

S T A N F O R D

# Law & Policy

VOLUME 7:1

R E V I E W

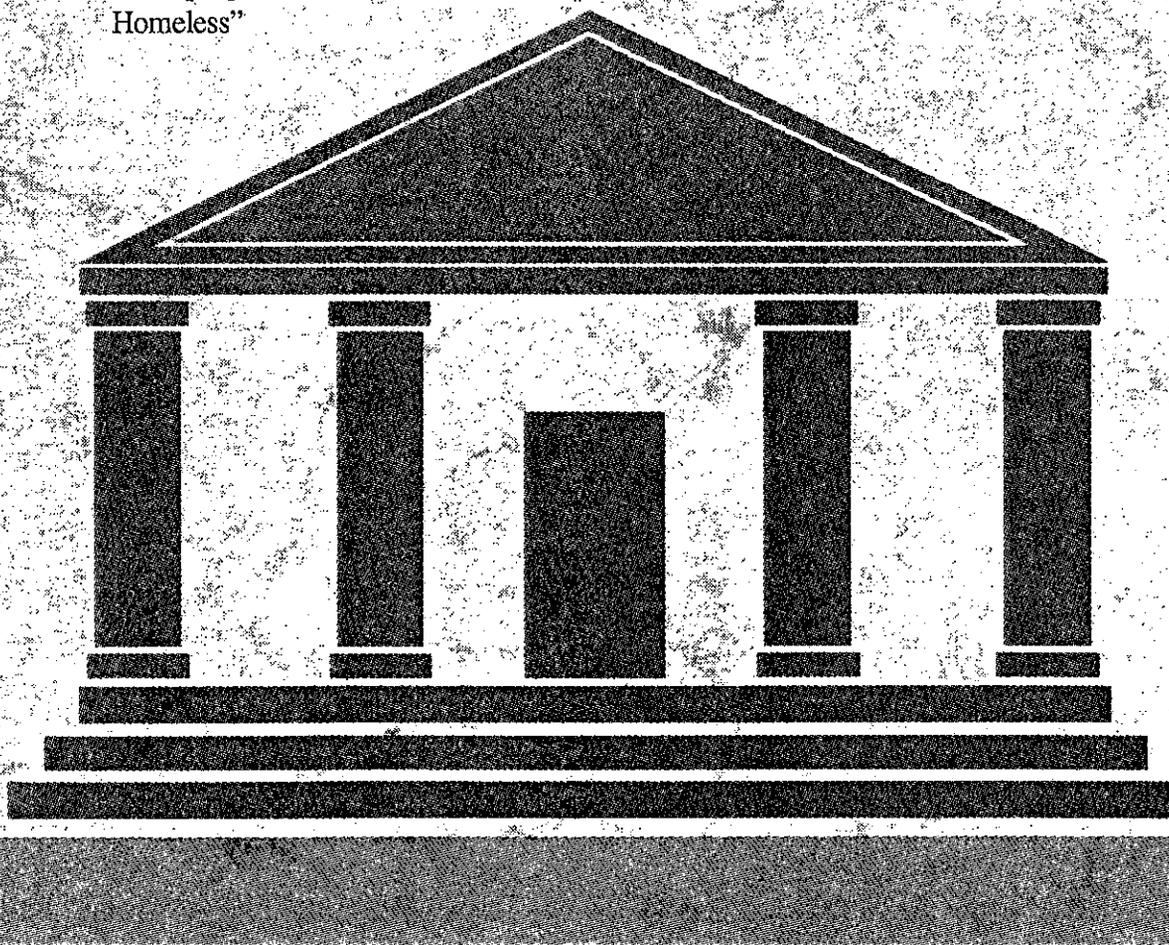
1995-96

## VIOLENCE IN AMERICA: HOW CAN WE SAVE OUR CHILDREN?

Featuring Marian Wright Edelman, Hattie Rutenberg, Howard Davidson,  
Dan Macallair, Kathleen M. Heide, Darwin Farrar, and Paul Mones

### Also In This Issue:

- Contraception or Incarceration: What's Wrong with This Picture?
- The Clinton Health Care Reform Plan: A Failed Dramatic Presentation
- A Future for Medicaid Managed Care: The Lessons of California's San Mateo County
- Helping Hands: Aid for Natural Disaster Homeless vs. Aid for the "Ordinary Homeless"



# Legislating for Other People's Children: Failing to Protect America's Youth

by

Marian Wright Edelman  
and Hattie Ruttenberg

*We started stealing candy, then toys, then toy guns — then we got real guns. Then we were thinking, What are we gonna do with these guns?*<sup>1</sup>

## INTRODUCTION

Over the past decade and a half, investment in youth development initiatives has declined;<sup>2</sup> many inner-city areas have become more impoverished;<sup>3</sup> low-skilled middle-income jobs have grown scarcer;<sup>4</sup> public education has deteriorated in many urban areas;<sup>5</sup> fewer and fewer homes have two parents sharing the burden of child-rearing;<sup>6</sup> and firearms have become cheaper, easier to conceal, more portable, and more technologically advanced.<sup>7</sup> Yet, we seem surprised, even shocked, that youth violence, particularly lethal youth violence, has increased. And, at a loss for any other answer, we blame children for the problem. Many politicians have responded to heightened public fear of crime by calling for harsher punitive measures directed

---

*As a nation, we seem to be trying to mold the behavior of other people's children in ways we would consider nonsensical for our own children.*

---

at juveniles, measures that increase both the sanctions associated with criminal conduct and the chances that juveniles will be prosecuted as adults.<sup>8</sup>

While young people certainly need to be held responsible for their actions, policymakers have ignored basic common sense — about both children and parenting — in their attempts to curb youth violence through general criminal deterrence. Indeed, the growing body of social science research on the causes and correlates of youth

violence has begun to document what is most unsurprising: (1) the more negative and the fewer positive factors in a child's life, the more likely that he or she will become involved in violence;<sup>9</sup> and (2) the greater the access to firearms, the more likely that any ensuing violence will be lethal.<sup>10</sup>

At least at the federal level, however, these fundamentals recently have been recklessly disregarded. Many members of Congress have derided community-based violence prevention/youth development programs and sought to end funding for promising initiatives.<sup>11</sup> At the same time, Congress is considering repealing the ban on assault weapons that passed in 1994 without a vote to spare.<sup>12</sup>

As a nation, we seem to be trying to mold the behavior of other people's children in ways we would consider nonsensical for our own children. Few parents, given the choice, would leave their adolescents unsupervised after school and during the summers on

---

*Marian Wright Edelman is the Founder and President, Children's Defense Fund, Washington, D.C.; B.A., Spelman College, 1960; LL.B., Yale Law School, 1963.*

*Hattie Ruttenberg is the Assistant General Counsel, Children's Defense Fund, Washington, D.C. (at time of writing); B.A., Princeton University, 1987; J.D., Yale Law School, 1991. The authors would like to thank James D. Weill for his wisdom and guidance, and Molly J. Mohler and Holly M. Jackson for their invaluable research assistance.*

streets ever more ruled by guns. Likewise, faced with their children's misdeeds and given the opportunity to remove their children from contributory negative influences, few parents would forgo that opportunity in favor of *simply* increasing the sanctions for their children's misbehavior. Yet, as a nation, we increasingly treat other people's children in a way that runs counter to most parents' common sense. We have allowed handguns, especially cheap ones, to flood into our neighborhoods and, at the same time, we have neglected to provide children with the positive supports necessary to combat the accompanying culture of violence. In so doing, we are failing to set national policy truly *in loco parentis*,<sup>13</sup> and thereby are failing miserably to protect and nurture our nation's children.

