a statement to the committee's other studies that I have talked about and have included here today and I would have, in fact, had a more complete statement but I was planning on being in Washington today of all things, for some other matters, but I am glad that I can be here. Certainty of punishment, I mean by that, that when you're caught, there will be some punishment, and I think it works just as our traffic laws, you're not sure that you're going to be caught if you run a red light or if you park out here, if someone here has left the meter running, you're not sure that you're going to be caught but the reason you put those coins in the meter and try to make it out there or the reason you don't run that red light is because that if you're caught you know you're going to pay a fine. You're not sure that you're going to be caught but if you do you're going to have to pay a fine, you're going to have to pay a penalty and that is clear because, in our traffic laws we really do have mandatory sentences. You can't go to the judge and say, well, I didn't have a nickel with me and I shouldn't get the ticket. I think that's how our laws operate for the greatest extent. I don't think we can ever say that we're going to catch everyone. We can work with our police and so forth to try to make them more effective, through education, through equipment, things of that sort, but I know we all agree that we are never going to eliminate crime that way. There is, though, frankly, a problem with police morale as there is in the prosecutor's staff.

Mr. CONYERS. Excuse me for a quick observation. We don't want the record to show that in Detroit there are mandatory sentences for traffic violations. Everyone who gets a ticket here for parking can appear before the traffic referee with counsel and demand a jury and present any host of mitigating circumstances in his defense that could allow that ticket to be vitiated on a finding of not guilty. As a matter of fact, some would go as far as to suggest that talking a policeman or ticket lady out of a ticket is not unheard of for this city.

I have seen people argue with the police officers about being ticketed. I have been engaged with that. Unsuccessfully, I may add, but traffic sentences are not mandatory.

Mr. HERTEL. No; I would suggest that it's almost automatic in many cases, although I have been down to the traffic court for tickets. It's kind of automatic. You know you're going to get a fine if you do something, if you don't turn your taxes in, for instance, or going to get a fine, from the IRS, a very heavy penalty and possibly prison but there is something there that is going to be enforced. Here we are talking about people that are serving no time for a serious offense. I was getting to our police morale, prosecutors,

think of catching someone, being the citizen who was robbed at gunpoint, scared to death you might lose your life, this has happened to friends of mine, think of that experience of the person is finally caught because we do only catch a very few—maybe a third it's estimated—of people that commit crimes, then that person is convicted through a lengthy process, probably, at great expense to the State and then that person serves no sentence. That demoralizes not only society but the people especially directly involved in doing that work on a daily basis.

Mr. CONYERS. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman. I realize that you want us to move along because we have another witness before we recess for the lunch hour, but I do have a few questions for Representative Hertel.

Do you feel this is all that should be done?

Mr. HERTEL. No; I want to add that mandatory sentences, I believe, is the cure-all for problems in our criminal justice system across the board but I think we are seeing this great problem of firearms.

I think we are not enforcing our laws and I think I have not yet seen any law proposed for banning handguns, or whatever, for gun control, which has at all dealt effectively with the criminal who wants to use a gun in the commission of a crime. So I can't, at all, endorse any proposal in that vein because I have seen none that would work that way.

Mr. MCCLORY. We have in the Alcohol, Tobacco, and Firearms Division of the Department of Treasury a gun-tracing operation which enables local law enforcement officials to secure information as to the ownership of a particular gun that is found after the commission of a crime.

You certainly would not oppose any Federal legislation which would help improve that operation, which——

Mr. HERTEL. Identifying——

Mr. MCCLORY. Identifying the owner.

Mr. HERTEL. Certainly, I wouldn't.

Mr. MCCLORY. That has been used effectively in this limited way in apprehending the criminals who have committed crimes with that particular gun and even used in connection with the conviction in the trial against the criminal's use of that gun. That is in line, I would say, with the kind of legislation that you would favor?

Mr. HERTEL. Yes; it is.

Mr. MCCLORY. It's directed against the criminal and it should be supported by gunowners and nongunowners to help make that a more effective system, wouldn't you say?

Mr. HERTEL. Yes, Mr. Chairman and Congressman McClory. I would say that I would be in favor of that and, second, that I must admit that I am not aware of all the Federal legislation dealing with firearms now and to what degree it's effective. Of course, it's very important that illegal firearms and the transporting of illegal firearms would be something that is very necessary to improve, against, and that would be, I'm sure, Congress' role.

Mr. MCCLORY. If we sent to you a copy of a draft bill which, at least, I'm trying to formulate, as a matter of fact, in concert

with our chairman, and others who are interested in this subject, would you be willing to comment on it and give your suggestions on it in writing?

Mr. HERTEL. I would be very happy to. In fact, it's hard for me to comment as to support of it without seeing how it would operate.

Mr. MCCLORY. I would like to say in support of your mandatory sentencing law, which is supported not only at the Federal—in the Federal Congress by a comparable legislation, applying to the Federal system by Representative Jim O'Hara, distinguished lawmaker from this area, but also a large number of other Members of the Congress, as well, so it does have substantial support there.

It seems to me instead of it having any racism implications, or any economic implications insofar as whether you are rich or poor, coming before a court, if there is a mandatory requirement to sentence a person uniformly, rich or poor, black or white, it would seem to me that that would be consistent with equal protection of the laws, wouldn't you say?

Mr. HERTEL. I would think so. It would have to be then meted out, the sentence, fairly, equally, instead of having that range where the judge could decide upon his own prejudices whether this individual warranted a long sentence or a short sentence.

Mr. MCCLORY. I would like to make this one other comment, that is the fact that a person is mandatorily sentenced to prison should not establish that he or she is going to become a hardened criminal, when he or she comes out. As a matter of fact, you have indicated that there are other forms of rehabilitation than just confinement, and I would hope that we would treat this problem as a question of criminal rehabilitation more than as the timeworn problem that we send somebody to prison, why, they are learning about crime in the prison. They should learn about being law-abiding citizens in prisons and learn vocations and careers that don't involve using a gun.

Mr. HERTEL. Yes; seeing that problem, though, that we do have a high rate of recidivism, I think it's important to address ourselves to it and say we do have this problem, how can we have more effective programs? It's very simple to look at the 1973 report and see how we could. In the Jackson prisons there really is no labor for even most of the prisoners to do. So that they can, you know, have skills when they come out of prisons.

Mr. MCCLORY. I want to express appreciation for your testimony. It seems to me it's been very worthwhile, practical and realistic and constructive. I congratulate you on the position you're taking in the Michigan State Legislature on this broad issue. Thank you.

Mr. CONYERS. I would like to stay in touch with you. This has been an important occasion, not only for the scope of your testimony, but I think it will give us a chance to get together on a lot of the questions that have been raised. Because time won't permit, we will have to move on, but your concern, I think, is one that should be commended and I join Mr. McClory on behalf of the subcommittee in thanking you for

coming here instead of Washington today. Thank you very much, Representative Hertel.

Mr. HERTEL. Thank you very much for the invitation. I would look forward to working with you, Mr. Chairman.

[The prepared statement of Hon. Dennis M. Hertel follows:]

STATEMENT OF HON. DENNIS M. HERTEL

Mr. Chairman, members of the Subcommittee on Crime of the House Committee on the Judiciary. I thank you for your invitation to testify on the issue of amending the Federal firearms laws.

I have been very interested and involved in finding the means to discourage people from using guns while committing crimes. House Bill 5073 was recently passed by the Michigan House of Representatives by a vote of 98 to 6. The bill deals with mandatory sentencing for criminals who are in possession of a firearm while committing or attempting to commit a felony. I think this proposal is the most direct way of deterring criminals from carrying firearms.

Persons who carry such a dangerous weapon while they are violating the law have shown, by their actions and decisions, that they have a gun, that they will use it. Further, they have displayed that they have very little respect for the law.

I have also been moved toward this approach because of the Michigan compiled law statistics from 1973. In that report it is pointed out that 24% of the Michigan defendants who were convicted of armed robbery M.C.L.A. 750.529, spent no time in prison. Further examples from the M.C.L.A. for 1973 are 750.529 (Reath, Firearm W/O Malice) 86% of those convicted spent no time in prison; 750.82 (FA) 67% of those convicted spent no time in prison; 750.224 (Mfg. or Poss. of Illegal Weapon) 100% of those convicted spent no time in prison; 750.226 (Carry Weapon W/Unlawful Int.) 66% of those convicted spent no time in prison. Although it is not specifically stated in the M.C.L.A., we can safely assume that many of these crimes involved firearms.

Figures like this must force us to ask whether our present laws are working, they certainly cause us to question whether our laws have any teeth in them. Various studies have shown that the certainty of punishment, even more important than the length or severity of it, will help determine how effective a deterrent the punishment will be. In my bill, we proposed a two year minimum sentence, with no option for parole or suspension of this sentence. The two years would be in addition to any sentence imposed for the crime itself. This minimum sentence applies to individuals convicted of attempting to commit a crime while in possession of a firearm as well as to those who actually commit the crime. For second offenders the prison term is increased to five years and for subsequent convictions it is increased to ten years.

It is hoped that this will work as a deterrent to even attempting to commit a crime, but, if not at least it will remove the criminal from the street for a minimum of two years.

During the testimony on this proposal it was pointed out by law enforcement officials that there has been a great increase in the number of people who carry firearms with them when they are breaking the law. They may not necessarily have intentions of using it, but if discovered while committing the crime, they invariably do. This is especially true for burglary and breaking and entering.

The bill specifically includes the word "possession". This word was chosen because it is difficult to define "using" under the law. A person either has or does not have a firearm in possession.

As stated earlier, the bill states that the mandatory sentence applies to individuals who even attempt to commit a crime while in possession of a firearm. This was included to deal with the problems that have emerged in the courts related to plea bargaining.

It is believed that this approach would be a deterrent to people who make the choice of using a firearm during the commission of a crime. For that reason the following people and/or groups have endorsed this specific bill or the concept of mandatory sentencing:

The Michigan Law Enforcement Legislative Committee.

Governor Milliken.

Wayne County Prosecutor Cahalan.
Oakland County Prosecutor Patterson.
Macomb County Prosecutor Parris.
The Detroit Free Press.
WXYZ-TV
WWJ-TV
WJBK-TV
WJR-AM Radio.
WDRQ-FM Radio.
Michigan Police Officers Association.
Detroit Police Officers Association.
Michigan Sheriff's Association.
Michigan State Police.
Michigan United Conservation Clubs.
National Rifle Association.
Mayor Young.
UAW-CAP.

The Michigan Department of Corrections is the only group that has advised me that they are opposed to this bill. They based their objection solely on the cost factors that would be involved. While I am very supportive and involved with prison reform, I believe that people who use guns to threaten or harm their fellow citizens should be removed for a time from society. The House of Representatives, in their strong vote of approval for this bill, have made it clear to the criminal that they are not going to tell him that the State does not have the money to stop him from causing more harm and threats to citizens.

It is impossible to estimate what kind of effect a law such as this may have. No one knows how many people will be deterred from committing a crime with a gun or be convicted for doing so.

I am hopeful that the Michigan Senate will approve this bill. The Governor has indicated his support for the concept of this legislation in his State of the State address. In addition, I have learned that Congressman James G. O'Hara (D-Mt. Clemens) has introduced a similar bill in Congress this session. I certainly want to voice my strong support of Congressman O'Hara's efforts and feel that this direct approach to the ever-growing crime problem that we have throughout the country should be tried and evaluated.

[House Bill No. 5073]

(Introduced by Reps. Hertel, McCollough, Rosenbaum, Anderson, DiNello and Cushingberry and referred to the Committee on Judiciary)

A BILL To amend Act No. 328 of the Public Acts of 1931, entitled "The Michigan penal code," as amended, being sections 750.1 to 750.568 of the Compiled Laws of 1970, by adding section 227b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Act No. 328 of the Public Acts of 1931, as amended, being sections 750.1 to 750.568 of the Compiled Laws of 1970, is amended by adding section 227b to read as follows:

Sec. 227b. (1) A person who carries or has in his possession a firearm at the time he commits or attempts to commit a felony, except the violation of section 227, is guilty of a felony, and shall be imprisoned for not less than 2 years. Upon a second conviction under this section, the person shall be imprisoned for not less than 5 years. Upon a third or subsequent conviction under this section, the person shall be imprisoned for not less than 10 years.

(2) The term of imprisonment prescribed by this section shall be in addition to the sentence imposed for the conviction of the felony or the attempt to commit the felony, and shall be served consecutively with any term of imprisonment imposed for the conviction of the felony or attempt to commit the felony.

(3) The term of imprisonment imposed under this section shall not be suspended. The person subject to the sentence mandated by this section shall not be eligible for pardon, parole, or probation during the mandatory term imposed pursuant to subsection (1).

Mr. CONYERS. Our final witness before the luncheon recess is the executive director of the Michigan United Conservation Clubs, Inc., Mr. Thomas L. Washington. We welcome you as our next witness.

We appreciate preparing your statement in advance for the subcommittee. We will incorporate it into the record and note that the Michigan United Conservation Clubs has over 100,000 members, is connected with the National Wildlife Federation, and that Mr. Washington is full time and has 20 full-time staff members working with him at the organization's headquarters in Lansing, Mich.

With that introduction, sir, you can tell us a little bit more about your organization and then get directly into your statement before the subcommittee.

Mr. MCCLORY. Mr. Chairman, I wonder if you would yield just for a question, the question is this, in the event we are not able to finish with Mr. Washington before the recess would it not be possible for him to come back after the noon recess? I would like him to have the time to conclude.

Mr. CONYERS. Let's see how our time works out.

Welcome.

TESTIMONY OF THOMAS L. WASHINGTON, EXECUTIVE DIRECTOR, MICHIGAN UNITED CONSERVATION CLUBS

Mr. WASHINGTON. Thank you, Mr. Chairman and members of the committee. As representatives of the largest State conservation organization in the United States, we are indeed pleased to be here. Often times we hear persons ask what business does a conservation organization have mingling in the question of gun control and crime prevention, and in the conclusion of our prepared testimony, we attempt to address some of those questions.

We would like to read some from our prepared testimony and elaborate on certain parts of it, if we may.

The continuing intensive drive to disarm gun owners has great cosmetic appeal to people unfamiliar with the causes of crime. Closer scrutiny of the issue, however, makes it abundantly clear that additional restrictive gun control measures would comprise only superficial treatment of a symptom, not the cause of violent crime.

Extensive and thorough examination of the homicide problem in Detroit, for example, shows that unemployment, underemployment, lack of adequate housing and education and recreational opportunities are the cause of most violent crime, including crimes involving firearms.

Instead of addressing ourselves to the treatment of these root causes of violent crime, we find ourselves too often answering those who devote their attention to the manifestation of deep-seated problems.

We respectfully urge Congress to focus on the causes of violent crime and stop harassing law abiding gun owners. If new crime prevention laws must be enacted, we firmly believe they should take the form of mandatory penalties for those convicted of crimes

while possessing firearms or dangerous weapons. Representative Hertel has just addressed himself to that question.

We are concerned about the confiscatory aspects of some gun control proposals and fervently hope that our Federal representatives will thoughtfully consider the implications of laws that would confiscate private property. Just in the last year in Michigan alone we have seen a couple of pieces of legislation introduced which would confiscate all handguns if they would have been passed. We have also had an attempt at a referendum, at securing enough signatures to force a referendum which would do substantially the same thing, only in that particular referendum the language would have required the State to purchase handguns, but nevertheless, to take them away from all citizens.

And while the antigun lobby often tells firearms owners that handguns are the major concern, that we have no reason to believe our rifles and shotguns are in jeopardy, we recall only too well that during the Dodd hearings in the late sixties we were told our concern over confiscation of our firearms was unwarranted. Today it appears to be real.

Just this Saturday I had the privilege of attending a meeting sponsored by the Detroit Urban League in which a Detroit police officer indicated that long guns have now surpassed knives on the list of instruments being used for violent crime and second to handguns. He also talked in detail about sawed off shotguns and altered rifles and shotguns of one kind or another, and I remind you that, to saw off a shotgun, one first has to have a long gun to start.

Most crimes committed with firearms are perpetrated as a result of socio-economic conditions, not possession of firearms by law-abiding citizens. I would like to emphasize there is gun control and there has been gun control for decades. Since 1927 in our State. There are more than 22,000 gun control laws in the United States. We support most of them, State and local gun control laws, as well as Federal. We urge the courts and prosecutors to support them, to use them as deterrents and punishment. Why consider additional gun control restrictions when present laws are not being fully utilized? We wonder why proponents of additional gun laws are not as committed as we are in seeking fuller court use of existing laws.

The courts and prosecutors should first use the laws on the books and, if these are not adequate, they should be strengthened by adding mandatory penalties. The Michigan United Conservation Clubs has been one of the strong supporters of Representative Hertel's bills and of other similar bills which have been introduced in the Michigan Legislature. We curiously noted that there was not one representative of the anti-gun faction present at the Judiciary Subcommittee and committee hearings in the Michigan Legislature on any of these bills.

Illegal possession of firearms has to be proved. Illicit firearms are not brandished until they are used and, at that point, it is too late to save potential victims.

The Supreme Court has justifiably taken from law enforcement right of indiscriminate search and seizure. If you recommend confiscation of handguns, do you also intend to recommend the means whereby illicit firearms can be taken from persons and their homes?

There is an estimated 35–40 million handguns in private hands nationally, several million of them are in Michigan. About 1½ million, to answer your ealier question, Mr. Mann, have been registered with the Michigan State police, yet there are reportedly about a half million illegally owned handguns in Detroit, alone. A thriving black market exists on handguns in this city. Our Michigan law requires the purchaser to secure a police permit and to register the gun with the police.

The latest Justice Department figures show 17 percent increase in crime, serious crime, in 1974, it's the largest increase since 1960, an increase attributed, in the words of Attorney General Levi, to a dismal and tragic failure on the part of our present system of criminal justice. Despite his statement, more attention is focused on gun control than on the total use of our system of criminal justice.

He also said the statistics were predictable because of the rise in unemployment, and he added that in many areas of the country only a small percentage of those arrested for a felony are convicted. He said that one of the causes of crime is the failure to move quickly and effectively to detect and punish offenders. Once again, the certainty of punishment being paramount.

We urge you to consider recommending the use of existing laws, as well as urging more prudence in the paroling of persons convicted in the commission of violent crimes. No paroles for dangerous felons. If we need more prisons, let's build them. Our country has spent billions of dollars for less necessary reasons. Additionally, I don't think we really need more prisons if we had the mandatory penalties because strong deterrents, certainty of punishment, in our judgment, would reduce crime. There is an early indication, but frankly, it's too early to tell, but mandatory penalty has been reported, at least, to show that guns are not as evident in certain kinds of arrests and raids made by the Boston Police Department in the first 2 months of its enactment.

There is a mandatory penalty for robbery in Boston and the effect of this deterrent should be evident.

The misuse of firearms is a symptom of a complex problem, and addressing ourselves to the symptoms will delay efforts to treat the cause. So society's efforts, time, and money, would be spent best if directed toward correcting the ills, the causes of crime. If there were more jobs, better education, better housing, better recreational opportunities, there would be less gun crime.

If we want to restore man's dignity, lets put him back to work, which that would help. The Library of Congress study prepared for Senator Quinton Burdick found that as unemployment rises, so does the number of new prison admissions; as it falls, the number of prison admissions drops. The study points out that unemployment could pose a stark choice in economic terms for

those who are on the borderline of acceptable social action and must find alternative means of support. A lack of education and lack of job opportunity leads to the helplessness that too often results in gun crimes. Consider one of the findings in the paper entitled "Comprehensive Analysis of Conflict-Motivated Homicides in Detroit." You will hear more about that, I'm sure, tomorrow. It's a lengthy study made from the record of Detroit homicides. It finds that more than one-half of the perpetrators of conflict-motivated homicides and more than half of their victims had not even the benefit of a high school education. Some 41 percent of the perpetrators and 38.6 percent of the victims were unemployed. Very little difference in education and unemployment.

The study found that unemployment, underemployment, and inadequate education were the most important factors to be treated if the number of homicides were to be diminished. One might say more jobs means less homicides. Homicides committed with firearms comprise primarily an urban problem caused by substandard conditions to which urban residents are too often subjected.

Detroit, for example, had more than double the homicides within the city's corporate limits than all other communities in the State combined with about an 8 to 1 population differential, I might add. People in the suburbs and outstate own guns also. They don't however, settle their differences as often by using them.

The Gallup Poll, which was mentioned earlier this morning by Mr. McClory, I think, pointed out that there are more guns in small communities than there are in urban communities per capita. A recent FBI annual crime report found that Livonia, one of our Detroit suburbs, was the safest large city in the Nation for cities of 100,000 population.

Let's not try to harass law abiding gun owners because authorities have failed to deal effectively with the problems of the cities. Let's stop using gun control proposals to divert attention urgently needed to uncover and treat the root causes of homicides and other crime.

Restrictive gun control measures could very easily inhibit hunting and such an inhibition would be destructive to our country's most productive wildlife conservation programs.

If you take away guns, you will also take away hunting. Without hunting, who would provide the millions of dollars now contributed annually to perpetuate wildlife population and provide this form of recreation for over 20 million Americans?

The $1.8 billion resulting from the sale of hunting licenses in the past 50 years has been responsible for making our system of wildlife management the best and most successful in the world.

The 11-percent excise tax on the sale of firearms and ammunition and archery supplies has contributed another $600 million for wildlife restoration programs and I might add the purchase of more than 3 million acres of wildlife habitat. Although hunted species are the prime recipients of these expenditures, birds and animals that are not hunted also benefit from the hunters' money.

If guns are taken away, conservation and wildlife will suffer and the root causes of crime will still go untreated and violence will flourish.

Under the Pittman-Robertson Act the 11 percent Federal excise tax on the sale of firearms and ammunition, including handguns, Michigan will receive $1½ million this year. About $750,000 of these Federal moneys are spent on wildlife habitat purchase, with most of the remainder going toward wildlife research projects and habitat development.

Mr. Chairman, I would stop there and hopefully provide an adequate amount of time for the questions.

Mr. CONYERS. Thank you very much.

Your statement raises, in my mind, a great number of questions. I would like to begin by identifying, you know, who is what? Do you live in Detroit?

Mr. WASHINGTON. I was born and raised in Detroit and in one of the suburbs. I now reside in Lansing and have since 1968.

Mr. CONYERS. How many years have you lived in Detroit?

Mr. WASHINGTON. I lived in Detroit for over 30 years, in Detroit and its suburbs. I was born on the west side.

Mr. CONYERS. I would like to just—I don't want to belabor this, but I'm trying to find out how many of your members, of the 100,000 in the State of Michigan, live in the Detroit area, not suburban?

Mr. WASHINGTON. In the city of Detroit? Within the corporate limits?

Mr. CONYERS. Yes.

Mr. WASHINGTON. I can't answer that for sure. We have several affiliated clubs in the—within the corporate limits of the city, including one as close as Kirby.

Mr. CONYERS. The point is, how small a percentage is it? That is what I'm struggling with.

Mr. WASHINGTON. I would say within the city limits of Detroit, probably close to a quarter of our membership. It's over 60,000 in southeastern Michigan. I know that for a fact, in the tricounty area, so I would assume, given the population levels as they are, it may be as high as a quarter.

Mr. CONYERS. Well, you're resisting the point that I'm trying to find out, or maybe you don't understand it clearly. I was trying to distinguish the metropolitan area from the actual city area because, as you know, as soon as you cross the city lines, you're in a completely different kind of situation in terms of homicide and in terms of——

Mr. WASHINGTON. We are completely aware of that, Mr. Chairman.

Mr. CONYERS. That is why I want to try to identify the Detroit membership as opposed to the metropolitan membership. If you can do that, subsequently to this, I would like to incorporate it into your testimony here today.

Mr. WASHINGTON. Be happy to do that for you.

Mr. CONYERS. But I am glad to know that you are a former Detroiter and you started off here and you presumably have some identification and sympathy with the problems that are uniquely a big city's problems. I want to compliment you because you have said something that previously hasn't been articulated as fully.

You said on page 1 and again on page 5, "if there were more jobs, better education, better housing, and better recreational opportunities, there would be less gun crimes. Let's restore the dignity of man, let's help him get back to work." Well, you have put your finger, in my judgment, sir, on this bigger question than gun regulation and gun laws and restrictions and registering and licensing. I commend you without reservation for identifying the problem.

Mr. WASHINGTON. Thank you.

Mr. CONYERS. Now, would it be unfair of me to ask what you and your organization are doing in those areas in terms of helping us? All the legislators that you see here don't walk around day and night working on the gun laws. This is one small part of our job. Can you talk to me a little bit about that?

Mr. WASHINGTON. Mr. Chairman, we have a few suggestions that we would like to make along that line. First of all, we have a great concern that the Congress do something with the national welfare and unemployment practices, to insure that able-bodied people, in fact, be put to work and that they will feel a part of the community, a part of being needed, a part of earning what they receive from whatever governmental entity may be handing it out. We are concerned that—we feel that perhaps Government has said that it's easier for us to prepare a check weekly, whatever it may be, and to keep these people off our back and get them out of the way, in this manner. We don't pretend to have the answers. We suggest that perhaps a return to public work projects may be helpful. We think that in that area, that we may be able to help alleviate some of the other problems, the recreational opportunity being one of them, that people might earn their money, able-bodied people might earn it, and one of the areas they might earn it in is in the construction and preparation of recreational opportunities for their fellowman.

We also are concerned about the proliferation of firearms, of handguns, in particular, and we are concerned about them getting into the hands of people who have little or no knowledge of their function or use. We have hesitatingly thought of urging the introduction, and I say this with great hesitation, frankly, of some kind of handgun proficiency requirement, before a person would be able to obtain a handgun. We have supported the Michigan registration laws and we are now thinking along these lines because we are not a group which, indiscriminately, urges persons on to purchase handguns for self-defense purposes. We believe that they are only useful in the hands of one who is trained to use them. So we are not a militant organization in that area.

We are concerned, frankly, Mr. Chairman, with the deeper problem. We think that failure to address ourselves to that problem has brought all this about.

Mr. CONYERS. Well, I think you're right, and I agree with you, as I said earlier. What I'm trying to learn though, is that—is there a record of your organization at the State or national level testifying in support of public jobs. A $5 billion bill was vetoed by the President and the veto was sustained again only last week in the

House of Representatives. Did you testify for that? Do you have a record of testifying before the State or former legislatures?

Mr. WASHINGTON. Yes; we have attempted to introduce that kind of legislation by our interorganizational resolution process and then on to our State legislature. Legislation that would call for employment of persons on the unemployment rolls, able-bodied people on welfare rolls, even of some prisoners, and, to be perfectly honest with you, it has been repeatedly rejected by the authorities from the State agencies, and so forth, as saying that it's unworkable and, furthermore, it's unthinkable, that of and in itself is degrading to mankind, to expect him to go to work planting trees, for instance, or bordering roads, or something or a playground.

Mr. CONYERS. Of course, you're coming off of a little bit different question. The emergency jobs and the public service jobs aren't aimed at people earning their keep on welfare. they're aimed with trying to keep them off welfare in the first place?

Mr. WASHINGTON. Yes.

Mr. CONYERS. We're not worried. We need some employment for people that work in the automobile industry here in Michigan which, to the tune of 24 percent, are unemployed. We can't tell a fellow to plant trees while he is on unemployment compensation, that isn't speaking to the same subject that I'm concerned about. What about in the areas of housing? Are there any resolutions or any testimony that has been made by you to a State or Federal agency?

Mr. WASHINGTON. Not that I am aware of, sir, no.

Mr. CONYERS. Education?

Mr. WASHINGTON. In the area of firearms and environmental education in the State legislature and we were the movers and author of the firearms safety legislation in Michigan, as well as about 90 percent of the instructors are members of ours.

Mr. CONYERS. When you used, education in your testimony, did you mean academic education and skilled trades type education?

Mr. WASHINGTON. Total education, right.

Mr. CONYERS. Well, let me encourage you. It seems there may not be as much emphasis on this as, perhaps, maybe you would want. I presume your organization is a democratic one and that there are mixed views among your members, that they are not monolithic on any of these questions that we are discussing here today. But I would urge that your organization join me in the areas that you have mentioned, which many of our members on the committee spent a great deal more time dealing with than the question of gun legislation, although this is our specific responsibility. The mayor of the city of Detroit, we have met in Washington with him time and time again, about the economic problems.

Now, let me turn to just one other question. Have you heard any Member of the Congress, and, more specifically, of this subcommittee, ever urge or support any legislation that would in any way impede upon the rights of sportsmen, specifically, hunters?

It seems that in your statement you made a very frank argument against any gun control legislation on the basis that hunters are somehow going to be restricted and then you went on to make a

case for hunting. Is there somewhere that you have gleaned the notion that we are about to restrict the rights of hunters? And if so, I would like to know which Member has been involved in this activity because all of the 50 bills that I and our staff have examined are all to the letter, no matter which way they go, and, believe me, they go all over the lot. Nobody has ever suggested that sportsmen, specifically hunters, be restricted in their recreational activities at all.

Mr. WASHINGTON. I guess, Mr. Chairman, our fear is one which is of mistrust. I hate to put it, couch it in those words, but we believe that the first step will take us down the long mile, and we think there are indications to that effect. We think that there have been pronouncements by Members of the Congress against firearms. There has been strong movement by certain Members of the Congress for total registration. We, frankly, have a fear of the Federal Government knowing where all of the firearms are.

Mr. CONYERS. You don't want the Federal Government to know who in this country owns firearms of any kind?

Mr. WASHINGTON. Who owns all of the firearms, I said, and I believe——

Mr. CONYERS. Do you want them to know who owns any of the firearms?

Mr. WASHINGTON. Ideally, I would say no.

Mr. CONYERS. Well, do you think that there is any way that we can get a handle on the problem of crime and the employment of handguns in that frame of reference if we don't have any knowledge of the traffic in firearms?

Mr. WASHINGTON. You already have those laws, sir. You already know who manufactures the firearms, you already know where they are sent. There are Federal laws dealing with who purchased handguns, who may sell handguns. The firearms dealers are all held in under the Federal law. We are concerned, as I stated in our prepared remarks, back in 1968, the late Senator Dodd was assuring us over and over again that registration was his concern, and the concern of the committee. Now we find many, many laws, many actions taken would lend themselves to confiscation. We agree and we hear many statements made that sporting arms are not the concern of the Members of the Congress today; however, just this morning I noted Mr. McClory said long guns and then he qualified and said at this time.

Now, perhaps you may think that we are paranoid and maybe we are, but we think there is some cause to be that way. I said that the Detroit Police Department is now—appears to be extremely concerned with the increase in violent crime done with the commission of a long gun in possession.

Mr. CONYERS. Well, don't sportsmen who buy ammunition, have to identify themselves when they buy it?

Mr. WASHINGTON. No.

Mr. CONYERS. Do you have any objection to the provision in the 1968 Gun Law that requires people who are purchasing certain ammunition to identify themselves?

Mr. WASHINGTON. Yes; definitely. I am a law abiding——

Mr. CONYERS. Just a minute, I ask that question of the witness. I presume that everybody in this room has an opinion on it but we're not seeking to elicit it at this moment.

In other words, then, if we know who the manufacturers are, that we should be satisfied to stop there in terms of how they are producing the guns, and the fact that there may be a build up in the city of Detroit should be of no concern to us as the murder rate escalates year after year?

Mr. WASHINGTON. Mr. Chairman, it absolutely should be a concern of yours, however, the presence of the firearms, I think, has been indicated time and time again as not sufficient to commit the crime. There must, of necessity, be a perpetrator and that perpetrator, more often than not, comes from a certain class that we believe we are not dealing with, and that is the whole thrust of our testimony and that no matter how strict you seek to write laws and, if, in fact, you do write them, you will still find great difficulty in cleaning up and clearing up this proliferation.

Think of the magnitude, the magnitude of 200 million firearms in the continental United States, or 40 million handguns.

Mr. CONYERS. That is exactly what has brought us to Detroit.

Mr. WASHINGTON. OK.

Mr. CONYERS. We have been thinking about it. Not only that, we have been worrying about it and, beyond being worried about it, we are frightened about it and, beyond those three things, we are trying to, in a reasonable way, consider some things to do about it. Now, you, yourself, support the mandatory sentences of people who are caught after the fact committing a crime with handguns. Would it not be possible for us to elicit your support in doing something with people committing, attempting to commit crimes who get handguns before the commission? Would that be offensive to you?

Mr. WASHINGTON. If I thought there were a solution to that, I would agree with you. However, I think that, once again, we are avoiding the main thrust of the problem. There is a relative insignificant number of these firearms which are involved in violent crime. Now, it seems to us that we ought to be able to focus on that area of misuse and that is what we are attempting to do. I admit that we are infantile in our approach to the social problems, this is a new area for us, we have just begun to address ourselves to it, and we hope to be able to work with Members of the Congress, such as yourself, towards what we consider to be the end result of the violent crime problem.

Mr. CONYERS. Let me pause for just a moment in an informal recess to discuss with my colleagues whether we should more appropriately suspend our proceedings and then start back with you after the luncheon hour. You have made it clear that you are available and we would appreciate that.

[Short recess.]

Mr. CONYERS. It seems to me, under these circumstances, we should take a luncheon recess and return at 1:30 p.m., if this is all right with you. We will make it 1:45, to get the full benefit of the lunch hour.

Mr. WASHINGTON. Thank you.

Mr. CONYERS. The subcommittee stands in recess.

Mr. McCLORY. Do you think that a training program for those who do purchase a handgun would be an appropriate limitation on the purchase and possession of a handgun?

Mr. WASHINGTON. First of all, let me note that even with the expensive training that police officers do and should receive, amazingly enough, and sometimes even tragically we find them involved in firearms accidents. Contrarily, firearms accidents are really low on the scale of accidental death and injury.

We have felt that perhaps, and I, once again, I say perhaps, pistol training, pistol proficiency requirements may be a method of stopping the headlong run for the purchase of handguns. People have to—often times, the word passion has been used, I don't think it's quite that bad yet, people aren't going out and passionately buying or in heats of passion buying handguns, however, we note that every time we have a major incident, crime rises, statistics come out, some of the racial conflicts we have, we see them running out and purchasing handguns. Probably more often than not they don't know how to use them, care for them, store them, handle them, et cetera. So it may provide a means of, at least, acquainting them with the handgun, itself, with the effects that the handgun can create and make them hesitate a moment before running headlong out to just purchase a firearm.

Mr. McCLORY. You made one statement which concerned me. You indicated in your statement that I had almost let slip that I was interested in some kind of restriction or some kind of limitation, some kind of confiscation, or something, of long guns, rifles, and shotguns, and what I would like to emphasize, for your benefit, and for the benefit of those that heard your statement, that I have never supported any legislation which relates to long guns, at all. The legislation that I have consistently supported since 1968 relates solely to the subject of handguns. My interest in the registration of handguns is directed toward the identification of a gun that is used in connection with the commission of a crime. You indicated yourself an interest in apprehending the criminal and the conviction of the criminal for the misuse of the handgun and there is a substantial capability at the present time which enables us to ascertain the owner of a handgun, which is used in connection with crime. As a matter of fact, we do have, in the possession of the manufacturers, and in the hands of the jobbers and distributors and dealers, complete registration of all of the owners, the legitimate owners or the purchasers of handguns from the licensed dealers, do we not? Those records are kept permanently with the dealer. Now, I don't care what it's called, whether it's called registration or not, but something that would enable us more readily to ascertain who the last purchaser of the handgun was, would certainly be in the direction of apprehending the criminal misuse of the handgun, wouldn't you think?

Mr. WASHINGTON. No, sir, I do not. I hasten to add that in those countries where registration has been a factor, it has almost, without failure, lead to the total confiscation of firearms, and you may

suggest that it might be an imagined fear, however, we feel that it's a real fear that the same thing could happen here. So we are concerned.

At least I fail to see how, knowing—with some exception, how, knowing who has a firearm, can lead to the apprehension of a criminal. It's our purpose, through our testimony and within our organization, to try and get at the root cause of the crime, and, once again, we do not believe that to be the existence of the firearm.

Mr. McCLORY. Let me inform you that at the present time the Division of Alcohol, Tobacco, and Firearms receives, I believe, in the neighborhood of 30 to 33 thousand inquiries per year, and of those inquiries that are made, I believe about 90 percent of the inquiries are successfully responded to. In other words, we do ascertain who the last owner of the firearm was.

Mr. WASHINGTON. That may be true.

Mr. McCLORY. Now, they ran a survey to determine to what effect that—what effect that had with respect to the apprehension and conviction of criminals, and it was—the result of their inquiry was that in, I believe, 60 or 70 percent of the cases it aided in the apprehension of the criminal, and in 40 percent of the cases, it assisted in the conviction of the criminal.

Now, what I'm saying is this, I don't care whether you call it registration, and I don't care whether the registration is at the State or local level, or whatever it happens to be, but anything that would improve that capability would seem to me to be something which gunowners, law-abiding gunowners and law-abiding nongunowners would want to support.

Mr. WASHINGTON. Idealistically, Mr. McClory, you are correct. Unfortunately, we, as a group of citizens, and a large group of citizens, just don't believe it would stop there. If the system is working so well, I respectfully ask the question why is the crime rate continuing to skyrocket? I just don't see that as the answer. It's much deeper than that.

Mr. McCLORY. Has the recent Gallup Poll come to your attention?

Mr. WASHINGTON. Yes, sir.

Mr. McCLORY. Do you find fault with the results that that does not—would you contend that that does not contain or represent the public opinion with regard to handgun registration?

Mr. WASHINGTON. I think that probably the poll is fairly accurate. However, we had three public opinion referendums in Michigan on the 18-year-old vote and still the law went the other way. I mean, in our State legislature, I am not talking about the Federal law. The same poll points out that handguns are in great proliferation amongst the outlying communities and so forth and it should once again lead us to recognize the fact that, as Mayor Young pointed out this morning, we need some help in the cities, we need some help where the real hard core problem is, and this is what we are striving and hope to work toward as an organization. To use an old cliche, let's get it off our back. Because, as a conservation organization, frankly, we are having to devote too much of our time to fighting this issue, to fighting those that would seek to take away our rights to privately possess firearms. We are concerned about it.

Mr. McCLORY. I haven't——

Mr. WASHINGTON. I am not going to finger you.

Mr. McCLORY. I haven't introduced any legislation which would deprive any law-abiding citizen of the opportunity to own a firearm, except with respect to the Saturday night special. That has been prohibited since 1968 insofar as its importation is concerned. Do you have any fault to find with that?

Mr. WASHINGTON. The only thing I would say to that, Mr. McClory, is that I have not seen an adequate definition of a Saturday night special and I would caution the committee to be cognizant of the needs of some of the persons who cannot afford extremely high priced firearms. There are, in fact—there are, in fact, good usable firearms which cost relatively a small amount of money.

Mr. McCLORY. There is nothing in the law that says anything about cost.

Mr. WASHINGTON. I don't know what law defines a Saturday night special. I will have to beg ignorance on that.

Mr. McCLORY. The 1968 law provides that no dealer or manufacturer shall import a handgun which is a nonsporting weapon.

Mr. WASHINGTON. How does one define that?

Mr. McCLORY. They have defined it through registration. Now, as far as I know, even the—even the NRA, I don't believe, is opposing the existing law with regard to the importation of Saturday night specials. The question that arises with me is this, since the law does not prohibit the importation of the parts from which the local manufacturers, or others, assemble Saturday night specials. it seems to me that that is a loophole in the law that we should try to close up.

Mr. WASHINGTON. That may be. I don't have a personal position nor do we have a formal position on that particular facet of the 1968 Gun Control Act.

Mr. McCLORY. Would you agree that if it's against the law to import a weapon because it's not a sports weapon, that we should, nevertheless, permit a domestic manufacturer to domestically market that same weapon?

Mr. WASHINGTON. Of course. First of all, I find great difficulty in defining what is or is not a sporting weapon.

Second, I happen to believe that in the hands of a competent user, a handgun can, in fact, be a definite personal defense item as well as, and this is difficult to prove and probably never be proved, a potential deterrent to crime.

I recall awhile back, a number of years back, when I was still a resident of the city, that the city conducted, or that the grocers conducted, under Mr. Shamie, I believe, at the time, a campaign to teach grocers and small businessmen how to handle and use handguns proficiently, and at that time there was a marked decrease in armed robbery and things of that nature, and we advocate these kinds of things but only in the hands of a person who is proficient.

Mr. McCLORY. You are not supporting the position of all weapons which would be used in connection with self-defense? You are not suggesting that we should expand the authority with regard to sawed-off shotguns or machineguns or anything like that?

Mr. WASHINGTON. No; not hardly.

Mr. MCCLORY. So that you are only supporting a sporting weapon, are you not? Isn't that the position of your organization? It only relates to shotguns and rifles and pistols and revolvers that have a sporting use, isn't that right?

Mr. WASHINGTON. No. You're limiting it. Our organization also supports strongly the Constitution of the United States and constitution of the State of Michigan. I do not wish to get into the constitutional question, it's one which has not been decided by the courts, perhaps never will be decided by the courts. However, we are here, as citizens and residents of this State, and in dealing with the Michigan constitution, that we do have that constitutional right to privately possess firearms, including what you're terming the so-called Saturday night special, which the Congress has yet to identify legally and, in fact, there are bills before the Congress attempting to identify Saturday night specials; are there not?

Mr. MCCLORY. You are not familiar with the regulation of the Department of Alcohol, Tobacco, and Firearms, which sets forth the definition?

Mr. WASHINGTON. Would you relate the specific regulation?

Mr. MCCLORY. It's a complicated definition but it's contained in the regulation; yes. That is the basis upon which they prohibit the importation, but you're not familiar with that?

Mr. WASHINGTON. Well, I am familiar with that law that prohibits the importation of these kinds of firearms, yes, and I recognize that parts are still imported and assembled here, but I don't know how that is germane to—perhaps I am not understanding you.

Mr. MCCLORY. Well, I just want to know if the regulation which prohibits the importation of a weapon, because it has no sporting qualities, should, nevertheless, be permitted to be marketed because it's assembled from imported parts and from a domestically manufactured item?

Mr. WASHINGTON. I repeat that I would not want to state a position on that until having had time to look at the piece of legislation that would tend to alter that law.

Mr. MCCLORY. Would you communicate your position on that subject?

Mr. WASHINGTON. Absolutely.

Mr. MCCLORY. I yield back.

Mr. CONYERS. I recognize at this time the gentleman from South Carolina, Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

You have put great emphasis on the need to attend to all of the problems of law enforcement rather than to just pick on guns. Among other things, you say we respectfully urge Congress to reflect on the causes of violent crime and stop harassing law-abiding gunowners. What would you suggest that the Congress do?

Mr. WASHINGTON. I have set forth a couple of suggestions, but first of all we also stated in there that we would hope that there could be some program which would be designed at restoring man's dignity. Frankly, we believe that much has been done to tear that dignity down. Now, we recognize the needs of the unemployed, we

recognize needs of the welfare persons. We question, frankly, if the programs which are set forth, which place these people, or allow these people to exist without doing anything to make them feel a part of the community, wanted in the community, needed by the family unit, productive, if I may use that word, I think that is important to a man——

Mr. MANN. You have indicated that your organization has promoted in the State of Michigan a work program for the unemployed and have had no particular success for the insured unemployed. I have had my staff working on that idea for about 3 months. I wish you would send me what you have on it, the experience here in Michigan, please.

Mr. WASHINGTON. Thank you.

Mr. MANN. All right. Getting back to my question again, I detect that there has been a tendency in this country, in recent years, particularly since, let's say, the Presidential campaign of 1968 when both the candidates were going to solve the crime problem, and I think that in the next week or two Gerald Ford may very well tell it like it is, and that is that it's primarily a State and local problem, as far as the enforcement problem is concerned, and whether you agree with that or not, what is your organization doing in the State of Michigan to try to improve the enforcement of the laws?

Mr. WASHINGTON. First of all, we have been very much frustrated, as have, evidently, the majority of Michigan residents at the apparent ineptness on the part of some members of the judiciary to deal with the existing law, and, therefore, we have supported vocally and in any other way that we could, the mandatory sentencing concept. We recognize some of the arguments that have been used here this morning, and we appreciate them, however, I think that the people of this State, out of a sense of frustration, have decided that the criminal element must be removed from the streets. Only in the last couple years have we begun to delve into the problems of the homicide problem in depth, as an organization. Ours has primarily been a sportsman or environmental organization and constituted group and we regret, very frankly, that we have to spend so much of our time, as I said earlier, defending our right to possess firearms.

We are concerned that the issue seems to lie within a particular group, and the city and our State legislators and so forth have done very little to alleviate that problem. I don't have an answer, Mr. Congressman——

Mr. MANN. I'm sure you don't.

Mr. WASHINGTON. But I think that the answer lies with you gentlemen, very frankly, contrary to what you have just stated.

Mr. MANN. I'm sorry to hear you say that because I have always felt and still feel that local government, where the people govern more directly and immediately, and State government, where the people govern more directly and immediately, is certainly the government level at which local law enforcement problems should be attacked; and to be so frustrated that we're going to pass that to Washington is very disturbing, but I recognize it's a trend. Thank you.

Mr. CONYERS. Well, Mr. Witness, you have consumed about as much or more time as anybody that has come before us, I suppose

you are the first nonpublic witness representing as many people as you do, and I suppose that is our justification for it. At any rate, we appreciate your testimony. It's been important in getting a full perspective of the many dimensions of the problem, and it's really my hope that you will be more sympathetic in considering the enormous problem that is before the Congress on that matter.

A substantial amount of people want to do something on the question. There is another large group of people who prefer to do little or nothing. It seems that we have a challenge that is not going to meet with any universal acceptance, but we do have to consider the facts as they come to us by almost uncontradicted authority. Namely, in this country, either we are going to accept the rationale that the best defense is more armaments on a civilian level, or that somehow we have to bring about greater protection without encouraging the personal acquisition of firearms. I think on either one or the other of those premises, legislation must hang. And so to the extent that your testimony has shed further light on this problem, we are grateful for your appearance. Thank you very much.

Mr. WASHINGTON. Thank you, Mr. Chairman.

[The prepared statement of Mr. Washington follows:]

STATEMENT OF THOMAS L. WASHINGTON, EXECUTIVE DIRECTOR ON BEHALF OF MICHIGAN UNITED CONSERVATION CLUBS, INC.

Thomas L. Washington is Executive Director of the Michigan United Conservation Clubs (MUCC).

MUCC is a statewide, non-profit citizens' organization founded in 1937. It has more than 100,000 members, is the state affiliate of the 3½-million member National Wildlife Federation, and is headquartered in Lansing where a full-time staff of twenty persons is directed by Mr. Washington.

MUCC is active in all forms of conservation, with continuing efforts to inform the public through its monthly magazine and a half-hour weekly television program aired in Michigan, Indiana and Ohio.

Mr. Chairman, Members of the Subcommittee: The Michigan United Conservation Clubs has long supported gun control laws, but must oppose new, restrictive federal firearms legislation such as that proposed by Representatives Harrington and Dellums, for several reasons.

The continuing intensive drive to disarm gun owners has great cosmetic appeal to people unfamiliar with the causes of crime. Closer scrutiny of the issue, however, makes it abundantly clear that additional restrictive gun control measures would comprise only superficial treatment of a symptom, not the cause of violent crime.

Extensive and thorough examination of the homicide problem in Detroit, for example, shows that unemployment, underemployment, lack of adequate housing and education and recreational opportunities are the cause of most violent crime, including crimes involving firearms.

Instead of addressing ourselves to the treatment of these root causes of violent crime, we find ourselves too often answering those who devote their attention to the manifestation of deep-seated problems.

We respectfully urge Congress to focus on the causes of violent crime and stop harassing law-abiding gun owners.

If new crime prevention laws must be enacted, we firmly believe they should take the form of mandatory penalties for those convicted of crimes while possessing firearms or dangerous weapons.

As has been suggested, "If they do the crime, make them do the time."

Society must impress upon judges the need for strong deterrents and the necessity of getting violent criminals off the streets. A mandatory penalty would deter crime as well as protect society from violent convicted felons. Michigan's legislature is wisely considering such a law, a mandatory penalty of two years in prison for the first offense, five years for the second, and

ten years for subsequent convictions. Michigan's House of Representatives last month approved such a bill, 98 to 7. Florida and Massachusetts have enacted mandatory penalty laws this year.

We are concerned about the confiscatory aspects of some gun control proposals, and fervently hope that our federal representatives will thoughtfully consider the implications of laws that would confiscate private property.

And while the antigun lobby often tells firearms owners that handguns are the major concern, that we have no reason to believe our rifles and shotguns are in jeopardy, we recall only too well that during the Dodd hearings in the late 1960's we were told our concern over confiscation of our firearms was unwarranted. Today it is real.

Most crimes committed with firearms are perpetrated as a result of socio-economic conditions, not possession of firearms by law-abiding citizens.

I'd like to emphasize. There is gun control, and there has been gun control for decades, since 1927 for handguns in Michigan. There are more than 22,000 gun control laws in the United States.

We support most current federal, state and local gun control laws and urge the courts and prosecutors to support them, to use them as deterrents and punishment. Why consider additional gun control restrictions when present laws are not being fully utilized? We wonder why proponents of additional gun laws are not as committed as we are in seeking fuller court use of existing laws.

The courts and prosecutors should first use the laws on the books and, if these are not adequate, they should be strengthened by adding mandatory penalties.

Have we not learned anything from the 18th Amendment, which brought us prohibition? Added to the constitutional questions raised by handgun confiscation, there is good reason to believe that lawbreakers would not turn in their guns.

Illegal possession would have to be proved. Illicit firearms are not brandished until they are used, and at that point it is too late to save potential victims.

The U.S. Supreme Court has justifiably taken from law enforcement the right of indiscriminate search and seizure. If you recommend confiscation of handguns, do you also intend to recommend the means whereby illicit firearms can be taken from persons and their homes? The courts may not share such zeal.

Legislation that is not enforceable is useless. Let's not feed the fire of people who are well-intentioned but are apparently ready to infringe on constitutional and personal rights under the guise of knowing what's best for everyone.

There are an estimated 35-million handguns in private hands nationally, several million of them in Michigan. About 1½ million handguns have been registered with the Michigan State Police, yet there are reportedly about a half million illegally owned handguns in Detroit alone.

Federal law specifies who may buy a handgun, where and from whom. In addition, Michigan law requires the purchaser to secure a police permit and to register the gun with the police.

The latest Justice Department figures on serious crime show a 17 percent increase in 1974, the largest increase since 1960, and an increase attributed, in the words of Attorney General Levi, to "a dismal and tragic failure on the part of our present system of criminal justice." Despite this statement, more attention is focused on gun control than on the failure of our system of criminal justice.

Levi also said the statistics were predictable because of rising unemployment, and he added that in many areas of the country, only a small percentage of those arrested for a felony are convicted for that offense.

He said one of the causes of crime is the failure to move quickly and effectively to detect and punish offenders. In 1973, of 2,461 handgun cases sent to court in Detroit, only 76 resulted in jail sentences. National statistics are equally dismal.

We strongly urge you to consider recommending better use of existing law as well as urging more prudence in the paroling of persons convicted of violent crimes. There should be no early paroles for dangerous felons.

If we need more prisons, let's build them. Our country has spent billions for less necessary reasons. Additionally, I don't think we'd need more prisons

if we had mandatory penalties because strong deterrents, certainty of punishment, would reduce crime.

There is a mandatory penalty for robbing post offices. The effect of this deterrent should be evident.

Misuse of firearms is a symptom of a complex problem. Addressing ourselves to the symptom will delay efforts to treat the cause.

Society's efforts, time and money would be best spent if directed toward correcting society's ills—the causes of crime.

If there were more jobs, better education, better housing and better recreational opportunity, there would be less gun crimes. Let's restore the dignity of man—let's help men get back to work.

A Library of Congress study prepared for Senator Quinton Burdick of North Dakota found, "As unemployment rises, so does the number of new prison admissions each year; as it falls, the number of prison admissions drops."

The study points out that unemployment "could pose a stark choice in economic terms for those who are on the borderline of acceptable social action and must find alternative means of support."

Dr. David Abrahamsen, a noted psychiatrist and authority on violence, has said the prime marks of a murderer include a sense of helplessness and revenge carried over from early childhood. It is long past the time when society should have taken stronger affirmative action to treat the socio-economic conditions responsible for crime.

A lack of education and lack of job opportunity lead to the helplessness that too often results in gun crimes. Consider the findings in a paper entitled "Comprehensive Analysis of Conflict-Motivated Homicides in Detroit During 1972," the lengthy study made from the record of Detroit homicides.

It found that more than half of the perpetrators of conflict-motivated homicides and more than half of their victims had not even the benefit of a high school education.

Forty-one percent of the perpetrators and 38.6 percent of the victims were unemployed. There was very little difference in education and unemployment.

The study found that unemployment, underemployment and inadequate education were the most important factors to be treated if the number of homicides is to be diminished. One might say, "More jobs mean less homicide."

There is further evidence that homicides committed with firearms comprise primarily an urban problem caused by the substandard conditions to which urban residents are too often subjected.

Detroit, for example, has double the homicides within the city's corporate limits than all other communities of the state combined. People in the suburbs and outstate own guns also. They don't however, settle their differences as often by using them!

A recent FBI Annual Crime Report found that Livonia was the safest large city in the nation, and, with the exception of Detroit and Flint, Michigan's other cities ranked among the safest 25 percent in the country.

Let's not try to harass law-abiding gun owners because authorities have failed to deal effectively with the problems of the cities. Let's stop using gun control proposals to divert attention urgently needed to uncover and treat the root causes of homicide and other crimes.

Restrictive gun control measures could very easily inhibit hunting, and such an inhibition would be destructive to our country's most productive wildlife conservation programs.

If, as some have suggested, you take away guns, you take away hunting. Without hunting, who would provide the millions of dollars now contributed annually to perpetuate wildlife populations and provide this form of recreation for over 20-million Americans?

The $1.8 billion resulting from the sale of hunting licenses in the past fifty years has been responsible for making the American system of wildlife management the best and most successful in the world.

The 11 percent excise tax on the sale of sporting firearms and ammunition and archery supplies has contributed another $600-million for wildlife restoration programs, including the purchase of more than three million acres of habitat. And although hunted species are the prime recipients of

these expenditures, birds and animals that are not hunted also benefit from hunters' funds.

If guns are taken away, conservation and wildlife will suffer, and root causes of crime will still go untreated and violence will flourish.

Under the Pittman-Robertson Act of 1937, the 11 percent federal excise tax on the sale of firearms and ammunition, including handguns, Michigan will receive $1,561,000 in matching funds (state puts up one-quarter to get these funds). About $750,000 of these federal moneys will be spent on wildlife habitat purchase, with most of the remainder going toward wildlife research projects and habitat development.

We in the MUCC hope that this committee gives fair consideration to the concerns of firearms owners—or at least consideration equal to the consideration the committee gives to the anti-firearms representatives.

Mr. CONYERS. Our next witness was to have been the head of the State Police of Michigan, Colonel Halverson, the commander, he is not able to be with us, but Capt. Gerald Hough has been designated to appear on behalf of Colonel Halverson, so I would welcome him at this time.

I would like to indicate that we do have the Colonel's prepared statement. I suppose you are prepared to make some comments on that and read whatever parts you might want. You can feel assured that his entire testimony will appear printed in the record at this point.

So, Captain, you may proceed, as you choose.

[The material referred to follows:]

STATEMENT OF COL. GEORGE L. HALVERSON, MICHIGAN DEPARTMENT OF STATE POLICE

Mr. Chairman, members of the committee, I would like to express my appreciation for the opportunity to come before this committee and share my concern on the present firearms laws.

As director of the state agency that maintains the state gun files, I must be concerned about the increased ownership of guns, especially handguns, and the related criminal use of guns.

To better acquaint you with the State Police role, the following responsibilities have been delegated to the Department of State Police:

Maintaining state files on license to purchase. (M.C.L.–28.422)

Keeping of files on all handgun safety inspections. This is commonly known as the gun registration. (M.C.L.–28.429)

Sit on the concealed weapons licensing board in each county in the state. (M.C.L.–28.426)

Clear each applicant for a concealed weapons license by a fingerprint check, and then maintain the prints on file. (M.C.L.–28.426)

Maintain a file on each concealed weapons license issued for a period of six years (M.C.L.–28.426)

Receive, maintain files on, and destroy all weapons that are illegally possessed or carried. (M.C.L.–28.434)

As you can see, these duties place me in a position to easily view the increased purchasing, and licensing, of handguns.

To better show you the increase in handguns, I have prepared the following ten-year comparison on license to purchase and safety inspections:

	License to purchase	Inspections		License to purchase	Inspections
1964	30,016	38,013	1970	60,209	69,217
1965	37,428	47,252	1971	59,908	73,123
1966	45,600	55,070	1972	60,474	75,055
1967	54,201	76,241	1973	60,414	68,667
1968	96,355	113,577	1974	63,661	71,711
1969	62,341	74,289			

As you can see, the largest increase in these figures came during and after the civil disturbances of 1967 and 1968. For several years after the late 60's, we saw a decrease; however, in 1974 there was a significant increase again. As of April of this year, we are nearly 1,500 over the figure for the same period ending April 30, 1974, in the purchase of handguns.

The total state file on handguns as of April 30, 1975, was:

Safety inspection certificates	1,617,239
License to purchase	1,034,793
License to carry	526,521

These figures do not cover the number of shotguns, rifles, or illegal handguns that are in the possession of Michigan residents.

The Department of State Police also maintains a record of the number of reported stolen guns, both handguns and long guns. It is interesting to note that prior to 1967 we received less than 2,000 stolen gun reports a year. In 1968, this jumped to 4,319 reported thefts, and in 1974 we received 6,247 reports. This year, as of April 30, we have received 2,053.

Along with the increase in fireams, we are also seeing an increase in gun-related crimes. In 1974, there was 30,657 reported robberies of which 21,226 were armed. While we do not have the statistics on how many were with a firearm, we believe that over 90% were with a gun. However, we do know that robberies were up 21.9% over 1973.

In 1974, the state reported 1,170 murders of which 838, or 72% were committed with a firearm. This is compared with 1,082 in 1973 of which 755 or 70%, were committed with a firearm.

Mr. Chairman, while I, too, am concerned with the increased sale, possession, and misuse of firearms, I am not yet prepared to support the total ban on citizen ownership of firearms. Instead, I would first like to see the stringent enforcement, at all levels, of current gun laws. I will shortly point out several areas that I feel should be strengthened in Michigan's present gun laws.

In preparing my statement for this subcommittee, I was informed that you are interested in Michigan's procedure for purchasing, registering, and carrying a handgun. I have included with my prepared statement the booklet published by the Department of State Police entitled "Concealed Weapons and Firearms Laws."

I would like to comment briefly on how a person comes, legally, into possession of a pistol or revolver and is eventually licensed to carry the weapon.

Before purchasing a pistol or revolver, a person must be at least 18 years of age, a citizen of Michigan for six months, have not been convicted of a felony or confined during the eight-year period preceeding the application, or been adjudged insane. The person then applies to a chief of police or sheriff for a permit to purchase. This application is signed by the applicant under oath.

After the applicant receives the application, he presents three copies to the seller of the handgun who, in turn, signs all copies and retains one. The applicant then returns the two copies to the agency that issued them. The police department keeps one copy and sends one to the Department of State Police, who will then maintain a file on this purchase for six years.

The person, after having purchased a pistol or revolver, must present the gun to the chief of police or sheriff, or his representative, in the city or county in which he resides for a safety inspection. The description of the gun and the name and description of the owner, plus his right thumb print, is recorded. The owner receives a copy of this certificate, one copy is retained by the inspecting agency, and a copy is sent to the Department of State Police. One of the problems in this procedure is that there is no standard by which to determine if a gun is safe or not. Each police officer, who inspects a pistol, makes a personal judgment as to the safety of the weapon.

In the event a person wishes to carry a pistol or revolver outside his dwelling, he must apply to his local police or sheriff for an application to carry a concealed weapon. This application must be notarized if the applicant lives in the city, or if he lives in the county, it must be signed by the township supervisor. In either case, it must be signed by two references. The applicant will have his fingerprints taken for submission to the Department of State Police for a record check. Presuming the applicant's record

is clear, the application will then go before the county gun board. This board is composed of the county prosecutor, sheriff, and director of the Department of State Police or their respective deputies. The board may accept or reject the application. If a license is issued, it is valid for three years, after which the applicant must again go through the same procedure.

There are two types of licenses usually approved by the board. The most common being a restricted license indicating that the person may carry a weapon for the specific purposes for which the license is issued, or under certain conditions and restrictions. The second type is a general license permitting a person to carry a concealed weapon any time or place, as prescribed by law.

I would also like to bring to your attention the fact that there is no criminal penalty for being in violation of one's concealed weapons license. The only penalty allowable is for the county gun board to revoke the license.

It is also interesting to note that in the majority of applications the applicant does not appear before the gun board. Everything is handled through the transmittal of papers. Therefore, the gun board never has the opportunity to interview or view the applicant for fitness to receive a concealed weapons license.

As I stated earlier, I do believe Michigan has the basic mechanism to control purchase, inspection, and carrying of handguns; however, I do feel there are areas that should be improved. In the remainder of my presentation, I would like to briefly comment on those areas.

One area of concern to me is that a person may purchase a handgun without having to submit to a record check. I would support legislation that would compel fingerprinting and a record check before a person receives an application to purchase a pistol or revolver. In 1971, Senate Bill No. 303, which would have required fingerprinting, was introduced. This bill did not pass; however, I am hopeful a similar bill will be introduced. A copy of this bill was included in the packet of information sent to this committee.

In 1974, the Michigan Legislature passed a bill which became Act No. 191. This act required anyone who carried or transported a handgun outside of his dwelling to have a concealed weapons license. This was a good law and the Department of State Police played a major role in having the bill introduced and in its final passage. However, the outcry from the sporting community was so great that the Legislature repealed the act less than one month after the effective date.

This repeal of Act No. 191 came about because of the wide variation in county policies as to the granting of concealed weapons licenses. It seemed that in some counties it was very easy to obtain a license, while others arbitrarily refused to issue any. To further complicate the issue, some law enforcement agencies were refusing to issue applications to purchase or carry.

It is my belief that all state residents should be treated equally, and there should be a standard which all counties would follow in the issuing of concealed weapons licenses. In this way, if a person qualified under statute law, the county could not deny him a license. I am presently studying the need for a standard statewide Department of State Police policy which would provide guidance for any representatives on the 83 county licensing boards.

I have long favored a state statute to regulate and license wholesale and retail firearm dealers. Currently, Michigan is dependent upon the Federal Firearms Act to govern this area. I feel that with such legislation Michigan could better control the firearms and ammunition that are being brought into our state.

One of our goals would be to define the cheap handgun known as the "Saturday Night Special," and ban its importation and sale. I am also concerned with the sale of armor-piercing ammunition. I do not believe this type ammunition has any valid or legal use by the average citizen.

I have included in my packet of information for the committee H.B. 4403, which was introduced in 1970. I believe a bill such as this could be used to create a state firearms board to regulate guns and ammunition being brought into Michigan.

In prior years, my department has sought introduction of and supported legislation such as Senate Bill No. 378, introduced in 1971. This bill, if passed, would have included as illegal weapons military hardware, such as bazookas, antitank weapons, mortars, etc. Many of these types of weapons have been sold over the years, and I can see no legitimate reason for a person possessing a weapon designed for mass destruction and killing. I see possession of such weapons as a very real threat to all law enforcement agencies.

I have also included for your review Senate Bill No. 127, introduced February 4, 1975. This is not a gun control bill, but rather a mandatory sentencing bill for the illegal use of firearms. It is my belief that this type of legislation will have more of an impact on the illegal use of guns than any gun control placed on the general populace.

The average gun control legislation hopes to get at the criminal element by restricting the possession and use of all the people. It is my opinion that the better way is to hit hard at the criminal use through mandatory, no parole, no pardon sentencing. Senate Bill No. 127, if enacted, would impose a mandatory sentence of two years upon any person convicted of a felony in which a firearm was used or carried. This sentence would be in addition to any sentence imposed for the crime committed.

In closing, I would once again say that I am very concerned with the gun assaults on police officers and the general rise in gun-related crimes. However, I do not feel that the full force of Michigan's weapon laws has been felt by the criminal element, and until such time as they are strictly enforced at all levels, I would be hard-pressed to support additional gun legislation other than that which I mentioned earlier.

Mr. Chairman, Members of the Committee, I thank you, again, for inviting me to come before you on this most important subject of mutual concern.

[Senate Bill No. 303]

(Introduced by Senator Vander Laan and referred to the Committee on Judiciary)

A bill to amend section 2 of Act No. 372 of the Public Acts of 1927, entitled as amended "An act to regulate and license the selling, purchasing, possessing and carrying of certain firearms; to prohibit the buying, selling or carrying of certain firearms without a license therefor, and to repeal all acts and parts of acts inconsistent with the provisions of this act," as amended by Act No. 301 of the Public Acts of 1968, being section 28.422 of the Compiled Laws of 1948.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

SECTION 1. Section 2 of Act No. 372 of the Public Acts of 1927, as amended by Act No. 301 of the Public Acts of 1968, being section 28.422 of the Compiled Laws of 1948, is amended to read as follows:

SEC. 2. No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for said pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 21 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order.

Each applicant for a license shall have duplicate fingerprints taken by the sheriff, or a deputy sheriff, of the county in which the applicant resides, by an officer of the department of State police, or by the chief or any officer of the village or city police department where the applicant resides in a village or city, on forms furnished by the department of State police and in accordance with the fingerprint system of identification established by the department. Both copies of the fingerprints shall be forwarded to the department of State police headquarters. One copy shall be forwarded by the department to the National Bureau of Identification at Washington, D.C. The department shall compare the fingerprints with those already on file, and shall obtain a report from the National Bureau of Identification of a like comparison, both to be sent to the police or sheriff, and a license shall not be issued until the report is received by the police or sheriff to which application has been made that such comparisons show no conviction or confinement for a felony within the 8 years immediately preceding the date of the application. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the *commissioner* DEPARTMENT of *the Michigan* state police. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the *commissioner* DEPARTMENT of *the Michigan* state police and shall be signed by the licensing authority. A licensed gun dealer in this state shall comply with the provisions of the license to purchase section, except that the oath and the signature of the licensing authority, as required under this Act, may be dispensed with at the discretion of the local authority.

Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol, the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the Commissioner, Department of the Michigan State Police. Such license shall be void unless used within 10 days from the date of its issue. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. The provisions of this section shall not prevent the transfer of ownership of pistols which are inherited provided the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

[House Bill No. 4403]

(Introduced by Rep. Smart and referred to the Committee on Judiciary)

A bill to regulate and license wholesale and retail firearms dealers, to define certain terms; to prescribe the duties of the department of state police; and to provide penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

SECTION 1. As used in this:

(a) "Dealer" means a person engaged in the business of purchasing, selling, exchanging or dealing in firearms, and a person who negotiates the purchase, sale, deal or exchange of firearms in the name of an individual or any partnership, firm, corporation or business having an established place of business for such purposes.

(b) "Firearms" means firearm as defined in section 3t of chapter 1 of the Revised Statutes of 1846, being section 8.3t of the Compiled Laws of 1948.

SEC. 2. The concealed weapons licensing board created by Act No. 372 of the Public Acts of 1927, as amended, being sections 28.421 to 28.434 of the Compiled Laws of 1948, may issue licenses to deal in firearms to applicants residing or having an office or branch office in the case of a partnership, firm, corporation or business, within their counties.

SEC. 3. A license to deal in firearms shall not be granted to any individual unless he is 18 years of age or over, a citizen of the United States, has not been convicted of a felony in the preceding 5 years or confined therefor in this state or elsewhere during the 8 years immediately preceding the date of application, nor to an individual who has been adjudged insane unless he has been restored to sanity as evidenced by a court order.

SEC. 4. If the applicant for a license to deal in firearms is a partnership, firm, corporation or business, the application shall be made and subscribed by an officer of the partnership, firm, corporation or business in the county where the firearms transactions are to be conducted. The officer shall meet the requirements of sections 3 and 5 as though he were making individual application. A partnership, firm, corporation or business license granted shall permit purchasing, selling, exchanging or dealing in firearms by any company employee on any company leased, rented or owned real property.

SEC. 5. An applicant shall have duplicate fingerprints taken by the sheriff of the county where application is made, or by the commissioner, chief of police, marshal or his authorized representative, if the applicant's place of business is within the limits of a city or village having an organized police department, on forms prescribed and furnished by the department of state police and in accordance with the fingerprint system established by the department. Both copies of the fingerprints shall be forwarded to the department of state police headquarters by the officer taking the prints and 1 copy shall be forwarded by the state police to the national bureau of identification at Washington, D.C. The command officer of the records and identification division of the department of state police shall compare the fingerprints with those already on file in the division and shall obtain a report from the national bureau of identification of a like comparison. Upon receipt of the report from the national bureau of identification, the command officer shall forward a report of both comparisons to the officer taking the prints and to the county clerk of the county in which the application is made. The county clerk, as clerk of the concealed weapons licensing board, shall keep a record of the print comparison and report to the board. A license shall not be issued until the report of comparisons has been received. The fingerprints received under this provision shall be filed in the records and identification division of the department of state police in the noncriminal files.

SEC. 6. An application to deal in firearms shall be made in writing and under oath to the concealed weapons licensing board of the county in which the applicant has his place of business on forms prescribed and provided by the director of the department of state police. A license shall be issued only with the approval of a majority of the concealed weapons licensing board. Each license shall be issued for a definite period of time stated in the license, not to exceed 3 years, and a renewal shall not be granted except upon the filing of a new application. Each license shall be for the individual described in the application or to bona fide employees of an applicant partnership, firm, corporation or business. A license issued to a partnership, firm, corporation or business shall not be construed to be, or serve as, a concealed pistol permit for any individual except the individual subscribing the application. A license shall be authority only to the extent contained therein and may be revoked by the concealed weapons licensing board for violations of the concealed weapons laws or exceeding the authority granted by the license. A partnership, firm, corporation or business with physical facilities located in more than 1 county shall be required to obtain a license for its office manager from the concealed weapons licensing board of each county. The license application shall be subscribed by the office manager and shall be issued in the name of the partnership, firm, corporation or business.

SEC. 7. A license shall be executed in triplicate upon forms prescribed and provided by the department of state police and shall be signed in the name of the concealed weapons licensing board by the county clerk and the seal of the circuit court shall be affixed thereto. The county clerk shall collect a fee of $10.00 for each license issued. One copy of the license shall be delivered to

the applicant, the duplicate shall be retained by the county clerk for 6 years, and the triplicate shall be forwarded within 48 hours to the department of state police which shall file and index licenses and keep the same as an official record for 6 years. On the first day of each month the county clerk shall remit to the state treasurer $7.50 for each license issued the preceding month. On the first day of each month the county clerk shall pay into the general fund of the county $2.50 for each license issued the preceding month.

SEC. 8. Every license shall bear the imprint of the right thumb of the individual signing the application, or, if that is not possible, of the left thumb or other named finger. The individual licensee shall carry the license upon his person at all times when engaged in the business of dealing in firearms, and shall display the license upon request of any peace officer. A separate certificate of license shall be prescribed and furnished by the department of state police, and shall be displayed in a conspicuous place at the business location of the licensee. The license shall not be transferable to another location without prior approval of the concealed weapons licensing board, and is not transferable to another individual.

SEC. 9. Subject to the provisions of section 6, a valid license shall serve as a concealed pistol permit for the individual indicated thereon only while actually engaged in the business of dealing in firearms.

SEC. 10. A person who deals in firearms without first having obtained and possessing a valid license is guilty of a misdemeanor and shall be imprisoned not more than 6 months, or fined not more than $1,000.00, or both. Where it is shown that the individual in violation was relying upon instruction from his employer, and did not have knowledge of the fact that the business was not licensed, then the manager of the business facility shall be charged with the offense.

TESTIMONY OF CAPT. GERALD HOUGH, DEPARTMENT OF STATE POLICE, STATE OF MICHIGAN

Captain HOUGH. Thank you, Mr. Chairman, members of the committee. Yes, it was my intent to—first of all, the colonel wished that I express his extreme regrets about not being here, but a last minute budget meeting was called and it was a crucial time for him at this time. I do have his prepared statement which was sent earlier. In the sake of brevity, if you just as soon I would not read the statement, I would go through and make excerpts from it.

Mr. CONYERS. Very good.

Capt. HOUGH. OK. The colonel wished to better acquaint you with the Department of State Police's role. We point out that the State Police do maintain the State files of licenses to purchase. We maintain the files on handgun safety inspections, concealed weapon licensing boards our officers sit on throughout the State. We do clearance checks of fingerprints for weapons' licenses, and then we also maintain and destroy all weapons that are confiscated in the commission of crimes for illegal use, whatever that may be.

In the information that was sent to you, we prepared a 10-year comparison on the purchase of handguns and the licensing inspections. As you will notice, in 1964, which is the first year, we had 30,016 licenses to purchase, processed in the State.

In 1967 and 1968, which were the years of civil disturbances in our State, as well as throughout the Nation, we noticed in 1968 a rise to 96,355 licenses to purchase. This then tapered off for the next 5 years, but, as of 1974, we noticed a dramatic increase of roughly 3,200, and so it appears that the license to purchase and inspections of handguns is once again on the rise.

As of April of this year we are 1,500 over the 1974 application for license to purchase.

At the present time in the State of Michigan, as of April 30, there were safety inspections of 1,617,239 handguns, license to purchase, 1,034,793, and license to carry, 526,521 persons.

Mr. CONYERS. Pardon me, would you just explain how these inspections were carried out? They sound like an enormous number, considering the amount of personnel you may have assigned to the——

Captain HOUGH. If you would like, the policy or the way which we do inspect is carried throughout here and I could mention it as I go along, if you like.

We also maintain the records on the number of stolen guns, and this is of a great concern and also of interest to us, and that is up until 1967 we ran roughly in the area of 2,000 stolen guns a year. This would go anywhere from 1,700, 1,900, 2,000. In 1968 this jumped to 4,319 and in 1974 we received 6,247 reports. So it's been a drastic increase in the reported theft of guns. Now, there are those, of course, which are not reported.

Along with the increase in the firearms we have seen an increase in gun related crimes.

In 1974, the State experienced 30,657 armed robberies—or robberies. Excuse me. Of this 21,226 were armed. Now, we do not maintain statistics on whether or not an armed robbery is by gun or a knife or other weapon. Starting in 1975, we will. However, it's our best estimation that roughly in the area of 90 percent of these robberies were with a gun of some sort. We do note that robberies were up 21.9 percent over 1973.

In 1974, the State experienced 1,170 murders, of which 838, or 72 percent, were with firearms, either long gun or handgun. This is compared with 70 percent with firearms in 1973. So we have had an increase there.

Mr. Chairman, this is a quote from the colonel's statement:

> Mr. Chairman, while I, too, am concerned with the increased sale, possession, and misuse of firearms, I am not yet prepared to support the total ban on citizen ownership of firearms. Instead, I would first like to see the stringent enforcement, at all levels, of current gun laws. I will shortly point out several areas that I feel should be straightened in Michigan's present gun laws.

In preparing this statement we were informed that the members of the committee would be interested in the manner in which guns are purchased, registered, and licensed in the State of Michigan, and so the next couple of pages are on the process of how we buy and license and register guns in the State of Michigan. Before the purchase of a revolver, a person must be at least 18 years of age, a citizen of Michigan for 6 months, have not been convicted of a felony or confined during the past 8-year period or have been adjudged insane. The person then applies to a chief of police or sheriff for a permit to purchase. After he receives this, he presents three copies of the permit to purchase to the local gun dealer, the gun dealer signs all three, description of the weapon, he returns two to the applicant, keeping one for himself. One then goes back to the local agency and one comes into the State police gun files where they

are maintained for a period of 6 years. After having purchased the revolver, the individual must present it at a police department or sheriff's department for an inspection. This is known as—generally known as the certification. The one problem in this area is that we do not have a standard by which to determine if a gun is declared safe or unsafe, therefore each police officer who inspects this weapon uses his own individual, personal judgment as to the safety of the weapon. This would be one area that we would be interested in current Michigan law of straightening out.

Mr. McCLORY. Isn't there a requirement that you have your thumbprint impressed at this point?

Captain HOUGH. Yes, sir. At the time it's presented for application, why, the description of the gun is put on the application.

Mr. McCLORY. You haven't mentioned that here.

Captain HOUGH. I might have missed that but it's—your thumbprint is put on the registration at that time.

Mr. McCLORY. Is there particular objection to that element or is that just taken routinely?

Captain HOUGH. I believe it is just taken routinely, Mr. McClory.

Mr. McCLORY. Thank you.

Captain HOUGH. We have had no problem with that.

Now, in the event the individual wishes to carry their weapon outside his dwelling, he must again apply to his local police or sheriff for an application to carry a concealed weapon. This application must be notarized and if the individual lives in the city, it's then signed by the police chief. If he lives in the county, it must be signed by his township supervisor. In either case, he must have two references signed.

Now, in the county of Wayne, where we are located here, they require that these references be a letter, not just the individual's name, but they present a letter to show they do know the individual. Of this, we have supported in the passed legislation. At the time the individual's fingerprints are taken, they are sent to the department of State Police who send a copy on to the FBI in Washington and a record check is run on the individual. If the individual applicant comes back with a clean record, then, that is, no felonies or anything of that nature, why then, it goes before the county gun board.

The county gun board is made up of a member of the Michigan State Police, the sheriff's department, the prosecuting attorney, and the county clerk serves as the secretary. Here each individual application is reviewed and at that time a determination is made whether or not to issue a license to carry a concealed weapon.

Basically in the State of Michigan there are two types of concealed weapons: Number one, which is the most prevalent, is a restricted, commonly known as finding the target, however this could be restricted to carry money, any number of things, it's up to the gun board.

The other—the second weapon license is a general permit and this would allow the individual to carry a weapon at all times upon his person.

In your prepared text that you have there is an error, and that is on page 6, paragraph 3. At the time this was prepared, why, it was put in here that there was no crime to be in violation of one's concealed weapons license. However, this is not true. In 1974 the legislature passed an act whereby an out-of-State resident or a Michigan resident who is found carrying in violation of their license restrictions, are subject to being charged with a 5-year felony, so that particular paragraph should be striken.

Mr. CONYERS. Now, is that an out-of-State citizen in Michigan violating Michigan law?

Captain HOUGH. No, sir. That would be—Michigan does allow, honor out-of-State concealed weapons licenses. However, up until 1974, if you were in violation of your out-of-State license there was nothing we could do about it. A Michigan resident, if he was in violation of his Michigan license, the only thing that we would do is cite him before the gun board who undoubtedly would pull his license. That was changed and rightfully so, in 1974, where it is now a felony to be in violation of your license, either an out-of-State license or a Michigan license.

If an out-of-stater is in Michigan carrying a weapon, and he does not have a license from his home State, then he comes under the strict Michigan law, a Michigan citizen.

It is interesting to note that the applicant does not appear before the gun board. This we feel is an error. The gun board does not have the opportunity to interview or view the applicant for his fitness to have a concealed weapon license. We would like to see this changed.

Michigan does have the basic mechanism to control the purchase, inspection, and carrying of handguns; however, I do feel there are areas that should be improved. In the remainder of my presentation, I would like to briefly comment on these.

Starting with page 7 that in the past would be part of the State Police has supported and in some cases introduced legislation to, what we figure, to firm up some loopholes in our gun legislation. One area we would like to see addressed is the area of fingerprinting before an application to purchase is issued.

At the present time, as I mentioned, you can purchase but it's not necessary to have a record check. This would cause a record check to be made before you even purchased the weapon, let alone carried it.

In 1971, Senate Bill No. 303, in the State was introduced, which would have required fingerprinting. We supported the bill at that time and are hopeful that similar legislation will be introduced.

In 1974, the Michigan Legislature passed a bill which became Act No. 191. This would have required that everyone carrying a concealed weapon, carying a handgun, a pistol, outside of their home, would be required to have a concealed weapons license. The bill had no sooner passed then there was a general outcry from the sporting community and the legislature repealed the act less than a month later. This bill was reintroduced at the request of the Department of State Police, we felt it was a good bill. However, the problem with this act was the fact that there was a difference throughout our State as to receiving of a concealed weapons license. In some States

it's almost a formality, almost, to make out the papers and you get your license. In others, it's almost impossible. This is compounded by the fact that the statute that deals with the area of permit to purchase says that the police may issue a permit to purchase. This is being used by some areas, assuming they will not issue. So it's almost impossible to buy some in some areas. Because of that we did support the repeal of the act and we would be interested in legislation that would treat equally all counties in the State. Therefore, if a person in the State complied with the statute law then the county would not be able to deny them the right to have a concealed weapons license. The department of State Police is currently in the process of reviewing or, I shouldn't say reviewing—but making a standardized policy for all of our offices in the 83 counties to use when they sit on gun boards. We do not even have such a policy of our own.

The department has long favored a statute to regulate and license wholesale and retail firearms dealers in Michigan. At the present time we come under the Federal Firearms Act. While the Federal Firearms Act does state that dealers cannot be in violation of State laws, it has been our position that we would like to see a State firearms act where possible we could address what has been known as the Saturday night special, cheap handguns, and so forth, and maybe get a petition to ban them. We are also concerned with the sale of armor-piercing ammunition. It is the feeling of the department that armor-piercing ammunition has no place in the sporting community or legitimate use and it is dangerous for our police officers.

There was a bill introduced in 1970 which was House Bill 4403, this bill, while not perfect, could be used as a vehicle, and we would like to resurrect, once again, it for the State of Michigan.

Also in the past we have supported and sponsored legislation that would include as a dangerous weapon in the State statute, military weapons, bazookas, antitank weapons, and mortars. Many of these weapons have been sold over the years and we can see no legitimate reason for a person possessing a weapon which is designed for mass destruction and killing.

Also included in your packet is current Senate Bill No. 127. This was introduced in February 1975. The basic thrust of this bill is a mandatory sentencing upon the illegal use of firearms. It's our belief that the average gun legislation hopes to get at the criminal element by restricting the possession and use of all the people. It's my opinion that the better way is to hit hard at the criminal use through mandatory, no parole, no pardon sentencing. Senate Bill No. 127, if enacted, would impose a mandatory sentence of 2 years upon any person convicted of a felony where a firearm was used. This sentence would be in addition to any sentence imposed for the crime committed.

The closing statement was that I would once again say I am very concerned with the gun assaults on police officers and the general rise in gun-related crimes. However, I do not feel that the full force of Michigan's weapon laws have been felt by the criminal element. Until such time as they are strictly enforced at all levels, I would be hard pressed to endorse additional gun legislation other than that which was mentioned earlier.

Mr. CONYERS. Well, you have raised perhaps more questions than you have settled here. We are impressed that the State police have the major responsibility of implementing and administering the gun laws in the State; is that correct?

Captain HOUGH. We have the main responsibility, I think, of the recordkeeping. We do not issue the licenses or make the inspections, or issue permits to purchase. We do maintain the records on such, however.

Mr. CONYERS. That is handled at the local level under your supervision pursuant to the State law?

Captain HOUGH. Yes; everything that is done in those areas, they are required to report to the department.

Mr. CONYERS. Now, let's break down your statement into its parts so that we can make sure that we have interpreted it correctly.

First of all, in this State there is apparently a requirement for a permit to purchase and—or a license for the purchase?

Captain HOUGH. Yes, sir.

Mr. CONYERS. And then there is some form of registration after the fact, is that correct?

Captain HOUGH. Yes, sir.

Mr. CONYERS. So that Michigan would be a State that requires that a person get prior approval before he can buy a handgun? And I assume this applies to long guns, as well?

Captain HOUGH. No, sir; this is only in the area of handguns, the permit to purchase. The long guns would be covered under your Federal firearms statute where the dealer requires your name and address, et cetera, when you buy the weapon.

Mr. CONYERS. So that this would be a good place to examine what has happened to State laws and what their weaknesses are. As you know, many critics of any further firearm regulation make the point that the existing laws don't work, so why try for any more? How would you assess the shortcomings in the Michigan law? After all, we have run-away gun figures, in terms of purchases, and we also have gun homicides that are all but the largest anywhere per 100,000 per capita. Where did we go wrong on the State level?

Captain HOUGH. I guess I would be very hard pressed to answer that one. I feel that our gun registration has been effective to the point that the individual who would apply for and receive his permit to purchase will then go ahead and register it. We have the problem that everyone else has, that if the weapon is illegally obtained, then it's not registered and then a license to carry is not then sought.

In Michigan, as you may know, it's not mentioned in the testimony, but once you get your license to purchase, then you are required—and, of course, it's a felony to have a weapon and not to have it registered. It's a high misdemeanor not to have it registered. Once you have the permit to purchase and register the gun, then you can legally carry it in the State of Michigan. You can transport it in your car as long as it is in a wrapper, unloaded in the trunk of your vehicle. You can carry it in sporting instances on a side holster in the field; however, once the weapon goes beneath your coat or it is loaded in a vehicle then it's considered a concealed weapon. So the registration, I think, is worked out well. We don't seem to have any real problem with those who legally comply. This is why

we have supported 127. When an individual is found in violation of the weapons law, then we feel he should be dealt with harshly.

Mr. CONYERS. What about the fantastic increase in the theft of handguns and in the commissions of burglaries? As you have pointed out, in the first quarter of this year handgun thefts reported have exceeded the total number of thefts in the year, 1966, in and of itself. Why not a mandatory sentence on the thefts of handguns which will clearly introduce more weapons into the criminal world and where they will surely be employed in the commission of crimes?

Captain HOUGH. Colonel Halverson has expressed his position on the mandatory sentences to State legislative hearings and that is that he has supported the mandatory sentencing in the area of firearm use, the violent use of the firearm because he feels very strongly that when a man is confronted with a weapon, it's a direct, violent act, the man's life is threatened, the potential is there for taking that life, it's very great, and he would like to see a mandatory sentence in that area. However, other areas which would deal with the theft of weapons from the home—there has been legislation not specifically aimed towards weapons but in the breaking and entering of homes and here he has said that he would not like to bother the courts' jurisdiction and still allow them the ability to make decisions in those areas.

Mr. CONYERS. Have you or the State police any statistics that give us any clue as to how many guns are not registered and licensed?

Captain HOUGH. I have nothing, sir. I am not even sure if our records—it would be just a wild guess. I just don't know.

Mr. CONYERS. What need we be considering then to rectify the problem in, say, Detroit? We are faced with registration and licensing of handguns. The homicides are increasing. We have before us some Federal mandatory sentencing proposals and it looks like some mandatory legislation is going to emanate from the State legislature. How do we deal with the problem if the licensing and registration is all right as far as you can tell, though it is hard for me to arrive at that same conclusion, if we really don't know how many guns are being trafficked or how serious the problem is? I knew you wouldn't be able to give me precise figures, but either there is or is not a very serious problem of citizens not registering and getting permits, and bringing in guns, maybe by the millions for all we know, in complete defiance of well-established State law?

Captain HOUGH. I think in the colonel's testimony before you today we did stay away from the area of enforcement to a great extent. There are those who will be appearing before you who will probably speak better on the areas of enforcement and how Michigan is enforcing what they do have. I think it's our feeling that Michigan's laws are, what we do have, with some very minor strengthening in some areas, may be adequate and here again we are guessing too. But it's our feeling they are not being—they are not being enforced to their fullest strength. When I say enforced, I mean by the police officer who picks up the man on the street, the prosecuting attorney who picks up the warrant to the judge who finally renders the decision. Now, I am not prepared to give you

any statistics, however, I have heard testimony and have read some figures that we are not convicting those who are found in violation.

Mr. CONYERS. What is your impression in this area, Captain?

Captain HOUGH. We would like to—this is why we have supported again the mandatory sentencing in that area. We would like to see swift, sure punishment, which would be the deterrent. I think you are familiar with that, it's not necessarily the stiffness or the extent of the punishment, but the very fact that if you are arrested for a crime, and you are then convicted, that the arrest and the conviction and the punishment are dealt out swiftly and we do not feel that we have that, really.

Mr. CONYERS. Well, it seems to me you are placing an awful lot of faith on a mandatory sentence, which may or may not do much for all of those that don't get caught. It sure may send to a prison for two years, without any discretion of the court, a person who is apprehended but it wouldn't do much for all those that aren't.

Captain HOUGH. We are having to put some faith in the fact that if this does take place, that the word will get out, that it's not wise to carry a weapon; it's not wise to commit a crime with a weapon. You are automaticaly going to be tagged with this sentence. I guess it remains to be seen.

Mr. CONYERS. Well, I have a few more questions, but I am going to defer them. They may be developed by my colleagues as we go along.

Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

In connection with the licensing and registration under Michigan law, is there any—are these records kept confidential?

Captain HOUGH. They are public records. We would not produce the record for anyone, and if an individual wanted to—they are called a public record, usually, if we can identify the individual.

Mr. MCCLORY. The information is available?

Capt HOUGH. To police departments, and courts.

Mr. MCCLORY. But if a newspaper wants to come in and get a list of everybody——

Captain HOUGH. I am sure that would not happen.

Mr. MCCLORY. The information would not be available for that kind of publication?

Captain HOUGH. I do not believe so. I do not know exactly the statutory authority for the keeping of those records.

Mr. MCCLORY. What is your opinion as far as the unregistered weapons that you have in the State? You say there is a high percentage of those that are unregistered. They must come from out of State, don't they, because, if they were sold by a Michigan dealer, why, you would have the registration record, wouldn't you?

Captain HOUGH. Yes; if they are sold by a Michigan dealer there would be a permit to purchase and then this should be immediately followed up by a registration.

Mr. MCCLORY. They don't have a comparable law in Ohio, I guess, so you could get a lot of these weapons in Toledo and bring them in?

Captain HOUGH. I understand they can be easily purchased in some areas and be brought in.

Mr. McCLORY. Would a Federal law, which would set some guidelines and gave some Federal pattern, in your opinion, would it be helpful to not only your department but all the State police departments and, for that matter, the local law enforcement agencies, as well?

Captain HOUGH. As far as the importation.

Mr. McCLORY. Well, as far as locating a weapon, for instance, that was used in connection with a crime, or as far as registration is concerned, or—well, just generally, as far as getting a better handle on the handgun problem?

Captain HOUGH. Being able to trace the weapon back, so if there was some sort of registration with handguns, we could trace them back to an owner and try to get the pattern of where they went from there would always be helpful to law enforcement.

Mr. McCLORY. Do you have your registration information on computerized tape?

Captain HOUGH. Yes.

Mr. McCLORY. If that system were made compatible with that of all the States, for instance, it would greatly facilitate the securing of information to aid you in apprehending criminals and enforcement of the law, wouldn't it?

Captain HOUGH. Yes, sir.

Mr. McCLORY. I think that is all.

Mr. CONYERS. Mr. Mann.

Mr. MANN. No questions, thank you.

Mr. CONYERS. I would like to yield to our staff counsel, Tim Hart, who wants to raise a point.

Mr. HART. Captain Hough, let's review again briefly just what the procedure is with respect to the purchase and possession of handguns.

Am I correct in saying that in order to do so, you simply must require a license to purchase, and once having done that, then you present the weapon for a safety inspection to a local board, which is composed of the police chief or the sheriff and/or his delegate; is that correct?

Captain HOUGH. No. You go from the permit to purchase, you have now purchased your weapon and you go back to the police department from which you got your permit to purchase with your new weapon and two copies of your permit to purchase.

There you leave one copy of that permit to purchase with them, or you leave, actually, both copies with them. They then send one to the State police and they keep one. At that time they then make the safety inspection, which is commonly the registration, and the registration is made there. Your description, your thumb print, a description of the gun, the serial number of the gun are taken, they keep one, we get one and you, as a new gun owner, get one to carry. This is then your proof that the gun has been registered, so if you're stopped in the field in carrying one on your side, as an open weapon, you could prove this is a registered gun.

You go before the board, when you go to the next step, and that is to get a license to carry it upon your person, concealed.

Mr. HART. But you said before, I believe, that there is no uniformly applied standard as to what is a safe weapon?

Captain HOUGH. That's right.

Mr. HART. What constitutes a complete description of a handgun at the time of registration?

Captain HOUGH. Well, let's say you have a revolver, a Smith and Wesson revolver, they would undoubtedly write down Smith & Wesson, 6 shot, .38 caliber, the model number, and the serial number of the weapon. That would be your complete description, so you would know the type of weapon, the model, the caliber, how many shots it is and the serial number of the weapon.

Mr. HART. You could easily identify then what sort of ammunition it would take?

Captain HOUGH. Yes.

Mr. HART. The barrel length?

Captain HOUGH. Not the barrel length.

Mr. HART. You would not be able to ascertain the barrel length?

Captain HOUGH. Well, if you knew the model number. Unless the barrel had been interchanged. Normally, the ones I have seen don't have barrel lengths on them. It could be put on there.

Mr. HART. Once this information is recorded and stored, how is it used to enforce State gun licensing and registration or is it used once a crime has been commited, say, with a registered weapon?

Captain HOUGH. It would point back to the last registered owner of that weapon. So if you owned a weapon and your weapon had been stolen, of course, you should have reported it, but if the crime is then commited, and that weapon is seized, the gun file would be checked, and it would come back to Mr. Hart, and they would come out to see you and say, "This is your gun, how come we have it?"

Mr. HART. So it's useful in recovery of the weapon?

Captain HOUGH. Yes.

Mr. HART. But does it have anything to do with the actual felony, the person who perpetrated the crime with the weapon? Is there any way of determining where or when that gun was attained?

Captain HOUGH. No, sir.

Mr. HART. I notice in the State law that there are, except for what you just mentioned, is a correction in your statement, there are no penalties, no felony type penalties to deter the illegal sale or the illegal transfer of handguns from, say, a transferor to transferee. What is to prevent or deter, say, for instance, an unscrupulous dealer, or one who simply does not wish to comply with the law from not completing the license to purchase or signing it, and to deter persons from not registering it?

Captain HOUGH. I believe it's a high misdemeanor. It's either a high misdemeanor or a misdemeanor. It's not a felony. It would be illegal.

Mr. CONYERS. Thank you very much, counsel.

You know, you have been frustrating me all during your presentation here.

Captain HOUGH. I'm sorry.

Mr. CONYERS. I hope it doesn't show too much. What we heard as testimony is that here is one State in the Union that has regis-

tration, licensing of handguns. You say things seem to be pretty much OK. But, we don't have any idea of how many guns are floating around unlicensed, or unregistered. We do have a measurement, which I am glad that you provided us with, of the spiraling theft of handguns. But isn't the problem simply that as long as one State tries to deal with this, and 40 other States don't have the same licensing and registration, that leaves Michigan citizens to the obvious recourse of going across the State line to Toledo where we see all kind of astronomical spurts of gun sales, in addition to the ones that are going on here?

Captain HOUGH. I would agree, Mr. Conyers.

Mr. CONYERS. We have got to make some perceptive analysis because what you have perhaps unintentionally done is present the best reason why we ought to forget about registration and licensing. The Detroit homicide rate with guns is going up at a fantastic spurt, and I don't really think that you or anybody in this chamber believes that the slapping of a 2 year mandatory sentence on a person who commits a felony with a gun is going to seriously do anything about that in and of itself. We have to deal with the much deeper aspects of the problem. There has to be more that we can do than come up with a mandatory sentence, which you're on the way toward anyway. It seems inescapable, as the gentleman from Illinois was leading to in his line of questioning, that this is a national problem; that no city, no State can deal with by itself. That time, if it ever existed, is long gone.

Well, thank you very much.

Captain HOUGH. I would say I have heard figures bandied about, as far as the total guns in Michigan, and when I return to Lansing, I will check with our records and if I can get any handle on that, I will send it to you or whoever you wish.

Mr. CONYERS. I recognize Mr. Gekas for one question.

Mr. GEKAS. There are some people that we have from GAO who will be contacting either the captain or the colonel, whoever is most appropriate to assist you in assisting us to get some information about registration. So I put you on notice of that.

Captain HOUGH. OK.

Mr. MCCLORY. Do you presently use the facilities of the Alcohol, Tobacco, & Firearms Division in connection with gun tracing?

Captain HOUGH. I couldn't comment on it. I am not sure.

Mr. CONYERS. Include that in part of your massive response to us after the hearing.

We have Mr. Dwite Walker with us, we also have Mr. Thomas Burden, Mr. Kenneth Dill, co-chairpersons of Citizens for Pistol Control.

Gentlemen, we welcome you and we will reproduce your prepared testimony at this point in the record, which we thank you for. [See p. 972.] And that will allow you to tell us a little about your organization, who is in it, how and why it got started, and then you can begin your discussion with us.

Mr. WALKER. Our organization started about 3 years ago.

Mr. CONYERS. Identify yourself.

TESTIMONY OF DWITE WALKER, PRESIDENT, CITIZENS UNITED TO SAVE LIVES, AND THOMAS H. BURDEN AND KENNETH DILL, CO-CHAIRPERSONS, CITIZENS FOR PISTOL CONTROL

Mr. WALKER. I am Dwite Walker. On my immediate right is Tom Burden, who is a recent law graduate from the University of Michigan, and on his right is Ken Dill who is a graduate student at the University of Michigan. They are with the Citizens for Pistol Control and I head up the Citizens United to Save Lives.

Our organization came into being about 3 years ago and we worked very actively to effect probably what is—you will hear today as one of the most extreme positions that can be advocated on gun control, that of almost a total ban on handguns. We have got a lot of active support. We were the group that piloted the petition drive last year and we are still very active, even though we didn't make it to the ballot in 1975.

Mr. CONYERS. How many signatures on the petitions did you secure?

Mr. WALKER. We had over 200,000 and we had to have around 300,000 to make the ballot.

We have several thousand active supporters, as individuals.

As I indicated, ours is a rather extreme position to what you have heard already today and will probably hear tomorrow but I would respectfully ask that you listen to the rationale behind our position.

My intent today is to emphasize some important facts, pro and con, and of these facts, to highlight two or three that are the main concern of the organization I represent.

First: Let me make it very clear, our concern is only the handgun, not the rifle or shotgun.

Second: We do not really have gun control in the United States. Only 8 States out of 50 even require licenses to buy guns, handguns, and only 4 States require registration to own handguns.

In Michigan, which is one of the four States requiring registration to possess a handgun legally, you must only prove that you are not a felon by a fingerprint check, swear you're not an alcoholic or a drug addict and then you will get a permit to possess a gun. This essentialy ties in with what the captain just said. This is not tough legislation and when you consider that Michigan is one of the strictest, we've got a long way to go.

Everyone in this room today agrees that we have a serious problem in the entire United States and that something must be done. You have heard today or will hear eventually the cry "treat the causes not the symptoms, the problem is really a social one." We contend that social ills have been under treatment for several decades and they are not yet working. How long can we tolerate a national increase of 350 percent in homicides each decade? There is a time for treating symptoms while working on cures, many living cancer victims will confirm that statement. Alleviating symptoms can give us the time to effect cures. The gun lobby which you have already heard from and will speak again tomorrow, advocates the enforcement of the existing laws as their only answer to the problem. In

fact, they really want to do away with gun registration because it encroaches on their freedom. Enforcement of existing laws will help control those homicides that are committed as a part of a felonious act, such as breaking and entering, rape, robbery, et cetera. However, this represents only one out of every four homicides.

The remaining three-out-of-four homicides are the prime concern of my organization. These nearly 75 percent of all homicides occur outside a felonious act during an argument between relatives, friends, or acquaintances. There is no law that covers these homicides until the person is dead. It has been stated that the only way to stop domestic killings is to put a policeman in every kitchen.

Therefore, the first point that I want you to remember is that three-out-of-four homicides are the result of an argument and not a part of a felonious act. There is no law on the books that covers this category of homicides.

Let's get specific. The estimates indicate there are 150 million guns in the United States and of this total 40 million are handguns. However, these 40 million handguns result in 79 percent of all gun homicides or over 10,000 deaths each year.

Of the 3 million handguns turned out last year in the United States, only 20 percent were of the Saturday night special variety. Therefore, banning the Saturday night special will not solve the problem. It will only permit the domestic gun manufacturers to produce more handguns and thus allow you to be killed by a higher quality handgun.

Registration is also not the answer. As I indicated earlier, most States do not even have registration and in those four that have registration, it is not really working. It's not working for two reasons: (1) Citizens are not registering all of their handguns, and, in fact, probably only one out of every four handguns in private possession are registered in Michigan; and (2) registration only tells law enforcement personnel who owns a particular gun and allows them to track it in the event it is stolen. Registration only permits you to legally have a gun in your home, place of business, or to plink beer cans on Sunday in the woods. You are just as dead with a registered handgun as one that is not registered.

Detroit data shows that 15 percent of the handgun homicides last year were committed with registered guns. So registered guns do kill.

Let's not be disillusioned that the Michigan homicide rate is only a Detroit problem for this is not true. This position will be championed later by two gentlemen who will attempt to prove that homicides are a black problem. This is not entirely true either. Whites are killing whites. During the past 10 years the homicide level has risen 470 percent in Michigan and if you exclude Detroit from the State figures, the homicide level in the rest of the State has risen 350 percent. Last year there were 1,482 homicides in Michigan, of which 801 were attributable to Detroit. The entire State does have a homicide problem.

So once again we're back to the point that three out of every four homicides are committed outside the law, either in the home, in a bar, or over the back fence by handguns that are registered as well as

unregistered. Also, these homicides are generally committed by law-abiding citizens who have never before been in trouble with the law.

The final special concern of ours is the rising number of babies, children, and young people killed with handguns. Last year there were almost 1,500 persons under 20 years of age killed by handguns in the United States. In Los Angeles last year there were 210 guns confiscated in the public schools and, as you are aware, there were two handgun deaths in Detroit schools.

My wife recently overheard a telephone conversation in her office. It was a mother of a 5 year old talking to her mother who was babysitting with the boy that day. The young mother said: "Make sure the gun is out of the way so that Timmy won't get it." How many Timmys do we have to kill before we do something about the problem?

The ready availability of handguns in our society is literally going to be the death of all of us; and, gentlemen, if something is not done soon to dry up the supply, we'll be back at this same table next year pleading the same case. The only difference is that every year we let this gun cancer grow, more innocent people will be killed and the citizens will be more in favor of results not talk.

Very simply, legislation at the local or State level is not the answer. It must ultimately be a Federal law. Very simply this can be taken care of by several states mandating that a Federal law is required. At the present time there are no less than nine States working on a handgun ban and as many as four of these States could go to the eletcorate in 1976. Therefore, we are not alone here in Michigan in our effort to stop this carnage by handguns.

The ready availability of the handgun is one of the causes of our rising homicide rate. With 40 million guns in private possession, and most of these handguns owned by decent, law-abiding citizens that have never been in trouble with the law, they provide a reservoir of guns for the criminal to steal and also to be used to settle an argument. The pistol on the mantel, in the dresser drawer, or in the closet is often the final word in an argument.

The handgun is not needed in our society. The handgun serves only one real purpose, to kill. Sportsmen champion the handgun for hunting reasons, but how many rabbits, pheasants, deer, or bear do you know of that were killed by handguns? As for general sportsman use, Mr. Glassen, an ex-president of the NRA who will speak tomorrow, has stated that there are only 4,000 pistol sportsmen in Michigan. This says that only 1 out of every 1,000 handgun owners is a true sportsman.

Once again, there is only one reason to possess a handgun and that is to kill another human being.

Therefore, nothing short of a total ban on the possession of handguns by private citizens will do the job. A ban on Saturday night special, registrations, or mandatory sentences will only affect part of the problem. Only if we make it illegal to possess or produce a handgun at all will we begin to dry up the supply available to the criminal and to decrease the availability of handguns that are used to kill a friend, relative, or acquaintance.

My organization numbers several thousand active supporters. We support present legislation in Lansing and Washington, and specifically the Vaughn bill in Lansing and the Hart-Bingham bill in Washington to ban handguns for private use.

If these laws fail to materialize, we will probably be one of the several States that will go to the electorate in 1976. Thank you.

Mr. CONYERS. Thank you very much. Your statement was supported by a great deal of facts and figures. As a matter of fact, you answered some of the questions I was raising with the previous witness.

We are going to question all of you together, so we are going to move now to the co-chairpersons, Messrs. Burden and Dill, for their presentation.

Mr. DILL. Thank you.

Let me tell you a little bit about our portion. Citizens for Pistol Control was formed about 2 years ago. This is a group of college and community people in Ann Arbor and we were very concerned about the rising homicide problem. We thought something should be done. So we kind of looked into it to determine what we could do. Then we later on got hooked up with the Citizens United out of Detroit and we helped them in a petition drive. We have got kind of a long prepared statement so I will only read parts of it and you can question us on any of it later on.

No other democracies in the world observe any "right" to bear arms. And in some democracies in which citizens' rights are better protected than in ours, our arms control policy would be considered laughable. The United States not only ranks number one among the nations in the world in the number of gun deaths, but the total of gun deaths per year in all of the free nations does not equal the number of gun deaths in the United States alone. Some 200,000 people in the United States are wounded by firearms each year.

Guns are responsible for an average of 69 deaths each day in America. In 1973 each of the 10 largest U.S. cities had a homicide rate greater than that of Northern Ireland. England and Wales combined had 35 murders in 1973 while New York City, with a quarter of the population, had 23 times that number of murders with handguns alone.

Serious forms of gun control, we believe, can and will have some reducing effect on the incidence of violent crime. There can be no remaining doubt that crimes of violence certainly bear a significant relationship with possession and ownership of weapons of violence. Data from three sources document that the proportion of guns used in violence rises and falls with gun ownership. Statistics from Detroit show that firearms violence increased after an increase in handgun acquisitions. Regional comparisons show that the percentage of gun use in violent attacks parallels the rate of gun ownership. The fact that crimes of gun violence in a certain region are related to the incidence of gun ownership is amply demonstrated by the following statistics. [See page 975.]

In the breakdown of the gun deaths per 100,000 per region, compared with the percentage of people owning guns per region, the correlation between gun ownership and gun crimes becomes strik-

ingly clear. We believe that the mere fact that guns are available adds to the dimensions of the gun violence problem. This is so, we believe, for two reasons:

First: The more readily available the guns are, the more likely they are to be randomly picked up and used by possible assailants.

Second: We think that a high percentage of ownership legitimizes gun ownership and use, and, therefore, contributes to the tendency to use the device in everyday life.

Gun control would have a certain immediate effect of reducing the total number of lawful gun owners and, this fact alone, we are convinced, would serve to reduce the incidence of gun crime.

But there are some who would argue that subsequent to the passage of effective gun control legislation there are those among us who would procure other weapons of the same force and effect as guns, and, therefore, in the long run, the incidence of violent crime would not be significantly reduced. This contention, however, is based on two questionable assumptions. These are: (1) All or most deadly attacks are motivated by a single minded intention, and (2) all or most weapons which might be substituted for a firearm are just as lethal as firearms.

In fact, however, most homicides occurring daily in this country are not the result of single-minded, deliberated, planned enterprises, attacks are motivated by a single-minded intention, and (2) all or but come about by ambiguously motivated deadly attacks. For example, sudden temper produced altercation with a friend or relative.

A Chicago study done in 1967 showed that 82 percent of the Chicago homicides that year were results of altercations around the home involving money, liquor, and the like. Only 30 percent of the victims of fatal gunshot wounds in the study were wounded by more than one shot. In 54 percent of the situations observed in the study, which led to a homicide, the police noted that the offender or the victim, or both, had been drinking prior to the homicide.

It is not the much-feared professional killer, or hoodlum, bent on human destruction, that fires only one shot from his piece into his victim and gets plastered before doing the dirty deed. Persons who commit homicides in this fashion are people like you and me, jealous lovers, husbands and wives, irate friends arguing over a poker game, or angered neighbors. In fact the latest FBI crime statistics show the following victim-assailant relationhips. [See page 976.]

These figures indicate a full 71 percent of all murders in this Nation were committed between people who knew each other well enough to become involved in an argument over a prior event. This leaves a remaining 29 percent of the Nation's murders that were committed in the classical felonious setting of TV and detective story fame. It is therefore conclusive to assert that the first of the two assumptions in the substitution hypothesis advanced by the adversaries of strict gun control is without factual or logical merit.

Mr. BURDEN. Regarding the second assumption, that is that most weapons seized as firearms substitutes will be, in actual use, as deadly as firearms, themselves, some enlightening figures can be brought to inveigh against the assumption. Detroit General Hospital statistics show that for every 1,000 knife attacks, 27 of the victims ac-

tually die of their wounds, but that for every 1,000 pistol attacks, 104 of the victims die of their wounds.

