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## Constitutional Rights Foundation Chicago

# 1999 Illinois Youth Summit: “Creating Safer Communities”

### *Student Guide*



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# 1999 Illinois Youth Summit: Creating Safer Communities

## *Student Guide*

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# Lesson 1: Understanding Public Policy

## Objectives

- Learn a “working definition” of public policy.
- Be able to identify a public policy regarding youth safety, its proponents, critics, and purpose.
- Understand policy analysis in the context of active citizenship.

## Materials

Newspapers  
Framework for Public Policy Analysis  
1999 Illinois Youth Summit Survey

## Time Required

1 class period

## Class Activity

Students divide into small groups. Each group will have newspapers (and markers, if available). Each group is to circle examples of public safety policies relating to young people. These policies can be historical, existing, or proposed, but they must relate to public safety and to youth.

Each group will then report out one of their examples by answering the following questions:

- What is the public policy?
- What problem is this policy designed to solve or mitigate?
- Is this a local, state, national, or international policy?
- What body of government made/will make this policy?

Each group will now apply “A Framework for Public Policy Evaluation” to the policy they have selected. Discussion will follow.

## Service Projects

Conduct the 1999 Illinois Youth Summit Survey.

**NOTE:** The Illinois Youth Summit Survey will provide critical information from you which is necessary for the Youth Summit itself. Please complete the survey.

**Be sure to send hand your survey in by April 16 so we can combine them with those from all the other schools participating in the Youth Summit.**

## A Framework for Public Policy Analysis

“Public policy is a plan of action, adopted by government, to solve a problem or reach a goal.”

“Well-meaning law is not necessarily good law.”

- What is the problem?
- What is the policy?
- What do you think are the major causes/effects of the problem?
- How does the problem affect you? How does it affect society?
- How does the policy address the causes and/or reduce the negative effects of the problem?
- List the advantages/disadvantages of the policy.
- Describe any alternative solutions you prefer.
- What more do you want/need to know about the problem?
- What can you do to address this problem?

## Lesson 2: Prevention: Protecting Against Date Rape

### Policy Focus

Should Congress adopt a bill to increase the regulation of rohypnol (a sedative used to drug potential rape victims) as a controlled substance?

### Objectives

- Assess your knowledge of the threat of date rape drugs.
- Learn key facts about three date rape drugs being used today.
- Evaluate the effectiveness of including date rape drugs in the list of controlled substances.
- Analyze the policy on date rape drugs using the policy analysis framework.

### Materials

Date Rape Drug Quiz

Date Rape Drug Facts

Policy Summary: Control of Date Rape Drugs

### Time Required

1 class period

### Class Activity

Complete the “Date Rape Drug Quiz.” Share your answers with the rest of the class.

Separate into groups of three. Take a few minutes to read “Date Rape Drug Facts” and then discuss the following discussion questions:

### DISCUSSION QUESTIONS

- Do you think that date rape drugs pose a real threat to your school, community, state or nation?
- Do you think that date rape is more of a problem than it was 10 years ago? Why or why not?

- Why do people commit rape? Explore the notion of one person trying to exert power over another.
- What are some of the obstacles to developing solutions to the problem of date rape. (Consider lack of information, failure to report rapes, lack of resources, availability of date-rape drugs etc.).

## **Policy Analysis**

Take a few minutes to read the policy summary on “Control of Date Rape Drugs.” Apply the framework to the policy.

## **Service Projects**

- Conduct research into Attorney General Jim Ryan’s information for setting up a Sexual Assault Response Team (SART) on college campuses. Adapt the information to create a plan for a SART at your school. Submit your plan to the administration. (Go to the Attorney General’s web site at <http://www.ag.state.il.us> or contact the Office of the Illinois Attorney General, Violence Against Women at 312/814/5846.
- Create a pamphlet for parents or high school students that educates them about date rape drugs and offers strategies for keeping safe. Compile a list of teen relationship resources in your school and community and publicize it in a pamphlet and/or on the Internet.
- Do research on legislation regarding Rohypnol, Ketamine, and Gamma-hydroxybutyrate. Make a chart comparing federal and state law on these drugs. Include a statement of which laws you think are likely to be most effective and why.
- Interview a school or community-based teen counselor to learn what they are doing to prevent date rape in your community. Organize a date rape awareness and discussion group. Invite teachers and parents to attend.