### I. THE CHANGING NATURE OF YOUTH VICTIMIZATION AND VIOLENCE

The lives of American children have been blighted by guns and violence over the past decade and a half. The easy availability of guns and a variety of negative social trends have contributed to an increase in the number of violent incidents and the lethality of such incidents among children. Schoolyard violence that used to result in a black eye now results, all too frequently, in multiple bullet wounds.

Since 1979, well over 50,000 American children have died from gunshot injuries.<sup>14</sup> In 1992 alone, the most recent year for which complete data are available, 5379 children ages nineteen and under were killed by firearms: that is one child every ninety-eight minutes.<sup>15</sup> Just over 60% (3362) of these children died as a result of gun homicides; about 25% (1423) died as a result of gun suicides; and just under 10% (500) died as a result of gun accidents.<sup>16</sup>

And the situation is getting worse. While the risk of being murdered for adults has increased since 1985 — rising from a twelve-year-low of 8.3 murders per 100,000 persons in 1985<sup>17</sup> to 10.5 per 100,000 in 1991<sup>18</sup> — the risk for teenagers has increased far more dramatically.<sup>19</sup> The murder rate for boys ages fifteen to nineteen more than doubled between 1985 and 1991 (rising from 12.95 per 100,000 to 32.97 per 100,000); for black males in the same age group, the murder rate nearly tripled (rising from 46.18 per 100,000 to 124.23 per 100,000).<sup>20</sup> Murder by firearms accounted for virtually all — ninety-seven percent — of this increase.<sup>21</sup>

Moreover, many thousands more children are injured by guns. Although no precise accounting is available, experts estimate that there are 2.6 non-fatal gunshot injuries for every fatal one.<sup>22</sup> This would mean that, in 1992 for example, nearly 14,000 children were injured by guns.<sup>23</sup>

Hundreds of thousands more children, while fortunately neither killed nor physically injured, still are grievously harmed every day by the pervasive violence in their communities, by losing parents or siblings or classmates, by having to sleep in bathtubs for cover. These children have lost much of their childhood and all of their innocence to this immoral tidal wave of violence that reaches all corners of our society but particularly afflicts certain poor, minority, inner-city communities.

In fact, many American children are suffering severe psychological damage as a result of living in chronically violent neighborhoods — communities where the sound of gunfire does not distinguish one day from the next.<sup>24</sup> The problem in the United States has become so extreme that some American children exhibit more intense symptoms of post-traumatic stress disorder than children living under traditional circumstances of war. For example, relief workers have found the children in Croatian refugee camps to be less psychologically wounded by the war raging around them than many American inner-city children, who *never* have known peace and security.<sup>25</sup>

Juveniles not only are increasingly the victims of gun violence but also are increasingly the perpetrators.<sup>26</sup> Juvenile arrests for murder have skyrocketed, rising 167.9% between 1984 and 1993; by contrast, corresponding adult arrests grew just under 13%.<sup>27</sup> This alarming and disproportionate increase in juvenile murder arrests has resulted in a significant rise in the *share* of murder arrests attributable to juveniles. Specifically, juvenile arrests for murder, as a percentage of total murder arrests, have risen from 7.6% in 1984 to 16.4% in 1993.<sup>28</sup>

By contrast, the share of arrests attributable to juveniles for serious felonies generally, as reflected in the FBI's "Crime Index," has declined slightly since 1984.<sup>29</sup> The aberrational increase in juvenile arrests for homicide, as compared to other serious felonies, seems clearly linked to firearms, which are highly lethal and involved in the vast bulk of murders committed by juveniles.<sup>30</sup>

Given this link, it is no surprise that juvenile arrests for weapons violations (carrying, possessing, etc.) have soared along with juvenile murder arrests since the early 1980s. Between 1984 and 1993, arrests of juveniles for weapons violations increased by just over 125%, while the number of corresponding adult arrests increased by about 32%.<sup>31</sup> This disproportionate increase in arrests of juveniles for weapons violations is further evidence that guns are at the core of the changing nature of youth violence.

### II. CHILDREN AND THE CHANGING GUN MARKET

Rising levels of violence, particularly fatal violence, committed by and against children have paralleled a trend

in firearms technology, production, and sales towards cheaper, more compact, yet more powerful guns.<sup>32</sup> Because of their extraordinary lethality, firearms instantaneously can transform a fistfight, or even a simple argument, into a homicide or a brutal, disabling assault.<sup>33</sup>

**A. THE CHANGING U.S. GUN MARKET**

As of 1989, an estimated 200 million firearms were in civilian circulation in the United States;<sup>34</sup> millions more have been produced since that time.<sup>35</sup> About half of all American households report having at least one gun.<sup>36</sup> The proportion of households owning handguns has risen since 1959 from thirteen percent to about twenty-four percent.<sup>37</sup> While this increase alone probably does not account for our nation's rapidly growing incidence of gun violence, the changing character and more ready availability of the handguns in the civilian market over the past fifteen years may help to explain some of those increases.

The gun industry — among the least regulated industries in the United States — has been able to change its product lines without any government oversight.<sup>38</sup> Unlike other dangerous consumer products, guns and ammunition are not required to meet *any* health and safety standards.

Thus, in the early 1980s, when handgun sales went into a slump due to an apparent saturation of the traditional adult white male market, the industry retooled. Incorporating military styles and technology into civilian product lines, the gun industry sought to reinvigorate sales to its traditional market as well as to expand beyond that market.<sup>39</sup> In addition to producing handguns that offered more firepower, the industry even began adding such military-style accessories as laser sights.<sup>40</sup>

Moreover, when in 1968 Congress imposed size and quality standards on imported guns and thereby effectively banned the importation of small, cheap, light, and poorly constructed handguns known as Saturday Night Specials, domestic manufacturers grasped the opportunity to monopolize that market niche.<sup>41</sup> Since that time, domestically manufactured Saturday Night Specials with ever greater firepower have flooded the U.S. market.