The figure tells us that in actual use the pistol is five times as deadly as the knife, which is the next most commonly used weapon. This ratio of one knife death for every five pistol deaths was confirmed by a 1967 Chicago study. It cannot be convincingly maintained that an attacker with a knife has any less felonious intent than an attacker with a pistol. It is not people that kill, it is the weapons they employ in the process.

A major question that must occupy the mind of any thoughtful legislator considering the possible banning of small firearms must be the motivations that compel people to so emotional an identification with these weapons. Strong emotional attachment to one's guns and emotional involvement with the banning issue are factors that are obvious to even the most unsophisticated observer.

It is our position and belief that this emotional attachment has its origins in a desire for a romantic identification with our historical past, among gun owners. We also beleve that to a certain degree, at least, the love of guns emanates from a desire to demonstrate a certain masculine demeanor.

Mr. CONYERS. Excuse me for interrupting. Could you bring your presentation to a conclusion so we can get into the questioning? I think that would be extremely significant. I think we have and appreciate the thrust of your remarks.

Mr. BURDEN. We, therefore, recommend that this honorable subcommittee vote out a recommendation of the abolition of the private ownership of handguns throughout the United States with the exception only for the police, military, licensed collectors, and sports persons. It's believed the more stringent the action taken against the handgun, the more effective we will be in reducing our homicide rate.

Mr. CONYERS. Suppose there were members of this subcommittee that harbored your view that you have so well expressed—all three of you—and felt that ideally you are correct. The immediate legislative question that would arise is how in God's name are we going to effectuate such legislation, assuming the premise and believing you to be correct? Tremendous persuasiveness has gone into the preparation of both these papers. I mean, do you realize that would be putting upon this subcommittee's shoulders, in addition to its already onerous burden, the burden of literally turning around hundreds of our colleagues who, let's say from your point of view, have not reached this state of enlightenment? What are we to do with this in real life, gentlemen?

Mr. WALKER. We certainly feel that we are realistic. It's not going to happen overnight. If this law was passed today, it certainly would not be effective for a year, 2 years, 5 years, maybe even 15 or 20 years.

Mr. CONYERS. Why not? You mean there would be something in the legislation that would prevent it from being immediately enforceable?

Mr. WALKER. No, no. What I'm saying is that there is a supply of weapons out there, 40 million, of which a certain number of them are registered and could quickly be brought under control, but the

thing where it will be effective is that every year the gun manufacturers, wherever they may be, are pouring 3 million handguns into the market every day, and if we ban the manufacture of those guns, at least we will start to dry up that supply, immediately. And that has got to have some type of immediate effect.

Mr. CONYERS. Getting back to my question, I have assumed the premise on which you have based your argument, I don't have any quarrel with that.

Mr. BURDEN. I believe where it's actually going to have its more significant impact is this total gun ban, the gun ban would also, as I envision it, include prohibiting of the manufacture of bullets for these weapons, as well. I think that as guns fall into disuse, or disrepair, and as bullets supplies run out, people are just going to find it more difficult to get ahold of the needed elements to engage in gunplay and in that sense it's going to take a little time before it becomes effective but as people see the certain effect that will come from the legislation, either there will be more public support for actual gun use.

Mr. CONYERS. What you're projecting is the passage of the legislation and you're telling me not to get excited if the homicide rates don't go down immediately, which I am prepared to accept. The point I'm trying to bring to your attention, under the present circumstances, how do we get such legislation enacted? You all quickly skip over that point. Where in the Congress are the 49 or 50 other Phil Harts that are going to be required and the 217 Jack Binghams that are going to be needed to pass the bill? This is not passed on the depth of your persuasiveness, it is passed on the votes, and what I am trying to do, is get an answer. Have you discussed this matter with anybody that is going to federally take a position on this? Do you know that you may not have more than 25 members of Congress out of 435, as a matter of fact, that would be willing to register a vote in your support? And maybe even a lesser number of members of the Senate. And if that is the case, what is—in sympathy with you, what is your course of action? Don't tell me why the bill will be great in a few years and how it will take effect. We appreciate that.

Mr. DILL. Our course of action right now realistically is to get something done on a State level. We realize the Hart-Bingham bill isn't going to pass through Congress and we think these public hearings are more of an open, information-divulging session and we realize this.

Mr. CONYERS. Then why do you put the State priority over the congressional act if it has been widely conceded, particularly in one of the statements, that unless we reach a Federal solution, State solutions, in and of themselves, are going to be meaningless. That is what I gained out of the testimony of the witness prior to yourself.

Mr. BURDEN. One of the advantages of the Federal system is that each of the 50 States can act as an experimental type of some component of the whole thing. If one State can pull it off and can demonstrate that, to a certain degree, at least, the homicide rate will be reduced, in that State, because of the ban on handguns, it might persuade more States to adopt it and then ultimately the Federal.

That is the approach. If 9 or 10 or 12 or 13 States get into it, maybe those other 300-some Congressmen will be persuaded. That is the idea. Obviously, you won't be able to take the Federal thing in one giant bait.

Mr. WALKER. In my statement was the point that there is no less than nine States currently working in the same general area that we are. We vary in certain aspects of the approach to the problem and how to solve it but we meet twice a year and work on our problems, and try to develop a mutual program towards this issue. I frankly think, and I think it's what these two gentlemen are also saying, that ultimately it's got to be a Federal law, otherwise, it's not effective, it isn't any more effective than registration is, but we are only going to see a Federal law when a number of States mandate it, either by local referendums or some other manner.

Mr. CONYERS. I yield to my colleague from Illinois at this point.

Mr. MCCLORY. I appreciate your testimony. I don't think I have any questions.

Mr. CONYERS. Mr. Mann.

Mr. MANN. No; I think, Mr. Chairman, that they have stated their position. I think you have commented on it appropriately.

[The prepared statements of Mr. Walker, Mr. Burden, and Mr. Dill follow:]

STATEMENT OF DWITE WALKER, CHAIRMAN, CITIZENS UNITED TO SAVE LIVES

My intent today is to emphasize some important facts, pro and con, and of these facts to highlight two or three that are the main concern of the organization I represent. First, let me make it very clear, our concern is only the handgun, not the rifle or shotgun.

Secondly, we do not really have gun control in the United States. Only eight states out of fifty even require licenses to buy handguns, and only four states require registration to own handguns.

In Michigan, which is one of the four states requiring registration, to possess a handgun legally you must prove only that you are not a felon by a fingerprint check, swear you're not an alcoholic or a drug addict and then you will get a permit to possess a gun. This is not tough legislation and when you consider that Michigan is one of the strictest, we've got a long way to go.

Everyone in this room today agrees that we have a serious problem in the entire United States and that something must be done. You have heard today or will hear eventually the cry "treat the causes not the symptons . . . the problem is really a social one." We contend that social ills have been under treatment for several decades and they are not yet working. How long can we tolerate a national increase of 350% in homicides each decade. There is a time for treating symptons while working on cures . . . many living cancer victims will confirm that statement. Alleviating symptoms can give us the time to effect cures. The gun lobby which you have already heard from and will speak again tomorrow, advocates the enforcement of the existing laws as their only answer to the problem. In fact, they really want to do away with gun registration because it encroaches on their freedom. Enforcement of existing laws will help control those homicides that are committed as a part of a felonious act such as breaking and entering, rape, robbery, etc., however, this represents only one out of every four homicides.

The remaining three out of four homicides are the prime concern of my organization. These nearly 75% of all homicides occur outside a felonious act during an argument between relatives, friends, or acquaintances. There is no law that covers these homicides until the person is dead. It has been stated that "the only way to stop domestic killings is to put a policeman in every kitchen."

Therefore, the first point that I want you to remember is that three out of four homicides are the result of an argument and not a part of a felonious act. There is no law on the books that covers this category of homicides.

Let's get specific. The estimates indicate there are 150,000,000 guns in the United States and of this total 40,000,000 are handguns. However, these 40 million handguns result in 79% of all gun homicides or over 10,000 deaths each year. Of the three million handguns turned out last year in the United States, only 20% were of the "Saturday Night Special" variety. Therefore, banning the Saturday Night Special will not solve the problem. It will only permit the domestic gun manufacturers to produce more handguns and thus allow you to be killed by a higher quality handgun.

Registration is also not the answer. As I indicated earlier, most states do not even have registration and in those four that have registration, it is not really working. It's not working for two reasons: (1) citizens are not registering all of their handguns, and in fact probably only one out of every four handguns in private possession are registered in Michigan, and (2) registration only tells law enforcement personnel who owns a particular gun and allows them to track it in the event it is stolen. Registration only permits you to legally have a gun in your home, place of business, or to plink beer cans on Sunday in the woods. You are just as dead with a registered handgun as one that is not registered.

Detroit data shows that 15% of the handgun homicides last year were committed with registered guns. Registered guns do kill.

Let's not be disillusioned that the Michigan homicide rate is only a Detroit problem for this is not true. This position will be championed later by two gentlemen who will attempt to prove that homicides are a black problem. This is not entirely true. Whites are killing whites. During the past ten years the homicide level has risen 470% in Michigan and if you exclude Detroit from the state figures, the homicide level in the rest of the state has risen 350%. Last year there were 1,482 homicides in Michigan of which 801 are attributable to Detroit. The entire state does have a homicide problem.

So once again we're back to the point that three out of every four homicides are committed outside the law, either in the home, in a bar, or over the back fence handguns that are registered as well as unregistered. Also, these homicides are generally committed by law abiding citizens who have never before been in trouble with the law.

The final special concern of ours is the rising number of babies, children, and young people killed with handguns. Last year there were almost 1,500 persons under 20 years of age killed by handguns in the United States. In Los Angeles last year there were 210 guns confiscated in the public schools and as you are aware, there were two handgun deaths in Detroit schools.

My wife recently overheard a telephone conversation in her office. It was a mother of a five year old talking to her mother who was babysitting with the boy that day. The young mother said, "Make sure the gun is out of the way so that Timmy won't get it." How many Timmys do we have to kill before we do something about the problem? The ready availability of handguns in our society is literally going to be the death of all of us; and, Gentlemen, if something is not done soon to dry up the supply, I'll be back at this same table next year pleading the same case. The only difference is that every year we let this gun cancer grow more innocent people will be killed and the citizens will be more in favor of results not talk.

Legislation at the local or state level is not the answer. It must ultimately be a Federal law. An example is New York City which has our strictest handgun law. The law presents problems for the City not because it's weak but because it cannot be effectively enforced because of the absence of similar laws in nearby jurisdictions. So how do we achieve Federal legislation?

Very simply—by several states mandating that a Federal law is required. At the present time there are no less than nine states working on a handgun ban and as many as four of these states could go to the Electorate in 1976. Therefore, we're not alone here in Michigan in our effort to stop this carnage by handguns.

The ready availability of the handgun is one of the causes of our rising homicide rate. With 40 million guns in private possession and most of these handguns owned by decent law abiding citizens that have never been in trouble with the law; they provide a reservoir of guns for the criminal to steal and also to be used to settle an argument. The pistol on the mantel, in the dresser drawer, or in the closet is often the final word in an argument.

The handgun is not needed in our society. The handgun serves only one real purpose—to kill. Sportsmen champion the handgun for hunting reasons—but

how many rabbits, pheasants, deer, or bear do you know of that were killed by handguns? As for general sportsman use, Mr. Glassen, an ex-President of the NRA who will speak tomorrow, has stated that there are only 4,000 pistol sportsmen in Michigan. This says that only 1 out of every 1,000 handgun owners is a true sportsman. Once again, there is only one reason to possess a handgun and that is to kill another human being.

Therefore, nothing short of a total ban on the possession of handguns by private citizens will do the job. A ban on Saturday Night Specials, registration, or mandatory sentences will only affect part of the problem. Only if we make it illegal to produce or possess a handgun at all will we begin to dry up the supply available to the criminal and to decrease the availability of handguns that are used to kill a friend, relative, or acquaintance.

My organization numbers several thousand active supporters. We support present legislation in Lansing and Washington, and specifically the Vaughn Bill in Lansing and the Hart/Bingham Bill in Washington to ban handguns for private use. If there laws fail to materialize, we will probably be one of the several states that will go to the Electorate in 1976.

[Subsequent to the hearings, the following letter was received from Mr. Walker:]

CITIZENS UNITED TO SAVE LIVES,
Grosse Pointe Woods, Mich., June 24, 1975.

Representative JOHN CONYERS, Jr.,
House Office Building,
Washington, D.C.

DEAR REP. CONYERS, First of all I want to thank you for the opportunity of testifying at the Detroit hearings. There are two important facts that I feel are extremely relevant to the entire issue that I think one of your staff members should investigate—not only in Detroit—but nationally.

Much was said at the Detroit hearings that unemployment was a prime contributor to the number of homicides. Let me illustrate that this is not true. The homicides by year for the City of Detroit are as follows:

1955—146	1965—204
1956—111	1966—232
1957—126	1967—332
1958—116	1968—423
1959—127	1969—488
1960—157	1970—550
1961—141	1971—690
1962—143	1972—693
1963—137	1973—751
1964—138	1974—801

Certainly there was no unemployment problem of any magnitude until the fourth quarter of '74 so therefore unemployment is not a major factor in the rise in homicides. Examining the above data clearly indicates that it was the social unrest that made Detroit an armed camp in the late 60's.

Lastly, and of very great concern to us, is that long guns have now replaced knives as the number two weapon used in homicides—at least for the first five months of 1975. We are currently checking data from other major cities to see if they are experiencing the same problem. If the trend is there then we're only kidding ourselves by trying to solve the handgun problem. It is our preliminary analysis—and only that—that since there is a move on to confiscate handguns and there are currently no restrictions on long guns that the citizens are now buying proportionally more long guns. We frankly have no solution to the problem but only point it out for your consideration and investigation.

Sincerely,

DWITE WALKER, *Chairman.*

STATEMENT BY CO-CHAIRPERSONS, THOMAS BURDEN AND KENNETH DILL, CITIZENS FOR PISTOL CONTROL

Gentlemen, I would like to speak on behalf of the ten thousand U.S. citizens who unselfishly gave their lives in 1973 so that we all might continue to enjoy the economic prosperity brought about by the ever increasing handgun sales in the country.

Consider the thrill that a boy has when his father takes him out to the range Sunday after church and allows him to shoot his .22 pistol at human shaped targets. Such fine sports as this have helped make our nation the most prosperous gun producer, and the most gun lethal society, in the history of the world. Since more and more people each year give up their lives in abandon to the American obsession with gun, it seems that more and more people have come to the conclusion that the preservation of such a culture is worth the ultimate sacrifice.

No other democracy in the world observes any "right" to bear arms; and some dems in which citizens' rights are better protected, than in ours (e.g., such as England and the Scandinavian countries), our arms control policies would be considered laughable. The U.S. not only ranks no. 1 among the nations of the world in the number of gun deaths, but the total of gun deaths per year in all free nations does not equal the number of gun deaths in the U.S. alone. Some 200,000 people in the U.S. are wounded by firearms each year resulting in paralyzation, sterilization, dismemberment, blindness, deafness and other disabling effects.

Guns are responsible for an average of 69 deaths each day in America. In 1973 each of the ten largest U.S. cities had a homicide rate greater than Northern Ireland. England and Wales, combined, had 35 murders in 1973—NYC, with ¼ the population, had 23 times that number of murders with handguns alone. More Americans are killed by guns in a 39 hour period than are killed in all of England for a year.

What are some of the reasons for this frightening discrepancy in comparing the U.S. murder rates with those of the rest of the world? In Britain for example, no one may carry a firearm at night; anyone who wants a long gun for hunting must get a certificate from the local police chief before he may buy the gun; gun dealers must verify a buyer's certificate, register all transactions in guns and ammo and take the serial number of each weapon and report it to the police. The result is that in England in 1970 the gun homicide rate was about .05 per 100,000. The U.S. gun homicide rate in 1970 we estimate to have been about 5.5 per 100,000.

Serious forms of gun control, we believe can and will have some reducing effect on the incidence of violent crime. There can be no remaining doubt that crimes of violence certainly bear a significant relationship with possession and ownership of weapons of violence. Says Stephen Seitz, of the University of Minnesota, writing in *Law and Society Review*, quoting Newton and Zimring from their 1970 study on firearms and violence:

The data from three sources document that the proportion of gun use in violence rises and falls with gun ownership. Statistics from Detroit show that firearms violence increased after an increase in handgun acquisitions. Regional comparisons show that the percentage of gun use in violent attacks parallels the rate of gun ownership. A study of guns used in homicides, robberies and assaults in eight major cities show that cities with the highest proportion of gun use in one crime tend to have a high proportion of gun use in other crimes.

The fact that crimes of gun violence in a certain region are related to the incidence of gun ownership is amptly demonstrated by the following statistics. In a breakdown of gun deaths per 100,000 per region compared with the percentages of people owning guns per region the correlation between gun ownership and gun crimes becomes strikingly clear:

	Percent
Gun ownership:	
South	59
Midwest	51
West	49
Northeast	33
U.S.A	50
Percent homicides by gun:	
South	72
Midwest	66
West	59
Northwest	44
U.S.A	65

We believe the conclusion is inescapable that the mere fact that guns are available adds to the dimensions of the gun violence problem. This is so, we believe, for two reasons: first that the more readily available guns are the more

likely they are to be randomly picked up and used by possible assailants. Second, we think that a high percentage ownership legitimized gun ownership and use and therefore contributes to the tendancy to use the device in every day life. Gun control would have the certain immedate effect of reducing the total number of lawful gun owners; and this fact alone, we are convinced, would serve to reduce the incidence of gun crime.

But there are those who would argue that subsequent to the passage of effective gun control legislation there are those among us, who, bent on the perpetration of violent crime, would procure other weapons of the same force and effect as guns and that therefore, in the long run, the incidence of violent crime would not be significantly reduced. This contention, is according to Seitz, however, based on two questionable assumptions.

These assumptions are: 1) all, or most, deadly attacks are motivated by a single minded intention; and 2) all, or most, weapons which might be substituted for a firearm are as lethal as firearms.

In fact, however, most of the homicides occuring daily in this country are not the result of single minded deliberated planned enterprises but come about by ambiguously motivated deadly attacks, e.g., sudden temper-produced altercation with friend or relative. A Chicago study done in 1967 showed than 82% of the Chicago homicides that year were results of altercations around the home involving money, liquor and the like. Only 30% of the victims of fatal gunshot wounds in the study were wounded by more than one shot. While data are not available on the number of shots fired in each case, it may be readily assumed that the majority of the 70% of single-wound homicides occurred in situations where the attacker did not exhaust the multiple shot capacity of the firearm. Finally, in 54% of the situations, observed in the study, which led to a homicide the police noted that the offender or the victim, or both, had been drinking prior to the homicide.

It is not the much-feared professional killer, or hoodlum, bent on human destruction, that fires only one shot of this piece into his victim and gets plastered before doing the dirty deed. Persons who commit homicides in this fashion are people like you and me—jealous lovers, husbands or wives, irate friends arguing over a poker game and angered neighbors. In fact, the latest FBI crime statistics show the following victim-assailant relationships:

	Percent of all homicides nationwide
Spouse killing spouse	12.3
Parent killing child	3.2
Other family killings	7.7
Romantic triangle arguments	7.5
Other arguments	40.3

These figures indicate that a full 71% of all the murders in this nation were committed between people who knew each other well enough to at least become involved in an argument over a prior event. This leaves a remaining 29% of the nation's murders that were committed in the classical felonious setting of TV and detective story fame. It is therefore conclusive to assert that the first of the two assumptions in the "substitution hypothesis" advanced by the adversaries of strict gun control is without factual or logical merit.

Regarding the second assumption of the "substitution hypothesis"—that most weapons seized as firearms-substitutes will be, in actual use, as deadly as firearms themselves, some enlightening figures can be brought to inveigh against the assumption. Detroit General Hospital statistics show that for every 1,000 knife attacks 27 of the victims actually die of their wounds, but that for every 1,000 pistol attacks 104 of the victims die of their wounds. These figures tell us that, in actual use, the pistol is 5 times as deadly as the knife, which is the next most commonly used weapon. This ratio of one knife death for every five pistol deaths was confirmed by a 1967 Chicago study. It cannot be convincingly maintained that an attacker with a knife has any less felonious intent than an attacker with a pistol. *It is not people that kill; it is the weapons they employ in the process.*

It is thus observed that both assumptions underlying the prevalent "substitution hypothesis" must fail in light of the statistical and factual case against them. There is therefore no reason to believe that truly effective anti-handgun legislation will not immediately, and in the long run, reduce the continually rising number of violent crimes.

A major question that must occupy the mind of any thoughtful legislator considering the possible banning of small firearms must be the motivations that compel people to so emotional an identification with these weapons. Strong emotional attachment to one's guns and emotional involvement with the banning issue are factors that are obvious to even the most unsophisticated observer.

First of all, let us deal with the question of emotional attachment to these weapons. It is our position and belief that this emotional attachment has its origins in a desire for a romantic identification with our historical past among gun owners; we also believe that, to a certain degree at least, the love of guns emanates from a desire to demonstrate a masculine demeanor.

Says Carl Bakal in his *The Right to Bear Arms*—

The interest in guns is also a part of our heritage stemming from the days of the wild and woolly west, when holstered hardware came into its own as a visible insignia of virility. A gun was the great equalizer, (the "final judge in disputes of land, water, title, gambling debts and 'wimmin'") as long as each disputant carried one of Sam Colt's arbiters on his hip.

In one of his Texas tales, Frank J. Dobie writes: "A local citizen strode up to Jude "Three-legged Willie Wilkinson's" table, pulled out a bowie knife and said: "Your honor, this is the law in this country", said the judge, pulling out a six-shooter; "This is the constitution that overrides that law."

Many people today still think that the supreme law is the gun and have shown a continued reliance upon its decisive blast over any faith in the established legal order. The fear that many of our citizens express about being victimized by crime and their need for protection there from are seen by many as justifying the reliance on the gun as providing quick and sure justice. In discussing the issue of gun control with many people in the midwest, we have come to feel that all too many people reason that since judges are "soft", laws are weak and prosecutors are ineffective in stopping the criminal element from doing its criminal deeds, the last resort for personal security and protection must be the home and the gun that guards it. The suburban frame house is viewed as the last frontier outpost nestled precariously close to an untamed wilderness of the outside world which is replete with anarchists, militants, junkies and degenerates. Unfortunately, for this point of view, figures show us that a gun kept for protection in the family home is six times more likely to be used on a family member or acquaintance than against any intruding stranger.

Marvin Wolfgang, of the University of Pennsylvania, has argued that the sex age male (14 to 21 years old) is the most highly associated with violent crime. In addition he suggests that his physically aggressive behavior converges with the notions about the masculine ideal. In this context, the gun has, all too often, become the instrument of the young man's assertion of his sexuality.

Carl Bakal, in reference to the motivation which impels hunters to a love of their weapons, quotes an *Esquire* article;

There is a strong emotional bind between most serious sportsmen and the firearms they use. They may not recognize it; if they do, they may be reluctant to admit it. But it is there. Without getting deeply immersed in the psychology of the hunter-gun relationship. It involves personal image, ego, and a sense of power. A man with a gun imposes his will far beyond himself and his sense of power is increased manyfold.

Bakal also notes how the young American boy is raised on the milk of the gun culture from his earliest years:

"Guns or replicas of them," says the Washington Post's Allan Barth, "Are given as playthings to American boys in the same way that dolls are given as playthings to American girls. It is as though young American males were being prepared for careers in manslaughter as young American females are prepared for careers in motherhood."

It is clear, from the experience of us all, that American boys from the time they are born are raised with the identity of gun violence. It is little wonder that so many of American men today see such a threat to their personal identities when the subject of gun control is raised.

Throughout this statement, we have at times adverted to the long gun and its owner. Our group, however, seeks only the abolition of the private ownership of pistols (i.e., any gun under the length of 30 inches designed to be shot with one hand). The observations we have made with reference to the emotional attachments to long guns apply with equal force, we believe, to pistols

and their owners. But the pistol is distinguishable from the long gun, for our purposes, because it is the source of most of the gun murders in the U.S. and because *it is designed for no other purpose than to shoot people.* Long guns, arguably, have the function of being used in game hunting, a use to which the pistol is not adapted. Handguns alone account for 53% of all the homicides committed annually in this country leaving the other 47%, a minority, to be shared between all other types of weapons, great and small complex and simple. Over 10,000 people met their ends through the use and misuse of *Handguns* last year alone.

We therefore recommend that this honorable subcommittee vote out a bill providing for the abolition of the private ownership of handguns through the U.S., with exceptions only for the police, the military and licensed collectors and sports persons. It is believed that the more stringent the action taken against the handgun, the more effective we will be in reducing our homicide rate. We recognize that with the ingrained values of the gun culture will be prosecuted heartily by certain powerful political groups; and we appreciate the difficulty many of you may have in overcoming the temptation to yield to their pressures; but we also feel that the overriding interest of the people of the United States lay in reducing the number of the senselessly wounded and killed victims of the handgun. The highest duty of the legislator lay in serving the most profound interests of his constituency: we urge you to act in light of that duty.

Mr. CONYERS. Our next witness is Dr. James Woodruff.

He is accompanied by students from the Henry Ford High School, Mr. Paul Ellis and James Malesa.

Dr. Woodruff has distinguished himself in his service to our community in the educational field. He is now heading up the University of Detroit in a singularly important position and we welcome you. We have your prepared testimony. It's incorporated into the record, we invite you to proceed in any way you choose.

TESTIMONY OF DR. JAMES WOODRUFF, PRESIDENT, DETROIT METROPOLITAN YOUTH FOUNDATION

Dr. WOODRUFF. Thank you, Mr. Chairman. My statement will be brief.

It will not be a factual data statement. I feel that you have received adequate testimony on that part. Our impact will be to give you some grass roots or emotional feeling about the impact of the needed legislation.

Mr. Chairman, it's an honor for me to have this oportunity to testify before your committee. My name is James Woodruff and I am president of the Metropolitan Detroit Youth Foundation, a youth advocacy organization dealing with the effects and solutions of youth problems and development.

The Metropolitan Detroit Youth Foundation is vitally concerned about adequate gun legislation. We have held seminars with the students in our student resource centers to ascertain their feelings and opinions on this matter. The need for amendment of Federal firearms laws is the consensus of opinion among these students.

I think it is safe and accurate to state that the number of youth that are carrying guns is increasing, particularly in high schools, at an alarming rate. Many of these younger citizens do not necessarily carry their guns with the intent of harming anyone else or committing a felony. It is the feeling of the youth that we interviewed, especially those who live closer to the center city, that the majority of

the youth carry guns for the purpose of protecting themselves from other youth who have guns. It is a growing feeling among the youth that everyone else has a gun, or just about everyone else, and unless they have a gun also, they render themselves defenselss in any confrontation which might arise. Needless to say, the carrying of guns leads to severe and dire consequences. I am sure all of you are familiar with the accidental shootings, the arguments that would normally result, at most, in a fist fight and frequently results in a manslaughter or murder situation. Ultimately, the consequence of the passions of youth, be it anger, positive emotion or whatever, is sometimes significantly aggravated by the mere presence of a handgun.

Our investigation indicated that an overwhelming majority of youth are in favor of some type of restricted handgun legislation. The most frequent fear expressed is that the legislation will not be effective, that a law will be passed and become of no significance because of the lack of stringent enforcement. If the law is not adeqately enforced, it will not reduce the fear within youth that they are totally defenseless in a weapon-carrying society.

I don't feel that this aspect can be over emphasized. I feel that legislation such as the Bartley-Fox legislation of Massachusetts would be the minimum type of legislation that should be adopted on a national scale. Feelings were especially strong in advocating the right to maintain a weapon for the defense of the home, to be kept only in the home, in support of the Constitution or one interpretation of the Constitution.

While I feel assured that other witnesses will help to contribute the necessary statistics and supportive data that may be needed or desired by this committee, I would like to provide a personal observation of some of the less publicized consequences of the rampant use of handguns in our society. I had the occasion to be at one of the nationally advertised hamburger facilities in this city recently when two young men appearing to be between the ages of 16 and 18 attempted to rob the facility. One of the young men was carrying a sawed-off shotgun underneath his coat, the other one had a .45 caliber pistol in his pocket. I will never forget the feeling of fear that haunted me when this .45 caliber pistol was stuck in my ribs and I was told not to move. But more important, the effect of such a situation, even when the robbery was not successfully completed, was that one of the robbers, the one with the sawed-off shotgun, became excited and shot out the neon sign. I remember seeing a woman with three small children at her side, one of which was approximately 18 months of age. This child went into complete hysterics at the blast of the gun. I can recall the concern of other customers as another lady, who apparently had a heart attack out of the fear created by such a situation. I also remember seeing other small children panicking and crying, obviously not able to comprehend the situation.

This situation, the use of handguns in our society, creates fear, anxiety, and apprehension in the minds of the very young and our older citizens, a fear tied to a situation that we cannot understand, nor can they control. I feel that the Government of the United States has the responsibility to protect our citizens from this type of anx-

iety, fear, and the feeling of helplessness. I wholeheartedly endorse handgun legislation and feel that it must have proper enforcement with penalties imposed upon offenders that would truly operate as a deterrent to the majority of the citizens in order to reduce this grave and dangerous situation.

Mr. Chairman, I thank you for this opportunity to reflect the feeling of the Metropolitan Detroit Youth Foundation, and I have taken the liberty to bring two students from our region 4 student resource center to further amplify the youth viewpoint by responding to questions the committee may have.

Mr. CONYERS. Do these young men have a statement they would like to make?

Dr. WOODRUFF. Not a prepared statement.

Mr. CONYERS. Let me ask Paul Ellis and James Melisa, what do you think about the situation and what are the students thinking about it in the school?

Mr. ELLIS. Well, basically, Mr. Chairman, there is a usage of handguns in the Detroit public schools, I see that in everyday life in the public schools and I think that not only the person in possession of the gun, but the person who illegally sells that, and there is a big black market on the Saturday night special in Detroit; they should be prosecuted and tried in exact same way as a pusher would be, selling drugs, or a user of drugs.

Mr. CONYERS. We had one medical doctor who treats many people who are shot by handguns in our society in Washington tell us that out on the schoolyards in Washington, D.C., for as little as $12 you can buy, almost anybody can buy, a cheap handgun.

Mr. ELLIS. That is true.

Mr. MELISA. Mr. Chairman, I am sure that mostly everybody is aware of the fact that handguns in the school are a very serious problem, and in the paper it's not uncommon to read about a shooting that goes on in a school. To obtain handguns at a public school is relatively easy if you contact the correct people.

Mr. CONYERS. What do you think about the utility of policemen in the schools? Has that—I know this is peripheral, but has that contributed to the—to any helpfulness in the situation?

Mr. MELISA. You mean as a deterrent?

Mr. CONYERS. Yes.

Mr. MELISA. The students like I, personally, feel that the awareness that the students have of the police officer there makes them think twice of any act that they might want to do to harm anybody else or to jump them even with a knife or just to threaten to beat up someone, it seems to have helped.

Mr. CONYERS. Some were afraid that it might produce an adverse effect of making people resent the fact that police officers were there. I am glad to hear you say that.

Mr. ELLIS. In our school, for example, well, there is hardly any trouble between kids and the police officers. They are quite friendly. The only people that have to really look out for them are the people who are doing something illegal or possess something illegal.

Mr. CONYERS. So you see, in this problem, the fact that those who are carrying guns are forcing other people to think about carrying

guns as a defense, which only heightens and exacerbates the likelihood that innocent people are going to get involved in gun homicides.

Mr. ELLIS. Right.

Mr. CONYERS. Is that a conclusion that you would be willing to say the majority of young people in the Detroit school system would endorse, or are you prepared to make such a statement?

Mr. ELLIS. That statement is a true statement because that is basically the same, it's even with the students carrying knives. I would say from my information, that—from my friends at school, that a very high percentage even just carry knives, not to hurt someone, but for protection, if anything came up, where someone else pulled a weapon on them, they would be——

Mr. CONYERS. If we were the Detroit Board of Education, the superintendent, and all the big muckity-mucks, what would you tell us to help reverse that situation in the schools? I don't know how we can proceed with the learning responsibility if many of the kids are sitting up wondering how they are going to get home or if they are going to get beat up over a quarter that they have in their pocket, or if they are going to have to defend themselves against some violent attack? How do we go into this problem, aside from Federal firearms regulation?

Mr. ELLIS. First of all, mostly the crimes that are committed with groups in the schools are from students or teenagers that are—that don't go to the school; they are from the neighborhood or whatever, and if these people were eliminated, we wouldn't have the problem in such a quantity.

Mr. CONYERS. But there are safety patrols; there are security guards. We have policemen.

Mr. ELLIS. But they can't be at every door. There are so many ways in and out of that school.

Mr. MELISA. Our school consists of one police officer assigned to the school and one security guard who has to cover the school. I know for a fact Henry Ford High School has the longest halls in the city of Detroit and being in two places at once is impossible.

Mr. CONYERS. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman. I'm trying to determine what Federal legislation would be important, as far as helping to correct this situation, and I would assume that mandatory penalties, are you—which is Paul Ellis—Paul, you mentioned the fact that if we were to treat these people that deal in guns the same as we deal with people that deal in drugs, that would be a deterrent. In other words, if we had tougher mandatory penalties?

Mr. ELLIS. Right.

Mr. MCCLORY. Affecting the trafficker in illegal weapons or dealing illegally in weapons, that would be helpful. So that would be one way in which we could deal with it.

Another way we could deal with it would be to outlaw the Saturday night special so that, while it wouldn't eliminate them immediately, but it would, over a period of time—it would reduce the availability of the Saturday night special, and as far as gun registration is concerned, except to the extent that that might—that might inter-

pose some restriction on interstate traffic, it wouldn't have a noticeable effect because you are not dealing in guns that are registered, for one thing.

Mr. ELLIS. At one time they might have been registered.

Mr. MCCLORY. But it's not the registered owner that is involved here; that is all bootleg merchandise that you're dealing with.

There are some suggestions to strengthen the laws with regard to pawnbrokers and I understand that; I think that 30 to 35 percent of the crimes that are committed are committed with—where there is a gun used, that they are committed with a handgun that was purchased from a pawnbroker. Now, that would—that might help, too, wouldn't it, because I imagine that some of these guns come from that source?

Mr. MELISA. Even the case of someone breaking into a pawnshop or any type of shop that sells firearms and stealing the gun and then going on the street corner and peddling it—you can get it a lot cheaper on the street than you would if you were going to a pawnshop, in some cases.

Mr. MCCLORY. Let's follow that one point further. If there was a requirement for every citizen to report every stolen weapon, that would be important, wouldn't it, if we had a record of the stolen weapons, where the—where the theft took place, that would help us too, wouldn't it?

Mr. MELISA. Right.

Mr. MCCLORY. I'm trying to think of those things that might help reduce the ability, the presence of guns, and to try to get at the criminal use of guns, get away from this other subject, which is very, very interesting, which was the subject of the previous testimony, about the accidental deaths that are caused from guns, and, you know, the household offenses that occur where husbands shoot wives and wives shoot husbands when they get into an argument, those are serious, I'm not questioning that, but I think we're more concerned about the crime on the street and the crime that exists in the school yard, or the school corridor, because of the presence of a handgun.

Mr. CONYERS. If my colleague will yield on that, perhaps these young folks have pressed us into a crucible to think about this.

Mr. MCCLORY. Right.

Mr. CONYERS. We are grateful to Dr. Woodruff for bringing them here.

Now, the young person who carries a gun, as I understand it from you, he has a gun to protect himself against aggression?

Mr. MELISA. No, not in all cases, Mr. Chairman. Some young people might feel that to have a gun is the in-thing and if you have a gun, like I say, you know, you are with it or you show some type of authority, and some kids do like having a gun and they are not ashamed to use it or use it as a means of force to push you around.

Mr. CONYERS. That is the problem. That kind of kid, and the kid that gets a gun out of fear of that kind of kid. Are those the criminals on the street that we are worried about, that cause trouble in a McDonald hamburger stand, the people that are stealing the guns

out of houses? The point that you have me thinking about now is that in your poll you said the young people are very strongly for keeping the weapon for self defense in the homes, but the captain representing the head of the Michigan State Police said that more guns were stolen out of homes in the first quarter of 1975 than there were in all of 1966. Do you see the problem? Two-thirds of the people killed with guns aren't in a hamburger stand. One-third of them are, and there is no question they have to be dealt with, without any fear or favor. But what about all the kids that are carrying guns because they want to be big or they want to be hip, or they want to be in with the latest trend, or they want to be different? Many of them are going to get into gun accidents. They didn't intend to rob a hamburger stand. They got into arguments with somebody and they had a gun on them. Have you had that happen in the school?

Mr. MELISA. Sure.

Mr. ELLIS. Sure.

Mr. MELISA. Just ——

Mr. CONYERS. How do you resolve this discussion that you and I and Mr. McClory have going here? Do you see some complicated problems that we're trying to sort out?

Mr. ELLIS. Right.

Mr. CONYERS. What do you think?

Dr. WOODRUFF. If I could make one clarification, in terms of your discussions, the weapon for the defense of the home, they advocate the long gun and not the pistol.

Mr. CONYERS. I'm sorry. I don't think that was clear. That's a very important point.

Mr. Mann?

Mr. MANN. All right. We talk about mandatory sentences as a solution, admittedly, just a solution, or a one step. That would cover selling, possessions, firearms violations. What do you think an appropriate mandatory sentence would be for the illegal possession of a firearm?

Mr. MELISA. Well, Mr. Mann, I don't know for Paul, but on myself, I—mandatory sentences, depending on the length of time, might cause someone, in a fit of rage, to think twice, but, then, again, there is the death penalty that might really cause them to think twice, but there are some people that also say in a fit of rage you commit all kinds of weird acts, that you don't think at all. So, toward like premeditated murder, something like that, an extended sentence or death penalty might be ineffective.

Mr. MANN. We have to stop this business of people carrying guns. What would be a mandatory?

Mr. ELLIS. A stiff sentence wouldn't be worth your while to carry it.

Mr. CONYERS. If we had a mandatory sentence, how many fewer kids would show up on the school yards with guns?

Mr. MELISA. That is hard to say.

Mr. CONYERS. We have to project that.

Dr. WOODRUFF. If I may just comment on that. I think the present enforcement situation, particularly for youth that has not been in-

volved in any prior difficulty, found with the possession of a gun, it might not ever lead to even a prosecution of the youth at the present time. It's the consensus of opinion that the 1-to 2-year mandatory sentence would be a major deterrent in the eyes of the youth that we interviewed about carrying a gun. If they knew that they were found with a gun, and faced a mandatory 2 years sentence, the incidence of this occurring would decrease very, very rapidly. As I emphasized before, most of them carry it out of fear of being defenseless, or the fear of the 2-year sentence would probably be as great, if not greater than any other fear that they presently have.

Mr. CONYERS. If the gentleman would yield just for one question. That—don't you know, as I suspect that the teachers as well as the kids know, who is carrying the gun?

Mr. ELLIS. No.

Mr. CONYERS. There are laws about carrying guns to school. We don't have to pass a mandatory law. Kids do not have the legal right to come to the school or schoolyard with guns now. I was just wondering if that would really do the trick?

Dr. WOODRUFF. What frequently happens is that it's not the type of student that carries a gun. Any given student that carries a gun would not carry it at all times. It depends upon the situation and circumstances. For example, going to a dance or a basketball game in a school setting might elicit the use of carrying a gun, whereas attending class may not. The other situation is that even with the gun in his possession or carrying a gun, he might not actually carry it onto the facility but leave it in his car, either in the trunk or glove compartment of his car, which is readily accessible to him to be utilized if needed, so the fear of being apprehended with a gun, if he were stopped in a basketball situation or a classroom situation is not there, but the effect of having a gun is readily accessible to him if he chose to use it, so I think it's this other set of circumstances, where additional legislation is needed, where that fear of having it in his car would be as great as having it on his person.

Mr. MANN. As a factual matter, there is now no enforcement of the law with reference to the possession of guns, would you agree with that?

Mr. MELISA. Yes.

Mr. MANN. Either by the school authorities or by the police?

Mr. MELISA. The school makes some attempt, I believe, to make people believe that it does not exist but it's very, very real to the student and to the teacher.

Mr. MANN. Yes, I have run into that in connection with drugs. They say it's not going on there.

Mr. MELISA. Exactly.

Mr. MANN. Well, what disturbs me a little bit about the mandatory sentence, as reflected by what you describe, we don't do all these things just boom, everything doesn't take effect simultaneously, in the meantime we catch 15 or 20 people who are carrying guns out of fear and they are off making 2 years and the smart alecs are still walking the streets. That would be pretty tough, wouldn't it?

Mr. MELISA. Yes, sir.

Mr. MANN. Well, as a student, do you feel any obligation or fear to report other students carrying guns?

Mr. MELISA. Well, I, personally, feel a fear because if you finger someone that has a gun, and they have friends who have guns, it's my belief that they are going to come after you and do something to harm you because people who have guns, you respect it, you don't respect them, you respect the gun; but you also have to think of the person who is behind it, how does he think. Gee, if I tell on him, you know, he might come after me or his friends might come after me and I am benefiting maybe some other guy but I'm hurting myself.

Mr. MANN. Paul?

Mr. ELLIS. You're dealing with a person, first of all, who doesn't have too much sense pulling a gun on you, and then you have to think what is going on through this guy's head. I'm not going to try to pin him up against the wall and try and set him up because he's crazy enough to have a gun, he's crazy enough to do anything with it.

Mr. MANN. I'm sure you're expressing what you consider to be a general feeling among students with respect to this problem.

Mr. ELLIS. Yes.

Mr. MANN. I am not naive enough to think that that is going to change quickly either, but I'm curious to know, has there ever been any effort at the student government level to do this?

Mr. MELISA. Not at Ford High School.

Mr. CONYERS. Well, the young men you have brought before us, Dr. Woodruff, have made us think anew about the problem.

Chris Gekas, counsel, has one question.

Mr. GEKAS. What high school is it that you guys go to?

Mr. ELLIS. Henry Ford High School.

Mr. GEKAS. Is that in the city of Detroit?

Mr. ELLIS. Yes, sir.

Mr. GEKAS. Are there kids carrying guns in the hall?

Mr. MELISA. Not visible, but I have a very, very firm opinion that there are.

Mr. GEKAS. Have there been shooting incidents in the halls?

Mr. ELLIS. Not in the halls, but outside of the school, there have.

Mr. GEKAS. In which guns were pulled and fired?

Mr. ELLIS. Yes, sir.

Mr. GEKAS. Have you guys ever witnessed any of these.

Mr. ELLIS. Yes, sir.

Mr. GEKAS. Are they repeated incidences; do they happen once in awhile; are they from one group of people; one gang or ——

Mr. ELLIS. Dealing with last year, basically, there was a rip off, that is when a person is stuckup with a gun or some kind of weapon, at least 3 times a week.

Mr. GEKAS. Three times a week?

Mr. ELLIS. All right. There was a big drug thing in the school last year and that was the basis behind the stickups to get the dope and get the money and they were basically kids coming from out of the neighborhood, out of the schools, there has always been a high rate of concealed weapons at any high school I have been to or any junior high.

Mr. GEKAS. But the biggest problem in actually pulling out the guns is the people not from the high school but from outside?

Mr. ELLIS. Precisely.

Mr. MELISA. They are not there to fire the guns but it is the presence of them that sometimes provokes a fight or a gang war or something.

Mr. GEKAS. And there is a relation, at least last year, between the drug situation and the use of handguns?

Mr. ELLIS. Right.

Mr. GEKAS. Are they generally handguns?

Mr. ELLIS. Every time.

Mr. GEKAS. If you wanted to go and buy a handgun, could you buy one in the halls of Henry Ford High School?

Mr. ELLIS. You could buy one if you knew the right people.

Mr. MELISA. Outside it could be done.

Mr. GEKAS. From students in the high school, from older people that are hanging around?

Mr. ELLIS. Students, just the right connection is really what you need.

Mr. GEKAS. If I wanted to go down and buy a gun, could I go, if guys put me in touch with the right guy——

Mr. CONYERS. Just a minute, counsel. I am going to have to restrict that line of questioning. I think the point has been made over and over again that guns are not only available at this high school but every high school in the city. We don't need to make a point of Henry Ford High School. As a matter of fact, I'm sorry to say in a way, it's probably in better shape than most of the high schools.

Mr. MELISA. Yes, Mr. Chairman, easily.

Mr. CONYERS. I am going to terminate the questions here. We would like to hear more about alternatives from the students, but time is short.

[The prepared statement of Dr. Woodruff follows:]

STATEMENT OF JAMES W. WOODRUFF, ED. D., PRESIDENT, METROPOLITAN DETROIT YOUTH FOUNDATION

Mr. Chairman: It is an honor for me to have this opportunity to testify before your Committee. My name is James Woodruff and I am President of the Metropolitan Detroit Youth Foundation, a youth advocacy organization dealing with the effects and solutions of youth problems and development.

The Metropolitan Detroit Youth Foundation is vitally concerned about adequate gun legislation. We have held seminars with the students in our Student Resource Centers to ascertain their feelings and opinions on this matter. The need for amendment of Federal firearms laws is the consensus of opinion among these students.

I think it is safe and accurate to state that the number of youth that are carrying guns is increasing, particularly in high schools, at an alarming rate. Many of these younger citizens do not necessarily carry their guns with the intent of harming anyone else or committing a felony. It is the feeling of the youth that we interviewed, especially those who live closer to the center city, that the majority of the youth carry guns for the purpose of protecting themselves from other youth who have guns. It is a growing feeling among the youth that everyone else has a gun, or just about everyone else, and unless they have a gun also, they render themselves defenseless in any confrontation which might arise. Needless to say, the carrying of guns leads to severe and dire consequences. I am sure all of you are familiar with the accidental shooting; the argument that would normally result, at most, in a fist fight and fre-

quently results in a manslaughter or murder situation. Ultimately, the consequence of the passions of youth, be it anger, positive emotion or whatever, is sometimes significantly aggravated by the mere presence of a hand gun.

Our investigation indicated that an overwhelming majority of youth are in favor of some type of restricted hand gun legislation. The most frequent fear expressed is that the legislation will not be effective, that a law will be passed and become of no significance because of the lack of stringent enforcement. If the law is not adequately enforced, it will not reduce the fear within youth that they are totally defenseless in a weapon carrying society. I don't feel that this aspect can be over emphasized. I feel that legislation such as the Bartley-Fox legislation of Massachusetts would be the minimum type of legislation that should be adopted on a national scale. Feelings were especially strong in advocating the right to maintain a weapon for the defense of the home, to be kept only in the home, in support of the Constitution or one interpretation of the Constitution.

While I feel assured that other witnesses will help to contribute the necessary statistics and supportive data that may be needed or desired by this Committee, I would like to provide a personal observation of some of the less publicized consequences of the rampant use of hand weapons in our society. I had the occasion to be at one of the nationally advertised hamburger facilities in this city recently when two young men appearing to be between the ages of 16 and 18 attempted to rob the place. One of the young men carried a sawed-off shotgun underneath his coat; the other one had a .45 caliber pistol in his pocket. I will never forget the feeling of fear that haunted me when this .45 caliber pistol was stuck in my ribs and I was told not to move. But more important, the effects of such a situation even when the robbery was not successfully completed was that one of the robbers, the one with the sawed-off shotgun, became excited and shot out the neon sign. I remember seeing a woman with three small children at her side, one of which was approximately 18 months of age, and this baby going into hysterics at the sudden blast. I recall the concern of all the customers that another lady who was in this facility apparently may have had a heart attack as a result of her fear. I also remember seeing other small children panicking and crying, obviously not able to comprehend the situation. These effects create fear, anxiety and apprehension in the minds of very young children and our older citizens, a fear tied to a situation that they cannot understand nor can they control.

I feel that the government of the United States has the responsiblity to protect our citizens from this type of anxiety, fear and the feeling of helplessness. I wholeheartedly endorse hand gun legislation and feel that it must have proper enforcement with penalties imposed upon offenders that would truly operate as a deterrent to the majority of the citizens in order to reduce this grave and dangerous situation.

Mr. Chairman, I thank you for this opportunity to reflect the feelings of the Metropolitan Detroit Youth Foundation, and I have taken the liberty to bring two students from our Region Four Student Resource Center to further amplify the youth viewpoint by responding to questions that Committee members may have.

Mr. CONYERS. We have two more witnesses, one is the honorable mayor of the city of Highland Park, but before he comes on, we have a distinguished jurist from Oakland County Circuit Court, the Honorable Arthur E. Moore, who has handled a number of matters related to this. We are delighted to have him here. He has a prepared statement which we will incorporate into the record. We want to hear Judge Moore because he is the first jurist to come before us and, as he might suspect, there have been a lot of things said about the courts in the course of these hearings.

I don't have the list of subject matter on which I would ask you to defend your fellow brethren of the robes but, as you might imagine, Judge, there have been statements made repeatedly that some members of the judiciary are unusually lenient on criminals,

and that they are contributory to this overall problem. So with that lead-in question, we welcome you before the subcommittee.

Judge MOORE. Congressman Conyers, and Congressman McClory and staff, I appreciate the opportunity to be here. Without taking time, I would like to add——

Mr. CONYERS. Excuse me, sir. I would like you to know that we also have a member of Congress from South Carolina who has traveled a long way to be with us, Congressman James Mann.

Judge MOORE. Congressman Mann. I was a law partner of Judge Dondero who was a friend of Mr. Conyers and in Congress from this area, and I appreciate that relationship very much.

Mr. CONYERS. I hasten to say it was well before my time. We didn't serve during the same period.

Judge MOORE. I would like to just submit this to your body and ask that it be incorporated, it's another sheet of some significance about what I'm—I now want to state.

Mr. CONYERS. Without objection, it will be done. [See p. 994.]

TESTIMONY OF HON. ARTHUR E. MOORE, JUDGE, OAKLAND COUNTY CIRCUIT COURT

Judge MOORE. Thank you.

I would like to clarify three or four points. From my viewpoint, judges have an obligation to follow the law, even though they don't like it. Most gun offenses carry with it an opportunity for probation. So until you, by your legislative act, say to Art Moore, you have no right to consider probation, I have a duty to consider probation as to any individual who might merit it and an emphatic law, jail or else, on my part would be a violation of the law that you enact.

I think that is one of the reasons that many judges don't speak abount mandatory sentences. So maybe that is some justification for a mandatory sentence, and in that connection I would like to say to you that sentences ranging from 1 day to a period of years all depend on circumstances, and sometimes a day or two in jail as a mandatory matter is more efficient than a long-time prison sentence, but, in all events, that is neither here nor there. I would like to clarify two or three things that I believe I know from experience on the bench.

Let me say it to you this way, I have had many trials involving guns. I have had a trial involving two carloads of guns going through the city of Birmingham, firing at each other. I have had a situation, for instance, in Pontiac, where a man fired promiscuously at almost anybody in reach. I have had an armed robbery down Southfield Highway where they traveled 100 miles an hour chasing armed robbers, and finally catching them down by Six Mile Road.

I am convinced that you can do a great deal if you don't try to do too much. And I am convinced that much of it has to do with the court and how you attack the problem of guns through a balanced court.

Now, this has to do largely with the exclusionary rule and I would like to call your attention, as Members of Congress, to the fact that the exclusionary rule is a rule not found in the Constitution, it's a rule made by the courts, and it's a rule that is within the eviden-

tiary making power of the Congress. I am sure that you have thought about this previously. I rather think that the United States Supreme Court, and the Federal courts, if they have had the opportunity, would welcome a regulation of the exclusionary rule.

The reason I say that is this, if a police officer doesn't have probable cause to arrest a man for a gun offense, if he arrests him for a minor misdemeanor, you can't even search the car. There was a time, perhaps, when that was a good exclusionary rule, but it's a rather sad thing, when, as a judge, an attorney following his obligation, has to plead with the court to exclude the gun from evidence because the police officer stepped inside of the car, or searched under the seat or in the glove compartment. Frankly, I think that Congress could change the rule to a minor extent by saying that this exclusionary rule shall not apply today to guns unless the trial judge feels that it should.

So much for the matter of the exclusionary rule which is a problem in and of itself.

I received two letters from the same National Rifle Association with punchcard to make out as to how I felt about guns. And the punchcard system is all right if it asks a fair question, but accompanied with it, in each case, was a letter saying that we're trying to exclude every known gun in the United States. I don't think that is true. I don't think that you gentlemen can do that overnight, if you wanted to. But I do think you could make some fine law preserving steps towards the control of guns. I don't think the National Rifle Association should be the enemy of anyone. I will tell you why. Here are the figures which are as helpful as any about gun registration in Michigan.

We have a record up in the State police department as follows: In 1973 there were 68,000—I will round these off—registrations received. This is in compliance with the Michigan law—parenthetically, this is the type of thing that you could do on a national scale very well—68,000 in 1973 of registration of guns received, 60,000 of registrations of license to purchase. Now, under this law, and under most laws, the seller and the purchaser both have an obligation to specify the gun, and to show that isn't too far apart, 8,000 didn't quite make it but there were 68,000 registered and 60,000 repurchased.

Now, it's as against that there were 23,920, almost 24,000 licenses issued in Michigan to carry concealed weapons. And in Michigan, as in many cases, a concealed weapon, is a weapon concealed on your body or a weapon carried in any automobile regardless of concealment, this theory being that an automobile is a place where you can hide a gun.

Well, passing on then, in 1974 those figures rose somewhat, so that the license to carry concealed weapons on your person or in a car went to 25,000, and in the first 3 months of March, if we use the March figures of 7,000, and multiply them, January, February, and March, by 4, there will be, in 1975, 28,000 of concealed weapon licenses. Now, anyone who is a reputable citizen, hasn't committed a felony for 8 years, and can give some reasonable cause why he would like to have a gun to protect himself, most anyone can do this, if he

is fearful, he can get a registration for a gun. So this can be done, anyone who wants to have it. So that we know that John Doe, citizen No. 1, a reputable citizen, has a gun. And so, when a police officer stops a car, under the law he has to, if he asks, I would like to see your gun registration, and you or I or anyone else, can take from our billfold a gun registration and show that we have a right to a gun.

What is involved in all of these crimes that our courts are not able to deal with are protected criminals who use a gun and use a car for their robbery or rape or whatever their great offense may be, and, actually, the police are handicapped tremendously because many times, when they have pretty good reason to believe, but not probable cause, they simply can't do anything about it. It's my feeling that we would have a very salutary reaction if, in the whole process, it were known that the police have a right to do some searching for guns that are being used in crimes and guns that are unregistered and unlicensed.

To say it another way, going way back to 1972, there were 1,609,000 registrations of handguns in Michigan. There were more than 1,027,000 licenses to purchase, and 525,000 licenses to carry concealed weapons. Obviously, since these go for only 3 years, much of this represents guns in homes somewhere, where, perhaps, they are put away, perhaps they are not in use at all; but this brings me to the point that I think is important, I think if you have legislation on a national basis similar to, for instance, Senate bill 1447, which sets up, and I know you have a House bill, but I don't have them here, of similar note, a method of tracing the sale of guns, licensing the sale, licensing the purchase, tracing the gun by numbers, requiring disclosure of where they are, this would be a salutary thing because the more we can support the person who is reputable with their gun, the better able the police will be to get at the disreputable criminal element.

To that end, I would like to leave with you another thought, that you can review at your own time and I know you spent a lot of time today and you're probably tired, I have drawn a bill for the Michigan Legislature and I have sent it to a number of people in our legislature, on what is called the implied consent law, which will allow police officers, under this bill, to search cars for guns, on the simple theory that a gun—a car is no place to hide a gun, and that if guns in cars, they should be licensed, and, if not, those people are potenial major criminals.

The reason I suggest giving you a copy of this is that on a quite similar basis, an implied consent law, on a national level, would aid poilce, all over the United States, in doing what they cannot do now, and that is apprehending the gun, the criminal in a car. I think it's constitutional, it's within the province of the Federal Constitution and the State constitutions that follow, and these suggestions of the implied consent law to allow the search of cars, my car, your car, every other car for guns, and the other suggestions I have made, I think, are within the realm of what is possible, and doesn't run into conflict with organizations that really think they have something to beef about.

So I will close what I have to say by saying that I hope that you can adopt the laws that you have, such as Senate bill 1447 in your your own bills, adopt an implied consent version of part of the bill so that police all over the country no longer will be bound by the exclusionary rule relative to searching cars for guns, and permit police to have the opportunity to make real inroads on the learning where guns are and bringing them before justice. Now, I don't want anything which is unconstitutional. What I have said to you about your power over the Federal courts is a power that you haven't used, and I don't think you should use it by criticizing the courts, and I am not critical, I am merely saying that the exclusionary rule, which you lawyers know about was fostered at a time when we never thought there would be this tremendous problem about guns, so it's reasonable to say that any person who wants to have a license to carry a gun, and be in an automobile, because he is potentially dangerous, his car ought to be susceptible to search for guns if he is on the highway.

Now, this could be done. This would be a great advance, I think, if you proceed somewhat along these lines, and my only interest is, because I get awful tired of seeing the police officers having such a tough time trying to enforce the laws that are on the books.

Mr. CONYERS. Thank you very much, Judge. You have given food for thought. I am going to use the stream of consciousness approach in asking you a series of questions. You may not be able to answer them all.

We have the mayor of Highland Park with us and I know that I will have to close these proceedings promptly at 4:30, so I want to be fair to everybody involved.

The question that was raised before you got here is the statement that one of our witnesses made, that 24 percent of the people convicted of felonies involving the use of guns, and I presume that they meant in this State, and this is not a statistic that I can corroborate, the judges do not sentence them to prison. They may get probation. The question that we have to deal with is not whether or not a criminal judge should have discretionary authority, but rather the use of the discretionary authority. For a little old lady in tennis shoes caught taking her police son's pistol back from the airport, obviously, there ought to be some judicial discretion. But there are cases that we get before us as examples of what criminal judges ought not do. We are belaboring this with you because you are the first judge with the courage, I might say, to come up before this committee. We do not mean to harangue you, but to share these problems with you. It's very easy for somebody to say the courts aren't doing their job. Well, the legislature isn't doing its job either, and, certainly, the executive isn't doing its job, so that we get to pointing fingers. The prosecutors aren't doing their job, the defense attorneys are stalling and delaying proceedings. The thing that does bother us, that goes beyond whether a judge should have discretion in cases, and which brings on this inclination for mandatory sentences is that we don't like the way judges are handling these cases. We have given them this discretion, and we want them to use it differently. But, they are

not, and 24 percent of convicted felons avoiding prison sounds like a big figure. That is point number one.

Now, you said that nobody should be the enemy of the National Rifle Association. I always have to raise that question. Neither should we be the enemy of the National Rifle Association. I don't think anybody singled out the NRA to be the enemy, but there is an unnecessary amount of propagandizing that goes on behind our back, out of the formal purview, notice of this committee. They say that we are about to take hunters' guns away, that we are going to curb recreational uses of the gun, that we are going to curb or infringe upon the rights of people who like to shoot for sport, and are in organized clubs. I have yet to find a Member of Congress in either body that advocates or implies such a restriction.

We should get that out to our friends. We can move even an emotional piece of legislation without resorting to any distortion of the truth.

Judge MOORE. You are absolutely right.

Mr. CONYERS. Now, this exclusionary rule about car searches bothers me because it brings us smack up against the fourth amendment that prohibits unreasonable search and seizure. My view is that the exclusionary rule is evidentiary. And, by the way, the Federal Rules of Criminal Procedure will be up for debate on the House floor very, very soon. I am going to look up this question you raised, but I think you do know that the criminal trial court has the discretion to allow into evidence an automobile search which may uncover a concealed weapon or an illegal weapon by the virtue of at least one Supreme Court decision on the subject. That is where there is reasonable suspicion or probable cause. Now, where there isn't—*Terry* v. *Ohio*, is the Supreme Court case that I alluded to—something illegal, unless there is not a reasonable basis, many of those cases are turned down. But where there was a reasonable belief that there was a probability of the violation of a traffic ordinance, or statute, such a search can reasonably pursue, if my interpretation of that Supreme Court decision is correct.

So, I think that we have a great number of those gun offenders that are turned loose because the police operated clearly outside of the purview of the law. They didn't have reasonable or probable cause. Sometimes the evidence that the prosecutor presents is so shakey that there is no way in the world that you, as a judge can admit the evidence. All parties know that it's not going to lead to any finding of guilt. The result is the negotiated plea. We'll settle for an attempt, and then that leads you to a suspended sentence or a probationary determination. Now, somehow we have to—we have to defend you members of the judiciary when there are these circumstances that lead you to put someone on probation. God knows, you can't look into somebody's eyes standing before you and say I think this man is going to go right back out and get a gun and commit a crime within the next 30 days. If you had any reason to think that, I would like to believe you wouldn't invoke your discretionary powers. But, what are the circumstances when this does arise?

Judge MOORE. Well, you are quite right in the basis of the whole matter, with one or two exceptions, it's these exceptions that are bad.

If a police officer stops my car or yours out on the street for a minor infraction, he can't search the car, he may not get inside the car, he may not put himself in the car to put his hand under the front seat or glove compartment, or put it another way, if he arrests you for speeding, he has no right to search the car, he may impound the car. If so, it has to be taken to the pound and it has to be released to anyone directly before anything else is done, so there is an impervious shell around the criminal, as the law now stands. Our Michigan Constitution, presently, and for three consecutive terms, has allowed guns and drugs found in cars to be in evidence. In 1968, following the Federal decisions, which, incidentally, I criticized, following the Federal decisions, our own Supreme Court said it was unconstitutional under the U.S. Constitution. Out the window went the ability for good sense but not probable cause. See, good sense sometimes is quite a bit less than probable cause. Probable cause means a phone connection that you know who it is, or information that is positive and reliable, but information coming across the wires usually is not of that type.

Anyway, the point I am making is that you do not have the power to get at guns in cars and the real criminals are people who are going to have a gun and are people who are going to have a car, either stolen, their own, or borrowed, to get there and to get away. This would be the greatest help, if we could really get our hands on the police right to search cars. Now, people have said to me, well, they will pick on some people and be unfair to them that way. Well, that's a possibility. I think we ought to trust our police.

Another matter, no police officer may stop a car for any purpose without recording, if it's a good police department, because he has to record what he does all day. If he stops me a couple days in a row, almost anybody will tell me, make a complaint and we will get after that fellow. I think we need to say, constitutionally, maybe, people have a right to carry guns if they are licensed and restricted and—maybe that is the constitutional provision, I don't like to think that but, reading the case law, I rather think so. Anyway, it would be better to protect against that possibility of the courts throwing out the good legislation. So I think if they can register carefully and if they can get a license to carry a gun, under certain conditions, that as a primary thing in a good bill to regulate all the rest of it. That is just Art Moore's version.

Mr. CONYERS. We appreciate it. Mr. Mann.

Mr. MANN. I am intrigued by your implied consent idea. I won't dwell on it.

Judge MOORE. May I help you with one or two things?

Mr. MANN. Right.

Judge MOORE. There is implied consent when you come across the border when they search your car. There is implied consent when they take your blood pressure for drunk driving. There is implied consent when you go on an airplane and I am tickled to death to see them find that I have too many keys in my pocket because maybe they will catch the next fellow who might highjack the plane. So there is implied consent. In this busy day, I think there has to be another item of implied consent about guns.

Mr. MANN. Let me engage briefly in a little blasphemy here. As the Chairman pointed out, in 24 percent of the gun related cases, that criminal sentences, imprisonment was not the result. You know, when you compare that with the number of cases that came before, that come before the courts, vis-a-vis the cases that exist, caught or uncaught, let's assume that it's a third that are caught, which isn't many—well, which is a gross overstatement when it comes to the possession of guns, one percent of the people that carry guns are caught in a year, so you take that 24 percent of the one third, even, and you're in an eight percent figure. You take the 24 percent of the one or two or three percent and you're in about a one percent figure of the people that don't serve time. So what I'm really saying is that the—in spite of the dedication of the individual law enforcement officer, which I subscribe to completely, the failure in guns is at that level, it's at the police level.

Now, the police complain, when the courts don't make an appropriate disposition of the case, because they didn't present a good case, or because they are proud of and one case they got out of the hundreds they know exist, that they feel very tender about it. I love the police but I can't resist saying what I believe, and that's what I believe. Much of the public reaction to the sentence problem comes directly from the police who are complaining because their case didn't get the kind of treatment they thought it deserved. I am afraid that is the way it is, even though we don't like to face up to it, and I am not saying that it's an easy problem, they have got a virtually impossible task, and the 4th amendment is a good part of that task, or a good part of that obstacle. I happened to be having a little session with Chief Justice Burger and Justice Powell a year or two ago, and we talked on this problem, search and seizure and guns, and I just somewhat facetiously said that I could take this microphone and walk through the typical joint in Greenville, S.C., on Saturday night and kind of point it around, and the next Saturday night there would be at least half of the guns wouldn't be carried, next Saturday night, because they thought I had that secret device. Well, I asked Justice Burger, do you think an electronic device of this sort would violate the unreasonable search and seizure? Of course, he, you know, he passed it around and said, well, you know, some judges have gone pretty far on this business of unreasonable search and seizure, but he didn't try to answer it, but I do suggest that maybe for identification purposes some of these more sophisticated devices can be used without actually making cases, but you can get a heck of a lot of information that way. So I have had my say.

Mr. CONYERS. Well, Your Honor, we are delighted that you testified. As you can see, we could keep you here a long time, but the gentlemen from Illinois, Mr. McClory has decided not to question you so that we can accommodate the mayor for the remainder of the hour. Thank you very much.

[The prepared statement of Judge Moore follows:]

STATEMENT OF HON. ARTHUR E. MOORE, CIRCUIT JUDGE, OAKLAND COUNTY, MICH.

National and local crime have become so severe by the use of guns and cars in the hands of criminals, that we are rapidly losing the battle for morality and against crime.

Criminal trials in Oakland County, Detroit's privileged area of one million persons, is up 50% for the first 3 months of 1975 as against the previous year.

Out of 100 crimes committed today in the United States, 66 are unreported, 26 are not solved, and only 7 result in convictions. Of those convicted, 90% are plea bargained out of appropriate punishment. Thus, about 1% of crime results in appropriate conviction and treatment.

Most major crime is committed by the use of handguns, coupled with the use of a get-away car.

Thus, if we wish to make inroads against the major criminal, we must take action against the gun and the gun in cars. We do not need to abridge any constitutional rights. But we do need to—

1. Adopt strict licensing national and state laws as to manufacture, sale, purchase and use of handguns.

These laws must be so severe that everyone will observe them. This means denying the trial courts the alternative of probation and making imprisonment sentences mandatory. It also requires the elimination of plea bargaining, except where within the proofs available. It also means that we must be able to search every automobile on the highways by uniformed police officer for guns and drugs. For years, before the United States Supreme Court reversed the applicability of its search and seizure decisions, evidence of guns and drugs found in cars was admissible.

The adoption of so-called "implied consent" laws as to automobiles and the search for guns and drugs will restore to the police the right to search cars in good faith, even without probable cause, and bring before the courts evidence of illegal gun possession, use and transfer or sale.

We have learned through bitter experience in the courts that the law has become overprotective of the criminals' weapons as against the frightened public.

2. The law must be changed to provide that everyone driving, owning or possessing a car on the highway is licensed to drive only on the conditions of "implied consent," meaning that his car may be stopped and searched for hidden illegal weapons and narcotics.

Under present law, a criminal may easily secrete his gun under the seat of the car or in the glove compartment or in the trunk because the law now affords him protection from search and seizure without "probable cause" or without a search warrant.

If he obeys traffic laws and keeps weapons hidden, he will be safe from apprehension. Or if he is apprehended, he will be quickly freed.

Police may well suspect, without having "probable cause for arrest," the known, repeater criminal, yet be legally unable to search him or his car.

Even if police stop a known criminal's car, they are limited and restricted to peering into it to see weapons, if any, that may be in plain view. But they may not enter the car.

They cannot look or search under the seat, or in glove compartments or in the trunk. That is now illegal without a search warrant or probable cause for arrest.

Police are limited to issuing a ticket for the traffic violation. A suspect is free to go to or from the scene of an armed robbery, gun assault or murder with impunity. This must be remedied.

Far too often a well trained police officer has to act on the spur of the moment with the combined skill of the proverbial Philadelphia lawyer and the legal "backsight" of the mythical "majority" of the United States Supreme Court.

This is asking a great deal. Hence he sometimes errs in abiding by the technicalities of search and seizure, resulting too often in the suppression of evidence that permits a criminal to go free.

For my part, a uniformed police officer is welcome to search me and my car, for I think as a good citizen I should permit this in the interest of crime prevention and justice.

3. I am not advocating the search of any person's home or business office or the invasion of personal privacy without a search warrant. But it is time we do away with the current "rules of the road" which make them highways for criminals' escape.

4. Smoke screens have been raised over "the constitutional right to bear arms." and game hunters' right to use hunting guns and legally held pistols. The Constitution does not prevent reasonable licensing of weapons.

5. In my view sportsmen always would be able to obtain gun licenses provided they are law abiding citizens.

I suggest much more strict licensing and control over guns, their possession, use, registration and sale but allowing the search of all vehicles for guns and mandatory jail sentences for the gun criminal.

I urge national licensing and control over all gun manufacturing, sale and distribution, and mandatory jail sentences without probation for violators.

Implied consent to search cars, by uniformed police officers, without repetitive harassment is actually a step to protect the public from major crime. The good citizen must relinquish some technical rights in favor of the broad protective purposes against crime, just as we have done relative to —

a. Searching of cars at the United States customs' office when entering or leaving the country;

b. Searching of baggage and purchases at the boarding of an airplane. and

c. In connection with breathalyzer and blood tests for allegedly intoxicated automobile drivers.

The public accepts these protective measures with gratitude. I believe the public is prepared to cooperate relative to searches of cars for guns and drugs.

I call the Committee's attention to the fact that the U.S. Congress has the constitutional power and control over all evidentiary rules in the Federal courts.

Certainly, this rulemaking power covers the propriety of search of cars for deadly weapons such as handguns.

If Congress utilizes this protective step under its rulemaking power for the Federal courts, there is no doubt in my mind that those courts will honor the rule and eliminate the so-called "exclusionary rule" as to illegal guns and narcotic drugs found by good faith police officers' search. This is exactly what the Michigan Constitution presently permits.

Your Senate bill No. 1447. "Federal Handgun Control Act of 1975," if adopted, will cover most of the points which I advocate.

SUPPLEMENTARY STATEMENT OF JUDGE MOORE

Public safety now demands an implied consent law for search of cars.

We have well accepted implied consent laws as to blood and breathalyzer tests against the drunk driver; and for search of cars at immigration border crossing and for guns of hijackers on boarding airplanes.

Our crowded society needs now to consent realistically to laws protecting the public against criminal guns. Our own willing consent for our very protection requires that police have our consent. Implied consent to search every car on the highway, including our own. To apprehend the major criminal with unlicensed gun hidden in car. To thus prevent murders, armed robberies, kidnappings and the like.

Present laws prohibiting search for illegal guns are ridiculous and outdated. They are constitutionally operative against search for illegal guns, but only for want of corrective remedial implied consent law.

The courts will welcome such implied laws. We will no longer be required to allow the gun criminal to go free when the evidence has to be excluded. Consent laws are constitutionally valid as part of the safety licensing of motor vehicles.

An implied consent law is the only sensible and practical way to protect ourselves.

Today, it is ridiculous, and the public universally so considers, that a police officer be so handcuffed. Without "probable cause" he cannot search a car for guns. He is restricted to peering into a car from the outside, to seeing and seizing guns only in plain sight. He is denied entry and cannot take an illegal gun from under the seat or glove compartment or otherwise hidden in the car.

The public wants better protection and are fed up with legal technicalities.

But this does not mean we need to violate the Constitution. Instead, we shall continue to meticulously observe constitutional search and seizure provisions in all other respects. But by the implied consent law, we shall constitutionally allow the uniformed police officer, by our consent, to reasonably search for criminal guns secreted in the criminal's vehicle.

Let's apprehend the criminal!

A BILL

A bill to amend Act 300 of the P.A. of Michigan 1949, as amended, known as the Michigan Vehicle Code, and to provide new sections thereof for the purpose of protecting the public against crime by preventing the illegal use of guns and preventing the unlicensed possession, use or transportation of guns in vehicles on the public highway of this state.

SECTION. I. PREAMBLE.

(a) It is recognized that the public is in great danger because of ever increasing volume of crime. Much of crime is perpetrated by illegal use of guns and by guns carried in vehicles. It is well recognized that the automobile has become a weapon used by criminals as a sanctuary for such criminals in going to and from the scene of crimes committed by guns. That criminals now have their illegally possessed or used guns hidden with impunity within such vehicle. The possession or transporting of such guns of criminals in vehicles used by criminals have become and are a great public menace and danger. Public safety demands that guns in cars be eliminated. That now automobiles should be allowed on the public highway only for transportation purposes and are no longer a reasonable or fit place for unlicensed guns.

SEC. 1(aa). Exemption of Police.

The provisions hereof shall not be applicable to vehicles driven by, or to personnel of, the armed services or police, peace officers or sheriffs.

SEC. 2(aa). Guns not allowed in vehicles.

It shall be unlawful for any unlicensed gun of any description to be contained or transported in any vehicle upon the pubilc highways of this state, and it shall be unlawful for any registered owner or operator or occupant of any vehicle to knowingly allow such gun of any description to be contained in or transported within such vehicle.

SEC. 3(aa). Implied consent from registered owner.

Every person who applies for registration of title to own or license to drive a vehicle, thereby gives implied consent for the search of such vehicle so owned or so driven, by any uniformed police officer for unlicensed guns of any description.

The acceptance of a registration certificate and/or the receipt of a driver's license, shall each carry with it, the implied consent of such registered owner and the operator of such vehicle, for any uniformed police officer, after clearly identifying himself, to search such vehicle in good faith but without probable cause for illegal guns or unregistered guns or guns unlawfully contained or transported in such vehicle.

SEC. 4(aa). Registration and driver's license to show gun ownership, possession and license.

Before any certificate of title and any driver's license may be issued to any person, he shall first disclose under oath whether or not he is the licensed owner of any gun of any description, reciting the specific and imprinted gun serial number and description thereof. Such ownership and licensing shall be shown on such certificate or license when issued. Neither registration of title nor driver's license shall be issued to an unlicensed owner or possessor of any gun unless that person first secures a permit to possess, or use, or transport such gun.

Any person applying for such certificate of title or driver's license who falsifies the gun license statement in his application for title, or utilizes or knowingly permits another to utilize such certificate of title or driver's license in violation of this section, or who knowingly drives or possesses a vehicle with any unlicensed gun therein or violates any provision of this act, shall be guilty of a felony, without benefit of probation.

SEC. 5(aa). As an evidentiary matter in the courts of this state, the so-called "exclusionary rule" of the Federal courts is not applicable to the search of any vehicle on the public highways of this state for guns, and any and all evidence obtained thereby may be admitted in evidence as a discretionary matter, within the sole judgment of the trial court. Courteous search for illegal or unlicensed guns in cars is hereby deemed reasonable under prevalent crime hazard in Michigan.

SEC. 6(aa). Saving clause.

Each subsection, paragraph and provision of this statute shall be deemed severable, and if any portion thereof is found invalid for any reason whatsoever, it shall be deemed deleted herefrom and the balance deemed valid and operative.

Mr. CONYERS. We now call the Honorable Robert E. Blackwell of Highland Park, which is literally surrounded by the city of Detroit, has its own major crime considerations, and which I will leave for him to describe. Of course, he has been in constant touch with me about the nature of the problems in the city of Highland Park, especially in terms of the legislation that is before us. So I welcome Mr. Blackwell. We incorporate your statement into the record at this point, and that will give you more time to talk with us about this problem at your level, as you see it, and how we can make an impact upon it. Welcome to these proceedings.

TESTIMONY OF HON. ROBERT E. BLACKWELL, MAYOR, CITY OF HIGHLAND PARK, MICHIGAN

Mayor BLACKWELL. Thank you very much, Mr. Chairman, Members of Congress, and ladies and gentlemen. The city of Tokyo, the second largest city in the world, has a combined population greater than New York, Detroit, and Highland Park. Recent recording of homicides in Tokyo was a great total of three. Needless to say, Tokyo has very effective handgun control legislation. What I would like to discuss with you gentlemen is really congressional effective handgun control legislation that takes handguns away from everybody except those designated by Congress, and, gentlemen, I think I—even though it's controversial, there are literally tens of thousands of legal handguns being worn every day by so-called detectives, FBI agents, treasury agents, and, everybody else, it's my opinion that a handgun, in order to be worn on a person, should be required to be worn on the outside and visible, except, as I say, in those instances where we're doing undercover work or where it's authorized by Congress. The hunters and sportsmen are not on our streets looking for antelope and bear, because there are not none there, so we are not talking about them. We are talking about the huntsmen who are gunning down innocent people and who are intimidating ladies and raping and maiming children and stealing the little moneys that the boys who deliver the newspapers collect.

So I don't know what the qualm of the Congress is about handguns; I don't know what is so magical about it, because even though our Constitution gives us the right to bear arms, they certainly were the wisdom not to describe what kind of arms we could bear, and I think you could wisely say that we could have cannons and bazookas in our possession—and we don't—but, yet, you have some qualms about dealing with handguns. It baffles me when you look at the gun statistics daily of the maiming that goes on in our communities. And especially, gentlemen, I think in the black community. Because that's where it seems that most of those of affluence have moved to the suburbs now, and homicides are not near as statistically important, as they are in the inner cities where we live and where we struggle each day. And we can't really build a great city and a great hospital, and

the beautiful residences and lawns and golf courses and parks until we can live at peace and at leisure with ourselves and worship our God in our own way. I would like to tell you, gentlemen, if we could give you the statistics, that they are now holding up and robbing our churches, the collection plate with the handgun. They are also holding up and robbing funeral parlors, where the body, the deceased, is laid out that have already been gunned down. Now, I think these are grim facts that you have to deal with. I think the Congress has, in its own wisdom—maybe wisdom, I don't know—been dealing with pollution by requiring very expensive antipollution devices on automobiles and other equipment—I must say the 1975 automotive product is not a good product with the catalytic converters and other safety devices and antipollutants on it; but, nevertheless, you enacted that legislation. You're dealing with the fields and streams now by making it possible that we are going to have clean water and rivers, but the citizens of Highland Park don't have rivers and lakes to enjoy; we don't have a lot of green areas. We would just like to enjoy our own environment, our own backyards, our own streets and shops; and so we are asking the Congress to begin that process of giving us some protection so that we too can live in peace. Thank you.

Mr. CONYERS. Thank you for your statement, Mayor Blackwell. I feel you took into consideration the fact that we are running on a rather tight schedule.

I would like to have Congressman McClory initiate the discussion.

Mr. MCCLORY. Well, Mr. Chairman, thank you very much, and I want to thank you, Mayor, for your statement. I also read your statement, and your statement that you have filed with the committee is just as punchy and just as effective as the verbal statement you have delivered here.

Mayor BLACKWELL. Thank you.

Mr. MCCLORY. I would just risk to comment, as we draw to the close of this, today's hearings, in Detroit, that the great wealth of information that we have received, the comprehensive nature of the testimony we have received, and how extremely important it is for us to get out of Washington and get out into the field where the action is and where the problems exist and hear from those that are involved. While some may suggest that we haven't heard very much from the progun element as we have from the law enforcement people, I think it should be brought out that we have tried to get at the various aspects and talk to those and hear from those who are most intimately involved with the problem, and I think that we have profited immeasureably from that kind of presentation here today, and your contribution is an important part of that, Mayor. I thank you very much.

Mayor BLACKWELL. Thank you, sir.

Mr. MCCLORY. I want to commend you, Mr. Chairman, for your organization and your support of this hearing here today. I think this coming to your home community has been extremely important to our subcommittee.

Mr. CONYERS. Well, I might just say here that the fact that there are committee members who will follow the chairman all over the

face of the country, is extremely important. All of these gentlemen, as the mayor knows full well, because he has been to Washington countless number of times on Federal problems as they relate to the city of Highland Park, knows that everybody is so busy with their own problems that we could avoid these hearings but for the reasons so well articulated by my colleague from Illinois. I think that it's important that we get out here.

Let me briefly recognize the gentleman from South Carolina for any questions that he may have.

Mr. MANN. Thank you, Mr. Chairman.

Mr. Mayor, you and I agree that a strong stop and frisk law seems to be essential to any good enforcement of laws against anyone carrying a gun. Being sensitive to the Constitution, as I know you are, it's going to be hard to do, but we have got to work on that. I thank you for your thoughts on it.

Thank you, Mr. Chairman.

Mayor BLACKWELL. Mr. Mann, I might add that our stop and frisk law was tested and it was proven to be constitutional, and that we keep a strict log and we investigate every offense or every occurrence on a daily basis and we have had no problems with it. My community is predominantly black and they have insisted that we enforce the law, and we have had no serious problems with that. We insist that the search can only be done if the police officer feels that his life would be in jeopardy.

Mr. CONYERS. Might I just ask one question before we close, you are, in a sense, like the judge that preceded you, the first one of your kind to come before this committee. The discussion that does go on in the black community, and one I think deserves special attention, because I am painfully aware of the fact it's easy for people to say, let's ban the gun in areas that are generally statistically far more safe than the black communities, the inner cities across the country, the Highland Parks and the Detroits of the United States. The question always develops around the nature of police protection afforded the citizens in these circumstances. Can you enlighten us about the dimensions of that kind of problem, and that challenge as it relates to effective crime reduction?

Mayor BLACKWELL. Mr. Chairman, we have approximately 45 percent of our police force—are in the detective, so-called detective division. These gentlemen bear arms but they are dressed in civilian clothing and, from my point, they are not out there visibly being able to deter crime. I really question the necessity of having detectives wearing plain clothes and bearing arms that are not effectively used for the citizens. I think we could immediately enhance every community by making that a requirement because it's a very costly matter, police are, and I think that more of our police we get out in uniform, the more deterrent we will have against crime.

Mr. CONYERS. I thank you for your response.

There are a lot more details that you and I can discuss in this context, both on and off the record, but I am very grateful for you appearing before the committee, and I do join in extending my deep gratitude to my colleagues who have come to Detroit and, by exten-

sion, to Highland Park, to join us in this discussion. On that note, I pronounce these hearings adjourned until 9:30 in the morning.

[The prepared statement of Mayor Blackwell follows:]

STATEMENT OF MAYOR ROBERT B. BLACKWELL OF HIGHLAND PARK, MICH.

Congresspersons, Ladies and Gentlemen: I am pleased to have this chance to aid the Congress of the United States by offering as evidence in this inquiry, my city of 35,000 residents and 80,000 non-resident workers: Highland Park, Michigan.

The eyes of the nation are focused here today, and the citizens of every urban area in the country await anxiously the gun control legislation which is expected to result from your visit here, and other cities throughout the United States.

Ladies and gentlemen, you have to go no farther than Highland Park, Michigan to learn the terrible effect of handguns on the peaceloving residents of cities throughout America.

Though Highland Park is a city of only 2.9 square miles, already this year eight of our citizens have been murdered on our city streets and in the homes of our families.

Because Highland Park is a central city surrounded on all sides by Detroit you will find many of the same problems here that face law-abiding citizens everywhere in this country.

One of our citizens died of negligent manslaughter since the start of this year. Thirteen women were forcibly raped, and an additional five women were able to stave off the attacks or flee.

Since early January, 232 of our citizens were robbed at gunpoint. There have been 97 aggravated assaults, and numerous woundings from gunshot.

My statistics are almost a week old, and cover crimes which took place in just the first four months of 1975, in an area confined to 2.9 square miles. These are only the reported instances.

Criminal harassment and injury to Highland Park citizens in Detroit are not included in these figures. They represent only the "tip of the iceberg" of the many terrors which we in the cities of this country are confronted with daily.

Something must be done at the Federal level to put an end to this ruthless intimidation, wounding and slaughter of our citizens.

If some criminal uses a handgun to rob and to rape, then we have to be provided with the laws to put him away in a prison.

If some criminal shoots a citizen and is found guilty of this crime, then it is senseless to turn this person back on the citizens of our cities to shoot another victim. We must crack down!

The spreading poison of illegal handguns and too quick triggers has all but destroyed the chances of a productive, safe family life in the black communities of this country.

Black Americans are shot up every day, in cities all across America, by armed men who find us easy and defenseless prey.

The time has come for America's black leadership to rise and demand laws restricting the right of carrying murder weapons on our streets.

We can no longer exist with armed 'superflys', crooks, rapists, and thugs harassing our citizens at the point of death. No city can survive that!

I pioneered strong stop and frisk legislation in Highland Park back in 1970, and I have insisted that our city police enforce that law, a fact favorably presented both in the local media and in the Congressional Record.

A strong stop and frisk law, vigorously enforced, is the first step for central cities, such as my own, on the path toward a peaceful urban environment. But stop and frisk laws are not enough. With them we must couple strong Federal laws, simply understood, which will provide for a prison term of at least one year, without probation, for anyone found to be in possession of an illegal handgun, and for anyone caught committing or attempting to commit a crime while in the possession of a firearm.

The people of this country need a nationwide law which makes it illegal for anyone to carry a handgun outside his home or business.

Further, the people of this country need relief from the official and quasi-official underground army of domestic armed spies.

New Federal gun control legislation which holds freedom as its highest ideal will include the provision that no policing agent in this country be allowed to carry a concealed weapon without the specific consent of the Congress of the United States.

The day of the gun-toting human wiretap must be ended.

Those convicted of illegally possessing or carrying a handgun, and those caught with a handgun while in the process of attempting another crime, will, under thoughtful legislation, be required to serve a separate sentence from that served for any related crime.

But do not misunderstand the intent of what I say.

Like too many men my age, guns carry a special meaning and memory, a significance unrelated to doing honest business in our urban areas. I was one of the hundreds of American soldiers wounded in World War Two.

And I did not fight in the war so I could come home to an ongoing war in the streets of my city, where thugs are outfitted with every kind of weapon from "Saturday Night Specials" to automatic pistols.

This we must understand. The streets of our cities are not the appropriate places to be toting sidearms.

What can you do with a gun on the street? Shoot someone? Point it at a citizen and demand his money? Hold it to the head of some innocent woman? A handgun has no place on the streets of our city!

If our cities fail, our society falls. If our central cities fail, all of our urban areas fall.

There is hope to turn our urban cities around. Many of my citizens believe very strongly in this. We can plan beautiful parks and walkways for our families, we can free more land for open space, for gardening.

We can work to boost employment; we can clean our streets; we can attract business back; we can rebuild our neighborhoods; we can live decently.

But we cannot turn our faces to the building of the future while we are still worrying about getting a bullet in the back. Steps must be taken to remove the deathly influence of the armed criminal!

I understand the pressure coming from gun lobbyists, gun manufacturers and gun shop owners, all of whom are wary of any new legislation which would endanger the use of firearms for recreational use.

And I am not opposed to a man spending his free time hunting. Neither do I believe that such a man poses any danger to the residents of my city.

But I am opposed to allowing crooks to enjoy the same privileges of gun ownership as the sportsmen. There are no antelope or bear on the streets of my city, only men, women and children. Hunters don't bother us.

Sportsmen don't carry revolvers in their pocket on Woodward Avenue. Sportsmen don't use retail merchants as targets, or use their weapons to rip-off people's homes.

In Massachusetts, recent gun control legislation was passed with the support of gun enthusiasts and sportsmen because the law was aimed at taking guns away from criminals. No rational man can oppose cracking down on those who would use their handguns to commit crime.

Unless we make it plain to the criminals infesting our cities that we are not going to stand for any more senseless slaughter and maiming, the slaughter and maiming will continue.

For those who say they doubt that gun control legislation would reduce murder, armed robbery, assaults, and many rip-offs, I would refer them to the police reports from such cities as London, England and Tokyo, Japan.

Tokyo, a city larger than Detroit and New York City combined, had only three homicides with a handgun in a recent year. Like London, Tokyo has a strict law banning handguns.

Around the world, many such examples prove this chief point: If we are given the chance to survive in our central cities, we will survive. On behalf of the victims, those who have died, those who have been shot-up already, those who are frightened, I am asking you today. Take the message back to Congress. The people of the United States are asking for the chance to survive and build a future.

FIREARMS LEGISLATION

DETROIT, MICH.—TUESDAY, JUNE 10, 1975

House of Representatives,
Subcommittee on Crime of the
Committee on the Judiciary,
Washington, D.C.

The subcommittee met pursuant to notice, at 10 a.m., in the 13th floor auditorium, city-county building, Detroit, Mich., Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, and McClory.

Also present: Maurice A. Barboza, counsel; Tinmothy J. Hart, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. Conyers. The subcommittee will come to order. We will continue the hearings of the Subcommittee on Crime, a part of the Judiciary Committee of the House of Representatives, that is conducting hearings in the city of Detroit, Mich., in connection with firearms regulations

Our first witness this morning is Ms. Marie Wilt.

Dr. Wilt is with us in connection with her project director analysis for police responses. We are pleased to call her before the subcommittee.

We have the very extensive paper you have prepared here, some 25 pages. We appreciate your preparation for this subcommittee hearing. It will be made a part of the record, freeing you to testify in your own way this morning. Welcome.

TESTIMONY OF CMDR. JAMES D. BANNON, DETROIT POLICE DEPARTMENT, AND G. MARIE WILT, PH. D., RESEARCH INSTITUTE, WAYNE STATE UNIVERSITY

Dr. Wilt. Thank you. I guess what I would like to do, primarily, is summarize the statement that I have given you and explain my position in terms of the research I have done. My research primarily has been on homicides in Detroit; the statistics in there pretty closely indicate that perhaps not firearms in general but at least handguns are a very significant contributor to homicides.

I take two positions really, in that paper. One is what I consider a public safety position and recommended that if we wish to approach firearms control from the public safety position, then we should consider some kind of registration, licensing procedures for all firearms. I think in terms of my research you are probably more interested in how I feel that handgun control would have an impact on crime.

Mr. CONYERS. Excuse me, Dr. Wilt. Might I ask Cmd. James Bannon to join you?

Dr. WILT. Certainly.

Mr. CONYERS. I wasn't sure that he was here. Good to see you.

Commander BANNON. Good morning.

Mr. CONYERS. Pardon the interruption.

Dr. WILT. I pointed out in this paper that I feel that your primary interest is having an impact on crime then we should be looking at handguns and the control of handguns, and, as a psychologist, I would recommend very much that we need to do something in terms of enforcing perhaps the current handgun laws and perhaps should even go so far as to consider complete prohibition of handguns. But I think you need to look at all problems like this on a variety of levels. I think if we controlled such things as the carrying of guns, this would be a significant factor. The majority of people who are involved in homicides in 1972, which is when I did the study, had these guns on their person, so I think that the carrying of a handgun is a problem, but we have to be careful when we are looking at something that is essentially a technical solution to a crime problem, which is what I view the handgun control issue as, because it will not reduce the number of crimes except for homicides. I think I pointed this out pretty clearly. It will have an impact on the level of violence that we will find in crimes, and I think that is a very desirable objective.

Many assaults, many rapes, many robberies would not end in death, first of all, if the person were not armed. In many cases a person who is robbed, for example, has a gun in his home or in his store; the person who comes in to commit the crime is not armed, and, in an effort to protect themselves, the citizen pulls a gun; frequently they are not very proficient in it—I'm sure most people who own guns don't go out and practice, and probably never took any kind of formal training in the first place in the use of it, so I think what people view as protection for themselves is not necessarily so. It frequently ends up in their own death.

I guess, essentially, what I am saying is that the effect of having enforcement of current gun laws or of strengthening our gun laws will indeed reduce the level of violence that we will have in crimes.

In order to make this effective it seems to me that there must be some kind of mandatory sentencing to back it up. I believe the prosecutor's office in Detroit some months ago recommended an automatic 5-day term for anyone convicted, a jail sentence for anyone convicted of illegal possession of a handgun. It's not a severe sentence in the sense that it's going to have long-term disastrous effects on the person but it's severe enough that it might be prohibitive.

This, to me, is very important, because I think the major problem at this point in time is going to be the enforcement, particularly in a city like Detroit, where it is my understanding that the majority of the guns that are in the hands of people are not only not registered, but they are not purchased through, necessarily, legal sources.

Mr. CONYERS. Commander Bannon, would you care to add and supplement in any way the testimony of Dr. Wilt, especially in connec-

tion with this report that both of you put together, a comprehensive analysis of conflict-motivated homicides and assaults.

What kind of findings, principally, were derived from this study?

Commander BANNON. Thank you, Mr. Chairman.

Basically, the homicide and assault study identifies numerous variables as being influential in the etiology of homicides and assaults in the city of Detroit, handguns being one of the dominant factors, undereducation, underemployment, unemployment, use of alcohol, relationship to leisure time activities, and people in social interaction.

Dr. Wilt's major contribution to the literature on homicide is that she is the first who developed different nomenclature for the sociological study of assaults, homicides, in calling them conflict-motivated, crime-specific, so forth. So that she looks at all homicides, or we looked at all homicides and assaults as just another variation of a social interaction rather than, in criminal terms, per se. That allows us then to look at police shootings as well as citizen justifiable shootings and self-defense types of shootings that many other researchers have historically overlooked because they were looking at criminal definitions of homicide rather than social definitions.

I think the variables I had are traditionally associated with poverty, with the inner city, and in Detroit's case that translates, unfortunately, as a black problem.

One of the things that Dr. Wilt and I both shared a major fear in, since realized, is that some of the gun freaks and others would cast the problem in terms of a black problem, in terms of a city problem, and be resistant towards any efforts to ameliorate the problem because it's basically our problem.

Dr. Wilt and I, as long as I have the floor, have no disagreement whatsoever on the results of that study. Basically, we have a minor disagreement on the issue of gun control. Not over the issue of whether or not gun control would have a major effect on homicides and assaults in Detroit, we agree on that.

My reservation comes from 25 years of experience as a police officer and goes to the practicalities that can be achieved by a committee such as yours, by the legislature, by the courts, by the law enforcement system, so-called, and that makes me very reluctant to endorse one shot panacea as for our problems. I would rather see the committee going in the direction of mid-ranged types of solutions. One such I suggested in my very brief statement to the committee, being that the use of a civil process to disarm violent households during the terms of the violence.

Mr. CONYERS. How would that work?

Commander BANNON. Well, I would envision, not being a lawyer, of course, that once we were successful in identifying a potentially or a violent diad, and perhaps, could predict a higher level of violence, that we would go into court and seek injunctive relief or—so that the civil court would, in fact, disarm the household during that period of trauma or violence, potential violence in the home. That would be one such solution.

My real favorite solution, of course, would be a return to pre-1965 levels in the State of Michigan. You know, we had the exception to

the exclusionary rule which allowed the police and the prosecutor to proceed with the case no matter how the weapon was seized outside of the privilege of the home. We extended to the home the full range of constitutional safeguards but once you carried that gun outside of the home illegally, no matter how it was seized, it was—you could introduce it as evidence in the court case.

Mr. CONYERS. Didn't the courts deal with that question.

Commander BANNON. No, they didn't specifically deal with that. In 1965, and remember that year, it's kind of crucial, it was anticipated because of the M.A.P. decision in Ohio that the U.S. Supreme Court would, in fact, knock down the exception to the exclusionary rule in Michigan. That exception, by the way, dealt with both narcotics and with weapons. That's an interesting corollary there, as well.

The prosecutor's office, in anticipation of the court knocking down the exception to the exclusionary rule, in fact, ceased to issue warrants, and that was about 1965, 1966, and if you would like to look at the spiraling homicide rate, and the narcotic traffic in the city of Detroit, I think you would see some relationships there.

Mr. CONYERS. Yes, but are they any more than unconnected? I mean, what is the point? You mean that the judiciary, in effect, by making a constitutional finding, caused the increase of drug traffic and homicides in the Nation and in Detroit, in particular?

Commander BANNON. I can't speak to the Nation because other States, other jurisdictions didn't have the same provisions in the laws, statutory law that Michigan had, the exception for guns and narcotics. I think that the proliferation of guns and narcotics in Detroit is coincidental, it occurs at about the same time when that exception no longer is valid.

Mr. CONYERS. What about the idea that was expressed by one of the subcommittee members here yesterday that, in all candor, frequently the police have put the gun in the case in such a way that the court knows that it won't wash. That frequently leads to negotiated pleas. In turn, the Prosecutors Association unanimously supports ending plea bargaining mandatory sentences which, would not be necessary, if they didn't engage in negotiated pleas to begin with. It's sort of a circular finger-pointing activity that goes on here.

Commander BANNON. That is called the microscopic eye.

Mr. CONYERS. The judges point to the law. They say, well, if you give me some laws we can work with, Mr. Legislator, everything would be all right.

The legislators look at the trial process and, of course, the prosecutors and defense bar, they point at each other. Then one of them looks at the way the police put the case together, and, as you know, too frequently when the case is brought into court, the evidence has been illegally seized. They almost know to the letter which judges are going to enforce this interpretation of the law. They are playing Russian roulette in recorders court hoping to get the right judge who will send the case through certain of reversal on appeal. Or, they will get another judge who very stringently enforces the constitutional decisions in this direction.

Commander BANNON. Right. These problems don't go away if you have a total abolition of handguns. The same people, the same system, so-called, is going to be required to enforce such a total prohibition.

Mr. CONYERS. There is nobody—I think it should be stated that there is nobody—there are not great numbers of people talking about a total abolition of handguns. I don't know how that would be brought about.

Commander BANNON. Neither do I.

Mr. CONYERS. You haven't heard it from anybody on this subcommittee that is charged with coming up with some real answers. I can assure you, no matter what the difference of our views on the subcommittee may be, nobody thinks that there is yet that support.

Let's analyze some of the considerations about registration and identification of who has the weapons, how they are trafficked in commerce, both legally and illegally, and the whole question of knowing where the weapons are in our society since we are inundated with such fantastic numbers of them.

One of the things that impresses me about the importance of our hearings, if I may say so, is that many people were not aware of the rising flood of weapons that are introduced every year. So, in terms of picking up your phrase of some kind of an intermediate approach to this problem, it would seem to me important that we begin to turn back this one statistic, that we are being flooded with 2½ million guns every year.

Now, to me, unless that one figure is stopped, there is no way to really deal intelligently with anything else that flows from it.

Commander BANNON. I would agree.

Mr. CONYERS. Could either of you suggest a series of methods about how you think this might be best accomplished, if that would be a good, modest beginning?

Dr. WILT. I would like to speak to that.

I think if you're going to control the flow of guns, it, obviously, has to be done at two levels, one, at the manufacturers levels because where else do you get guns except from the people who make them, and the other is from international sources. I recently read a book by a Washington reporter called "Saturday Night Special," and it's exceedingly well written, and I was appalled at the number and quality of guns that we permit in this country from Europe and from foreign countries. The quality is incredible.

Mr. CONYERS. Incredibly good?

Dr. WILT. Incredibly bad. I guess I should qualify that. I guess—I really didn't realize we had this problem in terms of numbers, so it seems clear to me that we need to control, perhaps prohibit completely, or at least have quality control on the types of guns that come in from other countries and then, if you're going to control the flow here, you do it the same way you do with any other commercial enterprise, you control it at the manufacturers level. I suppose perhaps an analogy you could use would be some States have a State liquor board that controls how alcohol is distributed, you could use that kind of a procedure as a model for the distribution of guns. I am not convinced that we need to have handguns sold at discount

stores and this sort of thing. I think we should have one central control from that level. I don't see really how else you control the flow of guns unless you do that.

Commander BANNON. That is based on a realization that Michigan, probably, although you can't tell it by the homicides and assault results, but Michigan has some of the more stringent handgun purchase requirements of the States. There are many States that I have been in where you can purchase a handgun in a pawnshop. Many of our people from Detroit used to journey down to Toledo, Ohio, and buy them in roadside stands, much like you would buy contraband fireworks on the Fourth of July, and use them for the same kinds of reasons as people used fireworks.

I think you need Federal legislation on that basis because there are differences amongst the States about how you purchase a gun, whether it's registered, what quality it must be and that kind of thing. I think that is clearly within the police power of the legislature, to set those standards.

Mr. CONYERS. Well, the fact seems to be, from the testimony we have gleaned from representatives of the State Police, that even though we have what might be termed relatively stringent laws, among the States, it's had literally no impact on anything. In other words, what frequently happens is that this becomes a case against any further laws because the laws you have aren't working. It seems to me that these laws, regardless of their stringencies are not effective at all.

The requirement for the license is that you are not an alcoholic or drug addict or a recent convict and you are over 18. So that's the permit requirements. There are very few people that are going to be stopped there.

The fact, I think, and we haven't been able to detail this, is probably as many guns are not registered in this area, even though there is a registration requirement, as there are ones that are.

Commander BANNON. You can assume from the homicide figures, which are probably conservative on that issue, there is only 60-some percent traditionally that aren't registered, used in social conflict homicides that you're understanding the case; I would say that the numbers, are, you know, just no relationship to the total number of weapons in the city of Detroit by the registration figures.

Mr. CONYERS. Let's yield to counsel for a couple of questions.

You like the idea, I think both of you, this 5-day mandatory that has been recommended by the prosecutor for people that violate gun law, or do you have some reservations about that?

Dr. WILT. I have none. I think that will have, toward the majority of people, a very deterrent effect. It's just enough of a risk that most people wouldn't—it's an added risk they don't want to take. At the moment there is no serious risk involved in illegally owning and carrying a handgun. It might be taken away from you for a few days. If you look at the court reports and see what happens in terms of enforcement, the gun control laws that we do have, it's very bad, so I think if it were done, and it has to be done effectively in the sense that every single person who is convicted of illegally owning or carrying a handgun, has to have that mandatory sentence. If it's

not going to be done uniformly, then I don't see it working anything out.

Commander BANNON. There are just as many so-called legitimate citizens, businessmen, carrying weapons in the city, as there are illegitimate citizens, so to speak. It seems to me that when it becomes time to prosecute, that some people view their legitimacies as an actual excuse for carrying the weapon. I think that Dr. Wilt has pointed out very clearly that many of the homicides that we have studied result from the fact that both parties who enter into the interaction, who aren't illegally armed, and they resort to the use of the firearm while being illegally armed, that conflict would not have been of the gravity that it was if they were not, in fact, armed.

Mr. CONYERS. I must express a reservation about that because I think you're going to get so many hard cases that will make bad law, that even it it's passed, and enforced, it woud probably be repealed after you get some little old ladies in tennis shoes type cases coming up. You would either repeal the law or you would get the prosecutor not bringing the case because that's what happens when you put a mandatory death sentence onto a charge. People are very reluctant because they know that once it goes, then the judge, the jury, nobody has the discretion.

What I keep thinking is, that that is sort of punishment after the fact. I mean, here we are dealing in a permissive society that, not just for 30 years of this generation, or this century, but historically have encouraged and promoted the individuals' romance with the gun. It's instilled. Children are given guns to play with from infancy. It's psychologically connected with men's manhood. It's seen as a defensive weapon. We have all this great traditional and subjective buildup and then, all of a sudden we say, wait a minute, we're wrong, there are too many guns in the society, we have had it, now, from next July 1 on, everybody with a gun is in trouble. I think that's a traumatic change that, perhaps, from the position that I'm arguing—the other side of the case—is not a moderate approach to this business.

I think guns can be separated from narcotics. Narcotics are illegally manufactured and transported and sold, guns are legally made, mostly legally introduced into American commerce, and can be purchased quite appropriately within the law.

So it would seem that we would go back to the source. Here we have a control over the source, we can control the manufacture, and we can control the distributor. I think that we might be able to make this whole problem a lot more palatable to many people who have not thought about it if we begin to merely reduce the availability rather than punishing people for having a gun that he always thought was perfectly OK. I think your proposal may be a little bit tough to ask the prosecutors and judges, many of whom, as you pointed out, don't prosecute concealed weapons cases now because they get the marginal cases where a person was acting defensively while illegally in possession of a weapon.

Commander BANNON. Well, in my statement, I did, in fact, allude to the fact that I feel at this point in our history, with demonstrated inability to protect the population, that we probably—it's futile to

ask people to disarm themselves because of many of the same things that you have said. I would point out, though, that your discussion of the manufacturers' importation is—that's good, but it only deals with the primary acquisition. The secondary acquisition, whether by private sale or by theft, is a major problem. Once the weapon is introduced, legally, then it becomes subject to theft, it becomes subject to private sale, and that kind of thing. So, you know, there is a law of diminishing returns on what you're proposing.

Mr. CONYERS. One final question, and that is on the role of the law enforcement. In connection with the defense that people frequently and legitimately raise about citizens disarming themselves, why, in your judgment, has law enforcement been unable to provide support in the inner cities with the greatest number of gun licenses, and where guns are probably more prudent among the citizenry than anywhere else?

Commander BANNON. That's very difficult to answer that question because the gun, in that relationship, becomes merely a tool of criminal activity and we are not now talking about the gun, itself, being the criminal activity, it's the tool of that activity. That's why I spoke of many other social evils that exist that need to be redressed, which—such as we talked about, as unemployment, underemployment, overindulgence in alcohol, the age variables that are predominant, the educational variables, and those kinds of things. I don't want to cast the gun as being the chief culprit in that kind of thing, there are a whole lot of things contributing to the crime bank but the fact is that there is a perception, real or unreal, mostly real in my view, that the police department and law enforcement, in general, the criminal justice system has not adequately provided for the protection of the citizen and without that assurance, then it's very difficult to convince people that they should not rely on their own resources to carry guns.

Mr. CONYERS. That is the question. We are back to my question. What about the law—the role of the police in this area?

I agree with you about the socioeconomic circumstances that create the ghetto and spawn crime. What about the failure of law enforcement, inside the inner city, which is the most dangerous area for a person?

I wish you would rattle off some statistics about how many more times a black person is subject to being killed from living in the inner city as opposed to a white person who may live in the suburbs. Are you familiar with those figures?

Commander BANNON. I am familiar with them. About 72 percent of the homicide victims are black victims of black criminals—84 percent, I'm sorry. Yes, there is just absolutely no question that the black inner city resident is overwhelmingly the victim of all crime, not just homicide and assault, but totally.

Mr. CONYERS. Well, that's a law enforcement problem, guns aside?

Commander BANNON. That is a law enforcement problem, if, in fact, you're talking about the wide range of law enforcement, the whole criminal justice system, yes.

Mr. CONYERS. Talking about the narrow range of it, Commander, just talking about a guy that lives over on Sherman Street, who has

a right to be able to go out of his house without getting ripped off, and his argument to this subcommittee is, look Conyers, I have got no quarrel with gun control, but I have to make it to the store and back. What are you going to do for me?

I say, well, we're going to dry up the supply, friend citizen, but we also must contemporaneously attempt to provide you a much greater protection through the law, the absence of which has created the necessity, real or imagined, to carry a weapon and become individually armed.

Commander BANNON. True, and my answer to that is that it isn't—it's not just the police department failure, it's the entire criminal justice system failure when we look at the recidivism rate, when we look at corrections that don't correct, when we look at all the different aspects that continue this trend.

When we look at educational failures and that kind of thing that locks these people into a life of crime or, at least, a major segment of their lifetime is in crime.

Mr. CONYERS. Right, but the citizen on Sherman street can't go to the police department and talk to them about the failure of the prison system or the failure of the judiciary. I think they should go to the corrections superintendent, but they could come to the police department where the responsibility for protection directly rests.

Commander BANNON. And they frequently do.

Mr. CONYERS. And I would hope that the police department wouldn't say, well, now look, friend, I understand your problem, but I want to point out to you some other factors that cause it.

There is the fact that there is jobless and you don't get an education that is good enough to qualify you for jobs, and you live in a segregated housing, and the prison system is bad, the recidivism rate is high, the criminal justice system is a flop, and he says, great, I agree—or maybe not great—awful, I agree, but the police are not charged with any of those responsibilities. They are charged with providing me with some protection.

They are not charged with making the penitentiaries a better place. The fellow that gets ripped off is getting his rights violated within an ambit that, to me, is clearly an area in which the police department would be responsible.

Now, how can police departments, in a more meaningful way, provide the support that would allow the average citizen to rationalize the responsibilities and sympathies with—of this committee? It seems to me we can't tell him that the socioeconomic circumstances make this a big picture. I think we can give him a sociological line, sort out the judges, and talk about the judicial system. But it isn't the judicial system that allows him to get robbed or mugged or that makes him terrorized.

Commander BANNON. I don't agree with you. If the correction system consistently turns the same criminals back onto the street without doing their job after they have been initially arrested, then, certainly, they bear their measure of the responsibility. And, certainly, we are not going to tell the man on Sherman Street that we are not going to protect you and we can't protect you and it's this outfit's fault and that outfit's fault.

Mr. CONYERS. What do we say to him? It seems to me that a part of our responsibility, now that we agree that there are many parts of our system involved, is the police, and one is some sort of requirement that we provide an improved system of protection. Woudn't you agree?