## Date Rape Drug Quiz

How much do you know about date-rape drugs? Take this true-or-false quiz and find out. Then find out the facts on date-rape drugs and what you can do to stop them.

1. If someone dropped a drug in my drink, the color or smell would alert me.
2. Once the chemicals are in a person's system, they are detectable in a urine sample, but only for a number of hours.
3. Due to the victim's memory loss of the details of the rape, there have been no successful prosecutions in Illinois for drug-assisted rape.
4. If I am raped, the campus police at my school will collect the necessary evidence and statement needed for a trial, should I choose later to pursue prosecution.
5. It is against the law to have sex with someone who is unable to give knowing consent. This includes someone who is drugged or legally drunk.
6. Date-rape drugs have been found in water and other non-alcoholic beverages.
7. Possession of GHB is a felony in Illinois.
8. Hospitals will automatically test for drugs when they use the sexual assault evidence collection kit.
9. If my friend appears to be drunk and is leaving the party with someone they've just met, it's none of my business. They know what their doing.
10. The Illinois Campus Security Act requires all colleges and universities to have a community task force that will provide a coordinated response to reports of sexual assault.

Thank you for taking the quiz. Now that you know the facts about date-rape drugs, share your knowledge with your friends.

## Date Rape Drug Facts

To prevent yourself and your friends from becoming victims of date-rape drug, you need to know what you're up against. While many sedatives have been used as date-rape drugs, GHB, Ketamine, and Rohypnol are the ones you're most likely to encounter.

### **GHB**

Short for gamma-hydroxybutyrate, GHB is most often administered to victims as a clear liquid with a salty taste, but can also be found in capsule and powder forms.

GHB can cause intoxication followed by deep sedation, lasting up to 8 hours. Victims may experience reduced inhibitions, nausea, convulsions, amnesia and loss of consciousness. Mixed with alcohol, GHB can cause the central nervous system to shut down, resulting in respiratory distress, coma or even death. The effects can take place within 15 minutes.

Due to its potential calming and euphoric effects, GHB has become popular at clubs and raves. It has also been promoted as a muscle-builder, but its effectiveness has never been proven.

Chemical names for GHB: Gamma-hydroxybutyrate; gamma-hydroxy-butylamine; gamma hydroxybutyric acid.

Street names for GHB include: Grievous Bodily Harm, Liquid G, Somatomax, Cherry Meth, Easy Lay and Gamma 10.

Law: It is illegal to manufacture, deliver or possess GHB in Illinois.

### **KETAMINE**

Administered in liquid, tablet and powder form, Ketamine is a fast-acting general anesthetic often used by veterinarians.

Ketamine is a fast-acting general anesthetic used in both humans and animals. Like GHB, it is found frequently at clubs and raves, where users take it for its purported euphoric effects. Ketamine can cause impaired judgment, paranoia, numbness, amnesia, convulsions and respiratory depression. Large doses can lead to oxygen starvation to the brain and muscles. Its effects typically last for an hour, but it is not uncommon for the effects of Ketamine to last for 4-6 hours. Generally, users do not recover completely from the drug for up to 48 hours.

Brand names for Ketamine: Ketaset, Vetalar.

Street names for Ketamine include: Special K, Ket, K, Vitamin K, Kit Kat, Keller, Cat Valium, Purple and Super C.

Law: It is a felony to manufacture, deliver or possess Ketamine in Illinois.

## Date Rape Drug Facts, continued

### **ROHYPNOL**

Often dropped into beverages in tablet form, Rohypnol is a potent and fast-acting sedative that dissolves rapidly, leaving no detectable taste, color or odor.

Rohypnol is a sedative similar to Valium, but with ten times the strength. It is used as a sleeping pill in some countries, but has never been approved for use in the United States. Rohypnol can cause impaired judgment, disinhibition, dizziness, motion difficulty, respiratory depression and amnesia. The drug takes effect in 15 to 60 minutes.

Chemical name for Rohypnol: Flunitrazepam.

Manufacturer: Hoffman-LaRoche.