Although perfect information is not yet available on the relationship between these retooled lines of handguns (generally pistols rather than revolvers<sup>42</sup>) and increasing levels of gun violence, handguns undeniably take a disproportionate toll on human life.<sup>43</sup> Although they account for only about one-third of all guns in civilian circulation in the United States,<sup>44</sup> handguns were used to commit more than fifty percent of all murders and more than eighty percent of firearms murders in 1993.<sup>45</sup> Moreover, between 1989 and 1993, the number of handgun homicides increased by nearly fifty percent,

while the number of non-handgun firearm homicides increased by just over four percent.<sup>46</sup>

Furthermore, while handguns generally are disproportionately associated with crime, the newer lines of Saturday Night Specials are particularly susceptible to misuse. In fact, between 1991 and 1993, sixty-two percent of all guns seized at crime scenes and traced by the Bureau of Alcohol, Tobacco, and Firearms (BATF) were Saturday Night Specials produced by several proximately located Southern California gun companies known as the "Ring of Fire manufacturers."<sup>47</sup> And, according to another calculation also based on crime-tracing data from BATF, Saturday Night Specials produced by the Ring of Fire manufacturers are 3.4 times more likely to be involved in crimes than other handguns.<sup>48</sup>

**B. MARKETING GUNS TO CHILDREN**

The lack of regulatory control over firearms has enabled the gun industry to launch a recent marketing campaign directed at youths, as well as women.<sup>49</sup> In fact, the industry not only has been able to produce almost any new product it wishes, regardless of the purpose and expected impact on human life and safety, but also has been able effectively to garner federal support for its marketing agenda.

For example, the gun industry's leading trade association, the National Sports Shooting Foundation (NSSF), has used federal grant funds to market the gun culture to children.<sup>50</sup> Specifically, in 1993 alone, the NSSF used a \$229,000 federal grant to update and expand its school-based hunting education program.<sup>51</sup> In its magazine *S.H.O.T. Business*, the NSSF explained the rationale behind its school-based efforts:

There's a way to help ensure that new faces and pocketbooks will continue to patronize your business: Use the schools. This is where most of your potential down-the-line shooters and hunters now are.... Every decade there is a whole new crop of shining young faces taking their place in society as adults. They will quickly become the movers and shakers. Many of them can vote before leaving high school, whether they do or not. You can help see that they do. Will it be for or against a local ordinance proposal to ban those bad semi-autos, the Model 1100? Will they vote for or against even allowing a "gun store" in town. Are you in for the long haul? *If so, it's time to make your pitch for young minds, as well as for the adult ones. Unless you and I, and all who want a good climate for shooting and hunting, imprint our positions in the minds of those*

*future leaders, we're in trouble....* Schools collect, at one point, a large number of minds and bodies that are important to your future well-being. *How else would you get these potential customers and future leaders together, to receive your message about guns and hunting,* without the help of the schools. How much effort and expense would be involved? Schools are an opportunity. Grasp it.<sup>52</sup>

Elsewhere, the NSSF has explained its educational programs by stating:

Over the next five years, the number of children reaching age 13 each year (hunting age) will increase significantly, with 3,600,000 new buyers entering the market in 1994. Capturing their interest is vital to the continued health of the shooting sports industry and the NSSF has been working hard at it, placing pro-shooting messages in youth magazines, educational programs in schools and promotional material in stores, clubs and classrooms across the country.<sup>53</sup>

During the 1980s, the industry took advantage of a deliberately created loophole to begin mass producing Saturday Night Specials,<sup>54</sup> which are particularly susceptible to misuse by children. Because Saturday Night Specials are so cheap,<sup>55</sup> and therefore so accessible to adolescents, they have become known among experts as "starter set guns."<sup>56</sup> As one New York City eleventh-grader who peddled guns (exclusively Saturday Night Specials made by Ring of Fire manufacturers) told a reporter, "Here where I live, every young kid has a .22 or a .25.... It's like their first Pampers."<sup>57</sup>

The effectively unfettered access to guns by children is borne out by surveys. According to one study, more than half of the inner-city boys surveyed said that, if they wanted a gun, they simply would "borrow" one from friends or family.<sup>58</sup> In another study, forty percent of inner-city high school students reported that their male relatives carried guns outside of the home.<sup>59</sup>

Despite the astounding access children have to guns, the simultaneously declining prices and increasing firepower of handguns, and the devastation that guns are wreaking among America's youth, we have continued to allow the interests of one relatively small industry that traffics in lethality to trump the health and well-being of America's children. As a nation, we even have allowed that industry to market guns to children. The September 1991 issue of the NSSF's official newsletter contains an advertisement with the following headline: "*Scouting &*

*4-H Magazines Bring Shooting Message to 5,000,000 Potential Customers.*"<sup>60</sup> Another advertisement encouraging parents to buy guns for their children queries "How old is old enough?" and concludes:

Age is not the major yardstick. Some youngsters are ready to start at 10, others at 14. The only real measures are those of maturity and individual responsibility. Does your youngster follow directions well? Is he conscientious and reliable? Would you leave him alone in the house for two or three hours? Would you send him to the grocery store with a list and a \$20 bill? If the answer to these questions or similar ones are [sic] 'yes' then the answer can also be 'yes' when your child asks for his first gun.<sup>61</sup>

### III. POSITIVE YOUTH DEVELOPMENT AS VIOLENCE PREVENTION

A variety of negative influences in a child's life, particularly in the absence of compensating positive factors, increases the risk of involvement in violence. For example, exposure to violence,<sup>62</sup> poor educational opportunities and employment prospects,<sup>63</sup> childhood abuse and neglect,<sup>64</sup> living in a single-parent family,<sup>65</sup> delinquent peer groups,<sup>66</sup> drugs and alcohol,<sup>67</sup> and media violence<sup>68</sup> all put children at risk of becoming involved in violence. Many of these factors, such as poverty, also increase a child's risk of becoming a victim of violence.

While there is no evidence that certain life experiences will *cause* a child to engage in criminal or violent behavior, these factors do *correlate* with higher rates of violent behavior. Not surprisingly, the more risk factors present in a child's life, the stronger the correlation.<sup>69</sup> Hence, recent social science research reinforces what common sense should tell us: experiences and situations that are unhealthy for child development — experiences that one would not choose for one's own child — put children at risk of becoming involved in violence.

Common sense also tells us that the reason not all children who experience these risk factors get involved in crime and violence is that for many children, other countervailing positive factors exist. In fact, research documents that a nurturing family, positive role models, a strong and lasting bond to an adult who provides unconditional love, and a family that has a degree of orderliness and clear expectations, all decrease the likelihood of a child's becoming involved in violence.<sup>70</sup> For example, caring adults can help instill in young people important community-building values such as respect for oneself and others, personal responsibility, a sense of purpose, and achievement through commitment and work.

These are vital parts of the moral armor that can help young people reject the lure of the streets in favor of healthy and productive lives.