Commander BANNON. Yes, absolutely.

Mr. CONYERS. I mean, we can't eliminate the gun successfully as long as people don't feel that they are going to get protection. Are there any plans afoot to provide that increased protection in the more dangerous areas of our cities?

Commander BANNON. Of course, I'm not here as a representative of the police department, as you are well aware, and I think you had someone here yesterday who was, but in the 2d precinct for which I can speak, yes, we have several programs in which we're trying to, and, in fact, are succeeding to some degree, in lowering the victimization rate in that precinct. Better patrol, more sensitive patrol, more community involvement, more and better communications with the community, and that kind of thing; involvement of the community in its own defense in terms of information to the police through various means, block clubs, through the community groups, that kind of thing.

I think we have some success, limited at this point in time, by resources that we don't have primary access to, but, certainly, successful.

Mr. CONYERS. Would you add anything, doctor, to this discussion?

Dr. WILT. Yes, I would like to.

I made the comment, in fact, in this paper, that my feeling is that we shouldn't negate the necessity for laws like handgun control or enforcement of it and justify that by saying I'm sorry the police can't handle it. I think, like other public agencies, all segments of the criminal justice need to be made accountable for their effectiveness. Accountability is no new thing in public agencies, and I do agree with Commander Bannon that it's not just the police department that needs some very hard evaluation done, and some changes made, but that is a place to start because it's where enforcement begins, to me. I am quite familiar with the research done throughout the country on police departments and I know there is very little we have done. We have known for years that these things are kinds of problems. We have known that the cities for years have not had adequate protection and very few police departments have taken it upon themselves or had political direction within their own city to make the necessary changes. It's not as if we don't know what the problems are, so I view that as a very serious issue that is not being dealt with.

Mr. CONYERS. Are you familiar with the statistics that the leading cause of death for black males between 16 and 39 is homicide?

Commander BANNON. The leading cause?

Mr. CONYERS. The single leading cause. A great percentage of which is gun related.

I yield now to staff counsel, Maurice Barboza, for a question or two.

Mr. BARBOZA. Dr. Wilt, could you review the statistics that you compiled in your study concerning conflict related, crime related and other classifications of crime?

Dr. WILT. In terms of——

Mr. BARBOZA. Of homicide.

Dr. WILT. In terms of the use of guns?

Mr. BARBOZA. Yes.

Dr. WILT. OK. Well, the data that I dealt with was 1972 data. There was a category that I called unspecified homicides simply because neither the perpetrator nor the method was known. That particular type, 71 percent of 103—well, 103 or 71 percent of the total were homicides committed with handguns.

Mr. BARBOZA. What was the total?

Dr. WILT. There were 145 unspecified homicides, 103 or 71 percent committed with a handgun.

There are 136 crime related homicides, in other words, homicides that resulted from a robbery, from a rape, from an assault, from a police action. One hundred and thirty-six of them, which was 74.7 percent of the total, were committed with handguns.

The last category is social conflict homicides which is a category that I defined as homicides arising out of arguments between people. There were 178 social conflict homicides which was 52.7 percent of the total involved handguns. I think, no doubt whatsoever ——

Mr. BARBOZA. Would you repeat the handgun percentage in conflict related homicide?

Dr. WILT. The percentage for the 1972 data for Detroit was 52.7.

Mr. BARBOZA. Data for 1972?

Dr. WILT. Yes.

Mr. BARBOZA. Are you saying that there are reasons why the percentage is lower for conflict related homicides committed with handguns than crime related?

Dr. WILT. Well, I think that probably from the criminal's point of view it's easier to commit a crime with a handgun, it's easier to conceal. To me, the most important point is that within the home, which is where most of these social conflict homicides take place, when you're involved in an argument, and the level of aggression is rising and rising and rising, you're just as likely to pick up a butcher knife or a bottle or chair or stereo, television, or whatever happens to be handy, and handguns in argument situations are less accessible.

Mr. BARBOZA. Are there any data concerning the number of homicides that were committed with other instruments, where there was a handgun in the home?

Dr. WILT. Most——

Mr. BARBOZA. That was not used?

Dr. WILT. The data that I took was from the police department's files and they didn't indicate, for the most part, whether there were handguns there. They did specify the homicide writeup.

Commander BANNON. They wouldn't know either, by the way.

Mr. CONYERS. Could you review the thrust of all these questions? These statistics are kind of getting thrown back and forth. What is the point that you're working toward in terms of your line of questioning?

Mr. BARBOZA. I think what we should develop on the record is these statistics concerning homicides which they compiled in the study during 1972. As Dr. Wilt has indicated, they studied homicides committed in Detroit to determine the weapon and the other causes which

may have led to the homicide. I think that this bears on the question of the availability of a handgun.

Mr. CONYERS. So what do the statistics show, though? Now that you have had this interchange, what was revealed here?

Mr. BARBOZA. Well, I think that, perhaps, the statistics may point to the fact that homicides that are committed in the home are more than likely committed with handguns because of their availability, whereas some homicides might not have been committed if the handguns were not available and another instrument was there. I do not think that most people purchase handguns with the knowledge that they will become engaged in an argument or violent conflict with a relative or friend and use the weapon, whereas criminals purchase or steal handguns knowing what they will use them for. So, this gets us back to the question you raised, Mr. Chairman, about the availability of guns coming from manufacturers, getting into homes and being used in crime.

Dr. WILT. Even crime related homicides would be reduced if handgun laws were enforced.

Mr. CONYERS. Very good. I wanted to develop that so that we just didn't have a nice conversation with statistics back and forth that would have to be restudied.

Do you have any further questions?

I would like to yield to Counsel Chris Gekas for an observation.

Mr. GEKAS. Dr. Wilt, was this study part of a larger study done, the gun part that we have here?

Dr. WILT. It is part of my doctoral dissertation, which is approximately 300 pages, a very intensive analysis of the homicides in 1972, yes.

Mr. GEKAS. More than guns?

Dr. WILT. Yes; as I said, I view guns as strictly a technical approach.

Mr. GEKAS. I wonder if we could have a copy of the full thing? Believe it or not, staff does read those and occasionally we could convince the Congressmen to do it.

Mr. CONYERS. Careful, counsel.

Mr. GEKAS. There has been an absence of scholarly research in the area of gun use and the problems in the United States until very, very recently, until, really, since 1968. The first definitive ones were Newton and Zimring for the Eisenhower Commission.

In Chicago there is a sociologist named Richard Block, I don't know if you're familiar with his work, but he has—I think is as yet unpublished, just completed a study concerning the—it's a trend analysis, I think they call it, and what simply it is, they compare all the changes in gun use and homicides in a 7-year period, they have taken all the statistics and put them on computers and analyzed them from 1968 to 1973.

Commander BANNON. I think he sent us a copy.

Mr. GEKAS. He uses the techniques, it's called access increase, it's very technical and I'm not sure that I understand it, but what it suggests is that the character of robberies changing in proportion, in relation to the accessibility that perpetrators of robberies have to handguns; that is, because the handgun is more and more easily ac-

cessible, they are turning to it more and more as a tool of their trade and I would wonder if you would agree that—you know, it seems to me that reducing the availability of handguns will have an impact on the robbery rate, because I think that—it may not be something that can be studied. You suggested in your written remarks and in your oral summary that you're not going to reduce robbery but you will reduce homicides.

Dr. WILT. You will reduce the level of violence in crimes.

Mr. GEKAS. The level of violence?

Dr. WILT. I guess what I am really saying is that, as a researcher, I am perhaps being a bit conservative and I am not willing to say that I think the robbery rate will be reduced. It might. I think I have also commented here that criminal technology response to citizen and police technology. There is no need for guns any more because the citizen is not going to be armed and the robber wouldn't be armed either because the sentence that he is likely to receive is going to be more severe.

Commander BANNON. Under a displacement theory one would anticipate there would be a downturn in robbery, in my view, because these people involved often are narcotic addicts, they are physically inferior to the potential victim, and without the equalization or superiority they perceive the gun to give them, I think they would displace the criminal activity to the less severe kinds of things.

Mr. CONYERS. To yield on that point, the reason I take a conservative approach to this question you raise is that one of the best ways to stop an intelligent development of firearms regulation in America is to hook it to the promise that crime is going to go down. Then, if within some miraculous 6-month period there hasn't been a reduction, they say: Well, see, it doesn't work, and all that business that the sociologists and the police were talking about is nonsense. Now, we better start arming ourselves for real because we proved it doesn't work.

What I perceive, and I think the members of this subcommittee perceive, is that we are now initiating a new point of departure in American legislative history. We have finally developed to a point where this question is going to assume greater importance. That is, many citizens realize that they have to choose between one or two modes of operation. Either we all continue to increase the arming, which will lead to increasing homicides, which will lead to increasing danger, which will stabilize nothing, and secure nothing; or else we begin to try to deescalate the amount of arms that are in our society. In that way, it's like international disarmament. Nations have to approach the question of thermonuclear activity in much the same spirit that individuals in this country now have to approach handgun disarmament.

Mr. GEKAS. I have only one other question, and I think it has to do with the predictability of success of a licensing and registration system.

Has there been any research done on criminal histories of offenders in gun crimes because I ask the question because all the registration and licensing systems that have been drawn are designed to prevent, in the first instance, persons with felony convictions from obtaining

handguns. The rationale behind that is, because it's the repeated offender who is using handguns. Has there been any research done on that and can such research be reasonably——

Dr. WILT. I haven't seen any research on this. Again, perhaps I shouldn't use a journalized word, but I was very impressed with the book on the Saturday night special. They spoke in there of several States where you say: I'm over 18, I'm not an alcoholic and I have never been picked up by the police and there is no check made whether this is, in fact, the case. If that is the way that registration proceeds, it's not effective.

Mr. GEKAS. The only statistic that I have seen has been in the Chicago murder analysis report that is put out by the Chicago Police Department. It said that a very high proportion of offenders and victims, in gun related homicides, have prior criminal records. Well, unfortunately, a prior criminal record could mean an arrest in the inner city, traffic, it could be——

Dr. WILT. My dissertation has statistics for all victims and perpetrators of homicides, and there were many records and 70 percent of them, for both victims and perpetrators, were traffic violations. So I do have complete data for that on Detroit.

Mr. GEKAS. On whether or not there are prior criminal records?

Dr. WILT. Yes.

Mr. GEKAS. I would be very interested in that.

Mr. CONYERS. Do you have any closing observations?

If not, I am going to thank you both for coming before us. I especially appreciate the work that both of you have done. I am sensitive to the fact that Commander Bannon has a dual capacity as a sociologist and a law enforcement officer. I think you bring a particular insight to the problem, and I think you are quite correct in assessing your police work as being really unique in terms of creating some definitions within which we can make far more incisive perceptions than have been made to date. I am grateful for the help that you have given this committee. Thank you very much.

Commander BANNON. Thank you.

[The prepared statements of Commander Bannon and Dr. Wilt follow:]

STATEMENT OF JAMES D. BANNON, COMMANDER, DETROIT POLICE DEPARTMENT

The Honorable Subcommittee on Crime: First may I express the gratitude of a working policeman, an academician and a concerned citizen for the subcommittee's concern over the crucial issue of violence in our cities. We have become abundantly aware that the epidemic proportions of the problem of violence and crime in the U.S. today is beyond the resources of individual cities and states. Meaningful action must come from the federal level.

Attached to this statement as an appendix is the report of Dr. Marie Wilt and myself entitled social conflict homicides and assaults. This was a comprehensive study of homicides and assaults in Detroit for 1972–73, which was funded by the Police Foundation. We, that is the department, Dr. Wilt and I, are continuing our study of possible action programs in the sphere of social conflict resolution under a second grant from the foundation which will be concluded soon. Hopefully, recommendations then from the combined studies will lead to action programs in this most important area.

The committtee is at present, however, concerned with the single issue of the impact of the availability of handguns on the atrocious homicide rate of urban places such as Detroit.

While an accurate account of the number of handguns available to citizens of Detroit is impossible to calculate we have heard estimates ranging from one to three million. The numbers are unimportant in the face of generous empirical evidence that handguns are readily available to be deployed to resolve a social conflict or commit a crime.

The social conflict study if nothing else demonstrates that continued debate over the issue of the impact of large numbers of handguns registered or unregistered, is not valid. Rhetoric such as "guns don't kill people, people kill people" is asinine to say the least. Of course people kill people, with guns, knives, bludgeons, ropes, poison and all manner of improvisation. But with guns they do it much more efficiently. The handgun is a most efficient killer. Without the marvelous technical ability of the medical profession it would be even more efficient. Let us not waste our energies debating the efficacy of the handgun in achieving its designed purpose.

It can be stated unequivocably that were handguns to become non-existent, social conflict homicide would be dramatically effected. Likewise the assault rate. It is true that depriving citizens of the ability to impersonally inflict injury to each other would not eliminate violent social conflict. However, the level of violence would be reduced to less ultimate injury, death, that the handgun does so well.

Some have predicted that homicides and assaults would merely be perpetrated by other means. However this overlooks a very important characteristic of the gun. We recall that in our pioneer heritage the .44 was called the "great equalizer." Without the physical equality or superiority of the gun many conflicts would not even be entered into. Likewise the more timid or physically inferior felon would be reluctant to embark on his enterprise of face to face robbery without the edge his gun provides. We may conclude that both homicides and assaults would decrease in frequency as well as severity. Likewise crimes of robbery would diminish.

Having endorsed completely the notion that abolition of handguns would dramatically effect the level and frequency of violence, I now must offer my personal concerns over the probabilities of achieving this goal.

One disturbing fact about the homicide-assault study that both Dr. Wilt and I have anguished over is the potential, since realized for casting the issue in terms of a black problem or a city problem. The argument continues that the problem is confined to subcultures within urban places, therefore let the remedies be confined to those places and groups. This argument is difficult to respond to because of the complex of other social problems that the study and other literature have frequently identified as being typical of large cities, education, income level, age groups, density of population, use of alcohol are just a few of the variables which constantly reappear in the study. Often with as much frequency as the use of guns in homicides and assaults.

For different reasons I must conclude that, at present at least, guns are a city problem. Whereas the "gun freaks" argue that this fact means that gun control should be limited to such places I would argue that gun control limited to cities or unlimited is only one of the problems begging for resolution. That returns will be limited in terms of the pay-off of gun control without addressing these other social problems.

I am concerned that those who see gun control as the monistic panacea for crime and violence will mask these other equally important variables which cry out for redress. A full scale onslaught on gun ownership to the exclusion of the other social evils will delay or diminish society's interest on proceeding apace with social problems equal to or greater than that of handguns.

I would also like to go on record as predicting failure for handgun control at this point in our history without first resolving the issue of crime.

It is clear and indisputable that city residents and particularly socioeconomically deprived persons (in Detroit's case that translates as blacks) are the primary victims of crime. This fact taken with an equally clear demonstration of government inability to project the citizen forces him or her to rely on their own resources for protection against the depredations of criminals.

Real or not, the perception of the little old lady that her handgun is the only defense against criminal assault or robbery, is the only way she can psychologically continue to function in this hostile environment. The fact that she is so concerned over the potential danger of the weapon itself that she

keeps the gun in one hiding place and the bullets another, is irrelevant to her feeling of protection from possible attack.

To attempt to deprive her of this psychological and perhaps unreal crutch without first being able to assure her that government will protect her is doomed to failure. Or even worse will cause a further withdrawal and traumatization.

Finally I would caution the committee against optimism that ultimate solutions to the problem lie in total "prohibition." We can recall the last ignoble experiment with prohibitions. Rather than replicate that sort of experiment I would suggest we look to limited range disarmament of our citizens. Perhaps in non-criminalizing ways.

One such solution might well be the removal of weapons from demonstrably violent households by civil process.

We have in Michigan some very good laws on handgun ownership and carrying. Yet we see little interest by the courts in enforcement of these laws in any meaningful way. Perhaps this is justifiable when the bench recognizes this dilemma of the citizen often victimized but inadequately protected by his government. None-the-less these are the same courts which would be expected to apply criminal sanctions.

In conclusion then I would endorse wholeheartedly, any meaningful effort to control or abolish handguns. However, such endorsement would be contingent on an equally industrious effort to assure our citizens that we have the ability and desire to provide them all the protection they need. And further, we begin at once to rectify the social evils that are equal to the handgun in the etiology of homicide.

Thank you for allowing me the opportunity to express these views.

STATEMENT BY G. MARIE WILT, RESEARCH INSTITUTE, WAYNE STATE UNIVERSITY

The role of firearms in public safety and in violent crimes in Detroit, as well as in other cities, is a serious one that must be evaluated objectively, rather than assessed from the emotions of those with vested interests. Bumper stickers, slogans and impassioned pleas have bombarded the public in efforts to persuade people to favor or oppose gun control. There have been very few efforts to educate the public concerning our current gun control laws, the role of guns in violent crimes, safe operation of firearms or the extent to which a gun actually provides protection for a person in the home.

It is my purpose, in presenting this statement, to interpret the findings of my research concerned with homicides and social conflict crimes in Detroit in terms of their relevance to a policy for the control of firearms. In addition, I will explain a position on firearms control that, in my opinion, seems feasible based upon current research by sociologists in the field of criminology. My position on firearms control is stated first, followed by supporting data from my research.

In the interest of public safety, it is my opinion that, as a general policy, all firearms should be controlled by both license and registration. Licensing should be required of all merchants of firearms and both license and registration should be required of all owners of firearms. Such a procedure would be analogous to current requirements for ownership and operation of automobiles. Like the automobile, any type of firearm is a machine that requires a person to have skill to operate it safely. In the interest of establishing safety standards for firearms ownership and use, it seems a reasonable requirement would be that registration should be mandatory, *prior to* the purchase of a firearm. Once a person is granted registration, a license should be required to operate the firearm. This license should be renewed every two or three years, based upon an appropriate test for continued proficiency in safe operation. It would also be reasonable to require that ammunition for any firearm be sold only to persons so licensed.

No doubt there are many who would view such requirements as most severe. However, it is my opinion that such a policy would be a minimum procedure to assure safety in use of firearms. Few people would argue that there should be no licensing procedure for operation of automobiles. There are even fewer persons who would want to drive automobiles if there were neither standards for safe operation, nor licensing procedures for enforcing these standards. Since

improperly operated firearms have a greater potential for injuries or deaths of human beings than do automobiles, such regulation seems desirable for safety purposes.

The question of the relationship between firearms use and crime is a variable that will also influence any decisions that are made concerning control of firearms. As the data that follow clearly indicate, handguns are the particular type of firearm that are most frequently used in homicides and assaults in Detroit. Other contemporary research in criminology, as well as the annual FBI Uniform Crime Reports, further show that handguns predominate as the weapon most frequently used in many types of crime—robbery, illegal narcotics disputes, assaults, and homicides. Therefore, if one is concerned with crime prevention and reducing the level of potential violence in crimes of any type, it would be reasonable to focus one's attention on the regulation of handguns.

Based upon my interpretation of my own research findings and those of other social scientists, I have no doubt that effective handgun control (enforced quickly and with certainty) would reduce the numbers of some types of crime (homicides, in particular, and assaults to a lesser extent) and change the nature of other crimes—assaults, robberies, and perhaps rape and burglary. In other words, if ownership of handguns by private citizens were either prohibited or controlled by registration and licensing, the level of violence in criminal acts would be reduced significantly. The number of homicides per year, especially in major cities, would decrease, as would the number of serious injuries occurring during assaults, robberies, rapes and burglaries.

It would be incorrect to assume that handgun control would bring about a certain reduction in any of these felonies, except for homicides. Violence, as an accepted form of interaction, cannot be curtailed by controlling the use of firearms. However, *the level of potential violence* in such interactions can be controlled by such procedures. Since it is known that handguns are the weapons that are most frequently used to injure or kill in criminal activities, effective handgun control would definitely and significantly reduce the number of persons who would be injured or killed during an argument or the commission of a crime. If one values human life, this is a worthwhile objective that could be attained by establishing regulatory policies for handgun ownership and use and enforcing them efficiently.

In order to discuss more specifically the impact handgun control would have on homicides, based on Detroit's experience, let me first present highlights from the supportive data that follows at the end of this statement:

1. For each year of 1971 through 1972, handguns were used in 60% of all homicides that occurred in Detroit.

2. For 1972, 424 (63%) homicides were committed with handguns.

[1] 3. Weapons are more frequently used to terminate conflicts that become homicides *after* the conflict is started than are used at the initiation of such conflicts.

4. The majority of participants in homicides who had weapons were carrying weapons on their persons when the homicide took place (75.6% for victims and 66.5% for perpetrators).

5. Of the 145 unspecified homicides (motives and perpetrator unknown), 103 or 70.1% were committed with handguns.

6. Of the 182 crime specific homicides (took place during or after the commission of another crime), 136 or 74.7% were committed with handguns.

7. Handguns were used in 71.1% of the homicides preceded by robberies, in 92.3% of those preceded by narcotics violations, and in 68.8% of those homicides preceded by all other crimes.

8. Of the 338 social conflict homicides (those developing from an argument), 178 or 52.7% were committed with handguns.

9. Over the past 30 years, handguns have increased significantly as weapons used to commit homicides (27% in Philadelphia in 1945 and 63% in Detroit in 1972).

Even in this brief summary, it is evident that handguns are the predominant weapon used in homicides in Detroit. Some form of handgun control—perhaps registration and licensing for ownership and operation—would significantly reduce the number of homicides. While many similar situations in the future

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[1] All the following points based upon the writer's analysis of Detroit's 1972 homicide data.

would be likely to involve some form of conflict, fewer would result in the death of one of the participants. Many social conflicts would terminate before they reached a homicidal level and many crimes would have less potential for involving a homicide if handguns were not so readily available. It is also apparent that restrictions upon carrying handguns would reduce the number of homicides.

Research done by Franklin E. Zimring[2] clearly indicates that handguns are more dangerous weapons—they are more likely to result in death or serious injury than any other weapon. This fact, combined with the statistics that show handguns being used to commit greater proportions of all homicides, emphasizes the need for some form of enforced regulation if homicides are to be prevented.

While the writer interprets her data as emphatically supporting the need for control of handguns, one should also understand the limitations of handgun control as a method of preventing violence. Violence can be reduced only by education and socialization processes that help people to develop negative values towards violence. Handgun control will reduce the level of violence, it will not decrease the number of violent interactions.

Whatever policies and regulations may be established to control firearms, they must be enforced emphatically if they are to have any impact upon public safety or crime. Mandatory sentences that are appropriate for the offense—whether it is illegal ownership, use, or carrying of a firearm, or use of a firearm during the commission of another crime—seem to be the only method of effectively enforcing such laws. Although it would probably be a year or two before the impact of such enforcement would be evident, people would not ignore firearms laws if they observed the courts jailing *everyone* found guilty of such violations: Too frequently, police negate the value of existing gun control laws, claiming they cannot be enforced. If police, prosecutors and courts were to work cooperatively in these efforts, the laws could, indeed, be enforced.

There are two myths constantly put forth by those who oppose legal control of guns. Various groups make the claim that if guns are prohibited or controlled, only criminals will have guns, because they will obtain them illegally, whatever the laws may be. Extensive research in the United States shows that the technology of criminals responds directly to their needs for successfully carrying out crimes. If guns are not needed by criminals because they do not expect to encounter citizens armed with guns, criminals will not be armed. This fact is further validated since this research indicates that many criminals arm themselves with guns because they expect to be confronted with a gun by persons against whom the crime is committed, rather than because police are armed.

The second myth is one that is most often supported by police. They frequently urge citizens to buy guns or state that guns should not be prohibited because police cannot (or do not) adequately protect citizens. If this is the case, the solution to the problem is not for citizens to arm themselves. The solution is to place the responsibility on police for correcting policies or practices that result in their inadequacies in protecting citizens. Like all other public agencies, police departments must be held accountable for their effectiveness.

In summary, then, it is my position that there should be effective policies regulating the use of firearms. If the interest is public safety in general, then all firearms should be controlled. If the objective is to reduce the potential level of violence in crimes, then regulation of handguns will have a significant impact. Whatever policy is adopted and enacted as law, it must be supported by some form of cooperative enforcement on the part of police and courts. Enforcement will not be easily achieved, but it is not impossible. Perhaps our current handgun control laws would be effective if they were enforced by mandatory sentences. These are issues that must be thoroughly evaluated if a workable solution is to be found.

The data that follow are presented as empirical evidence to support this position.[3]

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[2] Franklin E. Zimring. "Is Gun Control Likely to Reduce Violent Killings?" *University of Chicago Law Review*, Vol. 35, 1968, pp 721–737.

[3] These data are excerpts from G. Marie Wilt, *Towards An Understanding of the Social Realities of Homicide Participants*, Unpublished doctoral dissertation, Wayne State University, 1974.

Although a wide variety of weapons were used in these homicides, the handgun was used most predominantly, in 424 or 63% of the homicides. Rifles were used in 50 (7.4%) cases, shotguns in 48 (7.1%) cases, and knives in 82 (12.2%) cases. Twenty-eight deaths (4.2%) were inflicted by beatings, seven (1%) by arson and thirty-three (4.9%) by other methods. These other methods included strangulation, drowning in a bathtub, dousing with gasoline and burning the victim, bombing, throwing the victim out a window, pushing the victim off a porch, stabbing with scissors or icepicks, stabbing with a barbecue fork, using a hatchet, asphyxiation, and beating with such items as a baseball bat, a hammer, a sledge hammer, a steel bar, an auto jack and a vodka bottle. Even with such variation, it takes very little analysis to determine that homicides in Detroit are highly related to access to and use of a handgun. This is similar to the experience throughout the country. FBI Reports indicate that 54% of all homicides in the United States during 1972 were committed with handguns. In addition, 19% were committed with knives, 7% with shotguns, 5% with rifles and 15% with other weapons.[4] There were 371 (.552) homicides in which death resulted from multiple wounds. Single wounds resulting in homicides numbered 292 or .435.

There were 413 homicides or 61.5% which occurred in the presence of persons other than victims and perpetrators and 171 or 25.4% which occurred outside the presence of others. In 275 (40.9%) of the 1972 cases, the perpetrator initiated the hostile interaction, while in 218 (32.4%) instances the victim was the initiator of such action. In 28 (4.2%) homicides both victim and perpetrator began aggressive interaction, while in 31 (4.6%) cases such behavior was begun by another person. The person to have or obtain a weapon in a substantially large number of homicides was the perpetrator. There were 402 such instances or 59.8%. Both victim and perpetrator had or obtained a weapon in 150 (22.3%) homicides, while only 23 (3.4%) victims produced some sort of weapon.[5] The contrast between which persons initiated a violent interaction and which ones had or obtained weapons is of interest. Nearly an equal proportion of victims and perpetrators began some sort of aggressive or hostile action, while the proportion of perpetrators who intervened in the interaction with a weapon outweighs the proportion of victims who did so at a 20 to 1 ratio. From this contrast, it would seem that there is greater acceptability in the use of a lethal weapon to intervene in or stop an interaction than there is in the initiation of a violent action. As will be shown in the discussions of the various types of homicides, weapons become a part of homicidal social interactions at a point when one participant decides to forcefully determine the outcome of that interaction—whether it is within the framework of a criminal or a conflict interaction.

Turning finally to Table XXXIX, one finds that for the overwhelming majority of homicides, of those victims and perpetrators who had weapons, they were carrying these weapons on their persons at the time of the homicides. Surely this indicates that many of the people involved in homicides have made decisions about their expectations of and willingness towards the use of violence in social interactions. It seems highly unlikely to this writer that a person who carries a weapon on his person is someone who finds violence unacceptable as a type of interaction in which he will participate.

The proportion of handguns used in unspecified homicides is slightly higher than was found for total homicides. There were, according to Table XLIV, 103 or 70.1%, seven percent more than for all homicides. Death resulted from multiple wounds in 79 or 53.7% of these cases and from single wounds in 43.5% or 64 of these homicides.

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[4] *Crime in the United States, 1972*, U.S. Department of Justice, Washington, D.C., p. 8. It is important for the reader to understand that statistics from this report are not identical to those reported by the writer. FBI Crime Reports statistics include *only* criminal homicides, i.e., murder 1 and 2 and non-negligent manslaughter. In contrast, the writer is reporting *all* homicides known to the police for 1972. Therefore, a large portion of what appears to be higher numbers and rates for Detroit is accounted for by the inclusion of all homicides in this study. In order for the reader to have some idea of what this means empirically, if the writer were using the same criteria for inclusion as the FBI Report, then only 308 of Detroit's 1972 homicides would be analyzed in this study. This would be just 45.8% of the 672 cases for which the writer has actually obtained data.

[5] There were 88 (13.1%) cases for which it was not known whether others were present; 120 (17.9%) in which the initiator of the violent interaction is unknown, and 97 (14.4%) for which it was not known which persons obtained weapons.

TABLE XLIV.—WEAPONS USED IN UNSPECIFIED HOMICIDES

Weapon	Number	Percent
Handgun	103	71.0
Shotgun	9	6.2
Rifle	4	2.7
Knife	12	8.3
Beating	4	2.7
Arson	3	2.1
Other	10	
Total	145	

TABLE XXXIX.—LOCATION OF WEAPONS OF VICTIMS AND PERPETRATORS

	On person	In place of homicide	In car	Other	Total
Victims:					
Number	136	40	2	2	180
Percent	75.6	22.2	1.1	1.1	100.0
Perpetrators:					
Number	356	167	4	8	535
Percent	66.5	31.2	0.7	1.5	99.9

Handguns predominate crime specific homicides as the weapon most frequently used even more than they did in unspecified homicides. This is not really surprising since a handgun would be easiest for a person planning to commit a crime to conceal, as well as most likely to frighten others into cooperating with demands made in a criminal act. Handguns were used in 136 or .747 of these cases. Other weapons used include knives in 13 or .071 instances, shotguns in 11 or .06 cases, beatings in 9 or .049 deaths, rifles in 8 or .044 crime specific homicides and other weapons in the remaining 5 or .027 cases. Deaths resulted from multiple wounds in 62% of these cases or 111, and from single wounds in 38% of them or 68.

TYPE OF CRIME PRECEDING CRIME SPECIFIC HOMICIDES BY WEAPON USED

Type of crime	Handgun		Rifle		Shotgun		Knife		Beating		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Robbery	81	71.1	6	5.3	9	7.9	10	8.8	6	5.3	2	1.8
Narcotics	24	92.3	0	0	1	3.8	0	0	1	3.8	0	0
Other crime	11	68.8	1	6.3	0	0	1	6.3	1	6.3	2	12.5
Police action	10	90.9	0	0	0	0	1	9.1	0	0	0	0

Turning next to components of the social situation involving the uses of weapons and patterns of hostile or violent interactions, it was observed that in 106 or .609 of this type of homicides, the perpetrator was the only participant to have or obtain a weapon during the course of the homicidal social interaction, while only in one (.006) case was the victim the only one to have or obtain a weapon. In 67 (.385) cases, both persons had or obtained weapons. Compared to total homicides, perpetrators of crime specific homicides were more frequently the only one to have a weapon than were victims ($X^2=4.1891$, $p<.05$; $C=.0872$). There were also more crime specific homicides, as compared with total homicides, in which the perpetrator was the only person to be armed than cases in which both persons had weapons ($X^2=8.6379$, $p<.01$; $C=.1082$). This is a situation typical of almost any criminal act involving weapons. Violence or some form of aggressive behavior was initiated by victims in 72 or .416 instances and by perpetrators in 93 or .538 cases. In addition, there were six crime specific homicides (.035) in which neither victim nor perpetrator initiated such interaction, while there were two (.012) in which both victim and perpetrator were the initiators.

Perpetrators' weapons were on their persons in 140 cases (.833), in the place where the homicides happened in 26 (.155) instances and in a car during one homicide (.006). Victims' weapons were found to be on their persons in 63 instances (.887) and in places where the homicides occurred during 8 (.113) cases.

AN INTERPRETIVE ANALYSIS OF CRIME SPECIFIC HOMICIDAL SOCIAL INTERACTIONS

For homicides to be committed within the context of other criminal acts is neither surprising nor unexpected. Persons engaging in criminal activities must rely on their own resources for carrying out their activities and for adjudicating grievances against others involved in such activities with them. Threats of lethal force combined with actual use of lethal force has served as both insurance and court for many participants in criminal acts. In response, persons who expect or fear that they may become victims of crimes have resorted to obtaining lethal weapons for protection against such potential. The result of this circular interaction is that both victims and perpetrators are increasingly more likely to be killed during a criminal action.

As was shown by the analysis of motives, the types of crimes during which a person is most likely to have his life threatened are limited to a very few. Within those broad categories are a variety of patterns of interactions and conflicts which distinguish these homicides from each other. These variations are presented by the writer as sub-categories of the general type of homicides being discussed in this chapter.

Robbery is clearly the crime from which a crime specific homicidal social interaction is most likely to develop. As will be seen to be the case for all crime specific homicides, the criminal act which precedes the homicide is of the type which requires face-to-face interaction between criminal and victim for the crime to even occur. In other words, crime specific homicides do not result from crimes in which the perpetrator attempts to carry out his activity without encountering anyone else and just happens to be detected.[6] Perpetrators of these homicides planned an encounter to commit their crimes and, from what was observed earlier in this chapter, apparently many were prepared to exercise lethal force, since they carried handguns on their persons. Within the robbery situation, four variations in homicidal social interactions were observed. Most frequent were those cases in which the perpetrator of the robbery killed the person being robbed. There were 60 such instances or a proportion of .332. Interactions which began as robberies developed into homicides most frequently when the robbery victim attempted to defend himself, refused to cooperate with demands made, or struggled with the robbery perpetrators for the weapon. Whether victims were individuals being robbed or owners or workers in a business being robbed, the homicidal part of the social interaction was most often begun by a conflict over the robbery itself. These conflicts were nearly evenly divided between attempts at self defense and refusal to meet the perpetrators' demands. In a few cases it seemed that perpetrators had planned to kill their victims as an expected or necessary part of the robbery. In these instances there was no evidence that victims initiated any sort of conflict with the perpetrators.

The second most predominant subcategory of crime specific homicides includes those cases in which the perpetrator of the robbery was killed by the person being robbed. All of these interactions became homicidal social interactions when the robbery victim either defended himself with his own weapon or successfully fought for and obtained the perpetrator's weapon. There were 36 cases following this interaction pattern, a proportion of .199. Once again an essentially robbery-oriented interaction became homicidal when victims initiated conflict with perpetrators of those robberies. In one rather unusual situation, a person who observed a robbery was killed by the robber. The perpetrator had entered a bar armed with a handgun and announced a hold-up. He demanded that one of the bar customers assist him in the robbery. The customer refused, indicating he did not want any trouble. Immediately, the

[6] The point being made here is that in terms of their legal definitions, the crimes that were found to precede crime specific homicides are personal crimes that can only be committed during a face-to-face interaction. For example, robbery—which involves theft from a person—frequently preceded crime specific homicides, while burglary—which involves theft from a building—was offlowed by a homicide in just three cases.

perpetrator responded by shooting the customer. He then took money from the bartender and left. In one other rather unique instance, one perpetrator of a robbery killed another in an argument over how their profits should be divided. Most typically, homicides develop out of robberies when robbery victims either successfully or unsuccessfully initiate and carry out conflicts with the perpetrators.

Within homicides motivated by some form of illegal narcotics activity, two somewhat distinct patterns of homicidal social interactions were observed. There were 32 cases which resulted from an argument concerning illegal narcotics activities or robberies among pushers (sellers) of illegal drugs, a proportion of .177. One general pattern observed included those homicides in which perpetrators intentionally killed other participants in illegal drug activities. Nearly all of these deaths were effected by persons who were seeking revenge because they believed their victims had stolen drugs, money or both from them on previous occasions. In a few cases, persons became victims of homicides because they had failed to pay for illegal narcotics obtained through some sort of business arrangements. The other general pattern consists of those homicides in which persons operating narcotics pads were being robbed and initiated conflicts with persons committing the robberies. In some of these cases, intended victims of narcotics robberies became perpetrators of homicides and in others they became homicide victims. The primary distinction between these two general patterns is that in the first type of interaction, homicides were *intended*, predetermined outcomes, while for the second, interaction did not become homicidal until a conflict arose over narcotics robberies.

Assaults constituted 19 crime specific homicides, or a proportion of .1050. All assaults which resulted in homicides can be described by one general pattern of interaction. Interactions were initiated by perpetrators whose intentions were to physically injure their victims. However, these assaultive interactions intensified and escalated beyond the intended point of termination, thus becoming homicidal. Although there were a few cases in which assault victims became homicide perpetrators, most of them also became victims of homicides. Intensification of assaults seems to have been primarily due to victims' attempts to defend themselves.

There were only two crime specific homicides which were distinctly definable as contract murders. In one of these a woman hired two men to kill her husband, offering to share with them a large amount of money he was carrying. The other victim of a contract killing was murdered because he had refused to repay money borrowed from several acquaintances. In this instance, the victim's family was forewarned of exactly when and how he would be killed and were ordered not to interfere. It is probable that there were more contract killings that were not known to the police or that involved Detroit victims whose bodies were found outside the city.

Police actions resulted in 22 crime specific homicides.[7] There is a single, distinction pattern of homicidal social interaction which characterizes these homicides. Interactions related to other crimes became homicidal in all these cases when perpetrators of those crimes were confronted by policemen and attempted escapes. Thirteen of these (.072) occurred when policement observed persons committing burglaries or robberies and the suspected perpetrators were contronted. In eight cases (.044), victims of these homicides had either displayed or used weapons illegally. In one other case, a policeman was working as an undercover narcotics agent and was attacked by the victim, who had discovered that he was a policeman.

Homicidal social interactions became the outcomes of six rapes (.033). In five of these deaths, rapists apparently intentionally killed their victims after completing the rapes. Again, these interaction patterns involved predetermined decisions to conclude criminal interactions by killing victims. In the other case, the intended rape victim was carrying a handgun and defended herself with it, killing her attacker.

Compared to all Detroit's 1972 homicides, handguns were used in 10.3% fewer social conflict homicides. There were 178 cases or .527 involving handguns as the weapon used for inflicting death. This is obviously the greatest propor-

[7] This figure differs from that reported in the section on motives, because 10 were classified as robbery and 1 as other crime. However, for purposes of analyzing interactions, all homicides committed by policemen are combined here.

tion, in spite of the somewhat lower percentage. The second most frequently observed weapon used for this type of homicide consisted of the knives used in 57 or .167 cases. Rifles were the next most frequently used weapons, observed in 38 or .112 instances. These proportions were both slightly higher than the ones for knives and rifles generally, showing 4.5% and 3.8% more for each respective weapon. Shotguns were used in 28 (.083) cases, beatings in 15 (.044) instances, arson in 4 (.012) and various other weapons in 18 (.053) social conflict homicides. Cases were more evenly distributed between those for which death was inflicted by multiple or single wounds than was found in crime specific homicides. Victims of social conflict homicidal social interactions suffered multiple wounds in 178 or .527 cases and single wounds in 160 or .473. This statistic is interpreted by the writer as indicating a slightly greater degree of intentionality oriented towards merely culminating the conflict, rather than specifically intending to effect death. In other words, it is possible that for those homicidal interactions involving the infliction of a single wound upon victims, the predominant intention was to terminate the conflict by inflicting a wound, rather than specifically to take those victims' lives.

Conflict interactions were initiated by victims in 145 or .455 social conflict homicides and by perpetrators in 123 or .386 such cases. In addition, there were 26 or .082 cases in which conflict was initiated by persons other than victims or perpetrators. Weapons were, in some manner, brought into these conflicts by 21 (.062) victims, by 236 (.698) perpetrators and by both in 79 (.234) cases. Of all victims who brought weapons into the conflict interactions, .657 or 69 had them on their persons, while .305 or 32 obtained them from places in which the homicides occurred. Only .019 or 2 obtained weapons from cars and and .019 or 2 from other places. Of the perpetrators who had weapons, .523 or 162 had them on their persons, while .445 or 138 obtained weapons from places in which the homicides happened. There were also 3 or .010 who obtained weapons from a car and 7 or .023 who obtained weapons elsewhere. Victims had weapons on their persons significantly more often than did perpetrators ($X^2=5.7373$, $p<.02$; $C=.1166$).

This appears to indicate that a slightly larger proportion of victims than perpetrators who have or obtain weapons during a social conflict homicidal social interaction are more willing to use lethal force in interactions with others or have greater expectations of the potential or need for such force. The largest proportion of all social conflict homicides are victim-precipitated in the sense that conflict interactions which develop into homicidal interactions are initiated by victims. In addition, very few victims are the only ones to bring a weapon into these interactions. These two factors seem to provide significant evidence that for most social conflict homicides it is not chance at all that determines which actor becomes a victim and which actor becomes a perpetrator.[8]

Returning to the comparison with Wolfgang's research and in contrast with the other variables discussed above, weapons used in homicides show large changes over the twenty year period. The weapons Wolfgang found used most frequently were various types of knives, while handguns were most often the lethal weapon in Detroit homicides. Specifically, Wolfgang found that in 36.1% of Philadelphia's cases knives were used, while in Detroit knives were used in only 12.2% of the 1972 cases. Handguns in Detroit constituted 63% of the weapons used in homicides, while in Philadelphia only 27.2% of the cases involved handguns. All other weapons used also show quite opposite trends in the two studies: rifles and shotguns constituted only 5.6% of Philadelphia's cases, but were 14.5% of Detroit's instances; beatings were only 4.2% of Detroit's homicides, but were 16.1% of those in the Philadelphia study; and other weapons constituted 15% of the Philadelphia cases, yet were only 5.9% of those in Detroit.[9] This indicates that with a change in time and location there has been a sharp decrease in the use of knives and beatings to effect homicides. In a more general view, these trends indicate that there is less variation in the types of weapons used in homicides during 1972 in Detroit than was the case in Philadelphia from 1948–1952. It seems logical to assume that this difference is more a function of time than of place. From data pre-

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[8] This chance factor is emphasized by Marvin Wolfgang in his studies of victim-precipitated homicides as discussed in Chapter I.

[9] *Ibid.*, p. 85.

sented in Chapter IV concerning national homicide trends, the tendency for handguns to predominate seems to be a current pattern across the United States.

One other characteristic of homicides for which the writer's research and Wolfgang's study collected data is the extent to which homicides are victim-precipitated. Wolfgang's definition of this concept includes two elements that are essential in determining whether or not a homicide can be considered victim-precipitated: 1—the victim must have been the first to use physical force against the person who became his killer, and 2—the victim must have been the first to show and use a deadly weapon.[10] Based upon his definition, Wolfgang found 26% of the cases he studied to have been victim-precipitated.[11] A contrast, discussed in Chapter IV, was found by the writer in terms of the victim's precipitation of his death in Detroit homicides. Although 32.4% of the Detroit homicides consisted of situations in which the victim initiated violent interactions, in only 3.4% of the cases was the victim the only person to resort to using a lethal weapon. Although there were another 22.3% of the Detroit cases in which both victims and perpetrators made use of such weapons, this is not quite the same interaction pattern as Wolfgang describes. Even though the victim was the first to use a weapon in some of these cases, in many of them resort to weapons was almost simultaneous by both actors.

Perhaps the Detroit findings indicate that a slight change in definition is needed to accurately reflect the nature of today's victim-precipitated homicides. The previous discussion of weapons used clearly indicates that there is a greater frequency of homicides in Detroit in which weapons were used that are readily identifiable as deadly than there was in Philadelphia.[12] Therefore, in terms of the more common use of some weapon rather than fists or some household item to commit homicides, it seems appropriate to include only the first criterion for victim-precipitated homicides—that of observing that the victim was first to use physical force against his would-be slayer. Accepting this change, one can say that victim-precipitated homicides remain a large percentage of homicides. They are, in fact, a somewhat larger proportion of homicides in Detroit than Wolfgang found twenty years ago in Philadelphia.

The major distinction between the writer's inquiry and Wolfgang's study, as discussed extensively in Chapter I, is the shift away from legal categories or types of homicides towards sociologically defined and distinct types of homicidal acts. The writer believes that this development of types based upon their sociological content is one of the major contributions to the understanding of homicides made by her research. As will be pointed out in the remaining sections of this chapter, the two types of homicidal social interactions—crime specific and social conflicts—are most suggestive of both theoretical understanding and hypothesis development.

Mr. CONYERS. The next witness is the Regional Director of the Alcohol, Tobacco, and Firearms Department of the United States Treasury. He has a staff with him and we welcome them at this time.

In the meantime, I would like to read a letter from Congressman Charles C. Diggs, the senior member of the Michigan delegation, who has sent me this communication.

"DEAR MR. CHAIRMAN: I appreciate your invitation to testify at your Subcommittee hearings on gun control in Detroit on June 9–10, 1975.

"Unfortunately, my schedule will not permit my attendance at the hearings. I am, however, very concerned about the gun control problem and will submit a

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[10] *Ibid.*, p. 252. At this point the writer wishes to quote Wolfgang's definition, in order to make clear the differences in the extent to which homicides he studied were victim-precipitated and the manner in which victims in the current study precipitated their demise. "The term victim-precipitated is applied to those criminal homicides in which the victim is a direct, positive precipitator in the crime. The role of the victim is characterized by his having been the first in the homicide drama to use physical force directed against his subsequent slayer. The victim-precipitated cases are those in which the victim was the first to show and use a deadly weapon, to strike a blow in an altercation—in short, the first to commence the interplay of resort to physical violence."

[11] *Ibid.*, p. 254.

[12] Specifically, if one includes only weapons viewed as lethal (handguns, knives, rifles and shotguns), then the proportion of cases in Detroit (.897) was much higher than that found in Philadelphia (.689).

written statement to the Subcommittee. I would appreciate it if you would indicate for the record that my testimony will be submitted for inclusion in the transcript of the Detroit hearing.

Sincerely,

CHARLES C. DIGGS, *Congressman.*

We have, from the senior Senator of Michigan, the Honorable Philip A. Hart, this message.

I regret that the press of Senate business prevents me from attending your important hearings on gun control legislation. As a sponsor of legislation to ban the manufacture, sale, and possession of handguns, I can think of no other measure before the Congress that is more important in dealing directly and effectively with reducing violent crime and with reducing the fear of crime which grips America today. I commend you for conducting these hearings, and I hope that they will produce action by your subcommittee on effective handgun legislation.

My best wishes,

PHILIP A. HART, *United States Senator.*

We welcome, Mr. Murrell. If you would identify those on your staff that are with you, we have your statement for the record, and it will be incorporated at this point. Then you will be permitted to proceed in your own way.

TESTIMONY OF FRED H. MURRELL, REGIONAL DIRECTOR, CENTRAL REGION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, DEPARTMENT OF THE TREASURY, ACCOMPANIED BY HARRY ELLIS, REGIONAL COUNSEL; DAVID EDMISTEN, ASSISTANT REGIONAL DIRECTOR FOR CRIMINAL ENFORCEMENT; AND LEONARD A. MIKA, SPECIAL AGENT IN CHARGE OF DETROIT DISTRICT OFFICE, CRIMINAL ENFORCEMENT

Mr. MURRELL. Thank you, Mr. Chairman. On my immediate right is Mr. Harry Ellis, regional counsel. To his right is Mr. David Edmisten, the assistant regional director for criminal enforcement, and to his right is Leonard A. Mika, special agent in charge of Detroit District Office, Criminal Enforcement.

We also have with us, but not at the table, Mr. Vincent E. Medonis, who is area supervisor, regulatory enforcement for the Detroit area.

Mr. CONYERS. I would appreciate it if you would describe the ATF on a local level in terms of its manpower and how it discharges its various responsibilities. You can incorporate this motion into your presentation or any way that you choose.

Mr. MURRELL. I will try and set this forth.

The central region, as the chairman knows, is made up of Michigan, Ohio, Indiana, Kentucky, and West Virginia. The total population is approximately 31,000,000 people. Of course, Detroit is, by far, the largest metropolitan area that we have in the central region.

We have primary divisions within the Bureau of Alcohol, Tobacco, and Firearms which we refer to as Regulatory and Criminal Enforcement. We have the responsibility of regulating the alcohol industry, tobacco industry, the firearms industry, the explosives industry, and, of late, the wagers industry. Responsibility of the Criminal Enforcement Division is to enforce criminal violations in the areas

pertaining to the various programs we have. I want to speak more to our regulatory situation as to the overall situation. Mr. Edmisten will be glad to give you the details on the other.

During calendar year of 1974, one of the duties is to collect an excise tax, as the committee is well aware. This region collected approximately $2 billion. I think we missed it by $60 thousand. We have 129 inspectors. The inspector would work within our regulatory function. Our special agents work in our criminal function, so those two words I think you are pretty familiar with by now but that is the difference between an inspector and a special agent. Of these 192 inspectors that we have on board in our region, 13 of them are stationed in Michigan, 11 in Detroit and 2 in Kalamazoo. Of this compliment about 2½ of these man years are lost for regular compliance work, be it firearms or what, due to the fact of required onpremises supervision of distilled spirits plants which is a requirement of law. The balance which leaves us about, oh 10½ people, 10½ man years to devote to the problem that we have here in Michigan, not just Detroit, but Michigan, the whole State——

Mr. CONYERS. To devote to the problem of firearms regulation and enforcement of the——

Mr. MURRELL. Firearms, and the regulatory enforcement of all of our other programs, such as the tobacco industry, which is not very prevalent here, the explosives industry, which is big, the regulation of the alcohol industry, which is tremendous, in which we are very frankly not able to keep up with.

The reason—it sounds like such a small number of our people in regulatory enforcement are here in Michigan, but this law requiring onpremises supervision by our inspectors at distilled spirits plant, where the $2 billion, a primary part of that comes from—133 of this 192 are hooked into this one duty, onpremises supervision. That leaves 8 area supervisors and 51 inspectors to cover all of these other programs involving 5 states and 31 million people.

There are several attachments to my statement which give you a breakdown, which is more of interest to you at this time, I think, in which I will just give a brief resume of the map to my right, the chart, gives the six counties which make up, what we regard as Metropolitan Detroit. And listed in each county are the—as by the legend, are the total licenses of various categories.

In the State of Michigan we have 5,665 total dealers, 4,994 firearms licenses, 559 for ammunition only, 80 gunsmith only, and 32 pawnbrokers. In addition, we have 11 manufacturers of firearms and 255 manufacturers of ammunition for a total of 266 in this category. We also have 16 importers licenses in Michigan and 213 collectors licenses for a grand total of 6,160 licenses.

In the region, as a whole, we have a total of 23,620 licensees. This averages out to one license for every 1,400 residents of the central region.

Mr. CONYERS. This is a dealer's license?

Mr. MURRELL. Yes, sir.

Mr. CONYERS. For the sale of guns?

Mr. MURRELL. For the sale of guns.

Part 2 of the attachment gives a breakdown by the county, as I made reference to before, and it shows as a total of 1,798 licensees in the metropolitan area.

The startling figure that comes out of this is 848 of these are operated out of commercial premises, 950 operate from residences.

In page 3 of the attachment is a report, since 1969 to date, showing the number of new licenses applied for each year and renewals and discontinued licensees.

With all the frustrations, Mr. Chairman, that we have had with our manpower and resources, we have one distinction in the central region, we do not have a licensee in the region that we have not investigated prior to the issuance of the license, and that was a back breaking task to accomplish. For that reason I think we have less licensees per capita probably than a lot of the other regions. We were able to accomplish this only by using the predominant bulk of our special agent manpower to supplement our inspector strength in order to do this. However, without help pretty soon, it's going to be hard to maintain it.

Now, I have read and reviewed the proposed changes in the law as put before this committee in Washington by Mr. MacDonald. If these proposals become law, a conservative estimate, we feel like there would be a reduction in firearms licensees of approximately 40 percent, possibly more.

Mr. CONYERS. That is an important objective, as you view it?

Mr. MURRELL. That would make it much more manageable in trying to keep a feel for what is going on in the traffic of handguns.

Mr. CONYERS. Do any of you have a brief summary of the recommendations made by Mr. MacDonald?

Mr. MURRELL. It's not brief. I have my attorney here and I asked him to be ready to brief it for you, should you care for it.

Mr. CONYERS. Well, we have the testimony. I just thought we might state it for the benefit of all of those who are in attendance at these hearings, so they would be able to participate in the judgments that you have arrived at.

Mr. MURRELL. There are several things I would like to speak to specifically. It gives us various categories of licenses, one for handguns, or for all guns, one for long guns, as a separate license for pawnbrokers, a separate license and fee. The fees are much more commensurate with the commercial business of dealing in firearms. I think it's something like—their recommendation is $250 for a full firearms license; commercial.

It gives a permit requirement such as we have over the distilled spirits industry where we can check into the financial status of a person, his background, how he is financed, and is he established in the firearms business.

It also gives us the privilege of invoking ordinances or laws passed by a city, county, or State, as far as zoning and where a commercial business can be conducted and where it cannot be conducted.

They are the many highlights, I think, which would give us the grip of being able to deal with an unwieldly monster, and, certainly, right now, that is what we have.

With this we have the criminal side of the thing, and with what success we have had in the continuation of my statement from Mr. Edmisten which would probably put it all in focus and give you the questions.

Mr. CONYERS. Thank you very much. Mr. Barboza has one question.

Mr. BARBOZA. Mr. Murrell, could you explain how you derive the statistics on dealers, broken down by license, ammo, gunsmiths, pawnbrokers, importers, manufacturers? How is that information compiled and how did you derive those statistics from the information?

Mr. MURRELL. I had my firearms licensing section, which is located in Cincinnati, pull and hand inspect each licensee we had in the State of Michigan and in the six counties. We have them filed by counties.

Mr. BARBOZA. So that information is not on computer?

Mr. MURRELL. No, sir. This is a manual operation.

Mr. BARBOZA. In the region or is it on computor in Washington?

Mr. MURRELL. This is not computerized anywhere, to my knowledge. We don't have that much computer capability.

Mr. BARBOZA. How were you able to distinguish between licensees located on residential premises and those that were located in commercial premises?

Mr. MURRELL. By a review of the file where the inspection was actually made on premises.

Mr. BARBOZA. By review of the license application, the original application?

Mr. MURRELL. Yes, sir; and we maintained a file, anything pertaining to that licensee that comes up, be it routine business or be it renewal or be it a criminal violation, they are all in one folder.

Mr. BARBOZA. That is quite a bit of work, 6,000 licensees, isn't it?

Mr. MURRELL. Yes, sir.

Mr. BARBOZA. Considering that half of them are located in the residential areas and probably do less than—less than half-time business; is that correct?

Mr. MURRELL. We have had them apply that only wanted to be over 30 minutes a week.

Mr. BARBOZA. How much money does that cost you each year in manpower and paper?

Mr. MURRELL. That would be hard to nail down. I never tried to run a cost figure on it. We haven't had the luxury of having time to do a lot of cost research. Most of it is kind of like fighting fire. We stay with the fire rather than stand back and try to determine the cause, although we are studying it consistently.

Mr. BARBOZA. Firearms manufacturers; is that in the whole region or is that in Michigan?

Mr. MURRELL. That, I figure—I think is for Michigan.

Mr. BARBOZA. Do you know how many are handgun manufacturers and how many are—assume that includes destructive devices, as well, correct?

Mr. MURRELL. Yes, sir. We have 11 manufacturers of firearms in Michigan. No manufacturers of destructive devices in Michigan.

Mr. BARBOZA. How many are manufacturers of handguns?

Mr. MURRELL. I would have to defer that to Mr. Edmisten. He was here as special agent in charge of this office and I think would be more familiar. I did not break it down into that category in these figures.

Mr. BARBOZA. Does Mr. Edmisten have the names of these manufacturers?

Mr. EDMISTEN. No, sir, I don't, but there are six.

Mr. BARBOZA. Do you have any idea of whether you have inspected the record this year, the records that they are required to make in the 1968 act? Could you just briefly explain to the subcommittee what those records are that are required to be kept under the act?

Mr. EDMISTEN. Each manufacturer and each dealer is required to maintain on their premises a complete record of the acquisition and disposition of all their firearms. If they manufactured them, they must keep records as to the exact number and type of guns by serial number, and they must be able to show the disposition, to whom they have sold these guns.

Mr. BARBOZA. So then, if I were to ask you, where did *X* manufacturer sell in the State of Michigan, you would be able to go to their records and check them and tell me who are his distributors in the State of Michigan?

Mr. EDMISTEN. That's correct.

Mr. BARBOZA. Then can you tell me whether you have inspected any of those records within this year?

Mr. EDMISTEN. Yes, we have, but I don't have that specific information with me.

Mr. BARBOZA. Do you inspect these manufacturers each year?

Mr. EDMISTEN. Periodically, yes. We try to inspect them at least once a year. We have established as our compliance goal to inspect each manufacturer or each dealer at least once a year.

Mr. BARBOZA. Do you know whether that is true in other regions, as well?

Mr. EDMISTEN. Generally, yes. This is a goal that we established not only regionally but nationwide. I might add that unfortunately in a lot of regions they don't have the manpower to have done this. So, whether they have or not I can't say.

Mr. BARBOZA. Then you would be able to tell us where the number of guns in the State of Michigan are being sold? Could you tell us the concentration of guns, if you were able to review those records: where those guns are going in the State of Michigan, where they are being sold, the concentration areas, major distributors, wholesalers; is that correct?

Mr. EDMISTEN. Of the recently manufactured ones, yes; but you must realize that there are millions of guns in trafficking throughout the United States——

Mr. BARBOZA. I am speaking only of guns that are manufactured.

Mr. EDMISTEN. Guns manufactured in the last several years, yes.

Mr. BARBOZA. Is Detroit a center of gun distribution? Are there major distributors located there?

Mr. EDMISTEN. Both legally and illegally, yes.

Mostly illegally.

Mr. BARBOZA. I'm speaking only of the legal distributors.

Mr. EDMISTEN. There are a lot of legal distributors, yes. There is a heavy concentration of licensees in and around the perimeter of Detroit that flourish and have a big gun business.

Mr. CONYERS. Now, describe for me, sir, what you mean by illegal gun distributors.

Mr. EDMISTEN. Well, there are two categories. There is the individual that goes to his home, let's say, somewhere in the south, he buys a gun and he brings it back. One or more—it's a small commercial venture for him. He buys a gun for $20, he returns to Michigan, he resells it for $45 or $50. Well, if he has enough money he brings back four or five. There is truly the commercial criminal that goes to any place where guns are available, he may buy as many as 4 or 5 hundred from a source for the same figure, $20, brings them back to Detroit, he will resell them for $50.

Mr. CONYERS. Could that be done in the area which is your region?

Mr. EDMISTEN. Yes, sir.

Mr. CONYERS. What areas might fit that kind of description?

Mr. EDMISTEN. Ohio is the favorite target from here. The gun laws in Ohio are tightening up considerably. In past years it was no small feat to go to, say, Toledo, and buy 100 guns and you could be there and back in 2 hours, and have most of your wares distributed here on the streets of Detroit.

We recently conducted a survey in the Toledo area to determine how many people were making multiple purchases in that area, which discovered that amazingly there are still a lot of out-of-State residents, not only from Michigan, but from other States, as well, that go to the gunshops around Toledo and make multiple purchases, as many as 25 or 30 a day.

Mr. GEKAS. Isn't that against the law?

Mr. EDMISTEN. Yes, sir; but if they present—they have various means of acquiring Ohio State licenses, for instance. You go to any State, as though you were a resident, and apply for a driver's license. You get yourself a license, although you're not a resident there; then you go to your favorite gunstore, you present the driver's license from that State. This establishes to the satisfaction of the dealer that you are a bona fide resident of that State.

Mr. GEKAS. Perhaps formally it establishes that you are a bona fide resident but if somebody comes into a gunstore with a temporary registration or license, or whatever, and wants to buy 400 handguns——

Mr. EDMISTEN. Don't get me wrong. They don't buy 400 from one dealer.

Mr. GEKAS. Let's say they want to buy 25, and let's say—is 25 a more reasonable figure?

Mr. EDMISTEN. From 2 to 25, but——

Mr. GEKAS. Let's say they want to buy from 2 to 25 then, they want to buy—let's say they want to buy 5, to make the figure very low, five $15 handguns?

Mr. EDMISTEN. For me and for you. I know there is something going on, but as far as that dealer is concerned, there is nothing illegal about that transaction.

Mr. GEKAS. So, what you're saying is that the Federal law is deficient in that it does not prevent that transaction from being culminated?

Mr. EDMISTEN. If the dealer is sufficiently satisfied that his customer is a bona fide resident by some means of identification, he is exonerated from all wrongdoing.

Mr. GEKAS. What you're saying is that there is a hole in the law?

Mr. EDMISTEN. That is correct.

Mr. BARBOZA. Mr. Edmisten, I think you began to say that there was a large concentration of distributors, and when I use the word distributor, I am not speaking of just dealers, I am speaking really of the major wholesalers who purchase handguns from manufacturers for resale to licensed dealers, and you indicated that there may be a high concentration in the Detroit area. I have a map here of the State of Michigan, which was submitted by a witness who will be testifying this morning, Ronald B. Elwell, of the Research Committee on Crime and Gun Facts, and he indicates there is a corridor here in Michigan, which would include Wayne County, I believe Oakland County, and two other counties, where there is a high concentration of homicides; and he indicates that in other parts of Michigan there are fewer numbers of homicides, in fact, very few homicides. Now, if you were to review those manufacturers and distributors' records, would they indicate that there is a brisk legal business in handguns in this particular area, and how would you compare the business in this area with the business in, say, the northwestern part of the State in handguns?

Mr. EDMISTEN. I really don't know how to answer that question, Mr. Barboza. We haven't researched these licensees and the amount of their business in relation to the question you're asking.

Mr. BARBOZA. Let's just speak in terms of commonsense. If I were a manufacturer and I were going to sell some handguns, where would I sell them? Would I go up to the Northwest where people use rifles or would I sell them in Detroit where people have a fear of crime and buy them for their homes.

Mr. EDMISTEN. Obviously, if you're a businessman, whether you're a manufacturer of guns or whatever other business you're in, you're going to send your products where the market is.

Mr. BARBOZA. Would you say the market in Detroit is a good market for handguns?

Mr. EDMISTEN. Yes. The market in the area of Detroit and these suburbs is very great.

Mr. BARBOZA. So if we take Dr. Wilt's study and we examine it and we find there are over 800 homicides in the city of Detroit, a large percentage of them, more than half, committed with handguns, and we examine them further and show that 50 percent of them were conflict related, that is, the homicide that was committed in the home where there was no intention to use the weapon for that purpose, but, perhaps, to use the weapon for plinking, which is probably not likely in the city of Detroit, but to use it for self-defense, but yet that gun is used in a homicide.

Mr. EDMISTEN. I have reviewed Dr. Wilt's report, or, at least, a portion of it, and I must find myself agreeing with most of it. It's very accurate.

Mr. BARBOZA. If I restate the—if I were a handgun manufacturer, where would I send my guns? I would send them to Detroit; correct? I wouldn't have to advertise either, would I?

Mr. EDMISTEN. No.

Mr. BARBOZA. The market is already there?

Mr. EDMISTEN. But for one thing. Michigan has one of the toughest laws on the legal purchasing of guns in the United States, outside of New York. This accounts in part for the very flourishing black market of guns in the Detroit area. This accounts for why people go to other States and bring back guns for resale, because people cannot comply with the gun laws in Michigan legitimately and arm themselves as they are apparently doing. So this, then, entices the black-marketeers to bring weapons into Detroit.

Mr. CONYERS. That gets to my question: How do you recommend that we go about curbing the illegal traffic in handguns?

Mr. EDMISTEN. To me, sir, it would be a two-pronged thing. There are two methods by which guns are brought into Detroit. By and large, the biggest method is by individuals. About 70 percent of all the guns that are used illegally in the Detroit area are brought in one on one, one person, one gun. The remaining 30 percent are brought in by commercial people who are black-marketeering. So we are going to have to strengthen the laws and enforce them, not only on the commercial people that bring them in in large lots but on the individuals as well. They present 70 percent of the problem.

Mr. CONYERS. How do we grab that? That is what we have been wrestling with, and I would be interested in your views, if you have any, on the subject.

Mr. MURRELL. I would like to comment on that one, please, sir.

With the existing manpower that we have, we are lucky to keep our head above water at the present rate we are going.

Mr. CONYERS. Right. I concede that.

Mr. EDMISTEN. Thank you. I would have said that.

Mr. CONYERS. We have great plans for augmenting ATF in terms of getting to the firearms regulation problem, assuming you have five times as many men combing the region. The problem probably wouldn't abate itself too much. People would still take off to Toledo and purchase guns. They still would be coming in. You would have more people to apprehend more people with, but the problem would still be spiraling, anyway.

What I'm trying to get at, and I think it has become an essential responsibility of this subcommittee, is to examine not what the legal, law-abiding citizen will do in the face of more stringent firearm regulations, it's what the aim of the illegal citizen, the citizen that is bent upon committing crime will do, and what will the citizen who is trying to operate in a defensive situation, as he perceives it, will do. I think that that is perhaps a narrow question, and I want to ask it here. I would be remiss to have all of you experts in the field up here and just leave me and staff and six other Congressmen worrying about it, and you come in and give great testimony and go back to your offices and say, well, that's it for today.

Mr. MURRELL. We are hoping it will be beneficial to you, Mr. Conyers.

There is one thing, I think, with the proposed legislation which has been submitted to the committee for consideration, there are a lot of things in there that will reduce the number of dealers down to a more workable commodity. If we can get the legal channels plus consumer capability from the manufacturer, of being able to trace a weapon faster, and have better resources to take care of this smaller number of dealers, I think we can be more effective. I don't think there is anyway in the name of all that's holy that we can ever stop it, and we don't think it is.

Mr. BARBOZA. Mr. Murrell, could we get into this subject of gun manufacturing. Perhaps you could explain to the committee the manufacturing process, the manufacturing process of the handgun, from the point that it's stamped, the frame, and receiver, the time that it's assembled, the time the serial number is placed on the gun, the time that it's stored on the loading dock, orders are taken, and then they are shipped to the distributor through a trucker, could you just run that through for us, or one of your, just briefly summarize.

Mr. MURRELL. Not being an expert, but——

Mr. BARBOZA. As someone who might have visited a manufacturer and is familiar with his procedures.

Mr. MURRELL. Do you want to take it?

Mr. EDMISTEN. I would be glad to give that a try.

Most gun parts are stamped out of metal, intricate little parts, that, when assembled, they function together as a whole. The barrel normally has a serial number stamped on it. The receiver, which is the permanent part of the gun, always requires a serial number.

Mr. BARBOZA. When is that serial number placed on the receiver or on the barrel?

Mr. EDMISTEN. At the time that this receiver is manufactured.

Mr. BARBOZA. Not at the time that the entire gun is assembled?

Mr. EDMISTEN. No; at the time this receiver is manufactured, the serial number is stamped upon it at that time.

Mr. MURRELL. That is true with all manufacturers.

Mr. EDMISTEN. In the case of imported guns, a lot of times they don't have numbers on them. There is a little different requirement there. They also have to place not only the serial number but the country of manufacture and name of the manufacturer.

Mr. BARBOZA. In terms of domestic manufacturers, is there any common practice or is there any rule that requires that they stamp the frame of the receiver at the time that that particular component is manufactured?

Mr. EDMISTEN. As far as I know, Mr. Barboza, there is no uniform regulation that ATF or the Treasury Department would require——

Mr. BARBOZA. Is it possible the manufacturer might stamp the serial number after the entire gun is assembled?

Mr. EDMISTEN. Conceivable. You would have to mount this gun in some kind of frame that would allow the terrific impact of stamping into it, which is largely impractical.

Mr. BARBOZA. OK.; so then, the other parts that are assembled, with the firearms, would you just explain that process?

Mr. EDMISTEN. These intricate parts that go together to make up the entire gun, whether it be revolver or automatic, are not stamped.

They may be manufactured at outlying areas, such as a car-manufacturing plant, and then they are shipped into an assembly area.

Mr. BARBOZA. You have some intricate regulation on the alcoholic-beverages industry. Are there any ATF regulations that require the manufacturer to store and lock the facilities of the handgun parts that he manufactures?

Mr. EDMISTEN. As a part of becoming a licensee, they must show to us, to our satisfaction, that they have the capability of maintaining a safe premise so that they are reasonably safe from being burglarized. This is one of the things we look for when we issue a license, particularly, a manufacturer's operation. We would look for safety.

Mr. BARBOZA. Are there any regulations which indicate what those safety requirements are?

Mr. EDMISTEN. Not to my knowledge.

Mr. BARBOZA. How do you then——

Mr. EDMISTEN. In our long experience we know what constitutes an area that would prevent being burglarized.

Mr. BARBOZA. The statute says that a dealer or licensee must have premises. I don't believe there is anything in there that says they must be safe.

Mr. EDMISTEN. No, sir.

Mr. BARBOZA. Does the same requirement that you somehow apply without regulation, apply uniformly to dealers, as well?

Mr. EDMISTEN. We try to; yes. This is not something that we would deny a license for that sole reason.

Mr. BARBOZA. So it wouldn't matter whether you—that's the important point.

Mr. EDMISTEN. When we make this investigation, we try our best to tell the applicant that he should maintain a business that is as safe from being burglarized as possible.

Mr. BARBOZA. But he is not required to have parts placed under lock and key?

Mr. EDMISTEN. No.

Mr. BARBOZA. In other words, a gun manufacturer could operate without any locks on his door; is that correct?

Mr. EDMISTEN. Conceivably, he could.

Mr. BARBOZA. Which would make it susceptible to it being burglarized?

Mr. CONYERS. Would you yield on that point?

What about the rate of burglaries that are increasing, as I have been given to understand, in terms of the manufacturers, the dealers, the wholesaler—everybody. There are increasing gun robberies, is that not true?

Mr. EDMISTEN. Yes, sir, it is.

Mr. CONYERS. Are you keeping some kind of record that could be introduced in these proceedings?

Mr. EDMISTEN. No, sir, unfortunately I don't have that. I know that on a national level we are aware that there are increasing burglaries of gun manufacturers and gun dealers. A part of our public affairs office in Washington has an entire program devoted to educating these dealers to the fact that they are liable to be burglarized and they should maintain safe premises.

Mr. CONYERS. I think counsel is developing the point that we really ought to have regulations within ATF that would spell that out very clearly. An inspector goes out and how can he look at a place and rate it as safe? As a matter of fact, professional burglars would laugh at anybody trying to do that. They would challenge any place as being—not being burglarproof.

Mr. BARBOZA. One last question concerning—this is a question that we are now in the process of developing, I'm sure you're familiar, from your discussions with the Washington office, that Mr. Conyers, the chairman of the subcommittee, has sent a letter to 34 handgun manufacturers requesting specific information, and he has also asked that ATF inspect the records of those manufacturers who have not complied with that request to determine whether they are complying with the recordkeeping requirements of the 1968 Gun Control Act.

The development of this information would help us to identify the distributors of firearms, the major distributors, the companies that wholesale firearms to other dealers, to locate them in cities to determine where they are located and further selling to retailers in those areas where there is also a high crime rate.

The other part of the development is to determine whether there are safe facilities for transporting handguns in interstate commerce, whether at the time they leave the manufacturer and are placed in the hands of the shipper, they are in safe hands, that they are not being transported in the back of station wagons. Can you just comment on that aspect of the business and what ATF has done, whether you know who the shippers are, who the major manufacturers are, whether you know what the facilities are like, whether you know that the employees are people who are trustworthy, who are not going to be handling the guns over to organized crime. Do you know that when the guns reach their destination, do you know that their packages are in whole and full of the guns that they were packed with when they left the manufacturer?

Do we know these things and how can we begin to find them out and is the 1968 Gun Control Act competent of doing that over the next 6 years, if this subcommittee decides to do nothing with it?

Mr. EDMISTEN. To begin with, to my knowledge, the Gun Control Act of 1968 does not carry any of the provisions that require that guns be shipped under any specific circumstances, safeguarded to any extent. So I cannot answer your questions on this because it's not a requirement under the present law.

We do have a program called the interstate theft program in which we identify the approximate number of guns that have been stolen in interstate shipments.

Mr. BARBOZA. Is that a national program?

Mr. EDMISTEN. It is a national program that is operated out of our Washington office. There are substantial numbers of guns.

Mr. BARBOZA. Is it required? Are these shippers all required to file reports?

Mr. EDMISTEN. No; it's strictly a voluntary thing.

Mr. BARBOZA. As are many of the other programs along these lines?

Mr. EDMISTEN. Yes; the Gun Control Act could be strengthened in that respect, that manufacturers could be required to ship their

firearms under more safe conditions to keep them from being burglarized or stolen.

Mr. BARBOZA. In summary, Mr. Chairman, I think it's important to point out for the visitors and the viewing audience that many of the approaches that the subcommittee is now considering, which would deal with firearms control, really do not involve the handgun, as such, that is, either taking it away from the individual or restricting his use of that firearm. What many of the proposals are directed toward and what the subcommittee is considering are proposal which would make it safer for people to live in cities that insure that firearms are manufactured, that they are shipped, that they are sold in the safest, most practical means. Would you agree with that statement?

Mr. EDMISTEN. Yes, sir, it might go one step further. Both Mr. Murrell and I would like to place on the record that we need additional manpower, additional equipment. This is not the answer to the entire problem. I'm sure that the entire criminal justice system needs additional manpower, the courts need it, the prosecuting attorneys. We, alone, in law enforcement cannot abate the misuse of handguns. It's an endeavor that will come about through the entire criminal justice program, through, if you will, an educational program of the public, as well as strict enforcement of the laws relating to guns.

Mr. CONYERS. Your statement has been amply testified to by Rex Davis who has been before us many, many times, and I don't think that there is a person on the subcommittee that is not in total agreement with what you have said.

I appreciate your developing that line of inquiry.

Mr. MURRELL. I had one further thing. There is a program which we are trying to make voluntary but we do have leverage to make it a little stronger. Starting July 1, reporting daily of multiple sales. I'm sure this testimony has probably been in front of the committee before, it probably has not been in front of the people now in attendance. We are hoping through that to be able to focus as information on where to go to try to put out the fire.

Mr. CONYERS. The multiple sales would be recorded from dealers to, first, initial purchasers?

Mr. MURRELL. Right, and directed to our nearest available post of duty to where we could respond. When you see that name pop up two, three times, and we have made numerous criminal cases, which we have given you a list of, some of which we cannot discuss because they have not completed court action on, which shows that we have broken up theft rings and gun-running rings from just about every State in our region into Michigan, and primarily because Michigan has such tough laws.

Now, Mr. Barboza, when you talk about the regulation pertaining to the alcohol industry, the legal beverage industry, as opposed to what regulation and laws we have to operate under on the firearms industries, they are not at all similar, but the theft situation in distilled spirits, in this country, even with the tight security that we have, and joint custody with our locks on all of their warehouses and all of their systems, we still have thefts, particularly in interstate

shipment. It seems like the old saying goes, it's all right to steal whiskey and watermelon, now they have added guns.

Mr. CONYERS. Counsel Gekas?

Mr. GEKAS. As is my fortunate lot to follow at the end of everyone else's questioning, what I would like to do is to open the panel up to the other two gentlemen who accompany you. You're Mr. Mika from Detroit, is that right?

Mr. MIKA. I am.

Mr. GEKAS. I would like to put the testimony that we have received here into perspective in the context, first, of the general charge that is made that we have 20,000 laws already on the books, and they are not being enforced, and the specific charge that the Federal Gun Control Law is—makes all these illegal already, we do not need a new law, and, indeed, it's the responsibility and you should blame ATF for not sufficiently enforcing it. Now, with that general overview and those two general things, let's take a look and go over what we have talked about today, and in Washington, and let's see if we can focus it into the Detroit area. One of the problems is manpower. In addition to the Federal Firearms Act, or the Gun Control Act of 1968, what other laws do you administer? I think we should make that clear.

Mr. EDMISTEN. We enforce the laws relating to the Explosives Control Act, we enforce the laws relating to the manufacture and sale of illegal liquor and we have recently been assigned the task of enforcing the wagering laws, which, alone, is staggering, so we have four major laws that we are concerned with.

Mr. GEKAS. And tobacco?

Mr. EDMISTEN. Yes, sir.

Mr. GEKAS. Under each of those laws there are a number of Federal licensees; right?

Mr. MURRELL. Licensees and permittees.

Mr. GEKAS. Generally, for our purposes, let's call them licensees. So for example, in the alcoholic beverage there may be so many 100,000 alcoholic beverage people, dealers licensed by the Federal Government and it's your responsibility to administer the laws and to supervise that business; right?

Mr. MURRELL. Yes, sir .

Mr. GEKAS. The same in the situation of alcohol, there is a—of tobacco, there is a large number of licenses, right?

Mr. MURRELL. There is not such a large number of licensees, permittees, the actual producers, and all, in those two areas, but it goes on into the wholesale and retail trade, as far as whisky is concerned, the cigarette industry is relatively small and confined.

Mr. GEKAS. Now, let's take it into the firearms area. There are nationally 156,000 Federal firearms licensees and in the midwest region there are how many?

Mr. MURRELL. In the central there are 23,600.

Mr. GEKAS. What is your feeling—focus on the Detroit area, in those metropolitan counties, how many licensees are there, Federal firearms licensees in this area?

Mr. MIKA. I don't have the statistics right here in front of me.

Mr. MURRELL. I have them here. I think it's very interesting, particularly when you go about counting on firearms licensees——

Mr. GEKAS. Let's just take the total figure.

Mr. MURRELL. 1,798.

Mr. GEKAS. Almost 2,000, and growing, right?

Mr. MURRELL. It's holding fairly steady.

Mr. GEKAS. Nationally it's growing?

Mr. MURRELL. Here it's holding rather steady.

Mr. GEKAS. Now, what is your feeling on the percentage of licensees, Federal firearms licensees who are actually substantially engaged in the business of selling firearms? You have recommended to change the law to restrict the number of licensees. What is the figure that we want to restrict it down to to make it a manageable figure to regulate, number of licensees?

Mr. MURRELL. Could I give an example? Wayne County, a total of 768 licensees, 425 which operate out of residences, 343 which operate out of commercial facilities. That is less than—that is about 40 percent of the existing licensees.

Mr. GEKAS. OK.

Mr. MURRELL. Of course, Wayne being the biggest.

So it's the same ratio all the way through.

Mr. GEKAS. Just to make the point, there are a lot of people out there who are causing you a lot of administrative trouble and causing the Government a lot of expense and they only deal in a few firearms a year, if a few, if that number——

Mr. MURRELL. That is correct.

Mr. GEKAS. I yield, Mr. Chairman.

Mr. CONYERS. Gentlemen, we are indebted to you. I see ATF as a beleaguered agency charged with the administration of four major laws that is totally understaffed and needs a lot more attention. We know that there are Federal laws needed to supplement what we have now and we begin to perceive that a new body of regulations, unfortunately for those that don't like bureaucracies, need to be developed here in terms of really helping us, as Counsel Barboza suggested, get a much firmer grip on a very dangerous problem, without affecting the citizenry. There are administrative, regulatory, corrections that could be made, that would have a very, I think, significant impact on the problem that brings us all here to Detroit today.

We are grateful for your testimony, all of you gentlemen, and you can count on us supporting your efforts to devise a piece of legislation that will help you discharge your very difficult responsibilities. Thank you for coming today.

Mr. MURRELL. Might I add if there is anything that the committee needs from the Detroit area, we will be glad to supply it.

Mr. CONYERS. We have enjoyed good cooperation from ATF on the national level and all the local areas that we have been in. Thank you.

[The prepared statement of Mr. Murrell follows:]

STATEMENT OF FRED H. MURRELL, REGIONAL DIRECTOR, CENTRAL REGION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, DEPARTMENT OF THE TREASURY

Mr. Chairman and Members of the Committee: I am the regional director for the central region of the Bureau of Alcohol, Tobacco & Firearms, U.S. Department of the Treasury. The central region is made up of the States of Michigan, Ohio, Indiana, Kentucky and West Virginia. The region has a population of

approximately 31,000,000 (31 million) people, with Michigan being the second largest State in the region and Detroit is the largest metropolitan area in the central region.

As the committee is aware, the Bureau is made up of two primary Divisions, Regulatory and Criminal Enforcement. We have the responsibility of regulating the alcohol, tobacco, firearms and explosives industries. The responsibility of the Criminal Enforcement Division is to enforce criminal violations in these areas. I will speak of the regulatory functions and Mr. David Edmisten, assistant regional director, criminal enforcement will cover our activities in that area.

During calendar year 1974 the excise taxes collected in the central region by our Bureau amounted to 2 billion dollars. We have 192 inspectors on board in the region with 13 of them being stationed in Michigan, 11 in Detroit and 2 in Kalamazoo. Of this compliment about 2½ man years are devoted to on-premises supervision. The balance is available to take care of the rest of our responsibilities. It would appear that with 192 inspectors on board, Michigan does not have a fair distribution of manpower, but due to requirements of law, about 133 of these inspectors are assigned to on-premises supervision at distilled spirits plants throughout the region.

That leaves 51 inspectors and 8 area supervisors to conduct original application investigations pertinent to the various permits and licenses; conduct compliance investigations of explosive licenses and permittees; to perform revenue audits and inspections of certain types of claims for refunds filed by various taxpayers; to conduct inspections relative to consumer and trade practice complaints and conducting compliance inspections of licensed firearms dealers. As you can see our inspectors have a wide variety of assignments. (Attachment No. 1)

Attachment No. 2 consisting of four pages to my statement gives a breakdown in detail of the firearms licenses in the region by State. In Michigan we have 5,665 total dealers; 4,994 firearms licenses, 559 for ammunition only, 80 gunsmith only and 32 pawnbrokers. In addition, we have 11 manufacturers of firearms and 255 manufacturers of ammunition, for a total of 266. We also have 16 importers licenses in Michigan and 213 collectors licenses, for a grand total of 6,160 licenses. In the region as a whole we have a total of 23,620 licenses, which averages out to one license for each 1400 residents region wide.

Page 2 of the attachment gives a breakdown by county of the six counties which make up Metropolitan Detroit. These are Wayne, Monroe, McComb, Oakland, St. Clair and Washtenaw. This shows 1,798 licenses in the metro Detroit area, of which 848 are operated out of commercial premises and 950 operate from residences.

On page 3 of the attachment is a record since 1969 to date showing the number of new licenses applied for each year, renewals and discontinued licenses.

With all the frustrations from lack of adequate personnel and funding, we have one distinction in the central region, we do not have a licensee in the region that we have not investigated prior to the issuance of the license. We were able to accomplish this from the start by using our special agent manpower to supplement our inspection strength. However, without help pretty soon it will be hard to maintain this distinction.

I have read and reviewed the proposed changes in the law as put before this committee by the Treasury Department. If these proposals become law it would put us in a much better position to contend with the firearms traffic in the central region. A fair estimate of the reduction in firearms licenses of about 40 percent, maybe more, would be possible.

Thank you Mr. Chairman. Now I would like to turn the testimony over to Mr. Edmisten.

EXHIBIT 1.—AFT—CENTRAL REGION—DISTRIBUTION OF REGULATORY ENFORCEMENT FIELD PERSONNEL

State	Authorized positions	On board	Position vacancies	Area supervisors	On-premises	Other
Indiana	26	25	1	1	14	10
Kentucky	126	123	3	4	99	20
Michigan	17	14	3	1	5	8
Ohio	29	26	3	2	12	12
West Virginia	3	3	0	0	2	1
Total	201	191	10	8	132	51

EXHIBIT 2.—LICENSEES UNDER CHAPTER 44, TITLE 18, UNITED STATES CODE, IN THE CENTRAL REGION AS OF MARCH 31

	Ohio	Indiana	Michigan	West Virginia	Kentucky	Totals
Dealers:						
Firearms	4,550	3,202	4,994	1,841	3,237	17,824
Ammunition	846	725	559	338	1,362	3,830
Gunsmith	93	72	80	20	24	289
Pawnbrokers	63	22	32	18	84	219
Total dealers	5,552	4,021	5,665	2,217	4,707	22,162
Manufacturers:						
Destructive devices	1	1		1		3
Firearms	22	6	11	2	3	44
Ammunition	300	171	255	96	75	897
Total manufacturers	323	178	266	99	78	944
Importers:						
Destructive devices			1			1
Firearms	5	7	15			27
Total importers	5	7	16			28
Collectors	135	73	213	14	51	486
Total licensees	6,015	4,279	6,160	2,330	4,836	23,620

Mr. CONYERS. Our next witness is—I think I should say this now that she is in the room: we will now call the first lady of the Detroit Common Council, as our next witness. Miss Erma Henderson is a longstanding friend of the chairman of this subcommittee, she has done a great amount of work, first of all, as a citizen, secondly, as a community and civic leader, and now she serves with great distinction on the City Council of Detroit, where she has given distinguished leadership.

I am very pleased to have her as the first witness and perhaps the only witness that will testify from the Detroit City Council. We have your prepared statement, Miss Henderson, which we can see you gave thoughtful attention to before submitting it to this subcommittee. We are going to incorporate it into the record at this point, which will leave you free to refer to those parts you choose and then to make the other comments that somehow are hard to fit between the lines of a formal paper. Welcome to the subcommittee and you may proceed in your own way.

TESTIMONY OF ERMA HENDERSON, MEMBER, DETROIT CITY COUNCIL, AND EQUAL JUSTICE COUNCIL, INC.

Ms. HENDERSON. Thank you, Mr. Conyers; to this honorable body of Congressmen, I am delighted to be present this morning to have the opportunity to address you. I am delighted also because it's my first opportunity to also address such an honorable body with regard to my views in relation to your Subcommittee on Crime and particularly as it relates to gun control.

As you just said, I am Erma Henderson and I am a concerned Detroit councilwoman and executive director of the Equal Justice Council, which is a citizens organization that is involved in the criminal justice system. I am also a member of the Michigan Committee on the National Council of Crime and Delinquency.

I have carefully read and listened to thousands of words that have been used on the pros and cons of gun control, having examined numerous police reports. I share with you a deep concern about the rising death rate in our city, State, and Nation. I hope that the findings of these hearings will result in some concrete directions for action on the part of our Congress. Many factors will have to be taken into consideration while we are looking at gun control as a deterrent to crime.

America, unfortunately, has become a violent nation, even our national anthem boasts about the rockets red glare and bombs bursting in the air. At an early age our children are introduced to American heroes and Indian fighters, the minutemen, the soldier of fortune, the cowboys, and the super cops, all toting guns. You know, I think about our television screen, which promotes, for the most part, the most accurate way to kill, and most youngsters learn that before they are able to speak very good English.

Not unlike automobile and steel production, the manufacturing of guns for foreign and domestic use is one of America's major industries.

The American Rifleman's Association has one of the strongest lobbies in Washington, so while we are talking about gun control, let's not kid ourselves, controlled by whom? If we are not willing to tackle organized crime, the dope runners, the gun runners, the hit men, and government involvement in illegal activities under the guise of national security, then citizen efforts and programs to bring about gun control will have no effect on the lessening of crime in our cities.

Let's look at some facts. In an article by Mark K. Benenson, in 1966, despite the Sullivan Law, it was noted that unlicensed handguns accounted for 83 percent of all gun crime in New York City.

In 1967, in New York City, of the 746 total homicides, 277 were from knives, 205 were from handguns, 165 by physical force, and 68 from blunt instruments.

In May, 1968, New Jersey attorney general Sills announced that the 1966 State gun law was a success because firearms were used in 44 percent of all murders in New Jersey as compared to the 60 percent that were used nationwide.

But according to the FBI figures, prior to the State Gun Control Act, from 1962 to 1966, the percentage was 39.5 percent. Obviously, gun control did not deter the increased commission of violence.

The firearm, readily identifiable, becomes the focus of public attention as the answer to the increasing homicide rate, rather than the socioeconomic factors, such as frustrations, tensions, and alienation our society creates in people because of racism, unemployment, and unequal treatment of every facet of living. It is too simplistic to blame the gun for social conflict crimes in our cities. The gun is only one weapon. There are knives, tire irons, chains, karate sticks that choke and kill, and what have you; as you can see in New York City in 1967, more people were killed with knives. Emotions and hopes suggest that tightening up on handguns will reduce crime but the basic causes of crime in our society are too deep rooted to be affected by what weapon the perpetrator chooses to use.

Turning now to published studies in Detroit, made by Dr. Bruce Danto, department of psychiatry, Wayne State University, spring, 1971, indications were that both murderers and suicidal persons are prone to misuse a gun in the same way as any other potential instrument of destruction, independent of gun control measures. In the studies made in July and September, 1969, he had already received information that because of increased rapes, burglaries, and other crime, the public decided that they could no longer rely on the protection of the police. People began to buy arms to protect their families and homes. Many people still believe that they cannot depend upon police protection to keep crime controlled in their neighborhood, but with this factor, let us look at some study data on firearm homicide in the home setting.

In this particular instance I have submitted data to the committee and I will not repeat it, but I think that all of us have heard over the last day or two about the great amount of crime that is committed in the home setting. Again, let me repeat that I think the economic and socioeconomic factors that have a play in this are not being addressed to through just general measures of gun control.

There is demographic information that I have submitted also, as included as part of this report, and forms the basis for much of what I am presenting to you today. That demographic information takes into consideration, age, sex, race, the number of victims, the weapon owners, the killers, and the percentage of those deaths that are arrived at by guns. All gunshot deaths determined to be homicides were studied in Wayne County, Michigan, over a 3-month period during the summer of 1969. Only gunshot deaths in the home setting were included in the study. Data were gathered by attendance at medical examiner hearings as well as conferences with local police and prosecuting attorney's office. The obtained sample involved 57 homicides. The homicide group was found to involve people who were predominately black, under 30 years of age, unemployed, poorly educated, reacting to interrelationship conflicts as precipitating stress, and having an extremely low incidence of registration of handguns.

Forty-five percent of the victims were born in the South and fewer of the victims were primary members of the family than usually seen in other homicide studies. Limitations of the research method were discussed both in terms of the large number of unknown responses as well as the shortsightedness of both police and medical examiner investigations of homicide. It would be helpful if such public agencies were to expand the nature of their investigations to provide insight and understanding about homicide.

I am deeply disturbed that there are more people shot dead in the streets of Detroit than in a comparable day during the Viet Nam war, and that these were people who knew each other. People who have undergone consistent social stress and frustrations can go berserk over a minor argument and use a weapon if one is available. If guns were not so common, they might not have died. But just controlling the weapon will not stop the stress and frustration. Other methods of violence will be used. If, in fact, almost 70 percent of homicides are social conflict, why don't we address this issue? What is deeply needed are jobs, job training, housing, and, above all, com-

munity based crisis intervention centers for social conflict where neighbors can help an anguished person and family and professional help is available. I will continue to call for this kind of innovation in our criminal justice system. Do the decisionmakers, both here and in Washington, listen? Do they regulate a little more? And never address the root cause of social alienation? We can learn from a country like England where the police are not armed on the streets and there are effective social welfare programs such as the national income maintenance program, health care, housing. This is how true justice could function in a society that addresses itself to rooting out the causes of crime.

The following information is from an article in the U.S. News & World Report. National laws to restrict and police the ownership of guns are commonplace around the world. But measuring their effectiveness is not easy. Experience shows the law on the books is one thing and enforcement is another. The British can trace weapons legislation back to the 14th century. The actual licensing of guns started as early as 1870. All firearms must be registered with the police. Certificates are granted only after extensive check of the applicant and none under 14 can own a gun nor can anyone with a criminal record.

In effect, police say, permission to possess a gun usually is granted only to supervised members of Britain's 4,500 gun clubs and such persons as farmers who need firearms to control vermin.

Violence involving guns is relatively unknown in Britain, even the organized criminals rarely resort to firearms. Police estimate that only 1 out of 1,000 criminals own a gun. In a recent 3-year period in England and Wales, of the 400,000 criminals arrested only 150 were carrying guns. Likewise, ordinary citizens have little contact with guns. It is estimated that fewer than 1 in 50 Britons own one. As a result, Britain has one of the lowest incidences of violent crime.

Out of 4,474 robberies in 1966, for example, only 340 involved the use of guns. Most of the 137 murders in 1966 were committed by means of other than firearms.

I think that we can also point to the fact that I have had the opportunity to talk to members of other nations, such as in the British countries. I talked to people in government in the Bahamian Islands, and they talked about their low incidence of violent death. They explained to me that there are no guns in the hands of the police or in their homes. The police have so gained the respect of the community that this is what happens. It doesn't completely prevent crime, but it certainly reduces violence and death.

The police in our Nation and in our cities have an extremely violent record in dealing with people. There has been far too much unnecessary shooting. I believe in total national gun control, and that, it seems to me, is the difference in what we are talking about or what I have generally understood to be gun control.

I believe in total national gun control for police as well as for citizens, coupled with the adoption of a national employment and social welfare plan. If we do not ease the tension of racism and economic disaster, gun control laws will not work. Instead, a war may be waged on our streets with armed police force and the poor and

dispossessed armed with stones. Death will still occur. Social conflict and social disorders are two sides of the same coin minted from regressive social practices and neglect. This is a country where the citizenry already may own enough guns to arm every inhabitant. A frightening yet reassuring thought is that most people never really touch their weapons. As Americans, we boast that no task is too difficult for us. Now do we have the will to address the root cause of social-conflict crime? Can we truly demand police protection for the community with police really working in cooperation with and winning the community's respect and trust? Can we rule out violence-inducing behavior of police? Do we have the strength to cancel police training programs aimed to kill?

I spoke to one of our inspectors here, who was then an inspector, about the training program, for example, among police. I am told that people have more of a chance of recovering if they are not shot in the head, shot in the heart, or shot in the stomach. I repeat again that I think that our training programs can be used—can be revised to incluude shooting in the feet, the legs, or the arms or something, to maim and not to necessarily kill. We ought to investigate our training program so that we can understand what I am talking about when I say that violence comes from all sectors in our society.

Can we aim for total national gun control for all, based on, perhaps, England's system?

I am not opposed to taking guns away from felons, to prohibiting the manufacture and possession of Saturday night specials, but let me point out, I think that here our corrections system has something to say about this.

For example, if we take a look at our corrections system, we will find that generally—there was a time when they gave them a suit to come out, but generally now an inmate is given, upon release, a $10 bill. I suggest to you that after a person arrived at his home and finds that his life is completely uprooted, that he has no longer the home, friends, and that there is no preparation made for that, then what do you expect him to buy except a Saturday night special, which he could probably buy with the $10 purchase and he could probably find the way to do that very easily.

But we have not spoken to the real issue of violence. I urge you to make funds available for community counseling centers on social conflict, to turn the attention of our Justice Department and our criminal justice system to measures designed to prevent crime and beyond that, to move forward to national gun control, a rejection of violence by government as a means of dealing with the problem.

Where arms are flaunted in the midst of racial conflict, labor management disputes, political turmoil, citizens who have unpopular opinions on issues can be silenced. This should not be the American way of life. We must not condone violence by our communications network, by our government, or by our people.

Mr. CONYERS. Thank you very much, Miss Henderson.

You have raised a number of troublesome questions that plague this committee. I would like to begin our discussion from the point of view of identifying some of the problems that have to be put in perspective before we begin to talk about firearms regulation. I share

your view that, on the priority of listings of things that have to be done in this country, gun control, or firearms regulation kind of slips down the list.

Now, you and I have been working on the most immediate, pressing need in this city; namely, the creation of jobs, the one thing that citizens can't do for themselves.

One thing that apparently the Federal Government isn't even willing to do for its citizens, since we had the audacity to sustain the veto for a $5.3 billion emergency jobs package only last week. That would have, I'm sorry to say, created only a measly 900,000 jobs. We have statistics that some 13 million or more people are out of work. It would have created perhaps 450,000 summer jobs for the millions of youth, as you know, who are turned upon the streets of this country every summer. An almost incomprehensible act on the part of the executive branch and the Congress.

I would like to contrast that in our discussion with the fact that other nations, with this country leading all the nations in the world, are involved in a nuclear and armaments race that outstrips any of our activities in those fields in prior history. We have, in effect, a $100 billion defense budget which now makes us the largest gunrunners to other nations in the world. We have a Secretary of State who drops nuclear samples around as parts of the secret agreements that he concludes between other nations. We are selling more weapons of destruction, some to the combatants on both sides of an issue, than anybody else, and so it seems almost ironic under those circumstances to come back and begin to look at the question as it applies to the citizen.

There are two arms races going on: one, an international nuclear arms race, between nations, in which this country leads the rest of the world, and, secondly, and I think following the example of our government, there is a citizens arms race that is going on. It goes on because many of our constituents are operating on a defensive theory, are they not?

Ms. HENDERSON. That is right.

Mr. CONYERS. They are not arming to rip off the person that lives on Sherman Street who needs a gun, as he perceives it, whether it's statistically defensible or not, but, as he sees it, he needs a gun to protect himself from the other people that have guns.

Ms. HENDERSON. That's right.

Mr. CONYERS. Now, if I am not mistaken, we are confronted on this subject with two alternatives, one, we can urge everybody that hasn't got a gun to defensively arm himself, and some would argue that just about everybody has a gun already, which would lead us to the next level. If everybody has a gun, the well dressed person will then be carrying two guns. When everybody gets to the two gun stage, then automatics, I think will become the rage. There would be no end to citizen arming, as I see it. I have examined this. We have had witnesses from every possible point of view. But, at the same time, unless we look at the other side of the coin can we begin to scale down the amount of guns that are in existence. I do not mean taking them away, and I'm glad that you didn't use the term, confiscation, because there are very few people that are avoid-

ing that. We are captives of history. We have romanticized guns, as you have pointed out, we have idolized those who settle disputes with weapons, we boast of our national manhood by assaulting a new nation only formed since April because one of our merchant ships violated their territorial waters and were taken into custody. The Secretary of State advocated B–52 bombers dropping bombs on Cambodia because the good ship Mayaguez' captain didn't realize he violated that nation's international limits. So we see evidence of what you have talked about, so eloquently, at every level.

And then this little committee, with your good friend from Detroit, is charged with the assignment of developing some domestic firearm regulation, Conyers, Danielson, Mann, Hughes, McClory, and Ashbrook. This thing is getting out of hand. Well, it's been getting out of hand for the last 198 years.

Ms. HENDERSON. Correct.

Mr. CONYERS. And, as we approach the bicentennial as we are now beginning to, in greater numbers, say, "Where is this madness leading us?" I think you share my view that one of the great people of this century, Martin Luther King, raised the whole question of nonviolence, not just in terms of the struggle of black people, but when he addressed that theory to his own Nation and pointed his finger at this most powerful country on the face of the earth and said, "You violate the theory of nonviolence, too." Then his popularity began to wane. Then the attacks on Dr. King mounted at a rate that frightened and disappointed him. As long as we are talking about people being nonviolent, it's right on; but when we talk about the Nation setting an example for nonviolence, well, well, that's a different thing. Our national security comes first; protection of our economic interests, worldwide, take precedence. The right of the people to make guns and profit by them, as you so incisively said in your address here, is gun protection, gun control. But who is controlling what and for which purposes?

The very notion that there ought to be a regulation on the profitmaking of these weapons of destruction is an abhorrence to a good many citizens. We have millions of people who come to this subject that are worried about what we are going to do about the rights of hunters and sportsmen. There aren't any hunters and sportsmen inside the city limits of Detroit because the only thing they can hunt here with a gun are other people.

So what you have done is serve to me a very important point here, in putting this whole thing in perspective. It is what I have wanted to say so many times, in these hearings. This only happens to be one of my assignments in the Congress. The bigger assignment is redressing our national priorities by putting everybody to work, not just in the ghetto, but in the suburbs that are now affected; those in the automobile industries, now unemployed to the point of 24 percent. So our immediate concern is to divert that $100 billion budget to the programs that local officials come to Washington, hat in hand, begging that we create, to avoid the socioeconomic conditions that you have described.

Because your sensitivities are mine, what do we say to the person in the most crime ridden areas of the city who we ask to take a new

look at this subject. What do we say to him about regulation of firearms when he is saying I don't want to hurt anybody but I am trying to make it myself? The question that I asked Comdr. Bannon is what is the responsibility of the police in this city or in any major city in terms or reassuring citizens. We are moving toward a more stringent control of firearms which to me seems inescapable, since the only alternative is for everybody that is not carrying a gun, get one. And, when everyone has a gun, then they will get two. When they get two, somebody is going to start using automatic weapons. The homicide rate will escalate. The leading cause of death of black males now between the age of 16 and 35 is homicide.

Ms. HENDERSON. I wonder if anybody has ever examined the statistics for how many blacks between 16 and 35 have been murdered?

Mr. CONYERS. That is what I am talking about.

Ms. HENDERSON. I am talking about murder by law enforcement agencies.

Mr. CONYERS. Well, we have some figures on how many policemen are killing citizens. We have those figures isolated, and I want to tell you it's a very tiny percentage, a very small percentage. The number of people who kill people invading their homes is a very tiny percentage. The much higher percentage figure is the person that gets killed going for his gun when he is trying to repel an invader. A lot of us are hypnotized by the television and movie mystique that you have referred to. But people have learned, to their peril, you can't draw a gun, your own gun, that you have a permit to carry, on someone who already has a gun drawn. We have instances, repeatedly, where that happens. What do you think, Ms. Henderson, is the role of a police department in bringing that protection to our constituents who are arming defensively? What can we say to them about the responsibility of Government to provide them with that greater protection and how might we go about that?

Ms. HENDERSON. I would be very careful to say that we are fortunate that all policemen are not guilty of what we are talking about today. But a sufficient number of them are guilty in not bringing the type of police protection to the citizens who are already deprived and who are already frustrated and who are already facing what they consider a hopeless situation.

We've got to turn that situation around to a more positive role for the Detroit Police, for the police in all urban communities where there is identically the same picture. This picture is not isolated to Detroit, it's true in all the large urban settings where there are poor and deprived minorities who are seeking redress by law.

An example of what I am talking about is my own experience. Once I heard some kind of weird noise at the side of my house in the driveway, I inquired as to what it could be, it sounded like gunshots. I called the police and I asked them to come to my home. They came. They came six carloads strong. Two arrived at the door of my home with carbines pointed out into the street toward the neighbors, while two marched between them with carbines pointed at me.

When I opened the door I insisted on knowing what on earth was going on, I simply made an inquiry of the police and asked them

to just quietly drive around and detect what this was. It turned out that there were dum-dums used by kids that are buried, I never heard of them before, buried in the ground and they were lighting them off and they were going into this kind of loud thunderous sound. The police marched into my home and made me feel as though I were a criminal. Now, that is the second time in my lifetime that that has happened, but it happened over and over to many, many people that I know. I think that there must be a better way, a more professional way of handling people when you're going to investigate what is going on because I explained over the phone that no one was in danger, that I just simply wanted someone to cruise the neighborhood and see what was going on, that it was not a shoot-out or anything of that sort.

I have been in this fight a long time and this is not just an isolated instance, this is normal, rather than the exception. It happened to me but it is happening to many people who do not have any redress.

For example, many of us are concerned about the manner by which we address ourselves in the police field. For example, the police make you feel as though you're a criminal even if you're being stopped. Our jails, for example, are filled with traffic violators or with people who have other kinds of offenses against them that are barely minor but they are lumped together with hardened criminals and the high rate of recidivism that we seem to always point to is coupled together with the fact that these people learn to become criminals as a result of their treatment both by the police, by those who are jailing them, and when they are released—and by their cohorts in detention centers—and when they are released, then they know the ways of crime. It seems to me that our answer has to be, if we're really interested in protecting people, that we first put the emphasis on protection. Then, I am not talking about what I think, but I know then that we will have the churches and the community rallying with us to guarantee that there is community cooperation with the police department. I served on the police team of the city of Detroit before I was elected councilwoman, and I heard of children who have been arrested for loitering because they couldn't enter a playground legally after hours, who had no place else to play. What are we doing? Are we condemning our youth to a life of—I don't know—a life before the "boob" tube, it seems to me and guaranteeing that they become experts in shoot to kill by getting their lessons daily from the time they are able to sit up in front of a television and look, and they are not giving them any outside care. The television has become a babysitter. So I think that the community has to take the leading role and it has to be guaranteed that in connection with that, that the police departments of our nation will work harmoniously with the community in bringing about an end to crime.

Mr. CONYERS. Is there a way that you and I, and I started thinking about some of the earlier cases that led us into marches around 1300 Beaubien, going back to——

Ms. HENDERSON. Leon Mosely being shot in the back and all that kind of stuff?

Mr. CONYERS. Right, but what I am thinking about; is there a way that we can, within the fifth largest city in the Nation, develop a program for police in terms of a more responsible relationship? Here's what I'm saying. Here is the situation: You are in the Common Council, in which we have the council and the mayor of this city trying to do the fundamental things. It's amazing that it took until 1974 and 1975 for us to get around to the simple notion that the police ought to live where they work. I mean, when we created police in London, several centuries ago, that was the condition under which a municipal policeman was first hired anywhere in the world. It's being resisted in this city. It's in the courts. We don't know where it's going to end up. We're trying desperately to increase the police department to, in some small measure reflect the makeup of its citizenry, which is considered to be a revolutionary thought in some circles.

We should have policemen, not just living in the city, which to me is elementary, but policemen, it would seem to me ought logically to live in the precinct which they work, not just in the city where they live in.

Ms. HENDERSON. That would be much preferred.

Mr. CONYERS. And I am thinking about the police riot that occurred not too many days ago here in the front of the Federal building in terms of a demonstration. I am looking now at the requirement in the Detroit Police Manual that requires all policemen to carry their weapons at all times.

Ms. HENDERSON. Twenty-four hours.

Mr. CONYERS. Now, too, 600 to 800 policemen demonstrating with weapons is no longer a peaceful protest, as we found out. We have a completely different situation. So I think that those regulations ought to be reexamined. But these three points, get at, to me, an obligation somewhere between you and the council and the mayor and the congress people, and the leadership, the citizen leadership of this city, to put together a program that will say to the Detroit Police Department, if they are, in fact, the servants like all of us are supposed to be in government, that we are developing a program of increased protection for those places in the city where it is more dangerous, statistically to live. I think that's it's not unreasonable for a citizen there, before he says: Miss Henderson, I support you and Conyers in terms of your national efforts, but we are out to get some more protection on Sherman Street. There is nothing unreasonable about that. There ought to be an examination of why we can't effect a greater delivery system of law enforcement and protection to the people who live in statistically proven more dangerous areas. I think that that's a reasonable requirement to be asked of them. Would you comment on that series of observations?

Ms. HENDERSON. Yes, I will. Yes, I think maybe where I would start with this is to say that there are so many of us who are not willing to learn the history lesson that if, in fact, slavery was wrong in the first place, that it's almost time that we depart from that premise and move into an affirmative action program that brings all of our citizens to the front of the line for employment on an equal opportunity basis. The courts have recognized this, and, un-

fortunately, there are those of us who would not recognize the authority of the courts in bringing about this kind of ruling that would change the nature of our force in our society.

I would suggest also that there ought to be a different kind of criminal justice training, and that, perhaps, this subcommittee, or the Judiciary Committee could investigate what is the nature of police training? What do police—what are they, in fact, required to learn in order to become a policeman? I think that it's necessary for us to have policemen, but Mr. Peale, who was the founder of the police movement in the early 1800's, did not design police to act as our police are acting in this society, they were not an elite group in the sense that they were not responsive to government. And I am suggesting that there ought to be a method by which we train our forces in order for them to communicate and get to know them.

When I was a child, that was not a difficult problem. It seems to me that we had a real problem in terms of our police, but we didn't have the good sense to know it at that point in the same sense that we know it today. But, at least, one of the relationships the police had to the community was that they knew everybody on a block because they were walking a beat, and they were working a beat and getting to know the families. This, it seems to me, would develop a system whereby the police would then be working in harmony with the community, get rid of some of the deterrents and some of the causes of crime, such as the dope houses that are flourishing in communities that are very poor. It seems to me that we have got to find an answer to who brings in the dope, who protects it, and who sees to it that it's distributed and what is it doing to our young people, how is it destroying our lives and our future and our country and what is this dope culture doing in our country? How did it get here in the first place. Why can't we protect our borders better so that we can put the emphasis where it really belongs? Who is getting filthy rich from the sale of dope in our country? These are some of the questions that I think we should ask, but on our neighborhood level the community and the police could work in harmony and getting together and ridding our community of that kind of hazard. That is not the only hazard.

But I have another experience, for example. When we talked about the question of police living in the community, while I was campaigning one year, back in 1969, I was invited to a neighborhood that was totally white; I went to that community and some of the neighbors in the community were being pretty disturbed by a group that is a professional group in our city, that arouses this kind of ugliness in people, I won't call the name, but that group was there in full force and so was the police department. Commendations go to the police department because they acted swiftly to detain these people from causing a riot that would have been unnecessary, in my opinion. This arousing battle cry came because one gentleman, an elderly man who was white had stood up in the audience and called out and said I think we ought to treat these people better, they are our candidates in our community; if we're going to look at something that is wrong, we ought to go down on Joy Road, down in the basement where there is an arsenal. I was there last week at your invi-

tation. I saw that arsenal and I think we have to know that there are many such arsenals around—surrounding our community.