Street names for Rohypnol include: Roofies, Roach, R-2, Mind Erasers and Roche'. To be under the influence of Rohypnol is to be "roached."

Law: It is a felony to manufacture, deliver or possess Rohypnol in Illinois.

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*Source: Illinois Attorney General Jim Ryan's web site at <http://www.ag.state.il.us>.*

## Policy Summary: Control of Date Rape Drugs

### A New Federal Bill

An approach for preventing date rape violence has been to toughen laws regulating date rape drugs. Under federal law, dangerous drugs are regulated as “controlled substances.” Controlled substances are categorized under five “Schedules”; the lower the schedule, the tougher the law.

Currently, Rohypnol is listed under Schedule IV, which includes drugs with the following characteristics:

- a lower potential for abuse than other controlled substances;
- an acceptable medical use in treatment in the U.S;
- abuse of the drug may lead to limited physical dependence or psychological dependence.

“The Violence Against Women Act II,” H.R. 357 (Conyers)/S.51 (Biden), introduced January 19, 1999, contains a provision to toughen the classification of rohypnol as a controlled substance. Specifically, Section 104, entitled “Control of Date-Rape Drug” reclassifies flunitrazepan (another name for Rohypnol) from schedule IV of the Controlled Substances Act to Schedule I.

The new bill would reclassify Rohypnol to a Schedule I, which includes drugs with the following characteristics:

- a high potential for abuse;
- no currently accepted medical use in treatment in the U.S.
- a lack of accepted safety for use of the drug under medical supervision.

Some drugs currently classified under Schedule I include heroine, marijuana, PCP, and LSD.

*The Federal Bill can be read in its entirety at <http://www.thomas.loc.gov>*

## Pros, Cons and Questions

Should Congress adopt a bill to increase the regulation of rohypnol (a date rape drug) as a controlled substance?

### **PROS:**

- Misuse and abuse of rohypnol is on the rise; this legislation would curb its use.
- Rescheduling rohypnol makes the drug more difficult to obtain.
- Raises public awareness about drug-induced date rape.
- Will lead to greater penalties when use of rohypnol in date rape is proven.

### **CONS:**

- A local, not a federal issue.
- Few cases of rohypnol-induced date rape have been prosecuted; this is merely a tempest in a teapot.
- Has little or no effect on victims of date rape.
- Does not address underlying problem of date rape.

### **QUESTIONS:**

- What are the goals of this policy?
- Will the policy reach its goals?
- How might this policy be improved?
- What experiences or other evidence do you have to support your views?

## Lesson 3: Intervention: Holding Gun Manufacturers Accountable

### Policy Focus

Should the City of Chicago sue the gun industry for costs related to gun violence?

### Objectives

- Review statistics on gun violence and learn arguments for and against gun control.
- Formulate, modify and articulate opinions on a policy by discussing it with your peers; use the discussion questions as guides.
- Compare statistics on regulation of consumer products.
- Analyze the policy using the policy analysis framework.

### Materials

The Gun Debate

Does it Make Sense?: Propaganda Exercise

Firearms & Teddy Bears: A Contrast in Regulation

Fables, Myths & Other Tall Tales

Summary of Complaint

### Time Required

1 class period

### Class Activity - Part 1

1. Read the background material, “The Gun Debate.”
2. Divide into pairs. Read “Does It Make Sense? Recognizing Propaganda.” One person in your group will then read “Firearms & Teddy Bears: A Contrast in Regulation.” The other person will read “Fables, Myths and Other Tall Tales.” Now take five minutes to explain to your partner what you have read.
3. Discuss the propaganda materials.

### Class Activity -Part 2

1. Review the Summary of Complaint filed by the City of Chicago against gun manufacturers.

2. By a show of hands which position do you have on the idea of intervening in gun violence by suing gun manufacturers: Agree, Disagree, Uncertain.
3. The class will divide into two roughly equal parts (Agree and Disagree). Discuss why you think you feel as you do.
4. Divide into pairs (pair with someone from the other group) to address the discussion questions below and share your views with one another.