A newly released survey of more than 13,000 Michigan teenagers found that risky behavior, including group fighting, declined in proportion to the number of positive supports in a child's life.<sup>71</sup> Teenagers with such supports as a strong family, a positive school environment, and involvement in extracurricular activities and religion were seventy-five percent less likely to engage in risky behavior.<sup>72</sup>

Positive youth development programs, both recreational and educational (such as mentoring, tutoring, job training, "midnight basketball" leagues, and community service), can provide young people with positive supports, particularly connections to committed, caring adults. These initiatives do not necessarily try to educate children directly about the problem of violence. Rather, they seek to provide the life-skills and supports that enable children to deal with the source — and not the symptom — of the problem. In other words, such community- or school-based programs help children to cope with the risk factors, and to emphasize the protective factors, in their lives. And these programs help young people build personal resilience through enhanced social competence, problem-solving skills, autonomy, a sense of purpose, and a belief in their future.<sup>73</sup>

More specifically, high quality programs tend to:

1. increase opportunities for sustained high quality relationships between youths and caring adults;
2. set and maintain high expectations and clear standards for behavior;
3. engage young people in learning about their environment and developing the skills to shape it; and
4. provide opportunities for community service, thereby strengthening connections to the community and the world of work.<sup>74</sup>

However, for far too many children, especially children living in low-income neighborhoods, such opportunities are scarce. A report by the Carnegie Corporation of New York on non-school time and community resources for adolescents found that "[a]bout 40 percent of adolescents' waking hours are discretionary — not committed to other activities (such as eating, school, homework, chores, or working for pay)."<sup>75</sup> Often, this discretionary time is spent without adult supervision. According to a nationally representative survey of eighth graders conducted in 1988, respondents from the poorest families were likely to spend more than three hours a day at home alone; by contrast, respondents from the most

affluent families were the least likely to be unsupervised for such extended periods of time.<sup>76</sup> As the Carnegie report notes:

Most troubling, many existing programs tend to serve young people from more advantaged families. They do not reach millions of young adolescents who live in low-income urban and rural areas. Some programs reach young people for only one or two hours a week, far less time than it takes to give sustained support to those who can most benefit. *Fully 29 percent of young adolescents are not reached by these programs at all.*<sup>77</sup>

At the same time that dwindling funds for such youth development programs leave many children without access to any recreational or educational supports during non-school hours, our public policies allocate increasingly vast sums to children *once* they have gotten into trouble. That simply is not rational public policy, being neither humane nor cost-effective. And it ignores a growing body of research documenting the net positive effect of structured after-school, summer, and even purely recreational programs for children. For example, when Phoenix recreation facilities — including basketball courts, pools, and volleyball courts — were kept open during the summer until 2 a.m., police calls reporting juvenile crime dropped by as much as fifty-five percent. In the fall, when the gymnasiums went back to their regular hours, reports of crime went up again. The cost to Phoenix for these late-night activities amounted to a mere *sixty cents per child per summer.*<sup>78</sup>

The experience in Phoenix is no fluke. Other initiatives around the country confirm what common sense should lead us to believe: opportunities for positive youth development increase the chances that young people will avoid crime and violence. For instance, there has been a twenty-eight percent drop in juvenile arrests in Fort Myers, Florida, since the city began its STARS — Success through Academics and Recreational Support — program for young adolescents in 1990.<sup>79</sup> And the establishment of a Boys & Girls Club in a public housing complex in Tampa, Florida, has decreased crime in and around the complex, according to the director of the Tampa Housing Authority.<sup>80</sup>

Recently, Senator Herbert Kohl of Wisconsin further detailed the mounting empirical evidence of the effectiveness of high quality youth development/violence prevention programs. Describing the successes of several programs at preventing crime, he noted:

[A] Milwaukee program, called "Summer Stars," combining recreation, employment

counseling and coaching resulted in a 27 percent decrease in robberies and a 40 percent reduction in auto thefts in targeted areas. And in Madison, WI, President Bush's "weed and seed" program reduced serious crime by almost 20 percent. Moreover, Lansing, MI, found that crime fell by 60 percent in two troubled neighborhoods after a cooperative effort among local law enforcement officers, schools, and social service agencies began.<sup>81</sup>

Moreover, similar successes have been confirmed by careful longitudinal evaluations of several experimental programs that targeted low-income, often minority, families, intervened during the first five years of a child's life, combined parent training with preschool education, and involved extensive home visits. These evaluations demonstrated that the programs "produced... less fighting, impulsivity, disobedience, restlessness, cheating, and delinquency."<sup>82</sup>

Nonetheless, despite an array of such data and studies, policymakers seem to remain distrustful of the potential of youth development programs to reduce crime and violence. Such skepticism flies in the face not only of the growing body of evidence from well-run programs, but also of common sense and sound parental judgment.

### CONCLUSION

In choosing how we would have our own children spend their non-school hours, almost all of us would choose music lessons, sports leagues, cultural enrichment, tutoring, academic enrichment courses, and some form of adult-supervised "downtime." We would choose activities that expose our children to caring adults who can help them increase their self-esteem and develop a sense of personal identity; activities that help our children develop emotionally, intellectually, physically, and morally; activities that hone our children's talents and, ideally, that provide recreational outlets that will last well into adulthood. Indeed, few of us as parents would think our adolescents beyond such a need for adult guidance and positive shepherding.

When it comes to setting national policy, however, we abandon our parental common sense. We seem to take the view that other people's adolescents, and even younger children, are morally remiss if they need these developmental supports — regardless of their parents' economic wherewithal — to help them mature into responsible adults. And we tolerate the national glut of guns of growing lethality, at prices that could hardly be cheaper, that not only are portable and concealable, but are extremely accessible to children. Yet we continue to be confounded by skyrocketing arrests of juveniles for murder and weapons violations. And we continue to try to

solve this problem solely through increasingly Draconian criminal laws.

We ought, instead, to get down to the difficult task of making the decisions for all of this nation's children that we would make as parents, applying our common sense in a way that would increase funds for youth development opportunities during non-school hours, and decrease the sheer number of non-sporting firearms, particularly cheap, non-sporting handguns, in civilian circulation.

Until we are willing to undertake these difficult but fundamental tasks, an unacceptable number of America's children will continue to be at risk of involvement in and victimization by crime and violence, especially lethal gun violence. Until we set national policy truly *in loco parentis* — in other words, protect other people's children as we would our own — our children will not be truly safe.

### NOTES

<sup>1</sup> Kevin Heldman, *Shock Treatment*, VIBE, Sept. 1994, at 93, 94 (quoting resident of Sergeant Henry Johnson Youth Leadership Academy, a boot-camp in New York state).

<sup>2</sup> See, e.g., G.C. Loury, *The Family as Context for Delinquency Prevention: Demographic Trends and Political Realities*, in 3 FROM CHILDREN TO CITIZENS 3 (J.Q. Wilson & G.C. Loury eds., 1987); TASK FORCE ON YOUTH DEVELOPMENT AND COMMUNITY PROGRAMS, CARNEGIE CORPORATION OF NEW YORK, A MATTER OF TIME: RISK AND OPPORTUNITY IN NONSCHOOL HOURS 47 (1992) [hereinafter A MATTER OF TIME]; Edward P. Mulvey et al., *The Prevention and Treatment of Juvenile Delinquency: A Review of the Research*, 13 CLINICAL PSYCHOL. REV. 133, 134 (1993) (citing J.J. Conger, *Hostages to Fortune: Youth, Values, and the Public Interest*, 43 AM. PSYCHOLOGIST 291 (1988)).

<sup>3</sup> See generally WILLIAM JULIUS WILSON, THE TRULY DISADVANTAGED (1987).

