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Toward Smarter Gun Laws

By Philip J. Cook and Jens Ludwig

DURHAM, N.C., AND WASHINGTON

The National Rifle Association made it clear George W. Bush was their candidate. But as Attorney General Ashcroft's confirmation hearings showed, that does not mean that gun violence is going to disappear from the national agenda, as it did somewhat mysteriously from the campaign. There is a significant amount of common ground among moderates on both sides of the gun-control issue.

It will be difficult for the new Bush administration to ignore the problem. The costs simply are too high. Our research suggests that the annual burden of gun violence in America, including the costs of prevention, avoidance, amelioration, and injury, is in the order of \$100 billion, which averages to \$1,000 per household – and that's after taking account of the 40-percent drop in gun crime since 1993. A successful effort to sustain this healthy trend would be worth more to many of us than the promised tax cut.

Stepped-up enforcement of existing gun laws is one approach that enjoys broad support. The Bureau of Alcohol, Tobacco, and Firearms (ATF), which is responsible for regulating gun sales and combating gun trafficking, has been a political football since its creation in 1972.

But the Clinton administration vigorously supported ATF's regulatory and enforcement mandate, including a broad attack on all phases of illegal gun use – illegal acquisition, transfer, possession, and misuse of guns. Reacting positively to the enhanced mission, Congress has provided this agency with new investigative tools, and, in its most recent appropriation, expanded resources for agents and inspectors. All that is required in this area is to stay the course and to continue to encourage ATF-local cooperation in combating gun violence. It appears that Attorney General Ashcroft has embraced this approach. ...

Of course, if Bush were bold enough to move beyond the NRA's political positions, he could send legislation to Congress to close down the gaping loophole in our current regulatory system. As things now stand, fully 30 to 40 percent of all gun exchanges each year in America do not involve a licensed gun dealer, and are thus almost completely exempt from existing background-check and other regulations. Not surprisingly, this so-called "secondary gun market" is the source of the vast majority of the guns used in crime. ...

President Bush has promised he will leave narrow partisanship behind and find a way to move ahead on important policy issues. Reducing gun violence is surely important.

The Clinton administration has demonstrated the possibility of effective action within the scope of existing law.

Still more could be accomplished with modest amendments that extend sensible regulations while preserving the law-abiding public's access to guns for sport and self-protection.

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'Right' to Vote?

By Alexander Keyssar

DURHAM, N.C. – Perhaps never before in our nation's history has there been such a loud, bipartisan chorus singing the praises of "the right to vote." Since election day, politicians and pundits from all points on the ideological spectrum have weighed in on the splendor and sanctity of our democratic right to choose our leaders.

President Bill Clinton got into the act early, pointing out that voting was our most "fundamental right," a view soon echoed by the Florida Supreme Court. Al Gore and Joseph I. Lieberman frequently — and piously — remind us that the right to vote includes the right to have our votes counted. Bob Dole has pointed out the injustice of depriving soldiers of the franchise for want of a postmark; other Republicans denounce the prospect of disfranchising absentee voters just because they filled their forms out wrong. Jesse Jackson has invoked the specter of the South's sordid history of racial disfranchisement. Each of the hundreds of lawyers traversing Florida's courtrooms has a solemn paragraph (sometimes it seems like the same paragraph) about the need to protect our "sacred" right to vote.

Yet, despite the rhetoric, the events of the last month [November] have left most of us feeling that our right to vote is far less sacred and less protected than we believed it to be. ... Here are some of the lessons we have learned about presidential elections:

- If you registered to vote, your name may or may not be on registration lists when you arrive at the polls.

Registration lists are periodically “scrubbed,” and mistakes happen. ...

- If there is some problem with your paperwork when you apply for an absentee ballot, you will be notified of that problem if you are a Republican or Democrat and if your party’s functionaries are in cahoots with the registrar. Otherwise, forget it.
- If you vote, your vote will probably be counted, but maybe not. Hundreds of thousands, perhaps millions, of ballots will be thrown out because of improper marks or machine malfunctions.
- If you are African American, at least in the South, you are more likely to encounter any and all of these logistical problems. Your precincts will be more likely to have ancient voting machines, be understaffed and have fewer phone lines to headquarters; you may be asked for additional identification.
- If you live in a populous state like New York or California, your vote does not carry as much weight as the votes of individuals from South Dakota and Delaware. A single electoral vote represents more than half-a-million people in California but only 220,000 in the smallest states.
- Since the electoral college determines the victor, your vote will not matter at all, unless the popular vote in your state happens to be extremely close. In presidential elections, the person with the most votes doesn’t necessarily win.
- If, for whatever reason, you are deprived of the right to vote (and have your vote counted), you can trust that a political party will come to your aid if its leaders are convinced that they will benefit by having you re-enfranchised.

These are not heartening lessons, and, taken together, they seem likely to overwhelm the happier thought that election 2000 will increase future turnout because everyone now knows that every vote counts. The spectacle of the last month suggests, indeed, that many votes don’t count and that our entire electoral machinery is not only antiquated but the prisoner of political parties that have little respect for the “sacred” rights of voters. ...