### **Discussion Questions**

Chicago Mayor Richard M. Daley has stated that “\$433 million in damages is a conservative estimate of gun-related costs since 1994 by the Chicago Police Department, the Chicago Fire Department’s emergency medical services, the City Law Department, Cook County Hospital and the Cook County criminal justice system. Last year, 570 people were murdered with guns in Chicago. Nationally, 35,957 people died from firearms in 1995. Of those, 15,835 were homicides.” (Mayor’s Press Release, November 12,1998)

- Does \$433 million seem like a fair amount of money to compensate the City for gun-related costs?
- The Second Amendment to the U.S. Constitution says, “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.” Does the city of Chicago’s suit impose limitations on anyone’s constitutional right to bear arms?
- It is often said that “guns don’t kill people, people kill people.” Is it fair to hold the gun industry accountable for damages caused by their product?
- Do you think the lawsuit will be successful? What will be the effect on the gun industry?
- Do you think that the lawsuit, a “national test case,” will result in other cities also suing gun manufacturers?

### **Policy Analysis**

As a whole class, apply the policy framework to the City of Chicago’s policy of filing a suit against the gun industry for costs relating to gun violence.

### **Service Projects**

- Read the full text of the gun lawsuit and Mayor Daley’s press releases relating to the suit. These are available on the Internet at <http://www.ci.chi.il.us/Mayor/GunIndustry/LawSuit.html>. Write a letter to

Mayor Daley expressing your views about this lawsuit. Invite the Mayor or a member of his staff to discuss the lawsuit further with your class.

- Develop an alternative policy for dealing with the problem of gun violence that you think will work better than suing gun manufacturers. Write up your idea, gather signatures of supporters, and submit your plan to your senator or representative.
- Collect local, state and national statistics on gun violence. Compile, analyze, and present your findings. Make recommendations based on your findings to your Senator(s) or Representatives.
- Conduct research on gun safety in your community. Some resources are available on the National Rifle Association web site, <http://www.nra.org>. What policies has your community implemented to address the problem of gun violence? What policies make you feel safer? In what ways do you still feel unsafe? Prepare summaries of the policies that you believe are the most and the least effective, or create an alternative policy to address gun safety in your school/community. Submit your work and recommendations to your local government representatives.

## The Gun Debate

Americans possess more than 200 million firearms. Each year about 640,000 violent crimes, including 16,000 murders are committed with guns, mostly handguns. The number of gun homicides by juveniles is skyrocketing. In fact, if trends continue, gunfire will soon take over as the leading cause of injury-related death in the United States.

Some people believe gun control laws, which restrict gun ownership, can reduce the bloodshed. These laws range from gun registration, to bans on certain types of ammunition, to complete bans on handguns and military-assault weapons.

Can gun control laws stop this violence? Americans have highly conflicting views on gun control. According to a 1993 Time/CNN opinion poll, upward of 70 percent favor the idea of gun control laws, but a similar percent oppose an outright ban on handguns. Other polls indicate that Americans have little faith that more gun control will reduce violent crime.

Gun control faces stiff opposition in the United States. Millions of Americans believe that gun ownership is a right and that guns serve a legitimate purpose in society. They argue that guns are not the problem. Rather than penalizing law-abiding gun owners, they favor punishing more harshly those who use guns to commit crimes.

The opposition is led by the National Rifle Association (NRA) and the gun industry. The NRA represents about 3 million hunters and gun enthusiasts. The gun industry, made up of manufacturers and retailers, earns more than \$2 billion annually. Together they form a powerful opposition to local, state, and national legislation imposing control on guns.

Over the years the federal government has enacted four major nationwide gun laws. In 1934, it prohibited the possession of machine guns, sawed-off shotguns, and silencers. The Gun Control Act of 1968 limited the importation and sale of cheap handguns, known as Saturday Night Specials, and prohibited the interstate sale of handguns. The Brady Bill, passed in 1993, requires a five-day waiting period for all handgun purchases. The 1994 crime control act bans for 10 years the manufacture and possession of 19 assault weapons and other semi-automatic guns capable of firing many shots in succession.

Other proposed laws would sharply increase taxes on the sale of guns and bullets, require gun purchasers to possess a state firearms license, force gun owners to register their firearms with local police, or even ban handgun ownership.