<sup>4</sup> See, e.g., William Julius Wilson, *The New Urban Poverty and the Problem of Race*, Obert C. Tanner Lecture 11 (Oct. 1993) (on file with authors) ("The association between joblessness and social dislocations should come as no surprise. Recent longitudinal research... [has] demonstrated a strong relationship between joblessness and serious violent crime among young black males.") (citation omitted); CLIFFORD M. JOHNSON ET AL., CHILDREN'S DEFENSE FUND & NORTHEASTERN UNIV. CTR. FOR LABOR MKT. STUDIES, VANISHING DREAMS: THE ECONOMIC PLIGHT OF AMERICA'S YOUNG FAMILIES 1, 15 (1992) (documenting 44% decline of real median income of families headed by someone under the age of 30 between 1973 and 1990).

<sup>5</sup> See, e.g., CHILDREN'S DEFENSE FUND, THE STATE OF AMERICA'S CHILDREN YEARBOOK 1995 93 (1995) [hereinafter THE STATE OF AMERICA'S CHILDREN 1995]; CHARLENE M. HOFFMAN, U.S. DEP'T OF EDUCATION, FEDERAL SUPPORT FOR EDUCATION iv (1994) (showing that federal education funding

declined in real dollars between 1980 and 1990 by approximately \$3.5 billion); *It's History in the Unmaking: U.S. Students Oblivious to Past, Study Finds*, INT'L HERALD TRIB., Nov. 2, 1995, at 1 (summarizing 1994 study finding that more than half of American high school seniors "lack basic knowledge of U.S. history"); cf. William Julius Wilson, *Poverty, Health, and Adolescent Health Promotion*, in CARNEGIE CORP. OF NEW YORK, PROMOTING ADOLESCENT HEALTH: THIRD SYMPOSIUM ON RESEARCH OPPORTUNITIES IN ADOLESCENCE 23, 27 (1993) (citing research on large south-side Chicago high school with 40% drop-out rate).

<sup>6</sup> See, e.g., ARLENE F. SALUTER, U.S. BUREAU OF THE CENSUS, MARITAL STATUS AND LIVING ARRANGEMENTS: MARCH 1993 xi (finding that, in 1993, 26.7% of children under 18 years of age lived with only one parent, as compared to 19.7% in 1980 and 11.9% in 1970). See also RICHARD A. MENDEL, AMERICAN YOUTH POLICY FORUM, PREVENTION OR PORK? A HARD-HEADED LOOK AT YOUTH-ORIENTED ANTI-CRIME PROGRAMS 1995 5 (stating that "[T]he closer the child's relationship with his parents, the more he is attached to and identified with them, the lower his chances of delinquency. This finding holds in one- and two-parent families alike."). *Id.*

<sup>7</sup> See *infra* notes 32-48.

<sup>8</sup> See, e.g., Melissa Sickmund, *Statutory Provisions for Transferring Juveniles to Criminal Court*, Address to the American Society of Criminology (1994) (on file with authors); Penelope Lemov, *States Becoming Aggressive Toward Teenage Hoodlums*, WASH. TIMES, Dec. 14, 1994, at A7 (noting that at least 20 states acted in the preceding two years to send more juveniles to adult court, including Georgia, which lowered the minimum age at which juveniles could be tried as adults to 13, and Tennessee, which repealed all existing age restrictions). Compare Melissa Sickmund, *How Juveniles Get to Criminal Court*, JUV. JUST. BULL. (Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice), Oct. 1994 (reporting on waiver and transfer of juveniles into the adult criminal system) with HOWARD N. SNYDER & MELISSA SICKMUND, JUVENILE OFFENDERS AND VICTIMS: A NATIONAL REPORT 15-19 (National Center for Juvenile Justice) (1995 prepublication draft updating *How Juveniles Get to Criminal Court*) (on file with authors); see also COALITION FOR JUVENILE JUSTICE, NO EASY ANSWERS: JUVENILE JUSTICE IN A CLIMATE OF FEAR, 1994 ANNUAL REPORT 11-24 (1995). Such responses often are accompanied by a call for more prison space to house juvenile offenders. See, e.g., Lemov, *supra* (describing Colorado's decision to build "big new penal institutions to house violent young offenders" for up to six years; two years had previously been the maximum sentence for juvenile offenders); Diane Hirth & Steve Liewer, *Pahokee Prison Approved: Officials Excited by Prospect for Jobs*, SUN-SENTINEL, Mar. 3, 1995, at B1 (describing construction of \$16 million, 350-bed center for juvenile offenders sentenced as adults).

However, as the National Council on Crime and Delinquency recently documented, less than 14% of the juveniles in the 28 state juvenile justice systems analyzed were

detained for the most serious violent offenses; more than half of the juveniles were committed for property and drug crimes. MICHAEL A. JONES & BARRY KRISBERG, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, IMAGES AND REALITY: JUVENILE CRIME, YOUTH VIOLENCE AND PUBLIC POLICY 27 (1994).

<sup>9</sup> See *infra* notes 62-82.

<sup>10</sup> Firearms are estimated to be between two and five times more lethal than knives, see JAMES D. WRIGHT ET AL., UNDER THE GUN: WEAPONS, CRIME, AND VIOLENCE IN AMERICA 198 (1983), and seven times more lethal than all other weapons combined. See FEDERAL BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS: CRIME IN THE UNITED STATES 1963 7 (1964).

<sup>11</sup> During the debate over the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994), many senators and representatives caricatured the proposed funding of a variety of youth violence prevention programs — including after-school and summer academic enrichment and recreation programs for children in communities with high crime and poverty rates — as nothing more than political "pork." See, e.g., 140 CONG. REC. S12493-94 (daily ed. Aug. 25, 1994) (statement of Sen. D'Amato). During debate on the 1994 crime bill, Senator D'Amato criticized the "social spending" in the bill, singing: "President Clinton had a bill, e-i-e-i-o, And in that bill was lots of pork, e-i-e-i-o, New pork here, old pork there, here a pork, there a pork, everywhere a pork pork, The President's bill cost much too much, And it must be chopped. With a chop chop here and a chop chop there, Chop that pork off everywhere, Then we'll have a bill that's fair, e-i-e-i-o." *Id.* See also 140 CONG. REC. S12276-77 (daily ed. Aug. 22, 1994) (statement of Sen. Gramm) (referring alternatively to the crime bill's "social spending" as "pork" and a "bad idea for squandering the taxpayers' money"); 140 Cong. Rec. H8969, H8993 (daily ed. Aug. 21, 1994) (statement of Rep. McCollum) (referring to his opposition to the inclusion in the crime bill of "social welfare spending junk" and stating: "There is still the program on the so-called community schools that involves the grants to community-based organizations to carry out activities including arts and crafts lessons, dance programs, et cetera.... It has no business here. This is not crime prevention in the sense it should be."). Some of these provisions did survive the debate and remained in the final bill. See Pub. Law 103-322 §§ 30101-04, 30401-03, 108 Stat. 1796 (1994).