Now, if, in fact, this is true, then how are we going to get to those arsenals and convince our people that, in fact, they are not being surrounded by a force of people who are living on the outside of the city, who travel into the city every day, beat heads and go home. I think we have to, in fact, get to the place where we have the confidence in the person who lives in our community, who understands our problem, who knows our children, and who is willing to apprehend because they selected that as a job and who is willing to do it knowing that they have the backing of the community.

Mr. CONYERS. Right.

Does the Detroit Common Council have any plan to try to get on top of this problem with the Detroit Police Department? Is that within your purview?

Ms. HENDERSON. It's not really in the same sense that it's in the purview of the mayor. The mayor, as the administrator of our city, is a part of the executive branch, has the right to move forward on this, and we have the right to support him. I think that he has the support of council for the most part. I would say that.

Mr. CONYERS. Well, we have gone far beyond our time, councilwoman, but I think necessarily so, and even then we have only barely touched the surface. You have been working in this matter of police-community relations and race relations from the earliest moment that I have known you, and it looks like you are going to be working in it for a few more years to come.

I would count our discussion here today as being another peg along the way of developing the kind of programs that you and I know have to be acted upon. I would like you to continue to oversight the kind of things that we are doing. This committee plans to, very shortly, sort out the 50 or 60 alternative proposals that are before us and come together with a plan that will be national. The plan will not operate only locally or upon any one group of citizens, but it will be designed to reduce the avalanche of weapons which—under which we will all eventually perish if we don't begin to take some steps.

Ms. HENDERSON. I think we must get rid of the man who manufactures them in the first place and makes the profit. That is where we ought to start. We ought to, you know, declare a national state of emergency and actually prevent the further manufacturing of handguns and rifles if we're going to get rid of violence in our country. I keep remembering, President Kennedy wasn't killed by a handgun, and some of the other people that have been killed in our Nation were not killed by handguns, they were killed by rifles. And though we, you know, we talk in terms of well, you know, it's a sporting kind of thing, there are very few people who can afford this sporting kind of pleasure. But I have witnessed, for example, a man going to a Sears, Roebuck store, who was a recent mental patient, whose wife called and tried to warn that store not to sell a rifle to this man. He came back and tried to blow his whole family out. So rifles are not, you know, any sacred kind of instrument either.

Every time I pass by the National Rifleman's Association lobby building in Washington, D.C., I am reminded of the vast amounts of money that go into munitions. Somebody is making a tremendous profit and death is the answer for people throughout this country. And unless we stop it where it hurts, everybody—I'm not condoning the criminal, not by a long shot, but I think I am really calling attention to the fact that we sometimes create these criminals and if we are not careful, we are creating the monster that will destroy us all unless we are ready to really face up to the fact and really call it to a halt, munitions manufacturing.

Mr. CONYERS. Has that notion been developed? Can you detect that in any of the criminal justice commissions that you serve on, throughout the State?

Ms. HENDERSON. Yes; for example, and I don't know that I can really develop the total answer to this, but I know we were on our way to getting some funding in the Michigan Council on Crime and Delinquency. One year on the whole question of gun control but we were told in some no-uncertain terms, you know, by these people who represent the larger riflemen's interest, that if we did that, we would not get the funding, we didn't get the funding.

Mr. CONYERS. The rug was pulled out from under you somewhere along the way?

Ms. HENDERSON. That is right. And I think there is a job of education to be done. People have to learn exactly where the pressures are coming from, so that they will understand what to do. I know that what I have said is not the most popular thing in the world to say, I am probably—I hope that it's not the most unpopular stand.

Mr. CONYERS. No; it isn't.

Ms. HENDERSON. But I would like to emphasize that we have to educate our communities; that is what the Equal Justice Council is all about, the education of our communities to understand what is this criminal justice system that, indeed, together with our military system, siphons off all the profits of our country and directs them into any other area other than human services. I think that is a current crucial point.

Mr. CONYERS. You have stated it eloquently. Thank you very much.

[The prepared statement of Ms. Henderson follows:]

STATEMENT OF ERMA HENDERSON, COUNCILWOMAN, CITY COUNCIL, CITY OF DETROIT

Members of Congress, Congressman Conyers: I am Erma Henderson, Detroit Councilwoman and Executive Director of the Equal Justice Council.

I have carefully read and listened to thousands of words that have been used on the pros and cons of Gun Control. Having examined numerous police reports, I share with you a deep concern about the rising death rate in our city, state and nation. I hope that the findings of these hearings will result in some concrete directions for action on the part of our Congress.

Many factors will have to be taken into consideration while we are looking at Gun Control as a deterrent to crime.

America is a violent nation. Even our National Anthem boasts about "the rockets' red glare and bombs bursting in air". At an early age, our children are introduced to American heroes: the Indian fighters; the Minute Men; the soldiers of fortune; the cowboys, and the super cops—all toting guns.

Not unlike automobile and steel production, the manufacturing of guns for foreign and domestic use is one of America's major industries.

The American Rifleman's Association has one of the strongest lobbies in Washington, so while we are talking about Gun Control, let's not kid ourselves—controlled by whom?

If we are not willing to tackle organized crime—the dope runners; the gun runers; the hit men; and government involvement in illegal activities under the guise of "national security"—then citizen efforts in programs to bring about gun control will have no effect on the lessening of crime in our cities.

Let's look at some facts:

In an article by Mark K. Benenson, in 1966, despite the Sullivan Law, unlicensed handguns accounted for 83.4% of all gun crime in New York City. In 1967, in New York City, of the 746 total homicides, 277 were from knives, 205 were from handguns, 165 by physical force and 68 from blunt instruments.

In May, 1968, New Jersey Attorney General Sills announced that the 1966 state gun law was a success because "firearms were used in 44% of all murders in New Jersey as compared to 60% nationwide". But according to the FBI figures prior to the State Gun Control Act, from 1962 to 1966, the percentage was 39.5%. Obviously, gun control did not deter the increased commission of violence.

The firearm, readily identifiable, becomes the focus of public attention as the answer to the increasing homicide rate—rather than the socio-economic factors such as frustrations, tensions and alienation our society creates in people because of racism, unemployment and unequal treatment in every facet of living.

It is too simplistic to blame the gun for social conflict crimes in our cities. The gun is only one weapon. There are knives, tire irons, chains, karate sticks that choke and kill—and what have you. As you can see, in New York City in 1967, more people were killed with knives.

Emotions and hope suggest that tightening upon hand guns will reduce crime, *but* the basic causes of crime in our society are too deep-rooted to be affected by what weapon the perpetrator chooses to use.

Turning now to published studies in Detroit made by Dr. Bruce Danto, Department of Psychiatry, Wayne State University, Spring 1971, indications were that both murderers and suicidal persons are prone to misuse a gun in the same way as any other potential instrument of destruction, independent of gun control measures.

In the studies made in July-September, 1969, he had already received information that because of increased rapes, burglaries and other crime, the public decided they could no longer rely on the protection of the police. People began to buy arms to protect their families and homes. Many people still believe that they cannot depend on police protection to keep crime controlled in their neighboroods. But with this factor, let us look at some study data on *Firearm Homicide in the Home Setting.*

"Sought after were data pertaining to gunshot deaths in homes in Wayne County, Michigan. Demographic data involved age, sex, race, marital status, residence, occupation, and place of origin, of both the killer and his victim. The occupation of the head of the household and the relation of the owner of the firearm to the victim were also studied. Circumstances were researched; the shooting was classified accidental, suicidal, or homicidal. Specific time, day of the week, position and number of people present in the room, and reason for the firearm's presence in the home were recorded, as was use of drugs or intoxicants by either the victim or killer. An attempt was made to determine the number of guns owned, their availability and accessibilty, whether the guns were registered, and whether the owner had a concealed weapons permit.

"Particulars of the killer-victim relationship were incorporated into the data schedule. Previous known histories of all gun incidents which involved the killer or victim were also noted: reckless use of firearms or any violent behavior, psychiatric treatment or hospitalization, suicidal or homicidal behavior, e.g., reckless operation of an automobile, or explicit perference as to mode of own death, and acts of violence resulting in confinement—jail, hospital—or in police incursion. Data were compiled on the victim's and killer's express or covert interest in guns: gun training, membership in a gun club, favorite television shows, and accessibility of any firearm in sleeping quarters.

"Accessibility of firearms in the home was of primary consideration among possibly precipitating factors in the homicide. Differences in personality and in situation (circumstances of the homicide) were also considered in relation to the type of firearm, i.e., hand gun versus rifle and shotgun. Further, it was postulated that differences between owners of unregistered firearms as opposed to registered would reflect in a high incidence of unregistered handguns employed in homicidal deaths.

TABLE 1.—DEMOGRAPHIC DATA ON 57 HOMICIDE VICTIMS, WEAPON-OWNERS, AND KILLERS

Age	Number	Victim percentage	Number	Weapon owner percentage	Number	Killer percentage
11 to 20	9	16	4	7	7	13
21 to 30	14	25	5	8	7	13
31 to 40	15	26	12	21	13	23
41 to 50	9	16	8	14	9	16
51 to 60	7	13	9	16	8	14
61+	3	4	3	4	3	4
Unknown			16	30	10	17
Sex:						
Male	41	70	37	63	35	61
Female	16	30	4	7	12	21
Unknown			16	30	10	17
Race:						
Negro	51	90	36	62	41	72
White	6	10	5	8	6	10
Unknown			16	30	10	17

TABLE 3.—TIME AND PLACE OF SHOOTING

	Number	Percentage
Day of week		
Saturday	15	26
Sunday	8	14
Monday	6	10
Tuesday	8	14
Wednesday	2	3
Thursday	6	10
Friday	12	21
Time of day		
9 p.m. to 11:59 p.m	15	26
3 a.m. to 5:59 a.m	11	19
6 p.m. to 8:59 p.m	10	17
12 a.m. to 2:59 a.m	8	14
12 p.m. to 2:59 p.m	5	8
6 a.m. to 8:59 a.m	4	7
3 p.m. to 5:59 a.m	4	7
Location:		
In house	46	80
Porch	7	13
Yard	4	7
People present in room:		
Two	24	40
Three, four, or "several"	19	30
Five or more	9	16

TABLE 4.—KILLER-VICTIM RELATIONSHIP

	Number	Percentage
Marital conflict	21	36
Interfamilial conflict	12	21
Parent-child conflict	7	12
Strangers, neighbors	7	12
Intrafamilial conflict	5	8
No apparent conflict	4	7

"All gunshot deaths determined to be homicides were studied in Wayne County, Michigan over a 3-month period during the summer of 1969. Only gunshot deaths in the home setting were included in the study. Data were gathered by attendance at medical examiner hearings as well as conferences

with local police and the prosecuting attorney's office. The obtained sample involved 57 homicides.

"The homocide group was found to involve people who were predominantly black, under 30 years of age, unemployed, poorly educated, reacting to interrelationship conflicts of precipitating stress and having an extremely low incidence of registration of hand guns. Forty-five percent of the victims were born in the South and fewer of the victims were primary members of the family than usually seen in other homicide studies. Limitations of the research method were discussed both in terms of the large number of "unknown" responses as well as the shortsightedness of both police and medical examiner investigations of homicide. It would be helpful if such public agencies were to expand the nature of their investigations to provide insight and understanding about homicide."

I am deeply disturbed that there were more people shot dead in the streets of Detroit than in a comparable day during the Viet Nam War, and that these were people who knew each other. People who have undergone consistent social stress and frustrations can go berserk over a minor argument and use a weapon if one is available. If guns were not so common, they might not have died. But just controlling the weapon will not stop the stress and frustration. Other methods of violence will be used. If, in fact, almost 70% of homicides are social conflict, why don't we address this issue?

What is desperately needed are jobs, job training, housing, and, above all, community-based crisis intervention centers for social conflict, where neighbors can help an anguished person and family and professional help is available. I will continue to call for this kind of innovation in our criminal justice system. Do the decision-makers listen in Washington or do we regulate a little more, and never address the root cause of social alienation? If our country were like England where the police are not armed on the streets, and there are social welfare programs such as a national income maintenance program, health care, housing, etc. This is how true justice could function. This information is from an article in U.S. News & World Report, June 24, 1968:

"National laws to restrict and police the ownership of guns are commonplace around the world. But measuring their effectiveness is not easy. Experience shows a law on the books is one thing, enforcement is another.

"The British can trace weapons legislation back to the fourteenth century. The actual licensing of guns started as early as 1870.

"All firearms must be registered with the police; certificates are granted only after an extensive check of the applicant. No one under 14 can own a gun, nor can anyone with a criminal record.

"In effect, police say, permission to possess a gun usually is granted only to supervised members of Britain's 4,500 gun clubs and such persons as farmers who need firearms to control vermin.

"Violence involving guns is relatively unknown in Britain. Even organized criminals rarely resort to firearms. Police estimate that only 1 out of 1,000 criminals owns a gun. In a recent three-year period in England and Wales, of the 400,000 criminals arrested only 159 were carrying guns.

"Likewise, ordinary citizens have little contact with guns. It is estimated that fewer than 1 in 50 Britons owns one.

"As a result, Britain has one of the lowest incidences of violent crime. Out of 4,474 robberies in 1966, for example, only 340 involved use of guns. Most of the 137 murders in 1966 were committed by means other than firearms."

This plan is in practice today in the Bahamas. When I spoke to the Bahamian people about their low incidence of violent death, they explained to me that there are no guns in the hands of the police or in their homes. The police have so gained the respect of the community that this is what happens. It doesn't completely prevent crime, but it certainly reduces violence and death.

The police in our nation and in our city have been extremely violent in dealing with people. There has been far too much unnecessary shooting.

I believe in total national gun control (for police as well as citizens) coupled with the adoption of a national employment and social welfare plan. If we do not ease the tension of racism and economic disaster, gun control laws will not work. Instead, a war may be waged on our streets with an armed police force and the poor and dispossessed armed with stones. Death will still occur. Social conflict and social disorder are two sides of the same coin minted from regressive social practices and neglect.

This is a country where the citizenry already may own enough guns to arm every inhabitant; a frightening, yet reassuring thought in that most people never touch their weapons.

As Americans, we boast that no task is too difficult for us. Now do we have the will to address the root cause of social conflict crime? Can we truly demand police protection for the community, with police really working in cooperation with and winning the community's respect and trust? Can we rule out violence-inducing behavior by police? Do we have the strength to cancel police training programs aimed to kill? Can we aim for total national gun control *for all* based on England's system?

I am not opposed to taking guns away from felons, to prohibiting the manufacture and possession of "Saturday night specials". But, this has not spoken to the real issue of violence. I urge you to make funds available for Community Counseling Centers on Social Conflict, to turn the attention of our Justice Department, and our Criminal Justice System to measures designed to prevent crime, and beyond this, to move toward national gun control, a rejection of violence by government as a means of dealing with problems.

Where arms are flaunted in the midst of racial conflict, labor-management disputes, political turmoil, citizens who have unpopular opinions on issues can be silenced.

This should not be the American way of life. We must not condone violence by our Communications Network, by our Government, or by our people.

Mr. CONYERS. Our next witness is the coordinator of the Research Committee on Crime and Gun Facts, Mr. Ronald E. Elwell. He is accompanied by Mr. Hubert Lintz. He will be our last witness before we recess for lunch.

Welcome, sir.

Mr. ELWELL. Thank you.

Mr. CONYERS. We have your prepared statement, and it will be incorporated into the record at this point. That will free you to say the other things that you may not have gotten into your prepared remarks. I understand that Mr. George Brock and Mr. Norman Mayne are with you, as well as Mr. Lintz.

TESTIMONY OF RONALD E. ELWELL, COORDINATOR, RESEARCH COMMITTEE ON CRIME AND GUN FACTS, ACCOMPANIED BY HUBERT LINTZ

Mr. ELWELL. Yes, sir. Thank you, Mr. Chairman. I would like to introduce to my immediate right, Mr. George Brock, to his right, would be Mr. Hubert Lintz, and to his right, would be Mr. Norman Mayne.

Collectively, we represent a small group. We call ourselves Research Committee on Crime and Gun Facts. We are individuals who have been working and came together to collectively work in analyzing and looking at the cold, hard facts about crime and homicide.

We are interested in people, for an obvious number of reasons, including the fact that most of us are sportsmen, we are engaged in some activity which involves, at one time or another, firearms, on a competitive level or a sporting level, but our primary interest was to understand what were the facts involved in crime and homicide and how they related to firearms.

If this country, this great country of ours, is to solve what it calls the crime and homicide problem, then this great country must understand what the facts are, and base decisions upon these facts.

I have sat now for a whole day, as you so patiently sat for even a day and a half now, and I sense a frustration, I sense a demanding, a crying out of what is the solution here, and I can sympathize with your frustration, sir, because it is the same type of frustration that the handgun owner and firearms owner, in both our State and National level, is experiencing; and the basic problem is this, the basic source of the frustration is this: we want to deal and want to reduce crime and homicide, and we are talking about something that cannot possibly affect it.

Mr. CONYERS. You mean if we introduce more guns into Detroit, the homicide rate won't go up one way or the other?

Mr. ELWELL. Let me answer that by interjecting an interesting fact. While we have heard testimony for a day and a half about the increase of firearms in Detroit, the actual fact is that at this point we have 20 percent less homicides in Detroit this year than last. And if the proliferation of handguns, if the theory is correct, that more handguns have an effect on more crime, then what is the explanation for just the opposite happening?

Mr. CONYERS. Well, you're talking about the first 4 months of the year 1975, are you not?

Mr. ELWELL. That is correct. It's been plotted by the Detroit Police Department on a month-by-month and day-by-day basis.

Mr. CONYERS. Are you willing to rest your case on 4 months as against a period from 1967, that I have reference to?

Mr. ELWELL. No, but the importance of it is this, that——

Mr. CONYERS. I think on a long-run basis, the fact that most of the crimes in gun homicides occur where there are the greatest number of weapons, would still prevail, even in Detroit, although there has been, happily, a very modest reduction.

Mr. ELWELL. Yes, sir, but let me say what the object of my comment is. I must preface, and we must understand; it's imperative to our Nation to understand that the availability of firearms and homicides has no relationship, in fact. There is no study, no statistical objective factual study that can be produced that shows that firearms availability is the primary factor in increasing crime. In crime, the incidence of crime, the frequencies——

Mr. CONYERS. I just want to interrupt just a moment to tell anybody that is getting ready to add any comments to yours, that they are going to be out of order.

Mr. ELWELL. Thank you, sir.

Mr. CONYERS. I know that you are not soliciting that. I know your feelings run very strongly, but I would appreciate, under the rules of the committee hearings, that comments be restricted to those who are testifying before the committee.

Mr. ELWELL. Thank you, sir.

Mr. CONYERS. Now, it's your ascertain—have you studied this very much?

Mr. ELWELL. Yes, sir.

Mr. CONYERS. What is your background in this field?

Mr. ELWELL. My background is an engineer by training, an engineer by responsibility and job, and an interested citizen.

Mr. CONYERS. Right.

Mr. ELWELL. By obligation.

Mr. CONYERS. What studies have you examined to come to this conclusion?

Mr. ELWELL. We have studied the FBI crime report and all of the data that it will show, the Michigan Uniform Crime Report, the Detroit Police Department statistics, the Bannon and Wilt, Dr. Marie Wilt and Commander Bannon' report, which is—it's unfortunate that it's not more widely distributed, but it's a very interesting and enlightening report, taken step by step, and I don't want to get into the numbers game, but the numbers, sir, are there clearly, that handguns, and handgun fatalities and fatalities due to firearms is not the cause of homicides.

Mr. CONYERS. What is then?

Mr. ELWELL. Basically we have heard testimony and it has just got to cry out to our country that the lack of social consciousness in the area of underemployed, unemployment, low education, and, in addition to that, would be the alcohol and drug usage and the fact that the people who are involved in the conflict, that is, the argument between you and I, or anyone else, has no seemingly alternative in which to resolve the issue.

These are the factors; they are expensive, terribly expensive for this country, to correct; it's going to cost billions of dollars, but I remind every citizen of this country that we spent $2 to $3 million per mile for a freeway. In order to get I–75 from the top of this State to the very bottom of this country, it took billions of dollars.

Mr. CONYERS. Well then, in terms of the over 50 pieces of legislation that we have in front of us, Mr. Elwell, which, if any, do you support?

Mr. ELWELL. I am not familiar with all 50 of them so I couldn't speak on all of them. If you would give me the general category that you want me to talk about—but we're talking about handguns, let me preface this answer this way: If we talk about handguns, and we tie that to a solution to the crime and homicides, then I cannot support any of them, because the fact both in this country and internationally show clearly, clearly, that there is no relationship between firearms control and the lack of homicide in a nation or a country or a city or State.

Mr. CONYERS. What would you advise this subcommittee to do then?

Mr. ELWELL. On the issue of——

Mr. CONYERS. Firearms regulation: that is the subject of the hearings.

Mr. ELWELL. Well, the House Judiciary is really addressing itself to crime, and I have sensed the desperation or frustration that you have had with trying to sort out all of the different comments that have been made and trying to find out what can we do with handguns that will help the judiciary resolve the issue of escalating crime in this country. You have been put, I sense, in an unfavorable position because you have been assigned a task to address yourself to handguns when it won't have anything to do with it.

Mr. CONYERS. What do you suggest we do about it?

Mr. ELWELL. Well, I have, if you might allow me, to read the seven proposals that our group feels will have an effective impact on crime.

Mr. CONYERS. Please do.

Mr. ELWELL. Thank you. I want to preface it again, that when we spend the money for expressways and highways, when we spend $20 million putting sensors in the highways of the city of Detroit to detect whether you have a traffic jam or not, that our priorities, on a social-consciousness basis, must be realined and if this country wants to do something about crime, sincerely wants to do something about crime, and homicide, then it must address itself to these general areas, and, even more specifically, direct it, sir, to the repeater, because I have been raised on a farm, I have sat and taken the bad apple from the good apple and I have ended up with a bushel of good apples. If this society, in its consciousness, is not elevated to a level that the apple that has a small blemish, a small infraction of the rule, cannot be corrected, cannot be shown the better way, then to return all of those bad apples to society with nothing done——

Mr. CONYERS. Well, let's talk about people instead of apples, OK?

Mr. ELWELL. All right.

Mr. CONYERS. What do you want to do with people who have not cooperated in our society or who are violators?

Mr. ELWELL. May I read them and it will come out in that point?

Mr. CONYERS. All right.

Mr. ELWELL. No. 1, to me, initiate stricter enforcement of the existing laws regarding both social behavior and criminal activities. Let's make equal employment, open housing, and mandatory criminal penalties work the way we know it must work, and lip service is just not good enough.

No. 2, the churches of this Nation must get positively, affirmatively involved in destroying the crime breeding grounds.

Mr. Barboza was kind enough to show the map that we have produced and it shows a crime breeding center. It shows the socially deprived area in which people live, obviously produce crime. And the more crime you have, the more frequency of crime you have, the more incidence in which rational action ceases and irrational action could even result in homicides—will become.

Mr. CONYERS. That was part of the point that the preceding witness made, wasn't it?

Mr. ELWELL. Yes, sir.

Mr. CONYERS. Councilwoman Henderson.

Mr. ELWELL. But my exception with the approach—the ultimate solution, we agree on the ultimate solution, I should say, but one of her immediate steps, which would be tremendously costly for this Nation, would be counterproductive in some areas of the employment of those people, who are employed, who are losing their jobs on the rationale that that is going to save lives and yet the data shows it never will.

Mr. CONYERS. I'm sorry, I don't follow you. What point did she make about people losing jobs? She was for putting everybody to work.

Mr. ELWELL. That's right, and here we're hearing a great deal of evidence, that she included, that the handguns and rifle manufacturers should cease operating, will put a certain number out of work. We are talking about now creating unemployment at the same time. What are we creating it for? The facts show that there isn't any benefit to be gained by eliminating firearms through controls or restrictions.

Mr. CONYERS. Well, do you suppose that she would argue for a full employment program but unemployment for gun manufacturers and their employees?

Mr. ELWELL. I am sure not, sir.

Mr. CONYERS. I would assume she would want them to have work, as well.

Mr. ELWELL. Yes.

Mr. CONYERS. The idea would be in another industry?

Mr. ELWELL. That's right. Their skills, if they are applicable to another industry, and, as you can appreciate, some of those are very finely skilled people in a very delicate balance of certain delicate detailed parts.

Mr. CONYERS. Of course, that would be unnecessary from your point of view if gun proliferation and gun deaths are unrelated.

Mr. ELWELL. That is essentially— if I understand your question correctly, that we are talking about a moot point if my understanding of the facts are correct.

We are talking about a moot point. Putting people out of work is not going to solve this situation. Putting people to work will, and this is what the seven points that I would like to read to you entails.

I was talking about the church and civic minded organizations, the raising of social consciousness, and the fact that we have to destroy the crime breeding grounds. They must attack drug usage, alcohol usage, immoral attitudes, pornography, substandard education, and race polarizing attitudes to name a few. Race polarizing attitudes are very important to me.

This Nation needs some good old-fashioned religion, is what the bottom line of that is.

Mr. CONYERS. How do we go about getting that?

Mr. ELWELL. Well, we cannot have a Nation saying on one point that we want to do something about crime and homicide, and then walking merely away and saying let's do away with this widget, if I could replace the number of guns with widget, and this is magically going to destroy homicides, it just won't. But if the social consciousness of our Nation is elevated, if we get back to the principle of religion, brotherhood, if we get back to sincerely wanting to do something for the man who can't do it for himself any longer on a temporary basis, if we get back to that, we will destroy crime.

Mr. CONYERS. Now, we are through two of your seven points, right?

Mr. ELWELL. Yes; initiate improvement of police training and police equipment to insure that arrests are based upon the most advanced scientific techniques and solid information obtainable. Let's stop giving the criminal a way out due to silly technicalities or inaccurate evidence.

No. 4: Construct new and updated penal institutions that meet the standards of humane treatment and living conditions demanded by our society. President Ford not too long ago spoke on this issue and he is absolutely right.

Mr. CONYERS. What did he say?

Mr. ELWELL. He said that the penal institutions must be updated, we must treat these people as human beings, we must provide the resources, the education, the—well, let's put it to the contrary, what the President was saying, that a prison cannot possibly be the best training ground for crime. We must have humane treatment, the kind of treatment that you and I want for every human being and it isn't the criminal any more than anybody else, we want him to be incarcerated in a direction which is productive. Putting a person in prison, so many people overlook the fact that that is supposed to be a rehabilitation process. We are not punishing the man, that is an animalistic approach, I feel, it's that now he has the opportunity, separated from the pressures which created the need for the crime, to understand some of the things that caused him to be motivated and to come back to a society, a new and whole person.

Chairman CONYERS. All right. We have got two more to go.

Mr. ELWELL. Seeking out and elect or promote for appointment those persons who will be judges that are as concerned for the safety of the American public as they are for the rights of criminals. It is ridiculous to expect a society to endure if it constantly releases criminals back to freedom with a high expectation that they will commit another crime. The FBI report shows that 76 percent of the killers of police officers were previously arrested for serious crimes and 60 percent of them were convicted of those crimes. So this is the comment that I made previously, you cannot bring a man back with no change in attitude, no change in environment, no change in social pressures, and expect him to be mysteriously changed himself.

Chairman CONYERS. Now, have you presented these to bodies other than this subcommittee?

Mr. ELWELL. This is the first committee of this stature that I have had the privilege to speak to.

Chairman CONYERS. Then you are relatively new—a relatively new committee?

Mr. ELWELL. Yes, sir, in fact, our formation as a group, only occurred 3 months ago. We were working individually for 3 years, and my understanding of those things that need to be done and those things that can be done.

Mr. CONYERS. How many persons are in the group other than the three gentlemen that have come with you?

Mr. ELWELL. We have six total.

Mr. CONYERS. Do you live in the city of Detroit?

Mr. ELWELL. Not presently. I am in Farmington Hills, Mich.

Mr. CONYERS. Do any of your members live in the city of Detroit?

Mr. BROCK. At the present time, I don't, but I spent 35 years here. Now I am in St. Clair Shores.

Mr. CONYERS. You used to live in Detroit?

Mr. LINTZ. No.

Mr. CONYERS. You used to live in Detroit?

Mr. MAYNE. 15 years.

Mr. ELWELL. I hasten to add that I did live in Detroit and go to Wayne State University for 10 years in night school to attain my degree and I have been a semiresident during those full 10 years, of course.

Mr. CONYERS. Suppose I yield now to council for any questions before we close?

Mr. ELWELL. I hate to interrupt, sir, but may I complete the other two?

Mr. CONYERS. I thought you had. I'm sorry.

Mr. ELWELL. I'm sorry, too. I misled you by my interjecting other comments.

No. 6: Develop and employ the most scientific methods of rehabilitation of the convicted criminal so that he or she has every chance of returning to society as a good citizen. It is hard to believe that the best brains in this country cannot find more effective ways to do this without just turning the criminal loose again. It's unimaginable that the scientific Nation that we profess to be cannot do it better.

No. 7: Develop an effective followup system so that the rehabilitated citizen is not merely returned to a society that has no desire or inclination to help him over the rough spots. Or make parole guidance a meaningful experience which enhances the wholesome training, education, and attitudes developed in our updated penal system.

May I make one more comment, sir, that was involved, because it's so important to me because there have been comments made about some of the sportsmen and what we want to do is blame the black people. This, to me, is a very relevant point in our presentation.

No one of thinking intelligence can legitimately blame the black race in the city for the crime situation. The crime breeding ground breeds crime, and I mean white crime, yellow crime, red crime, or black crime, whoever is caught in the quagmire eventually becomes affected, either as a victim or as a streetwise criminal. To perpetuate the idea that making—taking away the honest citizen's handgun on some idiotic idea that the black people in the inner city don't know how to control themselves, or can't be trusted with personal protection, is pure racism.

Mr. CONYERS. Do you know of people who projected the notion that, in terms of legislation, that guns of blacks should be taken away, as opposed to anybody else?

Mr. ELWELL. Attorney General Levi's statement that he advocates a confiscation of firearms within the metropolitan centers as his

answer to the crime of homicide handgun connection, is putting your head completely in the sand.

Mr. CONYERS. I think that is an appropriate answer to my question.

Mr. ELWELL. Thank you.

Mr. CONYERS. Have you completed your list?

Mr. ELWELL. It is complete.

Mr. CONYERS. All right.

Let's have a few minutes of questions. I recognize Mr. Gekas first and then Mr. Barboza.

Mr. GEKAS. Well, I want to compliment you on your very thoughtful statement. As you know, on both sides of the gun question there are people who let their emotions run away with them, and I have talked to people who lose control on both sides. It's very refreshing to have someone come and sit and try and reason.

There are a couple of things about your statement however, that do disturb me. First of all, I do think that there have been studies, for example, Professor Zimring has done a series of studies from the University of Chicago Law School, that show a relationship between an increasing number of handguns and escalating handgun or firearm violence in the cities, there is a relationship. It may not be a causal relationship, and I don't think that very many people contend that guns, in and of themselves, cause crime, but there is a relationship, and——

Mr. ELWELL. I don't agree with you, sir, in that comment, but are you repeating what he said or is that your conviction?

Mr. GEKAS. Well, the statistical studies seem to indicate——

Mr. ELWELL. This is what we have devoted our 3 years and 4 years perhaps, to, is what you want to make it, but, telling the whole story, what they have done has said that, yes, when more handguns are available, crime and homicide—homicide goes up. What they didn't say was that at the same time unarmed robberies went up at the same rate, armed robberies, forcible rape, assault with or without a weapon went up at the same rate.

You are exactly right, it's not a causal relationship.

Mr. GEKAS. In your view, are criminals using handguns in crimes more than they did 10 years ago? That there is an increased use of handgun in assaults in the cities?

Mr. ELWELL. I believe there is, yes. I can't give you the numbers. The percentages have gone up some—just to give you an idea, I believe over the last 6 or 7 years, it was like 32 percent, now it's 37 percent, those are numbers that come to the top of my mind, in armed robberies. I think that is what you probably are referring to.

Mr. GEKAS. I think the number of armed robberies has just gone out of sight in the last 10 years, and the percentage of handgun or firearm robberies has escalated up with it and I think the facts show it. You just go back and you look in metropolitan crime statistics, in effect, show it.

So you do agree that the criminal is using the handgun as a tool of his trade?

Mr. ELWELL. To be completely accurate, the robberies have gone up by a tremendous amount, and that portion of the robberies that are committed as armed robberies have gone up in the same proportion, and, yes, we do see a small amount more of firearms being used in those robberies.

Mr. GEKAS. Let me get to the point of what I am trying to ask you, the point is, do you gentlemen, as a group, and you, each individually, support the concept of attempting to prevent criminals from acquiring, in the first place, handguns?

Mr. BROCK. May I shed some light on this?

Mr. GEKAS. Please identify yourself.

Mr. BROCK. I am George Brock.

Mr. GEKAS. Mr. Brock.

Mr. BROCK. I want to put something into perspective. The estimate today is that there are 40 million handguns in this country. Last year there were 10,340 homicides with handguns. Let us suppose that each one of those homicides was with one handgun, no multiple killings. Now, I say 40 million to you, and your mind cannot grasp 40 million, we don't deal with such numbers, I say 10,340, your mind can grasp that. So let me put a mental picture——

Mr. GEKAS. I think the point you are trying to make, if I may characterize it, is that it's a very, very small percentage of handguns alone.

Mr. BROCK. But a mental picture that you will see and everybody will see. If you imagine a football field 300 feet long, everybody has seen a football field, if you can imagine that as 40 million.

Mr. GEKAS. I would like to have my question answered.

Mr. BROCK. How much of that would be involved in homicides? Less than one inch.

Now you would say, well, what about the other crimes, the robberies, so forth? Let me put the total picture in terms of this football field. There are 200 million firearms in this country, that is double the number of registered automobiles, it's an enormous amount. How much of that football field is involved in any serious crime at all?

Mr. CONYERS. If my friend will yield——

Mr. BROCK. Six inches.

Mr. CONYERS. You know, that is a hard thing to tell a mother whose child has been ripped off by somebody with a handgun that, statistically, that one person's life is very infinitesimal compared to the total number of people that carry guns.

Mr. BROCK. Please don't misunderstand me. The problem is enormous.

What I am trying to show is that in the action you ultimately come up with, that you direct your efforts at the 299½ feet rather than at the 6 inches.

Mr. GEKAS. Let me reask my question and direct it at the 299 feet, which you gentlemen represent, the bulk of the firearms-owning citizens in the United States do not misuse their guns, they don't, that's a very important statistic. Now, I'm asking the 99.9 percent, as

represented here by you, gun owners, whether or not you would support a legislative attempt to prevent criminals, people with—not just a criminal record, someone with a serious felony record, from acquiring a handgun, a handgun?

Mr. BROCK. We already have that.

Mr. GEKAS. Did you support it?

Mr. BROCK. The law already exists.

Mr. GEKAS. Do you support it on a national level, an effective law to prevent criminal acquisition of handguns?

Mr. ELWELL. Without being able to understand the provisions of the law, you're asking essentially an unfair question, sir. Of course, we want to not have criminals with guns, but I don't want to have criminals first and—and if I don't have criminals first, I don't have armed criminals.

Mr. GEKAS. But my point is you're always going to have a small segment in the society that is going to disobey the laws and my question is, as a concept, let's not talk about specifics and I take your answer to be yes that you would——

Mr. CONYERS. The subcommittee is going to insist upon the luncheon recess from 12:30 to 1:30 and I would ask you, the witnesses if you are going to be able to rejoin us at the beginning of the afternoon session?

Mr. ELWELL. We certainly will.

[The prepared statement of Mr. Elwell follows:]

STATEMENT OF RONALD E. ELWELL, COORDINATOR, RESEARCH COMMITTEE ON CRIME AND GUN FACTS, SOUTHFIELD, MICH.

Members of the Committee: It is a great privilege for me to be able to speak to you about a matter which has occupied a great deal of my spare time in the past three years. I hope that I may provide this committee with information that will assist it in developing a factual understanding of the crime problem in Detroit. Once the facts are known; once the real underlying causes of the problem are identified, I have confidence that this great city and great country of ours will be able to sharply reduce the crime and homicide numbers.

To understand the crime problem and its root causes, the members of this committee must first clearly understand what are *not* the causes. You have heard time and again that handguns, or the easy availability of handguns, are the cause of homicides. You have heard naive, oversimplistic, and downright counterproductive suggestions that somehow Merlin's magic will be performed by the wand of the Federal Government when it bans the possession of all handguns, or all of the handgun ammunition.

The facts show however, that while the numbers of weapons, including handguns, have been increasing, the number of homicides in Detroit are occurring at a rate of 20% less than last year. The dramatic decrease absolutely disproves the simplistic theory that handgun availability influences the homicide rate. In fact, handgun availability cannot be shown, by any factual, objective statistical research, to be a primary factor in increasing or decreasing the homicide rate.

There are those who want you to believe that anyone who owns a handgun is a potential murderer of his own wife and family. The true facts from the Michigan State crime report show that four counties—Genesee, Saginaw, Oakland, and Wayne—account for around 86% of the total Michigan homicides. Exhibit "A" of my report illustrates this corridor of counties.

Is there anyone here who thinks that the families in the balance of the State don't own handguns and don't have arguments?

There are those who want you to believe that the Metropolitan Detroit area is a hotbed of homicide, with murderous tempers flaring all over the area. The true facts from FBI, Michigan State, and tri-county area crime reports show

that some cities adjacent to or near the Detroit City limits are among the fifty safest cities in the whole United States. Is there anyone here that believes people in Warren, Livonia, and Dearborn, Michigan don't own handguns or don't have family arguments? Exhibit "B" of my report illustrates this point.

They want you to think that 78% of Detroit's homicides occur in the home as a result of arguments between family, relatives, and close friends. In a yet to be published report prepared by Commander Bannon of the Detroit Police Department, and Doctor G. Marie Wilt of Wayne State University, on September 26, 1973, and titled "Contemporary Trends in Detroit's Homicides" they show that 51% of the homicides over a three-year period occurred between strangers or people with unknown, nebulous and unidentifiable relationships. They show that only 8% were between married or common-law individuals and 8% were related to each other. (Page 19). I know what they did!! They subtracted the number for strangers (22%) from 100% and got 78%, and tried to tell you that all those 78% were just good old American families until a handgun came along. My greatest fear about this whole gun subject is that this committee may allow itself to be brainwashed by a lot of misinformation or untruthful statements as some committees and notable people have already been.

They try to tell you that the vast majority of the persons doing the killing, or the victims of these killers, are just plain honest upstanding citizens until something snaps. The truth about this is documented in another unpublished Detroit Police Department report authored by Commander Bannon and Dr. Marie Wilt. They found in their detailed study of homicides, titled "Comprehensive Analysis of Conflict-Motivated Homicides—Detroit, 1972" that 53% of all identified killers had prior multiple criminal records and 36% of all victims also had multiple criminal records (page 13). Does that sound like the average American and his family to you?

There are those who would want you to believe that banning handguns will solve the problem of homicides occurring in places used for living or sleeping, sometimes falsely described by those people as "homes". The Detroit police report shows this is factually not true or even realistic. The report shows that almost 50% of these conflict-motivated homocides occurred with weapons other than the handgun. The report says, "This variation may be explained by the tendency of persons who are arguing or fighting to obtain whatever weapon may be readily available in their efforts to resolve the conflict. For many, there are easily accessible handguns, but when such is not the case, kitchen knives, hunting rifles, or shotguns, or even such apparently unlikely objects as barbecue forks were substituted" (page 19).

The report further found that in 231 of 338 conflict-motivated 1972 homicides, *that's 68% of the time, gentlemen*, lethal weapons were carried on the person of either the perpetrator or victim as they arrived at the ultimate scene of the homicide (page 35). And don't be fooled into thinking all those lethal weapons were handguns either. The data in the report show that handguns were used in about 50% of these argument-type homicides, not 100% as some would like you to believe. I think that this can best be summed up by quoting from the Detroit Police Department report itself. "It seems to this writer that carrying a weapon around on one's person during one's daily interactions with others reflects not only an assumption that hostilities will be encountered or that there is a potential for violence in these interactions, but that one has decided the *acceptable or necessary manner* of dealing with problematic social interactions is to use lethal force."

Here at last is one of the root causes of the dramatic rise in homicides since 1965. This Detroit report has found, as so many have found across the Nation, that when illegal or immoral behavior becomes more *socially acceptable*, like drugs, alcohol, sexual exposure, or murder, you get one hell of a lot more of it right now. When society allows the moral support and physical protection by its churches and law enforcement agencies to deteriorate to the levels of today, it cannot be any surprise to an intelligent person that certain people somehow find it acceptable and even *necessary* to take matters into their own hands and commit murder. I will leave it up to you to find out why two very informative Detroit Police Department reports on the subject of Detroit homicide have never been publicly released by Police Chief Tannian.

What did this Detroit police report identify as the real, truthful causes of homicides in Detroit? It found just what our group has found in our independent studies, and I quote: "Most important of all these considerations, in this writer's opinion, are the factors of unemployment, underemployment and inadequate

education . . . related to these are problems of alcohol use and histories of conflict." Our group has found that the homicides in Detroit, and the vast majority of homicides in Michigan, *86% you remember*, are occurring because our society has allowed the major population centers to become crime breeding grounds, where crime is a way of life, guns or no guns, and homicide an easy solution to a temporary social problem, regardless of what weapon is immediately available.

What then is the solution to our dilemma? I have seven positive steps which I will outline here:

1. Immediately initiate stricter enforcement of the existing laws regarding both social behavior and criminal activities. Let's make equal employment, open housing, and mandatory criminal penalties work the way we know it must work—lip service is just not good enough.

2. The churches of this Nation must get positively, affirmatively involved in destroying the crime breeding grounds. They must attack drug usage, alcohol usage, immoral attitudes, pornography, substandard education, and race polarizing attitudes to name a few. This Nation needs some good old fashioned religion.

3. Initiate improvement of police training and police equipment to ensure that arrests are based upon the most advanced scientific techniques and solid information obtainable. Let's stop giving the criminal a way out due to silly technicalities or inaccurate evidence.

4. Construct new and updated penal institutions that meet the standards of humane treatment and living conditions demanded by our society. President Ford supports that and he is right.

5. Seek out and elect or promote for appointment those persons who will be judges that are as concerned for the safety of the American public as they are for the rights of criminals. It is ridiculuos to expect a society to endure if it constantly releases criminals back to freedom with a high expectation that they will commit another crime. The FBI report shows that 76% of the killers of police officers were previously arrested for serious crimes.

6. Develop and employ the most scientific methods of rehabilitation of the convicted criminal so that he or she has every chance of returning to society as a good citizen. It is hard to believe that the best brains in this country cannot find more effective ways to do this without just turning the criminal loose.

7. Develop an effective follow-up system so that the rehabilitated citizen is not merely returned to a society that has no desire or inclination to help him over the rough spots. Make parole guidance a meaningful experience which enhances the wholesome training, education, and attitudes developed in prison.

In closing, I would like to make two points:

The first is best made by quoting Mr. Michael Franck, executive director of the State Bar of Michigan: "It is always easy to conclude that a problem is so critical that constitutional rights must be abandoned to solve it. That's the rallying cry of every movement towards a closed and controlled society. When we permit someone else's constitutional rights to be curtailed today, we are paving the way for our own constitutional rights to be taken from us tomorrow."

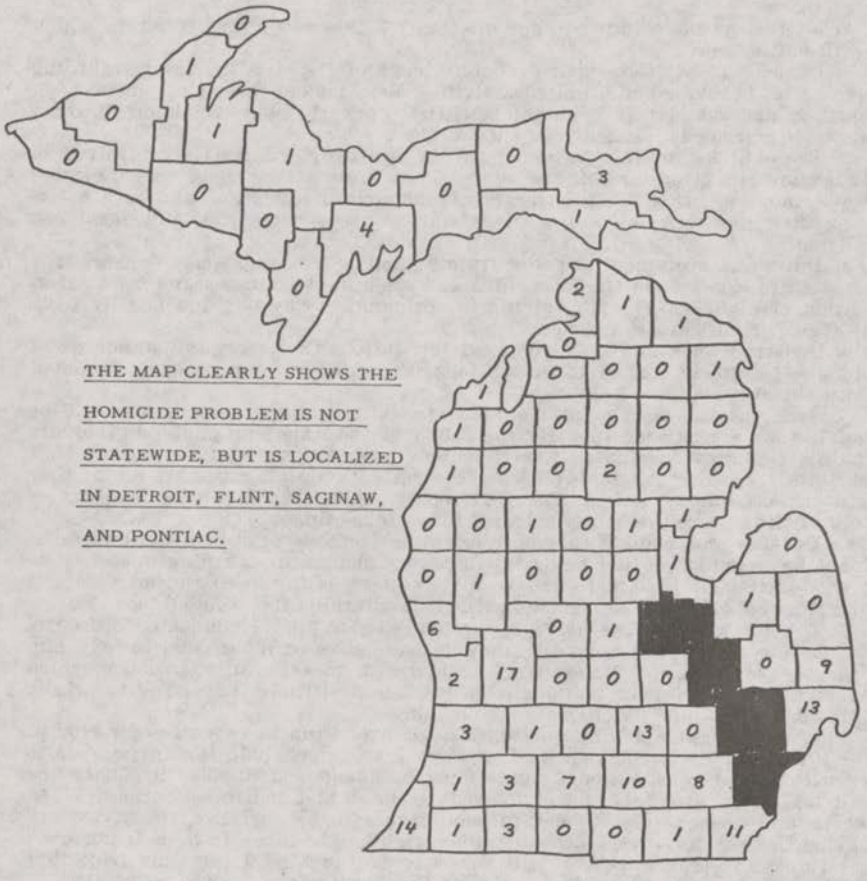
I think any true American will subscribe to that and I certainly hope that this committee recognizes the gravity of the fundamental issues before it.

The last point I would make is this. No one of thinking intelligence can legitimately blame the black race in this city for the crime situation. The crime breeding ground breeds crime, white crime, yellow crime, red crime, or black crime; whoever is caught in the quagmire eventually becomes affected either as a victim or as a street-wise criminal. To perpetuate the idea that taking away the honest citizen's handgun on some idiotic idea that the black people in the inner city don't know how to control themselves or can't be trusted with personal protection is pure racism. Read Attorney General Levi's recent statement on why he thinks guns should be taken away from the people and you will understand what I am saying and why I say it. The people who advocate confiscating citizen's handguns are aimed directly at the black innercity residents most of all, and they are victims of innercity crime at least 80% of the time.

I feel it is time to drop the sham these anti-gun people are holding in front of the truth. Let us get down to the real problems and real solutions concerning crime and get off the back of the decent law-abiding citizen. He is tired of carrying the load of misdirected politicians.

EXHIBIT A

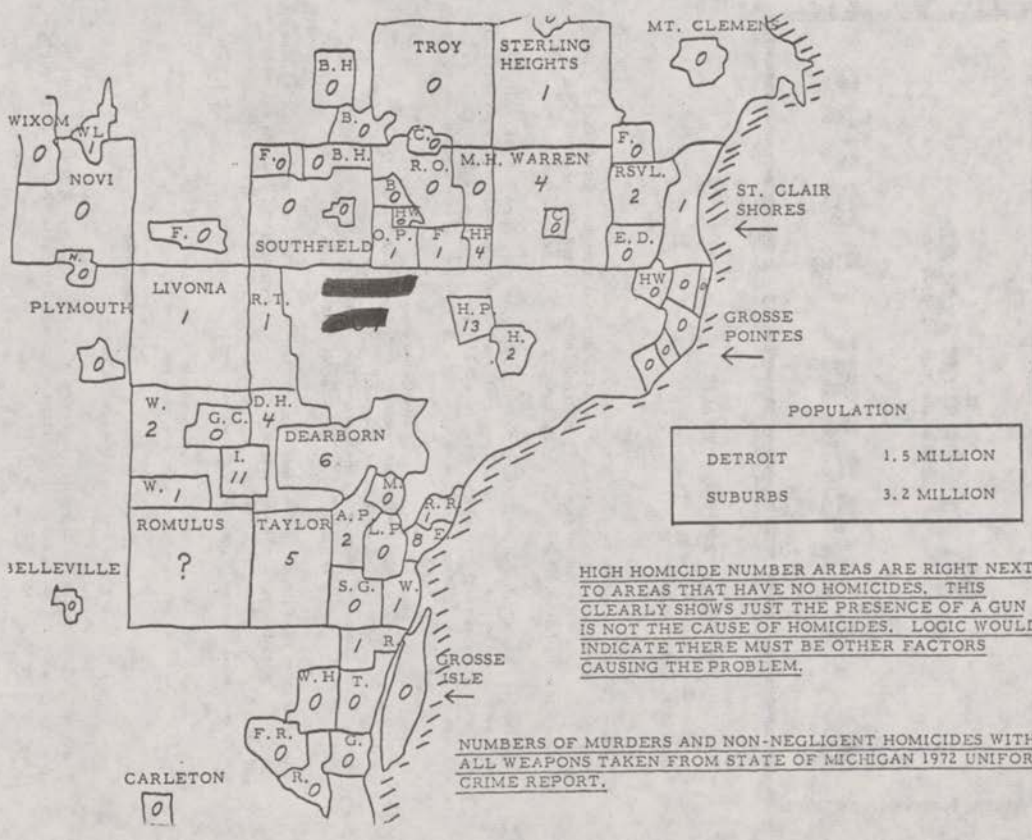
1973 MURDERS AND NON-NEGLIGENT HOMICIDES WITH ALL WEAPONS



THE MAP CLEARLY SHOWS THE HOMICIDE PROBLEM IS NOT STATEWIDE, BUT IS LOCALIZED IN DETROIT, FLINT, SAGINAW, AND PONTIAC.

FIGURES TAKEN FROM UNIFORM CRIME REPORT, MICHIGAN STATE POLICE

EXHIBIT B



POPULATION

DETROIT	1.5 MILLION
SUBURBS	3.2 MILLION

HIGH HOMICIDE NUMBER AREAS ARE RIGHT NEXT TO AREAS THAT HAVE NO HOMICIDES. THIS CLEARLY SHOWS JUST THE PRESENCE OF A GUN IS NOT THE CAUSE OF HOMICIDES. LOGIC WOULD INDICATE THERE MUST BE OTHER FACTORS CAUSING THE PROBLEM.

NUMBERS OF MURDERS AND NON-NEGLIGENT HOMICIDES WITH ALL WEAPONS TAKEN FROM STATE OF MICHIGAN 1972 UNIFORM CRIME REPORT.

52-557 O - 75 - pt. 3 - 13

Homicide & Firearm Facts

RESEARCH COMMITTEE ON CRIME AND GUN FACTS
P. O. Box 992
Southfield, Michigan 48075

Along with public awareness of crime, some news media, legislators, and special interest groups have shown a great amount of interest in the gun control issue. In the process a vast amount of incorrect information has been published which in turn has led the public to form a very distorted picture of the real situation.

This report corrects the distortion by pointing out facts which are not generally made known to the public. Listed below are the sources from which the data were obtained. Any interested citizen can request these same documents from the respective Federal, State, or Local authorities. The material came from:

FBI Uniform Crime Report
Michigan State Police/Uniform Crime Report
National Safety Council
Detroit Police Annual Homicide Report
Detroit Police Case Draft Files

After you have read the facts presented here, you will come to your own conclusion concerning possible solutions or remedies for the crime problem. All we ask of you is to always approach this information on an unemotional and unsensational basis and to test your conclusion with the questions:

1. Does my solution really have the desired impact on the real problem?

2. Does my solution create respect for life and the law of our society?

Whatever your conclusions are going to be, whatever solutions you propose, just be sure that you do not act casually in a matter which involves yours and other people's freedom.

As Michael Franck, Executive Director of the State Bar of Michigan, so aptly put it:

> "It is always easy to conclude that a problem is so critical that constitutional rights must be abandoned to solve it. That's the rallying cry of every movement towards a closed and controlled society. When we permit someone else's constitutional rights to be curtailed today, we are paving the way for our own constitutional rights to be taken from us tomorrow."

In the official documents the following facts were found about homicides with all weapons -- not just handguns!

Q. How do large cities in Michigan compare to large cities in the rest of the USA with respect to homicides?

A. With the exception of Detroit and Flint, the remainder of the Michigan cities are in the safest 25% of the nation.

Q. How do large Michigan cities compare with the other 148 large US cities?

A.

Comparison Rating of Cities Safety		Number of Murders and Non-Negligent Homicides (With All Weapons)
Livonia	1st (safest)	1
Warren	8th	5
Grand Rapids	23rd	9
Lansing	33rd	7
Dearborn	35th	6
Flint	129th	45
Detroit	145th	601

(These numbers came from the 1972 FBI Uniform Crime Report.)

Q. Is it true the homicide problem is localized in Detroit, Flint, Saginaw, and Pontiac?

A. The map of Michigan (on Page 7) shows the 1973 homicide numbers for all counties. Of all counties, Wayne, Oakland, Genesee, and Saginaw Counties show the highest numbers of homicides. It is true that these counties also have the highest population densities. However, even on a per-capita basis these areas have much higher homicide numbers than the rest of the state. If one subtracts trouble spots like Detroit, Flint, Pontiac, Hazel Park, Ecorse and Highland Park from their respective counties, the homicide number per 100,000 people goes down considerably.

Homicides per 100,000 analyzed as to composition!

Genesee:	Total County:	11.3
	Flint Only:	23.0
	County Minus Flint:	2.0
Oakland:	Total County:	4.6
	Hazel Park Only:	15.6
	Pontiac Only:	25.0
	County Minus Pontiac & Hazel Park:	1.6
Wayne:	Total County:	25.2
	Detroit Only:	36.0
	Ecorse Only:	46.0
	Highland Park Only:	34.0
	County Minus Detroit, Ecorse, & Highland Park:	4.0

(In cases where city populations are less than 100,000 figures have been normalized to represent a city of 100,000.)

Q. Would a ban on handguns solve the homicide problems of Detroit, Flint, Pontiac, Saginaw, Ecorse, Highland Park and Hazel Park?

A. There is no simple solution like a ban on handguns. In order to find a solution, one must first understand the problem. The homicide problem does not exist throughout our entire society. It exists or originates where the environment combines drugs, lack of education, unemployment, disrespect for law, life and property, poverty, lack of morals, and lack of self esteem. Commander Bannon of the Detroit Police Department found in his two year studies of Detroit homicides that the people involved all have the same social background, indicating that the homicides are caused by factors other than the mere presence of a gun. A ban on handguns would not address itself to the real problem. It would not have any effect in an environment in which there is no respect for the law to begin with. It would only reach, unjustly, the law-abiding person who is not involved in the first place. The above factors must be attacked together with strict law enforcement.

Q. What about the courts?

A. The former Attorney General, W. G. Saxby, said, "Courts and juries are at fault! One in five gets caught and two out of one hundred go to the penitentiary."

Oakland County Prosecuting Attorney, L. Brooks Patterson, proved that strict enforcement of existing laws does have an impact on crime. When punishment for drug violations became more certain, the number of such crimes definitely went down.

Q. What about drugs?

A. Here is a significant factor in our problem. Before drugs became so commonplace, there was no exploding crime problem in Detroit. Dr. Werner Spitz, the Wayne County Medical Examiner, who,because of his office,personally sees each homicide victim, states, "There is no doubt in my mind that 2/3 (two thirds) of the homicides in Detroit in 1973 were connected in one way or another with narcotics." That means 2/3 of the victims come from a drug-culture environment. This simply is not the environment in which the average American lives.

Q. Are the drug-gang wars in Detroit contributing to the homicide problem?

A. Pay attention to how many times you read about murders in Detroit where the victims are shot in the head, have their hands tied behind their backs and are found in the trunks of cars or are dumped in vacant buildings and fields. These are gangland style murders. Banning any particular weapon will never prevent these homicides.

Q. Some groups claim that the murders are caused by the availability of a handgun during a family argument in the home.

A. A recent survey by the Law Enforcement Assistance Administration (LEAA) exploded the myth that personal crime of violence tends to be largely family affairs. The LEAA found that about 2/3 of such crimes involve confrontations between strangers. (Detroit News, January 9, 1975)

Dr. Spitz, the Wayne County Medical Examiner, said, "In domestic murders the assailants use any weapon handy, and the number of slayings with knives, rifles and shotguns is ample proof that in the absence of a handgun there are many other immediately available weapons."

Table I on Page 8, is a comprehensive compilation of the Detroit homicides of 1972. This table shows the same homicide composition as it exists today. It should be pointed out that in this table the term "Family" is used where people had lived together for some period of time. Most of these are not families like yours. The term "Acquaintance" is used if the victim and the assailant knew each other, even if they met within hours on the day of the homicide. This is often the case in illegal gambling establishments or "dope-pads". These people are not what you would refer to as friends. When they get together, they feel threatened and therefore carry illegal guns!

Q. Is the handgun the triggering factor in homicides?

A. The map of Detroit and the surrounding suburbs, Page 7, shows clearly that this cannot be true. The numbers in the suburbs represent their homicides in 1972. The fact that high homicide number areas are right next to areas without any homicides shows that the cause cannot be the presence of a gun. It is reasonable to say that people in these homicide-free suburbs have about the same number of guns in their possession as in Detroit. They too have agruments with their friends and family members, but they also have respect for life, property and law.

Q. Who is involved in the killings?

A. The Detroit News conducted a study of 673 files from the Office of Wayne County Medical Examiner, Dr. Spitz, with these results:

80% of the assailants are black.
80% of the victims are black.
14% of the victims are white male.
3% of the victims are white female.
About one of every 6 slayings is ruled to be justifiable homicide.

Note that the latter statement is in good agreement with the findings in Table I, Page 8.

Concerning the very high percentage of blacks involved in homicides, Commander Bannon of the Detroit Police Department stated that "the same environmental ingredients give the same results regardless of race. It just happens that in Detroit these ingredients are predominantly present in the black community."

Q. What about the gun as a means for self-protection?

A. A detailed examination of the Detroit Police records shows very clearly that in 1972 in more than 100 cases a handgun was used in self defense and justifiable homicides. Thirty-six of these were by police. The rest were citizens who were legally defending their lives and property.

Q. Is it true that the only purpose of a handgun is to kill people?

A. This is not true. Of the forty million handguns in this country, an extremely small percentage are used in crime. (According to US News and World Report, 34/1000 of 1%!) The overwhelming majority of handguns are used legitimately for target shooting, plinking, hunting, collecting, protection of life and property, pest control, etc.

Q. What about accidents with guns?

A. The best answer to this question is given by a table published by the National Safety Council (1974 Edition, Accident Facts):

Cause of Death	No. of Deaths	Rate per 100,000 People
Motor Vehicles	55,800	26.6
Falls	16,900	8.1
Drownings	8,700	4.1
Fire & Burns	6,400	3.0
Poisons	3,700	1.8
Suffocation	2,600	1.2
Firearms Accidents (Including hunting)	2,700	1.3

Metropolitan Life Insurance Company says, "Hunting is safer than -- swimming, fishing, boating, football, and skin-diving."

Firearms accidents in the home (with all firearms) is less than one person per 100,000 people. There is less chance of being accidently killed by a firearm in your home than of dying by suffocation.

Q. What handgun control laws does Michigan currently have?

A. Michigan has had strict handgun laws since 1927. To purchase a handgun, you must file an application with your police department. You are fingerprinted twice. The gun is registered with the State Police. The screening by the police will prevent unauthorized persons from obtaining a pistol legally.

Gun transportation laws in Michigan are strict for all guns. To legally transport a handgun, it must be registered, unloaded, cased, locked in the trunk, or not readily available. You cannot carry it indiscriminately in your car but must be coming or going to hunting, target practice or a repair center. You must have a valid hunting license or membership in a shooting organization. State law also makes it a felony to carry a handgun concealed upon your person without a special permit ($2,500 fine or maximum 5 years). The purchase of guns by mail is illegal due to Federal law. It is estimated there are 22,000 gun laws on the books in the USA. We already have gun control laws! What we need is strict enforcement of these laws.

Q. How can the crime problem be effectively attacked?

A. There are two approaches needed:

1. The immediate steps to be taken are:

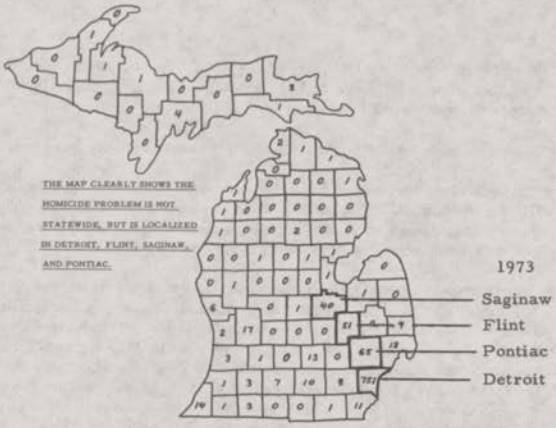
   A. Stricter enforcement of our laws
   B. A drastic reduction of the use of plea bargaining
   C. An end to early parole because of good behavior
   D. Impose a two year mandatory jail sentence for anyone convicted of using a gun in the commission of a crime.

2. The longer term solutions are not entirely self evident but would require considerable study to find the final answers to the crime problem. One thing is certain; we must change the crime breeding environment. This is where educators and churches must get involved. The very basic needs are education, job taining, and economic opportunity. These ingredients will automatically bring the other essentials to give citizens a stake in society, i.e. employment, decent housing, self esteem, etc.

   Our judicial system is proven to be ineffective. A thorough investigation must be made to identify the problem areas within the system and implement improvements.

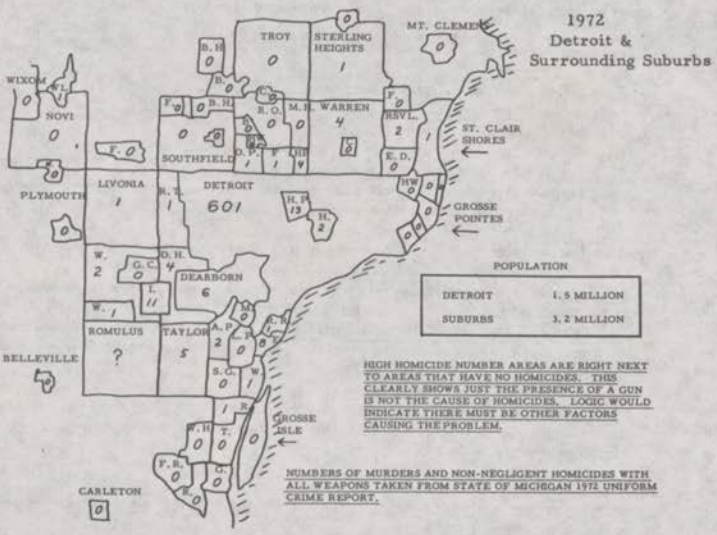
WE MUST IDENTIFY AND CORRECT THE VERY ROOTS OF THE CRIME PROBLEM, OR WE WILL NEVER SOLVE IT.

1973 MURDERS AND NON-NEGLIGENT HOMICIDES WITH ALL WEAPONS



THE MAP CLEARLY SHOWS THE HOMICIDE PROBLEM IS NOT STATEWIDE, BUT IS LOCALIZED IN DETROIT, FLINT, SAGINAW, AND PONTIAC.

FIGURES TAKEN FROM UNIFORM CRIME REPORT, MICHIGAN STATE POLICE



HIGH HOMICIDE NUMBER AREAS ARE RIGHT NEXT TO AREAS THAT HAVE NO HOMICIDES. THIS CLEARLY SHOWS JUST THE PRESENCE OF A GUN IS NOT THE CAUSE OF HOMICIDES. LOGIC WOULD INDICATE THERE MUST BE OTHER FACTORS CAUSING THE PROBLEM.

NUMBERS OF MURDERS AND NON-NEGLIGENT HOMICIDES WITH ALL WEAPONS TAKEN FROM STATE OF MICHIGAN 1972 UNIFORM CRIME REPORT.

TABLE I

DETROIT HOMICIDES 1972

	DWELLINGS									STREETS & PUBLIC PLACES						
	FAMILY	NEIGHBOR	AQUAINTANCE	UNKNOWN CIRCUMSTANCES	ACCIDENTS	HOLD UP	"EXECUTION"	SELF-DEFENSE JUSTIFIABLE		HOLD UP	ARGUMENT	ACCIDENT	"EXECUTION"	UNKNOWN CIRCUMSTANCES	SELF-DEFENSE JUSTIFIABLE	
HANDGUN	15	0	18	2	6	8	10	29		10	27	3	4	13	32	
GUN	8	2	28	37	1	5	13	15		19	27	0	20	85	4	
SHOTGUN	11	0	5	5	1	0	0	8		4	2	0	0	5	1	
RIFLE	10	0	11	1	0	0	1	6		3	5	0	0	3	1	
STABBING	23	0	13	13	0	7	3	2		1	13	0	0	15	1	
ASSAULT	12	0	3	23	0	1	7	1		4	1	0	0	24	0	
EXPLOSIVE FIRE	0	0	0	0	0	0	0	0		0	0	0	0	2	0	
	79	2	78	81	8	21	34	61		41	75	3	24	149	39	693

THESE STATISTICS WERE COMPILED FROM DETROIT POLICE CASE DRAFTS.

GUN: Can be handgun or other. Is not specified in police case draft. Handgun likely. STABBING: Mostly knives; but also scissors, icepick. ASSAULT: Choking, beating with fists or objects. FAMILY: Victim and killer are either related to each other or lived with each other. NEIGHBOR: Lived in same house or in houses next to each other. AQUAINTANCE: Had met before or joined same group. Most in this category engage in gambling and/or drinking. EXECUTION: Victim visited by group of often three people who ask for his name and after identification kill. Or victim is found bound and gagged with two or more shots in back of head, nothing taken. Victim found drowned in bath.

Mr. CONYERS. We appreciate your cooperation. Our other witnesses will be the president of the Detroit Bar Association, attorney George Roumell, Dr. Emanuel Tanay, a professor of medicine at Wayne State University, and Harold Glassen of the Michigan Rifle & Pistol Association, and Dr. Chalapis, president of the Antique Arms Collectors' Association of Michigan. The subcommittee stands in recess.

[Lunch recess.]

AFTERNOON SESSION

Mr. CONYERS. The subcommittee will come to order. Our first witness, this afternoon, without interfering with the continuation of the Research Committee on Crime and Gun Facts, will be attorney George T. Roumell, Jr., president of the Detroit Bar Association, formerly a member of the Wayne County Circuit Court and a person who has been associated with a number of important activities around the city. His court is sitting and he must return there to a matter of great importance to all Detroiters. Welcome.

TESTIMONY OF GEORGE T. ROUMELL, JR., ESQ., PRESIDENT, DETROIT BAR ASSOCIATION

Mr. ROUMELL. Thank you very much, Congressman. It is always a pleasure to meet again with somebody that has done such an outstanding job in representing Michigan in the Halls of Congress.

The position that we have taken at the Detroit bar and that I have taken personally, is this: We found that last year, in 1974, that 801 persons lost their lives as a result of gun wounds in the city of Detroit. We found that 70 percent of those persons were killed with handguns and a large number of those persons were fights within the family and so forth. We feel this is an incredible number of human lives to be lost under these circumstances. If you will recall, Mr. Congressman, that at one time in the law we used to have trial by battle, where the knights would go in and the best knight would win and somebody would get killed. And as we became more civilized and as we became interested in progress, we decided to take our arguments to the court and I think that is the way arguments should be settled. I think that the place for guns, handguns, and that is what we are talking about, should be regulated in such a way that these guns should be in the hands of the military and in the hands of police officers under very strict regulations, to protect the citizens of our country, and of Detroit.

We are suggesting that the approach be taken that all handguns should be restricted in their sale and the manufacture of handguns should be restricted. We think that importation of any handguns or gun parts should be prohibited. We think there should be a restriction and regulation of the sale of ammunition, manufactured by both foreign and domestic sources. We believe that future sale of handguns should be restricted to only law enforcement officers or military personnel, but, even then, they should be under strict control and accountable for the use of those handguns and—we mean that and underline that greatly.

We think there should be an educational program in the requiring of licensing for all persons, including military and police officers who carry handguns, and also collectors.

We think that when registration is permitted, it should be renewable every 6 months, and we think that if you dry up the source of handguns, we think this would be effective regulation. And finally, and we think the most important possibility is requiring the manufacturers, themselves, to have, as well as the sellers, certain liability.

If you recall, in the State of Michigan, those who sell alcoholic beverages to persons who are intoxicated sometimes are liable as a result of the acts taken by those intoxicated persons. This is sometimes called the Dram Shop Act. We realize that having a dramshop-type liability doesn't bring back a human life, but it does make the manufacturers and the seller of guns very careful to whom they sell the guns, and we think this would be another part of the overhaul legislation.

Now, we realize there are some people in our country who are gun collectors and, perhaps, there may have to be some type of compromise in that area to protect their interest, but I think, primarily, that the source ought to be dried up because I think that the place for the use of firearms is in the military and the police under strict controls, and that way all society is protected.

I have heard suggestions made that, well, the black market will still get the guns; that is, those who are guilty of heinous crimes will get the guns, but if the source is dried up, it becomes very difficult to do this. And this is the basic position that I am taking, and, again, Mr. Congressman, I do recognize that there are some interests that have some concern but I think, overall, we have to look at the overall effect on society. We do feel, and it's a tragedy, as I sometimes drive home, and I hear on the radio that a man and wife or brother and sister or cousins had a fight, and because there was a handgun in the home, somebody took to the handgun and a human life has been lost and I think that is absolute tragedy. The only way to do it is dry up the source. That is our basic position. I do have my statement prepared for the record, which I will pass on to your counsel. I thank you very much for this fine opportunity to appear here.

Mr. CONYERS. Well, I congratulate you and the bar association, Mr. President, for taking a very forward position in this matter. I would hope that there is a subcommittee, being either a present member of the Detroit Bar Association, or, at least, a past member. I would like very much to have identified any committee within the association that may be working on this matter so that we can focus its attention on matters we have been trying to resolve. It's a difficult area, as are many other legislative areas, but there are two considerations that are particularly important to me. You have touched upon one and Councilwoman Erma Henderson, testifying here earlier, mentioned it, as well, and that's the necessity of urban police departments and law enforcement agencies generally to provide a higher measure of protection than is presently being afforded citizens in nonhigh crime areas. Will they be afforded increasing protection from law enforcement agencies, so that we will be able to win more support and rise above the necessity of people feeling that they must purchase and possess weapons for defensive reasons. That seems to me to be emerging as a very critical consideration.

Next, I suppose, is this web of complexities of how you get at the illegal traffic. A person buys a weapon out of the channels, a fact

that's been clearly demonstrated in these hearings. In a State or city where there are, indeed, stringent regulations concerning firearms, that more than often the laws are subverted by people buying weapons out of the regular channels, failing to secure a permit, and, of course, failing to register. So the question is: How do we get at the illegal flow of handguns that may defeat even the most meaningful laws? These, to me, are the two most important considerations that come to my attention at this time, that I would like to share with you.

Mr. ROUMELL. I agree with that, and that is one of the reasons why we took a uniform law throughout the country so that one State would not be, if I may use a very unlegal term, an easy place to get a gun. So if you have a State such as Michigan who might have strict controls, but Ohio, I'm not suggesting there, right down the road, does not have it, and it's only a 60-minute ride, that is the concern. If you have a national piece of legislation, strict controls, and strict controls so you can't bring the guns in from Canada or any other foreign source, I think this would go a long way to helping with that problem, plus, perhaps, strict fines and so forth.

Mr. CONYERS. Do any of the counsels have questions?

Mr. GEKAS. No.

Mr. BARBOZA. No questions.

Mr. CONYERS. Well, it's because of the urgency of your responsibility in the courtroom, we are going to excuse you at this time.

I would like to maintain as close a contact as possible with the committee working on this matter.

Mr. ROUMELL. We have what we call the ad hoc committee working on this and it's a committee of a broad spectrum of our bar and society, representing all elements and one thing we wanted to emphasize, we feel this should be a statewide and nationwide effort. It's not an effort limited to Detroit. As a matter of fact, we want to oppose that. We want it nationally. We do agree, we have a very fine law enforcement, but even law enforcement needs accountability because if the citizens know that, then, of course, they will perhaps more accept the regulation that we are speaking of.

Mr. CONYERS. Well said, and we welcome your presence here and your testimony has been very, very helpful. Thank you very much.

Mr. ROUMELL. Thank you very much.

TESTIMONY OF RONALD E. ELWELL, COORDINATOR, RESEARCH COMMITTEE ON CRIME AND GUN FACTS, ACCOMPANIED BY HUBERT LINTZ—RESUMED

Mr. CONYERS. May we have rejoining us at the witness table the Research Committee on Crime and Gun Facts.

We are delighted to continue our discussion.

I think Counsel Gekas was in the process of entertaining a few questions.

Mr. GEKAS. I think before we broke for lunch, we were discussing whether or not you gentlemen would support legislation on a national level that would attempt—that would put in place a system to prevent criminal acquisition of guns.

As you know, there are a variety of general types of systems that have been suggested, and are before the subcommittee, two of which have to do with registration and licensing. There are some bills that go to long guns, but the more serious concentration is on the ones that are directed against handguns. What is your feeling as to registration and licensing of handguns—registration of handguns and licensing of handgun owners.

Mr. ELWELL. Well, the national data, and by national, I mean those areas where this has been tried in Michigan, we have heard the testimony that registration seemingly has not been effective in the crime and criminal homicide.

New York, New York City, the Sullivan law, has been a complete flop and it has gone far beyond what Michigan—it has included rifles and shotguns. It has included handguns from some date, my recollection is, in 1918 or 1920; it has shown to be not effective, and it was balanced against rifles and shotguns in the city of New York, and all that it has shown is that the homicides that are committed in New York are committed regardless of the weapon, and regardless of registration, regardless of any ticket or any identification card.

The city of Toledo has an identification car system, which is the registration of the owner, and for a brief time during this period of registration it was seemingly influencing the downward rate of handgun usage and homicides. The information that is most recent is that it's essentially back where it was before, that the homicides, that that is the same now and the rate is continuing upward.

Mr. GEKAS. Do I take it from that that your position is that you would not support registration and licensing because, where locally tried, it's been ineffective?

Mr. ELWELL. Not only locally tried but the whole theory of licensing and registration is completely contrary to its purpose. It's taking those citizens who have demonstrated a willingness to comply with the law and those citizens that are willing to comply with the law are so really involved, total willingness to comply, it hasn't asked, nor can it ask, and, in fact, incredibly in Chicago, Ill., it must not ask the criminal to register his weapon. I'm sure you are aware of that law and that is an incredible turn of events, but it says that the criminal must not be required to register.

Mr. GEKAS. There are reasons for that. Of course, any Federal system would be designed to require registration, not just of the law-abiding citizen but of all people. One of the purposes that registration and licensing can be designed for is to prevent persons—improper persons from going into stores and buying guns. That is the way you do it. Now, it seems that—I think you are correct that in some localities where it's been tried it has not been as effective at it was thought it would be, and, of course, one of the reasons for that is that a good example of the reason for the failure is given in a situation here in Detroit, you know and I know and everyone knows that people only need go into Ohio to buy handguns and bring them into the Detroit area.

Mr. ELWELL. Illegally.

Mr. GEKAS. Of course, but there is no way to stop it. Now, the problem is one of patchwork, and my question is whether or not you would support a reasonable registration and licensing approach?

There are a variety of other approaches that I would like to ask you about. If I had time I think I would take you through each of them to ask you. After registration and licensing, I just wanted to touch on one more, but whether or not you would support, as individuals, a registration and licensing system?

Mr. ELWELL. No. May I answer also why and very briefly if I can.

Mr. GEKAS. Sure.

Mr. ELWELL. The registration and licensing in theory now cannot work, and, second, the enormous amount of money that this country, at a time when we so desperately need it, if our social consciousness is being raised, so desperately need this money, that we put it into a bunch of IBM files, a bunch of cards that in New York and Michigan has not caught one criminal, not caught one criminal yet——

Mr. BARBOZA. Do you have statistics on "not caught one criminal?" Isn't that a blanket statement you are making?

Mr. ELWELL. New York State——

Mr. BARBOZA. You're chairman of the committee entitled Research Committee on Crime and Gun Facts, but I don't have that many facts.

Mr. ELWELL. Well, I just gave you a fact, sir. What it is, is the New York State Commission investigating the control of firearms in the year of about 1969 or 1970, did a review and found no convictions, no arrests as a result of the mere registration program of the firearms.

Michigan, likewise, has not—and the Michigan State Police have, under Colonel Plants, who was the former head of the Michigan State Police, he has made the statement that the registration program in Michigan has not led them to the arrest of a person perpetrating a homicide.

Mr. BARBOZA. Would you submit that information for the benefit of the record?

Mr. ELWELL. Yes, sir. I will have to research. I don't have it immediately available and I will do that, yes.

Mr. GEKAS. On the apprehension of criminals, there is, as you know, a type of registration in effect now. Under the Federal Law, if anyone goes into a licensed dealer, he is required to fill out form 4473 which identifies the first retail purchaser. Now, that is a decentralized registration system, as you gentlemen know, because it allows you to trace weapons back from manufacturers through the distributor to the first retail purchaser.

I am not familiar with your study here in Michigan, but the Federal Bureau of Alcohol, Tobacco, and Firearms has used this modified registration system very effectively, and they received 33,000 trace requests from law enforcement agencies a year in Washington, and then, by a rudimentary telephonic system, they call and they do trace and I just suggest to you that registration does have a valid effect.

Mr. ELWELL. On the recovery of firearms?

Mr. GEKAS. No, on the tracing of the perpetrators of crimes.

Mr. ELWELL. That is assuming the perpetrators used a registered firearm that was reported lost.

Mr. GEKAS. It assists in the apprehension and the conviction of perpetrators of offenses with firearms, and I would suggest to you

that you should study that, that those statistics are spread on our record and that system has been closely examined by us and proves the worth of a system of identification of firearms, and persons who purchase them in law enforcement activity.

Mr. ELWELL. We have to separate again what we are saying. If it's to trace the firearm, or to trace the succession of ownership to lead to an illegal transfer of ownership of the firearm, then that might be possible, but to trace the individual as it may be who pulled the trigger, and has walked, run, or got away, and to have only behind you a victim, and, perhaps, a bullet, that circumstance coupled with registration, that has not caught a criminal.

Mr. GEKAS. Well, I suggest that you are mistaken.

Mr. ELWELL. Basically you're only working with the bullet.

Mr. GEKAS. I suggest you examine the committee studies on that and you will find it does assist law enforcement.

Let me ask you another question on the other side of regulation. There are some bills before this subcommittee that would require the repeal of all Federal firearms laws. Do you support bills of that nature?

Mr. ELWELL. We have never supported a bill of that nature, no.

Mr. GEKAS. So, in other words, the current Federal law, which does have a system of modified registration, which does very severely regulate firearms dealers and prevents interstate mail orders, it has a long series of things, prevents the private possession of machineguns, bazookas, unless they are registered, that law is supported by you gentlemen?

Mr. ELWELL. Now, let me be careful again in my answer. If it's the 1968 gun law that you're referring to——

Mr. GEKAS. That is what I am referring to.

Mr. ELWELL. Then you're talking about the whole totality of what it deals with—bazookas, machineguns, antitank weapons, hand grenades. Now, that's another issue here. What we're talking about right here is whether or not the 1968 gun law, with all the administrative detail and cost, has had any effective attenuation of the crime in this country. The answer is, obviously, no. No thinking man, knowing the facts, can say that since 1968, that that law has been effective. It's been ineffective for a myriad of obvious reasons.

Let me get one detail across. We have been talking about drying up the source of handguns. The last gentleman was very adamant about the fact that his point was to dry up handguns. We have talked about drying up the manufacture, and that is the way you dry up handguns. No one, perhaps, has testified in front of this committee to make it absolutely clear that a handgun is metal and perhaps a little piece of wood, which can be manufactured surreptitiously as alcohol was manufactured surreptitiously during the prohibition era, and it showed to be so much of an increase in crime, so much a motivator of crime, that in desperation this Nation got out of prohibition.

Mr. GEKAS. But the regulation of alcohol is very severely controlled by a license and permit system, which you gentlemen apparently oppose.

Do you own an automobile?

Mr. ELWELL. Yes, sir.

Mr. GEKAS. Is it legally registered with the State of Michigan?

Mr. ELWELL. I am not sure about the word legally registered, but I, obviously, have registration plates on the automobile; yes, sir.

Mr. GEKAS. Do you have an operator's license?

Mr. ELWELL. Yes, I do.

Mr. GEKAS. You're familiar with motor vehicle laws. There are persons who are restricted from the purchase and operation of motor vehicles; isn't that correct?

Mr. ELWELL. I have never been known—I am not aware that the law in Michigan prevents you from purchasing an automobile. Operating the automobile on public highways is another matter.

Mr. GEKAS. Then let's take operating the vehicle on public highways. There are limitations as to, for example, vision, age, there are a whole series of restrictions, minors are not permitted, 8-year-olds are not permitted to drive motor vehicles, and I wonder how you reconcile that sort of regulation of automobiles, which, admittedly, does not eliminate all the accidental deaths, certainly, but it does, to some extent, reduce it—how you can reconcile the obvious success and the wisdom of registration and licensing of motor vehicles and then say that registration and licensing in the firearms, the handgun sense is ineffective?

Mr. ELWELL. Let's talk about the effectiveness of that registration and licensing program, which, I think with minor differences is probably pretty well uniform across the Nation.

We, in 1974, recorded approximately 45,000 highway deaths, and if that's success, then it seems to me that the Congress of this country has spent an awful lot of time trying to find a way to reduce that, desperately.

Mr. GEKAS. Let me ask you whether or not you think that the figure 45,000 would be higher if we allowed a person with vision, people with vision deficiencies or 8-year-old kids to hop in a car and drive around?

Mr. ELWELL. I see no difference in that and the restrictions for purchasing of firearms that exist to this very day.

Mr. CONYERS. I would like to recognize counsel Maurice Barboza for a few moments more.

Mr. BARBOZA. Mr. Elwell, you indicated your committee has been in business or been working for the past 3 years?

Mr. ELWELL. Let me make it clear as to how it happened. We are individuals working in our own interest, I mean the interest of getting facts.

Mr. BARBOZA. You haven't been working together for the past 3 years?

Mr. ELWELL. Not altogether for the past 3 years.

Mr. BARBOZA. When did you begin compiling facts which would result in the map following page 9 of your testimony, exhibit A?

Mr. ELWELL. The map, I believe, was 1973, so we did the data approximately March 1974. That would be when the Michigan State Police Uniform Crime Report would have been published. It's usually about March.

Mr. BARBOZA. Is this the sum total of your research then, this document entitled——

Mr. ELWELL. No.

Mr. BARBOZA. Do you have with you here documents, published or otherwise, that would back up some of the conclusions you reached in your statement?

Mr. ELWELL. Well, the Uniform Crime Report——

Mr. BARBOZA. I don't mean work of other committees or agencies, I mean your own work, research papers, for example.

Mr. ELWELL. Oh, I see. The output, the research output has been involved in this paper. This is one of the outputs.

Mr. BARBOZA. It is all here in these 9 pages?

Mr. ELWELL. How can anyone say that their intelligence on a matter is——

Mr. BARBOZA. Can I read you a part of your statement then and maybe we can get into some questions about it.

On page 2, the middle of the page:

> There are those who want you to believe that anyone who owns a handgun is a potential murderer of his own wife and family. The true facts from the Michigan State Crime Report show that four counties, Genesee, Saginaw, Oakland, and Wayne, account for around 86% of the total Michigan homicides. Exhibit A of my report illustrates this corridor of counties.

Mr. ELWELL. That's right.

Mr. BARBOZA. The next paragraph says:

> Is there anyone here who thinks that the families in the balance of the State don't own handguns and don't have arguments?

My question is, do you have any idea of how many handguns are owned in other parts of Michigan or in the city of Detroit?

Mr. ELWELL. Are you talking about relative proportion?

Mr. BARBOZA. Have you attempted to determine handgun population?

Mr. ELWELL. Again, if you are saying that I were to add, on my own, with my own resources, own limited finances, go out and find an answer to that question, the obvious answer to that question, is no.

Mr. BARBOZA. You have made some very, very important statements here. You said there is no relationship between the availability of firearms and firearms homicides. What I would like to know is in order to prove that whether or not you know how many handguns are presently in the possession of citizens of the State of Michigan outside this four-county corridor, and I would also like to know, for the record, the names of these counties that are listed on this map, and I would like to know whether you know how many handguns are presently in private possession in the State of Michigan in this corridor. Can you give us that information?

Mr. ELWELL. No; because, obviously, the Michigan State Police Department——

Mr. BARBOZA. Most of your research has been from secondary sources? You haven't gone to the real sources, have you?

Mr. ELWELL. What would you suggest would be the real source?

Mr. BARBOZA. If I were doing this kind of study, I would reach out into the hinterlands and find out who owns the handguns and I would try to project it, perhaps by a survey or going door to door.

Mr. ELWELL. I have a family, five children, and I couldn't possibly, I am devoted to raising those children and I have a job. If I

have to question the veracity of the Michigan State Police Department and their numbers, before I proceed to formulate an opinion——

Mr. BARBOZA. What you have given us here in this document is merely a map indicating the number of homicides and, I assume, counties in the State of Michigan. If we were to determine, or attempt to determine, whether or not the statement that you have made, that there is no relationship between the availability of handguns and violence to be correct, then we would have to know, wouldn't we, the number of handguns that are owned by citizens in other parts of Michigan and in the city of Detroit?

Mr. ELWELL. The studies that have been made indicate that, contrary to some of the popular beliefs, that the preponderance, over 50 percent, of the handguns are owned by rural and not urban residents. That was a study very recently published. It was published so recently that I haven't got a copy of it, but that was an interesting government study. Perhaps one of the gentlemen here could help me on that.

Mr. LINTZ. It was the Gallup study. It was published June 5 in the Detroit News.

Mr. BARBOZA. Would you please repeat that again?

Mr. LINTZ. I said it was a Gallup Poll which was published in the Detroit News, if I am not mistaken, it was June 5, and in that little article it was mentioned that most of the guns owned in the United States are owned in the rural communities.

Mr. BARBOZA. I am not talking about all guns, I am talking about handguns, I am not talking about rifles and shotguns, only handguns.

Mr. LINTZ. That was not broken down into testimony.

Mr. BARBOZA. We have testimony here that the handgun is not a popular commodity in the rural areas.

Mr. LINTZ. I would disagree with that simply from my experience.

Mr. BARBOZA. Do any of you own handguns?

Mr. LINTZ. Yes.

Mr. BARBOZA. What do you use them for?

Mr. ELWELL. Personal use.

Mr. BARBOZA. Why did you purchase yours?

Mr. ELWELL. I have two target weapons I used in competition when I was in the Marine Corps Reserves, rifle and pistol team. I do accompany, on a camping trip, with my family, a pistol.

Mr. BARBOZA. I'm sorry to interrupt you, but in conclusion I think we should make it clear on the record that the statement that you made concerning the availability of handguns and violence is really not proven in the documents that you have provided to the subcommittee.

Mr. ELWELL. May I make that a little clearer?

Mr. BARBOZA. Yes.

Mr. ELWELL. And clarify that, because that gets to the central issue of the credibility of people who are trying honestly to bring to this committee, as an example, the relevant facts involved in the issue, and may I refer you to exhibit B, B of our paper, which follows the one that you were talking about, and it indicates an area of metropolitan Detroit, and it indicates that three towns, Livonia, Warren, which borders directly on Detroit, and Dearborn, which also borders directly on Detroit, have had an awesome difference in the homicides.

They are, in fact, within the 25 safest towns of that size in the whole Nation, and that if we are to presuppose that handgun availability stops at 8 Mile Road, and that Warren has no handguns, or no arguments, I have over here in Farmington, which is a little area that has zero, I know a family that has a handgun and I know a family that has once in awhile an argument, and that zero is there, but if we're to use the rationale that we don't know, that there aren't people in Livonia and Warren and Dearborn that have handguns, and that these people—we were talking, if you recall, the proliferation of handguns into the metropolitan area, and these are in the metropolitan area. They are not the crime breeding ground. Society has not, for its own choice, alluded it to become the crime breeding ground, and don't misinterpret what I say, that just because Detroit has such a high crime area, and because there are so many people of the black race living in Detroit, that that is a damnation of Detroit, that is a damnation of society.

Mr. BARBOZA. In 1965, Detroit had——

Mr. CONYERS. This will be your last question, counsel.

Mr. BARBOZA. In 1974 Detroit had 714 homicides. Are you saying that the social problems that exist today did not exist in 1965. Can we conclude that from your information?

Mr. ELWELL. The social problems?

Mr. BARBOZA. Some of the problems that are now causing the proliferation of guns in our society, unemployment, and the others?

Mr. ELWELL. Yes; I think the answer is yes. The drug proliferation, the narcotic, specifically, proliferation.

Mr. BARBOZA. So the gun is not the problem?

Mr. ELWELL. No, it's the type of iceberg, if you want to take a look at that, of the total iceberg, ten-elevenths is underneath the water. As long as we don't look underneath the water, if we look at the tip of the iceberg, as long as we do that, we will get nowhere.

Mr. CONYERS. I would recognize Mr. Gekas for one last question.

Mr. GEKAS. You gentlemen, I think, represent the reasonable and the best in firearms-owning people in the country and I would suggest to you that you should reconsider your position as to the relationship between handguns and crime and homicides because there is a problem in the major cities of our country, it's a crying need and this subcommittee and the Congress and all reasonable Government officials need your assistance in drawing up some program directed against the misuse of guns.

Mr. ELWELL. May I respond?

Mr. GEKAS. That is—Mr. Chairman.

Mr. CONYERS. Surely.

Mr. ELWELL. Yes, we do. We support wholly the principle that our country was founded on from its very beginning and I realize there was some imperfections in how it was executed but, nonetheless, here we are and we are in a country that has based itself on the individual responsibility, individual responsibility and the performance of the individual, whether it's a car licensing program, or is any other licensing program, it's the performance of the individual, and we will support, and we have supported, and we are desperately trying to get more support for when you don't use the handgun, the rifle, the bow and arrow, or the ball bat responsibly, when you use it for

counterpurposes, that you must recognize that you will be caught and the certainty of punishment is there. That is the way you deal with handguns, and if you need handgun legislation, the statistics across this country and in this world, itself, support you wholeheartedly that when you misperform, when you don't assume the responsibility that every citizen has to have, then you will be subjected to sheer, swift punishment, not incarceration for a year determining whether or not you will go to trial, let's have the swift punishment that every man, woman, and child deserves in this country.

Mr. CONYERS. Well, it's with some reluctance that I have to terminate this part of our hearings. I personally feel that it should go on a little bit longer but I would have to ask you to review with us the body of information that we have compiled from other witnesses. We would appreciate your continued contact with this subcommittee.

Mr. ELWELL. Thank you.

Mr. CONYERS. I am grateful for all of you being here this afternoon. Thank you very much.

Mr. ELWELL. Thank you very much, Mr. Chairman.

Mr. CONYERS. I will call now Dr. Emanuel Tanay and Dr. Warren Wille.

Dr. Tanay is a Professor at the Wayne State University Medical School and Dr. Wille is the consulting psychiatrist at Jackson Prison. Dr. Wille has worked for some 22 years with the Michigan Department of Corrections in a great number of areas. He is a fellow of the American Psychiatric Association.

Dr. Tanay has written and spoken on the subject of our hearings on many occasions, and we welcome both of you gentlemen to these hearings.

We appreciate and acknowledge your preparation in advance and your statements will be made a part of the record.

That will permit you to begin your discussion referring to your statements as you choose.

Which of you would prefer to begin?

TESTIMONY OF EMANUEL TANAY, M.D., PROFESSOR OF MEDICINE, WAYNE STATE UNIVERSITY, ACCOMPANIED BY WARREN S. WILLE, M.D., CONSULTING PSYCHIATRIST, JACKSON PRISON

Dr. TANAY. I believe I will be the one. My name is Emanuel Tanay, I am associate professor of psychiatry at Wayne State University, and I am delighted to present my views to this committee on the subject of gun control. I would prefer if we would be talking about homicide, and not—at least homicide control and not so much gun control, although I think there is a real relationship between these two situations.

Inasmuch as I have submitted a statement, I will not read my statement. I know that the members of the committee have that statement, and I would like, instead of that, to describe to the committee what I encounter in my work in terms of victims and perpetrators of homicide. I believe that it's pretty well established that a great majority of perpetrators of homicide are individuals who have no previous police record, who are not criminals, who have killed some-

one whom they love, or with whom they have at least a good, close relationship, and I think it behooves us to ask that question, how does it come about that one human being kills another human being with whom he has a good, close relationship? What happens? How come?

I think we understand very well, when a criminal kills somebody whom he wants to rob, but how does it come about that a husband kills a wife or that the wife kills a husband?

In my work with homicide offenders over the last, close to 20 years, led me to divide homicides into three categories, and I would like to describe them to the committee, with your indulgence.

There is a variety of behavior which we call, in psychiatry, egosyntonic, that means behavior that is agreeable to the person, that is acceptable to the person, behavior that the individual accepts and is proud of.

Then there is a form of behavior which the individual considers not acceptable to him, which he tries to disown, and we call that egodystonic, and then there is behavior that is deranged, psychotic.

Now, the same classification can be applied to homicides. When a policeman kills a criminal, he has done something that he is—part of his duties, he is proud of it, as a soldier kills an enemy, or a criminal kills a policeman, he probably might talk to his fellow criminals as a deed—as a job well done, or, let's say, of a doctor who feels that somebody suffers from an incurable disease, and should be helped today, and is given some medication, in fact, commits euthanasia, if you will, that also would be acceptable to him. Now, this is one form of homicide.

That form of homicide accounts, and statistics will vary, for 20, maybe 30 percent of homicides or maybe less, depends on if you take major metropolitan areas only in your statistics or if you talk about the country as a whole.

But, be it as it may, no one disputes that it's something in the neighborhood that is egodystonic form of homicide, that I call egodystonic, constitutes a majority of homicides, or even if it doesn't constitute the majority, no responsible person, who has done any study in this area, will dispute the fact that at least 50 percent or more of homicides are committed by people who don't want to kill, who don't want to commit the act, and find themselves doing it.

Now, how does that come about? I think I need few more concepts to introduce to the committee here.

How does it come about, let's say, that Mr. Jones kills Mrs. Jones? If you look into their lives you will find that they have had a very intense and what we call in psychiatry, sadomasochistic relationship, there was a lot of tension between them over many years. Mr. Jones would be a person who was very law-abiding, hard-working, self-effacing, overcontrolled, who does not express aggression on a pay-as-you-go basis, he holds it back. Every so often he has an explosion; on those occasions he might hit his wife, he might throw a dish or, if he has a gun handy, he might shoot her. And I emphasize, he might, and, it really has to do not with the determination to kill her or the girl friend or someone else, it just happens. The circumstances conspires, so to say, and bring about this sudden explosion and death results.

Now, if that explosion occurs, when there is no effective weapon, somebody mentioned already a baseball bat or a fist or what not, true, there will be an attack, but the moment the individual engages in aggressive behavior, that disruption of personality will cease. You see, they are going to pieces, as I was trying to describe very briefly here, once there is a discharge of aggression, you will find the control, the inner controls are reestablished. The people I am talking about have explosive episodes, on many occasions, but death results not as frequently, although it will. People will kill with bare fists, bare hands, people will kill with baseball bats, knives, whatever, but the more effective the weapon is, the more likely it is that we will have a high rate of homicide.

Now, let me say that statistics are one thing that we can all discuss, and I think they are overwhelming in terms of showing that you have a direct relationship between the number of guns and the number of homicides. Just across the river there, that you can see from this very room, there is a city of 250,000 people, Windsor, which last year has had per 100,000, and it doesn't make sense to talk of homicide other than as a rate, that city had, last year, four homicides per 100,000. The city of Detroit had 53 per 100,000. What accounts for the disparity, the gun ownership there is minimal. The gun ownership in this city is very high. Again, I don't mean to say that if we diminish the number of guns, or minimize gun availability that we will have no homicide, we will have homicide, the question is only how many.

It's my opinion that if anyone is interested in homicide prevention, it cannot be accomplished by any means other than a drastic reduction in the number of guns in circulation, and the one last point I want to make, there is a general confusion between crime and homicide. Obviously, committing homicide is a crime, but most homicides are not committed by criminals. Obviously, criminals, in pursuit of their criminal activities do kill, but most homicides are committed by law abiding people who do not want to kill anybody, and yet they find themselves killing somebody they love.

I keep purposely my remarks short because I would like to respond to any questions that either Congressman Conyers or his counsel for the committee might have.

Mr. CONYERS. Thank you very much.

Dr. Wille, you have made a very excellent statement here that is, I suppose, quite complimentary to that of Dr. Tanay?

Dr. WILLE. Yes.

Mr. CONYERS. I would invite that you begin at this point, if you would. We will question you both again.

Dr. WILLE. All right. I would like to follow up one of Dr. Tanay's statements with some statistics regarding the great incidence of death from wounds committed by firearms as compared with other weapons. I think it does fit into the discussion.

Many persons are apt to discount the importance of a gun in the home as being the final determinant factor in a homicide, saying that after all, butcher knives and other objects which could be used as lethal weapons are readily available in all homes. Although every household numbers knives and hammers among its furnishings, blows from such instruments are much less frequently fatal than wounds

received from firearms. As pointed out in the staff report on firearms, Firearms and Violence in American Life; U.S. Government Printing Office 1968: "Firearms make certain attacks possible that couldn't occur without them . . . they permit attacks at greater range and with greater concealment than other weapons . . . they also permit attacks by persons physically or psychologically unable to overpower their victim through violent physical contact." That same study using data taken from the police records at New York and Houston reveals that an attack with a gun is 5 times more likely to result in death than an attack with a knife, the next most dangerous item.

I will skip over the rest of the material in the paper to get to some research that I carried out on 2,000 inmates in the State prison system of Michigan, whom I had personally examined who had been sentenced for committing homicides.

This study was completed in 1972 and published in 1974 by Warren Green Company in a book, Citizens Who Commit Murder. In this I recorded data obtained from a random sample of 200 homicidal offenders. These cases were selected at random from a total of 2,000 cases of homicidal offenders that the author has examined over the years since 1953, while working for the Michigan department of corrections. There is some difference in the sample from inmates who came into prisons before 1960 and after that date because of the greater incidence of street crime since then, but to get to the main body of the material, of the 200 cases studied, there was some sort of very significant interaction between the perpetrator and the victim immediately before the act in 50 percent of the cases, and within 3 days prior to the act in another 16 percent of the cases. In this 66 percent, the ready availability of a gun to the perpetrator of the act had to be a significant factor in the final, fatal outcome.

If one omits from this group the 48 murders which were committed as part of an armed robbery, where the victims were strangers in all but one instance, and the 19 who were victims of sexual psychopaths, some startling figures emerge. These would reveal that of the 149 remaining murder victims, 31 were spouses, 23 were relatives other than spouses, 62 were friends or acquaintances, and 17 were lovers. This represents 133 of the 148 victims. In all of these cases, there was some sort of significant interaction immediately preceding, or in the several days preceding the homicide. These cases represent the most typical homicidal situation in this country as described by my colleague, Dr. Tanay.

These 149 homicides were most often the end result of family quarrels, love triangles, drunken arguments between friends, arguments over gambling debts, revenge, or recent threats to the life or integrity of the assassin. And certainly these same events occur in all countries regardless of the number of firearms available, they occur in society.

As Toch points out in his book, Violent Men, the intensity of a person's violence varies with the extent to which his integrity has been compromised. Ultimately, violence arises because some person feels that he must resort to a physical act, that a problem he faces calls for a destructive solution. The problem a violent person perceives is rarely the situation as we see it, but rather some dilemma he feels he finds himself in. To understand violence, it is necessary to focus on the chain of interactions between aggressor and victim.

In doing my study of the 200 murderers, data was not kept initially on whether or not a gun was present in the home, in the automobile, or otherwise readily available to the perpetrator. As I continued with the study I saw the value of collecting this type of data. It was collected on the last 123 of the 200 cases. Out of this group of cases the data shows that in 81 instances, the gun was immediately available to the perpetrator of the murder. And in another case the subject became extremely disturbed on the day of the murder about the actions of the object of the murder, went to a nearby store and readily bought a gun without any difficulty. Thus, a gun was available at hand in 81 of 123 of the cases where this information was collected, or 66 percent. Referring back to the data that attacks with a gun are 5 times more likely to result in death than an attack with a knife, the next most dangerous item, we see here that there would likely have been only 16 homicides instead of 81 if a gun had not been available, which is an 80 percent decrease in the likelihood of fatal assault in the absence of availability of firearms during these quarrels. Projecting this to a total of 2,000 murderers seen with a total of over 2,000 victims, since some were multiple murders, it is shown that at 1,300 people died unnecessarily, as a result of the readily available firearms at the time of the final action.

I will not quote any further from the paper. I will address my remarks to you. Thank you.

Mr. CONYERS. I thank you both, gentlemen, your papers are long and complicated and I am sure they can be made more available to anyone that is participating in these proceedings.

I notice that, Dr. Wille, that on page 4 you raise a question that comes up extensively. You cite the National Commission on the Causes of Violence and the Prevention of Violence, in terms of the statistics on the likelihood of someone actually using their weapon in defense of their home. If you could just spend a few moments developing that notion, because we have talked about the fact that it's relatively rare that people will be able to use their weapon in an effective defensive way and we have here some statistics that are, I think, related to this subject.

Dr. WILLE. If you wish, I will read from that page then.

> In Detroit, from January 1964 through September 1968, seven residential burglars were shot and killed by their intended victims, an average of just under two a year * * * when measured against the burglary rate, no more than two in a thousand burglaries in Detroit are foiled by shooting the burglar * * * while killings by home robbers, a small portion of all homicides (two and three percent in Los Angeles and Detroit), home robbery when it occurs is far more dangerous than home burglary. For example, from January 1964 through September 1968 in Detroit, seventeen victims died as a result of home robberies, compared to three deaths of home burglary victims. Firearms are of limited utility in defending against home robbers because the robber is usually able to surprise and overwhelm his victim. Detroit reported three cases of the victim killing a home robber in five years. In Los Angeles, where about 1,000 home robberies were reported in 1967, eight home robbers were shot and killed from January 1967 to October 1968 * * * During 1967 more lives were lost in home firearm accidents in Detroit, specifically, 25, than were lost in home robbery and burglary in four and a half years.

Thank you.

Mr. CONYERS. So it shows that we are dealing with a great deal of rationalization in connection with the defensive aspect of owning firearms in an urban setting?

Dr. TANAY. A firearm might not have a realistic value in terms of protection, as, obviously these figures show, however, obviously people acquire firearms for a good reason, that is, a good emotional reason: and what is that reason? It gives them some reassurance, some symbolic reassurance. The fact that it does not provide real protection from being burglarized is really of no significance.

These are only objective facts and they don't really persuade anybody. Somebody who has a gun on his hip feels secure and that is all that counts to him, personally. And he is not aware of the danger that is associated with the ownership of that item. In other words, he purchases minimal, if any, protection from realistic danger but he acquires a symbolic item that gives him a certain sense of security. And it's—it's my view that if we're—we should allow people to have symbolic items if they do not represent a public health hazard. A gun is a good symbol of masculinity, so are suspenders or beards, and there is very little risk, you know, with having the other items and considerable risk with having the symbol of a gun.

Mr. CONYERS. That security, real or imagined, though, does bring about, in fact, an increased danger to himself and to those around him?

Dr. TANAY. Yes, however a person will not accept that because there are powerful emotional reasons working against that. You see, you can tell him till doomsday that he is running a risk of using the firearm in a fashion that he doesn't intend to. See, nobody goes and buys a gun—no law abiding person buys a gun with an intention of killing somebody he loves. If you would ask anybody who purchases a gun, who do you intend to kill, his answer would be always somebody who is going to rob my family, or somebody who is going to rape my wife or something of that sort. That will be the answer. It will be an egosyntonic answer. He cannot tell you how he is going to use it because he doesn't know that. He will tell you, honestly, what his intentions are. That is all he can tell you. It's our duty, as society, however, to recognize the possible implications of it, just similarly, we do not establish, let's say, hygienic circumstances in a city, like sewers and all that, purely by persuasion, some of that requires legislation, people will not—people don't have the foresight at all times to recognize what is down the road.

Mr. CONYERS. Is it not correct to say that more and more people are beginning to examine these premises that have been held so dearly and so expensively for so long, and that larger numbers out of tragic experience might be seen to be having some kind of positive effect in this direction?

Dr. TANAY. I think so, and I am sure you're aware of it, Congressman Conyers, that since the 1930's the majority of citizens of this country were in favor of gun control, of some form of gun control, however, that has not been translated into legislation because that majority does not have a real emotional investment in the subject. It always is assumed it never will happen to me, it's not significant to me, it's significant to the next guy, and, therefore, I don't have to get too excited about it.

Mr. CONYERS. Counsel.

Mr. GEKAS. Thank you, Mr. Chairman.

Would you want to say something?

Dr. WILLE. I forgot one very important thing in my remarks and that is in talking to these thousands of criminals over the last 22 years, one of the most frequently abused sources of firearms to the criminal are the collections of guns and cache of guns in citizens' homes. The habitual criminal would much rather use a gun that is stolen from someone's home or from a store than to have one that he bought, himself, that is registered in his name, for the sake of concealment. The very wish of so many citizens to keep guns in the home for safety becomes, in itself, a greater hazard because this is the favorite source of guns used by the professional criminal, to steal one from someone's home.

We all know that when homes are broken into, if there are guns there, the gun is taken, whether anything else is or not, the gun is the most favored object stolen.

Tragically, here in Jackson recently, there was a man who was a gun collector, who had 1,000 guns in his home. Word of this got around, you probably read about it in the paper, many of them were antique firearms and were not usable and many of them were serviceable. Professionals came in there with a van in the middle of the night, tied him and his wife up, and made off with the whole collection. This is one of our problems with this country, we have innumerable collections like this in private homes which then are burglarized and the guns become the sources of actions by the criminal. Thank you.

Dr. TANAY. May I add something to this?

I believe that the easy availability of guns is really sort of a subsidy for the criminal, aside from the issue that I have been discussing in terms of the family type of killings. This is almost a subsidy for the criminal. He can get it easily, just very similar to the situation with the photographers. Just because there are so many amateurs who are using photographic film, the professionals can buy film cheaply. Similarly, because there are so many amateurs who have guns, the criminals can acquire them very cheaply and, in a sense, I think we would really be justified in saying we subsidize the criminal.

Mr. GEKAS. The primary focus of your grim remarks is to the interfamilial fights where the husband shoots the wife because there is a gun around, and the last remarks were directed at the professional criminal who uses the firearm as a tool in his business, which may be armed robbery or a variety of things; it's the second class that I would like to ask some questions about, that is, the professional criminal, and ask whether or not, in your studies of offenders, you have isolated and studied the professional criminal to determine things like, well, why did you go out and get a gun?

There is an easy answer to that: I got the gun because it's an equalizer and I can go in and hold up the drugstore.

My question is whether or not there have been any studies done of the professional criminal, the professional armed robber, as to motivation, why he goes out to get the gun?

To digress a bit, I don't know if you saw that NBC special called, "The Shooting Gallery Called America," but there was some very chilling behind-the-curtain testimony by some young professional criminals who made a business out of holding up supermarkets and

they seemed to be egosyntonic, if I may use that, in that the use of a weapon, in that the supermarket holdup was acceptable to their inner goals and standards. Has work been done, psychiatrically, in that area?

Dr. WILLE. It has been in a number of sources. To answer that question would take far more time than you have here because it gets involved in a sociological study of criminals. There are a variety of these available in the literature. There is some reference to background factors in my book. It's not organized adequately to cover that subject properly, from a research standpoint, because it takes whole teams of people, very well funded, to go and actually make home visits and get validated records from the family rather than using the data subsequent from social histories as I had to do in most cases. There are such studies.

Dr. TANAY. There has been, however, a change in this regard, as far as use of firearms by criminals. You know, it used to be in the past, that many small-time criminals were not armed and, in fact, deliberately avoided having firearms because the penalty was higher when you had a firearm in this kind of egosyntonic activity. They simply reflected upon it and felt that it was less risk. However, in recent past this has changed. In fact, most of the criminals who engage in criminal activities, burglary or robbery are armed and that is a very tragic development.