Supporters of gun control point to other Western democracies, such as Canada, which have strict gun control laws and far lower rates of violent crime. They cite a 1988 study in the *New England Journal of Medicine* comparing a Canadian city, Vancouver, with an American city, Seattle, which are about 100 miles apart. The risk of being murdered by a handgun was about five times higher in Seattle. And a person assaulted in Seattle was twice as likely to die as a person assaulted in Vancouver. Supporters of gun control argue that strict gun control laws will reduce violent crime in America.

Opponents of gun control say that such laws have no effect on criminals. They point to Washington, D.C. It has in effect banned handguns and still has one of the worst murder rates in the country. Gun control laws, they say, only make it more difficult for law-abiding citizens to buy firearms, which they believe is a citizen's right under the Constitution.

The Second Amendment to the Constitution reads as follows:

*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.*

Opponents of gun control argue that this amendment gives individuals the right to own firearms. They explain that this was considered a basic right when the Bill of Rights was written. Every able-bodied adult male citizen was part of the state militia and was expected to have his own gun. They quote James Madison, the author of the Bill of Rights, who contrasted America with the "kingdoms of Europe, which are . . . afraid to trust the people with arms." The Second Amendment, say opponents of gun control, was written to ensure the right of people to own guns.

Supporters of gun control read the amendment differently. They say the amendment only gives states the right to keep armed citizen militias. It does not, they say, give individual citizens a right to own guns that are not necessary for a state militia. According to supporters of gun control, this means that government can regulate private gun ownership.

The U.S. Supreme Court has decided only a few Second Amendment cases. In *United States v. Cruikshank* (1876) and *Presser v. Illinois* (1886), the court ruled that the Second Amendment only applied to Congress. The court said it did not affect state and local action on firearms. These rulings, however, took place before the court decided that the 14th Amendment incorporated all rights in the Bill of Rights that are "rooted in the tradition and conscience of our people." The court has never decided whether the Second Amendment is one of these rights.

The only Supreme Court decision on federal gun control legislation took place in 1939. Jack Miller and Frank Layton were indicted for possessing a sawed-off shotgun in violation of the 1934 National Firearms Act. The two defendants argued that the National Firearms Act violated the Second Amendment. The federal district court agreed and quashed their indictment. The prosecutor appealed. In *US. v. Miller*, the U.S. Supreme Court unanimously upheld the indictment of the two men. In rejecting the defendants' Second Amendment claim, the court stated:

"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 some 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."

The decision did not end the debate over the meaning of the Second Amendment. In fact, the *Miller* decision is cited by supporters and opponents of gun control. Supporters claim *Miller* decided that the Second Amendment only protects state militias. Opponents claim *Miller* gives anyone the right to carry militia-style weapons.

# Does It Make Sense? Recognizing Propaganda

## Introduction

As a citizen, you need to be able to make sound decisions based on accurate information and objective reasoning — not on propaganda. Propaganda uses emotional appeals to persuade instead of a straightforward argument. Since propaganda is often subtle, it pays to know how to recognize it.

## Types of Propaganda

Here are a few types of propaganda to watch for:

- **Glittering generality.** Tries to associate the policy, politician, or product with some positive idea or feeling.
- **Name calling.** Relies on tagging an opponent or opposing idea with negative names, ideas, and associations.
- **Bandwagon.** Asks you to join the crowd. Don't get left behind.
- **Repetition.** Asks you to believe it because you've heard it so often.
- **Plain folks.** Attempts to portray the individual or organization as just being ordinary people.
- **Testimonial.** Asks you to take the word of a celebrity who is not an expert on the subject being discussed.

## For Discussion

What are some examples of propaganda you've heard in the media?

Why do you think people use propaganda?

Why is it important to recognize propaganda?

Why is propaganda so effective?

What do you think are some effective ways to counter propaganda?

## Firearms And Teddy Bears: A Contrast In Regulation

**Teddy Bears:** Zero deaths in 1996;

**Firearms:** 33,170 deaths in 1996.

**Teddy Bears:** at least four broad types of federal safety standards cover teddy bears; sharp edges and points; small parts; hazardous materials; and flammability.

**Firearms:** There are **no** safety standards for the domestic manufacture of guns.

**Teddy Bears:** In 1976 the toy industry issued a comprehensive, voluntary toy-safety standard. The Toy Manufacturers Association has maintained a safety standards committee since the 1930's.