<sup>12</sup> Ban on Semi-Automatic Assault Weapons and Large Capacity Ammunition Feeding Devices, 18 U.S.C. § 922(v)-(w) (1994). The Assault Weapons Ban was passed by 216 to 214 votes, with two members not voting. See 140 Cong. Rec. H3115-3116 (daily ed. May 5, 1994). Currently, there are at least five bills pending in the House of Representatives to repeal the Assault Weapons Ban. See H.R. 125, 104th Cong., 1st Sess. (1995) (a bill to repeal the recently enacted ban on semi-automatic assault weapons); H.R. 464, 104th Cong., 1st Sess. (1995) (same); H.R. 698, 104th Cong., 1st Sess. (1995) (same); H.R. 793, 104th Cong., 1st Sess. (1995) (same); H.R. 1488, 104th Cong., 1st Sess. (1995) (same).

<sup>13</sup> *In loco parentis* literally means "[i]n the place of a parent"; the term also has come to denote: "charged, factitiously, with a parent's rights, duties, and responsibilities." BLACK'S LAW DICTIONARY 787 (6th ed. 1990).

<sup>14</sup> See CHILDREN'S DEFENSE FUND, THE STATE OF AMERICA'S CHILDREN 1994 vii (citing National Center for Health Statistics data) [hereinafter THE STATE OF AMERICA'S CHILDREN 1994]; THE STATE OF AMERICA'S CHILDREN 1995, *supra* note 5, at 54 (citing National Center for Health Statistics data).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* The precise cause of the remaining 94 child gun deaths was undetermined. *Id.*

<sup>17</sup> Marcella Hammett et al., *Homicide Surveillance — United States, 1979-1988*, CDC SURVEILLANCE SUMMARIES (Nat'l Ctr. for Envtl. Health & Injury Control, U.S. Dep't of Health & Human Servs.), May 29, 1992, at 7.

<sup>18</sup> *Advance Report of Final Mortality Statistics, 1991*, MONTHLY VITAL STAT. REP. (Nat'l Ctr. for Health Statistics, U.S. Dep't of Health & Human Servs.), Aug. 1993, at 21. It should be noted, however, that the 1991 national homicide rate is lower than the 1980 high of 10.7 murders per 100,000 persons. See Hammett et al., *supra* note 17, at 7.

<sup>19</sup> *Compare Homicide Death Rates Per 100,000, For Years 1983-1989, National Center for Health Statistics Mortality Data Tapes (1991) (1985 homicide rate was 1.46/100,000 for 10- to 14-year-olds and 8.51/100,000 for 15- to 19-year-olds) with Homicide Death Rates Per 100,000, For years 1986-1992, National Center for Health Statistics Mortality Data Tapes (1994) (1991 homicide rate was 2.16/100,000 for 10- to 14-year-olds and 19.61/100,000 for 15- to 19-year-olds).* See also SNYDER & SICKMUND, *supra* note 8, at 24 (noting that the homicide victimization rate for juveniles ages 14-17 has nearly doubled since the mid-1980s).

<sup>20</sup> *Homicides Among 15-19-Year-Old Males — United States, 1963-1991*, MORBIDITY AND MORTALITY WKLY. REP. (Ctrs. for Disease Control and Prevention, U.S. Dep't of Health & Human Servs.), Oct. 14, 1994, at 725-26.

<sup>21</sup> *Id.* According to the Federal Bureau of Investigation (FBI), nearly 85% of 10- to 19-year-old murder victims in 1993 were killed with a gun. FEDERAL BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS: CRIME IN THE UNITED STATES 1993 18, Table 2.11 (1994) [hereinafter UNIFORM CRIME REPORTS 1993].

<sup>22</sup> Joseph L. Annett et al., *National Estimates of Nonfatal Firearm Related Injuries: Beyond the Tip of the Iceberg*, 273 JAMA 1727, 1749 (1995).

<sup>23</sup> See *supra* notes 15, 22.

<sup>24</sup> See Hattie Ruttenberg, *The Limited Promise of Public Health Methodologies to Prevent Youth Violence*, 103 YALE L.J. 1885, 1896-98 (1994) (citing studies on numbers of inner-city children exposed to chronic violence and the effects, such as profound fatalism and a sense of "futurelessness," of that exposure).

<sup>25</sup> *Id.* at note 60 (citing Nan Dale, *Children of Inner Cities Can Be Worse Off than Children of War*, INT'L HERALD TRIB., Jan. 18, 1994, at 6 (op. ed.)).

<sup>26</sup> However, while both youth violence and victimization are on the rise, most juveniles continue to be killed by adults and not by other juveniles. For example, in 1993, of the 1426 murder victims under the age of 18, 958 were killed by offenders 18 years of age or older while 399 were killed by other juveniles. UNIFORM CRIME REPORTS 1993, *supra* note 21, at 17. Additionally, more than half (61%) of homicide victims ages 10 to 17 are killed by a friend or other acquaintance. The age of these offenders is unspecified. Conversely, "When juveniles commit homicide, most of their victims are friends or acquaintances (53%)." SNYDER & SICKMUND, *supra* note 8, at 26, 58.

<sup>27</sup> UNIFORM CRIME REPORTS 1993, *supra* note 21, at 221. While they are imperfect indicators of offending rates, arrest rates do provide a rough indication of trends in criminal activity. Cf. SNYDER & SICKMUND, *supra* note 8, at 56 (noting that the number of known juvenile homicide offenders more than doubled between 1984 and 1991, while the number of adult offenders increased by 20% during that same period).

<sup>28</sup> UNIFORM CRIME REPORTS 1993, *supra* note 21, at 221. Similarly, the percentage of arrests for weapons violations attributable to juveniles grew from 15% in 1984 to 23.2% in 1993. *Id.*

<sup>29</sup> FBI "Crime Index" offenses include murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. See *id.* at 5. In 1984, juveniles accounted for 30.1% of total Crime Index arrests; in 1993, they accounted for 29.2%. *Id.* at 221. This decrease resulted from the differential increases in arrests among adults (22.4%) and among juveniles (16.8%) between 1984 and 1993. *Id.*

The proportion of arrests for violent crimes (murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault) attributable to juveniles increased from 16.4% in 1984 to 18.4% in 1993. *Id.* at 10, 221. Between 1984 and 1993, juvenile arrests as a percentage of total arrests increased from (i) 15.3% to 17.1% for rape, (ii) 25.1% to 28.1% for robbery, and (iii) 13% to 15.2% for aggravated assault. *Id.* at 221.

<sup>30</sup> FEDERAL BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS 1991 279 (1992) (documenting 79% increase in number of juveniles aged 10 to 17 who committed murder with a firearm); Lois A. Fingerhut, *Firearm Mortality Among Children, Youth, and Young Adults 1-34 Years of Age, Trends and Current Status: United States 1985-90*, ADVANCE DATA (Nat'l Ctr. for Health Statistics, U.S. Dep't of Health &

Human Servs.), Mar. 23, 1993, at 2 (finding that, by 1990, 82% of all murders among 15- to 19-year-olds involved firearms).