Mr. CONYERS. Might I just pick up on that. Let's examine why. The citizenry is arming increasingly and the police are arming super increasingly. The question I wanted to introduce into this dialog is what impact does the arming of the police have in terms of police now purchasing all kinds of additional weapons, some semiautomatic, some long barrel—what impact does that have on the whole cycle?

Dr. TANAY. It has a tremendous impact. A policeman now is very threatened. He knows when he gets into some crime in progress, he is likely to encounter someone who is armed. So he shoots too. Not too many questions asked. And vice versa. It's an ever-increasing escalation. So that the criminal activities have become much more vicious. In the past you had, you were robbed, generally not hurt, if you surrendered your property. That is not the case any more because guns are involved, and there is a greater likelihood that, in such an interaction, somebody would be hurt. So that we have an overall escalation of violence on all levels.

Mr. CONYERS. Now, how do we turn it back?

Dr. TANAY. There was one area that was not touched upon. We might be talking here about the escalating domestic violence, but this is a very insignificant contribution to the consciousness of our citizens. What we're doing here today, by comparison, what tonight will be done on television, where it will be shown——

Mr. CONYERS. You mean there will be less people watching this than will be watching all the TV shows in America this evening?

Dr. TANAY. I assure you of that, Congressman.

Mr. CONYERS. Well, something must be done about that right away.

Dr. TANAY. You have to get a different sponsor.

Mr. CONYERS. Have to see the FCC.

Dr. TANAY. The point is that television does carry a message. You resolve conflict by violence and guns, the good guys, the bad guys,

they all have guns, so this is the best kind of advertising any manufacturer could dream of. If you wanted to merchandise a product of any kind, imagine how wonderful it would be if your advertising was not carried inbetween but in the content, the content, itself advertises your product; then you couldn't lose.

Mr. CONYERS. That is why gun manufacturers seldom advertise?

Dr. TANAY. They don't need to. Why should they? The analogy to photography, the photographers do have to purchase advertising, with a gun they need none; it's all done free and very effectively.

Mr. GEKAS. If I might pick up on that, you know the influence of television on young people. People are always running down the media, and I certainly don't intend to do that this afternoon anyway, but the influence of television on young people is a serious one, especially when you consider it in the light of the sociological research to return to what we were discussing before; try and tie it altogether, in that there seems to be a change in the kinds of offenders, both—especially in armed robbery and assault. There have been some studies done in Chicago that suggest that primary offenders now in violent crimes with firearms are between the ages of 15 and 24, at least in the last 7 or 8 years, and that as that group grows older and becomes between 25 and 36, they are being replaced in the younger brackets by a new group coming up to the ages of between 15 and 24; and it's terribly disturbing to find that out. This is sociologically research. And I was wondering whether or not there has been any psychiatric research into the motivation of young people who are going out and getting guns for whatever purpose?

We had some brief testimony from some young people here yesterday.

Dr. WILLE. I think it's tied in with what Dr. Tanay has already said because these people, unlike the other generation, have grown up since age one seeing this sort of portrayal on television. It's been part of their culture for hours of their day, every day of their life, that they have watched television. People 40, 50 years old, didn't have this sort, anywhere near this much exposure to gunmanship as part of their culture exposure when they were growing up during their formative years, so I see it as inevitable that there will be this sort of a reaction in this generation of kids 15 to 28 years old.

Mr. GEKAS. I hope that in the next few years there will be some indepth studies, the kind of studies that were done on offenders who shot their wife or their cousin, or the wife has shot the husband; and focusing in on the new generation of armed robbers that we have, it's a terrible thought that young people are turning to the handgun.

Mr. CONYERS. Thank you. Before I recognize Counsel Tim Hart for one brief question, it just occurred to me, since you're from Jackson Prison, what is the percentage of black inmates at that prison?

Dr. WILLE. It changed gradually. I think that the present composition is around 72 percent. I can't guarantee that except it's an approximation. It's probably within 2 percent of being correct.

Mr. CONYERS. Which direction is that figure moving, or is that a constant?

Dr. WILLE. It's moved upward since I first worked there in 1953.

Mr. CONYERS. To what extent are the psychological points that both you gentlemen have been making acceptable in the world of govern-

ment circles, crime commissions, LEAA organizations, civic organizations, among the executive, judiciary and legislative branches, where the problem has to be ultimately addressed? Are these views becoming increasingly accepted? Are they well established or are you pioneers of some sort?

Dr. TANAY. I believe they are well established. There is no great dispute among people who are working in the field, as to this data.

In regard to acceptance by Government, I think it's some indication that the major previous effort of Congress, I forget what year it was, the omnibus crime bill, and there were 1,088 pages of testimony, I believe, that I looked at, and not a single behavior scientist; I'm not talking even of psychiatrists, not a single behavioral scientist was asked of an opinion on the subject. There was all this testimony, all these, and not one single witness from the field of behavioral sciences appeared before that committee, which I would have to say is not the case this time.

Mr. HART. In the testimony this subcommittee has taken, there are generally three general groups of persons who acquire firearms. The first group is the group who purchased them for legitimate recreational uses; the second group is probably the group that suffers the least psychological damage, those who acquire them to use in crime, or those who acquire them to sell to persons to use in crime, and then those in a group I am really concerned with, who acquire them primarily for self-protection, either a real or imagined need, to protect themselves from criminals or from other types. Now, the problem this subcommittee faces in terms of trying to deal with the gun-control issue is what to do primarily about the third group—the citizen who lacks confidence in the ability of law enforcement to respond quickly and efficiently to protect him, and he who feels a real need to protect him or herself in his business or her business or residence from a criminal threat. Now, psychologically, or as a psychologist, psychiatrist, how do we meet the needs of these people? Is it their education, is there anything that can be done legislatively to allay their fears, or is the solution more academic than that?

Dr. TANAY. First of all, Mr. Hart, I think that the differentiation that you have proffered there, I would not quite accept. I would provide a differentiation in terms of people acquiring firearms, one, for criminal purposes; two, for any other purpose, because once the gun is there, it carries with it a certain risk unknown to the owner. You don't know how it will be used, even though you are the person who might be using it at this point in time, when you purchase it, you do not know to what use it will be put. So, you see, the danger is then, with the criminal, we know, we don't want him to have it. Now, if he happens to be not law abiding, then he might get it anyway, and that's one problem of law enforcement.

Now, the other group, the second group who will acquire it in good intention, I think with them we have to educate them, number one, we have to show them there is a certain risk that goes with the ownership of this particular item. In regard to fears about crime, obviously, ideally, if we could reduce crime drastically, we would eliminate some of the rationalizations for ownership of guns. I don't think, however, it would eliminate gun ownership, people would buy guns anyway because people have always bought guns. You see, the

United States has had a long, long tradition of having guns and has always been in the forefront of homicides. Long before we had this crime rate, the United States had the highest homicide rate of any western country in the world. Rather like between Dallas and London of 1 to 100. This existed a long time before we had this recent crime wave. People will buy guns because guns have a certain mystique about them. There is something attractive about guns to any man. You know, you talk to a little boy and he wants to have a gun as an item of play. My little boy, you know, he is going around and pretending that he is shooting. I don't advocate it to him but he does. Guns are attractive and people will get them if they can. Now, the law abiding person will not get it if it's against the law because he is law abiding. The criminal will get it because he needs it. Therefore, I think, if you have gun legislation, meaningful gun legislation, that is, then the law abiding citizen will at least be protected from the danger of owning a gun. They will not be protected from the criminals, that can be done only by police and enforcement, law enforcement, and whatever other means that we need to institute to minimize crime.

Mr. CONYERS. Have you recommended what we ought to do in terms of addressing this historical problem?

Dr. TANAY. My recommendation, my recommendation is a drastic reduction by whatever means that are possible, education, legislation, taxation, control on import—after all the United States is a dumping ground for firearms from all over the world, export for military purposes, guns, and then the other countries reimport it and sell it to our civilians. This has been an old scandal—any means that will reduce the number of guns in circulation, and I don't care how it's done, this I would leave to those versed in the Government in terms of whatever possibilities there are.

Mr. CONYERS. I am sure glad I got that obvious answer on the record before you left.

Mr. GEKAS. I must say I am surprised to hear that a psychiatrist that has studied this as you have and has as strong a recommendation that you have, has a son that plays with cap guns.

Dr. TANAY. He doesn't play with a cap gun, he uses his finger, sir, or a stick. I beg to differ with that. Over my dead body.

Mr. GEKAS. Very good. I am glad we put that on the record too.

One of the clichés involved in the gun control debate is mandatory sentencing and from the standpoint that Dr. Wille and Dr. Tanay, you gentlemen have dealt with criminal offenders for quite a long time, and the obvious question comes up, concerning the deterrent value of mandatory sentencing. Now, to use the term of egosyntonic, which—or is it egodystonic, I think it's egodystonic, which means when the husband gets mad, he loses control of himself, he grabs the gun and shoots his wife, it seems to me that a mandatory sentencing provision would have little effect in that situation. I throw that out as a question which I direct to you, and your views on that.

Dr. WILLE. I was going to add that anyway as part of the answer to your question, it's a very complicated question, how do you cut-down on the amount of violence from firearms. I think that the congestion in the courts and the difficulty in obtaining convictions on known criminals with firearms is bound to be part of the problem.

This isn't the area of my expertise. I am sure that people who work in the prosecutor's office, the attorneys who work with the legal system would have much better information than myself to tell you how many times they think that some dangerous criminal goes back to the streets because of these problems. I don't think that is my area of expertise.

Mr. GEKAS. The question is, in reviewing offenders, you have dealt with them at the State prison, murderers and armed robbers and egodystonic killers and egosyntonic killers, the question is whether or not severe sentencing has a deterrent effect? Certainly, that must be something that the psychiatrist at Jackson State must study.

Dr. WILLE. I think that if they do get sentenced, and get in prison, it certainly has a deterrent effect while they are there, but many of them don't get in. I don't think there is very much relationship, from my own personal observation, which means the length of the sentence and deterrents because these people are very much psychologically disturbed people, as far as I am concerned. Their life script, for example, to use a popular term nowadays, is to be "Peck's bad boy," to be either a loser and end up in prison, or it's to do something bad like the father did. The father may have been a father who served time in prison and they are following a family script. They may be doing it for payoff from the notoriety after the apprehension, and I feel that is a factor in the well-known person who recently had escaped from prison by the hijacked helicopter. I am sure, from my observations, in the attacks that he has gotten since the time of his apprehension, that he is feeling inside that he is vindicated either way. If he gets away with it, and succeeds in the attempt, of course, he is going to revel in all the publicity he gets in the paper. If he gets caught and gets sent to prison—and I think there is a psychological need in him to be caught and punished, but many of these people have a need to be caught and punished. They commit the crime in such a way to make sure. I think that is true of him. His vindication is now that, "I didn't do anything really bad; I didn't hurt anyone; and now those so and so's are going to give me all this time."

Mr. GEKAS. There is a disturbing implication from that; that is, our criminal class cannot be deterred from the commission of offenses?

Dr. TANAY. I think you have been asking in regard to egosyntonic and egodystonic.

Mr. GEKAS. Right.

Dr. TANAY. Obviously, in that kind of instance, the sentence or death penalty or what not has no significance because the person does not reflect.

Mr. GEKAS. He loses control?

Dr. TANAY. He does not reflect upon it at that moment, I will or will not kill my wife because the death penalty is such here or I will not. In the case of a criminal, however, I think in some instances, it certainly does play a role provided that the individual is not driven by psychological forces to be a criminal. There are some people who are driven to be lifelong criminals and we have no means of changing them.

Mr. GEKAS. Dr. Wille, from his comments, seemed to indicate, without using any figures that a substantial portion of those in Jackson prison, the incarcerated people there, are undeterred.

Dr. TANAY. I would not disagree with that.

Mr. GEKAS. So then mandatory—from a psychiatric point of view then, mandatory sentence is—is a cliché indeed and it is meaningless?

Dr. TANAY. I don't know if you say mandatory. I think it should, in a rational approach to it, in my judgment, you would evaluate the person and not the act. Keep in mind that our system goes by the act. If you commit a certain act, then almost automatic, within a range, there is a certain sentence attached to it. Now, there are people who we know in advance, they will engage in repetitive criminal behavior, and they also get these sentences for a brief period of time, or long period of time, then they go out in the street again.

I refer you only to the case of Mr. Manson, which is maybe one dramatic example, who begged to be left in prison, but there was no means of keeping him there, because the sentence expired and he had to be put in the street, and 30 people had to die before he got back in prison.

Mr. CONYERS. Did you say most of the people in Jackson are undeterrable?

Dr. WILLE. I don't believe I made the statement.

Mr. GEKAS. It was a characterization.

Mr. CONYERS. I want to develop that a little bit.

Dr. WILLE. I would like to comment on that. You have opened a "Pandora's Box" here, but anyone who seriously reviews penalogy, the system of how the offender is handled once incarcerated in this country will come up with the undeniable facts that most of them, I don't know what the exact figures are, but the majority are not reformed by the experience. Many cynics say, well, therefore, the whole system is worthless, whatever. Actually, there are very few adequately staffed, adequately programed treatment programs going on in prisons. I have worked in one small one and I know many of the people in the United States who do work in this field, it's a small group. There are very few programs in prisons with adequate funding, adequate personnel, without a rapid turnover of personnel where you can treat people over a long time.

In a few cases, where it's happened, I would say these are practical-like research type cases, they have come up with much better results showing, I think, that you can do something if you put enough time and effort into it but the costs are great. There is not that kind of money and the public isn't really that sympathetic toward criminals to see that we spend that kind of money at this point in time. It's another problem.

Mr. CONYERS. What is the recidivist rate at your institution?

Dr. WILLE. I don't know frankly what the rate is at present. The overall national average used to be 65 percent. I don't know how it deviates from that.

Mr. CONYERS. So that under these very adverse conditions that you describe, you have somewhere from 60 to 70 percent recidivist rate. It would seem that, perhaps, 30 percent or more of the people that are incarcerated would be misrepresented by the statement that they are undeterrable. They are undeterrable even with these woefully inadequate opportunities that are available?

Dr. WILLE. I will agree with you that——

Mr. CONYERS. Now, if there were meaningful programs in which rehabilitation was sincerely undertaken, that comes under much more—more and more the system of penalogy which we have now, would not be finishing schools for crime. A person may come out far more antisocial than when he was committed by recorders court *X* number of years earlier. It would seem to me highly questionable, then, to suggest that those persons incarcerated, much less all of them, would be undeterrable under these circumstances?

Dr. WILLE. I am very interested in your remarks and I don't disagree with them. I feel that some people are deterred by the experience. In my study I attempted to make an evaluation of the character structure of the person, based upon whether they had a functioning conscience, but not an overly strong one, so that they had to keep going back, but those with a functional one, are deterred, they feel very much embarrassed and guilty and regretful of the experience during incarceration and if they don't have too many problems in getting started again when they get out, they are much less apt to commit the crime than the person that's egosyntonic and growing up in the family situation.

Mr. CONYERS. I am having real trouble on this point, Doctor. You raise the question of who has a functional conscience inside the prison walls. What if you conducted the tests outside of the prison walls, would you find a lot of people who have never been convicted who would flunk that kind of test?

Dr. WILLE. Absolutely.

Mr. CONYERS. Let's stop on that note. Thank you very much.

[The prepared statements of Dr. Tanay and Dr. Wille follow:]

STATEMENT OF EMANUEL TANAY, M.D., ASSOCIATE PROFESSOR OF PSYCHIATRY, WAYNE STATE UNIVERSITY

Mr. Chairman and members of the Committee, my name is Emanuel Tanay, M.D. I am an Associate Professor of Psychiatry at Wayne State University. I am grateful for the opportunity to present my views to the distinguished members of this Committee.

I will discuss homicide, but I will not mention political assassinations. I will not take into account killings related to drug wars or, for that matter, killings related to any wars. I will not make reference to murders committed in pursuit of bank robbery or any murder for profit. I will focus upon the remaining homicides which occur between people who know each other and/or love each other. I do not claim that my comments are applicable to all homicides; they merely have validity in relation to eighty percent of them.

Most homicides occur between people who have an intense emotional relationship. Homicide, so to say, is an affair of the heart. If homicides were an affair of money, bankers would be the most common victims. If homicides were related to property, rich people would be most likely to get killed. If homicides were related to political differences, being murdered would become an occupational hazard of being a politician. None of these are true in significant number. Bankers do get killed occasionally. Rich people are murdered at times in robberies. Some politicians have been assassinated. However, for every banker murdered there are thousands of wives killed by their husbands. There are many more husbands killed by their wives than rich people killed by robbers. There are more children killed by their mothers than politicians killed by political assassins. Murder is, indeed, a family affair, because family members love and hate each other and, therefore, have a need to be aggressive with one another.

Does this mean that our ever-increasing murder rate is inevitable? The answer is yes and no—what else would you expect from a psychiatrist as an answer? A certain number of homicides are inevitable. Ever since Cain killed

Able family members have killed each other, and will do so for a long time to come. A physician-poet writes:

> "To love, to honor, to obey
> Trade your cap for a purple crown
> I pronounce you Man and Death today
> The honeymoon's in Middletown."
>
> —W. Butterfield, M.D.
> (J.A.M.A., 1968, 204:1, p. 124)

Man and wife does relatively often turn out to be Man and Death instead.

A certain level of homicides is inevitable, but it need not be forever increasing. Prevention does not mean total elimination but a significant reduction in incidence.

Confronted with the problem of homicide, society turns to lawyers and policemen for answers. This is based upon an unfortunate misunderstanding, and is similar to an effort to obtain a solution of a deadly disease by asking the undertakers. Handling the victims of homicide does not provide a basis for the prevention of homicide.

Prevention of homicide requires, in my opinion, an acceptance of homicide as a natural phenomenon. People will always kill people. The issue is not whether there will be homicides, but how many homicides. People will kill with knives, stones, bare hands, poison, etc., etc. Ineffective means at the disposal of the population for inflicting death will produce few homicides. Effective lethal tools will produce many homicides. If homicide would be committed primarily by people who are determined to kill, it would not matter whether or not we have gun control legislation.

The approach to homicide in the United States has been dominated by the "rotten apple" theory. This approach is a natural by-product of the fact that we have entrusted homicide prevention exclusively to lawyers and law enforcement. The proponents of the "rotten apple" approach say: "Take the guns out of the hands of criminal elements, the sick, the narcotic addict, and we will be reducing drastically the homicide rate." No one seems to want to know whether or not the criminal element, the sick, the narcotic addicts are responsible for a significant number of homicides. The information on this issue is easily available and, in fact, is common knowledge. We avoid this information because the universality of murderous wishes are as repugnant as they are real. The emotional need to ignore the data on homicide is powerful and usually immune to logic. The hope for universal acceptance of scientific data is utopian, therefore, legislation on the subject is the only hope.

No one voted on the efficacy of sewage systems for the prevention of typhoid fever. On the other hand, an entirely arbitrary rule without public support is difficult to enforce. A combination of education and legislation is, therefore, essential for success of an epidemiological approach to homicide control in the United States. It should be kept in mind that epidemics were never controlled by individual good will and high-minded compliance with sanitary measures. They had to be enforced by public health legislation.

In considering the damage inflicted upon society by promiscuous gun ownership, we focus primarily upon the victim of the homicide itself. In fact, in common usage the victim of homicide is synonymous with the deceased. The damage resulting from homicide involves, however, many more victims than the slain person. The homicide perpetrator, regardless of the outcome of the legal proceedings, is irreparably victimized by his act. The relatives of the victim and perpetrator suffer frequently irreparable damage. Even witnesses to homicide frequently suffer from long-term difficulties. The society, as such, experiences a variety of harmful effects as the result of homicide. The possession of a gun places the gun owner in the terrible danger of being a homicide perpetrator. Homicide ends the life of the victim and frequently destroys the life of the perpetrator.

"When guns are outlawed, only the outlaws will have guns," is a slogan used by opponents of gun control legislation. This is an accurate, although incomplete, statement. When guns are outlawed, only the outlaws and the police will have guns. And that is as it should be. The outlaws and the police need the guns in pursuit of their respective occupational goals.

The present easy availability and inexpensiveness of guns amount to a societal subsidy of the tools of crimes. The professional photographer is a beneficiary of the popularity of photography. The mass consumption of photographic

film insures easy availability and inexpensiveness of photographic materials. Similarly, the popularity of guns assures the professional criminal with an easy and inexpensive supply of tools of his trade. When guns are outlawed, the police will have an advantage over the criminal. The police will be able to get guns easier than the criminal, whereas at the present time the reverse is true. Morphine and other narcotics have been outlawed, and only the doctors and the outlaws are in possession of these substances. Free availability of narcotics would invariably increase the number of addictions in our society. There are, obviously, many factors which account for drug addition. The drug is the most easy manipulable variable in this complex phenomenon.

The first step in dealing with an illness is to study its ecology. Disease, like health, requires an appropriate environment to thrive. The history of tuberculosis, syphilis and plague is not only a history of pathogenic microorganisms but also illness enhancing environments. This might appear to be an overstatement. Let us, however, assume that we are given the assignment to promote murder. How should we go about it? How could we devise a system designed to promote homicide? Our first step would be to make available an effective and yet inexpensive tool of murder. It should be easily concealed and immediately effective so that reflection would not interfere with the killing impulse. It is doubtful that any modern engineering firm given this assignment could improve upon the handgun.

Our next task would be to convince a great many people to acquire this instrument of death. After all, people are generally squeamish about the acquisition of dangerous objects. One would have to mount a major propaganda campaign to convince people that ownership of this item was not dangerous and was highly desirable. We could even create a myth that this implement has protective value. Through appropriate influence, we might persuade the entertainment industry to feature this product in movies and television productions. Our goal would be to elevate our deadly gadget to a symbol of masculinity, courage and virtue. Our grand design to increase the homicide rate would be a failure if we merely induced people to acquire deadly weapons. We would also have to create conditions and situations of insoluble conflict between individuals. How do you produce conflict which is difficult to resolve? Put together angry, frustrated people, convince them that to express anger is evil and is to be avoided at all cost. Make resolution of such conflict-ridden unions insoluble in principle and difficult as a practical matter. Successful breeding of such relationships, known as sadomasochistic relationships in psychiatric jargon, combined with widespread ownership of handguns is a formula for fulfillment of our hypothetical goal of promotion of homicide.

It so happens that we do have effective and cheap murder weapons, namely, the handguns. We have a mystique surrounding this item, and we do have many forces which promote sadomasochistic relationships. In short, we have institutionalized homicide as part of our societal structure.

Murder and photography have a great deal in common: most shooting is done by amateurs. The widespread interest in photography assures easy availability of inexpensive cameras and film to the professionals. Similarly, the widespread interest and use of firearms assures easy availability of guns and ammunition to the professionals. The analogy between murder and photography breaks down, however, when it comes to promotion and advertising. Whereas Kodak and other photographic manufacturers must depend upon their own financial and creative resources to advertise their products, the manufacturers of guns need not concern themselves with these activities. The advertising and promotion of guns is carried out by movies, television, fiction writers and toy manufacturers. This form of promotion is much more effective than conventional advertising; it also has the additional merit of being free. The photographers should demand equal time. Why shouldn't there be a TV series entitled "Have Camera, Will Travel"? Shouldn't there be a musical entitled, "Annie, Get Your Instamatic"? What about a movie called "The Hired Lens"? Blatant discrimination is practiced by the government in their free distribution of surplus firearms to gun clubs. They certainly must have surplus cameras and film. A great many states have passed inspection laws which provide inspection by technically expert personnel of weapons, free of charge. Why not establish a similar network of camera inspectors who would check the proper functioning of photographic equipment? Equal benefits under law should be provided to citizens regardless of what they are shooting—cameras or guns. Both activities deserve equal governmental attention since they are family oriented. Research shows that

both cameras and gun owners prefer as subjects of their shooting members of their family and close acquaintances with whom they have intense emotional relationships. In short: "Photographers of the world, unite!"

Another slogan used by the opponents of gun control is: "People kill, guns don't kill without people." This statement is certainly true, and gives us the option of eliminating people or guns. To change people into creatures incapable of homicide is neither possible nor even desirable, since this would be like trying to cure prostitution by eliminating the sexual drive. The cure would be worse than the disease. There will never be a time when homicide will significantly decrease if the number of firearms remains high.

Homicide is an epidemiological problem, and can be controlled best through the introduction of well-proven methods of epidemiology. It is established that firearm deaths are the mathematical function of the number of firearms in circulation. Given a certain number of firearms in circulation, a predictable number of firearm accidents, suicides and homicides will result. In fact, the most reliable method for estimating the number of firearms in circulation is the number of firearm accidents which occur in a given community.

The traditional, legalistic measures of registration, licensing and inspection have no bearing on the reduction of firearm deaths unless they appreciably reduce the number of firearms in circulation. From the standpoint of homicide prevention, it is meaningless whether the gun is registered, licensed, inspected, etc. The mere presence of the weapon, regardless of its legal status, creates a statistical probability for the occurrence of homicide.

Since 1967 Detroit has experienced an unprecedented rise in homicide by firearms. In 1956 there were 55 firearm homicides and 85 non-firearm homicides in Detroit, making a total of 140. In 1974 there were 801 homicides, of which sixty percent were committed by handguns.

Since the majority of homicides occur between people who have a close relationship, it is not surprising that the victims and perpetrators are of the same racial origins. American society is still segregated along the color distinctions when it comes to intimate relationships. The rate of intermarriage and sexual involvements between blacks and whites remains relatively low, close business partnerships between blacks and whites are also infrequent. In the absence of intimate relationships between blacks and whites, the explosive discharges of aggression remain also segregated. In other words, blacks kill blacks and whites kill whites. Explosive discharges of aggression are, however, more common among blacks than whites, which is not surprising in view of the oppression to which black citizens have been subjected. Oppression leads to suppressed anger, which is a precondition for the occurrence of explosive discharge of aggression. The adjusted homicide rate in the black population is significantly higher than among whites. (Wolfgang) Eighty percent of the 1974 victims of homicide in Detroit were black. In his classic study of homicide, Wolfgang observed that:

"In ninety-four percent of the cases, the victim and the offender were members of the same race, but in only sixty-four percent were they of the same sex." ("Patterns in Criminal Homicide," Marvin E. Wolfgang, University of Pennsylvania, 1958)

Kurt Gorwitz, Director of Research and Analysis for Michigan's Office of Health and Medical Affairs, pointed out in a recent study that between 1961 and 1971, the death rate from homicides among young black men increased more than two hundred and thirty percent. By 1971, accidents and murder were responsible for half of all deaths among black men ages 15 to 44. Homicide prevention should, therefore, be an issue of vital interest to responsible leaders of the black community. In the racially polarized society of the United States, black and white political leaders have exploited the fears of their constituents by opposing gun control legislation, which is essential to homicide prevention. Certain white politicians, under the euphemism of law and order, have for a long time utilized the fears of the white community to promote their political goals. More recently, certain black politicians have followed the same approach. It is a moral obligation of all political leaders to inform their constituents about the well established fact that gun ownership offers very little protection and leads to the loss of a great many lives and innumerable tragedies.

STATEMENT BY WARREN S. WILLE, M.D., ON FIREARMS AND VIOLENCE

Many persons are apt to discount the importance of a gun in the home as being the final determinant factor in a homicide, saying that after all, butcher

knives and other objects which could be used as lethal weapons are readily available in all homes. Although every household numbers knives and hammers among its furnishings, blows from such instruments are much less frequently fatal than wounds received from firearms. As pointed out in the staff report on firearms: "Firearms and Violence in American Life; U.S. Government Printing Office 1968: "Firearms make certain attacks possible that couldn't occur without them . . . they permit attacks at greater range and with greater concealment than other weapons . . . they also permit attacks by persons physically or psychologically unable to overpower their victim through violent physical contact." That same study using data taken from the police records at New York and Houston reveals that an attack with a gun is five times more likely to result in death than an attack with a knife, the next most dangerous item."

The statistical evidence that approximately 50 per cent of homicides are committed by persons without a previous police or penal record, often on relatives or friends, demonstrates the inadequacy of gun control legislation which up until now has been focused upon keeping guns out of the hands of known criminals. As long as the right to keep and bear arms is guaranteed in the constitution, as it now stands, we will undoubtedly continue to reap our harvest of ever increasing numbers of deaths from homicides as our population spirals and people come into closer and closer contact with one another.

Statistics from Michigan's largest city, Detroit, show that the incidence of homicide has more than doubled since 1965. In that year, there were 204 murders in Detroit; by 1967, the figure had jumped to 332; by 1969, it had reached 488; an increase of over 100 per cent. In the four years starting with 1965, gun registrations quadrupled in Detroit. Increased fears about an impending racial doomsday following the race riots in Detroit, increasing anxiety about street crime, and changes in the composition of the inner city with more and more stable middle-class families fleeing to the suburbs, all appear to be factors.

The head of the Detroit Police Department Homicide Bureau has made the statement that there have been more homicides in the city because there are more hand guns in the city.

The relationship is that clear cut.

The increase in gun registrations is not at all an accurate indicator of the enormous increase in firearms in the city, as the bulk of hand guns used in violent crime are not registered.

The difficulty in obtaining accurate statistics on gun registrations is highlighted in the report on *Firearms and Violence in American Life*. The accumulated total of all types of personal firearms in the United States from 1899 through 1968 comes to 102,000,000 weapons. The tendency for families to hang on to these for many decades and generations even, indicates that many of these weapons from several decades ago are still available in homes for use. The staff report on firearms has accumulated evidence to show that there are now about 90 million firearms in the United States, counting both long guns and hand guns. Half of the nation's 60 million households possess at least one gun, and the number of guns owned by private citizens is rising rapidly.

During the four years from 1965 through 1968, the number of accidental firearm fatalities in Wayne Co., Michigan rose from 7 to 32. During that time, the number of new hand gun permits issued in Detroit rose from 4,876 to 17,760—almost exactly the same ratio as the increase in accidental firearm fatalities. Most of these guns were purchased for "protection"!

Judge George Edwards of Detroit has written an informative article on the "four myths of murder": (Am. J. Psychiat., 128:811–814, 1972). These are:

"1. That present conditions in this country justify the average citizen in living with a top priority fear of being murdered.

"2. That most murders are premeditated killers for money.

"3. That the most likely murderer is a stranger—particularly one of another race.

"4. That you can protect yourself from murder by keeping a pistol handy.

"None of these myths is true.

"Most murder in real life comes from a compound of anger, passion, intoxication, and accident—mixed in varying portions. The victims are wives, husbands, girlfriends, boyfriends, prior friends, or close acquaintances (until just before the fatal event). The quarrels that most frequently trigger murders might well result in nothing more than bloody noses or a lot of noise if there were not present a deadly weapon—handy and loaded.

"All the statistics show that if you choose with care the people who will share your bedroom or your kitchen, or the adjacent bar stool, you will improve your chances from one in 20,000 to one in 60,000.

"As for the one-third of murders committed by strangers, the overwhelming motive is robbery. Murder generally results from resistance and surprise. Police recommendations in every city are unanimous in counseling a holdup or burglary victim against attempting resistance. Reaching for a gun is the most dangerous possible gesture when one is confronted by an armed felon. Outside of the movies, there are few people who win in trying to draw when someone else has a gun in his hand. . . .

"The theory believed by many that as a nation we cannot legally accomplish reasonable firearm control because of the Second Amendment to the Constitution is simply not valid. The language of the amendment and its historic interpretation in the courts is not nearly so restrictive as is popularly believed.

"The Second Amendment states: 'A well regulated Militia, being necessary to the security of a free State, the right of people to keep and bear Arms, shall not be infringed.'

"The basic United States Supreme Court interpretation of this amendment came in United States v. Miller, from which we quote the holding in the opinion of Mr. Justice McReynolds:

" 'In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than eighteen inches in length" at this time has become reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly, it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense. Aymett v. State, 2 Humphreys (Tenn) 154, 159. . . .'

"Thus far in the United States Supreme Court, the right to carry arms is applicable to the sort of arms that a 'well regulated militia' would carry.

"Indeed, in the latest consideration of firearms control, United States v. Freed, the Supreme court did not have occasion to refer to the Second Amendment in upholding the 1968 amendments to the National Firearms Act.

"While rifles and shotguns have a legitimate relationship to the Second Amendment and have legitimate value for both hunting and home defense, handguns suitable for concealment are basically the weapons of the assassin, not of the militia."

"Dr. Emanuel Tanay, in a recent article discusses the importance of firearms control in primary prevention (Am. J. Psychiat., 128:815–823, 1972).

"Primary prevention involves a reduction of the incidence of the homicidal act itself. Prevention of the psychic disruptions leading to homicide is the most desirable and the least attainable at this time. The theoretical possibilities of primary prevention of the dissociative rage state are not likely to be quickly implemented. The Joint Commission on Mental Illness and Health found no evidence that present-day preventive measures in the field of psychiatry influence the incidence of mental illness: 'Primary prevention of mental illness has remained largely an article of scientific faith rather than an applicable scientific truth.'

"The most easily manipulated variable in the homicidal process is the availability of the weapon. Statistical evidence and clinical studies indicate a positive correlation between the incidence of homicide and the availability of weapons. The nature of the weapon immediately available determines the outcome. . . .

"Nevertheless, the possession of firearms is encouraged and promoted by various private organizations and commercial interests. The explanation given is that guns provide for recreational activities in the form of hunting and target shooting. Furthermore, guns are claimed to be useful for protection. The utility of firearms as protection is a rationalization for the acquisition of an archaic symbol of masculinity. The National Commission on the Causes and Prevention of Violence used statistics from Detroit extensively:

" 'In Detroit, from January 1964 through September 1968, seven residential burglars were shot and killed by their intended victims, an average of just under two a year . . . When measured against the burglary rate, no more than two in a thousand burglaries in Detroit are foiled by shooting the burglar . . . While killings by home robbers are a small portion of all homicides (two and three per cent in Los Angeles and Detroit), home robbery when it occurs is far more dangerous than home burglary. For example, from January 1964 through September 1968 in Detroit, seventeen victims died as a result of home robberies, compared to three deaths of home burglary victims. Firearms are of limited

utility in defending against home robbers because the robber is usually able to surprise and overwhelm his victim. Detroit reported three cases of the victim killing a home robber in five years. In Los Angeles, where about 1,000 home robberies were reported in 1967, eight home robbers were shot and killed from January 1967 to October 1968 . . . During 1967 more lives were lost in home firearm accidents in Detroit—25—than were lost in home robbery and burglary in four and a half years—23.' "

There is evidence that effective firearms control through legislation would decrease both the incidence of homicide and armed robbery. When statistics are corrected to allow for the greater incidence of homicide and robbery in the United States as compared with England and Wales, they show that in robbery committed in the United States, guns are used about three times as often in the United States. The lower rate of firearm usage in violent crime committed in England and Wales suggests that a firearm control system that makes it substantially difficult to obtain guns is likely to have some effect in reducing the use of firearms in criminal behavior. Canada has a population one-tenth that of the United States and its homicide is one-forty fifth of ours. Canadian laws make it very difficult to own a gun with a barrel shorter than 22 inches. It has a ratio of 3,000 guns per 100,000 population compared to the U.S.A. of 13,500 hand guns per 100,000.

So far, attempts to obtain changes in legislation dealing with firearms control in the United States has been defeated by the National Rifle Association and other gun club lobbies. In addition, there is all too frequently inadequate enforcement of existing gun control laws. This does not mean that we should give up our attempts to obtain more adequate laws, and enforcement of our existing laws. Indeed, the legal profession, as well as mental health professionals and the law enforcement agencies, are continuing in this effort. In the last half of 1971, gun control legislation was finally passed in the city of Detroit.

With our rapid methods of transportation and highly mobile population, it will be necessary to have effective gun control legislation on a nationwide basis before it can be maximally effective.

In a study completed in 1972 and published in 1974 by Warren Green Company, "Citizens Who Commit Murder," the author recorded data obtained from a random sample of 200 homicidal offenders. These cases were selected at random from a total of 2,000 cases of homicidal offenders that the author has examined over the years since 1953, while working for the Michigan Department of Corrections. The author originally worked for the Michigan Department of Corrections as director of the psychiatric clinic from 1953 through 1960, and since that time has regularly visited the prison as a psychiatric consultant. The inmates examined in this study included men who were sentenced to prison as far back as 1924 for acts of murder. It is noted that after the year 1960 there was a definite increase in the number of inmates sentenced for murder committed as part of the act of armed robbery. In the first group of 100 inmates studied who entered prison prior to 1960, 23% had a prior record of imprisonment and in that group, 17% were committed for murders occurring during the course of planned crimes (armed robberies). Of the second group of 100 inmates who came into prison after 1960, 52% had a prior record of prison terms and 31% of the murders committed by this group were committed during the course of armed robberies. This reflects an increase in street crimes during the period of time since 1960 and the affect of the widespread drug uses in cities during the last one and one half decades.

Of the total 200 cases, there was some sort of very significant interaction between the perpetrator and the victim immediately before the act in 50% of the cases, and within three days prior to the act in another 16% of the cases. In this 66%, the ready availability of a gun to the perpetrator of the act had to be a significant factor in the final fatal outcome.

If one omits from this group the 48 murders which were committed as part of an armed robbery (where the victims were strangers in all but one instance), and the 19 who were victims of sexual psychopaths, some startling figures emerge.

These would reveal that of the 149 remaining murder victims, 31 were spouses, 23 were relatives other than spouses, 62 were friends or acquaintances, and 17 were lovers.

This represents 133 of the 148 victims (90%).

In all of these cases, there was some sort of significant interaction immediately preceding, or in the several days preceding the homicide.

These cases represent the most typical homicidal situation in this country.

The 149 homicides were most often the end result of family quarrels, love triangles, drunken arguments between friends, arguments over gambling debts, revenge, or recent threats to the life or integrity of the assassin. As Toch points out in *Violent Men*, (Chicago, Aldine, 1969): ". . . the intensity of a person's violence varies with the extent to which his integrity has been compromised. . . . Ultimately, violence arises because some person feels that he must resort to a physical act, that a problem he faces calls for a destructive solution. The problem a violent person perceives is rarely the situation as we see it, but rather some dilemma he feels he finds himself in . . . To understand violence, it is necessary to focus on the chain of interactions between aggressor and victim."

In doing the study of the 200 murderers, data was not kept initially on whether or not a gun was present in the home, in the automobile, or otherwise readily available to the perpetrator. As I continued with the study I saw the value of collecting this type of data. It was collected on the last 123 of the 200 cases. Out of this group of cases the data show that in 81 instances the gun was immediately available to the perpetrator of the murder. And in another case the subject became extremely disturbed on the day of the murder about the actions of the object of the murder, went to a nearby store and readily bought a gun there without any difficulty. Thus, a gun was available at hand in 81 of 123 of the cases where this information was collected, or 66%. Referring back to the data that attacks with a gun are 5 times more likely to result in death than an attack with a knife, the next most dangerous item, we see here that there would likely have only been 16 homicides instead of 81 if a gun had not been available, which is an 80% decrease in the likelihood of fatal assault in the absence of availability of firearms. Projecting this to a total of 2,000 murderers seen with a total of over 2,000 victims (since some were multiple murders), it is shown that at least 1,300 people died unnecessarily as the victims of these 2,000 murderers, because guns were readily available. I cannot think of any more forceful argument about gun legislation than the gun data of this research study. Very few of the victims were killed with long guns.

In conclusion, I feel it necessary to comment on the commonly experienced fact that guns are generally beautifully built pieces of machinery and are naturally attractive to people who have become accustomed in civilized countries to admire good works of precision engineering and machine finishing. The gun also represents psychologically the possibility of greatly extending any person's power. These two factors taken together make the gun an extremely attractive object to possess and is one of the factors involved in people's resistance to gun control legislation. There will still be more murders than necessary simply from the use of long guns, if all hand guns are banned. However, the fact that the hand gun can readily be concealed and the long gun cannot, makes it the most used weapon in homicide and a significant reduction in homicide would result by the banning of hand guns alone. Hunting is an important recreational activity and sport to millions of Americans and I feel that it is too much to ask that long guns be severely licensed and controlled here as they are in some European countries. Even though there will be cases of homicides committed during moments of passion by people in their own homes, using long guns that are kept there originally for hunting purposes only, there will still be a very significant and worthwhile reduction in homicide in the United States with the restriction of hand guns alone.

Mr. CONYERS. Our next witness is Harold W. Glassen. He has prepared a statement of some four pages, to which he has attached a great deal of material. It will all be accepted for the record. You won't be sworn in here, sir.

TESTIMONY OF HAROLD W. GLASSEN, ESQ., REPRESENTING THE MICHIGAN RIFLE AND PISTOL ASSOCIATION

Mr. GLASSEN. Mr. Chairman, may I have a glass of water?

Mr. CONYERS. Of course.

You are, I presume, the legal representative of the rifle and pistol association of Michigan. You may proceed in any way you please. Welcome before the subcommittee.

Mr. GLASSEN. Thank you, Mr. Chairman.

I am a practicing attorney, have been for 40 long years in the city of Lansing.

I am here as a representative of the Michigan Rifle and Pistol Association, a copy of my testimony has been filed with you and submitted. I also represent the Detroit Sportsmen's Congress who asked me to speak for them, as well as the National Rifle Association.

Mr. CONYERS. Well, that goes a litle bit beyond the indication I had here. Tell me about those three groups, a little bit, please.

Mr. GLASSEN. Well, the National Rifle Association, I have been associated closely with as a director since 1952. I had the honor of serving 2 years as president of the national organization in 1967 through 1969.

The Michigan Rifle and Pistol Association is what we term, our State association for the NRA in Michigan. It's a group, I don't know their exact membership, I think it will run around 700 at this time.

The Sportsmen's Congress is a sportsmen club, fishermen, conservationists who claim, I think, several thousand, I can't tell you. I am a member.

Mr. CONYERS. You are a past president of the NRA?

Mr. GLASSEN. I am a member of the council, Mr. Chairman, at this time. Past presidents are ordinarily elected to the executive council and we attend all meetings of the executive committee as a director.

If I may, I would like to read part of my statement, and I would like the privilege to deviate therefrom a little bit.

Mr. CONYERS. Please do.

Mr. GLASSEN. I would like to commend you. I read your opening statement to the group in Washington when you opened these hearings. I sensed from that, that you do favor further gun legislation. I commend you for your forthright statement. Perhaps that explains why there has been, in my opinion, an imbalance of witnesses before you. Perhaps you are seeking information for further legislation. I differ with you on the need for further legislation, but I do compliment you for your genuine, and I mean that sincerely, attempt to locate or to find, to define some further legislation in the field of guns.

Mr. CONYERS. Might I point out that what you may perceive an imbalance in the witnesses derives from my experience in holding these hearings. That is, that the potential alternatives are so many, and so different, among those who oppose change of the existing firearms regulation, that it's necessarily required of me to have this great diversity. You will notice from the witness list of yesterday and today, that there are people who might be categorized as for firearms control. But my responsibility is not to have half the witnesses for and half of the witnesses against. It's to examine the many ramifications. Therefore, I have to have far more people in diverse public life and private positions on one side of the question so to get a balanced and thorough view of those who have the opposite point of view. That is why the witness list here, specifically, has been carefully composed in this way.

Mr. GLASSEN. Thank you, Mr. Chairman.

I would like to mention one or two things about the good doctors who preceded me on this stand. I was disappointed that your counsel,

Mr. Chairman, did not challenge or did not inquire into the bald-faced statement of one of the doctors that the reason there were only four homicides per 100,000 across the river, and a 50-some odd in Detroit, was there were no guns. That statement is subject to challenge. He has no information on that. There is no one—there is information on all guns, all firearms, there is no specific information on handguns.

Now, I have before me, which I cut out, incidentally, yesterday, the latest Gallup poll, and "gun ownership," I quote from the news article:

> The highest in the nation is smaller communities, and in the south where a majority of residents, 58% say there is some kind of gun in their home.

Now, I think it is not a fact that Livonia has a lower percentage of guns than Detroit. At least there is no statistical information thereon.

Mr. CONYERS. If you will permit me to interrupt just for the purpose of keeping the record very clear, or as clear as possible; we have a frequent misunderstanding about what we are talking about when we use the word guns. The question constantly revolves around whether we are talking about handguns or long guns or both. And I think—I think therein may lie a partial reason to the difference of view that you and the preceding witnesses may have had.

Mr. GLASSEN. I gathered from the questions of the witnesses preceding the doctors that there is no study as to possession of handguns, in any place. That is, the Gallup poll is: How many of you have guns? There is no study that would show that Detroit has a higher possession of handguns than Livonia, none at all. In fact, I would believe to the contrary, but I have no more information than anyone else in this room. There is no study that I know of.

Something else that is frequently mentioned—it's about the homicides occurring between friends and relatives. A figure that was telephoned to me last night, that appeared in the Tribune the day before, is that the Chicago police released a figure showing that 61 percent of all persons charged, all persons convicted of murder, had a prior record, felony record, not necessarily murder, but a prior felony record. That 45 percent of all victims of homicides had a prior felony record. I do not have the clipping; it was telephoned to me from a very reliable source; I have no reason to doubt it. That, presumably, came from a police department.

Mr. CONYERS. Well, we'll take it for what it's worth then, under those circumstances.

Mr. GLASSEN. Mr. Chairman, I had the honor of testifying on two occasions many years ago before what was then termed the Dodd committee. Before that time, during these hearings, and up to this time, I have never been shown any evidence that there is any relation between a crime wave and the proliferation of firearms. I am here today to talk about crime. I am here today to talk on behalf, not only of the groups that I mentioned, the members, over a million members of the National Rifle Association, but 50 million responsible, law-abiding Americans who use firearms for recreation and protection.

Mr. CONYERS. Are you representing the national organization?

Mr. GLASSEN. Yes, sir.

Mr. CONYERS. And you have been authorized to do that?

Mr. GLASSEN. Yes, sir.

Mr. CONYERS. The reason I raise the question is that the national headquarters of the NRA, as you know, are located in Washington, D.C.

Mr. GLASSEN. Yes, sir.

Mr. CONYERS. And through their representatives with this committee, they have indicated their desire to testify in their national capacity. I was not advised that you would be testifying in a national capacity for the National Rifle Association at this local hearing. Now, if that is the case, and I have absolutely no objection to it, I would want to make sure that it would be clarified for the record because there would be no logic in the National Rifle Association testifying more than one time on behalf of its organization.

Mr. GLASSEN. Mr. Chairman, I, as the past president and as one active in the council, I can speak for the organization. However, and I don't wish to mislead you, I had no request from the NRA, as such, to represent them here, so I will limit my testimony to the organizations that I mentioned, and I do not wish to preclude the national organization from testifying before you in Washington.

Mr. CONYERS. Very well.

Mr. GLASSEN. The problem that truly deserves our attention is crime control. We, as sportsmen, all of the sportsmen in Michigan, the citizens of Detroit, people across this Nation, earnestly want to live in a society free from violence and crime. Taking firearms from responsible people gives further license to the criminal element to maim, rob, and rape the American public.

Let's not be duped. The problem of crime is criminals, not guns. Less than two-tenths of 1 percent of all firearms in the United States are used for illegal purposes. Colonel Plants, who recently retired as the commissioner of the State police in this State, which I knew and the chairman knew, said that less than one-hundredth of 1 percent of legal guns were involved in crime in this State. Now, nationally, the figure seems to be two-tenths of 1 percent. The other 99 8/10 percent are used legally for hunting, target shooting, for protection. The crime problem is created by the small percentage of people who have discovered that our lenient legal system makes it easier for them to prey on innocent victims than to work a respectable job at a good salary.

To a criminal, a firearm is a tool of the trade. He would no more register or turn in his gun than a doctor would turn in his stethoscope. Obviously, a law or laws requiring registration and/or confiscation would only affect the law abiding. Like the era of prohibition, organized crime would find ways to turn this into a wholesale nationwide moneymaking and crimemaking venture.

Let me ask a facetious question. Would anyone in this room, particularly those who live in the high crime areas of Detroit, place a sticker on the door of the home or place of business stating: "There are no firearms on these premises?" Of course not. You would be asking for trouble.

The question is a ludicrous one. Certainly no one, particularly in large cities like Detroit, would purposely set themselves up to be a victim of crime.

Now the organization that I mentioned, that I had the honor of being president, has in its bylaws the words, "to promote social welfare and public safety." We are the champion of every law-abiding citizen who owns a firearm for a legal purpose. And we think that we are the nemesis of those who illegally use guns. Curiously enough, many of those who demand the most restrictive gun ownership control laws are most active in supporting the rights of criminals, the right to furlough, easy bail, and quick probation. We would like to counter this by saying that we demand the rights of every citizen to be protected, the right to keep and bear arms, surely, but also the right to peace of mind and freedom from fear and crime. We feel that the citizen has a right to be protected from the criminal by invoking mandatory penalties for the commission of a crime with a firearm, speedy and decisive adjudication of criminal cases, and appropriate incarceration for recidivists.

Incidentally, the Michigan House, which I am sure the chairman knows, just passed a mandatory penalty bill 98 to 7.

Countless statements and articles repeat the phrase that the handgun has no sporting use. The Free Press ran a series, dozens and dozens and dozens of times. The handgun is to kill only. I want to give a rebuttal to this assertion. As you know, the National Rifle Association, or the Michigan Rifle & Pistol Association, which is the State organization, is the governing body for target shooting and the parent organization is responsible for selecting outstanding marksmen to represent the Nation in international shooting events, the World Shooting Championships, the Pan American, and the Olympic Games. There are five handgun events in the shooting portion of each of the famous Pan American and Olympic Games, plus a pistol shooting competition as one part of the Modern Pentathlon event of those games.

But let me emphasize handgun target shooting is stronger here in the United States. I would like to give you some figures and I am sure you must be tired of statistics, but these are minimal, Mr. Chairman. Last year, in 1974, the NRA sanctioned 534 high-power rifle tournaments and 997 smallbore—.22 caliber—rifle tournaments. We have 1,670 pistol tournaments. In these tournaments, purely recreational contests of skill, on a national and regional basis, there were over 19,500 high-power rifle contestants over 34,600 smallbore rifle shooter, but some 42,000 pistol shooters. This is organized competition on a national basis. How do these figures fit with the uninformed idea that handguns have no sporting use? And these figures do not include the thousands more who participate in club matches, State matches, league competitions, and just for fun. I understand, Mr. Chairman, that I was quoted yesterday as having said there were only 4,000 pistol shooters in Michigan. I don't know where the gentleman got that idea, but I might have said that there are 4,000 organized competitors n Michigan, which I think would be about right, but ,certainly, that is not true. We do not know because we do not license specifically pistol shooters in Michigan. I would estimate that there are many, many thousands, up, and I have given the figure before of 100,000 people who occasionally, one or more times a year, will hunt either large game or small game with a handgun.

Let me return to the matter of self-protection and self-defense. We also hear frequently the assertion that a firearm kept in the home is more dangerous to the owner and his family than to a criminal attacking this household. The statistics used, they are fragmentary and unreliable, are a comparison of apples with oranges. They fully ignore the crimes so often prevented by those who have the means of protecting themselves. The American Rifleman has for years carried reports of incidents under the heading of "The Armed Citizen." I have attached to my formal statement, which I have filed with you, over 100 news accounts of such occurrences. Each account contains reference to the paper where it was published or the source, usually from the police records. These are only a fraction of the accounts received and a much smaller fraction of those that happen. We made an analysis of these, and over a 5-year period these cases revealed that the mere presence of a firearm, without a shot being fired, prevented crime in more than one-third of all cases reported. What does this fact do to these statistics so frequently quoted? Obviously, it makes them meaningless.

This same fact drastically alters another statistic we frequently hear, that an individual shot by a gun is six times more likely to die than if attacked by another weapon. Let me point out one thing to you, and I do not have the source of this, Mr. Chairman, but I have read it, and I can't locate it again, these are taken from hospital reports, this six times more likely to die, are taken from the hospital records and it's a fact that many people involved in a fight with the fists or ball bat or feet, there is no intention to kill; there is only the intention to maim, to injure at the time, so, obviously, you're going to have fewer. Where the intent is actually to kill, there is not anything like six times or five times difference between the firearm and the pistol.

Fewer people die today, I'm sure you have had the statistics thrown at you, than died 35 years ago from firearms deaths. There are fewer people dying today, with the population twice as large, as died 35 years ago. There are already thousands of firearms laws on the books. None of these laws have been able to stop the spiralling crime rate, always we say we need a little more, even the Sullivan law. Each session of the Legislature has made it a little tougher, for 80-some years, they just need a little more. Because a firearm is easy to obtain illegally and gives the criminal what he wants, there is always going to be trouble because he wants unquestioned power over his victim. If the criminal were positive that a local liquor store owner abhorred violence and did not keep a gun in his place of business, he would most assuredly head in that direction. Will the same thug risk a possible deadly confrontation at the local sporting goods store, where firearms are displayed for sale, and salesmen familiar with their use?

The registration and confiscation will not make the streets of Detroit any safer for the average citizen, it would just make it easier for the criminal. Rather, I urge this committee to focus its efforts to restore to reality the motto that "crime does not pay." If we accomplish this and you can be certain that many thousands of concerned and law-abiding citizens will not feel the need to have a firearm in their homes for protection.

I have a couple more points, Mr. Chairman, and then I am through. This thought occurred to me, and it's not in my prepared testimony, but listening to the good doctors testify about the psychological point, I want to make a psychological point also. The peace of mind that is given to the law-abiding citizen who has a firearm in his home for protection, that makes him an equalizer with any thug that is trying to get in. Whether it does or not, doesn't really matter so much from a psychological point but it gives him peace of mind, and I don't think there is anyone in this room, Mr. Chairman, that would deny that, that there is a peace of mind in having the firearm which makes you equal of the other party.

Mr. CONYERS. I don't think those two medical witnesses that preceded you substantially disagreed with that statement either, do you?

Mr. GLASSEN. I don't think they would disagree with me.

Mr. CONYERS. I don't think they would.

Mr. GLASSEN. I don't think anyone here would. I think this is an important thing. I believe that good citizens have a right to something that will give them the peace of mind.

One last thing and I will walk away, that is this matter of registration we hear so much about, and the polls, I wonder what would be the answer on the Gallup Poll if we said are you in favor of a registration whereby many people will be deprived of the right to register their guns? Registration is not an automatic thing, Mr. Chairman, in many, many places, it's something that gives a bureaucrat the right to deny or give. If registration were automatic, like it is with automobiles, under certain circumstances, I think that your gun owners would not object, but not an automatic thing. Also, we have the matter today, in your city of Washington, where you spend a great majority of your time working, where there are guns that were legally registered, there is now a bill, which I understand has some chance of passing in the district that would confiscate all shotguns and pistols, not only the pistol, but the long gun, as well, even those that were legally registered. That is the bill that is being proposed. Mr. Chairman, I hope that you will consider the testimony of the sportsmen and I hope that you will determine that we do not need further legislation but rather enforcement of that which we have.

Mr. CONYERS. Attorney Glassen, I will say to you this: That I will carefully consider several points that you have raised that are, I think, cogent and bear upon this whole discussion. What we hope to do through these hearings, and I think you have been helpful in that direction, is to put upon the record for people to see and understand the very complicated issues that are involved here. Neither of us pretend that they are simple, and I suppose we would expect people to bring strongly held views to this arena to be exposed, hopefully to persuade their fellow citizens, on the direction that their Federal Legislature might take in this matter. So that I'd like to commend you for, at least, presenting in a dispassionate fashion a series of ideas that are very deeply held and felt by your membership. I appreciate that.

I would like you to spend 5 minutes with each of my counsel discussing whatever points they want to raise with you, and then we

will have our final witness for the afternoon, the president of the Antique Arms Collectors Association.

Mr. GLASSEN. Thank you.

Mr. GEKAS. Couple of things, Mr. Glassen. First of all, was I correct in my understanding that you said that if a registration system was designed so that handguns could be registered as a matter of right, the gun owners would support such a system?

Mr. GLASSEN. No. If I gave that impression, I did not mean to. I followed that with the statement that the sportsmen object to registering their guns because we have seen what happened in Washington, D.C., where guns legally registered are now sought to be confiscated. I can see that registration would do no good whatsoever. I have talked to a number of police chiefs, including Davis from California, who, incidentally says, that he would never give up his gun until the police can guarantee protection of every individual; of course, they can't do that. A sportsman will object to registration because it serves no purpose; and, as I started to say, the police chiefs say it isn't an instrument in solving very many crimes.

Mr. GEKAS. I wanted to make that clear. It sounds like you would endorse a limited registration.

Mr. GLASSEN. I am glad you let me make it clear. We do not.

Mr. GEKAS. With 40 million handguns owned in the United States, and perhaps 200 million long guns and shotguns, can you only cite a little bit over 100 instances in which firearms were used in the prevention of an offense?

Mr. GLASSEN. No, there are many thousands. I wouldn't know, Mr. Gekas, how many there are. These are a few, a very few that are sent in to the National Rifle Association. This represents, I think, something less than a quarter, don't hold me to that, but I think it's less than newsworthy instances published by the newspaper. These were taken at random over a 5-year period and I included only 100 or so. How many there are, no one knows.

No one knows the deterrent effect of a gun. I think it's substantial. I think that we can point out statistics that in those counts where the proliferation of guns are the greatest you have fewer home break-ins, but I don't think that is the sole answer and I am not going to try to sell you that, because it may be a matter of fewer people in an area. Very few break-ins in Idaho, Nebraska, Wyoming, where the guns are very thick, very high proliferation of guns, in New York where there shouldn't be scarcely any guns, you have very, very high break-in rate, robbery rate, so I don't think that is the whole answer, but I think it's a deterrent and there haven't been any studies and there hasn't been enough talk about the deterrent effect of a gun.

Mr. GEKAS. I would suggest that if your organization would cite the deterrent effect of the gun, that it would be worthwhile for some studies to be done.

Mr. GLASSEN. I think a study should be done on that and I plan to have such done. As I mentioned, facetiously, no one would put a sign on his door, "There are no guns in this house."

Mr. GEKAS. Do you support the "Saturday night special" legislation or any of its forms in the House of Representatives?

Mr. GLASSEN. If I knew what a "Saturday night special" was, I would. I have given it considerable thought and if I have to come up

with a definition of a "Saturday night special," it would be a gun costing less than $10. There is no way to define a "Saturday night special," that I know of.

Mr. GEKAS. Congressman Dingell from the Detroit area, Michigan, has, in the last two or three sessions of the Congress, introduced a series of bills in which he has attempted to define the "Saturday night special." He is a member of the board of directors of the National Rifle Association.

Mr. GLASSEN. He is not acting for NRA on that. He is acting as a Congressman in that connection.

Mr. GEKAS. I would also like to cite Congressman Sykes of Florida who also is a member of the board of directors of the NRA and he testified in Washington before our committee and said that he would support "Saturday night special" legislation because he saw a crying need for it.

Mr. GLASSEN. Those two men are both friends of mine. I think they are floundering for some kind of answer. This, incidentally, was declared unconstitutional at the appellate level in Missouri, I believe, as not being within—the average man is not going to know when he buys a gun, whether it will melt at 800 degrees or 8,000 degrees.

Mr. GEKAS. You are familiar with the series of Federal court decisions, appellate court decisions that have upheld what is essentially the "Saturday night special" fees for imported handguns?

Mr. GLASSEN. That is a different thing. It's easier to get at that than there is for the individual. There you have importers who have some expertise and some means of determining it. The man going out on the street buying a gun has no means of determining whether it's going to melt at 800 degrees or what. I do not agree with Congressman Dingell, as much as I like him. I do not agree with his legislation or that bill.

Mr. CONYERS. Counsel Hart.

Mr. HART. Mr. Glassen, you suggest near the end of your oral remarks that, I believe, and correct me if I'm wrong, there are fewer persons dying today from firearms than 35 years ago?

Mr. GLASSEN. I think that is a fact.

Mr. HART. Do you have a source for that? I certainly don't mean murder and nonnegligent homicide. Are you familiar with the FBI crime statistics?

Mr. GLASSEN. Yes. I am talking about firearms related deaths.

Mr. HART. You are talking about accidents?

Mr. GLASSEN. Firearms related deaths. I believe my figure is right but I cannot give you the source but it could be the same book that you have in front of you.

Mr. HART. This deals only with crimes so I don't think——

Mr. GLASSEN. It wouldn't be that.

Mr. HART. You mentioned you haven't seen any evidence of the relationship between firearms ownership and homicides. We have seen what purports to be some evidence but I would offer this for your consideration, you mentioned the South particularly so I will concentrate on that because they have a high per capita gun ownership rate and also what are considered to be, I suppose, as weaker gun laws as a region in general. In Atlanta, Ga., with a population of

1.6 million, the homicide murder or nonnegligent manslaughter for these purposes, I will call it homicide, there was a rate per 100,000 of 20.8. Waco, Texas, with a population of 148,000 had a rate of 21.6. Savannah, Ga., with a population of 214,000 had a rate of 20.1. To go west, Santa Cruz, Calif., with a population of 138,000 had a rate of 20.3. Now, the Detroit metropolitan area, with a population of around 4½ million, these are statistical metropolitan—standard metropolitan statistical areas, Detroit, with a population of around 4 million, had a rate of 19.3. New York City, which, as you mentioned, has a strong gun control law, had a rate, the standard metropolitan statistical area of New York City and near New Jersey, with a population of almost 10 million, has a per 100,000 population, murder and non-negligent manslaughter, homicide rate of 17.5. Now, is that evidence of, for correlation between firearms ownership and homicide?

Mr. GLASSEN. You would have to give me, Mr. Hart, the other statistics. What is relative proliferation of firearms in the areas that you mentioned.

Mr. HART. As I said, for general purposes, and we will get into the very specific statistics, a study, a very comprehensive study that has been done by Professor Franklin Zimmerins, mentions the regional area, the 11 States, has a higher per capita firearms rate.

Mr. GLASSEN. I think Gallup also says that, but he also says there is less along the east coast, including New York, and yet New York is up there within a point or two of the different——

Mr. HART. Does that mean there is a relationship between the proliferation, the ownership of firearms and the homicide rate?

Mr. GLASSEN. Not to me, it doesn't. I fail to see it. If the areas in Wyoming, for example, where you have a very, very high percentage of firearms, in my own town of Lansing, we have a much higher—I'm sure we have a higher ownership rate of firearms in Lansing than you have in Detroit, yet our per 100,000, and that is about as high as we go, is something less than three.

Mr. CONYERS. Do you need one more question or no more questions?

Mr. HART. I just wanted to make a couple clarifications for the record. First of all, I wanted to ask Mr. Glassen if he could provide for our record—he mentioned the 5-year analysis of the armed citizen, the number of incidents they received and analyzed, and how those incidents break down into specific categories because I think we are very much concerned with these deterrent questions: (1) The categories in which it was the direct confrontation between a citizen in his home, and an intruder; (2) the category of the number of incidents in which it was a direct confrontation between a dram shop or drycleaning or any other sort of businessman and an intruder; (3) a third party situation, that is where a person with a firearm witnessed a crime in progress or a crime about to be perpetrated, and intervened; (4) the incidences in these situations where the attacker was successfully driven off; and (5) what I want specifically is the situations where a long gun, as opposed to a handgun was used.

If I may, Mr. Chairman, one further question, are you familiar with most of the legislation or some of the legislation that this subcommittee is considering, Mr. Glassen?

Mr. GLASSEN. I try to read a résumé of all the bills that have been introduced in Congress but I think it has got ahead of me. You have 160, or something like that.

Mr. HART. The reason I ask you this, most of the legislation we have received, even what has been called confiscation type legislation, do make exceptions, as far as handguns are concerned, for licensed pistol clubs, that is, licensed pistol clubs would be permitted to have and store firearms for essentially competitive and recreational purposes. Now, by your statement, do you mean to imply that, essentially, the sole supporting purpose for the handgun is target competition?

Mr. GLASSEN. Not at all, sir. I mentioned, in my opinion, and there is no record on this, but in my opinion there are at least 100,000 sportsmen in Michigan who hunt with the handgun. I am one. I hunt small game with a handgun. It's very challenging. I think there are either 100,000 that hunt small game or large game. The exceptions I have made or the résumé of the bills provide that the registered or duly licensed pistol clubs, whatever that means, by the time the bureaucrats get through with it, and providing handguns are kept at the club. What a beautiful place. You are making it wonderful for the criminals to have a supply of guns. Besides there is no respectable target shooter with a 500 or 1,000 guns that, by any stretch of the imagination, is going to leave that in the tender custody of his club. It will be left in a vault some place.

Mr. HART. You contend there are more handgun hunters than there are organized and unorganized handgun target shooters.

Thank you.

Mr. CONYERS. Counsel Glassen, you have done a very persuasive job on behalf of not one, but all of the organizations that you represent. We are going to examine your testimony carefully and, again, I appreciate your coming before us.

Mr. GLASSEN. Thank you, Mr. Chairman. Thank you, gentlemen.

Mr. HART. An individual shot by a gun is six times more likely to die than if attacked by another weapon. The statistic I think he has reference to, and perhaps it has been misquoted by the people here, that I think that in conflict situations where a weapon is used, a handgun or a gun, a firearm is six times more likely to result in a fatality if used than some other sort of weapon. In other words, I don't believe the statistic that has been bandied about means where a firearm has actually been fired. What it means is that in a situation where a weapon is used, the statistics demonstrate, and this is how it's quoted, that if a firearm is used, fatality is six times more likely to result than if another weapon is used.

Mr. GLASSEN. I have heard it the other way, that where a handgun is used, or a firearm is used, there is six times or five times, something more likely of death to result. I don't—I couldn't hear clearly what the doctor said on it so I don't know his particular testimony.

Mr. HART. I want to make that clarification, Mr. Chairman.

[The prepared statement of Mr. Glassen follows:]

STATEMENT OF HAROLD W. GLASSEN

My name is Harold Glassen. I am a practicing attorney in Lansing, Michigan. I first was elected a director of the National Rifle Association in 1952 and had the honor of serving as President of that Association from 1967 to 1969.

I am here today, not only as a spokesman for the one million-plus members of the National Rifle Association, but also on behalf of up to 50 million responsible, law-abiding Americans who use firearms for recreation and protection. I would point out that this is a considerable percentage of our total population.

The problem that truely deserves our attention is crime control. We, the National Rifle Association, the citizens of Detroit and others all across the nation, earnestly want to live in a society free from violence and crime. Taking firearms from responsible people gives further license to the criminal element to maim, rob and rape the American public.

Let's not be duped. The problem of crime is criminals—not guns. Less than two-tenths of one percent of all firearms in the United States are used for illegal purposes. The other 99 and 8/10ths percent are used legally for hunting, target shooting and protection. The crime problem is created by the small percentage of people who have discovered that our lenient legal system makes it easier for them to prey on innocent victims than to work a respectable job.

To a criminal, a firearm is a "tool of the trade." He would no more register or turn in his gun than a doctor would turn in his stethoscope. Obviously, a law or laws requiring registration and/or confiscation would only affect the law-abiding. Like the era of Prohibition, organized crime would find ways to turn this into a wholesale nationwide money-making and crime-making venture. Would anyone in this room, particularly those who live in the "high crime" areas of Detroit, place a sticker on the door of their home or place of business stating, "There are no firearms on these premises"? I think not.

The question is a ludicrous one. Certainly no one, particularly in large cities like Detroit, would purposely "set themselves up" to be a victim of crime.

The National Rifle Association has in its bylaws the words, "to promote social welfare and public safety." We are the champion of every law-abiding citizen who owns a firearm for a legal purpose. Curiously enough, many of those who demand the most restrictive gun ownership control laws are most active in supporting the "rights" of criminals—the rights to furlough, easy bail and quick probation. The National Rifle Association would like to counter this by saying that we demand the rights of every citizen to be protected—the right, to keep and bear arms, surely, but also the right to peace of mind and freedom from fear and crime. We feel that the citizen has a right to be protected from the criminal by invoking mandatory penalties for the commission of a crime with a firearm, speedy and decisive adjudication of criminal cases and appropriate incarceration for recidivists.

Countless statements and articles repeat the phrase that "the handgun has no sporting use." I want to give a rebuttal to this assertion. As you know the National Rifle Association is the national governing body for target shooting and is responsible for selecting outstanding marksmen to represent the nation in international shooting events—the World Shooting Championships, the Pan American and the Olympic Games. There are 5 handgun events in the shooting portion of each of the famous Pan American and Olympic Games, plus a pistol shooting competition as one part of the Modern Pentathlon event of those games.

But let me emphasize handgun target shooting here in the United States. Last year, 1974, the NRA sanctioned 534 High Power Rifle tournaments and 997 Smallbore (.22 caliber) Rifle tournaments. But 1,670 Pistol tournaments were sanctioned. In these tournaments, purely recreational contests of skill, there were over 19,500 high power rifle contestants, over 34,600 smallbore rifle shooters, but some 42,000 pistol competitors. How do these figures fit with the uninformed idea that "handguns have no sporting use"? And these figures do not include thousands more who participate in club matches and league competitions. Gentlemen, these people are not criminals.

Let me return to the matter of self protection and defense. We also hear frequently the assertion that a firearm kept in the home is more dangerous to the owner and his family than to a criminal attacking this household. The statistics used (and they are fragmentary and unreliable) are a comparison of apples with oranges. They fully ignore the crimes so often prevented by those who have the means of protecting themselves. The AMERICAN RIFLEMAN has for years carried reports of incidents under the heading "The Armed Citizen." Those published are only a fraction of the accounts received, and a much smaller fraction of those that happen. Yet a five-year analysis of these cases revealed that the mere presence of a firearm, without a shot being fired, prevented crime in more than a third of all cases reported. What does this fact

do to these statistics so frequently quoted? Obviously it makes them meaningless.

This same fact drastically alters another statistic we frequently hear—that an individual shot by a gun is six times more likely to die than if attacked by another weapon. But let us consider not only those tragic victims, but also those who effectively prevented any attack from taking place. What would be any individual's preference?

There are already thousands of firearms laws on the books. None of these laws have been able to stop the spiralling crime rate. Why? Because a firearm is easy to obtain illegally and gives the criminal what he wants—unquestioned power over his victim. If a criminal were positive that a local liquor store owner abhorred violence and did not keep a gun in his place of business, he would most assuredly head in that direction. Will the same thug risk a possible deadly confrontation at the local sporting goods store, where firearms are displayed for sale, and salesmen familiar with their use?

Registration and confiscation will not make the streets of Detroit any safer for the average citizen, they would just make it easier for the criminal. Rather, I urge this Committee to focus its efforts to restore to reality the motto that "crime does not pay!" Accomplish this and you can be certain that many thousands of concerned and law-abiding Americans will not feel a need to have a firearm in their homes for protection.

[Editorial from The Silent Protectors]

Last year *The American Rifleman* published in its "Armed Citizen" columns 112 actual instances in which the mere presence of a firearm in the hands of a resolute citizen prevented crime without bloodshed. Every case came from news reports confirmed by police records in 97 communities across the land. Among these were Seattle, Kansas City, San Jose, Atlanta, Baltimore, Dallas, Detroit, El Paso and 89 others.

Every one chronicled a triumph of a self-reliant American with the "cool," to use the current slang, to stop a crime without shooting anyone. They prevented robberies and quite possibly rapes and murders. They were able to do so because they were armed—with guns.

Now on the 100th anniversary of the National Rifle Association of America, we would like to ask a simple question:

Can anyone show us where 112 crimes have been averted by the Federal Gun Control Act of 1968?

Those who uphold this act and would further disarm law-abiding American citizens owe it to the American public to explain themselves.

Can they say why it is that crime continues to rise under the 1968 act instead of decreasing?

Without putting words into overworked mouths, we can surmise that they will say the answer is a need for even stricter gun laws.

In all honesty, we must disagree. The answer is a need for many things, but laws that deprive decent persons of self-protection are not among them.

The answer may be a need for more uniformed policemen patrolling our crime-infested big cities. Philadelphia in chopping down in crime rate provided prima facie evidence of this. The Washington, D.C., police department, recruited to full strength for the first time in many years, also brought about a distinct reduction in crime by putting more properly-trained patrolmen on the streets. Some other communities have succeeded, likewise.

The answer may be a need for longer sentences that keep habitual criminals in jail instead of allowing them to whiz through courtrooms with a speed that makes justice somewhat like a revolving door.

The answer may be the need for broad rehabilitation programs that reorient all but the most hopeless hardened criminals (if there are such), and end the cycle under which many criminals find themselves compelled to return to crime for lack of anything better.

The answer may be an end to flabby permissiveness and a "lie down and quit" attitude on the part of some local courts and authorities whenever unruly, lawless elements "make a fist" at them.

The answer may be a return to a traditional American creed recognized and practiced by every good NRA Member, of respecting the rights and way of life of all respectable fellow Americans.

It is proper to discuss all this on the 100th anniversary of The National Rifle Association of America, an organization founded to promote marksmanship and broadened to support conservation and national improvement, because the legitimate ownership of firearms is an integral part of our Nation. This the NRA recognizes and champions.

As shown in this magazine and elsewhere, the mere presence of firearms in the hands of responsible Americans can serve to curb violence. The Federal Gun Control Act of 1968 apparently can't.

There is reason to believe and hope that the next Congress will recognize this fact and repeal the 1968 Act, at least insofar as it places burdens and restrictions on individual law-abiding gun owners.

That, coupled with the mandatory penalty laws that the NRA has long advocated for criminal misuse of guns, will do more to curb crime than the senseless provisions of the 1968 act which tend to stamp out legitimate gun ownership while criminals run riot and thumb their noses at all laws.

[Editorial from The Armed Citizen—And Not A Scratch]

Some advocates of handgun confiscation have asserted repeatedly that the possession of firearms by private citizens endangers the owners more than criminals who attack them. Like most persons familiar with firearms, we doubt this. Yet this mistaken statement appears in a staff report of the National Commission on Causes and Prevention of Violence, in which personal protection by firearms is termed "largely an illusion" and "rarely effective" in urban homes.

Here, on the contrary, are many instances, taken at random from the news, where a firearm in private hands averted or halted a crime without anyone being shot. Many more such instances could be given in which the mere sight of an armed, determined citizen ended a crime attempt on the spot. In such cases, it often proves unnecessary to fire a shot.

An intruder had forced open a window and had one leg inside Myron Klimaszewski's apartment in Baltimore, Md., when Klimaszewski awoke about 4:00 a.m. He pointed a pistol at the man, ordered him to freeze, and called the police, forcing the man to stay in his position straddling the window sill until officers arrived. (*Baltimore, Md., Evening Sun*)

Two youths entered Frank Zielski's store in Buffalo, N.Y., and demanded money. One held his hand in his pocket as if he had a gun. Zielski backed away from the cash register, pulled his pistol from his belt, and fired one shot into the air. The youths ran empty-handed from the store. (*Buffalo, N.Y., Courier-Express*)

After being plagued by repeated break-ins at his service station, P. R. Miller of Richmond, Calif., hid in the back of the station at midnight with a shotgun. When a burglar broke into the station a half-hour later, Miller fired a warning blast and made the burglar lie on the floor until police arrived. (*Richmond, Calif., Independent*)

Three men from Montrose, Colo., were on their way home from a hunting trip when they surprised four youths beating a State patrolman with rocks. The patrolman had stopped the youths for a traffic violation and the four boys had jumped him. The hunters stopped the scuffle and held three of the youths at gunpoint; the other young man and a juvenile girl who was in the car escaped, but were captured shortly afterward. (*Denver, Colo., Post*)

Huntsville, Ala., merchant Floyd Maddox saw someone trying to remove the burglar bars from the window of his store late at night and called police. Investigating officers arrived to find Maddox, armed with a shotgun, holding the would-be burglar captive on the roof of the firm. (*Huntsville, Ala., Times*)

Returning to his Holden, Mass., home for lunch, Leslie Spofford surprised two men forcing open his rear door. The pair fled. Spofford pursued and caught them, covering them with a pistol until police arrived. Police said both men were wanted nearby for housebreaking and in Washington State for armed assault.—*Massachusetts State Police by Capt. Stanley W. Wisnioski.*

Mrs. Guytrelle Pruitt didn't answer the latenight knock on the door of her home near Hartwell, Ga., but saw a pickup truck parked in front of the house and heard someone climb through a window at the rear of the home. She and her daughter held the intruder at gunpoint until officers could arrive. (*Anderson, S.C., Independent*)

A would-be robber wielding a pistol approached William E. Baize of Bakersfield, Calif., in a self-service laundry and demanded money. He was so surprised

when Baize pulled a pistol of his own that all he could do was stare open-mouthed until police arrived to apprehend him. (*Bakersfield, Calif., News Bulletin*)

Mrs. Anita Osterman was prepared when a man came into the Wichita, Kans., store where she was a clerk, pulled out a knife and said, "Give me all the money." She reached under the counter for a .38 revolver, pointed it at the man, and said, "No." He fled. (*Wichita, Kans., Eagle*)

Two men came into a coin-operated laundry where Ocella S. Willard of Rockford, Ill., was sitting, grabbed her purse and ran. She shouted that she was armed, then fired a shot from her pistol into the ground. The pair dropped the purse and ran faster. (*Rockford, Ill., Morning Star*)

A young man who knocked on William Cohoon's door in San Jose, Calif., and demanded money, had a gun butt protruding from his waistband. Cohoon left the door, saying he would get some money, but came back with a pistol instead. He fired a warning shot as the stranger fled. (*San Jose, Calif., Mercury*)

Ivory D. Prewett of Avondale, Penn. surprised two men who were attempting to burglarize his garage. Arming himself with a shotgun, he ordered the intruders to stop. Instead the two ran for the back door. Prewett fired twice, but the two escaped. (*West Chester-Paoli, Penn., Daily Local News*)

In holding up a Miami, Fla., restaurant, two armed robbers covered employee Patricia Hepburn, 19, so closely that her co-worker, Otis Shabazz, 40, could not use his pistol. Vaulting over the counter, Shabazz forced one robber to flee and held the other at gunpoint for police. (*Miami, Fla., Herald*)

Edward Esper was about to close his Worcester, Mass., grocery store when two holdup men entered and one produced a gun. Pretending to get money from the cash register, Esper drew a .22 pistol and exchanged shots with the bandits, who fled empty handed. (*Worcester, Mass., Metropolitan News*)

At 3 a.m., James Perry Knott of Big Spring, Tex., observed three suspicious-looking youths entering the office of a local motel. Following them with a shotgun, Knott saw one force the manager toward a back room at knife point, as the other two bagged money from the cash box. When Knott entered with his gun, the youths fled. (*Big Spring, Tex., The Big Spring Daily Herald*)

Mrs. Deloris Ehle of Ft. Wayne, Ind., was suspicious of two men who parked in her driveway. Consequently, she did not respond when they knocked first on her front door, then on her back door. But when they took a ladder from her garage and removed one of her window screens, she grabbed a shotgun. Seeing the armed homeowner, the two men fled. (*Ft. Wayne, Ind., The News Sentinel*)

When two armed men attempted to rob Dale Meadows' Tulsa, Okla., drug store of cash and narcotics, Meadows gave them what they wanted. But as they were leaving he got a pistol and fired at them. One man shouted, "Don't shoot." The other dropped a pillowcase in which they had placed the drugs and cash. Both fled out the door. (*Tulsa, Okla., The Tulsa Tribune*)

After closing the Seattle, Wash., gasoline station where he is employed, auto mechanic Edward Wagner was driving home when a car carrying four masked men forced his car off the road. They then ordered him to toss out a money bag containing change from the station. When one of the robbers attempted to retrieve the money, Wagner pointed a gun at him. The four sped away after firing a shot that missed Wagner. (*Seattle, Wash., Post Intelligencer*)

Investigating a noise in his garage, Glenn A. Finley of Danville, Ill., surprised a youth who ran, shouting, "If you shoot me you'll be in hot water." The boy stopped after Finley fired a warning shot from his pistol. He was later taken to the police station, and released to his mother. (*Danville, Ill., The Commercial-News*)

A burglar alarm connected to Brooks Mundy's Huntsville, Ala., grocery store sounded at his home late one night. Taking a shotgun, Mundy went to investigate. He discovered a man hiding outside the store and another climbing through a broken window. The merchant held both suspects until police arrived. (*Huntsville, Ala., The Huntsville Times*)

Mr. and Mrs. Michael McWilliams of Palmetto, Fla., pulled off the road to rest at a closed gas station near Titusville, Fla. at 2 a.m. About an hour later, they were awakened by noises made by two prowlers who had entered the station. McWilliams grabbed a .22 pistol and held the suspects until a passing Deputy Sheriff came along. (*Miami, Fla., The Miami Herald*)

An Oakland, Calif., restaurant owner and handgun expert, Leroy Taylor, was working alone when an armed youth entered, demanded money, and or-

dered Taylor to face the wall. Instead Taylor grabbed a revolver under his apron and fired three shots into the wall, deliberately missing the youth by several inches. The robber fainted, dropped the money, then recovered and ran. Taylor has trained policemen, movie cowboys, and has given shooting demonstrations at Disneyland. (*Oakland, Calif., Oakland Tribune*)

A Minneapolis, Minn., service station manager, Donald E. Moran, was given an "Outstanding Citizen" award by the Minneapolis Police Officers Federation for his "bravery and preparedness" during a robbery at his station in September. Moran fatally wounded a robbery suspect with his automatic pistol, then wounded a second suspect fleeing from the scene. (*Minneapolis, Minn., Star*)

When Mrs. Joan Pellissier of Orinda, Calif., heard an alarm connected to her father's barn go off at 5 A.M., she grabbed a .22 rifle and cornered two teenage would-be burglars in the barn, firing a warning shot into the ground when they tried to leave before police arrived. (*Oakland, Calif., Tribune*)

When cab driver Timothy Kane of Franklin, N.J., picked up two young men, one immediately pulled a gun and the other a knife. Kane whirled around and fired his .25 automatic through the front seat, hitting one youth in the arm and leg and the other in the stomach. (*New Brunswick, N.J., Daily Home News*)

Phoenix, Ariz., gun shop owner Delmar Beavers was working overtime in the back room of his shop when he heard breaking glass. Investigating, he found an intruder inside the smashed front door of the store. When the man advanced at him, Beavers fired three times, hitting him in the legs. (*Phoenix, Ariz., Gazette*)

When two armed teenage boys came into her cloth shop in Columbia, S.C., Mrs. Wilma Bickley picked up a pair of scissors and prepared to defend herself. One youth put his pistol into his pocket and Mrs. Bickley put down the scissors. He picked up the scissors and drew his gun again, whereupon Mrs. Bickley reached beneath the counter for her own gun and the youths fled. (*Columbia, S.C., State*)

A gunman entered a Cleveland, Ohio, grocery store and demanded that owner Charlie Washington give him money. Washington handed him money, dropping some of it on the floor. When the bandit stooped to pick it up, Washington began to fight with the man and shouted for his daughter Linda, 17, who shot the robber with her .38 pistol. (*Canton, Ohio, Repository*)

Three men tried to sell Stacie B. Hunt of Flint, Mich., a TV and a woman's coat, but Hunt recognized the coat as one stolen from an acquaintance three days earlier. He held the men with a shotgun until the police arrived. The men later admitted to 172 burglaries and 67 thefts from autos in Flint. (*Flint, Mich., Daily Journal*)

A teenage boy tried to hold up Monta Lee Savage of Uniontown, Pa., and threatened her with a four-foot section of rubber hose. She promptly drew her .25 automatic, disarmed the youth, and held him for police, who arrived to find her with pistol in one hand and permit for it in the other. (*Uniontown, Pa., Evening Standard*)

When a man drew a .32 revolver and demanded money from Los Angeles store clerk Sam Villa, he got $80 from the cash register. But Villa triggered a silent alarm, drew a .38 revolver, and exchanged shots with the robber. The robber staggered outside and died. Villa was wounded in the chest and hand. The incident was photographed by a hidden movie camera. (*Los Angeles, Calif., Times*)

Jethro Brown of Houston, Tex., closed his Washateria for the night and pocketed the day's receipts. As he started for home, he noticed a man following him. The man walked ahead, then wheeled and pointed a sawed-off .22 rifle at him and said, "Hold it." Brown jerked his .38 revolver from his belt and fired, killing the would-be robber. (*Houston, Tex., Post*)

James Freeman of Florence, Oreg., awoke from a nap one afternoon to hear banging on his house. He rushed to the door, pistol in hand, just as an intruder came through the door. He held him at gunpoint until an officer arrived. The officer had already picked up the robber's confederate on his way to answer the call. More than $1,500 in goods stolen earlier was recovered. (*Eugene, Oreg., Register Guard*)

Things didn't work out as planned when two would-be robbers, armed with a pistol and rifle, strolled into a Philadelphia, Pa., check cashing agency and told cashier Sadie Goldman, "This is a stick up." Miss Goldman wasn't easily intimidated—she pulled out a pistol and fired at the men, who fled empty-handed. (*Germantown Courriar*, Philadelphia, Pa.)

Two burglars breaking into Don Hash's service station near Vista, Mo., didn't expect a reception. But Hash, who was sleeping in the station, held a pistol on the pair and called the sheriff. (*St. Clair County, Mo., Courier*)

St. Louis, Mo., oil dealer Roy Roberts arrived at a service station just as two men were holding up the attendant. He drew his pistol and exchanged shots with the robbers, who escaped without the loot. (*St. Louis, Mo., Post-Dispatch*)

After cleaning out a Detroit, Mich., dry cleaner's cash register at gunpoint, a thief tried to run out the front door. But he accidentally locked himself in. Mrs. Leamon Gainer, the clerk, drew a .38 revolver from her purse and shot the thief in the shoulder. He dropped his gun and the money. (*Detroit, Mich., Free Press*)

Two men with robbery on their minds were dissuaded when they discovered that their target, Columbus, Ohio, gunshop owner Charles R. Braun, was armed. The men entered the shop and one drew a knife, but when they saw that Braun was wearing a gun in a belt holster, they turned and fled. (*Columbus, Ohio, Dispatch*)

Robert Keller had just left his Washington, D.C., apartment when a hoodlum held a knife to his ribs and took a ring and fur overcoat. Before he could take anything else Keller's young son, Bernard, opened the apartment door and began firing his air gun. The robber fled down the steps. (*Washington, D.C., Post*)

Centerville, Ill., farmer Frank Betz saved 3,000 lbs. of stolen mail when he found a mail truck parked in his field about 8:30 p.m. Three blasts from his shotgun frightened away the two robbers who were going through the mail in the truck they had stolen at gunpoint from its driver. Authorities said 98% of the mail was untouched. (*St. Louis, Mo., Globe-Democrat*)

Hearing prowlers in her back yard, Georgia A. Edwards of San Antonio, Tex., hid in a closet with a pistol. When two men broke into the house and turned on the bedroom light, she shot one man in the jaw. Both fled. The wounded man was later apprehended. (*San Antonio, Tex., Light*)

When four men walked into W. P. Hall, Sr.'s Plant City, Fla., store and brandished a revolver to demand money, Hall, 82, pulled out a .22 pistol and fired. The men ran from the store, and Hall fired again at their departing car. Two private citizens followed the men and notified sheriff's deputies, who arrested three of the four. (*Tampa, Fla., Tribune*)

An armed bandit entered the "Mom and Pop" market in Long Beach, Calif., and demanded money. Mrs. Eleanor Ambrose, standing beside the cash register, whisked a .38 from under the counter and shot him in the chest. He dropped his gun and ran. Her husband, John Ambrose, picked up the bandit's gun and shot him in the leg. (*Long Beach, Calif., Press Telegram*)

When bandits shot and killed a grocery store manager in New York City, the assistant manager ran across the street and called to Carlos Casanas, owner of another grocery store. Casanas ran into the street with his .45 automatic as the two bandits fled. He fired at them, killing one and wounding the other. (*New York, N.Y., Post*)

When a man attempted to kick down the door of Mrs. Earnestine Johnson's home in Memphis, Tenn., she yelled at him to leave. He continued to kick at the door, so she fired through the door with a .22 rifle, wounding him in the leg. (*Memphis, Tenn., Press-Scimitar*)

Rev. George W. Gates of Atlanta, Ga., went to the aid of a woman who was dragged screaming from her car into an apartment by a youth who was beating her and threatening to kill her. Rev. Gates fired a .22 pistol in warning, then fired at the assailant, wounding him. (*Atlanta, Ga., Journal*)

When two men armed with a gun and a knife entered and robbed his Flushing, N.Y., jewelry store, Arnold Gessner did not draw his own .38 for fear of endangering his 16-year-old daughter who was in the store. But when the gunman snarled "I think I'll kill your daughter," Gessner shoved her into a back room and fired, wounding the gunman in the stomach. The other bandit fled. (*Long Island, N.Y., Daily Press*)

Awakened by a loud crash just after mdinight, Mrs. Leona B. Ciechanowski, alone with her three children in her Camden, N.J., home, saw a man entering downstairs. She called police, then waited. When the man came upstairs, Mrs. Ciechanowski held him at bay with a pistol until police arrived. (*Camden, N.J., Courier-Post*)

Returning home, George King, Jr., of Macon, Ga., heard noises upstairs. He got his pistol, went upstairs and cornered three intruders. Police charged the

three, plus a fourth man, with 46 counts of burglary. After further investigation, they were also charged with the rape of a Macon housewife. (*Macon, Ga., Telegraph*)

Twelve-year-old Gail Burdine, alone in her parents' home near Eufala, Okla., watched while a man knocked on the doors, then broke through a glass patio door. She meanwhile loaded and cocked a .410 ga. shotgun. When the intruder stepped through the smashed door, she pointed the gun at him and said, "That's far enough." The man turned and ran. She reported his auto tag number and description to police, who arrested a suspect. (*Muskogee, Okla., Phoenix*)

Insurance premium collector Samuel F. Barnes of Richmond, Va., was approached by three youths, one wielding a stick, after leaving a house where he had made a collection. He backed off, drew his pistol and fired a warning shot into the ground. The youths quickly fled. (*Richmond, Va., Times Dispatch*)

One robber held a .22 pistol on service station attendant Buddy Richards of Columbia, S.C., while his partner smashed the station's cash register with a pickaxe. The two then left the station, but Richards pulled a revolver and ordered them to halt. He made them lie down on the pavement outside the station and flagged a passing police cruiser. (*Columbia, S.C., State*)

Seeing two men get out of a car at 3 A.M., and break into the closed Flat Rock, Ind., service station where he was a part-time emloyee, Ray McClure alerted William Porter, who lived nearby. The pair called police and four more neighbors. The latter took shotguns to the station and captured the two burglars. Two men and two women drove up to collect the burglars and the armed citizens captured the foursome, too. They held all six for police. (*Indianapolis, Ind., Star*)

Mr. and Mrs. Jessie Jones of Clearview, Wash., drove into their driveway just in time to see a pickup truck, loaded with what looked like their television set, leaving the other end of the driveway. Jones chased the truck. Finally catching it, he held the driver at gunpoint while a passerby called police, who arrested the driver. Jones recovered his TV set. (*Everett, Wash., Herald*)

When a holdup man wearing a ski mask and brandishing a pistol entered Lester B. Johantgen's jewelry store in Minneapolis, Minn., Johantgen, who said he was "sick and tired of being held up," grabbed a shotgun and pointed it at the man. As the surprised gunman fled, Johantgen's son knocked him down, disarmed him, and held him for police. (*Minneapolis, Minn., Star*)

Service station attendant Luke Button of Akron, Ohio, filled a car with gas, only to have the driver demand money at gunpoint. When Button reached into his pocket and drew a .32 revolver, the driver drove away—fast—hastened by two warning shots from Button's gun. (*Akron, Ohio, Beacon Journal*)

Two men came into Mrs. D. C. Wood's grocery store near Fayetteville, N.C., armed with a pistol and said they were going to rob her. She picked up a shotgun and threatened to fill them full of buckshot if they didn't leave. The men fled to their car and drove away. (*Fayetteville, N.C., Observer*)

When Mrs. Bertha Todd's daughter-in-law found an intruder pawing through dresser drawers in a bedroom of their Baltimore apartment, she shouted. Mrs. Todd grabbed a shotgun and held the intruder at bay while her daughter-in-law called police. (*Baltimore, Md., Sun*)

Returning home from a skeet-shooting tournament Gary K. Loyd and his son Keith, 15, of Boise, Idaho, encountered two burglars in their storage room. They covered the pair with their skeet guns until police arrived. (*Boise, Idaho, Statesman*)

When grocer Bonnie Lee Meeks, of Anderson, Calif., told four teenagers to leave his store at closing time, one drew a 9 mm. pistol. Meeks covered the youth with his own .38 revolver and disarmed him. The other three fled, but were arrested soon afterward. (*Redding, Calif., Record-Searchlight*)

Two young gunmen pulled up to the Mission Hotel in Houston, Tex., and demanded that hotel employee Mrs. Genevieve Touchstone give them money. She snatched a pistol from the desk and warned them she would shoot if they didn't go away. The gunmen fled. (*Houston, Tex., Chronicle*)

Four Canoga Park, Calif., young men heard glass breaking at a business next door to their house and found a man loading a typewriter onto a pickup truck. Michael Ller, armed with a 12-ga. shotgun, stopped the man and held him at bay while Scott Conley called police. (*Van Nuys, Calif., News*)

A man walked into Donald Hoberman's jewelry store in Omaha, Nebr., and asked to see some rings. When Hoberman opened a display case, the man grabbed a rack containing several rings and ran out the door. Hoberman got

into his car and chased the man, stopping and holding him at gunpoint until officers arrived. (*Omaha, Nebr., World-Herald*)

As Mrs. Mildred Miner of York, Pa., was stopped in her car at an intersection four youths emerged from a nearby store and shook the car, attempting to tip it over. Mrs. Miner pointed a tear gas gun at them and they fled. (*York, Pa., Gazette & Daily*)

Hearing noises in his store, grocer Lyle Smith of Orillia, Iowa, called police and his son-in-law, Larry Adkins. Both Adkins and police arrived about the same time. Adkins, armed with a shotgun, stopped two intruders attempting to flee from the officers. (*Des Moines, Iowa, Tribune*)

Ruben Blech was sitting in his home in Van Nuys, Calif., one night when he heard someone tampering with the doorknob. From a window he saw two men trying to find an unlocked door or window. When one finally entered through a window, Blech covered him with a shotgun and held him for police. The other prowler was arrested later. (*Van Nuys, Calif., News*)

Two men armed with a revolver entered Anthony Benacquisto's bar in Detroit, Mich., and ordered him to empty the cash register. Unobserved, his wife Mary, 63, grabbed a shotgun from its stand and held one bandit at bay while the other fled. (*Detroit, Mich., News*)

Three young men entered Leonard Kaplan's grocery store in Brainerd, Minn., pulled a knife and a pistol and forced Kaplan to give them money from the till. A customer entering the store distracted the youths and gave Kaplan an opportunity to draw his pistol, disarm them, and hold them for police. (*Minneapolis, Minn., Star*)

Beaumont, Tex., storekeeper S. Matsuoka didn't panic when a man entered his store, leveled a pistol at him, and said "I'm going to shoot you." Instead, Matsuoka reached for his own gun. The bandit fled. (*Beaumont, Tex., Enterprise*)

Hearing a banging noise outside his Hastings, Mich., home, Hal Olsen grabbed a .22 pistol and went outside to find two men breaking into a vending machine next door. He held the pair for police. (*Hastings, Mich., Banner Press*)

Walking to work about 5 A.M. wearing street clothes, Lansing, Mich., policeman Richard Miles was accosted by a man wielding a straight-edged razor and demanding money. Miles pulled his .38 Special and arrested the man. (*Lansing, Mich., State Journal*)

Seeing two men ripping up his backyard fence, Leonard A. Rushin of Syracuse, N.Y., turned on his porch lights and the men left. They returned an hour later, but Rushin was prepared for them and fired a pistol shot into the air. The pair fled. (*Syracuse, N.Y., Post-Standard*)

A youth walked into a roast beef diner in Worcester, Mass., with one hand in his pocket, and told store manager Norman Gaouette "Give me your money. I have a gun." Gaouette pulled a pistol from under the counter and said "I have a gun also." The youth fled. (*Worcester, Mass., Evening Gazette*)

Kenneth Bushnell, son of a Hinckley, Ill., antique dealer, checked his parents' house periodically while they were on vacation because several antiques had been stolen. On one visit he discovered two men inside the house, and held one of them at gunpoint for police. The other fled but was arrested later. (*Collector's Weekly, Kermit, Tex.*)

John F. Thude of Chandler, Ariz., returned home to find a strange car in his driveway, and told the driver to leave. He then went inside and noticed that several items were missing. He grabbed a .22 pistol and chased the car, discovered his missing property in the trunk, and held the driver for police. (*Mesa, Ariz., Tribune*)

Two men accosted Guiseppe Trapani in his Montara, Calif., service station and informed him, "This is a holdup." Trapani pulled a .32 pistol and held one of them for police. The other fled, hurried along by three warning shots Trapani fired into the ground. (*Half Moon Bay, Calif., Review*)

Awakened shortly after midnight by a breaking basement window, Ulysses G. Ward of Seattle, Wash., found a burglar in his home and held him at pistol point until police arrived. (*Seattle, Wash., Times*)

Joseph A. Panaro was alone in his Wilmington, Del., liquor store when a gunman entered and demanded money. Panaro said he didn't have any, and the man ordered him to empty his pockets. Panaro pulled a .22 pistol from his pocket, and the gunman turned and fled. (*Wilmington, Del., Evening Journal*)

Dale Oakes of Watsontown, Pa., arrived at his coin-operated car wash near Milton, Pa., just in time to see two young men pry open a coin box and take

money from it. The pair attempted to flee, but stopped when Oakes fired two warning shots from his .30-06 rifle. He then held them at gunpoint until police arrived. (*The Daily Item, Sunbury, Pa.*)

At a Chillicothe, Ohio, service station, a young man bent on robbery produced a blackjack and told station manager Ray A. Kimbler, Jr., "Don't move." Kimbler grabbed a pistol and detained the man until police arrived. (*Chillicothe, Ohio, Gazette*)

When Robert Mauk, sales manager of a Louisville, Ky., used car lot, saw two men trying to start a car on the lot at 2 A.M., he got a revolver and ordered them to stop. One man started to drive the car away but stopped when Mauk fired a warning shot. The other ran, but was apprehended by police as he was getting into another stolen car down the street. (*Louisville, Ky., Times*)

As a gun-wielding youth was in the process of holding up Ernest Duncan's grocery store in Kansas City, Kans., Duncan's wife entered the store. The youth's attention was distracted momentarily—just long enough for Duncan to reach under the counter and produce his pistol. He disarmed the gunman and held him for police. (*Kansas City, Mo., Times*)

El Paso, Tex., service station attendant Kevin Murray was accosted by a man holding his right hand under his shirt as if he had a pistol. The man ordered Murray into the service station office. Murray reached into his car, pulled out his .38 automatic, and held the thug at gunpoint while a customer called police. (*El Paso, Tex., Times*)

Atlanta, Ga., police answering a call found Mrs. James F. Brown, wife of the night superintendent of police, calmly holding a burglary suspect at gunpoint. Seeing two men drive up to a neighboring house while the owners were away, she had grabbed a pistol and captured one. The second fled. (*Atlanta, Ga., Constitution*)

After a burglary attempt was made on Ralph Niese's tavern in Hamler, Ohio, Niese decided to sleep there for a few nights. Awakened at 5 A.M. one day by a car stopping at the rear of the tavern, he saw two men approaching the rear door with sacks in hand. He met them with a shotgun and marched them to the town jail. (*Farmland News, Archbold, Ohio*)

Aroused from bed by noises at the front door of his Oakley, Calif., tavern, Melvin Pereira took a .22 rifle and surprised two teenagers trying to break in. He held one of them; the other ran, but was apprehended later. (*Contra Costa Times, Walnut Creek, Calif.*)

A gunman entered Mrs. Sommie Biller's restaurant in Detroit, Mich., leaped over the counter and demanded money. Confronted by Mrs. Biller's .38 revolver, the startled bandit leaped back over the counter and dashed out the door. (*Detroit, Mich., News*)

When Mrs. June Chastain of Hamlin, N.Y., entered her home, a stranger grabbed her from behind and forced her up the stairs. As she neared the top of the stairs, she kicked back, knocking him down the stairs. She then rushed to the bedroom, grabbed a hunting rifle, and chased the man from the house. (*Rochester, N.Y., Times-Union*)

A would-be robber walked into a grocery in Scottsdale, Ga., and pointed a .25 cal. pistol at the operator. When he found himself facing the operator's .45, he pocketed his gun, grinned, said "I was just kidding," and walked out. Then he went around the corner and robbed a supermarket. (*Atlanta, Ga., Constitution*)

A teenaged boy stepped up to Roy L. Dorsey's car in a Kansas City, Mo., parking lot, and pointed a pistol at him. As Dorsey, 81, talked to the youth, he brought a pistol from beneath his car seat. The youth ran, but Dorsey gave chase and held him for police. (*Kansas City, Mo., Star*)

Willie F. Brown awoke about 2 A.M. to discover an intruder standing in a darkened room of his San Antonio, Tex., home. Brown held the man at rifle point while his wife called police. (*San Antonio, Tex., News*)

Seventeen-year-old Clifford Keith of Kansas City, Kans., encountered a stranger with a gun when he was leaving for work. He ran into his house for a shotgun and returned to disarm and hold the man at gunpoint while his mother called police. The man had been fleeing State highway patrolmen. (*Kansas City, Mo., Star*)

When a Seattle, Wash., grocery store manager refused to cash a check, the "customer" produced a pistol and told the manager to go to the back room. The manager pulled his own pistol from a hip holster, and the man turned and fled. (*Seattle, Wash., Times*)

Mrs. Rosland Albury of Key Largo, Fla., was awakened from a nap by a young intruder pulling at her kitchen screen. When he got inside he found himself staring into the barrel of her .32 pistol. She called police; then when the youth said he was hungry, she fixed him a peanut butter sandwich. (*Jacksonville, Fla., Times-Union*)

Hearing noises late at night in his Sheswold, Del., gunshop, Gerald Lewis rushed down from his apartment above in time to see a man flee with two handguns. Lewis grabbed his shotgun, ran into the street and fired a warning shot. The man dropped the handguns and was arrested. (*Wilmington, Del., Morning News*)

Returning to her apartment from shopping, Ann Pinkerton of Trenton, N.J., found a man helping himself to her food. Her screams were heard by Mario D'Antonio and his son John, who rushed to her rescue and cornered the intruder with shotguns. The man was accused of breaking into two other homes in the neighborhood. (*Trenton, N.J., Times*)

Dublin, Calif., rancher Francis Croak was tired of prowlers on his property, so he and his son kept watch from a barn one night. When a trio arrived and began tampering with the barn lock, Croak told them to halt. They fled. Croak shot out a tire on their truck with a shotgun, fired several warning shots, captured the three, and held them for sheriff's deputies. (*Dublin, Calif., Herald News*)

When two men attempted to rob a Rockford, Ill., motel, clerk Hubert Hagwood picked up a small revolver from behind the cash register. As he cocked it, the men fled. (*Rockford, Ill., Morning Star*)

Mr. and Mrs. Clifton Fryman thought they heard burglars in their Dallas, Tex., pharmacy, so they called police and entered the store with the officers. When a burglar suddenly appeared and pointed a pistol at Mrs. Fryman, her husband stepped from behind with a rifle and disarmed the man. (*Dallas, Tex., Times Herald*)

A Whittier, Calif., woman was alone in her home when she heard someone breaking in a side door. She located a pistol and called out that she would fire through the door if the burglar did not leave. He immediately ran away. (*Whittier, Calif., Daily News*)

Seeing a strange car near a neighbor's house while the residents were away, Edward E. Jacobs of Atlanta, Ga., found two men in the house. He went next door and called police, borrowed a shotgun, and returned to hold one of the men for officers. The other escaped but was captured later. (*Atlanta, Ga., Constitution*)

When a man broke in the rear door of the Salem, N.H., home of Karlis Dums, he found Dums waiting for him, revolver in hand. The burglar turned and fled empty-handed, and was picked up shortly thereafter by police. (*Lawrence, Mass., Eagle-Tribune*)

Awakened by a baby crying, Scott Emerson of Dallas, Tex., went to investigate and surprised a burglar padding down the hall in stocking feet. Emerson drew his pistol and held the man, who later admitted to several burglaries and rapes. (*Dallas, Tex., Morning News*)

Seeing two men breaking into his car in Seattle, Clifford W. Barks, 29, of San Diego, Calif., fired his pistol into the air. The men fled. Barks was then charged with discharging a firearm and was convicted in Municipal Court. On appeal, however, Judge F. A. Walterskirchen dismissed the case because a prosecution witness failed to appear. The judge rendered an informal opinion that the Seattle city ordinance is unconstitutional because it makes no exceptions for firing guns in defense of self or property. (*Seattle, Wash., Times*)

The Denver Post has named service station manager Dave Vigil of Denver to its "Gallery of Fame" for stopping a robbery at his station. A man pulled a gun on Vigil and took $156. As he was leaving, Vigil took a .22 revolver from a drawer, stopped the robber, disarmed him, and held him for police. (*Denver, Colo., Post*)

Hearing the owner of a clothing store next door yell for help, Charles W. Parker, a Jackson Heights, N.Y., realtor, grabbed his .38 revolver and responded. He found the store owner struggling with a robber, whom he ordered to "put your hands on top of your head and stand back against the wall," keeping him there until police arrived. (*Long Island, N.Y., Press*)

Receiving a tip from a neighbor at 4 a.m. that someone was trying to steal his pickup truck, Joe Goodnight of Concord, N.C., grabbed his gun and ran to investigate. He chased and caught two men and a woman who were stealing the truck. (*Concord, N.C., Tribune*)

Dennis Wagner of Pasadena, Calif., looked out his window near midnight and saw two youths break into the yard of an auto center nearby. While his wife called police, Wagner cornered the youths and held them at gunpoint until officers arrived. (*Pasadena, Calif., Star-News*)

A man walked into James Cole's bar in El Paso, Tex., picked up a beer bottle, smashed it against the bar, thrust it near Cole's face, and demanded money. Instead of money, Cole took a .38 revolver from the till, whereupon the man dropped the bottle and ran out. (*El Paso, Tex., Times*)

Hearing a noise late at night in his Tallahassee, Fla., store, Mel Gidden left his apartment in the rear to investigate, armed with a .22 rifle. He was jumped by the intruder and disarmed, but Mrs. Gidden picked up the fallen rifle and hit the burglar on the head. Gidden held him at gunpoint until a deputy sheriff arrived. (*Tallahassee, Fla., Democrat*)

Two youths armed with a pistol attempted to rob a Des Moines, Iowa, delicatessen, but turned and fled when owner David Fishel pointed a revolver at them. The restaurateur foiled a similar attempt less than two years ago. (*Des Moines, Iowa, Tribune*)

Michael Korecki, owner of an Elmira, N.Y., liquor store, didn't scare easily when three men attempted to rob his store. He picked up a pistol kept nearby and told them, "Get out or I'll blast you." The three fled. (*Elmira, N.Y., Sunday Telegram*)

Matthew Meyers, proprietor of Matty's Hideaway in Cornwall, N.Y., heard someone breaking into his establishment late at night and armed himself. He apprehended the intruder, holding him at gunpoint until police arrived. (*Newburgh, N.Y., Evening News*)

An Anchorage, Alaska, man heard someone breaking into a school next door at 3 a.m. While his wife called police, the man got a gun and stopped the burglar. (*Anchorage, Alaska, Daily News*)

A 15-year-old boy described by police as being "very wild and under the influence of drugs," was captured and held at gun point by Clifford Morningstar whose Middletown, Ohio, home he attempted to enter illegally. Morningstar turned the youth over to the police who charged him with being under the influence of drugs and damaging property. (*Middletown, Ohio, Journal*)

Mrs. Wesley Heinrich of Redding, Calif., returned home to find two men burglarizing her house. Seeing the culprits run into the brush surrounding her home, Mrs. Heinrich ducked inside the house and came out with a .22 rifle. She flushed the pair and held them until police arrived. (*Red Bluff, Calif., Daily News*)

Henry O. Coldani, Jr., a Stockton, Calif., bar owner, heard breaking glass at a wig shop next door, picked up his pistol and went to investigate. He found a burglar leaving the shop and held him until officers arrived. (*Stockton, Calif., Record*)

Four youths, one carrying a gun, entered a San Jose, Calif., market and ordered the clerk, Lawrence Ruiz, to empty the cash register. Ruiz turned on one of the robbers only to be hit on the head with a hammer. During the melee a second clerk, Steven Scott, grabbed a rifle under the counter and stopped the attackers. Only one of the hoodlums managed to escape. (*San Jose, Calif., Mercury-News*)

Harold K. Holt was parked at a Waynesville, Mo., drive-in when he saw a boy breaking into a nearby service station. He drove over to the building and ordered the youth out at the point of a shotgun. State troopers were notified and took charge of the suspect. (*Springfield, Mo., Leader-Press*)

Mrs. Coleen Remey of Santa Ana, Calif, woke up one morning and saw an intruder advancing toward her with a raised knife. When she screamed, he fled the room. Her husband armed himself, pursued the intruder, and captured him before he could unlock the patio door and escape. (*Santa Ana, Calif., Register*)

After his Milwaukee, Wis., home had been burglarized, Henry Renner, who works nights, purchased revolvers for his wife and 16-year-old daughter. Some time later, Mrs. Renner was awakened by a suspicious early-morning noise downstairs. She and her daughter armed themselves, and confronted a hooded intruder. The daughter fired three times and chased the man out of the house into an alley where he disappeared. (*Milwaukee, Wis., Journal*)

Opening his front door at 11:00 p.m., Robert Epstein of Brattleboro, Vt., discovered two men with stockings drawn over their faces, one of them carrying a knife. Epstein quickly slammed the door and yelled out that he had a gun, whereupon the strangers fled. (*Brattleboro, Vt., Daily Reformer*)

An electric alarm sounding at Neill Doane's home one night alerted him that his Londenderry, Vt., sporting goods store had been illegally entered. After notifying the police, he called several friends, then went armed to the shop. They captured three burglars emerging from the store laden with guns and ammunition, and held them at gun point until police arrived. (*Brattleboro, Vt., Daily Reformer*)

Springfield, Mo., jewelry store owner Robert Lockmiller purchased a revolver after robbers stole several thousand dollars in merchandise. One month later, when two armed hoodlums entered his store, Lockmiller immediately grabbed his revolver and concealed himself in the store office. After one of the bandits fired, Lockmiller fired twice, scaring the two out of his store. (*Springfield, Mo., Daily News*)

During Washington, D.C., civil disturbances in September, a crowd of youths slipped past police lines and attempted to break into the Monarch Novelty Co. Greeted by the owner's son, who was armed with a shotgun, the crowd retreated, moved down the street, and looted another store instead. (*Washington, D.C., Star*)

Frank Messineo of Downey, Calif., ignored his door bell when it rang at 3:00 a.m. But a few minutes later, he heard someone entering his apartment through a side window. Messineo took a .25 automatic and captured the burglar. (*Huntington, Calif., Daily Signal*)

David Kline, a night-clerk in a Phoenix, Ariz, market, thwarted a robbery attempt by two youths during early morning hours. One grabbed Kline around the neck and held a knife to his stomach, while the other cleaned out the cash register. When two customers entered, the pair ran into the back of the store. That gave Kline an opportunity to grab a shot gun and apprehend the youths at the back door. (*Phoenix, Ariz., Gazette*)

A man wearing a paper-bag mask drew a pistol on Leon Matthews, intending to rob the Augusta, Ga., store, in which Matthews works. Pulling out his own gun, Matthews scared the man out of the store. (*Augusta, Ga., Chronicle-Herald*)

Albert Gottfried and Norbert Melczak, officers of a Toledo, Ohio, Federal Credit Union, were transporting a $70,000 payroll when the driver of another car and a gunman attempted to rob them. The driver tried to force Gottfried's car off the road. That maneuver failing, the armed man stepped out into the street and shouted, "Hold it!" Gottfried pointed his revolver at the man. He dropped to the ground and the payroll car sped safely past. (*Toledo, Ohio, Times*)

Two men entered Joseph Albion's Niagara Falls, N.Y., jewelry store and asked to see the "big expensive stuff." After Albion showed them a ring, one of the men drew a pistol, and ordered the store owner to wrap up some of the jewelry. Pretending he did not hear, Albion grabbed a pistol and aimed it at the two. The gun wielder fired once, barely missing Albion, before both would-be bandits fled to a car. (*Niagara Falls, N.Y., Gazette*)

When Ernest N. White of Seattle, Wash., observed two suspicious men leaving a local dry cleaning establishment, he called police and followed with a rifle. One of the men dropped a bag of money when White confronted them. At gunpoint White held the two until police arrived. (*Seattle, Wash., Outlook*)

Joseph Ragone of Mamaroneck, N.Y., routed a man who produced a revolver in Ragone's liquor store and demanded money. The store owner grabbed a gun and fired two shots over the man's head, before the robber fled down the street. (*Mamaroneck, N.Y., The Daily Times*)

A 250-lb. lioness that escaped near Boring, Oreg., killed a horse, wounded one dog, and was about to mutilate another, when children's screams alerted Dan D. Tanory. He grabbed his big-game rifle and shot the lioness in time to save the dog. (*Portland, Oreg., Oregon Journal*)

Noticing someone breaking into a neighbor's apartment, Gary Messersmith, of Santa Ana, Calif., phoned police and went to the rear of the apartment with his shotgun. He arrived in time to intercept a man climbing out of the rear window with a typewriter. Messersmith covered him until police arrived. (*Los Angeles, Calif., Times*)

A man entered an Oklahoma City, Okla., dry cleaner's shop where Clarence Mays, 62, was working, and ordered Mays to open the cash register. Believing the man had a concealed firearm, Mays ducked behind the counter to get a gun. The crook ducked on the opposite side. Peering over the counter he looked straight into Mays' gun barrel. A moment later he crawled to the door and ran down the street. (*Oklahoma City, Okla., Daily Oklahoman*)

Late one evening W. A. Hendrix became suspicious of two men busily loading a station wagon in front of a Birmingham, Ala., construction site. Taking a shotgun from his home. Hendrix went across the street to investigate. The pair attempted to escape in the car, and when they refused to stop, Hendrix fired. The car crashed into a tree; one man fled and was captured later; Hendrix held the other until sheriff's deputies arrived. (*Birmingham, Ala., Birmingham News*)

When White Plains, N.Y., service station attendant Wallace Rouse, 60, found a man taking money from the station's cash register, he grabbed a gun and fired at the thief. The latter dropped the money and ran. (*New Rochelle, N.Y., Standard-Star*)

N. D. Stanford grabbed a shotgun when awakened by suspicious noises coming from his Cobb County, Ga., country store. He exchanged shots with an armed intruder who fled, leaving his shoes behind. (*Atlanta, Ga., Constitution*)

Four would-be robbers of a Point of Rocks, Md., liquor store were thwarted by a 40-year-old woman clerk. Mrs. Amelia Young, who produced a .38 revolver from beneath the counter and trained it on them. The four fled by car. (*Frederick, Md., News*)

When a robber pulled a knife and demanded money from St. Louis, Mo., food store owner William Heidemann, Mrs. Heidemann quickly passed her husband a pistol. The thug hurled the knife at Heidemann, missed, and fled amid a hail of pistol shots. He was later arrested. (*St. Louis, Mo., Post-Dispatch*)

[From the Boston Globe, Mar. 11, 1973]

FIREARMS: THE NEED FOR PROTECTION

(By Prescott D. Crout)

The term "gun control" has no precise meaning. No one wants to see a loaded, cocked, automatic pistol in the hands of a child; hence everyone is in favor of some kind of gun control. But to the antigun forces "gun control" at present means "banning handguns." This fact must be kept in mind. Criminals will benefit by any gun confiscation because they will be able to use firearms without confrontation.