There is more – or worse. Enter Justice Antonin Scalia, with Chief Justice William H. Rehnquist in tow, to a drumbeat provided by the Florida Legislature. In hearings before the U.S. Supreme Court on Dec. 1, Scalia opened up a line of inquiry that remained prominent in the court’s written decision remanding the Florida recount case to that state’s supreme court. Scalia suggested that the Florida court had erred if its decision was grounded in the state’s constitutional guarantee that all citizens possessed the right to vote. This

was so, he implied, because the state constitution was trumped by Article II of the U.S. Constitution, in which there is “no suffrage right.”

Scalia’s inquiry sounded technical, but its implications are enormous. There is, in fact, no affirmative guarantee of the right to vote in the Constitution: that document grants all citizens the right to free speech and the right to bear arms, but not the right to vote. The Founding Fathers, for pragmatic political reasons of their own, left voting matters to the states.

As a result, the only clear and positive guarantees of the right to vote are in state constitutions. ...

So perhaps we don’t possess the right to vote in presidential elections, after all. Or so certain justices, politicians, and pundits seem to believe. This may come as a surprise to many Americans. But it may help to explain why our purportedly sacred “right to vote” can be treated in such a cavalier, even tawdry fashion.

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The following excerpts are from a sermon delivered at Duke Chapel on Jan. 14 as part of the university’s 12th Annual Rev. Martin Luther King Jr. Commemoration

The Ministry Of Reconciliation: Honoring The Life And Legacy of Martin Luther King

By The Honorable Reverend James A. Joseph

On this Sunday when we pay tribute to the life and legacy of Martin Luther King, many of those who knew and worked with him can not help but wonder what he might have said, if he were alive, to a nation that is trying to put the pieces back together from an election that did not so much divide us as it demonstrated how badly divided we are. We cannot help but wonder what he would say to a world that is integrating and fragmenting at the same time.

While I would urge caution in speculating about how Martin Luther King would respond to the particular set of issues we face today, it is possible to speak more definitively about where he would turn for moral guidance and divine inspiration. He was especially fond of quoting from the letters attributed to the Apostle Paul, even using them as a model for his own letter from the Birmingham jail. It seems fitting, therefore, that we reflect on these words from Second Corinthians:

From now on we regard no one from a worldly point of view. Though we once regarded Christ in this way, we do

so no longer. Therefore, if anyone is in Christ, he is a new creation; the old has gone, the new has come... All this is from God who reconciled us to himself and gave us the ministry of reconciliation.

Paul was writing to a small band of Christians in Corinth, a city located at the crossroads of commerce. It was the wealthiest and most important city in Greece at the time, but while the small community to whom Paul wrote consisted of a few who were powerful and well born, the majority were freedmen and slaves, dock hands and shopkeepers. ...

It was not surprising that Paul saw reconciliation as the community's greatest need. He begins his letter not with a dissertation on the psychology of alienation or the sociology of community, but with the insights of theology. When he says that we must first be reconciled to God, he is reminding us that the ministry of reconciliation must be grounded in the claim of all religions that we are not here alone, that each of us is a part of something bigger and more mysterious than the self.

Paul spoke, first, of the Christian claim that God was in Christ reconciling the world. Other religions may define and address holiness from different perceptions, but we are one in our recognition that because of our spiritual kinship with the larger universe, prejudice and discrimination should have no place among people of faith. That was the message of Muslims, Hindus, Buddhists, Native Americans, Jews, Protestants, Catholics, Orthodox Christians and others who released a statement at the National Cathedral in Washington, D.C., ... declaring that "racism is a sin, a matter of the heart." ... To deny the dignity or humanity of another, they said, is to dishonor the sacred in the world, in one's self, and in others.

That is precisely the point that Paul was making to the Corinthians. So we come to the second dimension of the ministry of reconciliation, reconciliation with oneself. I refer here to a kind of existential re-balancing of the self. There must be an awareness and acknowledgement of the alienation before there can be a restoration of what is broken. Bringing back into balance means undoing historical illusions, deceptions and misteachings. ...

That is why South Africa is engaged in a process of exorcising the ghost of the past. While many blacks lived in political exile, many whites lived in a state of psychological exile. Many Americans ask me what we can learn from South Africa. I like to point out that in South Africa race is now on the table. In the United States, it is under the table, if it is anywhere in the room. The South Africans chose to emphasize truth as a prerequisite for reconciliation because they were trying to reconcile not only the alienation among cultural and racial groups, but they were trying to reconcile conflicting images of the past as well.

In the United States, we may need to first reconcile conflicting images of the present. Too many white Americans fail to acknowledge the widespread mistreat-

ment of black Americans that can be found in all aspects of American life. They tend to know at least one black person who is doing well so they accept the worse stereotypes about those who are not.

Tomorrow, the American people will honor Martin Luther King as an authentic American hero. Many will use the language of Paul to say in obvious joy "The old has passed away. The new has come." But has it? It is true that African Americans who live, work or study in North Carolina are no longer denied access to lunch counters. It is true that in the city of Tuscaloosa, Alabama, where I first met Dr. King at a mass meeting, the schools are now open and the universities compete for the best minds and the best athletes without regard to the color of their skin.