<sup>31</sup> UNIFORM CRIME REPORTS 1993, *supra* note 21, at 221.

<sup>32</sup> GAREN J. WINTERMUTE, VIOLENCE PREVENTION RESEARCH PROGRAM, RING OF FIRE: THE HANDGUN MAKERS OF SOUTHERN CALIFORNIA x, 15, 17 (1994). According to this study, the Southern California firearms manufacturers that produce the vast bulk of such light, small, easily portable handguns and pistols "have moved very aggressively [since 1988] into production of medium caliber .380 and 9mm pistols. The .380 ACP pistol in particular can be made in nearly the same small size as the small-caliber guns with little or no loss in ammunition capacity, and sold for only a few dollars more." However, the .380 ACP "is much more powerful than small-caliber guns," having "at least twice the wounding potential of the traditional Saturday Night Special calibers." *Id.* at 15.

<sup>33</sup> See *supra* note 10.

<sup>34</sup> See Michael Isikoff, *200 Million Guns Reported in Circulation Nationwide*, WASH. POST, May 24, 1991, at A1 (citing 1991 Bureau of Alcohol, Tobacco, and Firearms report estimating the number of firearms in circulation as of 1989 and finding that the number of guns produced in the U.S. grew 42% between 1985 and 1989).

<sup>35</sup> BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEPT. OF THE TREASURY, READY REFERENCE 1994 14-15 (1994).

<sup>36</sup> See Adam Walinsky, *The Crisis of Public Order*, THE ATLANTIC MONTHLY, July 1995, at 39, 52; cf. U.S. DEP'T OF JUSTICE, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS 202-03, Tables 2.56-2.58 (1994) (citing surveys finding between 42% and 49% of Americans report having at least one gun in their home).

<sup>37</sup> See PANEL ON THE UNDERSTANDING AND CONTROL OF VIOLENT BEHAVIOR, NATIONAL RESEARCH COUNCIL, UNDERSTANDING AND PREVENTING VIOLENCE 256 (Albert J. Reiss, Jr. & Jeffrey A. Roth eds., 1993) (citation omitted); Walinsky, *supra* note 36, at 52 (reporting rise in handgun ownership from 12% of the population in the 1960s to more than 21% of the population by 1976).

<sup>38</sup> JOSH SUGARMANN & KRISTEN RAND, VIOLENCE POLICY CENTER, CEASE FIRE: A COMPREHENSIVE STRATEGY TO REDUCE FIREARMS VIOLENCE 20, 26 (1994). Federal consumer product safety laws specifically exempt guns. See 15 U.S.C.A. § 2052(a)(1)(E) (1982) (exempting items taxed under I.R.C. § 4181 (West 1986), which imposes excise tax on firearms and ammunition).

<sup>39</sup> SUGARMANN & RAND, *supra* note 38, at 18-20.

<sup>40</sup> Laser sights "emit a thin beam of red light which appears as a dot on the target. If the dot is on the target and the weapon is fired, the target will be hit. Shooters no longer have to manually

sight, but merely follow the red dot." *Id.* at 22.

<sup>41</sup> WINTERMUTE, *supra* note 32, at 5, 21. Saturday Night Specials are small, lightweight, cheap, poorly constructed, easily concealable handguns with no sporting purpose. *Id.* They tend to cost about \$50 (some cost even less), less than most pairs of Nike sneakers. See *id.* at 89; see also *infra* note 55. There is strong public support for restrictions on Saturday Night Specials. A Gallup poll conducted at the end of 1993 showed that 72% of all Americans and 60% of gun owners favor a ban on such cheap handguns. David W. Moore & Frank Newport, *Public Strongly Favors Stricter Gun Control Laws*, THE GALLUP POLL MONTHLY, Jan. 1994, at 18, 24.

<sup>42</sup> There has been a trend towards high-powered pistols, which usually accept an ammunition magazine rather than individual bullets into a rotating chamber. Some of these pistols are semi-automatic (i.e., reload ammunition automatically into the firing chamber but fire only once with each depression of the trigger) and combine the portability and concealability of traditional handguns with the firepower and quick reload capacity of military-style weapons. This combination has increased the lethality of handguns. See WINTERMUTE, *supra* note 32, at 87-89.

Production figures for revolvers and pistols indicate that pistols have come to dominate the handgun market. Pistols accounted for only 32% of the 2.3 million handguns produced in the U.S. in 1980; by 1991, pistols accounted for 74% of the 1.8 million handguns produced. SUGARMANN & RAND, *supra* note 38, at 20.

<sup>43</sup> According to one study, handguns are 2.6 times more likely to be involved in gunshot deaths in the home than are shotguns and rifles combined. Arthur L. Kellermann & Donald T. Reay, *Protection or Peril? An Analysis of Firearm-Related Deaths in the Home*, 314 NEW ENG. J. MED. 1557, 1559 (1986).

<sup>44</sup> See Isikoff, *supra* note 34, at A1.

<sup>45</sup> UNIFORM CRIME REPORTS 1993, *supra* note 21, at 18, Table 2.10.

<sup>46</sup> *Id.*

<sup>47</sup> WINTERMUTE, *supra* note 32, at ix, 60 (citing John Mitz, *Producing the Street Handguns of Choice is Mostly a Family Affair*, WASH. POST, Jan. 16, 1994, at H4). In 1992, "the Ring of Fire companies produced 685,934 handguns — 34% of all handguns made in the United States. From 1990-1992 their production increased by more than 20 percent each year; handgun output declined for the rest of the industry during that period." *Id.*

<sup>48</sup> *Id.* at 63.

<sup>49</sup> See, e.g., *NSSF Board Approves New Programs: New Focus on Women and Youngsters*, NSSF (Official Newsletter of the National Shooting Sports Foundation), Jan./Feb. 1992, at 1; SUSAN GLICK, VIOLENCE POLICY CENTER, FEMALE PERSUASION

(1994) (Paul Lavrakas ed., 1994) (detailing ways in which gun industry has marketed guns to women by making unsubstantiated claims that guns will empower them to protect themselves and their families, and by producing new "feminine" lines of handguns). The industry effectively has admitted that self-defense is simply a well-tailored sales pitch for the female market. For example, an advertisement from mainstream publications depicting a young mother tucking her daughter into bed (with the headline pronouncing that "[s]elf-protection is more than your right... it's your responsibility") has reappeared in an industry publication with the following additional headline: "You Might Think This Ad is About Handguns. It's Really About Doubling Your Business." SUGARMANN & RAND, *supra* note 38, at 19.

<sup>50</sup> SUSAN GLICK & JOSH SUGARMANN, VIOLENCE POLICY CENTER, "USE THE SCHOOLS" — HOW FEDERAL TAX DOLLARS ARE SPENT TO MARKET GUNS TO KIDS (1994).

<sup>51</sup> *Id.* at 3-4.

<sup>52</sup> *Id.* at 2-3 (citing Grits Gresham, in S.H.O.T. BUSINESS, NSSF, Sept./Oct. 1993) (emphasis added).