Proficiency in the use of firearms is necessary for defense, both national and personal. And this proficiency is developed through the sport of target shooting, which is fostered by the National Rifle Association. Attainment of such proficiency increases the chance that a man will survive in war and reduces the chance that a person will become a victim of crime or accident in peace. The principal use of handguns is for the protection of life and property, in particular the protection of home and family.

Using the crime rate for burglary in Massachusetts in 1973, and assuming that people live three to a house, it can be shown that over a period of 30 years there is a 71 percent chance that a person's home will be invaded at least once. Hence the question as to what one should do if an intruder enters his home is not irrelevant. Since it is then too late to call the police, the ultimate defense of a person's home falls to him.

It is often stated that if a person's home is invaded by a criminal, he should not resist. The eight nurses who were murdered by Richard Speck in their Chicago apartment in 1966 would not now, if alive, consider this to be good advice. It is unfortunate that they did not have a handgun.

A happier outcome occurred in the case of Mrs. Constance Howard of Bolton, who with her husband was attacked in their home by three armed robbers in 1974. After she had been beaten and thrown in a closet, and her husband had been beaten and tied up, she grabbed a handgun from the closet and killed one of the invaders, whereupon the other two fled.

It has also been stated that if a man resists an intruder, and shootout occurs, the man, not the intruder, would be shot. This is not true. In every issue of "The American Rifleman," the monthly publication of the NRA, there is a page entitled "The Armed Citizen," on which are detailed cases in which the criminal was defeated. In any case if he does not resist he places his family at the mercy of a criminal; and there are other crimes besides burglary, such as rape, assault, kidnapping and murder.

It has been said that a handgun does not provide good home protection, since for every robber stopped by a homeowner with a handgun, four homeowners are killed in handgun accidents. This statement confuses two different things: protection against intruders and danger of accident.

In regard to accidents, there were 2700 accidental deaths due to firearms in 1973 in the United States, which is 1.3 per 100,000 population. The death rates due to other types of accidents for 1973 are as follows: Motor vehicle accidents, 26.6; falls, 8.1; drowning, 4.1; fires, burns, deaths associated with fires, 3.0; poisoning, 1.8; suffocation due to ingested object, 1.2; poisoning by gases and vapors (mostly carbon monoxide), 0.7; all other types, 8.9.

It is thus evident that firearms are but a minor cause of accidents.

Accidents involving guns are prevented by proper training in the use of firearms, not by their prohibition. The National Rifle Association has played a major role in providing such training. In all of the shooting activities of the NRA since its beginning in 1871 there has not been a single fatality; and not a single accident.

One can imagine what would happen if people drove automobiles with no training whatsoever. Such a situation is avoided not by banning automobiles, but by requiring adequate driver training.

It has been said that since half of the suicides are committed using handguns, "the suicide rate would be considerably lower if handguns were banned." This statement is not true, as is evidenced by the following facts.

The suicide rate has varied but little during 23 years, being 11.4 per 100,000 population in 1950, and 11.6 in 1970 and 1973; and hence does not reflect the increase in the number of guns since 1950.

The suicide rate in New York State with its strict Sullivan law, which, in effect, bans handguns, is 90 percent that of Massachusetts. This figure pertains to 1969, the most recent year for which data are available, and a year in which Massachusetts gun laws were not as strict as they are now.

In countries such as France, Sweden, and particularly Japan, where the gun laws are much more strict than they are in the United States, the suicide rates are considerably higher than they are here.

Whether a person commits suicide depends upon the depth of his depression, and not upon the availability of any particular means of self-destruction. In the book "Firearms and Violence in American Life," by George D. Newton and Franklin E. Zimring (July 1969) it is stated that "there is little reason to expect that reducing the availability of firearms would cause a significant reduction in suicides."

A randomly selected sample of six physicians on the staff of the Pennsylvania State University was interviewed on the role of firearms in suicide. All six said that they believed that there was no casual relationship between firearms and suicide. Also, Dr. Albert Ingram, Director of the University Health Service, psychiatrist, and professor of clinical psychology said:

"I can find no definitive studies of the possible relationship of the availability of guns and suicide. The only statements I can make would be based on personal experience and psychiatric training. A person intent on suicide, of course, does not need a gun to accomplish his purpose; and when someone feels that depressed he will suicide with whatever means he wishes, whether the means are readily available or not."

[From the Washington Star, June 1, 1975]

2 Judges Armed for Self Defense

Raleigh, N.C. (AP)—Two Superior Court pudges say they have armed themselves because they need the protection.

"It's not an unheard of thing for a judge to get himself dusted off," Judge James Bailey said. "I like life and I want to keep on living."

"There's always that one nut," Judge Donnie Smith said. "Anytime you are trying a man for a major felony, you watch it. You just don't know what's going to happen."

Bailey carries a light automatic pistol and Smith has a .38-caliber short barrel revolver.

Bailey has been a judge 10 years, and Smith a little more than two. Neither has ever needed to use a gun, but both say there have been some anxious moments.

The judges say they feel compelled to arm themselves because of threatening telephone calls and letters. Two judges have been murdered in the nation in the last seven months.

In February, Louisa County, Va., Judge S. A. Cunningham, 66, was killed during a trial by a man firing a sawed off shotgun. Last November, Wanaque, N.J., Municipal Court Judge Joseph Crescente, 71, was murdered in his courtroom by a shot fired from across the street.

And in San Rafael, Calif., in August 1970, Superior Court Judge Harold J. Haley and three other persons died in a shootout during an escape attempt.

A few months ago, Dist. Atty. Burley Mitchell said, a defendant pulled a gun during a District Court trial in Raleigh. Also, court officials have found guns on people entering the courtroom, he said.

Bailey and Smith must travel the state trying cases. They say that makes them more vulnerable.

Both judges say they have a number of guns at home—pistols, rifles and shotguns. "I have enough guns to start a war," Bailey said.

State law allows "officers of the state (or local governments) charged with execution of the laws of the state when acting in the discharge of their official duties" to carry a concealed weapon.

Bailey said his philosophy is that "trouble is what you don't want" and "the best way to avoid (it) is to be prepared for it."

Mr. CONYERS. Our next witness is the president of the Antique Arms Collectors Association of Michigan, John Chalapis. He is accompanied by Ben Stanczyk, now an attorney and formerly a member of the judiciary who served with some distinction in this very building. As a matter of fact, I may have practiced before him on more than one occasion.

I am delighted to have both of you here. I don't know if we can consider the chairman unduly influenced by this combination of persons. I have just found out that Mr. Chalapis is a classmate of mine, dating back many years. Although I have resisted invitations to sit with you, I have accepted photographs of our classmates at Northwestern High School. We are very pleased that you could both be with us. We have your statement, which will be incorporated into the record. You may proceed as you choose.

We are a little short of time because the new Detroit representative, Mr. Aaron Lowery, is going to testify and a Wayne County commissioner will testify after him, Mr. George Killeen, so we are faced with a crunch for time.

TESTIMONY OF JOHN CHALAPIS, PRESIDENT, ANTIQUE ARMS COLLECTORS' ASSOCIATION OF MICHIGAN, ACCOMPANIED BY HON. BENJAMIN C. STANCZYK

Mr. CHALAPIS. Thank you, Mr. Chairman, members of the committee. I wish to thank you for allowing us to appear here as representatives of the largest gun collectors organization in the State of Michigan.

My colleague, the Honorable Judge Stanczyk, a long-time collector and member of our organization, will assist me.

In lieu of the time, I will try to be as brief as possible. I will try also to give you an idea of what we stand for, who are collectors and why we collect.

To best do this, I would like to quote from a book called the Collecting of Guns, and I will only give you the last part of it—my prepared statement, and my summary.

Dr. W. R. Funderburg, past president of the American Society of Arms Collectors was asked, why men like and collect guns. He replied as follows:

To one who has studied guns, loved guns, and avidly collected guns for 25 years, the question seems absurd. It is like asking why men like apple pie, risque stories, scotch whiskey, or curvaceous gals in bikinis. How is it possible not to like and collect guns?

In seriously trying to analyze the appeal of guns and the hobby of collecting them, it becomes apparent that this hobby has a facet to attract almost every type of individual. Let me give only a few examples:

The problems of developing multiple fire and more efficient detonation have taxed the mechanical ingenuity of man for 500 years. Where would one find a more fascinating series of mechanical devices than the different mechanisms of firearms?

Look at the beautiful patterns worked with inlaid ivory in a Saxon Dag. Examine the finely engraved designs of animals and birds chiseled into the cold steel barrels of Italian wheel locks. Notice the intricately carved ebony stocks of French dueling pistols, the gold overlay on the barrels and locks, the flowing lines, the perfect balance. Certainly this is the very essence of high art.

What can have more romantic appeal than the vision of two stalwart gentlemen gravely carrying their Wogdons or Nantons to the field of honor at dawn; there, meticulously alhering to the Code Duello, to have their trial by combat to defend the honor of a lovely lady.

The world's history has been molded by man's ability to develop weapons. The historical outline of man's past 500 years lies clearly written in any comprehensive collection of guns. Since the invention of firearms, wars have been won or lost depending upon the ability to devise, manufacture, and strategically use these weapons.

But why continue? To me personally, gun collecting has been an all absorbing hobby. It has served me as an excellent panacea to ease the tension and disappointments which plague most of us today. When I reach home at night after an exhausting, frustrating day in the operating room, with tensions screwed to the snapping point, I can effect a magic cure by simply walking into my gun room. There I can pick up several "Old Friends." I examine them and take them apart for the hundredth time. Miraculously the cares that infect the day no longer seem so important. Suddenly I am relaxed, as I sit half dozing, dreaming of a bygone era. Things move back into their proper perspective, as I realize how insignificant are my petty troubles and tribulations. Modern medicine has yet to develop a tranquilizer comparable to this. And you ask me, "Why do I collect guns?"

In summary, I trust that the foregoing statements have given this committee some insight into gun collecting. Gentlemen, the serious gun collector is not a radical, not a neo-Nazi, and not a kook. Collectors do not condone the use of firearms in crimes and we do not condone crime whatsoever, we abhor the illegitimate gun hustlers and parasites who attempt to associate themselves with true gun collectors. But where do you draw the line? I am sure if given the opportunity, gun-collector organizations could present to this committee

guidelines for the purpose of weeding out and controlling gun collecting as opposed to gun running.

Restriction on the ownership of guns per se or types of guns is not the answer to the crime problem. The real answer lies within the fulfillment of our judicial responsibilities. It is time that we start to strictly enforce Federal and State criminal laws now on the books. We must have speedy prosecution of offenders, and harsh judgment for those who abuse the right of a free people to keep and bear arms. The logical answer to the problem of the armed criminal is to impose severe penalties for the commitment of any crime with any gun.

Gentlemen, the gun collector is basically opposed to any legislation that will restrict his hobby, devaluate his collection or impose undue hardships on his or her avocation or the submission of confiscation. What we need is consistencies in our laws.

I will stop at this point and I will pass it over to Judge Stanczyk.

Mr. CONYERS. Thank you very much for your testimony, Doctor.

Judge STANCZYK. Thank you, Mr. Chairman.

I would like to put some of what has been said into the context of where we sit. What kind of a country is this we are living in? First of all, the white man came to our shores 350 years ago, he used his gun to get game to put food on his table but he wasn't satisfied with that. Then he used his gun to wrest the land away from the Indians, and he continued that policy until he went all the way to the Pacific shores.

He continued to use his gun to enslave the black man until 110 years ago.

Now we have this kind of heritage. Let's look at some of our national policies. After President Grant was elected, he felt that the men in the north didn't have sufficient proficiency with firearms, and that was the reason for the prolongation of the Civil War, and the Office of Civilian Marksmanship was created within the military. And this is what gave rise to the National Rifle Association which I have been a member of, and for 100 years the Office of Civilian Marksmanship has distributed millions of guns to citizens.

When I was a young lawyer, in the 1930's citizens came to me for a letter of reference to their Congressman so they could buy a surplus military revolver for $6. This is the background of the country we are living in.

Let's look at the media, it's been estimated by some that a child who has gone through high school has seen 1,000 people killed on television. For over 100 years, millions and millions of dime novels and pulp magazines have been printed in this country and sold in which the bad guy with the gun is the hero, and for 50 or 60 or 70 years in the movies, the gun is the great social equalizer. Now, we have this kind of a background in this country. And now we are told that we have got to equate crime, the dollar or guns with that of London because guns are registered in London, there isn't any crime. Mr. Chairman, in every area, whether it be public intoxication, whether it be illegal parking, whether it be the commission of a public nuisance, whether it be abortion or arson, the whole gamut of crimes, the people in Dallas and the people in New York on a per capita basis get from 20 to 50 times as many crimes as the people in London.

Now, we have this background of violence in our country, we have this background of proliferation of firearms, and I don't think that any one statute or any group of statutes is going to reverse that trend.

I sit before you as a member of the bar of this State for 36 years, for 9 years I was an assistant prosecutor of this county, as you well know, Mr. Chairman, 1 month a year during those 9 years I worked midnights at police headquarters and I saw thousands and I investigated thousands of crimes during that time. I only saw one crime that was committed with a registered gun, Michigan has a tough registration law, just one, all the others that I had the opportunity to come in contact with, either as a lawyer, or as a prosecutor, or as a magistrate, just one, and I don't know how many thousands there were.

I say this, Mr. Chairman, people have bought guns in recent years in our country, and in our big cities, especially, because of lack of confidence in the police. And the best thing that we can do, as lawyers, as members of the bar, as public officials, is to restore the confidence of the average citizen, the man who works for a living with his hands, restore his confidence in the police department so that he figures he doesn't need to get a gun for self-protection. That is the first thing we have got to do. We have to get more funds for the LEAA programs. We have got to have more and better police, more and better judges in the criminal courts, so that people will be apprehended and brought to speedy trial, speedy apprehension. This is what I consider, in the light of my experience, as the most important thing that we can do.

I would like to talk about a couple of other things now. I talked about what can this committee do. As a collector, I have no objection to the registration of firearms, I have registered some which don't have to be registered under Michigan law, I do this annually for the purpose of helping to regain them in the event they should be stolen. I think this committee could well indicate that States should have some kind of registration law which isn't going to hassle people, people buy guns on the black market because they don't want to go to police stations, they don't want to be hassled and pushed around by a cop. This is one of the big reasons this black market has proliferated. If we have a registration system in the 50 States, without any hassle on handguns, of course, what is going to happen, will be that the black market guns are going to cost more because there is going to be more perjury and more forgery involved, and perhaps as the price goes up, in the market works, the number of guns may go down, if this is the objective of the committee.

I would like to comment on just one or two other matters, briefly, Mr. Chairman, I know the time is short, there has been talk about Saturday night specials, the proliferation of cheap guns. Through its establishing power the Congress can reduce the number of those guns by an annual tax or a one-time use tax on them. And there has been much said about mandatory sentences. As one who has spent his entire adult life in a courtroom, I had my first job in a law office in 1934, I feel that this is tying the hands of judges. We might do something along this sort, that where a gun has been used in the commission of a crime, which is an illegal gun, and the person, the defendant

is found guilty, the judge should be forced to increase the penalty, whatever it may be, probation, fine, or imprisonment, by an additional 50 percent. Now, this means that the judge can still give probation, but if it's going to be a year's probation because a gun was used, it's going to be an additional 6 months. If a bookmaker is given 30 days in prison for his operation, and he has a gun on his premises, or prostitute, a gun is there for the purpose of protecting ill-gotten earnings, the punishment is increased by 50 percent. I think from the standpoint of my experience in the judicial system, this might be more workable than a mandatory 2-year sentence or a mandatory 5-year sentence for the possession of a firearm. Experience in this city has indicated that the mandatory ordinance which says 4 months in jail, $400 fine for the possession of a handgun hasn't worked because no one is found guilty under that ordinance. Judges hate to send people to jail where there is no other crime committed except the possession of an unregistered gun or the possession of a concealed weapon.

I will be happy to answer questions, if I can, Mr. Chairman.

I would like to add this, when I said about increasing the budget for the police, that also goes for the alcohol, tobacco, and firearms unit. These men are grossly understaffed, they are overworked, and at our shows we would like to have them because we have gun hustlers working the parking lots where we display antique guns and the agents just haven't got the manpower, they haven't got the time to do it. Mr. Chairman, I suggest that these men be given a better staff, more money, more equipment, and the same be done for every metropolitan police department in the city.

Mr. CONYERS. We have been listening to police agencies come to us for money. Do you know how many times the Detroit police budget has multiplied since you left the bench?

Judge STANCZYK. I have only left the bench a month ago, so I don't think it's multiplied.

Mr. CONYERS. Do you realize over the last 10 years what the increase of funding is?

Judge STANCZYK. It's fantastic. It's probably a factor of 4 or 5.

Mr. CONYERS. You don't really think we are going to sit up here forever as the crime rate escalates, as the police multiply, as the funds also multiply, that we are going to keep listening to the cry for more money? What does money have to do with making a more efficient police force? You know that. We have growing crime rates and growing police departments, growing weaponry, and they seem to feed upon each other, as far as I can tell. We are going to get into LEAA shortly after this, but do you, as leaders of your association, see yourselves threatened by the consideration of legislation that might save the lives of people who may not be collectors? I am glad to find out that John Chalapis, classmate of mine, has come a long way now. He is a collector of these guns, the head of the association. But what about the folks that still live around Northwestern High School? I don't submit that there are many gun collectors around there, not many sportsmen or members of the National Rifle Association who are living under the most endangered circumstances of any citizens in the State of Michigan?

Mr. CHALAPIS. I don't profess to know all the answers to this problem. I don't think that anyone does have the answers. I will say this, we are concerned as citizens. We must be concerned. But I am speaking strictly from the collector's point of view. We realize that in our ranks there are individuals who don't abide by the rules, and we have made considerable strides in excluding them from our organizations.

Mr. CONYERS. How do they violate your regulations?

Mr. CHALAPIS. We have strict rules in our organization, in our clubs, that govern collectors. First of all, we are an antique-collecting organization. We consider certain objects as antiques, or collectibles. We don't condone the individuals who come to our meetings with some unregistered guns, cheap guns, who do not fall into this category of collecting, and we don't allow them, we get rid of them. We ask them to leave. I think this is one step in the right direction, from our side. In accepting membership, we have rules and regulations. We do not allow people with police records, we do not allow mental patients, or people with past history of mental problems, shall we say, and we do not accept people who have been excluded from other gun organizations, and we have had many occasions to use that exclusion.

Mr. CONYERS. How large is the organization?

Mr. CHALAPIS. Our Michigan Antique Arms Club is approximately 3,000. Of course, that doesn't include all the gun collectors in the State of Michigan.

Mr. CONYERS. Of course, nobody suggested curbing the rights of antique arms collectors, not even the most rabid antigun person. Have you heard somebody that is out after the antique collectors?

Mr. CHALAPIS. I heard today the fine councilwoman say that she believes that all guns, and when she said that, a chill ran down my spine, and I was glad when Mr. Roumell clarified his statement at the end and said that we must make concessions for the legitimate collector. But there are many people who come out and say let's exclude all guns. Of course, when they say that, they are also including antiques.

Mr. CONYERS. Of course, a lot of people don't even know that there are antique arms collectors, or associations like yours. That's why I remind you of your rights. You have come along way from Northwestern High School, ole buddy. Do you know how many people from our class are members of the Antique Arms Collectors Association of Michigan, beside yourself?

Mr. CHALAPIS. Yes; I have run into three of them.

Mr. CONYERS. Well, thats about what I figure. That is a high number. Are they paid up and in good standing?

Mr. CHALAPIS. I have seen them at our meetings.

Mr. CONYERS. Well, the point that I am making is that I was impressed by the pros on how anyone could imagine even framing the question of why someone would like a gun. But, you ought to hear some incidents on this record from mothers who have lost their children because of gun accidents. They could tell you, with some moving words and phrases, much more than I could ever bring to bear on this question, why they despise guns, why they hate guns.

Mr. CHALAPIS. That is understandable.

Mr. CONYERS. The poor people don't get a chance to join collectors clubs. You're talking about people in the crafts, and the arts—the inlaid silver that goes on guns. You know, that's a delight that most people never become acquainted with in this society.

Judge STANCZYK. I can't agree with that, Mr. Chairman, if I may interject, because I regularly show antique guns at clubs, schools, Boy Scouts, Girl Scouts organizations. Tomorrow I am going to be speaking at a store at Northland, I think it's a Rotary Club meeting, and I am going to show about 30 or 40 antique guns, and the folks who are going to be there are going to come up to the table with my permission, they are going to pick them up. They are going to handle them. I do this on a regular basis.

Mr. CONYERS. You got a lot of traveling to do, Judge Stanczyk, to get this out among the people. The fact of the matter is, gentlemen, that it's a very, very small association that enjoys this privilege. Nothing wrong with it. I think it's fine, but don't you think that it's a little overly sensitive to suggest that people that are talking about curbing the proliferation of guns in this society who may not specifically exclude you, have some vindictive motive in mind with regard to your activities? I think not. I have had no indication that there is some legislative or civil body of people that are after the arms collectors. That is one area that you just haven't had any trouble with. Most people, when you remind them of your activities, they say, as the president of the Bar Association suggested, of course, we will make an exception. Many of the guns aren't even usable. They do not fire, or, at least the owners wouldn't consider the notion of firing them, even if they are operational, because of their value. What we need are some arms enthusiasts that want to bring about some sensible curbs where the problem exists. We are not worried about Livonia's problem with or without guns. We know there is no crime wave going on there, there is no high homicide rate. We know that throughout the rest of the State there is no serious problem which seeks, the attention of Congress. There is no antipathy against recreational enthusiasts and hunters. Somebody has a responsibility to stand up and refute this a little bit more ably than merely making out some crude conspiracy against nice, decent, folks like yourselves. I mean, isn't there somewhere along the line somebody that hunts in an organization who is going to say, well, we know that that is not the problem on 12th Street. We are not worried about the members of the sportsmen's club getting their hunting rights curbed. It's the people that are being senselessly killed, and criminal activity, but twice as many in noncriminal activity. That is what we are worried about. You gentlemen coming here have absolutely no serious foundation to be presenting in some excited fashion—not that your testimony was exciting—but you do not belong here in this setting telling us about arms collections. I would much rather prefer to join you at Northland tomorrow, if I were able, to learn more about your operation, and to have you join us in fashioning a law, in a deliberate way, that can deal with the problem. Your are interposing your concerns as a collecting enthusiast in this hearing as another reason for us not to move forward in an area that people, since the 1930s in this country, have been asking it be given more consideration.

Judge STANCZYK. Mr. Chairman, I believe I did indicate that, as a collector, I have no objection whatever, and I would support, contrary to what some of my colleagues in the National Rifle Association, a Federal statute which would require every State to enact a registration law for handguns, such as the State of Michigan has. I have no objection to this, and I think that this committee should strongly consider that approach, and if the State, within 5 years, fails to enact a handgun registration statute, then the Congress can deprive that State of its share of the national wildlife money. This is a constructive suggestion that I made in this direction.

Mr. CONYERS. Well, I am glad to hear you say it.

Judge STANCZYK. Perhaps I didn't emphasize it sufficiently, but I think this is one of the things we should look at.

Next, we can look at the taxing power of the Congress. If we raise the price of guns, there are going to be fewer of them, the Congress can tax them, tax them on an annual or one-time basis, over and above the 11 percent, all of which is used for the wildlife conservation. These are two areas to which I alluded and I think these are two areas that this committee should look into and I would be glad to work with you in the future on this, Mr. Chairman.

Mr. CONYERS. We are going to need help from some of the people that are organized in such fields as collecting, and the hunters and the sportsmen. Surely, all of them can't feel that this inquiry, regardless of the fact that there are some people espousing a law that might affect shotguns or rifles from time to time, surely they can't escape the understanding of why this is going on. Surely they must realize that the cities have to be made a manageable place to live in the United States, if this society is to go on. Everybody can't move to the suburbs. Everybody can't live in Livonia. Everybody can't get to Utah and Iowa. Someone is going to be around here and many of them, Mr. President, are going to be the people that you and I went to school with not too many years ago.

So I appreciate your coming forward, both of you, as longtime friends of mine. I earnestly solicit your continued concern in this area. Thank you very much for joining us.

[The prepared statements of Mr. Chalapis and Judge Stanczyk follow:]

STATEMENT OF JOHN B. CHALAPIS, PRESIDENT, MICHIGAN ANTIQUE ARMS COLLECTORS, INC.

Honorable Chairman John Conyers and members of this committee: I wish to take this opportunity to thank you for allowing me, as the representative of the largest arms collectors organization in the State of Michigan, to express our views and beliefs in the matter of crime control. We realize there is no simple solution to this complex problem, but we also feel that the solution through gun legislation will not be the answer. In order to bridge this gap of communication, I would like to explain to you who are collectors and why they collect. To best do this, I would like to quote from a book entitled the "Collecting of Guns", which was written by a distinguished panel and edited by Mr. James E. Serven:

"The urge to collect is born in most of us. As children we collect baseball player cards, unusual rocks or shells, and any number of other things. When we grow up, this inclination to collect takes different forms. For some it is pushed into the background by a demanding profession or other absorbing pursuits while some merely haphazard become accumulators. Today however, an

increasing number become discriminating adult collectors, and it is through their intelligent efforts and industry that we have the rich historical treasures in our museums, in our libraries, and in our great private collections.[1]

"The field of collection embraces subjects which combine the qualities of beauty, fine craftsmanship, historical importance, fascinating interest, and established values. No field meets these requirements better than gun collecting.[1]

"We speak of the gun here in its broad generic sense, including in the meaning of the word, all the forms of firearms. There are diverse interests which contribute to the motivation of individual collectors. One may have had an ancestor who fought in the American Revolution, when an old musket from those days was handed down in the family. Starting with this one family heirloom, a large collection of different muskets may be assembled. Another may have had relatives who crossed the plains in a covered wagon; for him a great number of favorite frontier arms have special interest. Civil War weapons are now actively sought by collectors. Very few of our older families escaped some involvement in that unfortunate struggle, and the tools with which the war was fought aroused great curiosity and interest. Prominent in Civil War battles were a great variety of rifles, carbines, pistols, revolvers, and heavier weapons.[1]

"Family association is only one of many motivations that can head a man toward serious gun collecting. Behind every old gun lies a record which is often filled with adventure, spiced with danger, and sometimes even heroic in its details. The record of individual guns may be well documented, but more often the record is obscure and presents a fascinating realm of mystery into which the collector can, by research, try to make its story. In the quiet of his gunroom, one may devote pleasant meditation to the probable role of that old gun. In such studies and reveries there is a break and separation from the tensions of everyday life. Doctors tell us that there is wonderful therapy in a hobby; they apparently take their own advice and that may be one reason why there are so many doctors in the gun collecting fraternity.[1]

"Webster defines a hobby as 'something a person likes to do or study in his spare time—a favorite pastime or avocation'. Perhaps the reason so many gun collectors are successful, is because they truly enjoy what they do and what they study in connection with their hobby. The study is an important feature, for as man's knowledge increases his pleasures increase.[1]

"Many American men are hunters and many of them are or have been soldiers. Their modern guns have caused them to become curious about the weapons their fathers and grandfathers used. Was that old muzzle-loader as accurate as claimed? Did it kick like a mule? This natural curiosity has led many to acquire muzzle-loading guns and to try them out at targets and on game. As a result a new national shooting sport was developed, now numbering in its ranks thousands of muzzle-loading shooters and collectors. Another area of collectors-shooters is in the field of single shot cartridge rifles. Here one will find some of the finest rifles ever to come off a workbench, many barreled by such perfectionists as Pope, Schoyen, Zichang, and Peterson. They are beautiful to adorn a collector's wall, and thrilling to shoot (mostly with black powder).[1]

"The man who has a flare for history, finds an especially rich field in gun collecting. America has led the world in the development of guns since the days of the Long Rifle. The gun has remained ever present through the many vital periods of our history. When one can visualize the embattled farmers and their big smoothbore muskets at Concord and Lexington; the long rifles of Kentucky and Tennessee backwoodsmen, driving back the British invaders. . . . Then to the California gold fields where good men and bad kept a Colt caplock pistol or a 'pepperbox' pistol close at hand; down to Texas where the famous Rangers brought law and order to the frontiers of that state with their Sharps and Winchester carbines, along with the ever present bowie knife and Colt 'six-shooter'. These are but a few of the historic subjects which, in the quiet of a collectors' gun-room sanctuary, may pass before the mind's eye. A gun in that very room may have been present in one of these exciting fields of action.[1]

"There is a practical side to gun collecting which appeals to many who, either by necessity or by inclination, subject their spending of time and money to the cold rules of safe investment.[1]

"One does not buy stock, a piece of real estate, or an automobile without knowledge of the fair value. The same rules of prudence apply to gun collecting; a reasonable knowledge of the subject is the key.[1]

"The rather ingenious mechanical systems employed in arms manufacture, dating from the 1500's, fascinate many whose work or general interests include mechanics, engineering, and science. Studies of some of these old systems have given birth to ideas applicable to modern manufacture. The principle of interchangeable parts, for instance, had its great initial success in early gunmaking.[1]

"Gun collecting often appeals to those who have some talent in the writing field. It presents a challenge to explore areas of specialization, gather more information than anywhere recorded, and publish the findings; bringing honor to one's self and rendering a real service to fellow collectors.[1]

"To the student of art and art history, firearms present an interesting realm of study. History of art can be traced in the decoration of arms from the earliest Renaissance period, through the Baroque, Roccoco, Empire and Victorian periods to our modern contemporary life. In today's modern society the automobile plays an important role in our values. We express ourselves in contemporary art through the colorations and designs in automobiles because we value these material objects. In past history one of man's most important items of material value was his gun, and through the methods in which he artistically adorned his guns, he expressed himself.

"Few other fields are equal to gun collecting as a social leveler. At annual meetings in Washington, D.C., one can rub elbows with Congressmen and other government leaders, even perhaps with the President or Vice-President of the United States, who satisfy their personal interest in old guns by attending the arm exhibitions presented by the National Rifle Association.[1]

"Leaders among our armed services are enthusiastic participants in these and many other gatherings where collectors meet and exhibit their guns. Leading industrialists, State Governors, stars of the entertainment world, bankers, doctors, lawyers, men in the highest and men in the humblest positions share a common interest and sympathetic comraderie that knocks down all bars of social prejudice or reserve.[1]

"Gun collections involve little upkeep; depreciation is seldom a factor, appreciation being the general rule; and there is no deterioration in the materials of which guns are made, if they are properly protected and cared for.[1]

"The gun is truly an American symbol; a symbol closely associated with the freedom and liberty so dear to men's hearts. These pages could suggest only a few of the reasons why men collect guns; there are many other reasons. We can produce material evidence of the good profit potential, but the far greater dividends in happiness, health, and education are more difficult to define.[1]

"Dr. W. R. Funderburg, past president of the American Society of Arms Collectors was asked, 'Why men like and collect guns?' He replied as follows: 'To one who has studied guns, loved guns, and avidly collected guns for twenty-five years, the question seems absurd. It is like asking why men like apple pie, risque stories, scotch whiskey, or curvaceous gals in Bikinis. How is it possible not to like and collect guns.[1]

"In seriously trying to analyze the appeal of guns and the hobby of collecting them, it becomes apparent that this hobby has a facet to attract almost every type of individual. Let me give only a few examples:[1]

"The Mechanic—The problems of developing multiple fire and more efficient detonation have taxed the mechanical ingenuity of man for five hundred years. Where would one find a more fascinating series of mechanical devices than the different mechanisms of firearms?[1]

"The Artist—Look at the beautiful patterns worked with inlaid ivory in a Saxon Dag. Examine the finely engraved designs of animals and birds chiseled into the cold steel barrels of Italian wheel locks. Notice the intricately carved ebony stocks of French dueling pistols; the gold overlay on the barrels and locks; the flowing lines; the perfect balance. Certainly this is the very essence of high art.[1]

"The Author and Romanticist—What can have more romantic appeal than the vision of two stalwart gentlemen gravely carrying their Wogdons or Nantons to the Field of honor at dawn; there, meticulously adhering to the 'Code Duello', to have their trial by combat to defend the honor of a lovely lady. . . .[1]

"The Historian—The world's history has been molded by man's ability to develop weapons. The historical outline of man's past five hundred years lies clearly written in any comprehensive collection of guns. Since the invention of firearms, wars have been won or lost depending upon the ability to devise, manufacture, and strategically use these weapons.[1]

"But why continue? To me personally, gun collecting has been an all-absorbing hobby. It has served me as an excellent panacea to ease the tensions and disappointments which plague most of us today. When I reach home at night after an exhausting, frustrating day in the operating room, with tensions screwed to the snapping point, I can effect a magic cure by simply walking into my gunroom. There I can pick up several 'Old Friends'. I examine them and take them apart for the hundredth time. Miraculously the 'cares that infect the day' no longer seem so important. Suddenly I am relaxed, as I sit half dozing, dreaming of a bygone era. Things move back into their proper perspective, as I realize how insignificant are my petty troubles and tribulations. Modern medicine has yet to develop a tranquilizer comparable to this. And you ask me, 'Why Do I Collect Guns?'"[1]

IN SUMMARY

I trust that the following paragraphs have given this committee some insight into gun collecting. Gentlemen, the serious gun collector is not a radical, not a neo-Nazi, and not a kook. Collectors do not condone the use of firearms in crimes, we do not condone crime whatsoever; we abhor the illegitimate gun hustlers and parasites who attempt to associate themselves with true gun collectors. But where do you draw the line? I am sure if given the opportunity, gun collector organizations could present to this committee guidelines for the purpose of weeding out and controlling gun collecting as opposed to gun running.

Restriction on the ownership of guns per se or types of guns is not the answer to the crime problem. The Real answer lies within the fulfillment of our judicial responsibilities. It is time that we start to strictly enforce federal and state criminal laws Now on the books. We must have speedy prosecution of offenders, and harsh judgment for those who abuse the right of a free people to "keep and bear arms". The logical answer to the problem of the armed criminal is to impose severe penalties for the commitment of any crime with ANY gun.

STATEMENT OF HON. BENJAMIN C. STANCZYK

Testimony offered on behalf of Michigan Antique Firearms Collectors, by Benjamin C. Stanczyk, at a hearing of the Select Committee on the Firearms Control of the Judiciary Committee of the House of Representatives, on June 10, 1975, at Detroit, Michigan.

Mr. Chairman, my name is Benjamin C. Stanczyk, a member of the Bar of this state since 1939. Upon completion of my work at the University of Michigan Law School, I entered the private practice of law in Detroit, specializing in the criminal law, until January, 1949, at which time I joined the staff of the Wayne County Prosecuting Attorney.

In the interim I served forty-three months in the corps of military police, one year of which as special agent in the office of Provost Marshal. In December of 1957, I became a Judge of the Common Pleas Court of Detroit and on May 1, 1975, retired from that post. My contact with criminal law, homicides and related problems, is more than a cursory one since thirty-six years of my adult life have been spent in the courtroom.

Mr. Chairman, your Committee has undertaken a formidable and awesome task. You gentlemen must have the wisdom of Solomon and the patience of Job. For two days now you have heard testimony in this building, some of which was extremely emotional. Undoubtedly, similar testimony has already been offered in other cities and will be offered elsewhere while your Committee is in session.

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[1] *"The Collecting of Guns"*, James E. Serven (editor), The Stackpole Company, Harrisburg, Pa. 1964.

The collector of antique firearms is a student of history, engineering and art. He has been unfairly branded by some as a gun runner. The fact of the matter is that during my years as defense lawyer, prosecutor and magistrate, I saw only one firearm used in a homicide which had been registered

The arms which antique gun collectors cherish are never fired. They are treated with the same care as other works of art, such as paintings, fine silver and jewelry. In an effort to stamp out crime, legislators too frequently have punished the innocent. This might be the case if the Congress were to enact legislation providing for the confiscation and destruction of all firearms.

Within a few miles of where we are meeting, Detroit has two enclaves—Hamtramck and Highland Park. The City of Hamtramck is characterized by small, individually owned homes; no transient population, a high church attendance, no juvenile delinquency, no school drop-outs. There are no pawnshops or small loan offices in that city and no homicides.

Immediately to the west, is the City of Highland Park which has a large floating population with continuous arrests for drug abuse, public intoxication and illegal drug sales. Needless to say, it has one of the highest homicide rates in the country.

If we direct our attention to the south and west from the point where we are meeting, we see the City of Wyandotte, with a population in excess of 40,000, small homes occupied by their owners who are wage earners and close knit families in community life. There are no homicides in that city, with the exception of those committed by thugs who come in from Detroit. In contrast, River Rouge and Taylor are plagued with a high crime rate.

If we can inculcate a high sense of values in all of our citizens, the problems of gun control and homicides will disappear. A study of maps showing the occurrence of homicides would indicate that these are the same areas where automobiles are abandoned after being involved in a minor accident; where a husband sells his wife; where mothers sell their daughters and where day-old babies are abandoned in telephone booths. Life is cheap and property has no value. I sincerely hope that this Committee will not equate firearms control with crime control.

I suggest that the Congress of the United States continue to raise the standards for criminal law enforcement by upgrading police departments, by improving both the quality and quantity of judges in the criminal courts, all of which factors will mean early apprehension and speedy disposition of charges against law violators.

I suggest further that there is no correlation whatever between firearms ownership and homicides. States such as Wyoming, Iowa, Nebraska, Colorado, have extremely high firearms ownership but very low homicides. These states have a low rate of illiteracy and a stable population. Conversely, states such as Alabama and Arkansas have a high rate of illiteracy and a high homicide rate.

Since 1927, the State of Michigan has had an extremely rigid statute governing the purchase and ownership of hand guns. The neighboring state of Ohio does not have such laws, except municipal ordinances in several cities. Because the states are contiguous and the populations similar by way of race, religion and ethnic origin, one might think that Ohio would have a high homicide rate. The fact is that during the last fifty years Michigan homicides have exceeded those in Ohio. Similarly, New York City has been governed by the Sullivan Act for almost sixty-five years. Fewer than 20,000 individuals residing in the five boroughs of New York City are authorized to own hand guns. The firearms homicide rate in New York City exceeds that for New York State by approximately three hundred per cent.

There is a tendency among some in this country to urge that sporting arms be limited to those who own land upon which they hunt. This premise overlooks the fact that since the Pilgrims came to Plymouth Rock in 1620, Americans have hunted game on publicly owned lands. It is my sincere hope that the Congress will not accept the suggestions because the proponents of this legislation want to create a landed aristocracy in this country.

It was my privilege to testify before a committee on juvenile delinquency of the United States Senate in July of 1967. It is unnecessary that I repeat at this time what I offered to the committee, chaired by Senator Dodd, eight years ago. However, I do invite the Committee to consider my remarks of that date as having relevance today.

As an antique firearms collector, I realize that there are some wolves who masquerade in sheep's clothing. These people want to pose as antique gun collectors while actually they intend to sell new cheap firearms through an underground or underworld sales network. The organized antique firearms collectors have always cooperated with the Treasury Department in apprehending these law violators and will continue to do so. In this connection, it is my observation that the staff of the Alcohol, Tobacco, and Firearms unit is undermanned and under-budgeted. We need more rigorous and vigorous enforcement of the statutes already on the books rather than the enactment of new statutes. The Treasury Department is realistically declassifying some classes of firearms as being genuine collectors' items even though they are potentially lethal. I speak of the Mauser and Luger, particularly. Experience has shown that most of the guns used in illegal homicides are poorly made so-called "Saturday Night Specials". Congressman Dingell of this state has introduced legislation which would outlaw these guns. His proposal contains objective scientific standards as criteria for weapons which have no use either as sporting arms or police weapons. They must be outlawed.

Mr. Chairman, in the light of my experience as both a hunter and arms collector and also in the light of my professional career, I suggest that there is no need for new legislation in this area, but there is need for more and better law enforcement. Poor people buy cheap guns because they have lost confidence in their local police to give them adequate protection. When this confidence is restored our system will be better off and the firearms problem, as such, will disappear.

Thank you for this opportunity of appearing before your Committee.

Mr. CONYERS. Now we want to call the representative of New Detroit, Inc., Mr. Aaron Lowery, who has worked on a number of related gun control subjects.

I welcome Aaron Lowery and invite him to make his presentation, as he chooses, but I would ask him to describe some of his responsibilities on some of the committees that he serves on around the State and country.

TESTIMONY OF AARON LOWERY, DIRECTOR OF PUBLIC SAFETY AND JUSTICE FOR NEW DETROIT, INC.

Mr. LOWERY. Thank you, Mr. Chairman.

As far as the various activities that I have been involved in over the years, most recently I served on the Governor's Michigan Advisory Committee on Criminal Justice which has just completed the goals and standards for the criminal justice system for the State of Michigan. Among some of those issues was the question of gun control. As you may know, there are a number of issues that the State commission has addressed that relates to the overall reduction of crime, and I can think of no other issue that is more important than the subject of guns.

Mr. Chairman and distinguished members of the Subcommittee on Crime, my name is Aaron Lowery and I am director of public safety and justice for New Detroit, Inc. I won't go into the background of New Detroit, because I think the members of the committee are familiar with those activities and the composition of New Detroit.

As you know, crime and the fear of crime is a major and growing concern of our Nation. Crime in the United States, as measured by the crime index offenses, increased 17 percent during calendar year 1974 over 1973. Violent crime, as a group, increased 11 percent. Guns were used in many of those crimes.

According to U.S. News & World Report, February 10, 1975, someone used a gun in a crime every 2 minutes in 1973, for a total that year of 279,169 gun crimes.

Because handguns are involved in so many of the gun crimes, especially murder, and many other incidents, New Detroit's board of trustees adopted, on June 6, 1975, a position statement regarding handguns. The statement urges consideration of: one, New Detroit's 1968 gun control recommendations that have not been implemented; and two, the support and adoption of additional Federal handgun recommendations that would include making it unlawful, with limited exceptions, for a person to import, manufacture, sell, buy, transfer, receive, possess, or transport any handgun or handgun ammunition.

Mr. Chairman, the following is New Detroit's position statement regarding handguns.

The estimated 40 million handguns in the United States, the 2.5 million new handguns manufactured for the U.S. market each year and 10,000 handgun murders annually pose a clear and present danger to the internal security of our Nation. Handguns represent a major threat to our society's safety. Self-government can only operate as an open society. People must be free to move about, to assemble and attend meetings in all forms of pursuit, to shop, to work, to engage in political action, to exercise the fundamental cognate rights of the first amendment. Indeed our Constitution and bill of rights can only operate in an open society. People must be free from fear in their houses and work places because fear paralyzes self-government.

Our city and Nation, however, are fast moving toward a closed society. The miasma of fear is penetrating much of our society and becoming an omnipresent fact of American life. An increasing number of people are afraid to walk down the street, to shop, to work, to assemble, to engage in political action. There is an increasing stultification of the routine activity of people. A closed society endangers the processes of a democratic republic. It is no exaggeration to conclude that the existence of self-government itself is at stake.

There are many reasons for this phenomena. Among the main reasons are the rising, pervasive, and compacted presence of crime and the increasing availability and use of weaponry, primarily handguns. A vicious circle has evolved. People are afraid; they think they need protection, therefore, they buy handguns. And the more handguns they buy and have available the more injuries and deaths occur. The more the need for safety is perceived and handguns purchased, the less safety produced with widespread availability of handguns. The fact is that there is a contradiction between achieving domestic tranquility and the availability of 40 million handguns. Ten thousand homicides by handguns each year attest to that. The primary purpose of a handgun is to kill a human being. Handguns do not promote safety; handguns generate violent crime.

The continuation of this vicious circle must end. Vigorous enforcement of present local and national laws must be pressed. New State and local measures must be adopted regarding licensing, registration, and education. But the problem is national. The problem transcends State boundaries. There are approximately 42 States that do not even

require a license to purchase a handgun, and only nine States require a waiting period between applications to purchase handguns and final sale. There are also approximately 20,000 State and local firearm laws, many of which are conflicting and unenforceable. There must be a national approach. We must reduce the present availability of handguns. We must stop the manufacture and sale of handguns except for very limited categories.

We have all seen a headline about the homeowner or shopkeeper who shoots a robber. But, in fact, handguns are rarely used successfully by law abiding citizens. Studies in Detroit and Los Angeles show that only 2 percent of reported home robberies and 1 percent of reported home burglaries result in the intruder being shot by the householder. These studies are detailed in "Firearms and Violence in American Life," volume 7 of the staff reports to the National Commission on the Causes and Prevention of Violence.

For this minimal protection against intruders, Americans are paying a high price in the killing and wounding, both accidental and deliberate, of family members, friends and acquaintances. In 1973, gun deaths totaled approximately 26,000. There were 13,000 murders, 10,000 suicides, and 3,000 accidents.

Most killings are not done by people carrying concealed weapons on their person in violation of the statutes. Most American homicides do occur in the home and the handgun is the usual instrument, because it is handy and is most often kept loaded. Murder within the family made up approximately one-fourth of the 19,510 murder offenses in 1973. Handguns were the weapons used in 53 percent of the 19,510 murders.

Another study described in the Violence Commission staff report demonstrated that 71 percent of all killings in Chicago involved relatives, friends and neighbors. Almost always, the attacks were generated by spontaneous rage, and the attacker was not necessarily determined to kill. In Detroit in 1974, 54 percent of all homicides involved a handgun and 47 percent of the homicide victims were married, living as common law, acquaintances or related to the defendants.

Almost every handgun ever used in a criminal act was at one time owned by an honest citizen. Inescapably, we learn that those millions of honest handguns provide the reservoir that keeps the criminal arsenals full. The reason handguns are so easily available to criminals is simple because handguns are everywhere. Handguns in honest hands get into the streets through burglaries, thefts, pawns, loans and sometimes, sales. In Detroit alone, 2,060 handguns were reported stolen in 1973. An untold number of thefts went unreported.

Contrary to popular belief, it is not the usual practice for a criminal to contemplate a crime and then go looking for a gun. Far more often, offenders commit crimes only after they find themselves with the capacity to intimidate a victim.

In 1968, New Detroit adopted the attached gun control recommendations are now a part of the Federal Gun Control Act of 1968, and others are part of Michigan State law. The Gun Control Act of 1968 includes the recommendation that (1) requires, as a precondition of sale by mail order or over the counter sale, a purchaser to supply

the name and address of the principal law enforcement officer of his place of residence; that the named officer be notified of the prospective purchase; and that a 7 day waiting period be established, (2) requires the registration of all gun dealers, and (3) makes it unlawful to sell rifles and shotguns as well as handguns to persons who are too young to bear the terrible responsibility that is placed in the hands of a gun owner.

Michigan law now includes New Detroit's 1968 recommendations that (1) centralized records of handgun ownership be maintained, (2) State fingerprint checks for any criminal record be required as a precondition to the issuance of a permit to purchase a handgun in Michigan, (3) prohibits certain categories of persons, such as habitual alcoholics, drug addicts, mental incompetents, persons with a history of mental disturbance and persons convicted of certain offenses, from buying, owning or possessing firearms, and (4) places a ban on the sale and possession of military type armaments such as bazookas, mortars, mines and fully automatic weaponry.

We believe that the 1968 New Detroit recommendations have in the past and will in the future reduce the probability that potential criminal offenders will acquire firearms. However, we also believe that in view of the spiraling rate of gun crimes, especially murder, additional approaches to gun control are warranted.

Accordingly, we subscribe to, and urge consideration of (1) New Detroit's 1968 recommendations that have not been implemented, and (2) the support and adoption of the following additionally listed handgun recommendations.

Mr. CONYERS. Are these recommendations in 1968 municipal or State or Federal?

Mr. LOWERY. They are both municipal, State and Federal. They are attached to the statement, Mr. Chairman.

Mr. CONYERS. Right. I see the appendices A thru D which will be incorporated with your entire statement.

Mr. LOWERY. Right. I would like to read those 1968 recommendations that have not been implemented.

One: That provisions be made for automatic revocation of handgun license upon conviction of a felony.

Two: That laws be enacted for requiring the registration and licensing of all handguns, rifles and shotguns, both those already in private hands and those acquired in the future.

Three: That laws be enacted for requiring the purchaser of ammunition to present a gun permit for said caliber as a condition of sale.

Four: That laws be enacted to make it unlawful to sell rifles and shotguns as well as handguns by mail order.

Five: That laws be enacted to make it unlawful to sell rifles and shotguns as well as handguns in one State to the residents of another State.

Six: That the Michigan statutory exemption, for any privately operated organization that has managed to secure special United States Government granted privileges to buy or sell Government owned guns and ammunition, be eliminated unless the organizations demonstrate that they engage in a meaningful screening of new mem-

bers to exclude persons who do not qualify under their own expressed standards, as well as under provision of law governing gun ownership for all citizens.

The need for recommendations on additional handgun restrictions is based upon two premises: (1) the vast reservoir of 40 million handguns easily accessible to criminals through thefts, burglary and cheap, secondhand commercial traffic must eventually be dried up; and (2) even to the extent that criminals would still have weapons, the hard facts indicate, contrary, to common belief, that the rest of us are safer if we do not have handguns. The bulk of homicides committed each year—not to mention serious wounding or fatal accidents—do not involve criminals attacking strangers, but involve altercations between acquaintances.

The adoption at the national level of the following additionally listed recommendations would be a major step towards reducing homicides, serious woundings, and fatal accidents that are generated by 40 million handguns in the United States.

One: That a period of 180 days be established during which time citizens be required to turn in their handguns for which they might receive appropriate compensation from the Government.

Two: That a reasonable period be established—perhaps 180 days—that after such period any unauthorized person with a handgun in his or her possession would be subject to a jail term and/or fine.

Three: That handguns would be allowed in the possession of police and licensed security guards.

Four: That target shooting clubs would be allowed to own handguns if such guns were stored in a safe place or in a police station.

Five: That antique guns would be exempted.

Six: That but for the exceptions above, it would be unlawful for any person to import, manufacture, sell, buy, transfer, receive or transport any handgun or handgun ammunition.

We believe the time has come in our Nation to take bolder action. As our task is new, we must think anew. Together with other effective crime prevention and crime reducing measures, as part of a comprehensive program, we must curtail and eliminate the availability of handguns. The recommendations herein urged are imperative to secure and preserve the domestic tranquility necessary for self-government in the United States.

Mr. CONYERS. Mr. Lowery, that is an excellent statement from you as the director of public safety and justice on behalf of the New Detroit, Inc. It's a very strong statement, considering the makeup of your organization, comprising businessmen, industrial leaders, suburbanites and others.

What I would like to suggest, and I am almost embarrassed to be put in the position of being more moderate than New Detroit, Inc., after all the things you have said in terms of their lack of joining the issue, here you have really joined the issue.

Now, this bounty provision and the fining of people after the 180-day period, the fine or sentence, let me just tell you the problem I have. As we have taken testimony here, Aaron, what I am convinced of is now we have 199 years of American history of building

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up the myth and support of the gun. I don't know how I would get most of the House of Representatives to pass legislation like that. Can it be that one day we would pass a law that would not only stop any further production of handguns, but would go back and take the ones from people who thought they were doing right when they purchased them? Now, from that point of view, I may be considered a moderate or a——

Mr. LOWERY. Mr. Chairman, I might add that the recommendations that I just read are really principles, and that I think the urgency of the problem is pinpointed by the 180 days, as indicated again. These are principles and I am certain the 180 days is not in cement, but they wanted to pinpoint the urgency of this problem.

Mr. CONYERS. I think the problem is pretty urgent, but suppose we were able to treat this problem different from narcotics. This has been the constant reference all during these hearings, guns and dope, But narcotics stem from unknown sources. They are trafficked through illegal international routes, none operating under the sanction of law. But we know who makes the guns. We know where the imports come from. We know what the Government does to stimulate all of the fantasies that are connected with this subject. So why don't we begin to carefully restrict the maunfacture so that the avalanche of 2½ million shotguns may soon begin at least to turn the tide on this subject.

Now, will that take too long? Are you impatient with that kind of procedure?

Mr. LOWERY. One thing I might add is that we often refer to this as a comprehensive approach. That might be several steps in that approach but we do believe that you can't isolate just drying up the market of 2.5 million guns without some other kind of things that are necessary. I am not saying this is not the panacea but we are saying a comprehensive approach.

Mr. CONYERS. We think we have to know who is getting how much of what, where, and for what purpose. It becomes clear that any intelligent discussion of this subject requires that you know far more than the Federal Government knows about distribution of weapons in this country. So that, I think, is going to be critical. I think it points directly to some further refinements of the procedures needed in terms of us knowing where weapons are, and trying to address ourselves to that illegal market, those numbers of people who constitute the problem. You know, people constantly tell me what the criminals are going to do about gun control. They are not going to register their weapons. Well, I mean, any——

Mr. LOWERY. I think that as part of a comprehensive approach that certainly a moratorium on the manufacture or drying up of the production of handguns in conjunction with the confiscation of handguns, it's my understanding that hundreds of thousands of handguns are confiscated each year, but as long as we are continuing to produce those handguns, they are being replaced. Again, I would have to emphasize the comprehensive approach to the drying up of the availability of handguns. For example, I have heard testimony today concerning guns that are in the hands of law abiding citizens. Here

in Michigan alone, during the last 10 years, we have had 38,000 guns or more that were stolen, only 30 percent of those handguns were ever reported or recovered. I think that, in itself, shows a legitimate source has really become an illegitimate source.

Mr. CONYERS. I don't think that anybody in this country should expect that the Congress is going to draft laws which criminals will obey. I don't expect those who are engaging in crimes in America and using weapons are going to obey the 1968 gun law, the Michigan registration requirements, the Detroit city ordinance, requirements or anything else. That's what law enforcement is about. If all the criminals were going to obey, then this would be a much easier situation to resolve. But I would like to commend your thoughtfulness and the length of time that you have been involved in this question. The one thing that gives me some difficulty is the notion of somehow talking people into giving up a weapon that they have already purchased. I don't think it will work. I would much rather leave them out there and do something about cutting availability off somewhere along the line. I just don't see how confiscation is going to happen when we consider 40 million handguns.

Mr. LOWERY. We gave a lot of thought in our deliberations to that question, and it's our belief that a number of people are saying that this problem cannot be resolved, and I think the only way you can resolve it, this problem, is to think we must give it a try. Certainly, shooting for the moon is the apex. If you should fall some place short of that, it would be a major accomplishment.

Mr. CONYERS. That is very optimistic thinking. Again, though, you have a number of excellent recommendations at all levels.

Let me ask you one other question, because we do have one other witness, what about the responsibility of law enforcement officers at the local level to provide an appropriate measure of support that would relieve those citizens who feel they have a defensive need for the weapon, to feel more secure?

Mr. LOWERY. There are a number of things that local law enforcement agencies must do to overcome that fear that you must have a handgun. Certainly, the response time is an important factor. One of the things that law enforcement agencies throughout the country are trying to do is to increase their response time when they are called. But, in terms of the homicides that have evolved among friends, relatives and acquaintances, no amount of response time is going to eliminate that; it's just the availability of the handgun, itself.

Mr. CONYERS. I am talking about creating communities where people feel more safe in terms of street crime.

Mr. LOWERY. I think that relates to the distribution of our law-enforcement power. Certainly, the old concept of police officers getting back to the beat, of making people feel safer by knowing that a law-enforcement person is close by and can respond, that goes a long way toward addressing that problem. We have become so mechanized today in the average metropolitan areas, and rural areas, as well, that the response time is of such a nature that the people, once a perpetrator enters, if that person should get in, that the law en-

forcement people will not respond in such time to apprehend that individual.

Mr. CONYERS. You have helped me in getting a further grip on the kind of elements that will go into the bill that I will introduce. There are some five bills already in. We are trying to evaluate the merits and the liabilities of each of these provisions. It is the most complex challenge that I have had since I have been in the Congress and I appreciate you, and the work of your organization, particularly on many of the committees that you serve in which you try to get the word to some of the people around the State that may not know the problems of living in cities at this time. I am grateful for the range of activities that you have contributed. Thank you very much for joining us.

[The prepared statement of Mr. Lowery follows:]

STATEMENT OF AARON LOWERY, DIRECTOR OF PUBLIC SAFETY AND JUSTICE, NEW DETROIT, INC.

Mr. Chairman and distinguished members of the subcommittee on crime. I am Aaron Lowery, director of public safety and justice for New Detroit, Inc.

New Detroit is a non-profit organization representing a cross-section of volunteer citizens from the Detroit metropolitan tri-county community. The citizens who comprise its 64-member board include industry leaders, bankers, school board members, college professors, labor leaders, high school students and members of the legal profession. The trustees are black, white and brown, Christian and Jew, militant and conservative.

As you know, crime and the fear of crime is a major and growing concern of our nation. Crime in the United States, as measured by the crime index offenses, increased 17%. Guns were used in many of those crimes.

According to U.S. News & World Report (February 10, 1975), someone used a gun in a crime every two minutes in 1973, for a total that year of 279,169 gun crimes.

Because handguns are involved in so many of the gun crimes, especially murder, and many other incidents, New Detroit's board of trustees adopted, on June 6, 1975, a position statement regarding handguns. The statement urges consideration of (1) New Detroit's 1968 gun control recommendations that have not been implemented, and (2) the support and adoption of additional federal handgun recommendations that would include making it unlawful, with limited exceptions, for a person to import, manufacture, sell, buy, transfer, receive, possess or transport any handgun or handgun ammunition.

Mr. Chairman, the following is New Detroit's position statement regarding handguns.

NEW DETROIT, INC.—POSITION STATEMENT REGARDING HANDGUNS

The estimated forty million handguns in the United States,[1] the 2.5 million new handguns manufactured for the U.S. market each year and ten thousand handgun murders annually pose a clear and present danger to the internal security of our nation. Handguns represent a major threat to our society's safety. Self-government can only operate as an open society. People must be free to move about, to assemble and attend meetings in all forms of pursuit, to shop, to work, to engage in political action, to exercise the fundamental cognate rights of the First Amendment. Indeed our Constitution and Bill of Rights can only operate in an open society. People must be free from fear in their houses and work places. Fear paralyzes self-government.

Our city and nation, however, are fast moving toward a closed society. The miasma of fear is penetrating much of our society and becoming an omnipresent

[1] Congressional Record, Proceedings and Debate of the 94th Congress, First Session, February 19, 1975; U.S. News & World Report, February 10, 1975; The National Star, April 13, 1974.

fact of American life. An increasing number of people are afraid to walk down the street, to shop, to work, to assemble, to engage in political action. There is an increasing stultification of the routine activity of people. A closed society endangers the processes of a democratic republic. It is no exaggeration to conclude that the existence of self-government itself is at stake.

There are many reasons for this phenomena. Among the main reasons are the rising, pervasive and compacted presence of crime and the increasing availability and use of weaponry, primarily handguns. A vicious circle has evolved. People are afraid; they think they need protection, therefore, they buy handguns. And the more handguns they buy and have available the more injuries and deaths occur. The more the need for safety is perceived and handguns purchased, the less is safety produced with widespread availability of handguns. The fact is that there is a contradiction between achieving domestic tranquility and the availability of forty million handguns. Ten thousand homicides by handguns each year attest to that. The primary purpose of a handgun is to kill a human being. Handguns do not promote safety; handguns generate violent crime.

The continuance of this vicious circle must end. Vigorous enforcement of present local and national laws must be pressed. New state and local measures must be adopted regarding licensing, registration and education. But the problem is national. The problem transcends state boundaries. There are approximately forty-two (42) states that do not even require a license to purchase a handgun, and only nine (9) states require a waiting period between applications to purchase handguns and final sale. There are also approximately 20,000 state and local firearm laws, many of which are conflicting and unenforceable. There must be a national approach. We must reduce the present availability of handguns. We must stop the manufacture and sale of handguns except for very limited categories.

We have all seen a headline about the homeowner or shopkeeper who shoots a robber. But, in fact, handguns are rarely used successfully by law-abiding citizens. Studies in Detroit and Los Angeles show that only 2% of reported home robberies and 1% of reported home burglaries result in the intruder being shot by the householder. These studies are detailed in "Firearms and Violence in American Life", volume 7 of the staff reports to the National Commission on the Causes and Prevention of Violence.[2]

For this minimal protection against intruders, Americans are paying a high price in the killing and wounding—both accidental and deliberate—of family members, friends and acquaintances. In 1973, gun deaths totaled approximately 26,000. There were 13,000 murders, 10,000 suicides and 3,000 accidents.

Most killings are not done by persons carrying concealed weapons on their persons in violation of the statutes. Most American homicides do occur in the home and the handgun is the usual instrument, because it is handy and is most often kept loaded. Murder within the family made up approximately one-fourth of the 19,510 murder offenses in 1973. Handguns were the weapons used in 53% of the 19,510 murders.

Another study described in the Violence Commission staff report demonstrated that 71% of all killings in Chicago involved relatives, friends and neighbors. Almost always, the attacks were generated by spontaneous rage, and the attacker was not necessarily determined to kill. In Detroit in 1974, 54% of all homicides involved a handgun and 47% of the homicide victims were married, living as common law, acquaintances or related to the defendants.

Almost every handgun ever used in a criminal act was at one time owned by an honest citizen. Inescapably, we learn that those millions of "honest" handguns provide the reservoir that keeps the criminal arsenals full. The reason handguns are so easily available to criminals is simple because handguns are everywhere. Handguns in honest hands get into the streets through burglaries, thefts, pawns, loans and, sometimes, sales. In Detroit alone, 2,060 handguns were reported stolen in 1973. An untold number of thefts went unreported.

Contrary to popular belief, it is not the usual practice for a criminal to contemplate a crime and then go looking for a gun. Far more often, offenders

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[2] President Johnson established the National Commission on the Causes and Prevention of Violence on June 10, 1968.

commit crimes only after they find themselves with the capacity to intimidate a victim.

In 1968, New Detroit adopted the attached gun control recommendations. A number of the recommendations are now a part of the Federal Gun Control Act of 1968, and others are part of Michigan state law. The Gun Control Act of 1968 includes the recommendation that (1) requires, as a pre-condition of sale by mail order or over-the-counter sale, a purchaser to supply the name and address of the principal law enforcement officer of his place of residence; that the named officer be notified of the prospective purchase; and that a seven-day waiting period be established, (2) requires the registration of all gun dealers, and (3) makes it unlawful to sell rifles and shotguns as well as handguns to persons who are too young to bear the terrible responsibility that is placed in the hands of a gun owner.

Michigan law now includes New Detroit's 1968 recommendations that (1) centralized records of handgun ownership be maintained, (2) state fingerprint checks for any criminal record be required as a pre-condition to the issuance of a permit to purchase a handgun in Michigan, (3) prohibits certain categories of persons, such as habitual alcoholics, drug addicts, mental incompetents, persons with a history of mental disturbance and persons convicted of certain offenses, from buying, owning or possessing firearms, and (4) places a ban on the sale and possession of military-type armaments such as bazookas, mortars, mines and fully automatic weaponry.

We believe that the 1968 New Detroit recommendations have in the past and will in the future reduce the probability that potential criminal offenders will acquire firearms. However, we also believe that in view of the spiraling rate of gun crimes, especially murder, additional approaches to gun control are warranted.

Accordingly, we subscribe to, and urge consideration of (1) New Detroit's 1968 recommendations that have not been implemented, and (2) the support and adoption of the following additionally listed handgun recommendations.

The 1968 New Detroit recommendations that are not included in the present federal or state gun control laws are: [3]

1. That provisions be made for automatic revocation of handgun license upon conviction for a felony;

2. That laws be enacted for requiring the registration and licensing of all handguns, rifles and shotguns, both those already in private hands and those acquired in the future;

3. That laws be enacted for requiring the purchaser of ammunition to present a gun permit for said caliber as a condition of sale;

4. That laws be enacted to make it unlawful to sell rifles and shotguns as well as handguns by mail order;

5. That laws be enacted to make it unlawful to sell rifles and shotguns as well as handguns in one state to the residents of another state;

6. That the Michigan statutory exemption, for any privately operated organization that has managed to secure special United States Government-granted privileges to buy or sell Government-owned guns and ammunition, be eliminated unless the organizations demonstrate that they engage in a meaningful screening of new members to exclude persons who do not qualify under their own expressed standards, as well as under provision of law governing gun ownership for all citizens.

The need for recommendations on additional handgun restrictions is based upon two premises: (1) the vast reservoir of forty million handguns easily accessible to criminals through thefts, burglary and cheap, secondhand commercial traffic must eventually be dried up; and (2) even to the extent that criminals would still have weapons, the hard facts indicate, contrary to common belief, that the rest of us are safer if we do not have handguns. The bulk of homicides committed each year—not to mention serious woundings or fatal accidents—do not involve criminals attacking strangers, but involves altercations between acquaintances.

The adoption at the national level of the following additionally listed recommendations would be a major step towards reducing homicides, serious wound-

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[3] If the additional handgun recommendations on page six are adopted at the federal level, the 1968 recommendations would relate only to rifles and shotguns.

ings, and fatal accidents that are generated by forty million handguns in the United States:

1. That a period of 180 days be established during which time citizens be required to turn in their handguns for which they might receive appropriate compensation from the government.

2. That a reasonable period be established (perhaps 180 days); that after such period any unauthorized person with a handgun in his or her possession would be subject to a jail term and/or fine;

3. That handguns would be allowed in the possession of police and licensed security guards;

4. That target shooting clubs would be allowed to own handguns if such guns were stored in a safe place or in a police station;

5. That antique guns would be exempted;

6. That but for the exceptions above, it would be unlawful for any person to import, manufacture, sell, buy, transfer, receive or transport any handgun or handgun ammunition.

We believe the time has come in our nation to take bolder action. As our task is new, we must think anew. Together with other effective crime prevention and crime reducing measures, as part of a comprehensive program, we must curtail and eliminate the availability of handguns. The recommendations herein urged are imperative to secure and preserve the domestic tranquility necessary for self-government in the United States.

Exhibit A

(Adopted by New Detroit Committee, July 11, 1968)

New Detroit Committee—Gun Control Recommendations

The New Detroit Committee believes that controls at all levels of government must be strengthened in order to reduce the probability that potential criminal offenders will acquire firearms. It agrees that the interests of persons desiring such weapons for legitimate purposes must be preserved within the context of the overall public safety. No system of control, of course, can guarantee that society will be safe from the misuse of firearms, but the New Detroit Committee is convinced that a strengthened system can make an important contribution to reducing the danger of crime in Detroit and Michigan.

The New Detroit Committee recommends that the Governor and the legislature of the State of Michigan take immediate steps to bring about the adoption of the recommendations on firearms' control submitted by the Michigan Commission on Crime, Delinquency and Criminal Administration, dated December 15, 1967. The New Detroit Committee believes these recommendations represent a necessary minimum step toward gun control which has already laid too long without positive action. The New Detroit Committee believes there should be coordination between the Federal, State and Local governing bodies on this matter and unanimously endorses these recommendations and urges citizen support for them. These recommendations in summary state:

1. THE PURCHASE OF HANDGUNS IN MICHIGAN

We recommend that existing Michigan law be amended to require a state police fingerprint check for any criminal record, as a pre-condition to the issuance of a permit to purchase a handgun in Michigan. We recommend that centralized records of handgun ownership be maintained with provision for automatic license revocation upon conviction for a felony.

2. FEDERAL CONTROL OF HANDGUN PURCHASES

We recommend that as a pre-condition to the sale of a handgun by mail order, or to a non-resident "over-the-counter," that the prospective purchaser be required to supply the name and address of the principal law enforcement officer of his place of residence; that the named officer be notified of the prospective purchase; that a 14-day waiting period be established; that if the seller is notified that the prospective purchaser is unqualified to purchase a handgun under the law of his place of residence, consummation of the sale be prohibited.

The interpretation of law by the designated officer should be subject to judicial review.

3. MILITARY-TYPE FIREARMS

We recommend an absolute ban on the sale of those weapons no citizen has a justifiable reason for owning, namely, military-type armaments such as bazookas, mortars, mines, and fully automatic weaponry.

4. SPECIAL GOVERNMENT PRIVILEGES TO PRIVATE GROUPS

We oppose, in respect to handgun purchases, the continuation of the present Michigan statutory exemption for any privately operated organization that has managed to secure special United States Government-granted privileges to buy or sell government owned guns and ammunition, unless they demonstrate that they engage in a meaningful screening of new members to exclude persons who do not qualify under their own expressed standards, as well as under provisions of law governing gun ownership for all citizens.

In addition the New Detroit Committee believes the necessary steps should be taken immediately to:

5. Enact laws prohibiting certain categories of persons, such as habitual alcoholics, drug addicts, mental incompetents, persons with a history of mental disturbance, and persons convicted of certain offenses, from buying, owning, or possessing firearms.

6. Require the registration and licenses of all handguns, rifles, and shotguns, both those already in private hands and those acquired in the future.

7. Require the registration of all Gun Dealers.

8. Require the purchaser of ammunition to present a gun permit for said caliber as a condition of sale.

The New Detroit Committee's position on Federal Gun Control Legislation has been stated on June 20. It was stated then that we urge the adoption of current gun control legislation before Congress which would:

Make it unlawful to sell rifles and shotguns as well as hand guns by mail-order.

Make it unlawful to sell rifles and shotguns as well as hand guns to persons who are too young to bear the terrible responsibility that is placed in the hands of a gun owner; and

Make it unlawful to sell rifles and shotguns as well as hand guns in one state to the residents of another state.

Exhibit B

HANDGUN STATISTICS

1. There were 19,510 murders in the United States in 1973, of which 53%, or 10,340, were by handguns.

2. In 1974, 132 police officers were killed on duty, and 95, or 72%, were killed by handguns.

3. In Michigan in 1973, handguns were used in 556 (51%) of the 1,082 murders and non-negligent manslaughters, and in 6,478 (28%) of the 23,001 aggravated assaults.

4. In Detroit in 1973, handguns were involved in 406 (54%) of the 751 murders, and in 6,199 (38%) of the 16,249 armed robberies.

5. In Detroit, 2060 guns were reported stolen in 1973. Only 909 were recovered by police.

6. In 1973, nationally, 9 infants under one year of age were murdered by handguns, 44 between the ages of one and four, 55 between the ages of five and nine, 151 between ten and fourteen, 1,005 between fifteen and nineteen.

7. In 1974, some 2,600 Americans were killed in handgun accidents, and most of these persons were under age 20.

8. In a Gallup Poll in November of 1974, 71% stated that all firearms should be registered.

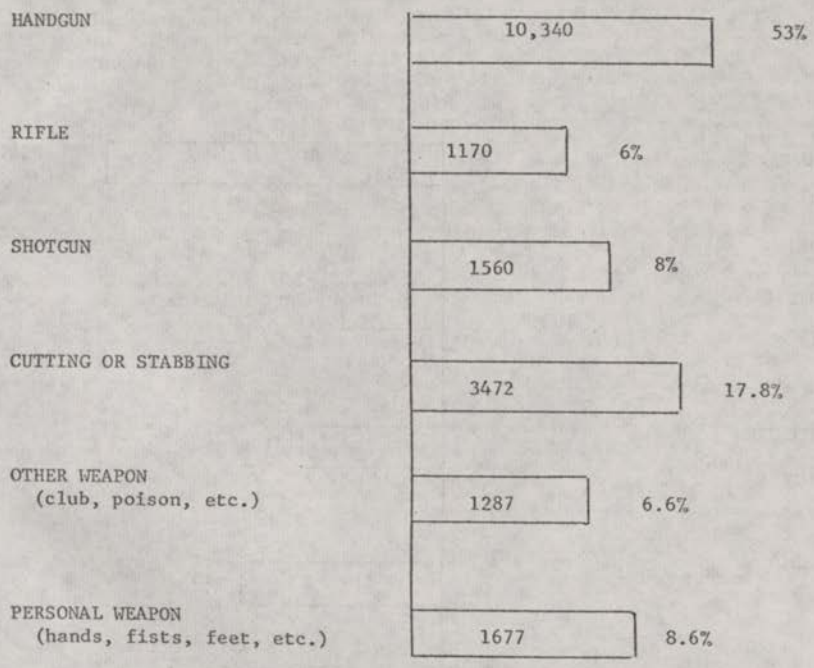
9. In a Michigan survey by Market Opinion Research in 1974, 54% stated they would like to see a law which would outlaw handguns.

10. In a Detroit survey by MOR in 1974, 60% stated they would like a law which would outlaw handguns.

MURDER

EXHIBIT "C"

BY TYPE OF WEAPON USED IN U.S.



DUE TO ROUNDING, THE TOTAL DOES NOT ADD UP TO 19,510.

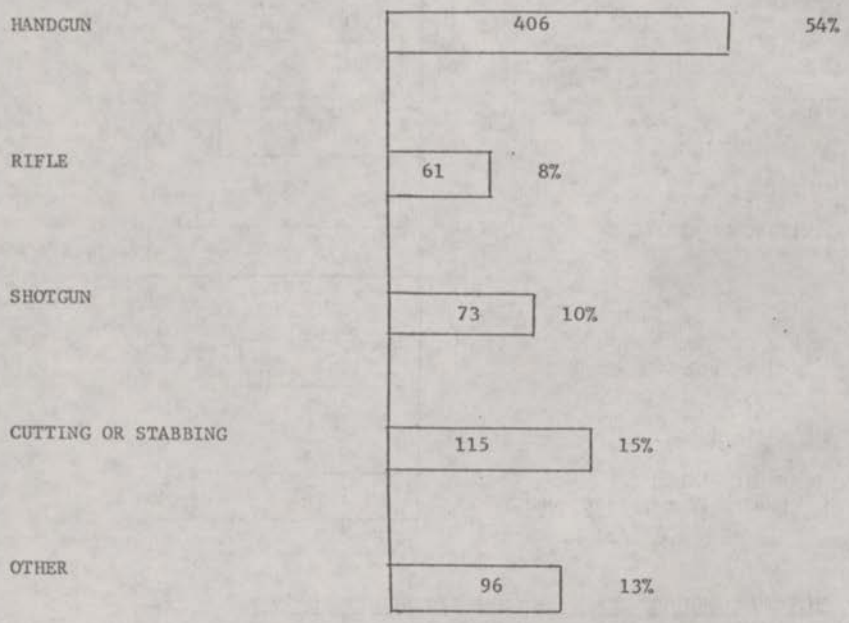
SOURCE: U.S. Uniform Crime Reports (1973)

MURDER

EXHIBIT "D"

BY TYPE OF WEAPON USED IN DETROIT

1973



SOURCE: Detroit Police Department Statistical Breakdown of Homicides in 1973

Mr. CONYERS. I will call to talk, Mr. George Killeen, is he here? Did you have a prepared statement?

Mr. KILLEEN. Yes, I am going to leave that. I understand that you are in need of time and I am sure that most of the facts that I would talk about have already been covered. If I can just briefly address myself to one of my points that I wanted to talk to you about.

Mr. CONYERS. Do you have a prepared statement for the record?

Mr. KILLEEN. Yes; we do, and we have already given it.

Mr. CONYERS. Then it will be incorporated into the record.

TESTIMONY OF GEORGE F. KILLEEN, COMMISSIONER, 3D DISTRICT, WAYNE COUNTY BOARD OF COMMISSIONERS

Mr. KILLEEN. My observation is, first of all, it isn't often in a political life that you get to talk to people who can effect change and I appreciate being able to come before a board that would be able to effect some change in this area.

My interpretation of a handgun is to seriously injure or kill a human being at close range. In terms of human pain and suffering, grief, it is beyond measurable belief. The banning of the handgun, I believe, as is historically indicated, has failed, as prohibition did with liquor. I don't believe it will work with handguns. Prohibition always seems to create more problems than it solves. Frankly, I think the handgun advocates will have enough strength to beat any handgun lobby in the foreseeable future. The handgun lobby, spearheaded by the National Rifle Association, is one of the strongest forces in Washington. Sheer numbers and tremendous wealth. They have beaten to death any meaningful control of guns. Public opinion polls have indicated as much as 81 percent of all Americans are in favor of some kind of effective handgun regulation. Something must be done about this American tragedy.

Based on exhaustive personal study, I propose what we need, I believe, as a national program of handgun responsibility. The key word is responsibility. Let those who wish to own handguns be responsible for the training of the would-be handgun owners in responsible ownership. Those who own handguns be responsible for the screening out the imcompetent applicants, with powerful financial incentives in the form of steep insurance premiums to maintain the quality of the screening process. Let the cost of handguns, who now fall on society in general, be borne by handgun owners through a system of compulsory national handgun insurance.

I believe we have to treat handguns as we do the automobile which, if misused, can also become a deadly weapon. Before a person can drive, he must have passed rigorous tests, must prove his ability, physically and mentally to be capable to drive. His automobile must be registered. Through this registration the ownership may be quickly identified in the event of an accident or a crime. The automobile owner must be properly insured for at least personal injury and property damage.

Mr. CONYERS. Are you suggesting then that there be some form of national insurance into which everyone that owns a handgun would be paying so that when an injury or death occurred, there would be some method of indemnification?

Mr. KILLEEN. That is part of the proposal. The other part of the proposal is that the NRA, and I am not talking about the National Recovery Act, which I hope it would be, but the National Rifle Association be the agent for the insurance. They already have the mechanism built in their organization to screen and they have led us to believe they are concerned about responsible gun ownership. If they be the agent that would issue the insurance policy at the time of purchase, they would all have the opportunity of maybe even getting them in their own organization. But they will also have the opportunity to screen and to better adapt itself to the person who owns the handgun. You know, we keep talking about the criminals, as you have been indicating, I am not addressing myself to the criminals, I am addressing myself to the potential where the most great good can be done, and that's the respectable individual who is owning the handgun and that if the National Rifle Association really believes that they are concerned about the quality of the handgun owner, then the proposition of their being the agent through an act of Congress for an insurance program that would insure the person on the other end of the gun in the case of a gun accident, it would be of great value.

Mr. CONYERS. Well, it's a novel approach. We haven't heard that before, I will say that, for you Commissioner Killeen. I hope you indicate also in subsequent correspondence the reaction of the National Rifle Association to their role in your proposal.

Mr. KILLEEN. Yes; the National Rifle Association, and I don't have to tell you, was really born of necessity, and I sometimes can't identify what they talk about as the enemy, when I look over the deaths that result from a handgun. In relationship, the enemy must be a member of my family and it must happen in my own home.

[The prepared statement of Mr. Killeen follows:]

STATEMENT OF GEORGE F. KILLEEN, COMMISSIONER, WAYNE COUNTY BOARD OF COMMISSIONERS

Good afternoon.

What I am going to talk about today is not the most pleasant of subjects. But I believe the time has come in our national life when this matter must be faced, and faced squarely.

More importantly, the time has come—in fact, the time is long past due—when something must be done about it.

I am referring to the growing menace of handguns in our streets, in our public places, and most particularly, in our homes.

It is difficult to minimize this problem in the face of the facts.

The grim carnage makes the headlines every day: Wives and husbands shot dead . . . friends killed in the heat of argument . . . children's lives snuffed out by accident . . . revenge shootings in which everybody really loses.

Our nation's cities have become armed camps. Shootings have become commonplace.

In Detroit alone, for example, police estimate that half a million unregistered handguns are in people's hands.

Seventy percent of the homicides occurring in Michigan are committed with firearms.

The largest single cause of paralyzing spinal injury being treated in Detroit today is gun shot wounds.

Increasingly, the young in our cities see the handgun as the ultimate badge of manhood.

Guns are used in about 120-thousand robberies per year in the United States.

Twenty-thousand Americans are killed by guns each year. Half these deaths are homicides. Of the remaining half, suicides account for 7-thousand deaths and accidents for 3-thousand.

Our national firearms homicide rate is 35 times that of England or Germany.

In one recent year, there were more than 500 gun deaths in New York City and only three in Tokyo, the world's largest city.

And in Detroit, of course, the time when only 500 gun deaths occurred in a year is now only history.

Let's take a brief statistical look at the gun deaths in Detroit. What comes to mind for most of us probably is the hapless victim shot by a robber. But such is not the case.

The fact is that, a Detroiter has a better chance of being shot in his own home by someone known to him than of being shot by a stranger.

This is illustrated by a break-down of the 751 homicides that occurred in Detroit in 1973.

Handguns were used in 342—or 54 percent—of the shootings.

Shotguns and rifles were involved in another 134 cases.

In 52 percent of the cases, the victim was killed in his own home. Not surprisingly, the next most likely place for a shooting proved to be a bar room.

In 69 percent—or 342 instances—the assailant was known to the victim . . . was either a relative or, most likely, an acquaintance.

Most often the cause of the shooting was simply an argument. That was the case in 270 shootings.

Robbery was the motive in only 154 of the 751 cases.

Fifty percent of those who pulled the trigger had no previous criminal record.

As those figures show, the most frequent cause of shooting deaths is an argument—usually with alcohol involved—between people who know each other.

In the old days, an argument might result in fisticuffs. Today, too many people reach for a handgun instead. Why? Simply because the gun is there. It is in the home, ready to be used. That ends the argument—and a person's life.

In addition to the danger of injury or death to residents and visitors, handguns in the home have another drawback: They are a major source of weapons for the worst kinds of criminals.

Last year in Detroit, more than 2 thousand guns were stolen, most of them in home burglaries.

A gun is as good as cash to a hoodlum. He can either sell it in a back alley or use it for robberies.

The situation was studied recently by the Detroit-Wayne County Criminal Justice System Coordinating Council.

The council concluded that possession of a gun seldom prevented a robbery or burglary, but was a major factor in homicides among friends and acquaintances.

The study found only eight instances over a year's time in which home owners were able to use their guns to prevent robberies. The criminal usually has the element of surprise on his side.

It is obvious that the American fascination with guns—a hold-over from our frontier past—is a mounting national tragedy.

There are, of course, environmental factors involved in much aggressive behavior.

But the key question is this: Would the aggression have resulted in death or permanent severe injury if a gun had not been readily available?

In an overwhelming number of instances, I think the answer would be "no."

The handgun was designated for one purpose—to seriously injure or kill a human being at relatively close range.

The cost paid by society in general for the damages inflicted by guns is tremendous.

In terms of human pain and suffering and grief, it is beyond human measure.

In terms of dollars spent on insurance payments and premiums, on support of families who have lost their breadwinners, on physical rehabilitation for the growing numbers of the maimed . . . we are talking many millions, perhaps billions.

That brings us to the question: What can we do about the growing handgun menace?

In recent years, many voices have been calling for the outright banning of private handgun ownership in order to reverse their terrible proliferation.

But I believe history indicates that approach would fail. Prohibition did not work with liquor, and I don't believe it would work with handguns.

Prohibition always seems to create more problems than it solves.

Frankly, I do not think the gun control advocates will have enough strength to beat the gun lobby in the foreseeable future.

The gun lobby, spearheaded by the National Rifle Association, is one of the strongest forces in Washington. Through sheer numbers and enormous wealth, the gun lobby has beaten to death every effort at meaningful gun control.

Yet public opinion polls have shown that as much as 81 percent of the American people are in favor of some kind of effective gun regulation.

Something certainly must be done about this American tragedy.

On a basis of a pretty exhaustive personal study, I have a proposal to make.

What we need, I believe, is a national program of handgun *responsibility*. The key word is *responsibility*.

Let those who wish to own handguns be *responsible* for the training of all would-be handgun owners in responsible ownership.

Let those who own handguns be responsible for screening out the incompetent applicants, with powerful financial incentives in the form of steep insurance premiums to maintain the quality of the screening process.

Let the costs of handguns which now fall on society in general be borne by handgun owners through a system of compulsory national handgun insurance.

Essentially, I believe we have to treat handguns as we do the automobile which, if misused, can also become a deadly weapon.

Before a person may drive, he must pass rigorous tests to prove he is physically and mentally competent to do so.

His automobile must be registered. Thus ownership may be quickly determined in the event of an accident or a crime.

And the auto owner must be properly insured for at least personal injury and property damage.

And finally, it is the motor vehicle owner who pays most of the cost of highway construction and maintenance through fuel and vehicle weight taxes.

I believe the same principles can and should be applied to handguns on a national basis through an act of Congress.

How best to implement a national system of handgun responsibility?

I think one good way would be to make the National Rifle Association responsible for the program.

This may come as a shock in view of the fact that the N-R-A is in the forefront of the gun lobby.

But after all, the N-R-A has always maintained that one of its chief functions is to encourage responsible gun ownership.

As a national organization, the N-R-A would provide an already-existing mechanism for the operation of the handgun responsibility program.

My program would consist of the following:

1. Federally-approved fees would be established for the required safety courses, character checks, possibly psychological tests and other procedures leading to a permit to own a handgun.

2. The NRA would be responsible for the funding and operation of the national handgun insurance fund, out of which payments would be made for injury or death or property damage caused by handguns.

I can already hear the anguished cries of the gun lobby. One of the first things they will throw at me is article two of the Bill of Rights.

How many times have we heard it argued that the Bill of Rights specifically states that, "The right of the people to keep and bear arms, shall not be infringed."

The gun boosters always conveniently omit the first part of that article, the whole of which reads:

"A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

Obviously the time is long past in this nation when every shopkeeper and farmer was a "minuteman" with his trusty musket over the fireplace.

In his excellent book, *The Saturday Night Special*, Robert Sherrill reports that the United States Supreme Court has ruled repeatedly that article two pertains only to the right of a State to establish a militia.

The modern militia is, of course, the National Guard. Its weapons are kept under lock and guard at the armory, not in the homes of its individual members.

Also, the right to bear arms clearly refers to the right to bear arms against an enemy of the State.

Unfortunately, sometimes normal, responsible citizens when under stress don't know their neighbor or their wife from the enemy.

Too often, a gun bought for protection is used for final and irrevocable settlement of an argument.

I believe there are substantial numbers of Americans who, like myself, have no interest in bearing arms.

By assuming the responsibilities I have suggested here, the organized gun boosters would relieve those of us who have no desire to own or use guns.

As things now stand, we who do not use or encourage the use of guns, often pay the cost, financially and otherwise, of the fascination that one segment of our population has with firearms.

The success of the program would depend upon whether the Congress gives it any real teeth.

Certainly more stringent screening of applicants for handgun permits would be required for success than those existing at present.

Right now anybody may purchase a handgun if he is over 18 years old and has not committed a felony.

The fact that a person might be incompetent and downright dangerous with a handgun doesn't enter into the picture.

Felony convictions should not be the only factor considered.

One would not sell dynamite to a person who is mentally incompetent. One would not want to see dynamite in the hands of a drunkard or a drug addict.

Regulations over sale of dynamite are designed to keep it away from people unequipped to handle the explosive or without a good reason for wanting it.

No responsible adult would give a stick of dynamite to a child or leave it around for a youngster to play with.

A bullet can be just as fatal. Yet handguns are allowed to fall into the hands of children, into the hands of habitual drunkards, into the hands of drug addicts.

As I noted earlier, guns are involved in most homicides. And alcohol is involved in 50 percent of all homicides.

Given these factors, dare we not consider the character of the would-be handgun owner more carefully than we have up to now?

Today, 57 people will be killed in accidents, murders, suicides . . . involving the use of what has become America's trademark: the gun.

It doesn't have to be that way. We can save many of tomorrow's 57 victims if we will treat handguns not as toys, not as symbols of manhood and power, but as the deadly weapons they are.

It is time for the American people to confront their public officials and *demand* that they act responsibly on the gun issue . . . that they act to stem the rising tide of death and destruction in spite of all the influence the merchants of death can muster in Washington.

I urge you, let your Senators and Congressmen know how you feel.

Thank you.

Mr. CONYERS. Thank you very much.

Ladies and gentlemen, I thank all of you who have participated for the great cooperation I have received. I include my own Detroit staff. The attitudes are commendable of nearly everyone who has participated either as witnesses or as spectators in what is admittedly a very complex subject. We don't know how many views have been changed. We don't really know how much new evidence has been brought to our attention. But we do feel that there has been an attitude of fairness and receptivity on the part of the differing points of view on how firearms regulation might be best approached for this coming year in the Congress.

Now, for those of you who would like to follow this more closely, I would like to offer a way that that might be done. I would per-

sonally appreciate receiving any additional comments or responses about any of the statements or the positions that have been made during the course of this hearing, or any ideas that may not have been expressed that would be part of your own views, so that we might be able to incorporate them into our final report. There are 50 bills, some call for the repeal of the Federal Gun Act, others call for a total prohibition of the manufacture, sale, and possession of handguns. In between are a number of proposals dealing with licensing, registration, and other methods of dealing with the problem.

I should say thanks, also, to all of you here who have come as concerned citizens in the course of these hearings. I think that they have been helpful and it's my hope that with all of us giving our best views on the subject, that, perhaps, we will come forward with an effective piece of legislation. I hope all who support it will be proud that they have done so, and that it might do some solid and substantial good in the future. So it's on that note of thanks that I respectfully conclude the hearings here in the city of Detroit.

The committee stands in recess.

[Whereupon the hearing was adjourned to reconvene at the call of the Chair.]

APPENDIXES

APPENDIX 1

CORRESPONDENCE

ALBRIGHT UNITED METHODIST CHURCH,
Milwaukee, Wis., June 16, 1975.

Hon. JOHN CONYERS,
House of Representatives,
Washington, D.C.

DEAR MR. CONYERS: The enclosed resolution relative to handgun control was adopted June 7, 1975 by the annual session of the Wisconsin Conference of the United Methodist Church. This 1,000-delegate body was nearly unanimous in its adoption of the resolution.

As one of the sponsors of it and as a member of the General (national) Board of Church & Society of the United Methodist Church I urge your support of national legislation banning the sale and purchase of handguns except for use by authorized law-enforcement personnel. As Boston Police Commissioner di Gracia has said, "Nothing will work entirely as long as the people can go to other states to get guns. That's where the federal government comes in, making sure no one can get a gun anywhere in this country." (Wall Street Journal June 10, 1975).

Thank you for your leadership.

Sincerely,

RICHARD TRUITT.

RESOLUTION ON HAND-GUN CONTROL FOR CONSIDERATION BY THE WISCONSIN CONFERENCE OF THE UNITED METHODIST CHURCH, 1975

The Christian faith centers upon the worth of the individual, is squarely opposed to violent actions for the resolution of human conflict, and assumes with the Judaic tradition the tragic evil of taking another's life.

It follows that the Christian Church should use its influence to reduce violence and to encourage every safeguard against such criminal behavior.

While the "right to bear arms" is a Constitutional guarantee, given to a frontier society for collective security, we believe the Christian must willingly yield individual privileges for the sake of public welfare. The right to possess certain weapons is not sacrosanct; human life is.

Because violent crime increased 8% in 1974 (FBI Report);

Because the rate of homicides in the USA is the highest of any country in the world, and alarmingly so;

Because over 10,000 persons will be murdered by hand-guns in this country this year (9,075 in 1973);

Because over 70% of all homicides will be committed by relatives or close acquaintances;

Because 73% of the murders in 1972 were carried out by persons who had never before broken the law;

Because hand-guns are involved in over 65% of all killings of police officers;

Because laws against concealed weapons are inconsequential "after-the-fact";

Because hand-gun proliferation in the U.S. has been accelerating sharply, and resultant deaths as sharply;

THEREFORE the members of the Wisconsin Conference of the United Methodist Church urge immediate enactment of national legislation to ban the manu-

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facture, sale and possession of hand-guns, except for use by law enforcement agencies and by licensed sport clubs where weapons are secured on the premises; and passage of Wisconsin legislation to curb hand-gun sale and possession within the state until national legislation is in force.

Furthermore, we urge individual United Methodists to work actively for legislation to prohibit private hand-guns both in Wisconsin and nationally.

Finally, we encourage the Conference Board of Church and Society to work unilaterally or in cooperation with other religious bodies for legislation to prohibit private hand-guns.

KALAMAZOO, MICH., *April 14, 1975.*

HON. JOHN CONYERS, Jr.,
House Office Building,
Washington, D.C.

DEAR MR. CONYERS: I am writing this letter to express my concern over gun control. I hope you will be able to personally read this. I want to explain what I feel are the causes of the growing misuse of firearms. The increase in violent crimes is almost in direct to the increase in the drug culture. The television and the movies of today find it necessary to show quite graphic portrayals of violence. No longer do you see the "good guy" triumph at the end of the film. You see someone exploding after being shot by a pimp or a drug pusher. This is not responsible film making.

One of the biggest disgraces in this country are our major inner cities. After visiting Chicago, Detroit and Washington, D.C., in the last few months I am amazed that you don't have 10,000 homicides in these and any other major cities. The complete filth, despair, poverty, and sense of frustration in these areas is disgraceful, especially when our government can so freely spend billions in foreign aid to help other countries.

In your own city of Detroit why did the majority of judges in that area vote against a mandatory one year sentence for anyone involved in commiting a crime with a weapon? Why was a confessed slayer of seven released? Why was the person who killed the young newspaper girl given a permit to own firearms when the police knew of this individual's background? Why was he not arrested immediately? Why was he released by one judge? And later turned in by his lawyer after a strong protest by people in the area. Why was he only charged with second degree murder? These are just a few of the things that happen over and over that make people who obey laws wonder if something isn't really wrong with our court system instead of gun laws.

Another fact that is seldom publicized in this country is that violent crimes are commited with less than 1% of the handguns in the United States.

An amendment I would offer would be:

1. Antique firearms made before 1890, or copies of these (handguns and long guns) would not be subject to laws governing modern firearms. These would be known as Antiques. Even countries such as England with restrictive gun laws allow for possession of antique firearms.

2. All firearms made after 1890 would require 30 days from the time of purchase to the time of delivery.

3. No firearms made after 1890 can be sold, traded, given, or loaded, with the exception of the process of inheritance, unless through a licensed federal firearms dealer.

4. Anyone who violates number three (above) and a weapon is used in the commission of a crime should be held liable for that crime.

5. No ammunition of any kind can be sold in a city of over 200,000 or a 25-mile radius of that city, with the exception of legitimate shooting clubs and people with valid hunting licenses.

6. Ban the manufacture and sale of the so-called "Saturday Night Special".

This problem is not confined to handguns. All guns are involved. Now is the time to insist the judicial system enforce existing gun laws. Also the above mentioned ideas should apply nationwide to all firearms handguns, rifles, and shotguns. With these suggestions and the enforcement of existing laws and not confiscation in time the problem should be greatly eliminated. I hope my ideas will be of some use to you in coming to your decision for all the people. I offer any assistance to you that I can in the future.

Yours truly,

NICHOLAS H. BEUTE.

MT. CLEMENS, MICH., *April 26, 1975.*

U.S. Representative JOHN CONYERS, Jr.,
Detroit, Mich.

DEAR MR. CONYERS: Keep up the fight for gun control laws. The country's society has gone mad. I have a story to tell like the Representative of Congress from California about losing a loved one. His name is Fred Hunter. I met him in high school. He became my closest friend. We shared a school locker together. After high school we both went to college. I stayed to graduate. Fred left college, got married and joined the Detroit Police Force. On patrol one night, he was in the police department only six months, he and his co-worker spotted three individuals, one woman and two men. They were passing a small hand-gun. Fred stopped his unmarked patrol car. He got out to investigate. Fred followed them between two buildings. They shot him dead there. The police department never caught the killers.

I had a dream about Fred this morning. When I awoke I cried for over a hour because I miss him being alive. Fred would have been twenty-five years old. He had a wife and three children. If this country cannot do something to stop these meaningless killers, please find me another country to go and live with a sense of more security.

Please continue the struggle to remove all weapons of death.

Sincerely yours,

MARVIN S. MAZUR.

BLOOMFIELD, MICH., *May 6, 1975.*

SUBCOMMITTEE ON GUN CONTROL,
Rayburn House Office Building,
Washington, D.C.

GENTLEMEN: It is sad, but so true, that one does not act, until faced directly with a situation! Well I was, in fact, faced with this very situation. While walking through the city of Detroit, on my lunch hour with my mother, on a sunny afternoon, I looked up, only to be staring down the barrel of a shiny hand gun!! As I saw it, the Security Guard was trying to apprehend a "thief" and had in fact, come in direct contact with him; which may sound impressive, except for the fact that the "thief" towered over the Guard. It looked like they were doing an impression of an awkward waltz, both with their hands on the shiny hand gun, and I, as innocent as can be, was walking into a situation which, (from what I hear) is almost a common one, in the Detroit area!

All I have to say at this point is "How would you feel if you were looking down the barrel of an uncontrolled gun? And How would you feel if your mother was innocently shot?????"

So, as a concerned party, I would like to know, what is being done to disarm the Security Guard; what the statistics are on innocent injured passers-by; and finally; what I can do to help the cause?

I will await your reply,

KATHY L. HANSON.

DETROIT, MICH., *February 21, 1975.*

Congressman JOHN CONYERS, I think we should have on a national basis the re-registration of all hand guns, with the owner paying a fee of $3 to $5. Each State given a specific number like our postal zip code. The owners picture taken and number etched on the gun and, the owner's last initial at the end of the number.

This procedure would not have to require any expense to the Federal Government, as States already have such equipment in their License Bureaus, and records could be kept in the F.B.I. files, that could be readily available in case the owner moved to another State. A percentage of the fee could be paid to the State for handling identifications, and a National mandatory penalty would be levied, if a gun is used in a criminal act or a person is caught with a gun, where the number has been filed off, or an illegal entry has been made in a home, and a gun is found that does not have such identification.

Respectfully,

MRS. JIMMIE L. COBB.

BERKLEY, MICH., *March 18, 1975.*

Representative JOHN CONYERS,
Detroit, Mich.

DEAR MR. CONYERS: You have my full support toward enacting some handgun control. The past few years, I have managed to manipulate social discussions into areas of gun control. No one is going to give up their handguns willingly.

They bring in personal freedom, hunting, invisible aggressors, etc.; all of which are totally irrelevant to the fact that guns are killing people which more than likely would not be killed if there were not so many handguns. In discussing the death or rebirth of Detroit it all boils down to one isolated fact—fear! It is assumed everyone in inner Detroit has a gun and is quite likely to shoot without the slightest provocation. The statement is not far from wrong, except it is Detroiters who are shooting up each other. You know all this.

I would be classified as a "honky liberal." In reality, I am pro-people and pro-life. Guns are destroying Detroit.

We moved to Royal Oak, three years ago, and people "out here" are terrified of Detroit.

You gained my respect on speaking out about the Watergate tapes and now this handgun legislation. I wish you good luck and my support is yours if I can help in some way.

I have a home and seven children—go to college part-time majoring in psych. and soc. and this issue is the most relevant and repercussive to be settled.

Sincerely,

DARLENE LONGO.

DETROIT, MICH., *March 6, 1975.*

Hon. JOHN CONYERS, Jr.,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN CONYERS: I am writing concerning your efforts to get an effective gun control bill into law. First of all, I wish to congratulate you for your courage in sponsoring such legislation. Secondly, I would like to suggest a simple approach that could have a dramatic effect on the rate of crime. The approach that I speak of is ammunition control instead of gun control. If it were required that all purchases of ammunition be registered, in the same way that certain drugs are, then perhaps illegal and unregistered guns could be silenced.

The supply of guns and ammunition presently available is probably sufficient to nullify the effects of any new legislation. Therefore I would suggest an absolute ban on ammunition for a period of two years. This would aid in the depletion of the existing supply and allow adequate time for setting up effective control mechanisms.

Mr. Congressman, I am aware that there are no simple solutions to complex problems. I am also aware that the effects of any gun control legislation would reach into many sectors of our national structure and perhaps produce some undesired results. However, I believe that the problem is urgent, and the action taken must be decisive. Ammunition control is just such an action.

It is feared that if weak gun control laws are passed then the rate of crime will not be signficantly affected, and the opponents of gun control will have gained the initiative. Already the National Rifle Association has blocked even the rational discsussion that should accompany such a pressing issue. The NRA will make certain use of its money and influence to get the weakest gun control bill possible. If they are successful then the whole country will continue to suffer, particularly the urban centers, and certainly we trapped black citizens of those centers.

I believe that a nation-wide promotional campaign can gather the necessary support to counter any efforts of the NRA. Already I have given considerable thought to such a campaign and ways in which to fund it from the grass-roots level. If you should feel it necessary I am more than willing to elaborate on the ideas that I have.

Detroit is fotunate to have yourself as one of its representatives, and Michigan and the nation would be served well with you as its Senator. I wish you continued success in all of your legislative efforts as well as in your life's endeavors.

Sincerely yours,

STEPHEN E. STAFFORD.

DETROIT, MICH., *February 13, 1975.*

Hon. JOHN CONYERS, Jr.,
House of Representatives, Federal Building,
Detroit, Mich.

DEAR SIR: I have become increasingly concerned over the crime situation here in Detroit and around the State and Country and have thought of a solution that could easily be instituted. I know that this idea would drastically reduce the number of gun related crimes.

My idea is this; don't try to control the sale and ownership of guns, but rather control the sale of ammunition for these weapons.

Would it not be relatively simple to have the sale of ammunition controlled by either the State or Federal Government, much the same as the State Liquor Stores we used to have to go to purchase alcoholic beverages.

In order to be able to purchase ammunition, an individual would have to initially identify himself to the satisfaction of the controlling party. He would then be issued a permit to purchase ammunition at one store only. Each time he purchased ammunition after that, he would be asked to make some sort of accounting for the use of the previous purchase. Of course, those people with undesirable reputations, would have the possibility of purchasing ammunition completely eliminated.

I am sure that within a few months there would be a drastic reduction in the number of gun related crimes and of course, in the number of gun shot wounds and deaths. If this type of idea saved only one life, it would be worth the effort, wouldn't it?

With this type of a program, I don't think that you would be as likely to incur the wrath of the National Rifle Association as you would be with out and out gun control. This also is a plus factor, and one that I am sure would be considered since the party buying ammunition for sporting purposes only, would, of course, have nothing to hide from the controlling agency.