But today as we remember how far we have come, it is important that we also remember how far we still have to go. Some Americans seem perplexed that many African Americans who are proud to see members of their race given an opportunity to perform at the highest levels of our society are much more concerned about public action that will benefit the many rather than individual action that will simply elevate a few. Some Americans seem baffled and down right disappointed when African Americans refuse to allow them to pick their leaders and to re-interpret the legacy of their heroes.

It matters because too many Americans are giving renewed credence to Ralph Ellison's notion of the invisible man. They refuse to see and where they see they seem unable or refuse to understand. If Martin Luther King were alive today, he would still dream of a world where little white boys and black girls would be judged not by the color of their skin but by the content of their character. But he would have no illusions about the corrosive power of the new civility that wants to ignore race rather than deal with its legacy. ...

The work of reconciliation is not some cozy glossing over of what divides us. A ministry of reconciliation that seeks only an apology and confession from those who have benefited from a wrong doing, and forgiveness from those who have been victimized by it, is empty and incomplete. Here is what Archbishop Desmond Tutu had to say in his recent book, *No Future Without Forgiveness*: "Once the wrong doer has confessed and the victim has forgiven, it does not mean that this is the end of the process. Confession, forgiveness and reparation are part of a continuum. ..."

He goes on to say "In South Africa the whole process of reconciliation has been placed in very considerable jeopardy by the enormous disparities between the rich, mainly the whites, and the poor, mainly the blacks. The huge gap between the haves and the have-nots, which was largely created and maintained by racism and apartheid, poses the greatest threat to reconciliation and stability." The argument here is not over whether or not there should be some national effort to empower those who have been rendered powerless, but over how it should take

place. To quote again the Archbishop, who is affectionately referred to as The Arch, “Unless houses replace the hovels and shacks in which most blacks live, unless blacks gain access to clean water, electricity, affordable health care, decent education, good jobs and a safe environment — things which a vast majority of whites have — we can just as well kiss reconciliation good bye.”

These are not the words we tend to hear about South Africa from those seeking reconciliation in the United States. The emphasis is on forgiveness from those who have been the victims while very little is said about reparations from those who have benefited and what form of reparations is morally defensible and politically feasible. The idea of reparation, once attributed only to nationalists, is picking up support from intellectuals in universities, activists in civil rights group, journalists, church leaders and ordinary people who are persuaded that this is the only way to get at the root of the enduring racial problem. ... There is much to be learned here from the South Africans who concluded that the idea of a government-initiated cash payment was unworkable and chose instead corrective action based on the idea that if race created the problem than race must be considered in designing a solution.

But the ministry of reconciliation seems like such a large undertaking that even the most well meaning are perplexed about how to proceed. If Martin Luther King were alive today, I am sure he would urge you to begin where you are, here on this campus and in this community. I will leave it to you to determine what this requires, but I must at least remind you of the basic moral obligations of the modern university. While the medieval university could cloister itself in isolation as a community of scholars, the modern university, what Clark Kerr called the multiversity, is a community of diverse stakeholders bound together in support of the scholarly enterprise. Each has needs that are legitimate and each makes contributions that should be respected and rewarded.

I cannot conclude without at least one final word about what Martin Luther King might say to those who take on the work of building, sustaining or changing communities. He would undoubtedly remind us that the language we use, the strategies we adopt, like the ends we seek, must be aimed at changing the practices of the wrong doer rather than destroying his dignity or damaging his humanity. That is why so many of us in the Sixties took the worst that the Klan and the defenders of segregation had to offer, but we still spoke of loving the enemy. We refused to hate the wrong doer because hate corrodes the hater and leaves the hated untouched. In every sermon I ever heard Martin Luther King preach and in every call to action I ever heard him

utter, there was always this notion of love and respect. But there was always another element as well. It was his optimism about our better nature, his hopefulness about the future. ...

It is my prayer, therefore, that when this service is over and this sermon has faded into the background, you will remember in all you do to keep the dream alive, that the gift of hope is as big a gift as the gift of life itself.

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Youth Violence Prevention

Ken Dodge, William McDougall Professor of Public Policy Studies and director of the Center for Child and Family Policy, was guest editor for a supplement to the January 2001 issue of the *American Journal of Preventive Medicine*. The supplement’s topic was “Youth Violence Prevention: The Science of Moving Research to Practice.”

In the supplement, Dodge wrote an article titled, “The Science of Youth Violence Prevention: Progressing from Developmental Epidemiology to Efficacy to Effectiveness to Public Policy.” Following is the abstract:

Public policy in the United States has historically considered youth violence as a moral problem to be punished after the fact, but growing scientific evidence supports a public health perspective on violent behavior as an interaction between cultural forces and failures in development. Prevention science has provided a bridge between an understanding of how chronic violence develops and how prevention programs can interrupt that development. Articles in this journal supplement provide yet another bridge between efficacious university-based programs and effective community-based programs. It is suggested that one more bridge will need to be constructed in future research between community-based programs that re known to be effective and community-wide implementation of prevention efforts at full scale. This last bridge integrates the science of children’s development, the science of prevention, and the science of public policy.

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