<sup>53</sup> *Id.* at 1 (quoting the "Youth Education Programs" section of NSSF's informational pamphlet).

<sup>54</sup> See WINTERMUTE, *supra* note 32, at 21 (referring to the import ban); see also *supra* text accompanying note 41.

<sup>55</sup> Some of the newer, smaller Saturday Night Specials retail for as little as \$35; they reportedly cost a mere \$13 per unit to produce. Alix M. Freedman, *Fire Power: Behind the Cheap Guns Flooding the Cities is a California Family*, WALL ST. J., Feb. 28, 1992, at A1. As the head of one of the Ring of Fire companies plainly stated, "There are more poor people than rich people. Cheap is synonymous with volume." *Id.* Moreover, juveniles reported in one recent survey that the handguns they had purchased tended to cost less than \$100 even when bought through "informal sources" rather than through retail dealers. Joseph F. Sheley & James D. Wright, *Gun Acquisition and Possession in Selected Juvenile Samples*, RES. IN BRIEF (Nat'l Inst. of Justice and Office of Juvenile Justice and Delinquency Prevention, U.S. Dep't of Justice), Dec. 1993, at 7 (study of teenage males in 10 inner-city high school and six juvenile justice correctional facilities).

<sup>56</sup> WINTERMUTE, *supra* note 32, at 60 (quoting Stephen Teret of Johns Hopkins University).

<sup>57</sup> Freedman, *supra* note 55, at A1.

<sup>58</sup> Sheley & Wright, *supra* note 55, at 4-5. This study also found that: (1) 45% of the juvenile delinquents, when asked where they would get a gun if they wanted one, said they would "borrow" one from family or friends; and (2) 54% of the juvenile delinquents and 37% of the students said they would get one "off the street." *Id.*

<sup>59</sup> Joseph F. Sheley et al., *Weapon-Related Victimization in Selected Inner-City High School Samples*, RES. REP. (Nat'l Institute of Justice and Office of Justice Programs, U.S. Dep't of Justice), Feb. 1995, at 7 (survey of students at inner-city high schools with histories of violence; 33% of students also reported that they had friends who carried guns; 25% said that in their neighborhoods guns were easy to get; and 80% reported that other students carried weapons to school).

<sup>60</sup> *Scouting & 4-H Magazines Bring Shooting Message to 5,000,000 Potential Customers*, NSSF (Official Newsletter of the National Shooting Sports Foundation), Sep/Oct. 1991, at 1.

<sup>61</sup> NAT'L SHOOTING SPORTS FOUND., *WHEN YOUR YOUNGESTER WANTS A GUN...* (1989).

<sup>62</sup> See Ruttenberg, *supra* note 24, at 1896-98 (noting that child psychologists have found children exposed to repeated and extreme violence frequently exhibit elevated levels of anger, aggression, and erratic behavior; exposure to violence also can lead children to engage in violent and risky behavior).

<sup>63</sup> *Id.* at 1895-96. Most poor children are not violent and do not become criminals. Yet living in poverty increases the chances of a child's becoming violent or delinquent. Family income generally determines the quality of housing, schools, and neighborhoods, as well as future opportunities for advanced education and employment. In addition, developmental psychologists have found that children living in sustained poverty often have little hope for the future, which leads them to experience depression and rage. *Id.* Between 1979 and 1992, the number of juveniles living below the poverty line (\$14,300 for a family of four) rose 42 percent. SNYDER & SICKMUND, *supra* note 8, at 7.

<sup>64</sup> Ruttenberg, *supra* note 24, at 1900. A strong correlation exists between childhood abuse and neglect and juvenile delinquency; adolescents who were abused as children are 53% more likely than other adolescents to be arrested as juveniles. *Id.*

<sup>65</sup> *Id.* Even after controlling for the effects of socioeconomic status, adolescents living in single parent families are more likely than those living in two-parent families to be truant, drop out of school, run away from home, or get into trouble with the law. *Id.*

<sup>66</sup> *Id.* at 1900-01. In their search for acceptance and identity, children and youths often turn to peer groups. More and more, the groups children turn to are armed. Moreover, gangs increasingly are armed with high-tech weapons. According to FBI data, the number of juvenile gang killings, defined as killings in which the perpetrator is associated with a juvenile gang, increased by 371% between 1980 and 1992. *UNIFORM CRIME REPORTS 1993*, *supra* note 21, at 285. Of such killings, 95% were committed with a firearm. Despite the tremendous increase in the number of gang killings, however, it should be noted that such murders still constitute less than five percent of all murders. *Id.* at 21, 285.

<sup>67</sup> See Ruttenberg, *supra* note 24, at 1898-99. These substances seem to be linked to violence in at least two different ways: (1) via intoxication, which is related to aggressive behavior; and (2) via the large amounts of money associated with the drug trade, through which adults can lure children and adolescents into violent, criminal activity. *Id.*

<sup>68</sup> *Id.* at 1901-03. Some researchers and public health experts have argued that media violence desensitizes young viewers to the immorality of violence and heightens fear and aggression. *Id.* For children living in violence-plagued communities, TV violence further reinforces the "ordinariness" of the violence that confronts them daily. *Id.*

<sup>69</sup> See *id.* at 1894 (citing Hirokazu Yoshikawa, *Prevention as Cumulative Protection: Effects of Early Family Support and Education on Chronic Delinquency and Its Risks*, 115 PSYCHOL. BULL. 28 (1994)).

<sup>70</sup> Margot A. Welch, *Resilience: A Brief Overview*, Address at the Conference on Resilient Youth in a Violent World, sponsored by the Collaborative for School Counseling and Support Services (Summer 1994), in RESILIENT YOUTH IN A VIOLENT WORLD: NEW PERSPECTIVES AND PRACTICES 2 (1994).

<sup>71</sup> JOANNE G. KEITH & DANIEL F. PERKINS, 13,000 ADOLESCENTS SPEAK: A PROFILE OF MICHIGAN YOUTH 61-62 (1995).

<sup>72</sup> *Id.*

<sup>73</sup> A MATTER OF TIME, *supra* note 2, at 36.

<sup>74</sup> THE STATE OF AMERICA'S CHILDREN 1994, *supra* note 14, at 70; see also A MATTER OF TIME, *supra* note 2, at 36.

<sup>75</sup> A MATTER OF TIME, *supra* note 2, at 28.

<sup>76</sup> *Id.* at 10-11.

<sup>77</sup> *Id.* at 12 (citations omitted) (emphasis added).

<sup>78</sup> THE TRUST FOR PUBLIC LAND, HEALING AMERICA'S CITIES: WHY WE MUST INVEST IN URBAN PARKS 4 (1994).

<sup>79</sup> *Id.* at 5.

<sup>80</sup> *Id.* at 6.

<sup>81</sup> 141 CONG. REC. S10009 (daily ed. July 14, 1995) (statement of Sen. Kohl).

<sup>82</sup> James Q. Wilson, *What To Do About Crime*, COMMENTARY, Sept. 1994, at 25, 33.