Yours truly,

CHAS. W. MACKINNON, Jr.

DETROIT, MICH., *July 5, 1975.*

Hon. JOHN CONYERS, Jr.,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I had an experience Thursday, July 3, 1975 I want to share with you. I know of your concern about gun control legislation. I also know of your public hearing held in Detroit recently regarding this important issue. There is no doubt in my mind about the need to remove guns from the homes, pockets and pocketbooks of many Americans and if at all possible from our society altogether. The only purpose a gun serves is to take a life and the user needs only to press a trigger which makes this deed an extremely simple act. Emotion very often is the master of the mind using the gun hence, reason is shut out.

A woman in line leading to a drive-in window at the National Bank of Detroit closed an opening large enough for me to drive through as I attempted to exit the parking lot of the Tindal Recreation Center. I got out of my car and proceeded to direct traffic so I could exit. I explained to this woman I only wanted to drive through the line and I did not wish to enter the line. She was clearly angry for my wanting to exit the parking lot so I could go home.

I believe these are the kind of emotionally charged experiences where virtually nothing is at stake that cause guns to be drawn and lives lost.

Sensitivity classes and gun control legislation are absolute essentials for this community if it is to be a place where parents can raise children to be intelligent, productive citizens.

DEE MAYBERRY.

ST. CLAIR SHORES, MICH., *May 1, 1975.*

MR. MAURICE BARBOZA, I have researched the homicide and firearm problem for the better part of a year. Therefore I feel well qualified to speak on the subject.

Enclosed please find a five minute speech, along with a pamphlet containing

the maps referred to in the speech. I want to give this speech at Representative Conyers gun control hearings at Detroit, Michigan.

Please advise me where and when the hearings will be held.

Respectfully,

GEORGE M. BROCK.

Chairperson, ladies and gentlemen of the panel, along with public awareness of crime, some news media, legislators, and special interest groups have shown a great amount of interest in gun control. In the process a vast amount of incorrect information has been published; which, in turn, has led the public to form a very distorted picture of the real situation.

I am a Research Engineer in the Uniformity and Analysis Section of a large international company. In order to solve our problems, we first endeavor to understand what the problem is. The approach followed is to thoroughly investigate the problem for its root causes. Then the efforts and expense can be directed where they will do the most good. I'm afraid that the anti-gunners have failed to do their homework. Rather, they immediately grasped at a simplistic solution of banning all handguns. This would result in an extremely expensive but a highly non-productive result.

The homicide problem must be put into its proper perspective. I have examined the most authoritative sources for background data (FBI, State Police reports, etc.). Therefore, I am on sound footing with my facts.

There were 10,340 homicides last year involving pistols. There are also 40 million handguns in this country. 10,340 is 2/100 of one percent of 40 million. I can quote figures like this to you, but we do not deal with extremely large numbers in our everyday lives. Therefore, the human mind is unable to grasp the significance of such numbers. I want to show you a visual presentation that our minds can grasp.

We all understand the comparison of inches and feet. Let me assume that one inch represents all of the handguns involved in homicides (10,340). The string behind me represents the 40 million handguns in America. That string is over 322 feet long. This one inch is our problem, not the overwhelming majority of the handguns which are not involved represented by the 322 foot string.

It is logical for you to ask "What about all the firearms involved in serious crimes?" Again, let me illustrate in such a way that our minds can grasp the true perspective.

There are about 200 million firearms in this country. That is rifles, shotguns and handguns. To give you some idea of that quantity—there are about one half as many automobiles in the USA. According to FBI sources, 8,333,000 serious crimes were committed last year. Firearms were used in ⅙ of one percent of this total. Let us put this in proper perspective.

Assume the string, 322 feet long, to represent the 200 million firearms in the USA. How long must the string be to represent ⅙ of 1 percent? Would you believe—just 6½ inches.

This, then, is where we must direct our efforts—at this 6½ inches, if we intend to solve our problem. It is hard to conceive that people in our society (well intentioned people, but highly mis-directed) are actually calling for a complete ban on all handguns when only this one inch is involved. I repeat, the overwhelming majority of all firearms are simply not involved.

Page 7 of the pamphlet, Homicide & Firearm Facts, has two maps. The top map shows the State of Michigan with the homicides recorded in each county (that is with all weapons, not just handguns). It is immediately apparent that 86% of all the homicides occurred in just four of the counties. The problem is very much localized in the cities of those four counties.

The lower map shows the City of Detroit and the surrounding suburbs. I point out that the population of the suburbs is double that of the city. Again it is quickly apparent that the problem of homicide is almost non-existent in the suburbs. Yet, in the City of Detroit, just across 8 Mile Road, there were 601 homicides in 1972.

Logic dictates there must be factors involved in the cities of Detroit, Pontiac, Flint and Saginaw that are not prevalent elsewhere. Investigation reveals those factors to be in the total environment in which the crime can breed.

High rates of homicide exist only where the environment combines drugs, lack of education, unemployment, disrespect for law, life and property, poverty, low moral standards, and lack of self esteem.

Commander Bannon, of the Detroit Police Department, found in his two year studies of Detroit homicides, that people involved in homicides have the same social background. This indicates that the homicides are caused by factors other than the mere presence of a gun.

To solve the homicide let us put aside petty quarrels and place our emphasis where it belongs. The immediate steps are:

1. Strict enforcement of our laws.

2. Drastic reduction of plea bargaining, which keeps releasing the criminals back into our society.

3. A mandatory two year jail sentence for anyone using a gun in the commission of serious crime.

And the long term, we must change the crime breeding environment.

UNITED AUTOMOBILE, AEROSPACE, AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW),
LOCAL NO. 113—UAW—AFL–CIO,
Muskegon, Mich., May 27, 1975.

Dear Sir: The Membership of Local 113 views banning the sale of handgun ammunition as an unconstitutional act, whether committed by Congress or by the Consumer Product Safety Commission, under authority illegally delegated to it by Congress.

It is our considered opinion that legislators cannot legally delegate authority which they do not have, themselves; nor do we favorably regard any attempt to emasculate the handgun in direct violation of the Second Amendment to the Constitution of the United States. This is not a matter of binding or not binding the popular will—it is a question of obeying the law you have sworn to uphold. Accordingly, we most urgently request your opposition to any and all attempts to render sale of handgun, rifle or shotgun ammunition subject to government decree of any kind. Specifically, we ask that you actively support and strive for passage of S–143 & H–1087. We trust your response will befit a representative of this membership and of the American republic. Please communicate it to us at your earliest possible convenience.

Sincerely,

CLIFFORD CARLSON, *President.*

SPORTSMEN'S ALLIANCE OF MICHIGAN,
June 11, 1975.

MICHIGAN CONGRESSMAN JOHN CONYERS, Jr.,
AND GUN HEARING COMMITTEE.

DEAR GENTLEMEN: From all of history all tyrannies begin with confiscation of firearms: In Germany gun confiscation allowed Hitler to transform that nation from republic into total dictatorship—without individual freedom—in a short time.

Guns in the hands of law-abiding citizens is the main protection against dictators and collaborators wth one-world government, taking over the United States of America.

The free people must have unrestricted rights to own and use weapons in defense of his family, home, and against any kind of intruder, whether a soldier of an invading army, agent of internal political conspiracy, or common criminal.

When we lose our rights to lawful constitutional and use of personal firearms, we lose our identity as free agents in a civilized country—we become totally dependent—and a slave—upon nationalized police for the protection of our lives, liberties, and properties.

In Czechoslovakia, firearm registration laws enabled Soviet Socialist to locate and disarm citizens, make them helpless when the Socialist moved in. And before they seized control in Hungary, firearms were taken into police custody. From this, the people opposing the takeover were left to fight tanks with rocks and clubs.

As for the domestic criminal—it takes Criminal Control Laws—Not Gun Control—to Control Crime!

The Liberals in the Executive and the Congress—admit they don't know how to Disarm Criminals, so they propose to disarm Honest People.

It is curious, to listen to TV and radio and read daily newspapers and then note that many proponents of federal gun control law are the same people who labor to weaken enforcement of law against violent criminals so as to give them another Chance. Proposed gun laws would also give criminals a better chance in their constant preying on the law-abiding.

There is a conspiracy to build new social, political, and economic order in the United States. Without The Constitutional Guarantees of Liberty and Guns—that is why their plans include Confiscation of (ALL) guns in the United States of America—first by registration.

Gentlemen, Please give this letter your utmost consideration.

Yours truly,

HARRY A. MIKOLOWSKI, *Vice-President.*

ANN ARBOR, MICH., *April 29, 1975.*

Re Gun Control Legislation.

Congressman PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN RODINO: We, the undersigned, are against either the elimination or the restriction of small handguns. We believe that the right to have and to bear arms is guaranteed under the Bill of Rights and that that right is fundamental to the continuance of our free society and to the maintenance of our other Constitutional rights, including that of free speech.

Furthermore, we believe that to ban small handguns, traditionally a woman's gun, while permitting larger handguns and/or rifles, traditionally a man's guns or gun, would be an act of discrimination against women.

Furthermore, we believe that Organized Crime would have a "field-day"—and with the Congress's blessing—if the Congress should ever succeed in disarming the American citizenry.

We hope that you will give wide thought to the matter of gun-control legislation and that you ultimately will decide not to ban the handgun.

Yours very truly,

CORA ROTHFUSS.
VIRGINIA ROTHFUSS.

ROYAL OAK, MICH., *February 22, 1975.*

Hon. JOHN CONYERS, Jr.,
1st Congressional District,
State of Michigan.

DEAR CONGRESSMAN, Gun control, by law, possession of hand guns, concealed, on person, in automobile or home, or wherever they may be, is, without doubt, a prime example of abstract narrow absurd reasoning produced by the minds of our "Illuminated Representatives" in the Congress of the United States.

In this move to disarm the private sector of this specific firearm it is reasoned that this action would refine and improve the safety and security of life in our social order. This premise is not without merit for it would in some instances prevent some of the human tragedy, injury and death, that results from the misuse and careless use of handguns by individuals.

It is also claimed that by not having hand guns in the home that the criminal, by breaking and entering, could not steal these for his own probable use in future crimes nor sell them to others for like use.

The above is the sum total of the aims and motives for making ownership and possession of hand guns unlawful by private citizens, a small segment only of the entire spectrum that is covered in its meanings, "The Right to Keep And Bear Arms," in parallel with American Jurisprudence.

Article 2 of the Amendments to the Constitution states that it is a RIGHT of the people to keep and bear arms that shall NOT BE INFRINGED. This is a fact of valid fundamental Law. However it is argued that this particular article is in reference ONLY to the citizen militia and "gives" this right to its members ONLY and by the strict letter of this article ONLY, it would be logical for one to adduce that this was the intent of this particular amendment.

This viewpoint is incorrect for the intent of this article is found in the proper understanding of "being necessary to the security of a free State". For within

the structuring of our Constitutional Republic the State and Society are not the same thing. This is indicated in the 9th Amendment; "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people". This clearly means that Society, the People, is the BASIC ENTITY and that the State or Government, is a crowning, but not essential, cap to the social structure, and it is incorrect, contrary to the spirit of the Republic, to believe that it is the purpose of men to serve the State as such. It is the State that is in service to the people, not vice-versa! And in the right to collectively defend and maintain a "free State" brings us to the essence of the 2nd Amendment.

For if it is a "right" of the people to defend the security of "a free State" with armed force then it logically follows that this same right of defense is valid and retained by individual citizens, to be lawfully used to protect and hold secure their individual estates of life and property. For it is the people who collectively are the "State". This is a right of the people which cannot be denied, and only by criminal act can this right be lost! The entire social order cannot be found guilty and sentenced for the crimes and carelessness of the irresponsible few.

Sincerely Free,

J. GORDON LOTT.

KALAMAZOO, MICH., *March 4, 1975.*

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SIR: I'm writing this letter in regards to the recent bill you and a fellow Senator introduced pertaining to the outlawing of citizen ownership of handguns with the provision that all the handguns currently in citizen hands would be bought by the U.S. government. This has got to be the most ridiculous thing I have ever heard of. I know you haven't been getting your fair share of publicity lately, but you're really taking a shot in the dark.

The country is in the middle of recession and inflation simultaneously, not to mention an energy crisis and all you can think of is a way to spend more of the taxpayers' money. I wouldn't be so upset if your proposal made some sense and was practical, but what you're suggesting wouldn't eliminate the problem, it would only create more problems. I honestly think the number of fatal shootings would stay the same if not continue to increase. Have you any figures to prove differently?

In Michigan alone (your home state and location of your constituency) it would cost 50 to 75 million dollars (a conservative estimate) to purchase the 1.3 to 1.5 million registered handguns, and I stress registered. That was a projected figure when Detroit Police Commissioner, Phillip Tannian, made his big pitch for stricter gun control. And Tannian has just revealed that Detroit was once the site of a "school for professional hit men." A handgun law would be tantamount to Prohibition. Instead of selling handguns in the open and knowing who had the guns, black market sales would take over; another heyday for organized crime. Think of what it would cost on a nationwide basis to implement such a program. Where is the money going to come from? Not to mention the enormous bureaucracy that would be created to supervise the collection process requiring additional money to fund these government jobs. I think we already have a wide choice of bureaucracies. Added inefficiency is not the answer.

And what about fairness? How are you going to establish an equitable price for each handgun? There are hundreds of different makes and models, all in various condition. How are you going to compensate for the unemployment created when those employed in the manufacture of handguns are laid off because there's no longer a demand for them. And of course, there is the question of the handgun owner who also happens to be a taxpayer. It doesn't make much sense to pay for a handgun and then pay to have it confiscated. What penalty can be expected for refusal to relinquish a handgun? Jails are overcrowded now. As former Michigan State Police Commissioner, Col. John Plants, said, "banning handguns would not deter criminals, but would probably put many law-abiding citizens at odds with the law." In other words, add to lawlessness.

It has been said that it is a constitutional right to bear arms. I feel that I have that right. By outlawing handguns we're just one step closer to outlawing all guns. Maybe in today's society the idea of the militia is outdated. Who knows? We haven't been in a situation to find out.

One thing you can't outlaw, though, is the process of thought. Maybe what's needed is a mandatory training and testing program for the individual that buys a handgun. Safety and respect for a firearm, its capabilities and how to shoot it are something that every handgun owner should know.

The deaths from automobiles far exceed that of handguns every year. Maybe that says something about the quality of driver education in our schools today. What do we do, outlaw automobiles? Hardly, not in a nation as dependent on the auto as the United States. Handguns like automobiles are a part of American life. They're as safe as the people who use them. And I'm sure you're well aware that people are worried about their safety and protection, especially in the inner cities. How do you prove to them that if you take away their right to own a handgun that they won't have to worry? Law enforcement agencies are overworked now. Don't make it worse.

Eliminating handguns is not going to eliminate crime. Crime is on the rise. Solve the problem of poverty and undereducation or non-education and I think we'll be off to a good start. Right now, you're jumping the gun and not biting the bullet. I think your knowledge, energy and time can be used to a greater advantage elsewhere.

Thank you for listening.

Sincerely,

TERRY L. ARMBRUSTER.
DANA E. JURY.

G. B. DUPONT CO., INC.,
Troy, Mich., April 15, 1975.

Subject: Handgun confiscation.

Representative JOHN CONYERS,
The Capitol, Washington, D.C.

DEAR SIR: We vigorously oppose attempts to require citizens to surrender handguns. Strict gun control laws (Sullivan Act) are only ineffectual because the judiciary refuses to step up to their responsibility and assess the penalties available under these laws. We do not oppose reasonable controls, however, we will not support any candidate who proposes confiscation and leaves a reasonable law abiding public to the mercy of hoodlums, thieves, and murderers who with utter disregard for the rights of others will no doubt disregard confiscation laws.

The answer lies in the enforcement of current legislation not in the enactment of legislation that will strip the public of their right to keep and bear arms.

We would like to know where you stand regarding the proposed legislation to confiscate handguns.

Very truly yours,

D. G. PULLEN, *Personnel Manager.*

DETROIT, MICH., *April 4, 1975.*

Congressman JOHN CONYERS, Jr.,
Rayburn Office Building, Washington, D.C.

DEAR CONGRESSMAN CONYERS: I will agree that we have a serious homicide and weapon related problem primarily in the cities, but you hang the root of the problem on the wrong culprit.

The real causes of the problem are:

(1) Lack of enforcement of existing laws by our over lenient court system.

(2) Soft penalties assessed by our courts do not fit the severity of the crime, and therefore, are not effective.

(3) Recent studies refute the soft notion that stiff penalties do not act as a deterrent to crime.

(4) Lack of mandatory sentences for use of weapons in commission of felonies and against public servants.

(5) A weak parole system that returns criminals to society a second time and before rehabilitation.

(6) A confused attitude that favors the criminal over the injured party.

(7) Lack of uniformity in state laws governing procurement of weapons permits interstate traffic in weapons and does not regulate ownership. Michigan

law requires a police permit to purchase a handgun, thereby regulating ownership and could be a model law nationwide.

I will defend my right to own a handgun and an automobile as a law abiding citizen of the United States.

JOHN E. REXFORD, C.L.U.

HUDSONVILLE, MICH., *March 25, 1975.*

Representative JOHN CONYERS,
Chairman of the House Judiciary Subcommittee, House of Representatives, Washington, D.C.

REPRESENTATIVE JOHN CONYERS: The enjoyment and relaxation that I derive from hunting and target practice is no less satisfying than that of the golfer, car racer, or stamp collector. However, because my hobby is being used by some sick individuals to commit acts of violence, I am forced to defend it. Taking guns away from law abiding and responsible citizens should never be done if the reason is to remove them from the criminal element. Disarming the public would be no guarantee that the criminal could not obtain a firearm. All that it would do is destroy a pleasurable hobby and wipe out hunting as a sport.

The repercussion of the law that would ban firearms is more widespread than most of us believe. In some areas, animals would die from starvation because of an over abundance of their specie in areas which were previously hunted and kept in balance with nature.

Americans who now possess gun collections have large investments in this hobby. To ban them, we would be obliged to reimburse them. The value I would estimate, would be several billions of dollars. We have the potential of making many Americans criminals with this ban, for I am sure volunteer surrendering of their collections without reimbursement is very unlikely.

Congress has the ability to change or interpret the constitution to make it legal to confiscate firearms, but I think that there are other alternatives. Put more pressure on the law enforcement and especially the courts to properly enforce the many gun laws we now have. Make the penalty for a crime involving a gun mandatory and without parole. Reenact the death penalty as many states have already done. The criminal today who commits murder and is sentenced to death, has no fear of being executed. He knows that the worst he has to look forward to is free room and board for the rest of his life and free medical attention to help prolong it. I cannot even expect that.

I would hate to see the reenactment of the atmosphere of the days of prohibition over firearms.

Sincerely,

PATRIC TOWNSEND.

ALLEGAN, MICH., *February 15, 1975.*

Congressman JOHN R. CONYERS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I do not know if you are anti-gun, pro-gun or neutral on the subject of gun legislation and regardless of your personal attitude on the subject, I am pointing out the fact that if gun legislation must indeed be considered, it is better that it be considered on an objective basis rather than emotionally. Thus it should be with any legislation.

There are attempts to outlaw the sale of low priced handguns. Price should not be a factor. This would discriminate against those of modest means who cannot afford a fine expensive gun. Wouldn't you consider it unfair and even unconstitutional to deny a man a gun because he cannot afford to pay $120 for one. If he can afford $30 for a gun he is entitled to ownership just as much as the man of means who buys high priced guns.

You certainly are familiar with the Bill of Rights and the recognition of the fact that man is endowed with certain inalienable rights, among these are life, liberty and the pursuit of happiness. Please note that nowhere is there evidence that the government bestowed these rights upon us but rather these are God given rights. The government recognizes and honors these rights. Can the House Judiciary Subcommittee on Crime deny the existence of the right to live? Of course not. It follows that the House Judiciary Subcommittee on Crime cannot

deny man the means to protect his life. There are many who have used a handgun regardless of how cheap it might have been, to protect themselves. If a person chooses to own a handgun for personal protection this is his decision, and should not be decided for him by some government agency. If we shall indeed have freedom, then the government will not pass laws that attempt to protect a man from himself. The government will not make my decisions for me. It is for me to decide if I shall or shall not own a handgun and whether or not I buy one for $30.00 or $300.00. The government should pass laws that attempt to protect one man from another.

If the Committee hears arguments that the handgun should be banned because it is the tool of the criminal then consider this: Should a man be deprived of the means of committing a crime if he has never committed one and he never planned to commit a crime? It is not necessary to own a gun in order to commit a crime. The gun only makes it easier for the cowardly criminal.

Here in Michigan we do have strict handgun control. But you will certainly notice that our Michigan handgun law controls only the law abiding citizen and not the criminal. The criminal ignores the law and keeps his gun. Before the House Judiciary Subcommittee on Crime sends any bill to the floor for a vote do the taxpayer a favor. Ascertain if the bill will work a hardship on the law abiding taxpayer and also if it will indeed disarm the criminal.

A case in point is the Federal Firearms Act of 1968. In over six years of implementation it has failed to reduce the crime rate. And yet it does cause a hardship on the shop keeper and the ultimate consumer. It doesn't hamper the criminal one bit. I read about Baltimore, Md. where the police bought up so many guns and directly the crime rate went straight up. Evidently the criminal did not give up his gun.

And while I'm on the subject, I would please like to know why is it that here in Michigan if I own a handgun I have to take it down to the sheriff department and get it registered but if a criminal owns a hand gun he doesn't have to have it registered. I am penalized with this inconvenience and invasion of privacy merely because I am a law abiding tax paying member of society and the common hoodlum who lives by theft and contraband and doesn't even file an income tax return on his income doesn't have to contend with the burden I am saddled with.

If the argument to save lives is presented please start from the top of the list and consider the automobile, it kills far more people than the gun (that is, if an inanimate piece of machinery can indeed do the killing). Or consider drugs. I understand that over half of the shootings in Detroit involve drugs. If outlawing the handgun will reduce killings then it is safe to say that outlawing alcohol and drugs will reduce shootings in Detroit and automobile accidents. But, you know this will not work. How, then, do you know that it will work to pass another gun law?

It is also interesting to note that the courts, and that is to say the judges and prosecuting attorneys, are lenient with the criminals today. You must have heard about the suspended sentences and plea bargaining and light sentences that the courts are offering these days. It does precious little good to capture a criminal, a gun totin' hood, if the court will not separate him from society.

After reading all this, all it boils down to is that gun control is not crime control and crime control is not gun control. For a law to be effective it has to be applied to the cause, not the result. Contrary to popular belief guns are not dangerous. I have several guns and they are not a danger to anybody. I use them for competition marksmanship and hunting. But supposing that a criminal has to dispose of his gun. He really isn't very dangerous without a gun but after he gets another gun he will be dangerous. But not because he has a gun. Because he is a criminal. After all, I have a gun and I'm not dangerous. Gun ownership does not make one a danger but it is evil intentions that make one dangerous.

Please do not pass any laws or release any bills from the committee that will disarm America. The criminal will always have a weapon and the rest of us will be at his mercy.

Aside from personal protection the gun provides many leisure hours of pleasant recreation and sporting activity.

And don't forget the Militia and the Second Amendment.

Yours truly,

CLIFFORD M. LARSON.

UNITED AUTOMOBILE–AEROSPACE–AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA (UAW),
LOCAL NO. 1279–UAW, OFFICE CLERICAL AND TECHNICAL UNITS,
Muskegon, Mich., May 14, 1975.

Representative JOHN CONYERS, Jr.,
House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR SIR: Recently at a membership meeting of Local 1279, a unanimous vote was taken to oppose any further gun control legislation, as well as to oppose any candidates at any level who advocate such gun control legislation. We particularly desire your opposition to the Hart, Mikva, and Kennedy Gun Bills, but we hope that you would also oppose future bills of the same nature.

We believe that we already have adequate laws to properly control firearms use but that a more stringent enforcement of these laws is needed, mainly on the part of our judges in punishment given to convicted criminals. We would therefore propose mandatory sentences for criminals convicted of using a firearm during the commission of an assaultive crime. We would further oppose plea bargaining, particularly for previously convicted felons. The correct way to stop crime is to get the criminal off the street.

We also believe that banning the so-called "Saturday Night Specials" to be unconstitutional and discriminatory. To deny any non-felon the right to own a gun is a direct violation of the Second Amendment which guarantees that the "right to keep . . . arms shall not be infringed." This does not say "arms other than Saturday Night Specials." Banning these guns is also discriminatory because many people who desire to own a gun can pay $50.00 but not $500.00. It is not the gun that is at fault in crime, whether the gun costs $50.00 or $500.00.

It is also our opinion that in allowing the Consumer Product Safety Commission to consider whether or not to ban the sale of ammunition, Congress has delegated authority illegally. Indirectly, the ban of ammunition would ban guns. Since a ban of guns, directly or indirectly, is patently unconstitutional Congress alone can act on this subject. The Congress cannot delegate Constitutional authority or power to any commission.

We therefore ask for and recommend your support for bills S–143 and H–1087.

Thank you for your interest in this letter and consideration on the subject matter contained in it.

Very truly yours,

JUDITH L. RICE,
Recording Secretary.

MELVINDALE, MICH., *May 1, 1975.*

Mr. CONYERS: I am writing to you as our Congressman, to help stop the several anti-gun bills that are in Congress today. I must say that I feel you will probably do as all the other Congressmen and Senators have done and that is to throw this letter into your wastebasket. In the case, that you do read this letter and help to do something about this anti-gun movement, I thank you.

As many sportsmen and gun collectors as myself feel that our rights are being greatly threatened by these anti-gun bills. There is one bill introduced by Congressman Michael Harrington (D-Mass.) that would totally ban the private ownership of handguns! Just today I learned that the Chief of Police in Lincoln Park would like to see stronger controls placed on semi-automatic rifles. Can you see where this anti-gun movement is heading. To a Police State! Just like Hitler had in the beginning. First the governmental officials wanted all the Saturday Night Specials banned from use, now they are working on taking away all the handguns! But they will not stop there, they'll go on to stop the use of rifles and shotguns until the American citizens have been stripped of their Constitutional Right! The threat to your right to own and use firearms is greater today than any time since 1968 when the last Gun Control Act was passed.

Consider the following brief facts:

(1) Gun control legislation only succeeds in taking guns out of the hands of the law abiding citizen, the criminal will never turn in his gun or have it registered.

(2) Gun legislation now on the books has had no effect on reducing crime, it has only succeeded in harassing the law abiding gun owner. Laws should punish the criminal, not the honest citizen!

(3) A gun by itself can kill no one. The simple fact is that people kill people regardless of the weapon.

(4) You, as a private citizen, have the right to possess a firearm for self protection. If government denies this right it is denying the very basic right to life.

Our founding fathers considered the right of a law abiding individual to own a firearm to be so important that they made it a part of the highest law of the land, the U.S. Constitution. Let us be wary lest we lose this great heritage carefully passed along to us.

Lets face the facts, taking the handgun away from the law abiding citizen is not going to stop crime. If a criminal wants a gun he is going to get a gun. What the government will do is to turn many more of it's citizens against them, and open up a whole new field for the organized crime to work. The Mafia will have a field day selling guns to not only criminals but to the private citizen as well! Remember Prohibition, the government tried to stop the sale of alcoholic liquors then, but only succeeded in helping the organized crime to make more money. That is just what is going to happen if the government succeeds in taking the right of private ownership of handguns away from the people.

I think if our forefathers could come back today and learn what this government is trying to do to American citizen rights, they would be ashamed to call themselves Americans. Not for what they tried to do, but for what you are doing today.

Taking the 2nd Amendment away would be destroying the very foundation on which this great country was built. No longer could the people in other countries look at us and some day dream of becoming a free person, an American citizen. No longer could the Statue of Liberty stand for freedom or say give me your weak, your weary, so they may become a free person. For we would no longer be free ourselves. One amendment just one taken away means the difference between a democracy and a dictatorship, and I for one would not want to see that come about.

So please help us fight this anti-gun movement in whatever way you can. Thank you for your time.

Sincerely,

JOHN BREWTON.

QUIST TYPEWRITER COMPANY, INC.,
Troy, Mich., July 7, 1975.

Subject: Gun Control Legislation—Federal Bills #S1447, S750, HR 1601 and others.

Representative, JOHN CONYERS, Jr.,
Rayburn Building,
Washington, D.C.

DEAR SIR: There are enough laws on the books to control illegal guns, or their use, but the judges will not enforce them. Laws state that illegal possession of a gun; crime committed with a gun; or carrying a gun without a permit; carries a mandatory jail sentence of ——— number of years for this offense. Most, who are brought before a judge for these offenses are lightly tapped on the right hand, while the left hand is held up with the promise of not doing it again.

"Fear" is the only thing that controls any illegal act. Fear of jail, fear of elimination of normal privileges is a deterrent to the commission of a crime. Our treatment of culprits does not scare them.

Money will always buy illegal drugs and guns. The only people affected by gun laws are those 99.99% of the average citizens, who do obey laws.

If you remove the defensive weapons from the 99.99%, you will increase the crime rate amongst the .01% by ten-fold. Crooks will have a field day.

The Constitution guarantees the citizen the privilege of bearing arms. Only the vote of the people can legitimately change that.

We hope you will use your best judgment in regards to whether you feel criminals should be given free rein in carrying guns, or the 99.99% should be able to defend themselves against criminal actions.

Very truly yours,

NIM QUIST, *President.*

DETROIT SPORTSMEN'S CONGRESS,
Utica, Mich., June 5, 1975.

Hon. JOHN CONYERS,
Chairman, The Judiciary Committee of the House of Representatives, Special Committee on Firearms Control.

DEAR MR. CONYERS AND COMMITTEE MEMBERS: As the largest sportmen's club in the State of Michigan, affiliated with the Michigan United Conservation Clubs, the National Rifle Association, the American Skeet Association and the American Trap Association, our position on gun legislation is in complete agreement with the statements made and the positions taken by the Michigan United Conservation Clubs, the Michigan Antique Gun Dealers Association and the Michigan Rifle and Pistol Association.

Respectfully Yours,

PHILLIP R. BYRD, *President.*

Appendix 2

County of Wayne,
Office of the Prosecuting Attorney,
Detroit, Mich., May 22, 1975.

Hon. John Conyers, Jr.,
Chairman, Subcommittee on Crime, House of Representatives,
Washington, D.C.

Dear John: I regret that a schedule conflict makes it impossible for me to appear to testify in your gun control hearing next month.

As you might well imagine, I do have some very definite viewpoints on the matter of gun control in light of the level of violence in this jurisdiction.

We have found, for example, that the largest contributor to the proliferation of illegally carried handguns is the "free ride" which most people get in our courts when they are convicted of this crime.

I have attached some data which you may find enlightening.

As you may know, we have had a "get tough" policy in this office since 1972 in the matter of concealed weapons. During 1972, we initiated a policy of issuing only felony warrants in concealed weapons cases.

Nevertheless, the probability of a convicted offender going to jail on his first offense is only 4 out of 100.

Perhaps even more striking, the probability of a convicted second offender doing any time is only 39 out of 100.

Our figures are based on a survey of 464 CCW cases in Recorder's Court during calendar year 1973. This is a mockery of the law. Why should we bother to agitate for stiffer gun laws when we do not enforce the ones we have?

It is our position that the police are making the arrests and we are following through with vigorous prosecutions, but that the courts simply do not take the handgun problem seriously enough. Bear in mind that the cases we cited were those in which convictions resulted.

This abuse of judicial discretion on the part of some judges is one reason why I endorsed and supported Michigan House Bill No. 5073, more commonly known as the Hertel Bill.

This bill, if passed into state law, will tack an additional mandatory minimum prison sentence onto any offender who commits a crime while in possession of a firearm. The bill is aimed at those folks who tote guns around with the intention of using them in crimes.

I might add parenthetically that this bill (which has passed the House) had the support of a wide range of people, including the National Rifle Association, which is not noted for its enthusiasm over gun control.

In the best of all possible worlds, I would like to see the abolition of all firearms. But in our world, that is probably unrealistic.

The realistic way to approach this problem is by support of laws like the one proposed by Mr. Hertel, and by insisting that our judges enforce the laws which we already have.

Best of luck with your hearing, and my best personal regards.

Sincerely,

William L. Cahalan,
Prosecuting Attorney.

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SUMMARY

1. Since 1972, the Wayne County Prosecutor's Office has followed a policy of issuing concealed weapon felony warrants in weapons cases (TAB A). Warrants for misdemeanors and pleas below a felony are specifically precluded (TAB B).

2. CCW felony warrants in 1972 were 15.67% higher than those issued in 1971. CCW felony warrants issued in 1973 were 8.2% higher than the total number issued in 1972 (TAB C).

3. The percentage of dismissals and nonconvictions on CCW charges also increased in 1972 and 1973 (TAB D).

4. The percentage of persons incarcerated following conviction of weapons offenses decreased in 1972 and 1973 (TAB E).

5. The deterrent impact of criminal sanctions for carrying a concealed weapon is extremely low:

On the average 96 out of every 100 persons convicted of a weapons violation are not incarcerated.

On the average 61 out of every 100 persons convicted of a weapons violation, who have had prior weapons or felony convictions, are not incarcerated (TAB F).

6. This office has drafted and proposes legislation imposing a mandatory, minimum six month period of incarceration for persons convicted of carrying a concealed weapon (TAB G).

7. Recorder's Court Trial Statistics 1974 (TAB H).

MEMORANDUM

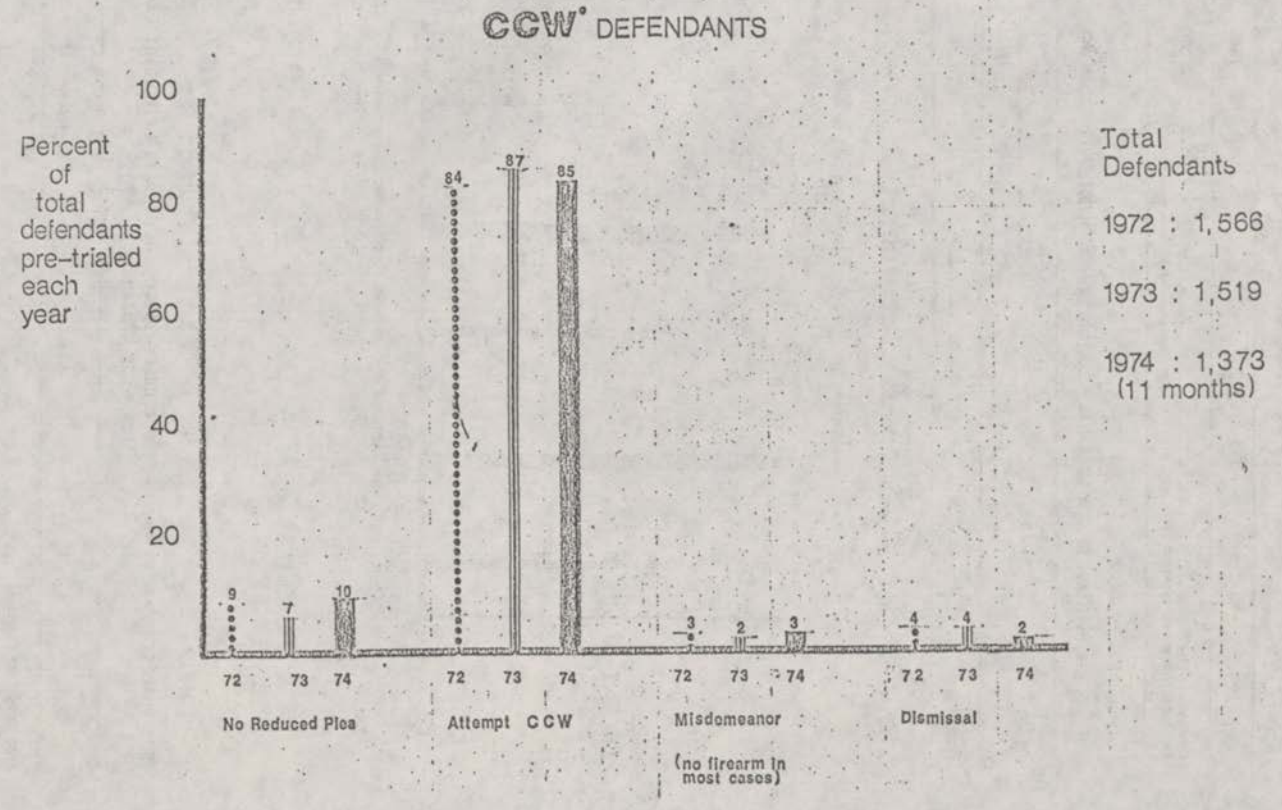
Re Warrant—Carrying Concealed Weapons and Carrying Weapon in a Motor Vehicle.

Date: July 1, 1974.
To: All Assistant Prosecuting Attorneys.
From: Dominick R. Carnovale, Chief, Criminal Division.

It is the policy of this office with respect to weapons offenses that a felony charge must be recommended at the warrant stage. Only where the proofs are questionable or the facts as related fall within another statute, should a misdemeanor warrant be issued.

Example.—Defendant was observed carrying a gun, but there is no evidence that it was concealed and/or transported in a motor vehicle. Failure to present for safety inspection (MCLA 750.228) a misdemeanor, might be appropriate.

Equitable considerations are not an exception to this policy. Exceptional circumstances should be brought to the attention of the Warrant Crew Chief.

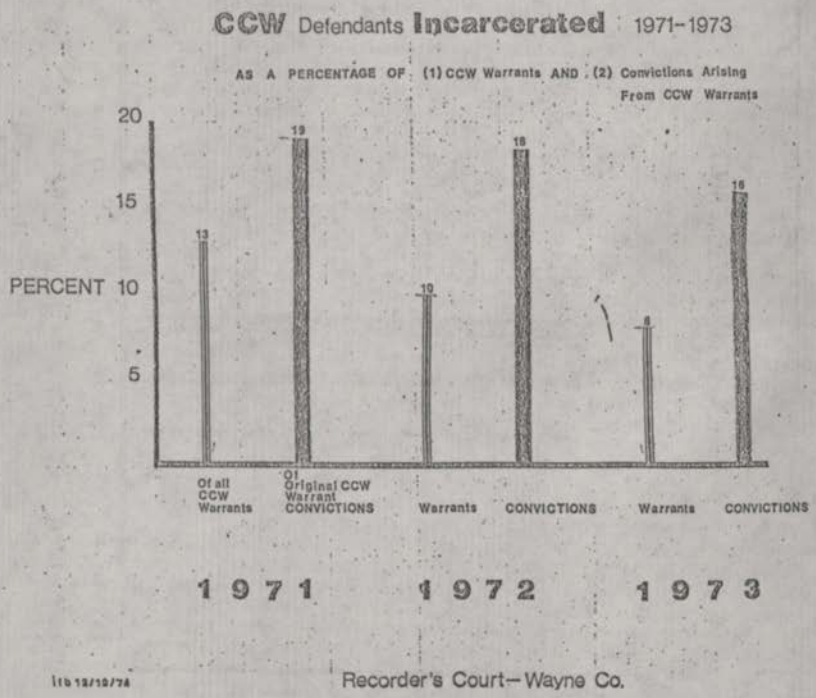

CCW DEFENDANTS
Percent of total defendants pre-trialed each year
100
80
60
40
20
9
7
10
84
87
85
3
2
3
4
4
2
72
73
74
72
73
74
72
73
74
72
73
74
No Reduced Plea
Attempt CCW
Misdemeanor
(no firearm in most cases)
Dismissal
Total Defendants
1972 : 1,566
1973 : 1,519
1974 : 1,373
(11 months)

CCW WARRANTS ISSUED FOR 1971–73

	1971	1972	1973
Number of defendants	1,968	2,275	2,461
Percent increase over previous year		15.6	8.2

PERCENTAGE OF CCW WARRANTS RESULTING IN NONCONVICTIONS OR DISMISSALS

	Year—		
	1971	1972	1973
Percent	33	48	45



PROBABILITY OF INCARCERATION (AS OF FUNCTION OF PRIOR CONVICTIONS), OF A DEFENDANT IF CONVICTED ON A CCW WARRANT[1]

	Incarcerated	Not incarcerated
Prior convictions (percent):		
None	4	96
Misdemeanor	15	85
Prior felony	39	61
Prior weapons	39	61

[1] Based on a random sample of 465 defendants, of whom 204 were charged and convicted in recorder's court during 1973.

Appendix 3

Responses of Detroit Police Department to Requests for Assistance in Social Conflict Situations and Recommendations for New Procedures—July 1975

G. Marie Wilt and James D. Bannon

INTRODUCTION

A study of police responses to requests from citizens for assistance in conflict situations has been conducted in two precincts of the Detroit Police Department. This field survey was the second part of a two part project funded by the Police Foundation. The first part of this study analyzed the screening and dispatching processes of the Communications Section of the Detroit Police Department in response to social conflict calls. Through this analysis, we were able to determine the type of information requested by Emergency Service Operators from persons asking police to intervene in social conflict situations, responses given by these persons, actions taken by Emergency Service Operators,[1] information submitted to the dispatchers when a case was requested, and whether or not a car was dispatched.

The initial training received by Emergency Service Operators, their supervision and their in-service training were also evaluated in terms of the effects these factors have upon responses to social conflicts calls made by these operators. Emergency Service Operators are the first persons with whom a citizen requesting assistance contacts, therefore their responses are crucial in determining the manner in which persons will be assisted. The quality of the interactions between Emergency Service Operators and persons asking for police assistance also influence the citizen's perceptions of the Police Department and its willingness to be of assistance in conflict situations.

The details of that research were presented in our interim report for this project. The following recommendations were made:

1. Training for Emergency Service Operators in interviewing techniques and detailed instruction in relaying information to dispatchers is needed to correct ineffective interviewing practices and inconsistencies in Transmitting information. This training should begin with general interviewing techniques, then be followed by specialized instruction for interviewing during social conflict calls. Supervisors should also be included in this training. An evaluation period should follow, during which Emergency Service Operators are observed on the job and assisted in achieving skill in effective interviewing. Once this initial training and evaluation period is completed, Emergency Service Operators should have their interviewing performance evaluated periodically by supervisors, with in-service training provided when new types of problems are observed.

2. The Detroit Police Department's policy concerning how the 911 system is to be used must be clarified. Once this clarification is made, the policy should be communicated throughout the department and implemented in its practices. If it is decided that 911 will be a number for requests for emergency services, then this information must be communicated to the public. Types of calls that are defined as emergency calls will also have to be clarified.

3. A procedure for filing reports for all social conflict responses made by police is needed so that historical data concerning conflicts will be available. This information should then be incorporated into a computerized information system that will store these data as well as make them readily accessible.

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[1] These usually included requesting that the dispatcher send a car, informing the citizen to go to the precinct to make a report, or informing the citizen that no action would be taken.

4. The Detroit Police Department's policy of non-response to disputes unless a weapon is involved should be revised. If the Department is to have any preventive role at all in the occurrences of assaults and homicides, the policy must be changed to a policy of responding to disputes. Such a policy change must be accompanied by conflict management training for officers if police responses are to be beneficial to citizens in terms of reducing the level of violence and effective for police in terms of reducing potential harm to responding officers.

5. The current lack of alternatives of the Detroit Police Department in handling disputes when arrest is not appropriate should be corrected by conflict management training, as well as by the establishment of specific alternative police responses for some types of requests for assistance in conflict situations. Such alternative responses would offer assistance to citizens and provide information to police that could be useful if future conflicts occur.

6. Responses to social conflicts in Detroit by agencies other than police are inadequate. This must be corrected by establishing working relationships between the Detroit Police Department and appropriate agencies.

As explained in the interim report, the last two recommendations will be expanded upon as a result of this analysis. The second part of this project was a survey conducted in two precincts of the Detroit Police Department. The purpose of this survey was three-fold. First, it was intended to learn, from officers who responded to social conflict situations, the nature of their interactions with persons who had requested police intervention in a conflict. In order to evaluate the ways in which police might intervene in conflicts more effectively, it is important to know what kind of assistance people want from police and what type of aid police now feel they are giving to citizens in conflict situations. This information will also lend insight into the type of conflict management training that might be useful for police.

The second objective was to obtain information concerning the types of conflicts for which people request assistance from police. While this question was addressed in the first part of the project, the answers obtained in that analysis described sample cases of calls requesting assistance. By focusing upon actual responses to conflicts by officers in the field, this segment of the study enables us to analyze a sample of such cases in greater depth. These data will enable us to have a better understanding of possible alternatives to sending a patrol car for handling some types of conflicts. They will also be helpful in our efforts to clarify the nature of training that will benefit both citizens and police, as well as to identify the types of social service agency with which police should establish working relationships. Although one can expect people to turn to police for assistance in social conflicts, one must realize that the majority of these situations are not criminal in content. Therefore, if police are to take a role in preventing future violence, they must be able to offer possible solutions through other agencies that will have longer term effects than their intervention of a single conflict incident.

Finally, the survey was intended to determine the type of information about social conflicts that would be useful to police on a continuing basis. While the first part of the study clearly indicated that reports should be made on all conflict situations to which police respond (whether by telephone or in person), this segment of the analysis sought to specify the exact pieces of information that would assist police during any future conflicts in which their intervention might be requested.

All these data were gathered by use of a questionnaire, as explained below.

Research design

The content of questions for the instrument used in this survey was determined primarily from knowledge gained during the earlier project that studied conflict-motivated homicides and assaults, as well as from the first part of this project. The questionnaire (see Appendix A) consists of five major subject areas: 1—a description of participants in the conflict, 2—characteristics of the conflict situation (including the relationship of participants and conflict histories), 3—types of action taken by responding officers and the nature of their assistance to the conflict participants, 4—the participants' assessment of the potential for future conflicts, and 5—the responding officers' evaluation of the potential benefit of conflict management training to their effective intervention in such situations.

Two precincts were then selected in which this questionnaire could be distributed to officers to be completed after they responded to conflict situations.

These precincts were selected on the basis of two criteria: 1—they are geographically located beside each other, yet one has a high overall crime rate, while the other has a very low rate of crime; 2—the inspectors responsible for each precinct agreed to cooperate with the researchers and give support to the project.

Before the survey instrument was pre-tested in these precincts, it was submitted for review to two researchers who have had extensive experience in studies similar to this one—Morton Bard and Hans Toch. Both persons made very helpful suggestions and appropriate revisions were made just prior to testing the instrument. The questionnaire was then given to one shift of each precinct for pre-testing. This pre-test period was two weeks in length, with officers instructed to complete a questionnaire for each conflict to which they responded during this time.

At the end of this period, completed questionnaires were analyzed and compared to determine the reliability and validity of the instrument. There was no indication that any questions were misunderstood, nor were there any inconsistencies in the type of information obtained by any item on the instrument. In other words, officers interpreted the questions in the manner that they were intended and provided the information we sought to obtain. Therefore, no changes were made in the questionnaire for the survey. The excellent critiques made by Bard and Toch, with their suggestions for revision, enabled us to produce a sound questionnaire before the pre-test. The instrument itself is evidence of the benefit obtained from building a study upon the expertise gained by persons who have conducted similar research.

The survey was then conducted in these two precincts for a period of two months. During part one of the project, it was learned that the majority of calls requesting assistance in conflict situations are received by the Detroit Police Department from 5:00 p.m. to 11:00 p.m. Therefore the survey was conducted during the second shift only (4:00 p.m. to midnight).

The writers conducted training sessions for officers at each precinct to explain the project to them and to give detailed instructions concerning the questionnaire. The type of information sought by each question was explained during these sessions. The writers began by describing the project in terms of its potential benefit to police officers and to citizens. Then each item of the questionnaire was read and its meaning explained. Officers were asked for their comments and questions concerning the project and the survey instrument. They were instructed to complete a questionnaire for each conflict to which they responded. They were also informed that if they needed assistance at any time concerning the survey they could contact their precinct inspectors or either of the writers.

Data from the survey were computer analyzed. The results are presented both statistically and in descriptive form.

It should be noted that the writers had originally intended to feed this information back to the officers upon the completion of the survey, in order to evaluate its usefulness. However, it was felt that unless conflict calls were consistently dispatched to patrol cars, there would be no way to assess the usefulness of the data. In other words, it is likely that conflict participants might have a car sent in one instance, but not in another, even if the two situations were similar in nature. This was shown by the data obtained from part one of the project. Therefore, it did not seem possible to evaluate the practical usefulness of conflict history data for officers unless they would respond to all requests for assistance. Because of this difficulty, information was not fed back to the precincts for use. However, as will be shown by the findings of the survey, it was possible to clearly identify the type of information that will benefit officers in their efforts to intervene in conflicts.

Characteristics of persons requesting police asistance in conflict situations

Data were collected for 78 conflict situations to which police in these two precincts responded. From table I,[2] it is observed that participants in these conflicts are almost evenly distributed between men and women. In Table II, it is shown that these conflicts involved a significantly larger number of conflicts between men and women than between two men or two women.[3] Comparing sex and race of both conflict participants (Table III), the largest percentage of both men

[2] All tables are in appendix B.

[3] The x^2 score indicates the significance of the correlation, while the C score indicates the strength of the relationship.

and women who participated in these conflicts were black. These data seem to indicate that the majority of cases to which police send cars are conflicts between a man and a woman.

Turning next to the race of conflict participants, more than 60% (Table IV) of these persons were black. It was found that these conflicts are predominantly intra-racial. Both statistical tests indicate that this is a significant and strongly correlated pattern (Table V). These trends are consistent with the findings of our first project, which analyzed conflict-motivated assaults and homicides.

Although persons involved in these conflicts are distributed across all age groups, more than 40% are between 21 and 30, while 64% are between 21 and 40 (Table VI). These trends show that most persons involved in such conflicts are relatively young. A cross tabulation of the age groups of both participants revealed no significant trends.

Occupational patterns of these conflict participants are very similar to those observed for conflict-motivated assault and homicide participants. Once again, it was found that the largest percentage of these persons are unemployed (Table VII), with the next largest group of persons employed in unskilled jobs. In Table VIII, one finds that for a significantly larger percentage of cases, both persons involved in these conflicts are more frequently unemployed than are in any other occupational category. These statistics further emphasize the strong correlation between interpersonal conflict and a deprived economic condition. Combining these data with those from the analysis of conflict-motivated assaults and homicides, this realtionship is observed to be a constant one for various intensities of violence and conflict. The writers interpret these data as indicating that persons most likely to have histories of conflict interactions are those in lower socio-economic groups. As data concerning characteristics of these conflict situations will show in the discussion that follows, the pattern of conflict is most frequently one of increasing levels of violence.

Comparing occupational categories with sex of conflict participants, one finds (Table IX) that a significantly larger percentage of women are unemployed than men. Although a large proportion of men are also unemployed, there is a significantly greater number employed than women among these conflict participants. In contrast, there are no significant differences in occupational status by racial group (Table X). Approximately 40% of both black and white conflict participants are unemployed. Although there are more blacks than whites involved in conflicts in this sample, persons from both racial groups are similar in socio-economic status.

Characteristics of conflict situations

Although the 78 conflicts analyzed were distributed throughout the week, the largest percentage (41%) took place on Fridays and Saturdays (Table XI). This is similar to the trends observed for conflict-motivated assaults and homicides.

The types of conflict situations found by police when they responded to these calls for assistance varied in intensity from verbal arguments to assault with weapons. The conflict types observed most often were physical assaults and weapon assaults (Table XII). These two categories constitute 56.5% of the 78 cases. These data clearly show that more than half of these conflicts are the most violent in nature. Because of the Detroit Police Department's policy of screening out and not responding to conflicts, except for those involving weapons, this is not surprising. It does indicate, however, that the screening policy is not consistently followed. As the writers noted during the first part of the project, there seem to be no consistently applied guidelines that determine when a car will be dispatched for assistance in conflict situations.

The predominant relationship of persons involved in these conflicts was that of husband and wife (51.3%—Table XIII). This percentage is similar to that observed in the earlier study for assault participants (50%), but much larger than that for homicide participants (19%). The predominance of married couples in this sample and the more even distribution of men and women than was found in the assault and homicide study lead the writers to believe that this reflects the response pattern of the Detroit Police Department. Most police officers in Detroit refer to social conflict calls as "family trouble" runs. They are under the impression that police get called to assist primarily in arguments among family members. From this sample, it does seem that a car is more likely to be sent to assist in a "family trouble" case. Yet data from the homicide and assault study indicate that the largest percentage of persons involved in the most violent conflicts are

adult men who are friends or acquaintances. If data from the 78 cases in this study accurately reflect the type of conflicts to which the Detroit Police Department most frequently dispatches cars, then consideration should be given to responding to all serious conflicts rather than giving priority to arguments among family members.

The two other relationships observed most frequently among these persons were that of parent and child and that of friend and acquaintance. Studies have consistently found that violent interactions occur most frequently between persons who are relatives or friends. This seems to be a constant trend.

In 30 or 38.4% of the 78 cases, persons other than the conflict participants were involved in the interaction. Others were not involved in 45 or 57.7%. The number of others involved was usually one (15 cases) or 2 (8 cases), although as many as eight others were involved in other incidents. Of the 30 cases involving persons other than the conflict participants, most were relatives (83.4%—Table XIV). In all cases, the nature of these persons' participation was either to attempt to intervene in the conflict or to support one of the participants in the conflict, without taking part in a primary manner.

Persons were drinking alcohol during less than half of these conflicts (Table XV). In 59.5% of the 42 cases involving alcohol use, only one of the participants had been drinking (Table XVI). There were only 19% of these cases in which responding officers felt that both persons were intoxicated or that alcohol was influencing their behavior. For the first group of persons, there are few differences in alcohol use among men and women. However, for the second group, 28.2% more women than men had drunk no alcohol prior to the conflict. Comparing alcohol use among racial groups (Table XVIII), it was observed that there was little difference by race in the first group, but less alcohol use by whites in the second group.

Handguns were used in these conflicts less frequently than was observed during assaults and homicides in the earlier study (Table XIX). There was little difference in the frequency of use of weapons other than handguns. In more than half the cases, no weapon was involved. There are a significantly larger percentage of cases in which weapons were used by only one person or by neither person than situations in which both persons used a weapon (Table XX). Comparing weapon use by sex of conflict participants, one finds that a slightly larger percentage of men used some sort of firearm (Table XXI). Women did not use handguns in any of these cases, and a slightly larger percentage of women than men used no weapon during these arguments. There were no significant differences in weapon use by race of conflict participants (Table XXII), although a slightly larger percentage of blacks used handguns than whites. It is also observed that a somewhat larger percentage of whites did not use weapons than was found for blacks.

Turning to interaction patterns during these conflicts, it is observed that the first person started the argument is 25 or 32.1% of the cases, the second person did so in 21 or 26.9%, both began it in 25 or 32.1%, and another person started the conflict in 1 or 1.3%.[4] Of the 43 cases in which the use of a weapon was threatened, person 1 did so in 48.9% (21), person 2 in 46.5% (20), and both in 4.7% (2). This pattern seems to indicate that one conflict participant was as likely to make such a threat as the other. However, the pattern shifts for those cases in which a weapon was actually used. There were 14 or 56% (of 25) in which person 1 used a weapon, 9 or 36% in which person 2 used a weapon, 1 or 4% in which both did so, and 1 or 4% in which another person used a weapon. It is interesting to find that the persons who called police for assistance were more frequently the one to use a weapon during the conflict. If further analysis were to be made, the writers would want to learn, for those cases, whether these individuals brought weapons into the conflicts before or after police were called.

There were a variety of conflict patterns observed by police officers who responded to these situations. They are quite similar to conflict patterns that were observed to have taken place prior to conflict-motivated homicides. Rather than attempting to quantify these patterns, brief descriptions of typical incidents will be used to characterize them. Several arguments took place between

[4] There were another 6 or 7.7% of the cases in which officers could not determine who started the conflict. By reviewing the officers' commentaries for each case, it was determined that on all the questionnaires, person 1 was the person who called the police for assistance.

couples who were either separated or divorced. Two major patterns were observed in these conflicts. In the first pattern, the couple were together to discuss arrangements for their children or to make property settlements. In such cases, verbal arguments developed from these discussions. Some of them remained verbal, but most of them intensified into physical assaults. There were also several in which these arguments became so violent that weapons were used. In the second predominant pattern occurring between separated or divorced couples, the husband went to the home of his wife or former wife, broke in and physically assaulted her. In all of these cases, the men intentionally attacked their wives—the conflict began as physical assaults, rather than escalating from verbal arguments.

It was interesting to observe that all cases which involved siblings escalated to either physical or weapon assaults. In one case, brothers were arguing about using the car, then they fought over it, and one of them attempted to set their house on fire. In another, two brothers were arguing because the younger brother would not follow the older brother's orders. They argued for a while, then the older brother stabbed the younger one. Each of the incidents between siblings began with verbal conflicts, then intensified and developed into assaults.

Several conflict patterns were observed in those cases involving husband and wife. In many of them, a verbal argument developed from a discussion. The discussions became progressively more hostile until they were quite abusive verbally, frequently swearing at each other and calling each other insulting names. During many such arguments, threats of physical violence were made. In some, one person threatened to kill the other. In the largest proportion of the conflicts between married couples, the conflict began as a verbal one, then escalated into a physical assault. Frequently the physical assault was precipitated by a demand made by husband or wife during the argument. When this demand was rejected, the person who made it assaulted the other person. In one case a man told the responding officers that he hit his wife because "she didn't obey me". In another incident, a man hit his wife, then pushed her down the stairs, because she yelled at him for coming home drunk. There were several conflicts between married couples which escalated into weapon assaults. These were similar to the physical assaults. They began as verbal conflicts and in some cases escalated directly to weapon assaults, but in others progressed from verbal arguments to physical assaults, then to weapon assaults.

There were also conflicts between husbands and wives in this sample that directly became physical or weapon assaults. In one of these a woman woke up her sleeping husband and hit him on the head with a frying pan. In another incident, both persons had been drinking. The husband had left the room, then walked back in and hit his wife. She went to the kitchen, got a butcher knife, returned and stabbed him. There were also several cases in which one spouse came home late and was physically assaulted by the other, upon entering the house.

Arguments that occurred between parents and children varied in intensity from verbal conflicts to weapon assaults. However, only a few of these were solely verbal. Most of them escalated into physical assaults. The majority of these were arguments between parents and their adult children. In a typical incident, a man asked his son a question. When the son refused to answer, the father repeated the question several times and the son told his father he would not answer him. The father repeated the question and his son hit him.

There were only two cases involving parents and their children that escalated into weapon assaults. In one of these, a father and son had a lengthy verbal argument that had continued for several hours. The son finally said, "I've had enough of this" and stabbed his father. In the other case, an argument began when a man told his son he did not like the paintings his son had just done. He told his son he thought he was crazy and then told him to move out. The son, a twenty-six year old man, got angry and hit his father on the head with a radio.

Conflicts between persons other than relatives assumed patterns similar to those described above. There were two cases involving landlords and tenants. Both of these were verbal arguments that had become quite hostile when the landlords informed the tenants that they were being evicted. Several conflicts also arose between neighbors. These were all either physical or weapon assaults which had intensified from verbal arguments. In the most typical of these conflicts between neighbors, they began by arguing about a matter, such as a dog that ran onto the other's lawn, then began fighting in an effort to resolve their

differences. In a more violent incident, two neighbors had an extended argument and one of them went into his house, got a gun, then came back outside and shot at his neighbor.

Most of these other conflicts were between friends and acquaintances. In many such incidents, both had been drinking. In one case, the conflict was verbal, but quite loud. When officers asked the two participants what they were arguing about, they both realized they were quite drunk and admitted they could not remember what started the argument. In another case, several friends were drinking together and one of them became somewhat boisterous and broke a window. Few of the conflicts between friends or acquaintances escalated beyond verbal arguments. In those cases that escalated into physical assaults, male friends were involved. They were drinking together, got into an argument, continued to drink, then began to fight.

One should keep in mind that the conflict patterns described here are typical of those to which police responded. They may or may not accurately reflect conflicts to which the Detroit Police Department chose not to send a car. This sample and the data collected from the first part of this project do seem to indicate that cars are dispatched most frequently when the conflict involves an assault or when use of a weapon has been threatened. However, one must remember that the writers found, in their analysis of call screening, that cars were not dispatched in some cases of weapon and physical assaults, or in some instances where threats of weapon assault were made. Therefore, it does not seem that responses to conflicts are made in a consistent manner.

Regardless of the relationships between conflict participants in this sample, there is a predominant pattern followed by most of these interactions. The majority of these cases began as verbal conflicts, then intensified as the argument progressed. In some instances, they escalated from discussions to hostile verbal conflicts, while in others they continued to intensify into physical assaults. In still other incidents, the conflicts became more violent and developed into weapon assaults. In other words, most conflicts seem to begin at a non-violent verbal level, with those which become more violent progressing from one level of intensity to another. There were only a few cases in which the conflicts began as physical or weapon assaults. As was pointed out in the assault and homicide study, it seems that this escalation of violence results from the participants' inability to resolve their conflicts at lower levels of intensity. In most cases, it does not appear that the conflicts were truly resolved, but rather, that they were merely terminated. The analysis of the conflict histories of persons in this sample seems to support this hypothesis.

From Table XXIII, one can see that the source of the largest percentage of these conflicts was some form of marital or family problem. The data presented in this table describe only the immediate motivation for this specific argument. In evaluating these data, one must also take into consideration that responses to this question are a combination of information that participants were willing to give to responding officers and of these officers' interpretations of what they observed and what they were told.

There was considerable variation in the depth of information given concerning conflict sources. Within the category of marital problems in which the couple was separated or a divorce pending, responses ranged from a simple one stating that the couple was separated and arguing to a detailed explanation concerning a situation in which a couple was about to be divorced .In this latter case, the woman explained that her husband got drunk frequently and then came to her house and fought with her (usually assaulting her).

Persons in the category of other marital problems also varied in the detail of the explanation. In several cases, one person had accused the other of being unfaithful, while in others they simply stated that they argued frequently. In one of these latter instances, the couple told the officers that they had been fighting for a long time and would probably continue to fight. There were several marital arguments concerned with money—either misuse of it, lack of sufficient funds, or differences about how it should be spent. In one other case, a man informed officers that he hit his wife because he had asked her to prepare something for him to eat and she had refused.

Several conflicts arising from drinking problems were between husband and wife. In one case, the woman informed officers that her husband was always mean when he drinks, while in another a man explained that he was drunk and had not intended to hit his wife. Most of the conflicts in the drinking cate-

gory were described simply as drinking problems or as drunkenness. An elderly woman who had been severely beaten by her son told officers that he frequently behaved that way after drinking.

Conflict participants in the family problem group all indicated that they had constant arguments. In one case a daughter had run away from home and did not want to return because of the continuous conflict, while in another a man in his early twenties stated that his mother always misused the money he gave her. Another of these conflicts involved brothers who frequently fought with each other.

It is interesting to note that for all instances in which mental health was given as the source of conflict, one of the conflict participants had just been released from a mental hospital. Conflicts groups in the other category included an argument between a landlord and tenant in which the tenant was being evicted because he was noisy and disturbed others too frequently. They also included a case in which a girl and her boyfriend argued about using a car and one in which a man had accused his neighbor of breaking into his house. There was only one case for which officers did not answer the question concerning conflict source. For all the others in the unknown category, officers indicated that participants were unwilling to discuss the reasons for their conflicts.

Conflict histories

Officers were asked to find out from these conflicts participants whether they had previously been involved in such interactions, as well as whether they expected to engage in conflicts in the future. These persons reported, in 24 or 30.8% of the sample, that they had been involved in previous conflict interactions in which they had asked police to assist them.[5] There were also 47 (60.3%) instances in which persons informed police that they had been involved in previous arguments, but had not called for police assistance.[6]

Taking a slightly different look at these statistics, it was found that in 48 or 61.5% of the 78 cases, participants had been involved in some form of conflict prior to the one they had just reported to police. Of these 48, 21 (43.8%) had been involved in conflicts for which they had requested police assistance and in those for which they had not made such a request. In addition, there were 2 (4.2%) instances in which the only previous conflicts had involved requests for police assistance and 23 (47.9%) in which the only prior conflicts had not involved requests for police to assist.

Comparing previous conflicts by type (reported to police or not) and by intensity (Table XXIV), it is observed that the predominant type of previous conflict in all categories is physical assault. There are differences between earlier arguments that were reported to the police and those that were not, in that the level of violence of conflicts reported to police was greater. This is the pattern one would expect, since people are more likely to request police assistance for weapon assaults or threats of weapon assaults. Significant differences were found in the level of violence within the group of arguments not reported to police. There were significantly more of these conflict interactions that reached the level of physical or weapon assault than of any other intensity.

No significant differences were observed in the comparison of conflict type of the incident being reported with intensity of previous conflicts (Table XXV). However, one can see from this table that participants in the largest proportion of the more violent previous conflicts (physical and weapon assaults) requested police assistance during this incident for similarly violent interactions.

Responding officers also asked these persons if they expected to engage in conflict interactions in the future. Most of the respondents (63 or 80.8%) informed these officers that they did expect future arguments.[7] These persons also expected, in the majority of instances, that their future conflict interactions would be quite violent. There were 31 cases (49.2% of the 63) in which respondents predicted future physical assault for themselves, 26 (41.3%) in which they expected weapon assault, and 6 (9.5%) in which they thought their future conflicts would be verbal. These data verify other trends observed in this study,

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[5] In 44 or 56.4% of the cases, participants responded negatively to the question of involvement in previous arguments requiring police assistance, and in 10 or 12.8% they did not respond to this question.

[6] There were 20 or 25.6% of these conflicts in which there had been no previous conflicts and 11 or 14.1% in which this information was not given. The reader should keep in mind that these questions were not mutually exclusive. See questions 49 and 50 of Appendix A. Positive or negative responses to both may have overlapped.

[7] Eight or 10.3% did not expect further conflict, while 7 or 8.9% said they did not know.

as well as observations made during the homicide and assault study. First of all, a large percentage of persons who request police assistance in resolving conflict interactions have histories of continuing conflict. Second, these conflicts tend to increase in level of violence over time. Further evidence is found when one compares type of current conflict with expected intensity of future disputes (Table XXVI). Of the predicted future conflict interactions, a significantly greater proportion are expected to be as violent or more violent than the current one, while few predict decreasing levels of violence.

Although one might expect to find differences in conflict intensity by relationship of participants, the levels of violence expected in future disputes are nearly evenly distributed across all categories of relationships (Table XXVII). Comparing the relationship between conflict participants with both the past and future disputes, one finds in all cases, except parent-child, a greater percentage expecting further conflict than have experienced arguments in the past (Table XXVIII).

A statistical analysis of patterns of conflict shows a strong correlation between past, current, and future conflict interactions (Table XXIX). Specifically, of those participants who expected conflicts to continue in the future, a significantly larger proportion had been involved in disputes previous to the one to which police had just responded than had not experienced such conflicts. Of the total sample of 78 cases, 42 or 53.8% followed the full continuum of conflict interactions analyzed in this study—they had engaged in past and present disputes and predicted that they would continue to do so. Analyzing these cases further, one finds (Table XXX) that the majority of persons involved in past arguments expect future ones to be violent, i.e., to involve physical or weapon assaults. There were another 15 or 19.2% who indicated that they expected future arguments, but had not had previous ones, while another 15 or 19.2% indicated involvement in current disputes only. Thus nearly three-fourths of the participants openly discussed patterns of continuing, frequently violent conflicts.

Responding officers' actions and evaluation of conflicts

There was considerable variation in the responses to these conflicts made by officers dispatched to assist. The predominant action taken by responding officers was to discuss the situation with the conflict participants (23 cases or 29.5%). Within this response pattern, there were differences in the nature of the discussions that took place. In some cases, officers talked with conflict participants in order to terminate the argument, then they left. In other instances, officers held extensive conversations with the persons and attempted to get them to understand the source of the argument and to solve their problems without further violence. In several situations, officers recommended that these persons seek counseling or legal assistance in their efforts to resolve their conflicts. There were two instances in which officers informed conflict participants that their arguments were really civil matters and they should not ask police for assistance, while in one case an officer told participants that they shoud let police handle such situations because most people were unable to terminate arguments themselves. In another 6 (7.7%) cases, officers removed weapons from the participants' homes, in addition to discussing their conflicts. They advised prosecution in only one of these instances.

The second most frequent action by officers was to make a report concerning the conflict (19 cases or 24.4%). In three of these conflicts, officers had taken an injured conflict participant to the hospital, or obtained an ambulance for them through Detroit's Emergency Medical Service. There were only two of these situations in which officers advised either of the persons involved in the dispute to follow up on the report by talking to detectives at the precinct (this is the procedure followed when a complainant wishes to prosecute).

Conflict participants were separated by responding officers in another 17 (21.8%) instances. Two patterns predominated in this category of responses. In the first, officers separated these persons, then waited until a friend or relative came to take one of them out of the houe (usually overnight). The other pattern involved officers discussing the situations with the conflict participants, then advising one of them to leave for a while. In these cases, the officers' advice was followed.

Arrests were made in 7 (8.9%) of these incidents. In three of these cases, sons (adult) were arrested for assaulting their mothers. There was another incident in which an arrest was made and a weapon confiscated, while in one other, an arrest was made and the other conflict participant was taken to a hospital.

Although one might expect that responding officers' actions would vary according to the intensity of conflicts, this was not found to be the case. There appears to be no consistency in actions taken by conflict type (Table XXXI). Although the largest number of arrests were made for weapon assaults, the predominant action taken in weapon assaults was to make a report. This was also the most frequent response of officers in physical assaults, although they were almost as likely to separate the conflict participants or discuss the situation for this type of conflict. Clearly, there are no distinct response patterns in terms of the level of violence of conflict.

Officers were asked if they thought they had been helpful to these persons in responding to their requests for assistance in terminating conflicts. Thirty-nine (50%) responded positively, while 32 (41%) said no, and 7 (9%) were uncertain whether they had helped or not. In 37 (47.4%) of these incidents, officers indicated that they were able to decrease the level of violence of these interactions. It is interesting to note that of those 37, only 24 (64.9%) also thought they had been helpful by responding.

Officers were asked whether or not they would have preferred to have more information concerning these conflicts before they responded. Only 7 officers responded positively to the question. In two of these cases, they had not received the correct address, while in four cases they would like to have known that one of the conflict participants was armed. In another case, officers had been told that that they were being dispatched to a burglary, but found a fight between husband and wife to be the problem when they arrived. Obviously, in most cases, officers did not view the information they received as either inadequate or inaccurate.

When asked to indicate whether conflict management training or some other form of specialized instruction would be beneficial in conflict cases, only 13 (16.7%) responded positively. The majority indicated that they did not need such training or that it would not be beneficial (54 or 69.2%), while 11 (14.1%) gave no answer. Within the group who indicated that specialized training might be beneficial, all but one indicated conflict management training or instruction in psychological or social work counseling as the type of training they thought was needed. In the other cases, the officer said he did not know what type of training would help, because every situation seems so different. Several of these officers also pointed out that they could be more helpful if they could make referrals to appropriate agencies.

There were 15 (19.2%) officers who felt that citizens would benefit if officers were trained in conflict management.[8] Within the group of 13 who indicated that such training would assist police, 10 thought it would also be of benefit to conflict participants.

Conflict participants were asked by responding officers whether they thought that some form of non-police referral would be beneficial to them. There were 14 (17.9%) who said they would like some form of assistance in resolving their conflicts.[9] Thirteen of them indicated the type of assistance they wanted. Marriage counseling was given as the type of assistance needed in 4 (30.7% of the 13) cases, family counseling in 4 (30.7%), and psychiatric counseling in 2 (15.4%). In two cases (15.4%), conflict participants said they wanted legal counseling in order to obtain a divorce, while there was one (7.7%) case in which persons indicated that employment counseling might help.

A comparison was made of officers' or conflict participants' evaluation of beneficial alternatives with segments of the conflict histories. Of those 24 cases in which police had been asked to assist in past conflicts, there were 3 (12.5%) in which participants indicated that a non-police referral would help. In addition, officers stated in 10 (41.7%) of these situations that they had been helpful in the current conflict, while in all 24, officers felt they had decreased the level of violence during the current dispute. Within the group that reported previous conflicts for which they had not requested police assistance, 8 (17% of the 47) stated that some form of referral would benefit them. In 21 (44.7%) of these incidents, officers stated they thought they had been helpful, while in 25 (53.2%) officers felt they had decreased the level of violence.

Turning to the 63 cases in which conflict participants predicted that they would engage in future conflicts, 14 (22.2%) thought that some type of referral might help. Police thought they had been helpful in 32 (50.8%) of the current conflicts

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[8] Another 51 (65.4%) did not think that such training would benefit citizens, while 12 (15.4%) gave no response.

[9] Another 50 (64.1%) did not want referrals, while 14 (17.9%) did not answer.

of this group. They also felt they had decreased the level of violence in 34 (54%) of these cases.

From these responses, there does not appear to be overwhelming enthusiasm on the part of police or citizens concerning the potential benefit of nonpolice referrals or conflict management training. However, one must recognize that in this sort of survey, it is possible that neither police nor citizens were willing to admit that they needed further assistance within the context of conflict interactions. Morton Bard has indicated that police are frequently skeptical about new forms of training. It is likely that such skepticism influenced police officers' negative responses about training to some degree.

Police roles in interpersonal conflicts

Many questions have been raised in the past few years concerning the roles police should play, or are capable of playing, in interpersonal conflicts. More basic than the question of whether or not police should respond to citizens' requests for assistance with conflict interactions is the issue of whether police departments, throughout the United States, carry out their responsibilities primarily from the perspective of law enforcement or crime prevention. The extensive literature that describes police roles, policies, and functions—as well as the writers' observations of police department operations—indicates that police in this society are primarily enforcers of laws. They are, to the extent that enforcement of laws guides their activities, reactors to situations, rather than managers of events. If the predominant attitude were to become that of crime prevention, then police departments would have both a planning role in the control of crime and a managing role in their responses to situations such as interpersonal conflicts. There is no doubt that conflict management is distinctly a prevention role for police, rather than an enforcement role. Such a shift in perspective would enable police departments to function more readily as service agencies.

This study, as well as others, presents significant evidence that conflict management is both a necessary and beneficial role for police officers. It is a service that is frequently needed by citizens, as well as being of great assistance to them in conflict-crisis situations.

Because of the emergency nature of many interpersonal conflicts, police will continue to receive requests for assistance in terminating disputes. It is likely that these requests will make increasing demands upon police resources. If they are to provide the best possible services in these situations, police must understand the nature of various types of interpersonal conflicts, as well as effective methods for intervention in such interactions. It seems obvious that positive conflict intervention will enhance police relationships with the community, since a community service would be provided. Wasserman, Gardener, and Cohen[10] describe the positive influence of effective conflict management on police-community relations, as well as the deleterious effect upon both citizens and police of poorly handled conflicts.

As part of this study, one police officer and a research assistant (social scientist), traveled to three other departments to inquire about conflict management training and to observe segments of this training, in one instance. The police departments visited were Dallas, Kansas City, and Boston. They also observed the communications operations of these departments. None of these departments screen calls, as is done in Detroit. Therefore, responses are made to all requests for assistance in conflict situations.

The Dallas Police Department had the most comprehensive training for their personnel. The entire police force has completed 88 hours of conflict management training. New recruits are given this training in the academy, while officers already in the force were given in-service training. Both command officers and patrol personnel were enthusiastic about this training and its benefits.

Briefly, this program's objective is to help officers develop interpersonal skills that will enable them to intervene in conflict interactions in a positive manner. A variety of teaching methods are used in this program, including lectures, simulation and role playing, discussion, in-service experiences, and testing. The training is conducted in modules that build upon each other, with officers proceeding from one module to the next only after they obtain a 90 percent score on the evaluation test for the module they are working in. Officers are also given readings to supplement other materials in each module.

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[10] Robert Wasserman, Michael Paul Gardener, Alma S. Cohen, *Improving Police/Community* Relations, U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Washington, D.C., 1973, pp. 49–50.

In terms of content, the Dallas program (which was developed through support of the Police Foundation), has seven major categories:

1. The value of crisis intervention training for officers' personal safety.
2. Enhanced awareness of the content of interactions and the nature of relationships that one is observing.
3. Empathy for all participants in conflict interactions is stressed, primarily in simulations.
4. Influence of physical fitness and physical appearance on interpersonal relations.
5. Enhancement of listening abilities; particularly the ability to listen effectively for a variety of purposes under different conditions.
6. Simulations of crisis intervention are done, followed by actual experience.
7. Available community resources are explained in depth.

Personnel from the Dallas Police Department expressed the opinion that this training was very beneficial. They viewed it as helpful in all their interactions with people, not just in conflict situations. They felt that such training helped them to understand people's behavior in many different types of situations. It also enabled them to intervene safely and effectively in violent or potentially violent situations.

The Kansas City Police Department, also supported by the Police Foundation, conducted a study similar to the one carried out by the writers in Detroit on homicides and assaults. Although they do not currently give their officers comprehensive conflict management training, they have recommended it to the department. Their recommendation suggests that all officers receive such training, with in-service training to be given to those already on the job, and academy training for new recruits. They also indicate that recruits should have further in-service training after they have had some on-the-job experience.

In Boston, recruits receive training throughout their first year with the Police Department. As part of this program, they receive training in conflict resolution and crisis intervention. This training is carried out over a period of 30 weeks, and includes specialized training in crisis intervention with families. During 15 weeks of their training program, they are also given comprehensive information about community services as resources for referrals.

The LEAA report referred to earlier succinctly states the primary functions of conflict management training. "Police conflict roles tend to be emergency ones, frequently requiring emergency responses. The first and primary aim is to reduce the danger of violence; the second is to provide preventive assistance; and a third involves case referral." [11]

From the experiences of departments which have programs in conflict management training, it seems that effective systems for referral to nonpolice agencies is an essential component of crisis intervention. As the writers have found in their studies the majority of requests for police assistance in conflict situations are not criminal cases. Neither police nor citizens asking for help view them as such. From all perspectives, these situations are more properly viewed as personal and community mental health problems. Especially for those cases in which participants have histories of conflict interactions and expect to engage in continuing conflict, it seems more appropriate to view these situations as mental health problems and respond to them as such.

This does not mean, however, that police should not play a role in the processes of intervention and prevention of interpersonal conflicts. They must do so, and they must be properly trained to handle these situations effectively. Both police and other community service agencies should carefully evaluate the extent of interpersonal conflicts within their community, the nature of these conflicts, and the effectiveness of their methods and programs for responding to citizens' needs for conflict intervention.

Recommendations for Detroit

Responses of the Detroit Police Department to interpersonal conflict at all points on the continuum of violence—from verbal arguments to homicides—have been studied and evaluated during the past two years, through continuing projects supported by the Police Foundation. As a result of these projects, the writers have obtained comprehensive data concerning patterns and characteristics of interpersonal conflicts in Detroit. The current project indicates that the majority of persons who engage in these disputes follow patterns of

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[11] *Ibid.*, p. 51. Persons evaluating the benefits of conflict management training for police should refer to an extensive discussion of this on pages 49–59 and 73–77 of this report.

continuing conflict interactions. It also shows that, within single incidents of conflict, the level of violence frequently increases during the course of these interactions. Because of these extensive, increasingly violent, conflict histories, intervention is both necessary and potentially beneficial to the conflict participants. Police are a major segment in any response pattern that will have an impact upon these violent interactions.

It is recommended, therefore, that the Detroit Police Department revise its policy of screening out requests for assistance in the majority of conflict situations. Recommendations were made as part of the interim report from the first phase of this project. These were expanded and presented to the Detroit Police Department as a joint effort of one of the writers and Thomas H. Oehmke of New Detroit, Inc.[12] These recommendations should be included with those which follow.

Although current call screening policy gives priority to requests for police assistance to weapon assaults, both phases of this project indicate that, in actual practice, these requests are not as consistently responded to as one would expect. In practice, it seems that priority is given to those cases defined by Detroit police as "family trouble." This was the observation made from data gathered during the second phase of this project. It was found in the first projects that most assaults and homicides occur between adult male friends or acquaintances. It was also observed that within the patterns of continuing conflicts, the majority tend to become more violent over time. Therefore, the writers recommend that, in revising the call screening policy, the Detroit Police Department should seriously consider sending cars to all ongoing conflicts, regardless of the level of violence. This is done currently, but not consistently. The revised policy should not only specify when cars should be dispatched, but must also ensure that consistent practices are developed during implementation of this policy. Assistance should be given for all ongoing interpersonal conflicts, regardless of whether participants are members of the same family.

For conflicts that have terminated and do not seem likely to be resumed, consideration should be given to taking reports by telephone. This would enable the Department to have information on hand concerning conflict histories. It is infrequent that participants actually pursue making criminal charges in such instances, so it is not necessary for these persons to go to the precinct to complete reports, as they are now advised to do. This project has clearly shown that it is valuable for police to have information available concerning conflict histories. Therefore, the writers further recommend that the Detroit Police Department file reports concerning all conflict interactions reported to them, regardless of whether a car is dispatched or a report is taken at the precinct or by telephone. These data should then be placed into a computerized data base so they will be readily available. Such an information system has been developed for the Detroit Police Department, but has not yet become operational. When it does begin operation, an abbreviated form of the questionnaire used for this survey could be used to obtain the necessary data from interpersonal conflicts (See Appendix D for suggested format). It would seem reasonable to keep such data on-line for at least a year, since these conflicts frequently recur over a period of a year or more.

Because of the progressive nature of the intensity of violence in continuing conflicts, the writers believe that there is great potential for successful intervention. Two major programs must be implemented if there is to be comprehensive, effective conflict intervention. The first is for police to receive some form of conflict management training. There are several programs for such training that have been developed. These should be compared and reviewed in terms of their potential applicability in Detroit. The writers are of the opinion that the most comprehensive program has been developed by Morton Bard. Along with Joseph Zacker, Bard is now evaluating various approaches to conflict intervention by police in Norwalk, Connecticut.

Their program has two major advantages over others: 1—it can be implemented in any department with the assistance of social scientists from the community, who will be more familiar with a given department's particular needs; 2—it has been more thoroughly evaluated and refined as it has been developed. Evaluation of such programs is essential if a determination of their effectiveness is to be made. Because of the careful evaluation that accompanied all stages of its growth, Bard's program of conflict intervention training is likely to be quite successful.

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[12] Appendix C contains the expanded recommendations.

If the Detroit Police Department decides to undertake such training, a major question that will have to be answered is whether all police officers should receive this training, or just a segment of the force. The cost of such a program is likely to influence this decision. However, the writers recommend that, if it is economically feasible, all police officers should be given conflict management training. The experiences of other police departments indicate that the benefits of such programs extend far beyond intervention in conflict situations. There is evidence that officers learn to understand and emphasize with people in a wide variety of their work experiences, as a result of training in conflict management. Therefore, it should be part of the recruit training program, as well as given to experienced officers on an in-service basis. It seems possible that funding for such training might be available from a source such as LEAA.

The second program that must be developed if Detroit is to have a comprehensive system of conflict intervention is a working referral system with appropriate counseling.[13] Without this component, police are likely to be engaged in continuous intervention, with minimal prevention of future violence. This system must consist of more than verbal referrals. Agencies must work cooperatively with police. This can be achieved in a variety of ways. Social workers or psychiatric personnel can work directly with police in the precincts, responding with officers when cars are dispatched. They could also make arrangements for immediate appointments with persons needing assistance. This would be similar to contemporary emergency medical service, thus providing emergency mental health or counseling service. Either of these practices would be more likely to involve conflict participants in some form of continuing therapy or counseling than the current system which requires people to make appointments and obtain help later. The most difficult and challenging problem of any effort to prevent or resolve continuing conflicts will be to convince conflict participants to seek such assistance. They are frequently distrustful of existing services and doubtful that anything can be done to stop the continuing violence. Non-police agencies must also consider making services available on a twenty-four hour basis. Conflict crises do not confine themselves to the 8:00 a.m.–4:00 p.m., Monday through Friday, schedules of most agencies. Because these are usually emergency situations, services must be provided immediately, rather than a day or two after the conflict occurs.

There is no doubt that a comprehensive program, such as the one suggested above, requires major shifts in policies and practices for many agencies of the City of Detroit. However, if the governing bodies of Detroit wish to reduce the level of violence in this community, major changes such as these will be necessary. Shifting perspectives concerning priorities are required if Detroit wishes to develop a system for preventing violence. Such a program will be demanding in terms of vital resources—both personnel and finances.

If conflict management training is provided for the Detroit Police Department and if other community agencies provide the necessary complementary services, thorough evaluation must be made of these programs as they develop. Ideally, ongoing evaluation would enable the police and other agencies to revise their programs and improve their effectiveness over time.

Finally, since neither conflict participants nor police officers usually view these disputes as criminal in nature, alternative civil procedures should be considered. Family courts have been developed in several jurisdictions. A similar alternative should be evaluated for Detroit, to handle those cases where legal action is appropriate.

Most urban police departments are increasingly required to provide assistance as conflict arises. Trends across the United States indicate that this pattern is likely to continue unless some form of effective intervention is found. This project, as well as other studies, provides evidence that all police departments can benefit from conflict management training. In a city like Detroit, where these problems are extensive, such a program is urgently needed. It is logical for Detroit to take leadership in efforts to develop a comprehensive program for conflict intervention.

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[13] Persons questioned in this survey did not always specify the type of continuing assistance they thought they needed. However, from the types of conflicts observed, it is clear that at least marriage and family counseling, psychiatric or psychological counseling, and employment counseling should be included in the non-police services available if new systems of conflict intervention are developed.

APPENDIX A

Field Survey of Social Conflict Calls

(6–8). Date_____ Address_____
District_____ (9–10). Precinct_____ (11–12). Time_____ (14–16). Code_____

Person No. 1

(19–20). Age_____ (21). Sex: Male (1)_____ Female (2)_____
(22). Race: Black (1)_____ White (2)_____ Other (3)_____
(24). Occupation (specify) _____ Unemployed_____
(25). Did this person use or threaten to use a weapon at any time during this conflict? Handgun (1)_____ Other gun (2)_____ Knife (3)_____ Other (4) specify_____ No (5)_____
(26). Was alcohol being used (1)_____, was it influencing behavior (2)_____, or was this person intoxicated (3)_____? No alcohol involved (4)_____

Person No. 2

(28–29). Age_____ (30). Sex: Male (1)_____ Female (2)_____
(31). Race: Black (1)_____ White (2)_____ Other (3)_____
(33). Occupation (specify) _____ Unemployed_____
(34). Did this person use or threaten to use a weapon at any time during this conflict? Handgun (1)_____ Other gun (2)_____ Knife (3)_____ Other (4) specify _____ No (5) _____
(35). Was alcohol being used (1)_____, was it influencing behavior (2)_____, or was this person intoxicated (3)_____? No alcohol involved (4)_____
(37). Were any other persons involved in this incident? Yes (1)_____ No (2) _____ If yes, how many were there? (38). _____ What was their relationship to the first two persons (39). _____? In what way were they involved in this incident? (40).

CONFLICT CHARACTERISTICS

(42). Was this conflict primarily: Verbal (1)_____ Physical assault (2)_____ Physical assault threatened (3)_____ Weapon used (4)_____ Weapon use threatened (5)_____
(43). Who started the conflict? Person 1 (1)_____ Person 2 (2)_____ Both (3)_____ Other (4)_____
(44). If weapon use was threatened, who made this threat? Person 1 (1)_____ Person 2 (2)_____ Both (3)_____ Other (4)_____
(45). If weapon was used, who used it? Person 1 (1)_____ Person 2 (2)_____ Both (3)_____ Other (4)_____

RELATIONSHIP OF CONFLICT PARTIVIPANTS

(47). Husband-wife (1)_____ Parent-child (2)_____ Other relative (3)_____ Friend or acquaintance (4)_____ Neighbor (5)_____ Stranger (6)_____ Other (specify)_____

CONFLICT HISTORY

(49). Previous runs here? Yes (1)_____ No (2)_____
(50). Previous conflicts, police not called? Yes (1)_____ No (2)_____
(51). If yes to either of the above, were these conflicts: Verbal (1)_____ Physical assault (2)_____ Handgun (3)_____ Other gun (4)_____ Knife (5) _____ Other (6) specify _____

CONFLICT SITUATION

Please describe all that happened during this conflict (give as much detail as you can—use reverse of this sheet if necessary).

Were participants able to explain source of their conflict? (Describe briefly in their words)

What action did you take? (Please describe briefly, including all actions taken—e.g., if you had discussion with participants, then referred them to other police division or other agency)

Would additional information from dispatcher have helped you approach this run more safely or more confidently? (explain information needed)

(53). Do participants think they will be involved in future conflicts?
Yes (1)_____ No (2)_____

(54). If yes, to what extreme do they think these arguments will go?
Verbal (1)_____ Physical assault (2)_____ Weapon (3)_____

(55). Would participants be interested in referral to non-police agency (for family counseling, therapy, employment counseling, etc.)?
Yes (1)_____ No (2)_____

If yes, what kind of help do they think they need?

(57). Do you feel that you were able to help these persons by responding?
Yes (1)_____ No (2)_____ If yes, in what way were you helpful?

(58). Do you think their argument would have become more violent if you had not intervened?
Yes (1) _____ No (2)_____

(60). For this case, do you think it would have been helpful to you and made the situation safer for you if you had training in conflict management?
Yes (1)_____ No (2)_____

(61). Would such training have enabled you to be of greater help to participants in this conflict?
Yes (1) _____ No (2)_____

What sort of information or skills could training give you that would have been helpful in this situation?

APPENDIX B

TABLE I.—SEX OF CONFLICT PARTICIPANTS

	Person 1		Person 2	
	Number	Percent	Number	Percent
Sex:				
Male	46	59	39	50
Female	32	41	39	50
Total	78	100	78	100

TABLE II.—COMPARISON OF SEX OF CONFLICT PARTICIPANTS

	Male		Female	
	Number	Percent	Number	Percent
Person 1:				
Male	12	15.4	27	34.6
Female	34	43.6	5	6.4

$X^2=23.36189$, $p<0.001$; $C=0.48013$.

TABLE III.—SEX BY RACE OF CONFLICT PARTICIPANTS

	Person 1				Person 2			
	Male		Female		Male		Female	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Black	25	54.3	22	68.8	31	79.5	23	59.0
White	20	43.5	9	28.1	7	17.9	14	35.9
Other	1	2.2	1	3.1	1	2.6	2	5.1
Total	46	100.0	32	100.0	39	100.0	39	100.0

TABLE IV.—RACE OF CONFLICT PARTICIPANTS

	Person 1		Person 2	
	Number	Percent	Number	Percent
Black	47	60.3	54	69.2
White	29	37.2	21	26.9
Other	2	2.6	3	3.8
Total	78	100.1	78	99.9

TABLE V.—COMPARISON OF RACE OF CONFLICT PARTICIPANTS

	Black		White		Other	
	Number	Percent	Number	Percent	Number	Percent
Person 1:						
Black	46	59.0	8	10.3	0	0
White	1	1.3	20	25.6	0	0
Other	0	0	1	1.3	2	2.6

$X^2 = 94.42549$, $p < .001$; $C = 0.74002$.

TABLE VI.—AGE OF CONFLICT PARTICIPANTS

Age	Person 1		Person 2	
	Number	Percent	Number	Percent
15 or under	3	3.9	3	3.8
16 to 20	9	11.6	5	6.4
21 to 25	19	24.2	20	25.6
26 to 30	13	16.6	14	17.9
31 to 40	18	23.1	16	20.5
41 to 50	8	10.3	8	10.3
51 and over	8	10.3	9	11.7
Unknown	0	0	3	3.8
Total	78	100.0	78	100.0

TABLE VII.—OCCUPATION OF CONFLICT PARTICIPANTS

Occupation	Person 1		Person 2	
	Number	Percent	Number	Percent
Unskilled	14	17.9	6	7.7
Skilled	3	3.8	0	0
Professional	2	2.6	2	2.6
Unemployed	35	44.9	36	46.2
Housewife	3	3.8	10	12.8
Retired	2	2.6	2	2.6
Student	5	6.4	3	3.8
Unknown	14	17.9	19	24.4
Total	78	99.9	78	100.1

TABLE VIII.—COMPARISON OF OCCUPATION OF CONFLICT PARTICIPANTS

	Employed		Unemployed		Housewife		Retired		Student		Unknown	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Person 1:												
Employed	3	3.8	3	3.8	0	.....	1	1.3	0	.....	1	1.3
Unemployed	9	11.5	19	24.4	2	2.6	0	.....	2	2.6	4	5.1
Housewife	5	6.4	2	2.6	0	.....	1	1.3	1	1.3	1	1.3
Retired	0	.....	2	2.6	0	.....	0	.....	0	.....	0	.....
Student	0	.....	1	1.3	0	.....	0	.....	2	2.6	0	.....
Unknown	2	2.6	8	10.3	1	1.3	0	.....	0	.....	1	1.3

$X^2=45.05782$, $p<.01$; $C=0.60510$.

TABLE IX.—SEX AND OCCUPATION OF CONFLICT PARTICIPANTS

	Person 1 [1]				Person 2 [2]			
	Male		Female		Male		Female	
	Number	Percent [3]	Number	Percent	Number	Percent [3]	Number	Percent
Employed	14	30.4	5	15.6	6	15.4	2	5.1
Unemployed	20	43.5	15	46.9	13	33.3	23	59.0
Housewife	0	0	3	9.4	0	0	10	25.6
Retired	2	4.3	0	0	2	5.1	0	0
Student	1	2.2	4	12.5	2	5.1	1	2.6
Unknown	9	19.6	5	15.6	16	41.0	3	7.7

[1] $X^2=10.75392$, $p<.05$; $C=0.34809$.
[2] $X^2=26.00581$, $p<.001$, $C=0.50004$.
[3] Percentages are percent of column totals.

TABLE X.—RACE AND OCCUPATION OF CONFLICT PARTICIPANTS [1]

	Person 1						Person 2					
	Black		White		Other		Black		White		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Employed	10	21.3	9	31.0	0	0	6	11.1	2	9.5	0	0
Unemployed	20	42.6	14	48.3	1	50	25	46.3	9	42.9	2	66.7
Housewife	2	4.3	1	3.4	0	0	4	7.4	6	28.6	0	0
Retired	2	4.3	0	0	0	0	1	1.9	1	4.8	0	0
Student	3	6.4	2	6.9	0	0	2	3.7	1	4.8	0	0
Unknown	10	21.3	3	10.3	1	50	16	29.6	2	9.5	1	33.3

[1] Percentages are percent of column totals.

TABLE XI.—DAY OF THE WEEK OF CONFLICT SITUATIONS

Day	Number	Percent
Monday	10	12.8
Tuesday	10	12.8
Wednesday	7	9.0
Thursday	8	10.3
Friday	19	24.3
Saturday	13	16.7
Sunday	11	14.1
Total	78	100.0

TABLE XII.—TYPE OF CONFLICT

Type	Number	Percent
Verbal	13	16.6
Physical assault	25	32.1
Physical assault threatened	7	9.0
Weapon assault	19	24.4
Weapon assault threatened	13	16.6
Unknown	1	1.3
Total	78	100.0

TABLE XIII.—RELATIONSHIP OF CONFLICT PARTICIPANTS

Relationship	Number	Percent
Husband-wife	40	51.3
Parent-child	11	14.1
Other relative	6	7.7
Friends or acquaintances	15	19.2
Neighbors	5	6.4
Other	1	1.3
Total	78	100.0

TABLE XIV.—RELATIONSHIP TO CONFLICT PARTICIPANTS OF OTHERS INVOLVED IN CONFLICT

Relationship	Number	Percent	Percent of 30 cases [1]
Parent	3	3.8	10.0
Sibling	5	6.4	16.7
Child (son or daughter)	9	11.5	30.0
Other relative	8	10.3	26.7
Friend or acquaintance	3	3.8	10.0
Neighbors	2	2.6	6.7
No other involved	45	57.7	
Unknown	3	3.8	
Total	78	99.9	

[1] Percent of the 30 cases in which others were involved.

TABLE XV.—ALCOHOL USE BY CONFLICT PARTICIPANTS

Alcohol use	Person 1		Person 2	
	Number	Percent	Number	Percent
Alcohol used	12	15.4	6	7.7
Alcohol influencing behavior	7	9.0	10	12.8
Person intoxicated	16	20.5	9	11.5
No alcohol used	43	55.1	53	68.0
Total	78	100.0	78	100.0

TABLE XVI.—COMPARISON OF ALCOHOL USE BY CONFLICT PARTICIPANTS

	Alcohol used		Alcohol influencing behavior		Person intoxicated		No alcohol used	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Person 1:								
Alcohol used	1	0.3	0	0	2	2.6	1	1.3
Alcohol influencing behavior	3	3.8	3	3.8	1	1.3	3	3.8
Person intoxicated	2	2.6	1	1.3	4	5.1	3	3.8
No alcohol used	6	7.7	3	3.8	9	11.6	36	46.2

TABLE XVII.—ALCOHOL USE BY SEX OF CONFLICT PARTICIPANTS

	Person 1				Person 2			
	Male		Female		Male		Female	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol used	7	15 2	5	15.6	5	12.8	1	2.6
Alcohol influencing behavior	6	13.0	1	3.1	6	15.4	4	10.3
Person intoxicated	9	19.6	7	21.9	6	15.4	3	7.7
No alcohol used	24	52.2	19	59.4	22	51.3	31	79.5

TABLE XVIII.—ALCOHOL USE BY RACE OF CONFLICT PARTICIPANTS

	Person 1						Person 2					
	Black		White		Other		Black		White		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol used	8	17.0	4	13.8	0	0	6	11.1	0	0	0	0
Alcohol influencing behavior	2	4.3	5	17.2	0	0	8	14.8	2	9.5	0	0
Person intoxicated	10	21.3	6	20.7	0	0	7	13.0	2	9.5	0	0
No alcohol used	27	57.4	14	48.3	2	100	32	59.3	17	81.0	3	100

TABLE XIX.—WEAPON USED BY CONFLICT PARTICIPANTS

Weapon	Person 1		Person 2	
	Number	Percent	Number	Percent
Handgun	6	7.7	3	3.8
Other gun	11	14.1	6	7.7
Knife	10	12.8	11	14.1
Other weapon	8	10.3	8	10.3
None	41	52.6	47	60.3
Unknown	2	2.5	3	3.8
Total	78	100.1	78	100.0

TABLE XX.—COMPARISON OF WEAPONS OF CONFLICT PARTICIPANTS

	Handgun		Other gun		Knife		Other weapon		None		Unknown	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Person 1:												
Handgun	2	2.6	0	------	0	------	0	------	1	1.3	0	------
Other gun	0	------	0	------	4	5.1	0	------	0	------	2	2.6
Knife	0	------	1	1.3	1	1.3	1	1.3	7	9.0	1	1.3
Other weapon	0	------	0	------	2	2.6	1	1.3	4	5.1	1	1.3
None	4	5.1	4	5.1	7	9.0	6	7.7	26	33.3	0	------
Unknown	0	------	0	------	2	2.6	0	------	0	------	1	1.3

X^2=48.09415, $p<.01$; C=0.61759.

TABLE XXI.—WEAPON USE BY SEX OF CONFLICT PARTICIPANT

	Person 1				Person 2			
	Male		Female		Male		Female	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Handgun	6	13.0	0	0	3	7.7	0	0
Other gun	7	15.2	4	12.5	5	12.8	1	2.6
Knife	6	13.0	4	12.5	4	10.3	7	17.9
Other weapon	4	8.7	4	12.5	4	10.3	4	10.3
None	23	50.0	18	56.3	21	53.8	26	66.7
Unknown	0	0	2	6.3	2	5.1	1	2.6

TABLE XXII.—WEAPON USE BY RACE OF CONFLICT PARTICIPANTS

	Person 1						Person 2					
	Black		White		Other		Black		White		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Handgun	5	10.6	1	3.4	0	0	3	5.6	0	0	0	0
Other gun	7	14.9	4	13.8	0	0	4	7.4	2	9.5	0	0
Knife	7	14.9	3	10.3	0	0	7	13.0	3	14.3	1	33.3
Other weapon	5	10.6	3	10.3	0	0	6	11.1	2	5	0	0
None	21	44.7	18	62.1	2	100	31	57.4	14	66.7	2	66.7
Unknown	2	4.3	0	0	0	0	3	5.6	0	0	0	0

TABLE XXIII.—SOURCE OF CONFLICTS

Source [1]	Number	Percent
Marital problems—couple separated or awaiting divorce	5	6.4
Other marital problems	22	28.2
Family problems	9	11.5
Mental health problem	4	5.1
Drinking	12	15.4
Other	9	11.5
Unknown	17	21.8
Total	78	99.9

[1] Cases grouped by major sources, e.g., if husband and wife argued primarily because they were drinking, the case is categorized as drinking.

TABLE XXIV.—CONFLICT TYPE BY PATTERNS OF PAST CONFLICTS

Intensity of previous conflicts	All previous conflicts		Previous conflicts not reported to police		Previous conflicts reported to police	
	Number	Percent	Number	Percent	Number	Percent
Verbal	19	[2] 24.4	4	5.1	0	0.0
		[3] (39.6)		(8.5)		
Physical assault	25	32.1	18	10.3	8	10.3
		(52.1)		(38.3)		(33.3)
Threat of physical assault			3	3.8	2	2.6
				(6.4)		(8.3)
Weapon assault	4	5.2	14	17.9	8	10.3
		(8.3)		(29.8)		(33.3)
Threat of weapon assault			8	10.2	6	7.7
				(17.0)		(25.0)
None	29	37.2	31	39.7	54	69.2
Unknown	1	3.8				

[1] For this column $\chi^2=37.95811$, $p<.001$, $C=0.57214$.
[2] Verbal assaults for all previous conflicts were not broken down into those that involved threats of physical or weapon assault.
[3] All percentages in parentheses are percent of cases in which there was some form of previous conflicts reported as appropriate for each column.

TABLE XXV.—CONFLICT TYPE BY INTENSITY OF PREVIOUS CONFLICTS [1]

Conflict type	Intensity of previous conflicts					
	Verbal		Physical assault		Weapon assault	
	Number	Percent	Number	Percent	Number	Percent
Verbal	2	4.2	2	4.2	1	2.1
Physical assault	2	4.2	14	29.2	2	4.2
Physical assault threatened	3	6.3	0	----------	0	----------
Weapon assault	6	12.5	6	12.5	1	2.1
Weapon assault threatened	6	12.5	3	6.3	0	----------

[1] Includes only those cases that had previous conflicts; total=48.

TABLE XXVI.—CONFLICT TYPE BY INTENSITY OF EXPECTED FUTURE CONFLICT [1]

Conflict type	Expected intensity					
	Verbal		Physical		Weapon	
	Number	Percent	Number	Percent	Number	Percent
Verbal	2	3.2	6	9.5	1	1.2
Physical assault	1	1.6	16	25.4	4	6.9
Physical assault threatened	0	0	4	6.3	2	3.3
Weapon assault	0	0	2	3.2	14	22.5
Weapon assault threatened	3	4.9	2	3.2	6	9.2

[1] Includes only those cases in which future conflicts are expected; total=63. $X^2=37.83049$, $p<.01$; $C=0.57149$.

TABLE XXVII.—RELATIONSHIP OF CONFLICT PARTICIPANTS BY EXPECTED INTENSITY OF FUTURE CONFLICTS [1]

Relationship	Expected intensity of future conflicts					
	Verbal		Physical assault		Weapon assault	
	Number	Percent	Number	Percent	Number	Percent
Husband-wife	3	4.8	18	28.5	13	20.6
Parent-child	0	----------	3	4.8	4	6.3
Other relative	1	1.6	3	4.8	1	1.6
Friend or acquaintance	1	1.6	5	7.9	6	9.9
Neighbor	1	1.6	2	3.2	2	3.2

[1] Includes only cases reporting expected future conflicts; Total=63.

TABLE XXVIII.—RELATIONSHIP OF CONFLICT PARTICIPANTS BY PREVIOUS AND EXPECTED FUTURE CONFLICTS [1]

Relationship	Previous conflicts, police not called		Previous conflicts, police make run		Expected future conflicts	
	Number	Percent [2]	Number	Percent [2]	Number	Percent [2]
Husband-wife	26	37.6	11	15.9	32	50.8
Parent-child	10	43.4	5	21.7	8	35.0
Other relative	2	20.0	2	20.0	6	60.0
Friend or acquaintance	7	30.4	4	17.4	12	52.2
Neighbor	2	22.2	2	22.2	5	55.5

[1] Includes only cases that reported previous or expected conflict interactions.
[2] Percentages are row percentages.

TABLE XXIX.—PREVIOUS POLICE RUNS FOR CONFLICTS BY PREVIOUS CONFLICTS FOR WHICH POLICE WERE NOT CALLED BY EXPECTED FUTURE CONFLICTS [1]

	Previous conflicts, police not called		
	Yes	No	No answer
Previous conflicts, police run:			
Yes	18	1	1
Percent	28.6	3.2	1.6
No	19	15	2
Percent	30.2	23.8	3.2
No answer	2	0	4
Percent	3.2	0	6.3

[1] Includes all cases reporting expected future conflicts; total=63. X^2=59.99254, p <.001; C=0.69841.

TABLE XXX.—PAST CONFLICT INTERACTIONS BY EXPECTED INTENSITY OF FUTURE CONFLICTS [1]

	Previous conflicts, not reported to police		Previous conflicts reported to police	
	Number	Percent [2]	Number	Percent [2]
Expected intensity of future conflicts:				
Verbal	2	5.1	1	4.8
Physical assault	19	48.7	9	42.8
Weapon assault	18	46.2	11	52.4

[1] Includes only cases involving both previous and expected conflicts.
[2] Percentages are percent of column totals.

TABLE XXXI.—RESPONDING OFFICERS' ACTION BY TYPE OF CONFLICT [1]

Officers' action	Type of conflict									
	Verbal		Physical assault		Physical assault threatened		Weapon assault		Weapon assault threatened	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Made report	1	1.3	10	12.8	1	1.3	6	7.7	1	1.3
Percent		(7.7)		(37.0)		(14.3)		(31.5)		(8.3)
Separated conflict participants	5	6.4	6	7.7	2	2.6	4	5.1	0	0
Percent		(38.5)		(22.2)		(28.6)		(21.1)		
Discussed problem	5	6.4	8	10.3	4	5.1	2	2.6	4	5.1
Percent		(38.5)		(29.6)		(57.1)		(10.5)		(33.3)
Discussed problem and removed weapon	1	1.3	0	0	0	0	2	2.6	3	2.8
Percent		(7.7)		(0)		(0)		(10.5)		(25.0)
Made arrest	1	1.3	1	1.3	0	0	3	3.8	2	2.6
Percent		(7.7)		(3.7)		(0)		(15.8)		(16.7)
None	0	0	2	2.6	0	0	2	2.6	2	2.6
Percent		(0)		(7.4)		(0)		(10.5)		(16.7)

[1] Percentages in parentheses are percent of column totals.

APPENDIX C

PROPOSAL

Comprehensive Plan To Improve Detroit Police Department Response to Social Conflict Situations

(Prepared by G. Marie Wilt, Ph. D., Thomas H. Oehmke, J.D., June 10, 1975)

Introduction

During the past year, three studies have been made that were concerned with the operations of the Communications Section of the Detroit Police Department (DPD), with special attention given to the role played by Emergency Service Operators (ESO) in responding to citizen requests for police assistance.

The first of these studies is an analysis of police department response in Detroit to interpersonal conflicts. This study is being conducted by G. Marie Wilt and James D. Bannon, and is funded by a grant to the Detroit Police Department from The Police Foundation. Their research is being carried out in two parts, the first of which analyzes ESO and dispatcher responses to calls requesting police intervention in interpersonal conflicts, while the second is concerned with experiences of police officers when they respond to these situations.

The second of these studies was conducted by the Social Conflict Task Force of the Detroit City Council, which was convened by Councilwoman Maryann Mahaffey. Their analyses were concerned with responses made to social conflicts by social service agencies in Detroit, as well as by police. Included in their work were observations of the Communications Section activity, made by Maryann Mahaffey and Susan Rourke.

The third study was conducted by Thomas Oehmke of New Detroit, Inc. He made observations of ESOs, and of police officers interacting with ESOs, during their daily work routine. He has also reviewed reports from the first two studies and provided comments and recommendations based on his own analysis.

Although these three studies were conducted independently, the persons referred to above have exchanged observations and shared ideas concerning the recommendations for improving the performance of the Communications Section of the Detroit Police Department.

The purpose of this report is to compile and integrate these studies and present them as a comprehensive set of recommendations. It should be noted that complaints and grievances, presented by the ESOs are also included in these recommendations; careful evaluation of and response to these requests will be a beneficial precedent to the implementation of other recommendations.

Each recommendation is presented in detail, including suggestions for action. For each category of recommendations the type of action to be taken is described (training to be developed, policy to be changed, etc.). For those items which would require additional funding, estimates are made of the amount of funds needed and potential resources of funds are listed.

The rationale for each recommendation has not been included in this report since this can easily be obtained by referring to reports available from the first two studies, referred to above.

It is the intention of the authors that this report will assist the Detroit Police Department in their evaluation of the recommendations made by these three studies and in their implementation of changes which will benefit both the police department and the citizens of Detroit.

Recommendations

(A) COMMUNICATIONS SECTION

1. *Emergency Service Operators*

(i) Pre-Hire

a. Before hire, prospective applicants should be informed of all of the expectations of an ESO, including wages, hours, terms and conditions of employment and be tested, using valid and reliable testing devices, for their abilities to operate well under stressful situations, to relate well to callers, to function well using auditory and communicative skills.

(ii) Training

a. Negative publicity about ESO personnel has a detrimental effect on their morale and should be eliminated, with greater emphasis on training and internal discipline.

b. Prerecorded video tape, and other audio-visual devices, should be employed to update ESO personnel on policy changes and on new and innovative techniques in performing their work.

c. A portion of their normal and regular on-the-job training should include riding with precinct patrol officers at least one shift per month in order to gain an appreciation of the on-the-street patrol function.

d. Initial ESO training should include skills necessary to deal with callers for whom no emergency vehicle will be ordered, to deal with callers who are operating under extreme stress, to improve general abilities of perceptions, listening, and communications, and to improve abilities to react to special situations such as shootings, robbery in progress, burglary, social conflict situations, and others.

e. Special emphasis in interview training should be given to determining when a caller is a minor, whether the situation reported is both accurate and reliable and should dispel the attitude that merely because a caller is young, no serious problem exists.

f. Techniques should be developed and taught to assist the ESO in dealing with the great degree of frustration felt as the ESO absorbs friction from the public, on one hand, and from police department personnel, on the other.

g. Interview training should concentrate on the types of information which are material, relevant and essential in making a determination that an emergency vehicle should be ordered.

h. Training should emphasize that certain types of information should always be sought from callers to be communicated to the dispatchers (e.g., it should always be noted whether a burglary is "in progress" or whether a robber is "armed" or not).

i. Once hired, periodic and regular training should occur to improve and update skills and to acquire new skills and techniques.

j. Once hired, ESO personnel should be frequently reviewed for their performance to determine the needs for disciplinary action and additional training.

(iii) Job Structure

a. Civilian supervisory positions, within the Communications Section, should be created to allow for successful ESOs to move into management. This would provide an incentive for quality performers to receive promotions and would alleviate the problem that the ESO position is perceived as a "dead end" job.

b. Persons trained in human relations (e.g., social workers) should be permitted to bid on SEO openings or to apply from outside the civil service system; this provision would improve the quality of the work force and might encourage trained social workers, and other human interaction specialists, to apply for the job.

c. Classifications, among ESOs, should be created so that particular emergencies could be referred to specialists in social conflict situations; such specialization would improve the quality of the ESO response and provide an opportunity for ESOs to move into higher paying, more demanding positions.

(iv) Personnel Practices

Communications Section managers should investigate the validity of the following complaints made by ESOs and correct those which demand rectification:

a. Payroll department is hostile to ESOs and should respond more effectively when ESOs demand that their paychecks be the proper amount.

b. EMS training monies should be paid immediately.

c. Regulation of holiday and overtime pay should be made within one month after services are rendered.

d. Individual accounts of accumulated sick and compensatory time should be distributed monthly.

e. Leave day scheduling should include 4 days off in every two week period, as is true with police officers.

f. Dismissal of ESO personnel should occur only after all contractual and legal protections are observed.

2. *Supervisory Personnel*

(i) Supervisory personnel should be instructed in proper motivational and disciplinary techniques for varied situations in order to obtain maximum cooperation of the ESOs and a higher quality of performance.

(ii) First line supervisory personnel and managers should participate, in an integral fashion, in all training provided to the ESO.

(iii) The Commander of the Communications Section should assure that there is a consistency of supervision over ESOs to alleviate the problem of disparate treatment of ESOs, depending on which supervisor is in charge.

(iv) To improve the quality of the supervisory personnel in the Communications Section, supervisors should:

a. Be selected for their human relations skills and ability to manage and supervise others in stressful situations;

b. Be required to be capable of performing at the highest level of an ESO, doing the same functions as an ESO;

c. Be screened, before placement, using the same criteria as would be applied to an ESO applicant;

d. Be instructed in how to offer assistance, in a positive constructive manner, to the ESO in order to modify behavior and elicit the highest quality of performance from the ESO;

e. Be held personally accountable for the successes and failures of the ESO personnel they supervise;

f. Be held personally accountable for their own performance in their role as a supervisor and, if they fail to do their job properly, they should then be transferred out of the Communications Section to a job they are capable of performing.

3. *Dispatchers*

(i) Dispatchers should be reviewed periodically for the quality of their performance and their competency in that position.

(ii) Dispatchers should be included in any training given to the ESO, not only for the sharing of techniques that would occur, but to foster a greater appreciation of each other's function.

(iii) Positive action should take place to facilitate more accurate communication of information between the dispatcher and the ESO. Perhaps more frequent voice communication (to supplement the Electrowriter) should be employed when the dispatcher requires more information from the ESO.

4. *Equipment and Facilities*

(i) The ESO lounge areas should be properly equipped and maintained to assure their use as a resting area.

(ii) ESO equipment should be modified to remedy problems of:

a. Improper headsets that are uncomfortable and have no volume controls;

b. Equipment that is more frequently in disrepair than it is functioning;

c. A lack of partitions that fail to mitigate conflicting ambient noise;

d. Electrowriters that are so high that they cause arm fatigue.

e. Telephone equipment is technically unable to transfer calls to other centrex numbers, especially to precincts and to other sections of the Department. Such a feature would eliminate the delay experienced by citizens when a different person could better service their needs.

f. Lack of proper soundproofing to reduce high ambient noise levels.

(B) DETROIT POLICE DEPARTMENT POLICY

1. Departmental policy should be reevaluated with respect to social conflict responses and how they are handled.

2. The Department should issue a newly defined policy concerning the proper use of the 911 system which hopefully would confine its use only to requests for emergency assistance.

3. A procedure should be established for:

(a) Patrol officers to file reports for all social conflict responses, and;

(b) The storage on computer of these data to provide for immediate access to officers sent on social conflict intervention runs.

4. Good working relationships should be maintained, and established where they do not exist, between the DPD and appropriate social service agencies so that social conflict situations can be immediately referred to agencies, other than the DPD as appropriate.

5. A service award system should be developed to reward both ESOs and patrol officers for expert handling of potentially volatile social conflict situations.

6. Departmental policy should require that all ESO referral phone listings be updated on a weekly basis, regardless of whether changes have occurred.

7. Departmental policy should be amended to permit an on-duty police officer to bypass the ESO and directly request an emergency vehicle or assistance from the Dispatcher. (Policy should limit this practice to Department phones.)

8. Departmental policy should be reviewed with consideration given to permitting the use of currently open radio channels which will allow patrol officers to communicate more frequently with:

(a) One another, in order to transmit essential information regarding a specific radio run, and;

(b) Their precinct stations and command officers for the purpose of gaining access to specific histories on social conflict responses, which data would be available from the Law Enforcement Information Network (LEIN) and to seek advice of command personnel on how to handle a given situation, without waiting for a Sergeant to make the run.

(C) PUBLIC EDUCATION

1. The public should be informed that the 911 system is a center for answering needs for emergency aid.

2. The public should be informed that the 911 operators merely decide whether to request scout cars, fire engines, and/or EMS units. This function should be distinguished from that of the dispatcher who decides whether to order a police vehicle.

3. The public should be informed of the impact when the emergency 911 system is misused, especially by children who use the system for play, screaming, and profanity.

4. Electronic, print, and other mass media should be encouraged to do public service announcements and documentaries communicating about the proper use of the 911 system.

5. From time-to-time, the need for additional public education should be reviewed to reassess the need for additional media participation in public information programs.

(D) PRECINCT PATROL OFFICERS

1. Patrol officers should be made intimately aware of the function of the 911 system and the role of the ESO.

2. Patrol officers should receive appropriate conflict intervention training so that they may be aware of alternative police responses which would give officers the choice between arrest, discussion, and other mechanisms to resolve social conflict situations.

3. Police officers should be provided with a pocket-sized, agency referral manual which would give the officer an immediate means of providing an alternative to arrest in a social conflict situation. Agencies receiving such referrals should be prepared to set aside time immediately to deal with police department referrals.

(E) OTHER

1. Social service agencies should reevaluate the needs for their services to determine if specific types of services could be provided on a 24-hour basis to defuse intense social conflict situations.

2. The National Center for Dispute Settlement's (NCDS) system of Arbitration As An Alternative (4–A) should be investigated by the Wayne County Department of Social Services as a method of immediately intervening in social conflict situations and resolving disputes.

3. Social service agencies should reexamine the effectiveness of their current "delivery of services" system to determine if the provision of 24-hour services, in some areas, might be facilitated by:

(a) Decentralizing social workers to operate out of precinct and ministations, and

(b) Assigning social workers to work with patrol officers, in patrol cars, to respond to radio runs for immediate intervention in interpersonal conflict situations.

4. Explore the possibility of a Family Court (with possible civil and/or criminal jurisdiction) in lieu of the current jurisdiction held by Recorder's and Circuit Courts.

IMPLEMENTATION PLAN

With the exception of two areas, which we will discuss below, the implementation plan should assure that all of those affected by this Comprehensive Plan are consulted before the actual implementation procedures begin. The chart below illustrates a suggested critical path that could be followed in arriving at a departmental approval of these recommendations; a timetable is also presented.

Two areas of recommendations in this Plan could probably be immediately implemented without following the suggested critical path, namely the section on equipment and facilities (Rec. A(4)) as well as the portion which treats personnel practices (Rec. A(1)(iv)).

These are essentially administrative in nature and do not appear to require a policy change and commitment of the Department. Appropriate command and supervisory personnel in the Communications Section should be advised to take the necessary steps to correct these problems; they are also of such a nature that it would not be pertinent to involve the Board of Police Commissioners in such internal, administrative details.

The major step that must first occur, if these recommendations are to be implemented successfully, is for the Department to commit itself to the principle that a new priority must be given to social conflict situations as a means of defusing a great number of potentially violent confrontations which, if unchecked, will continue to increase the number of assaults and homicides.

If this occurs, then funding can be obtained for the ESO training that is required (Rec. A(1)(ii)), by the Detroit Police Department appropriate funding sources, which might include The Police Foundation, Law Enforcement Assistance Administration, or the National Institute of Mental Health.

Funding suggestions for the training to be offered to Precinct Patrol Officers will be made upon completion of Part II of the current Police Foundation project, which is expected on or about July 1st.

None of the other recommendations require funding.

In conclusion, we recommend that the chart on the following page to be considered as one suggested method of going about the task of receiving approval of this Comprehensive Plan.

Implementation Timetable

Step	*To be completed by*
1. Report received by executive assistant to the chief	June 17, 1975.
2. Referred for comment to the affected departments	June 19, 1975.
Communications section	
Other approval by commanding and supervisory personnel	
3. Comments received back by executive assistant to the chief	July 3, 1975.
4. Detroit Police Department Executive Committee	July 16, 1975.
5. Chief of police	July 30, 1975.

APPENDIX D

Report Format for Police Collection of Data on Responses to Social Conflict Calls

Date _____ Address _____ Precinct _____

Person No. 1

Age _____ Sex _____ Race _____.
Occupation _____ Unemployed _____

Person No. 2

Age _____ Sex _____ Race _____
Occupation _____ Unemployed _____
Conflict Intensity: Verbal _____ Physical Assault _____ Weapon Assault _____ Threat of Weapon Assault _____ If weapon assault, Handgun _____ Other gun _____ Knife _____ Other_____
If weapon was used, which persons were armed: No. 1 _____ No. 2 _____ Both _____
Relationship of Persons No. 1 and No. 2: Husband-Wife _____ Parent-child _____ Other Relative _____ Friend or Acquaintance _____ Neighbor _____ Stranger _____ Other _____
Have there been previous conflicts here? Yes _____ No _____
If yes, were police called to assist? Yes _____ No _____
Were these Verbal _____ Physical Assault _____ Weapon Assault _____
Were there other arguments for which police were not called?
Yes _____ No _____ Were these verbal _____ Physical assault _____ Weapon Assault _____
Describe action taken by responding officer _____

Do these persons expect future conflicts? Yes _____ No _____
Do they expect to be Verbal _____ Physical Assault _____ Weapon Assault _____
Did you provide non-police referral for these persons? Yes _____ No _____
If yes, to what agency? _____

A Comprehensive Analysis of Conflict-Motivated Homicides and Assaults—Detroit, 1972–73

Final Report * by G. Marie Wilt and James Bannon, May 1974

Conflict-Motivated Homicides and Assaults

INTRODUCTION

Violence in cities of the United States has taken many forms during the past eight years. There appears to be have been a general shift in both the structure and content of violent interactions from the 1960's to the 1970's. This shift has occurred in the form of a transition from predominantly group or crowd interactions to primarily interpersonal interactions among two or three persons. Such interpersonal violence can be analyzed in terms of a continuum of conflict interactions ranging from verbal exchanges to brutal physical attacks.

Two points along this continuum of interpersonal violence have had an increasing impact on both the urban community and urban police in the past six or seven years—conflict-motivated assaults and conflict-motivated homicides. If for no other reason than mass media presentations, the impact of these forms of violence has been greater upon Detroit, Michigan than upon many other large American cities. It is assumed, however, that Detroit is probably quite similar to other cities in terms of the occurrence of such violent interactions. Therefore, it is also assumed that the research findings presented in this report will be of value to many urban police departments and many urban communities.

Conflict-motivated homicides and assaults were selected for study during this project because these interactions arise from situations that seem to be increasing events in many urban areas of the U.S. This category of assaults and homicides includes many cases which might have been preventable or for which intervention might be developed and applied to cases having similar potential in the future. When there has been a known history of conflict preceding a homicide or an assault, information can be derived that is applicable to efforts aimed at preventing similar events from increasing and perhaps even from continuing at the current pace. It is possible that this information could be developed by professionals in law enforcement, social work, psychology and psychiatry to help potential assault and homicide participants understand such interactions and their possible results.

The report that follows is the result of a Police Foundation administered grant given to G. Marie Wilt of Wayne State University and James D. Bannon of the Detroit Police Department in March, 1973. The initial proposal to the Police Foundation was entitled "The Deterrence of Social Conflict Homicides." As the proposal clearly indicated, however, it was not intended that the research be limited solely to homicides. Although the most extensive and in-depth segment of research was concerned with homicides, a comparative analysis of conflict-motivated assaults was also carried out. A primary goal of these studies has been to determine to what extent assaults and homicides might be preventable. Thus our efforts have been directed towards learning as much as possible about the participants in homicides and assaults, the situations during which these violent interactions occur, and reactions to both assaults and homicides.

RESEARCH METHODOLOGY

Analyses of homicides and assaults in Detroit during 1972 were two separate phases of this research project. Although each study was conducted separately, they were designed to complement each other and to provide comparative data. The homicide study (designed and conducted by Wilt) preceded the analysis of assaults (designed and conducted by Bannon) and served as a model for designing

*This report and research upon which it was based were supported in part through a grant from the the Police Foundation of Washington, D.C.

the assault study. In both studies, the researchers' objectives were to understand homicides and assaults as social interactions and social situations, rather than merely as crimes. By focusing upon conflict-motivated assaults and homicides, the researchers were able to analyze assaults and homicides as a continuum of violent, interpersonal conflict interactions. In other words, this project began with the assumption that conflict-motivated assaults and homicides developed from similar social situations as well as from similar social interactions. It was also assumed that the primary distinction between these two forms of conflict interactions is one of severity or intensity of the interactional outcome. Although the research findings for both studies are presented in this report in an integrated and comparative manner, the design of each study is described separately and briefly below. This report presents general characteristics of homicides, assaults and the persons who participated in them first, then discusses conflict-motivated homicides and assaults.

THE HOMICIDE STUDY

Data were collected concerning homicides from The Detroit Police Department Homicide Section's investigative files for 1972. All homicides both reported to and investigated by The Detroit Police Department during 1972 are the subject of this research. The study is not limited to these legal categories that may be termed "criminal homicides," since such a limitation would have excluded many conflict-motivated homicides. Therefore, homicides classified in legal categories as Murder 1, Murder 2, Non-negligent Manslaughter, Negligent Manslaughter, Excusable and Justifiable are all included. Excluded are manslaughter cases which were traffic deaths, since these are processed separately from other homicides by The Detroit Police Department.

The focus of this segment of the project was the category of homicides referred to as conflict-motivated. A conflict-motivated homicide is defined as any homicide that develops from a conflict interaction between two or more persons. In other words, this type of homicide is preceded and precipitated by some form of argument, disagreement or physical fight between persons who become victim and perpetrator. This category has been selected for focus because it includes the most commonly occurring homicides, it is of great concern to both police and the urban community, and it seems to present the greatest potential for prevention or deterrence of any type of homicide. As used in this report, the category of conflict-motivated homicide, its definition, and the classification of individual cases into this category were all developed by Wilt.

Data were extracted from the homicide files and placed onto a precoded instrument designed by Wilt. Variables and categories of variables were developed by this researcher from data that were available in these files and that seemed most relevant to an understanding of homicides. The data collection instrument, similar to a questionnaire in format, has four major sections: (1) characteristics of victims, (2) characteristics of perpetrators, (3) characteristics of homicide situations, and (4) characteristics of conflicts that preceded conflict-motivated homicides. Upon completion of data collection, data were transferred to computer cards, processed and statistically analyzed by computer.

There are many sources of data in a homicide investigation case file. First is the case draft, a statement prepared by each officer who first appears at the scene of the homicide, giving a summary description of what has happened. Second, and more comprehensive, is the preliminary case report, prepared by the homicide detectives, which presents such details of the case as time, day of week, persons involved, motive, weapon used, location, and brief description of what occurred during the homicide. Third are all the statements and notes, including commentaries and descriptions of the case, of all the officers involved.

In addition, there is the Morgue Protocol, a form completed by the Wayne County Medical Examiner's Office, which describes the victim and manner of death. These files also include a Warrant Request, prepared by the prosecutor's office, which describes the victim, the perpetrator, and the homicide situation. Statements from homicide perpetrators as well as from any witnesses that have been interviewed are also contained in these files. These are the most detailed narratives for each case. Finally, there are criminal records, if they exist, for both victim and perpetrator and an interrogation sheet, which is a Police Department form containing detailed information about the perpetrator.

THE ASSAULT STUDY

Statistical data were compiled concerning all assaults for the years 1971 through 1973. This serves as background for the data collected concerning con-

flict-motivated assaults from a sample of 144 such assault cases that occurred during 1973. This sample was drawn from the total population of Detroit's 1973 assault cases by selecting all conflict-motivated assaults that occurred during the last two weeks of October and the first two weeks in November.

An interview schedule was designed by Bannon to collect data from this sample of 144 persons who filed complaints concerning assaults that had developed from interpersonal conflict interactions. These interviews were conducted by investigative personnel assigned to the Misdemeanor Detail of the Detroit Police Department's Court Section. This unit is responsible for the preparation and prosecution of assault cases that developed from conflict situations and interactions. Much of this interview schedule intentionally duplicated items from the homicide instrument so that characterisitcs of participants and situations of assaults could be compared with those of homicides. An additional section of this interview schedule was designed to obtain data from these assault victims concerning their predictions of continued participation in conflict situations or future violent conflict interactions. Responses to these interviews were processed and analyzed by computer techniques.

As was the case for the homicide study, the focus in the analysis of assaults was on those assaults defined as conflict-motivated. A conflict-motivated assault is defined as any assault that develops from a conflict interaction between two or more persons. Again, this refers to an assault preceded by some form of argument or disagreement between those persons who become victims and perpetrator. Instructions to interviewers for inclusion of individual cases into this category were developed by Bannon.

This briefly describes the sources of data collected for this project and the methodology employed by both writers. All discussion and interpretation of data are based upon the writers' analyses and understanding of their empirical findings.

General characteristics of assaults and homicides

As background for the discussion and analysis of conflict-motivated assaults and homicides, this section of the report presents characteristics of persons and situations involved in all types of homicides and assaults. The data for assaults were obtained from computer files of statistical information for 1971 through 1973. For homicides, data were obtained from the investigative files described in the methodology discussion.

SITUATIONAL CHARACTERISTICS

There were 693 homicides in Detroit in 1972, resulting in a homicide rate of 46 per 100,000 population.[1] During 1971 there was a total of 8,486 assaults, while there were 9218 in 1972 and 9748 in 1973. This represents a rate per 100,000 population which increased from 561 in 1971 to 610 in 1972, then to 645 in 1973.

Although a variety of weapons were used in both assaults and homicides, one observes in Table I and II that handguns predominate in both types of interaction.[2] Handguns were used in 63% of the homicides and in an average of 33.6% of the assaults.[3] Although knives were used much more frequently in assaults than in homicides, they were the second most frequently employed weapon in both kinds of situations. For assaults, knives were an average of 31.3% of weapons used, while for homicides they constituted 12.2%.

Although both homicides and assaults were distributed throughout the days of the week, the largest proportion of both occurred on weekends, as shown in Tables III and IV. Slightly more than half of the total homicides (50.2%) took place on Friday, Saturdays or Sundays, while somewhat less than half of the assaults (an average of 47.6%) occurred on one of these days.

Since the analysis of homicides was far more comprehensive than that of assaults, it was possible to determine the number and percentage of major types of homicides that occurred during 1972. It is not possible to estimate just the number of conflict-motivated assaults for 1972, since a sample of only 144 cases

[1] The categories of homicides throughout this report total 672 rather than 693 because there were 21 cases for which files were not available to the writer. These were being used to prepare court cases. Also, for some variables the total is less than 672 since there was information missing from some files.

[2] All tables referred to in this section of the report are contained in the appendix.

[3] For purposes of comparison, averages (means) for assaults have been computed over the 3-year period for which data are presented.

was studied. Based upon the sociological nature of the situation, Wilt distinguished between two major categories of homicides: conflict-motivated and crime-related.[4] During 1972, 338 or 50.3% of the homicides were conflict-motivated, while 182 or 27.1% were crime-related. Throughout 1972, mass media reports made contradictory claims about the nature of Detroit's homicides, with some sources indicating that as many as 65% were crime-related or were the type that occur between friends, acquaintances or relatives. This study's data clearly show that such reports were overestimates of the actual situations. There were also 152 (22.6%) other homicides that could not be designated as either crime-related or conflict-motivated because the perpetrator was still unknown and no witnesses had been located who could provide sufficient information to determine motivation.

Turning next to geographic locations, both homicides and assaults were grouped by police precincts. As shown in Tables V and VI, the location pattern for assaults was quite similar to that for homicides. Precincts 5, 10 and 13 have the greatest percentage of both types of incidents occurring within their boundaries. It is of interest to note that these three precincts have greater population densities per square mile than any of the other precincts.

CHARACTERISTICS OF PARTICIPANTS

Characteristics of perpetrators and victims of assaults and homicides are presented and compared in Tables VII through XVI. Tables VII through X present the sex and age of victims and perpetrators of homicides and of the perpetrators of assaults. For all perpetrators, the predominant age category is 21–29.[5] This is also the largest age group of homicide victims. In addition, large percentages of participants in these two types of interactions are also found in the age groups of 30 through 39 and 40 through 49. These three age groups account for 81.5% of all assault perpetrators, 71.6% of all homicide perpetrators, and 64.0% of all homicide victims. Tables VIII through X clearly demonstrate that men are by far the most frequent perpetrators of both assaults and homicides, as well as the predominant victims of homicides.

Analysis of the race of perpetrators and victims of both homicides and assaults indicates that Detroit's black population is the most victimized. The term "victimized" is used here to indicate that all participants in both homicides and assaults are viewed by the writers as victims, regardless of whether they become perpetrators or victims in the narrower sense of the term.

(This will be more thoroughly explained in the discussion of conflict-motivated assaults and homicides.) Tables XI through XIII show that 83.3% of the homicide and 65.4% of the assault perpetrators were black, as were 60.5% of the assault and 78.9% of the homicide victims. Although both types of interaction are predominantly intraracial, a greater percentage of homicides fall into this category than do assaults.[6] It was found that 77.1% of the homicides involved both black perpetrators and black victims, while for assaults the percentage averaged 53.7. The proportion of assaults in which both participants were white was 16.0%, while for homicides this category constituted 13.8%. Only 9.1% of the homicides were interracial, while 30.2% of the assaults fell into this category.

Tables XIV through XVI present marital status, occupation and education of homicide participants. Comparable data was not available for persons who participated in assaults. The two variables of occupation and education appear to be particularly significant in the analysis of homicides. Seventy percent of the perpetrators and 65.2% of the victims are either unemployed or employed at unskilled levels. According to 1970 census data, 26.7% of all males over sixteen (no smaller categories were provided) in Detroit are unemployed, and 58.3% of all females over sixteen are unemployed. Census data for all employed persons in Detroit provide the following occupational breakdown: unskilled—21.1%, skilled blue collar—37.7%, white collar—29.1%, self-employed—.76% profes-

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[4] Crime-related homicides are those which develop from the commission of another crime, such as armed robbery.

[5] For assault perpetrators, as one can see in Table X, this age category includes persons 20–29.

[6] One should note, however, that between 1971 and 1973 the percentage of interracial assaults increased 4.8 percent, from 67.3 percent to 72.1 percent.

sional—11.4%.[7] By comparing occupation of all employed persons in Detroit with occupation of Detroit homicide participants, one finds that the percentage of unskilled homicide participants is slightly higher than the percentage of unskilled in the total population, while all other occupational categories have lower percentages for homicide participants than for the city's population.

Most perpetrators (81.8%) and victims (83.2%) have educational levels of 6 to 10 years or 11 to 12 years. Census data education categories differ from this study's, but for all persons over twenty-four years of age the educational distribution is: 0–5 years—7.2%, 6–11 years—32.9% 12 years—41.8%, 13 years or more—6.2%.[8] These two variables, occupation and education, strongly indicate that homicide is a problem of social interaction and situation that affects the lowest socioeconomic segments much more frequently than other population segments in the city of Detroit.

Table XVII presents criminal records of perpetrators and victims of Detroit's 1972 homicides.[9] More than half of all known perpetrators (53.7%) and 33.3% of all victims had criminal records prior to the homicides. Although offenses (charges and convictions) are listed separately, nearly all the criminal records for perpetrators and victims include multiple offenses. The mean number of offenses for each perpetrator with a prior record is 2.7, while the mean for victims with records is 3.5. Comparable data either for the total of Detroit or for high homicide precincts are not available, but the city's total crime rate suggests that a much smaller percentage of the total population than of homicide participants participate in criminal activities.

Another apparently relevant factor in homicides is the use of alcoholic beverages immediately prior to the incident. Of 560 homicides analyzed by members of the Mayor's Committee, 32.5% or 182 of the victims had blood alcohol levels of .10 or higher, according to the Wayne County Medical Examiner's Office. This level indicates intoxication as defined by the State of Michigan for testing drivers. Another 133 or 23.8% of the victims had used alcohol to a lesser degree, indicated by blood alcohol levels of .01 to .09.[10] There is no comparable information about perpetrators, however, since they are not always present at the scene of the homicide and, even when they are, are not subjected to blood alcohol tests.[11]

One can observe from these general characteristics that there are many similarities between homicides and assaults. These data also suggest few differences between victims and perpetrators. This is most observable for homicides, since there are comparable data for a larger number of variables. As we turn now to the focal point of this report, conflict-motivated homicides and assaults, evidence is presented that confirms our assumption that assaults and homicides are part of a continuum of conflict interactions.

Conflict-motivated assaults and homicides

Conflict-motivated homicides are the predominant type of homicide that occurred in Detroit in 1972. Although it is somewhat difficult to extrapolate from a sample of 144 assaults, selected because they were all conflict-motivated, to a population of 9,748, the writers are of the opinion that it is likely that the largest proportion of all assaults also fall into this category. Assaults or homicides categorized as conflict-motivated begin with a variety of interactions among persons who are acquaintances, friends or relatives. What is frequently initiated as casual or commonplace interaction between these persons becomes an intensified interaction—usually a verbal argument, physical fight or other form of conflict. In their efforts to end or resolve these conflicts, participants frequently use lethal weapons and homicides or serious asaults result. This report's analysis of assaults and homicides that are conflict-motivated is an attempt to understand

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[7] *General Social and Economic Characteristics, Michigan; 1970 Census of Population;* Bureau of the Census, U.S. Department of Commerce, April 1972. Census tracts do not coincide at all with police precincts, nor is there any other source of population data available based upon police precincts. As a result, it is impossible to make any but crude comparisons between homicide participants and the general population in precincts with the highest numbers of homicides, although the characteristics of homicide participants most likely represent the precincts in which the people live.

[8] Ibid.

[9] Again, comparable data could not be obtained for assaults.

[10] This information was made available through the kindness of Dennis I. Nordmoe of the Mayor's Committee on Alcoholism Problems. It is from a report entitled "Alcohol Related Violent Deaths," prepared for the City of Detroit in May 1973.

[11] Data are also unavailable for assault participants.

those factors which may be most useful in efforts to prevent some future violent conflicts or deter those most likely to become transformed into violent assaults or homicides.

The geographical distribution of conflict-motivated homicides is displayed in Table XVIII and indicates that Precinct 5 was the location of the largest percentage of these interactions.[12] As noted earlier, Precinct 5 was also the location of the greatest number of total homicides and assaults.

TABLE XVIII.—CONFLICT-MOTIVATED HOMICIDES BY POLICE PRECINCT

Precinct	Conflict-motivated homicides	
	Number	Percent
1	26	8.05
2	34	10.53
4	10	3.09
5	51	15.79
6	25	7.74
7	37	11.46
10	38	11.76
11	15	4.64
12	10	3.09
13	30	9.29
14	18	5.57
15	24	7.43
16	5	1.55
Total	323	

Not surprisingly, the largest percentage of conflict-motivated homicides occurred on weekends, as was the case with all cases of both homicide and assault. Specifically, 182 or 53.9% took place on a weekend day.[13] Thus, there is a peak concentration of conflict-motivated homicides at one time (weekends) and location (Precinct Five); with a gradually decreasing frequency of these acts across the remaining precincts and days.

Weapons used during conflict interactions were analyzed for conflict-motivated homicides, but not for the comparison sample of assaults. Table XIX presents weapons used in conflict-motivated homicides. Although handguns clearly predominate, Table XX shows that handguns were used 21% less often in conflict-motivated homicides than in all other homicides, while each of the other types of weapons were used more frequently in conflict-motivated homicides. This variation may be explained by the tendency of persons who are arguing or fighting to obtain whatever weapon may be readily available in their efforts to resolve the conflict. In many cases, handguns were easily accessible, but in others knives, hunting rifles or shotguns, and even such objects as barbecue forks were substituted.

An analysis of locations indicates that the vast majority of conflict-motivated homicides (225 or 76.4%) occurred in private homes, as one might expect given the nature of relationships and social interaction patterns among the participants. Although it seems reasonable to assume that a similar pattern of locations would be found for conflict-motivated assaults, this variable was not included in the assault study. Of these private homes where homicides occurred, 96 or 28.7% were the residence of both victim and perpetrator, 78 or 23.4% were homes of perpetrators, 46 or 14.7% were homes of victims, and 32 or 9.6% were residences of relatives or friends of either victim or perpetrator.[14]

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[12] These data were not collected for conflict-motivated assaults since the information for this sample would not have been relevant.

[13] On a daily breakdown, 36 (10.7%) conflict-motivated homicides happened on Mondays, 41 (12.1%) on Tuesdays, 34 (10.7%) on Wednesday, 44 (13.0%) on Thursdays, 59 (17.5%) on Fridays, 73 (21.6%) on Saturdays, and 50 (14.8%) on Sundays. Again, this data item was not collected for conflict-motivated assaults because of the sample size.

[14] Thirty-nine (11.7%) other conflict-motivated homicides happened in places of business—17 in bars, 6 in victim- or perpetrator-owned businesses, 8 in victims or perpetrators' places of employment, and 8 in other businesses. In addition to these, 25 (7.5%) occurred on public streets, 3 (0.9%) occurred in alleys, and 12 (3.6%) happened in various other places.

TABLE XIX.—WEAPONS USED IN CONFLICT-MOTIVATED HOMICIDES

Weapon	Conflict-motivated homicides	
	Number	Percent
Handgun	178	52.7
Shotgun	28	8.3
Rifle	38	11.2
Knife	57	16.7
Beating	15	4.4
Arson	4	1.2
Other	18	5.3
Total	338	

TABLE XX.—WEAPONS USED IN NON-CONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Weapon	Nonconflict		Percent difference [1]
	Number	Percent	
Handgun	246	73.7	+21.0
Shotgun	20	5.9	−2.4
Rifle	12	3.6	−7.6
Knife	25	7.5	−9.2
Beating	13	3.9	−.5
Arson	3	.9	−.3
Other	15	4.5	−.8

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

CHARACTERISTICS OF PARTICIPANTS IN CONFLICT-MOTIVATED HOMICIDES AND ASSAULTS

In tables XXI through XL, the characteristics of participants in conflict-motivated homicides and assaults are presented and then compared with characteristics of participants in non-conflict homicides. For assaults, data were collected for victims only, thus limiting the comparability somewhat. The category "non-conflict" includes those homicides that resulted from the commission of another crime (e.g., armed robbery) and those of unkown origin.

Not surprisingly, males clearly predominate both as victims and perpetrators in both types of homicide, and particularly in non-conflict homicides. All but 12 of the female perpetrators of 1972 homicides were involved in conflict-motivated homicides. What is surrpising is that 123 or 85.4% of the victims of conflict-motivated assaults were women, while only 21 or 14.6% were men. The writers interpret this finding to mean that women more frequently take complaints to the police when they are assaulted than do men, rather than indicating that most victims of conflict-motivated assaults are women. In other words, since data were obtained on interviews when formal complaints were being made, the sample is necessarily restricted to those persons who were motivated to register such complaints. For homicides, it is interesting to note (Tables XXII and XXIV) that all fifteen instances in which one woman killed another were homicides related to conflicts.

The most significant statistic on race of perpetrators and victims is that only 3% of conflict-motivated homicides were interracial (Table XXVI). More than 80% of both participants in homicides motivated by arguments were black (Table XXV). For the assault sample, it was found that 103 or 71.5% of these victims were black and 38 or 27.1% were white. Although table XXVIII shows that non-conflict homicides were 18.9% more likely to be interracial than were conflict-motivated homicides, 70.6% of the crime related homicides involved black perpetrators and victims. While the data for both assaults and homicides clearly indicate that blacks are victimized by such violence for more than any other of Detroit's citizens, the socio-economic factors of the individuals, and of the precincts in which they live, to be discussed shortly, are undoubtedly more relevant than race to an understanding of these violent interactions.

Tables XXIX, XXX, XXXIII, XXXV, XXXVI, and XXXIX present the age distribution and marital status of participants in conflict-motivated assaults and homicides. The ages of perpetrators and victims of conflict-motivated homicides are well distributed from 16 to 49 (Table XXIX), thus age—either youth or maturity—is apparently not an influencing factor in these cases. There does seem to be a relevant age differential for persons who were victims of conflict-motivated assaults. The largest percentage, 69.5, were between 20 and 39 (Table XXX). All participants in these conflict-motivated violent interactions differ in age from perpetrators of non-conflict homicides. This latter group, predominantly involved in crime related homicides, are younger, more concentrated in the 16 to 29 category.

Education and occupation are presented in Tables XXXI, XXXII, XXXIV, XXXVII, XXXVIII, and XL. These variables are among the most meaningful to an understanding of these violent acts and interactions. While there is very little difference in educational level between the homicide victims and perpetrators, there are differences between those two groups and assault victims. Persons involved in homicides were nearly evenly distributed between the educational levels of 6 to 10 years and 11 to 12 years, but assault victims were predominantly in the 11 to 12 year category and were twice as likely to have had some education beyond high school (Tables XXXI and XXXII). The occupational level of all persons involved in either assaults or homicides that developed from conflicts, however, is nearly identical. Approximately 70%[15] of these persons were either unemployed (Tables XXXVII and XXXVIII). These two variables locate most conflict-motivated assaults and homicides in the lowest socioeconomic segments of the city's population,[16] although they still do not explain why some socioeconomically deprived persons are involved in such violence while the majority are not.

TABLE XXI.—SEX OF PERPETRATORS AND VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Sex	Perpetrators		Victims	
	Number	Percent	Number	Percent
Male	248	74.3	263	77.8
Female	86	25.7	75	22.2
Total	334		338	

TABLE XXII.—SEX OF PERPETRATORS BY SEX OF VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Sex	Perpetrators			
	Male		Female	
	Number	Percent	Number	Percent
Victims:				
Male	188	56.3	71	21.3
Female	60	18.0	15	4.5

[15] Specifically, these percentages are 71.2% for homicide perpetrators, 64.2% for homicide victims and 75.7% for assault victims.

[16] Although comparative data are not available for the general population living in police precincts in which conflict-motivated homicides are most numerous, it is the writers' opinion that homicide participants are probably quite similar to other residents in these communities.

TABLE XXIII.—SEX OF PERPETRATORS A ND VICTIMS OF NONCONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Sex	Nonconflict perpetrators			Nonconflict victims		
	Number	Percent	Percent difference [1]	Number	Percent	Percent difference [1]
Male	181	93.8	+19.5	284	85.5	+7.7
Female	12	6.2	−19.5	48	14.5	−7.7

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XXIV.—SEX OF PERPETRATORS BY SEX OF VICT IMS OF NONCONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Sex	Nonconflict perpetrators					
	Male			Female		
	Number	Percent	Percent difference [1]	Number	Percent	Percent difference [1]
Nonconflict victims:						
Male	141	82.5	+26.2	10	5.8	−15.5
Female	20	11.7	−6.3	0	0	−4.5

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XXV.—RACE OF PERPETRATORS AND VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Race	Perpetrators		Victims	
	Number	Percent	Number	Percent
Black	274	82.5	272	80.7
White	58	17.5	64	19.3
Total	332		337	

TABLE XXVI.—RACE OF PERPETRATORS BY RACE OF VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Race	Black		Victims	
	Number	Percent	Number	Percent
Victims:				
Black	265	80.1	1	0.3
White	9	2.7	56	16.9

TABLE XXVII.—RACE OF PERPETRATORS AND VICTIMS OF NONCONFLICT HOMICIDES COMPARED TO CONFLICT-MOTIVATED HOMICIDES

Race	Nonconflict perpetrators			Nonconflict victims		
	Number	Percent	Percent difference [1]	Number	Percent	Percent difference [1]
Black	165	84.6	+2.1	258	77.7	−3
White	30	15.4	−2.1	74	22.3	+3

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XXVIII.—RACE OF PERPETRATORS BY RACE OF VICTIMS OF NONCONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Race	Nonconflict perpetrators			Nonconflict victims		
	Number	Percent	Percent difference [1]	Number	Percent	Percent difference [1]
Nonconflict victims:						
Black	113	70.6	−9.5	10	6.3	+6.0
White	25	15.6	+12.9	12	7.5	−9.4

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XXIX.—AGE OF PERPETRATORS AND VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Age	Perpetrators		Victims	
	Number	Percent	Number	Percent
1 to 15	7	2.2	29	8.6
16 to 20	34	10.7	35	10.4
21 to 29	112	35.2	98	29.0
30 to 39	70	22.0	71	21.0
40 to 49	60	18.9	49	14.5
50 to 59	22	6.9	35	10.4
60 plus	13	4.1	21	6.2
Total	318		338	

TABLE XXX.—AGE OF VICTIMS OF CONFLICT-MOTIVATED ASSAULTS

Age	Number	Percent
10 to 19	20	13.8
20 to 29	61	42.4
30 to 39	39	29.1
40 to 49	14	9.7
50 to 59	7	4.9
60 to 69	2	1.4
70 to 79	1	.7
Total	144	

TABLE XXXI.—EDUCATION OF PERPETRATORS AND VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Education	Perpetrators		Victims	
	Number	Percent	Number	Percent
0 to 5	31	14.4	9	16.7
6 to 10	87	40.3	21	38.9
11 to 12	87	40.3	20	37.0
13 plus	11	5.1	4	7.4
Total	216		54	

TABLE XXXII.—EDUCATION OF VICTIMS OF CONFLICT-MOTIVATED ASSAULTS

Education	Number	Percent
0 to 6 years	3	2.2
7 to 10 years	40	29.4
11 to 12 years	72	52.9
13 years or over	21	15.4
Total	136	

TABLE XXXIII.—AGE OF PERPETRATORS AND VICTIMS OF NONCONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Age	Nonconflict perpetrators			Nonconflict victims		
	Number	Percent	Percent difference [1]	Number	Percent	Percent difference [1]
1 to 15	11	5.6	+3.4	9	2.7	−5.9
16 to 20	47	23.9	+13.2	38	11.5	+1.1
21 to 29	91	46.2	+11.0	129	39.0	+10.0
30 to 39	25	12.7	−9.3	45	13.6	−7.4
40 to 49	11	5.6	−13.3	38	11.5	−3.0
50 to 59	8	4.1	−2.8	39	11.8	+1.4
60 or over	4	2.0	−2.1	33	9.9	+3.7

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XXXIV.—EDUCATION OF PERPETRATORS AND VICTIMS OF NONCONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Education	Nonconflict perpetrators			Nonconflict victims		
	Number	Percent	Percent difference [1]	Number	Percent	Percent difference [1]
0 to 5 years	17	14.2	−0.2	4	5.6	−11.1
6 to 10 years	38	31.7	−8.6	25	35.2	−3.7
11 to 12 years	63	52.5	+12.2	38	52.5	+16.5
13 years or over	2	1.7	−3.4	4	5.6	−1.8

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XXXV.—MARITAL STATUS OF PERPETRATORS AND VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Marital status	Perpetrators		Victims	
	Number	Percent	Number	Percent
Single	113	38.3	124	40.3
Married	93	31.5	94	30.5
Common law	50	16.9	41	13.3
Separated	29	9.8	34	11.0
Divorced	9	3.1	13	4.2
Widowed	1	.3	2	.6
Total	295		308	

TABLE XXXVI.—MARITAL STATUS OF VICTIMS OF CONFLICT-MOTIVATED ASSAULTS

Marital status	Number	Percent
Married	69	47.9
Single	37	25.7
Separated	16	11.1
Divorced	8	5.6
Common law	8	5.6
Widowed	3	2.1
Unknown	3	2.1
Total	144	100.0

TABLE XXXII.—OCCUPATION OF PERPETRATORS AND VICTIMS OF CONFLICT-MOTIVATED HOMICIDES

Occupation	Perpetrators		Victims	
	Number	Percent	Number	Percent
Unemployed	114	41.6	98	38.6
Unskilled	81	29.6	65	25.6
Skilled blue collar	15	5.5	21	8.3
Welfare	1	.4		
Housewife	21	7.7	15	5.9
Self-employed	3	1.1	3	1.2
Professional	4	1.5	7	2.8
Other white collar	30	10.9	37	14.6
Retired	5	1.8	8	3.1
Total	274		254	

TABLE XXXVIII.—OCCUPATION OF VICTIMS OF CONFLICT-MOTIVATED ASSAULTS

Occupation	Number	Percent
Unemployed (housewife)	77	53.5
Unskilled/labor	32	22.2
Skilled	4	2.8
Student	8	5.5
Professional	4	2.8
Service	14	9.7
Landlord	2	1.4
Unknown	3	2.1
Total	144	

TABLE XXXIX.—MARITAL STATUS OF PERPETRATORS AND VICTIMS OF NONCONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Marital status	Nonconflict perpetrators			Nonconflict victims		
	Number	Percent	Percent difference[1]	Number	Percent	Percent difference[1]
Single	95	68.8	+30.5	143	52.0	+11.7
Married	29	21.0	−10.5	80	29.1	−1.4
Common law	6	4.3	−12.6	6	2.2	−11.1
Separated	5	3.6	−6.2	20	7.3	−3.7
Divorced	2	15.4	−12.3	14	5.1	+.9
Widowed	1	.7	+.4	12	4.4	+3.8

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XL.—OCCUPATION OF PERPETRATORS AND VICTIMS OF NONCONFLICT HOMICIDES COMPARED WITH CONFLICT-MOTIVATED HOMICIDES

Occupation	Nonconflict perpetrators			Nonconflict victims		
	Number	Percent	Percent difference	Number	Percent	Percent difference [1]
Unemployed	76	43.9	+2.3	105	43.2	+9.6
Unskilled	42	24.3	−5.3	67	27.6	+2.0
Skilled blue collar	9	5.2	−.3	17	7.0	−1.3
Welfare	0	0	−.4	1	.4	+.4
Housewife	1	.6	−6.1	10	4.1	−1.8
Self-employed	13	7.5	+6.4	14	5.8	+4.6
Professional	19	11.0	+9.5	8	3.3	+.5
Other white collar	12	6.9	−4.0	28	11.5	−3.1
Retired	1	.6	−1.2	10	4.1	+1.0

[1] Percent difference refers to percent more or less than percent for conflict-motivated homicides.

TABLE XLI.—RELATIONSHIPS BETWEEN PERPETRATORS AND VICTIMS IN CONFLICT-MOTIVATED HOMICIDES

Relationship	Number	Percent
Husband and wife	64	19.0
Husband and wife living apart	14	4.1
Parent and child	16	4.7
Parent and adult child	7	2.1
Other adult relatives	9	2.7
Friends or acquaintances [1a] living together	16	4.7
Friends involved in primary relationships [1b]	55	16.3
Friends or acquaintances [1c] involved in secondary relationships	97	28.9
Neighbors	10	3.0
Coworkers	4	1.2
Strangers	17	5.0
Others	26	7.8
Total	335	

[1] More specifically, these categories include: (a) roommates, (b) persons having constant, interdependent, intimate contacts, and (c) persons having casual, intermittent, independent contacts.

SOCIAL SITUATIONS OF CONFLICT-MOTIVATED HOMICIDES AND ASSAULTS

Relationships between participants in conflict-motivated assaults and homicides; interaction patterns before, during and after these acts; and other attributes of the social situation in which such acts occur all contribute to an understanding of these kinds of violent acts. Table XLI shows that the greatest proportion of conflict-motivated homicides happen between persons who are friends or acquaintances involved in relationships of varying degrees of intimacy and frequency of contacts. For assaults (Table XLII), however, the largest percentage of participants were husband and wife. The second largest group of participants in conflict-motivated assaults were friends or acquaintances, while for homicides it was husbands and wives.

TABLE XLII.—RELATIONSHIP OF VICTIMS TO PERPETRATORS OF CONFLICT-MOTIVATED ASSAULTS

Relationship	Number	Percent
Married (common law)	72	50.0
Father	1	.7
Mother	3	2.1
Siblings	2	1.3
Children	4	2.8
Neighbors	7	4.9
Landlord—Tenant	5	3.5
Friends—Acquaintance	46	31.9
Unknown	4	2.8
Total	144	

The social setting of violent interactions also broadens our perspective concerning these phenomena.[18] Most conflict-motivated homicides occurred in social settings where persons other than victim or perpetrator either observe the argument and ensuing homicide or are involved in the conflict which precedes the homicide. In 253 (76.2%) of the 1972 conflict-motivated homicides, persons other than victim or perpetrator were present, while only victim and perpetrator were present in 79 (23.7%). For those cases in which others were involved to some degree, Table XLIII shows the relationship between those persons and victims and perpetrators.

TABLE XLIII.—PERSONS OTHER THEN PERPETRATORS OR VICTIMS INVOLVED IN CONFLICT-MOTIVATED HOMICIDES

Relationship to victims or perpetrators	Number	Percent
Relatives of victims	13	5.0
Relatives of perpetrators	10	3.9
Relatives of both	27	10.4
Friends, acquaintances of neighbors of victims	11	4.2
Friends, acquaintances or neighbors of perpetrators	15	5.9
Friends, acquaintances or neighbors of both	86	32.8
Combinations of the above	93	35.5
Strangers	7	2.7
Total	262	

CONFLICT INTERACTION CHARACTERISTICS

Although precise statistical data were not gathered by the investigating police concerning the degree of involvement of these persons in the conflicts and homicides, the nature of the various types of involvement can be described in a general way.[19] In many cases, these other persons were merely observers of conflicts or homicides or both. They were at parties with the victim or perpetrator, at a neighborhood bar with them, or perhaps visiting the home of one of them. In other instances, these persons were involved to some degree in the argument preceding the homicide, in the homicide itself, or both. Sometimes one of these other persons was a primary participant in the conflict preceding the homicide, with either the person who became the victim or the one who became the perpetrator intervening to stop the argument or to otherwise resolve it. In other cases, these other persons either attempted to resolve conflicts between victims and perpetrators; were equally involved in the arguments, but not in the resulting homicides; or were intensely involved in the entire interaction sequence, including and following the homicide.

One segment of the complex interaction sequences that precede these homicides is the initiation of the conflict. In 145 (45.5%) of the homicides resulting from arguments, persons who became victims initiated the conflict interactions, while perpetrators initiated conflicts in 123 (38.6%) instances. In another 26 (8.3%) cases, victims and perpetrators mutually initiated the conflicts, while in 25 (7.8%) cases someone other than perpetrators or victims began the arguments. In 236 (69.8%) of these homicides, perpetrators brought weapons into the conflict, while victims did so in 21 (6.2%) cases, and both participants introduced weapons in 79 (23.4%) cases. Although victims were more likely than perpetrators to initiate the argument, they were also much less likely to introduce weapons. It appears that in many cases, the victims misjudged the intensity of the emotions which they were arousing.

Perpetrators who brought lethal weapons into these conflicts had them on their persons in 52.3% of 162 of the cases. Another 138 or 44.5% obtained weapons from the places in which these homicides occurred, 3 (1%) obtained them from cars, and 7 (2.3%) procured their weapons elsewhere. Of all victims who introduced weapons into conflict-motivated homicides, 69 (65.7%) had them on their

[18] Again, these data were collected only for conflict-motivated homicides.

[19] All data and interpretations of conflict situations are based upon statements of perpetrators and of witnesses of these homicides. A bias is thus unavoidable, since the perpetrators and often the witnesses may want to protect themselves and since the victims have no opportunity to describe the incidents.

persons, while 32 (30.5%) obtained weapons from the places in which these homicides occurred. Two victims (1.9%) obtained weapons from cars, while another two (1.9%) obtained them elsewhere. Whether or not the participants intended or expected violence at the outset of their interactions, many were equipped to resolve their conflicts with weapons.

CONFLICT HISTORIES

A variable that had been anticipated for study and inclusion in this report was the extent to which the participants in assaults and homicides had been involved in other conflicts or violent arguments prior to the conflict analyzed by this project. For homicide participants, this information was quite limited since it was infrequently included in the investigative files. Of the 144 assault victims, 81 indicated that they had also had previous arguments with others that resulted in assaults against them and that they had reported these assaults to the police. Responding to another question, 70 of these assault victims reported conflict histories of violent interactions that had not been reported to the police. There is some overlap between these two response categories in that some victims of this project's assault sample had been involved in both types of conflict on other occasions. In an effort to determine the intensity and severity of interactions that were part of these persons' conflict histories, it was learned that 68 assault victims' previous conflicts were so severe that medical treatment for physical injuries was required. In 60 of these 68 cases, earlier attacks had involved lethal weapons—most frequently guns or knives.

Although data for homicide participants are not as comprehensive, they seem to point to similarities in patterns of conflict histories for persons who become participants in either conflict-motivated assaults or homicides. For 136 cases, according to statements in the homicide files, participants had been engaged in previous verbal arguments, for 86 homicide conflict situations previous physical attacks were known, and for 32 cases lethal weapons had been used in previous violent encounters between persons who later became participants in homicides. In addition, 14 persons had made previous reports to police of arguments and another 77 had discussed the occurrence of violent conflicts with relatives and friends.

In only 10 of the conflict-motivated homicides did persons indicate any efforts on their part to seek professional counseling or therapy for resolving continuing conflict. For victims of conflict-motivated assaults, 26 persons had sought therapy or counseling. Comparing this number with the 90 persons who stated that they believed their conflict interactions would continue, it would seem that resolution of conflict was not expected to result from therapeutic intervention. Assault victims (63 or 70%) also believed that the conflict inferactions they were likely to be involved in at some future time would be increasingly severe or intense. This belief seems still more strongly evidenced in their awareness that future conflicts held great potential for serious physical injury or even death. This view was expressed by 122 (84.7%) of the conflict-motivated assault victims.

Expanding the analysis of interaction patterns that characterize violent conflicts, we turn to an extensive discussion of conflicts that preceded homicides. This discussion is developed completely from the homicide research, since a similar analysis was not incorporated into the design for the assault study. It is the writers' belief, however, that the interaction patterns described in the following section apply to assaults as well as to homicides. This interpretation is based upon our conflict model which places assaults and homicides, both conceptually and empirically, on a continuum of conflict interactions.

INTERACTION PATTERNS OF CONFLICT-MOTIVATED HOMICIDES

Very valuable data—reactions of perpetrators of homicides resulting from conflicts—were found in the statements that were made to the police by 228 (71.7%) of these perpetrators. These statements were usually lengthy and detailed, describing relationships and interactions between perpetrators and victims for long periods of time preceding these homicides as well as those occurring during the homicide incidents. In 90 (28.3%) cases, however, the perpetrators refused to make statements to the police. Responses immediately following conflict-motivated homicides included 148 (47.1%) perpetrators who called police to the scene of the homicide; 93 (28.6%) who left the homicide scene, but did not attempt to evade police; 28 (8.9%) perpetrators who made efforts to avoid con-

tact with police; 18 (5.7%) who left the homicide scene and then returned; and 27 (8.6%) perpetrators who had other reactions.

The following discussion of motives for homicides resulting from conflicts treats only those motives (or subjects or arguments) which precipitated the specific interactions resulting in homicides. They do not reflect problems or influences of a long-term nature, but are instead limited to the single situations in which the homicides took place. The tabulation of motives, as presented in Table XLIV [20], offers some understanding of the contents of interactions that have escalated into homicides; however, the concentration of 67.4% of the cases into the categories of "others" and "any other combination" severely limits the explanatory value of this particular form of the data. Therefore, a more descriptive and comprehensive presentation of the data, obtained from statements in the homicide files, follows.

FAMILY CONFLICTS

The comprehensive analysis of interaction patterns includes 294 of the conflict-motivated homicides. The other 44 such homicides were excluded from segment of the analysis because of inadequate information in the case files. Of the 294 that were studied, 90 (30.6%) of them were family conflicts of various types. Conflict concerning some sort of jealousy between participants preceded 49 (16.7%) of these homicides, while arguments over business relationships preceded 9 (3.1%) of them. The largest category includes the 146 (49.7%) various conflicts between friends, acquaintances and neighbors.

Five components of the interaction patterns of family conflicts were analyzed: conflict patterns, histories of conflicts,[21] sex role concepts and interactions, parental role concepts and interactions, and economic role concepts and interactions. Conflict patterns were divided into 12 general types. Most frequent, including 32 of these cases, were arguments which began with some sort of verbal challenge between husband and wife, then escalated into a physical conflict. The verbal challenges were demands, insults, threats or various combinations of them. During the ensuing physical fight, the victim threatened to kill the perpetrator, who responded by obtaining a lethal weapon. At this point in the conflict, perpetrators either warned victims to stop the argument or they fought over the weapons, with homicides resulting. The next most frequent conflict pattern (21

TABLE XLIV.—MOTIVES FOR CONFLICT-MOTIVATED HOMICIDES

Motive	Number	Percent
Drinking	1	0.3
Lack of money	1	.3
Money owed	4	1.2
Other money	7	2.1
Husband jealous	6	1.8
Wife jealous	4	1.2
Other jealous	13	3.9
Children	3	.9
Verbal insult	3	.9
Verbal threat	2	.6
Physical attack	11	3.3
Other	53	15.8
Drinking, physical attack	11	3.3
Drinking, verbal insult, physical attack	11	3.3
Drinking, verbal insult, verbal threat	8	2.4
Verbal threat, physical attack	7	2.1
Verbal insult, physical attack	10	3.0
Verbal insult, verbal threat	3	.9
Drinking, jealousy	3	.9
Any other combination	173	51.6
Total	335	

[20] These motive categories were developed by the writer and are based upon descriptions and statements made by perpetrators and witnesses of conflict-motivated homicides. In many cases, the motives may be merely the subjects of arguments, rather than underlying motives.

[21] Conflict patterns refer to conflict interactions at a single point in time—just prior to and during these homicides. Conflict histories refer to some form of continuing conflict that took place over various periods of time, but eventually developed into homicidal interactions.

cases) also began with either verbal demands, threats, insults, or some combination between husbands and wives, then became physical fights. In this pattern perpetrators initiated all of these arguments, had weapons on their persons, then threatened victims by making such comments as, "I'll fix you!" or "I'll show you!" and then, "I'll kill you!". As the physical fights escalated, the perpetrators made threats and then also made violent attacks on the victims. From the very beginning of the conflicts, both the intensity and the apparent intentionality of these arguments were greater than in arguments of the first pattern. They were also directed more specifically towards either seriously harming victims or killing them than was the first sequence of interactions.

The third pattern of conflicts also began with verbal challenges between husbands and wives which developed into physical struggles. However, in this pattern (consisting of nine cases) another member of the family—most frequently a son, daughter, brother or sister of one or both participants—intervened in the conflict, obtained a lethal weapon and demanded that the person who began the argument end it at once. This intervention was, in all such cases, precipitated by a threat by the person who began the argument to kill the spouse. When these conflicts did not stop upon the demands of persons intervening, an attack was made with the lethal weapon, with the initiators of the arguments becoming victims and those intervening becoming perpetrators.

The fourth conflict pattern included eight cases and consisted of verbal and physical abuse of very young children (all under 5 years of age) by parents of these children or by one parent and another adult. In all these cases, the physical attacks upon these children became so violent or prolonged (continuing for several weeks in one instance) that the children died. These were the only homicides involving young children and their parents.

The fifth and sixth conflict patterns involved only spouses. In one pattern (two cases), the spouses were drinking with friends and exchanging joking, but insulting, comments. A spouse then made insults not accepted as amusing, the other spouse responded by obtaining a weapon, attacking and killing the one who made the insulting statements. The other pattern includes only one case which was nearly identical to the previous pattern, the difference being that the perpetrator made the insult and then also attacked and killed the victim.

The next three conflict patterns involved arguments between parents and one of their adult children. These conflicts all began with verbal arguments which escalated into physical struggles. All the participants then introduced weapons in attempts to stop the arguments. The final segments of the conflicts differ, however. In pattern number seven (two cases), the person who started the argument was asked to stop and then was killed when he ignored the warning. In the eighth pattern, the person who began the argument had the weapon and killed the other disputant in the course of the conflict. The ninth pattern includes two cases in which a third member of the family intervened with a weapon and killed the person who began the argument.

Three other patterns of family conflict involved adult siblings. These patterns are identical to the three discussed above between parents and their adult children, with only the participants differing. All these conflict patterns began with verbal conflicts, developed into physical assaults, and were resolved when someone intervened with a weapon. In four cases (pattern ten), the person who started the argument was asked to stop and was killed when he or she ignored the warning. In five cases (pattern eleven), the person who began the conflict had the weapon and used it to resolve the problem. In pattern twelve (one case), another family member intervened with a weapon and killed the person who began the argument in an effort to terminate it.

Of the 90 family conflict homicides, 62 were preceded by histories of various sorts of conflicts. In 21 of these cases, previous arguments between persons who became homicide participants had been frequent and had concerned the same issue in dispute at the time of the homicide. Eighteen cases were preceded by histories of generalized verbal and physical conflicts between perpetrator and victim, but were not limited to the dispute issue causing the homicide. Another 16 conflict histories included frequent previous arguments, all of which concerned the same or related issue of the homicidal conflict. Four cases occurred in which victims of conflict-motivated homicides had extensive histories of violent verbal and physical conflicts with many other persons. In three cases the perpetrators had identical histories to those of victims. However, in neither of these last two patterns were victims' or perpetrators' previous conflicts limited to violent interactions with those involved in the homicidal interaction.

Interactions just prior to and during homicides based upon sex role definitions and perceptions were also studied. In other words, the manner in which these persons interpreted their male or female roles, as reflected in these interaction patterns, was analyzed. This variable was relevant in 66 family conflict homicides. In 21 of them, husbands verbally insulted their wives, then physically attacked them when the wives objected to the insults. In all 21 of these cases, the men indicated to their wives that they should not argue about these insults, but instead should "Shut up and listen to what I'm telling you!". In each of 18 other instances, the husband had ordered his wife to do something for him, but was not satisfied with the way she performed the task. In some of these situations, he began shouting at her about his request and in others he began a physical conflict during the course of his criticism. Thirteen cases were precipitated by a man who told his wife that she was worthless, that she was "a no-good bitch" or in some other manner insulted her. He then told her that she deserved to be killed or that he was going to kill her because she was worthless. In three cases, a woman verbally insulted her husband in the presence of relatives or friends. The husband reacted by physically attacking his wife, indicating that she was not going to "get away with" that sort of behavior. In two cases, a woman verbally insulted her husband and proceeded to attack him physically when the man objected to the insults. In all of the situations described above, one person is defining another as an object of personal property, then interacting on the basis of that definition. Not surprisingly, the husbands acted toward their wives in terms of such conceptions much more frequently than the women interacted with their husbands that way. This object conception of women—especially wives—is part of socialization processes for many men. One rarely, however, does it lead to such an extreme as homicide.

Other cases in which some component of sex roles appeared relevant included reactions of protectiveness on the part of one of the participants in the conflict-motivated homicide. In two cases, a man was protecting his wife from an attack by another person, and in one, a boy intervened in an argument to protect his mother. Five other instances involved men who intervened in either a verbal or physical conflict to protect a female relative other than his wife or mother. In one other case, a mother intervened in an argument to protect her children from an attack.

Parental role concepts and interactions appeared in 16 family conflict homicides. In four of these, mothers were relating to their children as property objects to be dealt with as they desired, while in two others, fathers were interacting with their children in that manner. Five cases involved family situations in which a mother was indifferent to her children and ignored them, while fathers displayed such indifference in two other cases. One situation was characterized by a man's dislike for his children and consequent intentional abuse of them, and another involved a mother's efforts to intervene in the father's abuses of their children. Finally, there was one family conflict homicide which resulted from a father's definition of his children as competition. In this case, the man expressed resentment toward the children for attention and affection given them by their mother.

Problems of economic factors were relevant in 19 family conflict homicides. In six instances, lack of financial resources available to the family was the source of conflict or resentment between husband and wife, while in three cases financial problems resulted in resentment or conflict between parents and children. In five situations, husbands and wives differed in what they considered to be appropriate uses of money, with one accusing the other of misusing it. In three families, women accused their husbands of being incompetent in their role of provider for the family. In two other cases, a relative or friend of the family was living with them and was accused of not contributing sufficiently to the economic well-being of the household. In one of these cases, a disabled relative, who was confined to his bed, was beaten to death by a couple because they wanted him to give them all his welfare income.

JEALOUSY CONFLICTS

Various jealousy themes were the basis for some conflict-motivated homicides. Components of these interactions included conflict patterns and sex role concepts and interactions. One conflict pattern included 11 cases in which a physical attack was made by the perpetrator upon the victim because of jealousy. Another

pattern included eight arguments, in which one man verbally demanded that another man leave "his woman" alone, and fights ensued. In another pattern (seven cases), the person who became the victim of the homicide attacked the perpetrator in a jealousy conflict.

Another seven jealousy conflict homicides developed from arguments begun when a man accused his wife or girlfriend of being unfaithful. These arguments escalated into physical struggles, weapons were obtained and the women were killed. Four other cases were identical to these, except that the men became the victims of the homicides. In six similar cases, the women accused the men of unfaithfulness and then killed them, while in one other, the woman was killed following her accusation.

In one conflict, two women were arguing over a mutual boyfriend. One woman threatened the other, telling her to leave "her man" alone. A fight and homicide developed from this conflict. In addition, four homicides resulted from jealousy conflicts between homosexuals. In these conflict sequences, the men made accusations of unfaithfulness, began fights, and one of them was killed during the argument.

Forty-three of these jealousy conflict homicides offered some minimal insights into sex role concepts and interactions involved in the conflicts. The most common pattern (16 cases) was characterized by a man becoming angry because his wife or girlfriend told him she no longer loved him and she wanted to terminate the relationship immediately. He responded by saying she had no right to attempt to end their relationship, and he would not permit it. The other most frequent situation (13 cases) involved competition between two men over the same woman, with each attempting to show the other that the woman was his property.

In four other interactions, a woman accused her husband of being unfaithful and he denied the claim, also protesting that she would not present him with issues. In five similar cases, a husband accused his wife, with the same sequence of events. In four cases, a woman became angry because her boyfriend or husband indicated that their relationship was over and she contended that she would not accept his decision. In another case, two women were competing for the same man and attempted to show each other that he was "her property."

CONFLICTS BETWEEN FRIENDS OR ACQUAINTANCES

For homicides occurring between friends, acquaintances or neighbors, three variables were analyzed: conflict patterns, sex role concepts and interactions, and drinking patterns (i.e., drinking of alcoholic beverages). Forty cases included physical attacks made in retaliation for previous verbal or physical arguments. Weapons were used to resolve these arguments and deaths resulted. In 43 other instances, either the homicide victim or the perpetrator accused the other of stealing or of some other form of inappropriate behavior, such as cheating in a card game. Weapons were then brought into the verbal conflicts, and attacks were made with them. Thirteen similar cases differed only in that a person other than one of the participants in the precipitating argument intervened with a weapon to stop the fight. In three of these situations, several persons intervened with weapons.

Twenty situations involved parties in which all persons were drinking heavily, then several of them began arguing. These arguments escalated into physical fights, with weapons used to resolve the conflict. In 20 other instances, no conflict preceded the homicides.[22] Persons involved were playing around or clowning with loaded guns and accidentally shot and killed others. Ten conflict-motivated homicides began as arguments between neighbors who disliked each other. Verbal insults were followed by physical attacks, and weapons were then used to resolve the conflicts, with one or more deaths resulting.

Sex role concepts and interactions were identifiable for 102 of the conflicts between friends, acquaintances and neighbors. Revenge was being sought by men in 27 cases for previous insults or physical attacks. In 21 cases, men had been insulted immediately prior to the homicides and reacted by attempting to protect their reputations or honor. In 17 other instances, two or more men were competing with each other on some issue, with each attempting to show that he was better or at least as good as the other person. Revenge was also the motivation in 16 other cases, with men retaliating for insults or physical attacks made

[22] These homicides were categorized as conflict-motivated, however, because they occurred in a social interaction situation and were not related to the commission of other crimes.

against a female friend or relative. In 15 cases,[23] men were showing off to friends with a loaded gun, either indicating pride in having the gun or "coolness" in showing how they would use it. Six other instances involved men showing off by indicating that they were meaner or tougher than other men who were present.

Drinking occurred in 60 conflict homicides. In 29 of them, all persons involved were drinking heavily, while in 23 only "social drinking"—two or three drinks per person—was apparent. In five cases, persons who became victims were told that they were drinking too much and were asked to stop, while others present were drinking much less or not at all. In three similar cases, persons who became perpetrators were told they had been drinking too much.

The nine business conflict homicides were analyzed in terms of conflict patterns and economic and status role concepts and interactions. One conflict pattern was evident in six cases that began with verbal disagreements concerning business problems and then became hostile arguments. Physical struggles followed and lethal weapons were used. Another business conflict pattern (one case) was initiated by a physical attack, with no verbal argument preceding. In another situation, a third person intervened with a weapon in the original verbal and physical conflict, and thus became the perpetrator of the homicide. In another business conflict homicide, the perpetrator intentionally killed the victim over a business problem.

Economic or status role concepts and interactions were relevant to all nine of these homicides. In three situations, employer and employees disagreed about work performance. Three other cases involved businessmen and clients who disagreed about the quality or price of products being purchased. In the three other instances business partners could not agree on how to handle an issue or resolve a problem.

CONCLUSION

This report has been presented not as a basis for future predictions, but rather as a study of information concerning conflict-motivated homicides and assaults in Detroit during 1972 and 1973. For homicides, it is a description and analysis of the soical situations and interpersonal relationships that contributed to more than half of Detroit's 1972 total. For assaults, it is an analysis of a sample carefully selected to enable the writers to make comparisons between these two types of conflict interactions.

The data and discussion presented in this report clearly indicate that these phenomena and many of their characteristics are not unique either to Detroit or to the years 1972 and 1973. Many of our findings reaffirm those of Marvin Wolfgang and of Lynn Curtis.[24]

Black men between 21 and 29 were the most frequent participants in homicides in Detroit as well as in the cities analyzed by Wolfgang and Curtis. The percentage of interracial homicides and assaults continues to be quite small. A change over time from Wolfgang's study is the predominance of handguns used in homicides. This also was found to be the predominant homicide weapon in Curtis' survey of 15 cities.

Both Curtis and Wolfgang point to the influence of victim-precipitation in homicides and assaults. The Detroit data indicate a similar trend for victims to frequently have initiated a physical attack against those who became perpetrators of assaults or homicides. Relationships between participants in conflict-motivated homicides and assaults were most frequently those of friends, acquaintances or relatives. This also confirms patterns observed by Wolfgang and Curtis.

Finally, a point of comparison with Curtis' analysis is the conception of assaults and homicides as nearly identical types of interactions, except for the final outcome. This similarity has been shown by the writers' report to be characteristic of conflict-motivated homicides and assaults. Unique to the current analysis is the discussion of assaults and homicides as social interactions, rather than emphasizing the criminal nature of these phenomena.

In brief summary, then, the major issues to be considered in problem-solving efforts are as follows: (1) the high percentage of handguns used in conflict-motivated homicides, (2) the participants' previous involvement in criminal

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[23] *Ibid.*

[24] Marvin E. Wolfgang, *Patterns In Criminal Homicide* (Philadelphia: University of Pennsylvania, 1958); and Lynn A. Curtis, *Criminal Violence—Patterns, Interpretations, Implications* (Washington, D.C.: Bureau of Social Science Research, Inc. 1974).

activities that might relate to either handgun control or predictability of potential homicide or assault participants, and (3) most importantly, the factors of unemployment, underemployment and, in many cases, low education. Comprehensive solutions must consider these variables, along with those of alcohol use and prior histories of conflict. A large proportion of the conflict homicide, as well as assault, participants in this study clearly lacked both economic and personal resources for resolving, without violence, their problems of social interaction and social environment.

The complexity and variety of relationships between participants in conflict-motivated homicides and of interactions that precede such homicides emphatically suggest that these situations are similar to many other forms of social interaction. Our assault sample shows that there is a very close relationship between conflict-motivated assaults and homicides. The data that were available and analyzed, however, still do not explain why some people are apparently willing to use lethal force or violence to resolve problems while others in similar situations are not. Without more data on possible early warning signals (e.g., the content of prior disputes and police contacts) of potential homicides and without comparative data on other conflict situations that do not lead to homicides or assaults, the writers cannot yet make recommendations for intervening in potential violent conflicts or for solving problems related to such interactions. The handling of homicides, and of some assaults after their occurrence, is certainly a police function. It is not clear, however, that the identification and possible prevention of potential homicides and assaults, especially those arising from interpersonal conflicts, is solely a police problem. The assistance of persons in many other areas of expertise vital to the City of Detroit appears essential to the task of problem-solving.

Although data concerning conflict histories prior to assaults or homicides were not comprehensive, they were sufficient to suggest that many homicide and assault participants do have histories of involvement in conflict situations. The writers now recommend that the Detroit Police Department consider the following:

(1) Have police officers make reports on all dispute situations that they handle, whether or not they result in violence;

(2) Make information on prior police contacts available to the officers dispatched to a particular address;

(3) Explore the possibility of training police officers to appropriately respond to conflict situations with a view towards controlling or determining potential violence.

Appendix

TABLE I.—WEAPONS USED IN TOTAL HOMICIDES

Type of weapon	Number	Percent
Handgun	424	63.0
Rifle	50	7.4
Shotgun	48	7.1
Knife	82	12.2
Other	68	10.2
Total	672	99.9

TABLE II.—WEAPONS USED IN TOTAL ASSAULTS

Type of weapon	1971		1972		1973	
	Number	Percent	Number	Percent	Number	Percent
Handgun	1,872	37.1	1,937	33.9	1,816	29.8
Rifle or shotgun	468	9.3	577	10.1	675	11.1
Knife	1,483	29.4	1,811	31.7	1,997	32.8
Other	1,229	24.3	1,390	24.3	1,603	26.3
Total	3,352	100.1	5,715	100.0	6,091	100.0

TABLE III.—DAY OF THE WEEK OF TOTAL HOMICIDES

Day	Number	Percent
Monday	82	12.3
Tuesday	87	13.1
Wednesday	76	11.4
Thursday	86	12.9
Friday	105	15.8
Saturday	125	18.8
Sunday	104	15.6
Total	665	99.6

TABLE IV.—DAY OF THE WEEK OF TOTAL ASSAULTS

Day	1971		1972		1973	
	Number	Percent	Number	Percent	Number	Percent
Monday	1,059	12.5	1,255	13.6	1,337	13.7
Tuesday	1,135	13.4	1,233	13.4	1,269	13.0
Wednesday	1,081	12.7	1,209	13.1	1,226	12.6
Thursday	1,126	13.2	1,164	12.6	1,242	12.7
Friday	1,372	16.2	1,414	15.3	1,501	15.4
Saturday	1,454	17.1	1,673	18.1	1,715	17.6
Sunday	1,247	14.7	1,258	13.6	1,439	14.8
Unknown	12	.12	12	.13	19	.19
Total	8,486		9,218		9,748	

TABLE V.—TOTAL HOMICIDES BY PRECINCT

Precinct	Number	Percent
1	42	6.5
2	53	8.2
4	22	3.4
5	94	14.6
6	59	9.1
7	67	10.4
10	83	12.9
11	26	4.0
12	32	5.0
13	69	10.7
14	36	5.6
15	50	7.8
16	12	1.9
Total	645	100.1

TABLE VI.—TOTAL ASSAULTS BY PRECINCT

Precinct	1971		1972		1973	
	Number	Percent	Number	Percent	Number	Percent
1	607	7.2	658	7.1	701	7.2
2	746	8.8	696	7.6	750	7.7
4	624	7.4	493	5.3	502	5.1
5	951	11.2	1,059	11.5	1,175	12.1
6	732	8.6	689	7.5	779	8.0
7	700	8.2	1,006	10.9	745	7.6
10	743	8.8	874	9.5	868	8.9
11	556	6.6	561	6.1	656	6.7
12	434	5.1	542	5.9	583	5.9
13	997	11.7	819	8.9	986	10.1
14	521	6.1	741	8.0	809	8.3
15	612	7.2	709	7.7	790	8.1
16	263	3.1	371	4.0	404	4.1
Total	8,486	100.0	9,218	100.0	9,748	99.8

TABLE VII.—AGE OF PERPETRATORS AND VICTIMS OF TOTAL HOMICIDES

Age	Perpetrators		Victims	
	Number	Percent	Number	Percent
1 to 15	18	3.5	38	5.7
16 to 20	81	15.7	73	10.9
20 to 29	203	39.4	227	33.8
30 to 39	95	18.4	116	17.3
40 to 49	71	13.8	87	12.9
50 to 59	30	5.8	74	11.0
60 and over	17	3.3	54	8.0
Total	515		669	

TABLE VIII.—SEX OF PERPETRATORS AND VICTIMS OF TOTAL HOMICIDES

Sex	Perpetrators		Victims	
	Number	Percent	Number	Percent
Male	429	81.4	547	81.4
Female	97	18.6	123	18.3
Total	527		670	

TABLE IX.—SEX OF PERPETRATORS BY SEX OF VICTIMS TO TOTAL HOMICIDES

Sex	Perpetrators			
	Male		Female	
	Number	Percent	Number	Percent
Victims:				
Male	329	65.1	81	16.0
Female	80	15.8	15	3.0

TABLE X.—SEX AND AGE OF PERPETRATORS OF TOTAL ASSAULTS

Age	1971				1972			
	Male		Female		Male		Female	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
16 to 19	305	14.9	32	13.5	360	15.3	35	12.2
20 to 24	531	28.9	47	19.8	596	25.3	80	27.9
25 to 29	358	17.5	41	17.3	444	18.8	45	15.7
30 to 34	291	14.2	29	12.2	319	13.5	45	15.7
35 to 39	180	8.8	33	13.9	201	8.5	27	9.4
40 to 44	141	6.9	28	11.8	147	6.2	24	8.3
45 to 49	121	5.9	18	7.6	106	4.5	21	7.3
50 or over	118	5.8	9	3.8	183	7.7	19	3.1
Total	2,045		237		2,356		286	

TABLE XI.—RACE OF PERPETRATORS AND VICTIMS OF TOTAL HOMICIDES

Race	Perpetrators		Victims	
	Number	Percent	Number	Percent
Black	439	83.3	530	78.9
White	88	16.7	139	20.7
Total	527		669	

TABLE XII.—RACE OF PERPETRATORS BY RACE OF VICTIMS OF TOTAL HOMICIDES

Race	Perpetrators			
	Black		White	
	Number	Percent	Number	Percent
Victims:				
Black	378	77.1	11	2.2
White	34	6.9	68	13.8

TABLE XIII.—RACE OF PERPETRATOR BY RACE OF VICTIM FOR TOTAL ASSAULTS

Race	1971		1972		1973	
	Number	Percent	Number	Percent	Number	Percent
Perpetrator white:						
Victim, white	1,447	17.1	1,442	15.6	1,498	15.4
Victim, black	192	2.3	189	2.1	224	2.3
Victim, other	5	.1	1	.01	1	.01
Perpetrator unknown: Victim, white	196	2.3	246	2.7	169	1.7
Perpetrator black:						
Victim, black	4,263	50.2	5,005	54.3	5,528	56.7
Victim, white	1,144	13.5	963	10.4	1,076	11.0
Victim, other	2	.02	1	.01	4	.04
Perpetrator unknown: Victim, black	348	4.1	469	5.1	431	4.4
Perpetrator other: Victim, other	889	10.5	902	9.7	817	8.4
Total	8,486		9,218		9,748	

TABLE XIV.—MARITAL STATUS OF PERPETRATORS AND VICTIMS OF TOTAL HOMICIDES

Marital status	Perpetrators		Victims	
	Number	Percent	Number	Percent
Single	208	48.0	267	45.8
Married	122	28.2	174	29.8
Common law	56	12.9	47	8.1
Separated	34	7.9	54	9.3
Divorced	11	2.5	27	4.6
Widowed	2	.5	14	2.4
Total	433		583	

TABLE XV.—OCCUPATION O F PERPETRATORS AND VICTIMS OF TOTAL HOMICIDES

Marital status	Perpetrators		Victims	
	Number	Percent	Number	Percent
Unemployed	190	42.5	203	39.5
Unskilled	123	27.5	132	25.7
Skilled blue collar	24	5.4	38	7.4
Welfare	1	.2	1	.2
Housewife	22	4.9	25	4.9
Self-employed	16	3.6	17	3.3
Professional	23	5.1	15	2.9
Other white collar	42	9.4	65	12.6
Retired	6	1.3	18	3.5
Total	447		514	

TABLE XVI.—EDUCATION OF PERPETRATORS AND VICTIMS OF TOTAL HOMICIDES

Education	Perpetrators		Victims	
	Number	Percent	Number	Percent
0 to 5	48	14.2	13	10.4
6 to 10	125	37.2	46	36.8
11 to 12	150	44.6	58	46.4
13-plus	13	3.9	8	6.4
Total	336		125	

TABLE XVII.—CRIMINAL RECORDS OF TOTAL HOMICIDE PERPETRATORS AND VICTIMS

Criminal offenses	Perpetrators		Victims	
	Number	Percent	Number	Percent
Felony property convictions	67	8.4	93	13.7
Aggravated assault convictions	63	7.9	39	5.7
Simple assault convictions	21	2.8	21	3.0
Homicide convictions	2	.2	2	.2
Narcotics convictions	31	3.8	16	2.3
Subtotal	184	23.1	171	24.9
Felony property charges	58	8.1	69	10.3
Aggravated assault charges	43	5.8	33	4.8
Simple assault charges	12	1.6	17	2.4
Narcotics charges	16	2.1	20	2.9
Subtotal	129	17.6	139	20.4
Other property offenses [1]	59	6.9	63	9.3
Disturbing the peace	24	2.9	26	3.8
Weapons offenses	66	4.7	46	6.8
Sex offenses	27	3.2	18	2.6
Drunkenness	35	4.1	40	5.8
Traffic	112	15.0	141	20.9
All other offenses	108	14.5	130	19.2
Subtotal	431	51.3	464	68.4
Total	744		774	
Persons	281		224	
No record (persons)	160		121	
Existence of records unknown (persons)	86		327	

[1] The term "offenses" in this table reflects a combination of both charges and convictions. A charge without a conviction s not evidence of guilt.

Contemporary Trends in Detroit Homicides (1960–72)

Excerpted from "Towards an Understanding of the Social Realities of Participants in Homicides, a Dissertation for the Degree of Doctor of Philosophy Presented to the Office of Graduate Studies, Graduate Division, Wayne State University (1974)."

CONTEMPORARY URBAN HOMICIDES

What have been the characteristics of homicides in Detroit in the recent past? Have there been any significant changes in these characteristics that might lend insight for an explanation of these social phenomena? Can we develop a description of the "typical," or most predominant type of homicide in Detroit? What patterns in homicides have been most notable during the recent past?

An analysis of statistical data for the past thirteen years (1960 through 1972) constitutes this chapter and, hopefully, presents the answers to these questions. The year 1960 was selected as the beginning point of this background analysis because it seemed to be an appropriate historical moment to start a review of contemporary urban homicides. The span of time, thirteen years, is long enough to permit a reasonably broad overview of current patterns of homicides in De-

troit. It is also an appropriate segment of history for a description of today's trends in this urban social phenomenon. It is a phenomenon which must be recognized as having a serious impact upon urban life and as being a symbolic representation of the quality of social life among many portions of the urban population. The purpose here is not to present a history of homicide patterns in Detroit, but rather to describe such trends as they reflect the current occurrences of homicides. Restricting the analysis to this recent period permits a thorough review of homicides in their contemporary urban setting. Consistencies and changes in characteristics during this thirteen year period will be discussed and analyzed. The information presented in this chapter was derived from a variety of sets of statistics compiled by the Detroit Police Department, as described in Chapter Two.

LEGAL TYPES OF HOMICIDES

Beginning with a look at homicides known to the police for the past thirteen years, one can determine how many homicides have occurred for each year and which legal category they were assigned. Table I shows the total number of homicides for each year, the number in each legal classification, and the proportion of the year's homicides constituted by each category. While the actual number of homicides in each classification varies greatly, from a comparison of the proportions represented by each category for each year one can see that the most serious charges (Murder 1 and 2 and Non-Negligent Manslaughter) have contained the greatest proportion of cases over the entire thirteen year period. The proportionate changes within this category are small, with a range of .663 in 1967 to .790 in 1962, or a thirteen percent variation. It might be noted here that the year which varies most is 1967, the year of Detroit's most recent civil disturbance. It is not surprising to find a decrease in these serious homicide cases, when one notes the concomitant increase in justifiable homicides by the police. Even at that, comparing this .663 figure with the mean proportion of murder 1, 2 and non-negligent manslaughter cases for the entire period, which is .742, there is only an eight percent decrease for 1967. These cases include all homicides which were legally defined as intentionally committed by the perpetrator.

Looking at the other legal homicide categories, one observes that there is very little change during this period in the proportion of each year's total represented by the number of cases per category. Excusable homicides by citizens has a range of .100 for 1971 to .203 for 1968 and a mean proportion for all years of .166. This is a maximum variation from the mean of only 6%. Justifiable homicides by citizens range from .000 in 1962 to .078 in 1971. The mean for this category is .038, so the maximum variation here is 4%. These two classifications include cases defined legally as homicide committed in self-defense, defense of one's family, or defense of one's property. Thus they are not considered malicious or intentional killings.

TABLE I.—HOMICIDES KNOWN TO THE POLICE—1960 THROUGH 1972

		Murder 1 and 2 and non-negligent manslaughter		Excusable by citizen		Justifiable by citizen		Justifiable by police		Negligent manslaughter	
	Total	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion
1972	693	528	(0.762)	73	(0.105)	42	(0.061)	36	(0.052)	14	(0.020)
1971	690	508	(.736)	69	(.100)	54	(.078)	43	(.062)	16	(.023)
1970	550	413	(.751)	81	(.147)	30	(.055)	20	(.036)	6	(.011)
1969	488	354	(.725)	84	(.172)	31	(.064)	13	(.027)	6	(.012)
1968	423	303	(.716)	86	(.203)	18	(.043)	13	(.031)	3	(.007)
1967	332	220	(.663)	61	(.184)	14	(.042)	33	(.099)	4	(.012)
1966	232	175	(.754)	39	(.168)	10	(.043)	7	(.030)	1	(.004)
1965	204	148	(.725)	40	(.196)	4	(.019)	9	(.044)	3	(.015)
1964	138	104	(.754)	21	(.152)	5	(.036)	6	(.043)	2	(.014)
1963	137	103	(.752)	23	(.168)	3	(.022)	5	(.036)	3	(.022)
1962	143	113	(.79)	24	(.168)	0	--------	3	(.021)	3	(.021)
1961	141	108	(.766)	28	(.199)	2	(.014)	2	(.014)	1	(.007)
1960	157	119	(.758)	31	(.197)	2	(.013)	4	(.025)	1	(.006)

The next set of cases are those defined as justifiable by police. These range from a proportion of .014 in 1961 to .099 in 1967. The mean proportion for the entire period is .04, making the maximum variation from the mean 5%. However, if the .099 high proportion for 1967 is discounted because of the civil disturbance, then the greatest variation from the mean is only 2% (.062 in 1971). These statistics include all deaths which occurred during normal police work and were ruled as constituting proper police action.

The final category is negligent manslaughter. The range for these cases includes a low of .006 for 1960 and a high of .023 for 1971. Although criminal charges are proferred in these cases, they are the ones viewed as "accidental." That is, deaths result from negligence or carelessness rather than from intentionality. The mean proportion for these cases is .013 and the greatest variation from this mean is one percent.

It can readily be observed that the greatest proportion of cases for the total segment of time consistently falls in the legal category of murder 1 or 2 or non-negligent manslaughter. This indicates that the majority of Detroit's homicides since 1960 have been cases in which someone was intentionally murdered by another person. These are the most serious type of homicidal acts, whether one uses a social or a legal schema to analyze them. They constitute a mean of 75% of all contemporary cases.

It should also be noted that the variations discussed above for each category do not represent any consistent changes. There is neither a consistent increase, a consistent decrease, nor a cyclical change during these thirteen years among the five groups. There is merely a fluctuation from year to year, which varies from about 1% to 3% or 4% increases and decreases. One can say that there have been no substantive changes in the legal types of homicides occurring in Detroit between 1960 and 1972.

Turning next to the increases in homicides between 1960 and 1972, it becomes apparent that, again, there is fluctuation rather than a consistent trend. Table II presents both numerical and percentage increases in total homicides from year to year. It is readily observed that the current trend towards increases began in 1965. In fact, the increase in homicides during 1965 over 1964 represents the greatest annual percentage increase of the entire thirteen year period—47.83 percent. The largest annual numerical increase, however, occurred in 1971, when there were 140 homicides more than during 1970. It is interesting to note that the year for which Detroit received its honorary title of "Murder City," 1972, is one of the years of lowest numerical and percentage increases, having only three more than 1971 or 4.35 percent. The data in this table would seem to indicate that public concern lags nearly seven years behind the fact. Between 1960 and 1964, homicides remained nearly constant and actually decreased slightly. Thus the pattern of increases began in 1965 and is continuing into 1973, with numbers more than tripling during this time.

VICTIMS OF HOMICIDES

Statistics concerning victims of homicides were not available for the total period. Beginning in 1965, as shown in Table III, there is information available

TABLE II.—ANNUAL INCREASES IN TOTAL HOMICIDES FROM 1960 THROUGH 1972

	Number of homicides	Numerical increase	Percentage increase	Proportion of total
1972	693	3	4.35	(0.1601)
1971	650	140	25.45	(.1594)
1970	550	62	12.70	(.1271)
1969	488	65	15.37	(.1128)
1968	423	91	27.41	(.0977)
1967	332	100	43.10	(.0767)
1966	232	28	13.73	(.0536)
1965	204	66	47.83	(.0471)
1964	138	1	.73	(.0318)
1963	137	−6	−4.20	(.0316)
1962	143	2	1.42	(.0330)
1961	141	−16	−10.19	(.0325)
1960	157	30	23.62	(.0362)
Total	4,328			

TABLE III.—HOMICIDE VICTIMS BY SEX AND LEGAL CLASSIFICATION OF OFFENSE,[1] 1965 THROUGH 1972

	Murder 1 and 2		Nonnegligent manslaughter		Justifiable		
	Number	Proportion	Number	Proportion	Number	Proportion	Total
1972:							
Female	107	(0.1790)	6	(0.0100)	7	(0.0117)	
Male	372	(.6221)	40	(.0669)	66	(.1104)	598
1971:							
Female	80	(.1396)	10	(.0175)	4	(.0070)	
Male	379	(.6614)	37	(.0646)	63	(.1099)	573
1970:							
Female	74	(.1510)	6	(.0122)	3	(.0061)	
Male	285	(.5816)	42	(.0857)	80	(.1633)	490
1969:							
Female	77	(.1766)	7	(.0161)	2	(.0046)	
Male	251	(.5757)	16	(.0367)	83	(.1904)	436
1968:							
Female	57	(.1465)	2	(.0051)	7	(.0180)	
Male	229	(.5887)	15	(.0386)	79	(.2031)	389
1967:							
Female	47	(.1747)	2	(.0074)	4	(.0149)	
Male	146	(.5428)	13	(.0483)	57	(.2119)	269
1966:							
Female	43	(.2038)	5	(.0237)	3	(.0142)	
Male	119	(.5640)	7	(.0332)	34	(.1611)	211
1965:							
Female	35	(.1902)	2	(.0109)	1	(.0054)	
Male	101	(.5489)	6	(.0326)	39	(.2120)	184

[1] Self-defense cases not included.

concerning the sex of victims and legal category of the cases. Male homicide victims in cases of murder 1 and 2 account for 54.28% to 66.14% of such cases. Looking at all legal categories, male victims constitute at least seventy percent of each year's total. While the actual number of male and female victims in each category varies from year to year (showing a steady increase for murder 1 and 2 and a slightly fluctuating trend towards increases for non-negligent manslaughter and justifiable homicide), the proportion of males and females remains nearly constant for all classifications during each year. The mean proportion of female victims of murder 1 and 2 for all years is .1702; for males it is .5857. Non-negligent manslaughter victims have a mean proportion of .0129 for females and .0508 for males. Of the justifiable homicide victims, the mean proportion of females is .0102 and of males is .1703. Again it is observed that while there is an increase in the actual number of homicide victims, the patterns remain the same. Victims are predominantly male for each category and victims of first and second degree murder constitute the majority of all cases for all eight years.

PERPETRATORS OF HOMICIDES

Data describing persons charged with and prosecuted for homicide or non-negligent manslaughter are presented in Tables IV through VI. Variables included in these tables are age, sex and race. As in the preceding tables, both the actual number of cases and the proportion of the year's total represented by each number are given. Table IV shows that from 1960 through 1965, the greatest proportions of male perpetrators were in two age groups—20–29 and 30–39. Beginning in 1966, there is a trend towards the greater proportion of male offenders in the 20–29 group only, with proportions of male offenders in all other age groups becoming nearly the same.

For females, it is observed that there is less consistency in the age of perpetrator. In fact, no specifiable trend in age is observed. For several of the years (1972, 1971, 1969, 1968 and 1965), both the greatest number and proportion of female perpetrators are found in two categories—20–29 and 30–39. However, this is certainly not a constant pattern. There is greater fluctuation observable in these data than there is consistency for the age of female offenders.

The factor which does appear to be holding constant is the ratio of males to females for each year. The ratio of male perpetrators to female perpetrators is 4.93 to 1 for 1972; 5.34 to 1 for 1971; 5.6 to 1 for 1970; 5.64 to 1 for 1969; 7.31

to 1 for 1968; 10.53 to 1 for 1967; 5.63 to 1 for 1963; 3.15 to 1 for 1962; 6.44 to 1 for 1961 and 5.88 to 1 for 1960. For the entire period of time, the mean ratio of men to women is 5.75 to 1. Once again the year which varies most from this mean is 1967. And again it is highly feasible that the explanation for this variance is the civil disturbance which occurred that year.

Comparing perpetrators by race and sex, one sees that for both sexes, there are consistently a higher proportion of black than white females committing homicides and a greater proportion of black than white males committing homicides. As can be seen in Table V, the percent of white females charged with and prosecuted for homicide or non-negligent manslaughter ranges from .5 to 7.1. While black males range from 45.5 to 73.8 percent, white males range from 10.4 percent to 30.3 percent. The range for black females is 7.5 percent to 20.3 percent.

For both racial groups, perpetrators are predominantly male. However, there is clearly a greater range in the ratio of men to women among whites than among blacks. For whites the range is 4.2 to 35; for blacks it is 2.7 to 9.6. There is no pattern apparent in the sexual ratio of perpetrators for either race. In both cases, the variation seems to be random. Ratios of males to females for each racial group are as follows:

TABLE IV.—PERSONS CHARGED WITH AND PROSECUTED FOR HOMICIDE OR NONNEGLIGENT MANSLAUGHTER BY SEX AND AGE, 1960 THROUGH 1972

	15 to 19		20 to 29		30 to 39		40 to 49		50 and over		
	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion	Yearly total
1972:											
Female	4	(0.0118)	25	(0.0740)	15	(0.0444)	6	(0.0177)	7	(0.0207)	.....
Male	42	(.1243)	127	(.3757)	46	(.1361)	42	(.1243)	24	(.0710)	338
1971:											
Female	4	(.0119)	18	(.0536)	12	(.0357)	9	(.0268)	10	(.0298)	.....
Male	51	(.0518)	115	(.3423)	58	(.1726)	34	(.1012)	25	(.0744)	336
1970:											
Female	5	(.0168)	21	(.0707)	7	(.0236)	7	(.0236)	5	(.0168)	.....
Male	32	(.1077)	119	(.4007)	39	(.1313)	36	(.1212)	26	(.0875)	297
1969:											
Female	2	(.0069)	18	(.0621)	10	(.0345)	8	(.0276)	6	(.0207)	.....
Male	42	(.1448)	105	(.3621)	44	(.1517)	29	(.1000)	26	(.0897)	290
1968:											
Female	1	(.0038)	12	(.0451)	8	(.0301)	6	(.0226)	5	(.0188)	.....
Male	42	(.1579)	82	(.3083)	41	(.1541)	35	(.1316)	34	(.1278)	266
1967:											
Female	0	.....	7	(.0405)	2	(.0116)	4	(.0231)	2	(.0116)	.....
Male	24	(.1387)	57	(.3295)	36	(.2081)	17	(.0983)	24	(.1387)	173
1966:											
Female	2	(.0126)	7	(.0440)	6	(.0377)	5	(.0314)	1	(.0063)	.....
Male	23	(.1447)	57	(.3585)	22	(.1384)	22	(.1384)	14	(.0881)	159
1965:											
Female	2	(.0156)	10	(.0781)	10	(.0781)	4	(.0313)	5	(.0391)	.....
Male	12	(.0938)	29	(.2266)	26	(.2031)	16	(.1250)	14	(.1094)	128
1964:											
Female	1	(.0130)	2	(.0260)	9	(.1169)	2	(.0260)	0	.....	.....
Male	6	(.0780)	15	(.1948)	10	(.1299)	20	(.2597)	12	(.1558)	77
1963:											
Female	0	.....	3	(.0283)	5	(.0472)	5	(.0472)	3	(.0283)	.....
Male	16	(.1509)	29	(.2736)	20	(.1887)	13	(.1226)	12	(.1132)	106
1962:											
Female	1	(.0089)	8	(.0714)	11	(.1038)	2	(.0179)	5	(.0446)	.....
Male	11	(.0982)	24	(.2143)	26	(.2321)	17	(.1518)	7	(.0625)	112
1961:											
Female	2	(.0168)	3	(.0254)	2	(.0168)	9	(.0756)	0	.....	.....
Male	14	(.1176)	34	(.2857)	22	(.1849)	22	(.1849)	11	(.0924)	119
1960:											
Female	2	(.0171)	4	(.0342)	5	(.0427)	3	(.0256)	3	(.0256)	.....
Male	12	(.1026)	30	(.2564)	28	(.2393)	16	(.1367)	14	(.1197)	117

Table VI presents a comparison among prosecuted offenders by race only. Here one can observe that there is a fluctuation in the number of white offenders for each of the thirteen years. This is also true for black offenders until 1965. Beginning in 1965, however, there is a constant numerical increase among blacks for each of the following years. Looking at the racial ratio for each year, it is found that the ratio of blacks to whites is 5.3 to 1 for 1972; 8.08 to 1 for 1971; 5.19 to 1 for 1970; 5.59 to 1 for 1969; 2.45 to 1 for 1968; 3.94 to 1 for 1967; 3.42 to 1 for 1966; 3.92 to 1 for 1965; 4.5 to 1 for 1964; 2.66 to 1 for 1963; 1.67 to 1 for 1962;

TABLE V.—PERSONS CHARGED WITH AND PROSECUTED FOR HOMICIDE OR NONNEGLIGENT MANSLAUGHTER BY RACE AND SEX, 1960 THROUGH 1972

	White		Black		Yearly total
	Number	Proportion	Number	Proportion	
1972:					
Female	8	(0.0236)	49	(0.1450)	
Male	45	(.1331)	236	(.6982)	338
1971:					
Female	2	(.0059)	51	(.1518)	
Male	35	(.1042)	248	(.7381)	336
1970:					
Female	4	(.0135)	41	(.1380)	
Male	44	(.1481)	208	(.7003)	297
1969:					
Female	4	(.0138)	40	(.1379)	
Male	40	(.1379)	206	(.7103)	290
1968:					
Female	5	(.0188)	27	(.1015)	
Male	72	(.2707)	162	(.6090)	266
1967:					
Female	2	(.0116)	13	(.0751)	
Male	33	(.1908)	125	(.7225)	173
1966:					
Female	1	(.0063)	20	(.1258)	
Male	35	(.2201)	103	(.6478)	159
1965:					
Female	5	(.0391)	26	(.2031)	
Male	21	(.1641)	76	(.5938)	128
1964:					
Female	2	(.0260)	12	(.1558)	
Male	12	(.1558)	51	(.6623)	77
1963:					
Female	4	(.0377)	12	(.1132)	
Male	25	(.2358)	65	(.6132)	106
1962:					
Female	8	(.0714)	19	(.1696)	
Male	34	(.3036)	51	(.4554)	112
1961:					
Female	1	(.0084)	15	(.1260)	
Male	19	(.1624)	84	(.7059)	119
1960:					
Female	2	(.0171)	15	(.1282)	
Male	35	(.2991)	65	(.5555)	17

	White	Black
1972	5.6 to 1	4.82 to 1.
1971	17.5 to 1	4.86 to 1.
1970	11 to 1	5.07 to 1.
1969	10 to 1	5.15 to 1.
1968	14.4 to 1	6 to 1.
1967	16.5 to 1	9.6 to 1.
1966	35 to 1	5.15 to 1.
1965	4.2 to 1	2.9 to 1.
1964	6 to 1	4.3 to 1.
1963	6.3 to 1	5.4 to 1.
1962	4.3 to 1	2.7 to 1.
1961	19 to 1	5.6 to 1.
1960	17.5 to 1	4.3 to 1.

TABLE VI.—PERSONS CHARGED WITH AND PROSECUTED FOR HOMICIDE OR NONNEGLIGENT MANSLAUGHTER BY RACE, 1960 THROUGH 1972

	White		Black		Total
	Number	Proportion	Number	Proportion	
1972	53	(0.1568)	285	(0.8432)	338
1971	37	(.1101)	299	(.8899)	336
1970	48	(.1616)	249	(.8384)	297
1969	44	(.1517)	246	(.8483)	290
1968	77	(.2895)	189	(.7105)	266
1967	35	(.2023)	138	(.7977)	173
1966	36	(.2264)	123	(.7736)	159
1965	26	(.2031)	102	(.7969)	128
1964	14	(.1818)	63	(.8182)	77
1963	29	(.2736)	77	(.7264)	106
1962	42	(.3750)	70	(.6250)	112
1961	20	(.1681)	99	(.8319)	119
1960	37	(.3162)	80	(.6838)	117

TABLE VII.—LOCATIONS OF HOMICIDES IN DETROIT, 1970-72

	1970		1971		1972		Total	
	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion
Home	286	[1] (0.5200)	366	(0.5304)	373	(0.5382)	1,025	(0.5302)
		[2] (.1479)		(.1893)		(.1930)		
Street	165	(.3000)	208	(.3014)	204	(.2943)	577	(.2985)
		(.0854)		(.1076)		(.1055)		
Bar	33	(.0600)	20	(.0290)	25	(.0361)	78	(.0404)
		(.0171)		(.0103)		(.0129)		
Hotel	3	(.0055)	9	(.0130)	11	(.0159)	23	(.0119)
		(.0016)		(.0047)		(.0057)		
Grocery	17	(.0309)	26	(.0377)	17	(.0245)	60	(.0310)
		(.0088)		(.0135)		(.0088)		
Others	46	(.0836)	61	(.0884)	63	(.0909)	170	(.0879)
		(.0238)		(.0316)		(.0326)		
Total	550		690		693		1,933	

[1] Proportion of yearly total.
Proportion of total for all 3 years.

TABLE VIII.—MOTIVES FOR HOMICIDES IN DETROIT, 1970-72

	1970		1971		1972		Total	
	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion
Robbery	110	[1] (0.2000)	150	(0.2174)	112	(0.1616)	372	(0.1924)
		[2] (.0569)		(0.776)		(.0579)		
Argument	245	(.4455)	279	(.4043)	290	(.4185)	814	(.4211)
		(.1267)		(.1443)		(.1500)		
Sex	3	(.0055)	4	(.0058)	8	(.0115)	15	(.0078)
		(.0016)		(.0021)		(.0041)		
Unknown	131	(.2382)	194	(.2812)	183	(.2641)	508	(.2628)
		(.0678)		(.1004)		(.0947)		
Other	61	(.1109)	63	(.0913)	100	(.1443)	224	(.1159)
		(.0316)		(.0326)		(.0517)		
Total	550		690		693		1,933	

[1] Proportion of yearly total.
[2] Proportion of total for all 3 years.

4.95 to 1 for 1961; and 2.16 to 1 for 1960. This represents a mean ratio of 4.14 black offenders for each white offender and a range of 1.67 to 8.08. Both numerically and proportionately, blacks are more predominantly homicide offenders than are whites for the total period of time.

HOMICIDAL SITUATIONS AND PARTICIPANTS

Tables VII through X present data concerning both homicidal situations and participants in homicidal acts that are available just since 1970. Looking at Table VII, it is observed that the primary location for homicides has been the home. Over 50% of all homicides for each of the three years have occurred in the home. Second in predominance of locations for homicides is the street, with 30% for each of the three years. Bars are third with about 4% for each year, groceries fourth at 3% and hotels fifth with slightly over 1%. This pattern is clearly constant for the three year period, since the proportion of cases occurring in each type of location for each year is nearly identical to the proportion of all cases for each location for the entire time period.

In Table VIII, motives for homicides are shown, indicating that arguments and robbery predominate over every other motivation for committing homicide. These, of course, are the cases included in this writer's categories of social conflict and crime-specific homicides. The greatest proportion of all homicides for the three years, individually as well as collectively, falls into the argument category. The motive of robbery comprises about half the percentage of cases, 20%, as compared to 42% for arguments.

The relationships between victims and perpetrators of homicides are presented in Table IX. One can observe that acquaintances are the most frequent mutual participants in homicidal acts (33%), while relatives (8%) and married couples (6%) constitute the next largest groups. Since it is reasonable to include common law couples with those who are married, this brings the percentage for married couples participating in homicides up to 8% and makes this category equal to the percent of relatives who kill each other. Again, this is a constant trend during the three years.

The data shown in Table X are not too surprising. Handguns are the predominant weapon used in homicides—61% for all three years. Knives are the second most frequently used weapon, constituting 11% of the cases. Finally, there are shotguns (10%) and rifles (7%).

TABLE IX.—RELATIONSHIP BETWEEN VICTIMS AND PERPETRATORS OF HOMICIDES IN DETROIT, 1970-72

	1970		1971		1972		Total	
	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion
Married	39	[1] (0.0703)	35	(0.0507)	39	(0.0563)	113	(0.0585)
		[2] (.0202)		(.0181)		(.0202)		
Common law	12	(.0216)	12	(.0174)	14	(.0202)	38	(.0197)
		(.0062)		(.0062)		(.0072)		
Related	55	(.0991)	50	(.0725)	54	(.0780)	159	(.0823)
		(.0285)		(.0259)		(.0279)		
Acquainted	184	(.3315)	233	(.3377)	228	(.3535)	645	(.3337)
		(.0952)		(.1205)		(.1180)		
Strangers	119	(.2144)	162	(.2348)	149	(.2150)	430	(.2225)
		(.0616)		(.0838)		(.0771)		
Unknown	146	(.2631)	198	(.2870)	209	(.3016)	553	(.2861)
		(.0755)		(.1024)		(.1081)		
Total	555		690		693		1,933	

[1] Proportion of yearly total.
[2] Proportion of total for all 3 years.

TABLE X.—WEAPONS USED IN HOMICIDES IN DETROIT, 1970-72

	1970		1971		1972		Total	
	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion
Rifle	34	[1] (0.0618)	54	(0.0783)	46	(0.0664)	134	(0.0693)
		[2] (.0176)		(.0279)		(.0238)		
Shotgun	53	(.0964)	79	(.1145)	56	(.0808)	188	(.0973)
		(.0274)		(.0409)		(.0290)		
Handgun	332	(.6036)	426	(.6174)	429	(.6190)	1,187	(.6141)
		(.1718)		(.2204)		(.2219)		
Knife	64	(.1164)	72	(.1043)	85	(.1227)	221	(.1143)
		(.0331)		(.0372)		(.0440)		
Other	67	(.1218)	59	(.0855)	77	(.1111)	203	(.1050)
		(.0347)		(.0305)		(.0398)		
Total	550		690		693		1,933	

[1] Proportion of yearly total.
[2] Proportion of total for all 3 years.

A SKETCH AND AN EMPTY STAGE

With this descriptive information as background, it is now possible to answer the questions posed at the beginning of this chapter. Perhaps one way to answer all four questions simultaneously is to draw a verbal sketch, an ideal type model, of Detroit's predominant homicide characteristics. It has been learned that during the past thirteen years, most homicides have been intentionally committed by men. The largest proportion of perpetrators were black and were between 20 and 29 years of age. More recent statistics indicate that most homicides occur in the home, during the course of arguments. The participants in

these acts are acquaintances or members of the same family and they kill each other with handguns. In diagrammatic form, the following has predominated in Detroit during the recent past:

Homicidal Participants	Homicidal Situation
Male	Home
20-29	Handgun
Black	
Acquaintances	

Homicidal Interaction

Intentional

Conflict

This is not an unusual description of homicides. It presents no new or revealing trends. Comparisons with previous studies discussed in Chapter I show that most of these variables have already been shown to influence homicide to some degree. This is simply a sketch of the predominating recent characteristics in this city. Like all sketches, it is severely limited. It gives us only an impression of homicidal participants, situations and interactions. It does not enable one to draw complete details, nor does it permit one to develop explanations. Such a sketch probably could not be developed into a "good" mass media story, much less a sociological interpretation. There are no meanings, intentions or social realities even suggested by this descriptive data. Perhaps the most emphatic point made is that the phenomenon is not quite as new as public sources indicate. Also important to be aware of is the fact that these characteristics really have not varied significantly for thirteen years. Thus, while numbers have increased, the type of act and the participants seem to have some fairly stable attributes.

This information clearly indicates that descriptive statistical data, while useful as a stage, presents neither action nor sound. If the drama is to even begin, much less unfold, more in-depth data is needed. The next four chapters present this data, from the 693 cases of homicides which happened during 1972.

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