**Firearms:** There are **no** voluntary, industrywide safety standards for the manufacture of guns.

**Teddy Bears:** Six separate teddy bear models were recalled in fiscal year 1992 alone.

**Firearms:** Approximately one firearm model is recalled every three years.

**Teddy Bears:** Keeping a teddy bear in your home does not increase the chance that someone will be killed there.

**Firearms:** Keeping a gun in your home makes it three times more likely that someone will be killed there.

**SOLUTION: REGULATE ALL FIREARMS LIKE ANY OTHER CONSUMER PRODUCT.**

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*Source: Illinois Council Against Handgun Violence*

## Fables, Myths and Other Tall Tales

### **FABLE: Teddy Bears are more regulated than guns.**

Today's anti-gun activists are trying to revitalize their predecessors' regulatory agenda. Their common refrain: "In America, Teddy bears are more regulated than guns." But that refrain is a fraud. U.S. firearms makers not only comply with a tangled web of federal, state and local laws, their manufacturing standards are reviewed by the FBI, the U.S. Customs Service, various other public and private agencies, and even the Royal Canadian Mounted Police.

### **FABLE: Firearms manufacturers should be financially liable for the actions of criminals who misuse guns.**

During the 1980s, gun control advocates began promoting lawsuits seeking to hold firearm manufacturers and sellers strictly liable for injuries resulting from the misuse, by third parties, of firearms that operate properly and have no defect in design or manufacturing. The purpose of such lawsuits: to achieve huge monetary judgments against firearms manufacturers and sellers, to drive them out of business or force them to raise firearm prices beyond the budgets of most Americans.

Plaintiffs may sue a manufacturer or seller of a product for compensation for injuries sustained because a product is defective, the defect poses an unreasonable danger to the user, and the defect caused the injury. A product may be considered "defective" if it does not operate as a reasonable manufacturer would design and make it, as a reasonable consumer would expect, or as other products of its type.

However, manufacturers cannot be held liable for injuries that occur merely because a properly operating product is criminally or negligently misused. Courts have uniformly held that some defect must exist in the product at the time it was sold, and that the plaintiff's injury must have been the result of that defect.

Undaunted, anti-gun litigators and activists have tried to advance various "defectless" product liability theories alleging that firearm manufacturers and sellers are liable for injuries resulting from the misuse of firearms that are not defective. Under such theories, it is irrelevant that an injury resulted because a firearm was criminally or negligently misused. Firearms are alleged to be "inherently defective" because they function as intended. Manufacturers are alleged to be liable because they should have known a criminal could misuse a gun, and firearms are alleged to be 'socially unacceptable' products whose risk to the public outweighs their social utility.

Courts have correctly rejected these theories, noting that firearms are not defective if they perform as intended; that the purpose of firearms is understood by reasonable people; that the manufacture, sale and ownership of firearms is lawful and attempts to outlaw firearms have been rejected by legislatures.

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*Adapted from the National Rifle Association: "Fables, Myths and Other Tall Tales."*

## Summary of Complaint

Chicago, like many other cities, is faced with a high level of violent crime. One of the major contributors to the level and severity of violent crime in Chicago is the widespread availability of guns. To limit their availability and thereby reduce the level of violent crime, the City has enacted among the strictest gun control ordinances in the United States, essentially banning every type of gun except for shotguns and rifles. However, thousands of illegal guns – many of them new guns – still are recovered every year in Chicago. These recovered guns represent only a fraction of the number of illegal guns still on the streets.

The lawsuit alleges that the continuing availability of illegal firearms in Chicago is caused in large part by the practices of gun manufacturers, distributors and dealers, whom the City and County have named as defendants in this lawsuit. The defendants are aware of the high demand for illegal guns in Chicago, and through their marketing and distribution practices, they seek to maintain and supply that demand.

The lawsuit alleges that firearms manufacturers and distributors facilitate the illegal use of firearms. First, they design weapons better suited for criminal than lawful uses. Second, the defendants distribute their guns so as to ensure that they are available to persons who live in areas where guns are impermissible. For instance, the defendants saturate the markets just outside Chicago, where gun control laws are more permissive, knowing that many guns purchased there will be brought into Chicago through an illegal and underground market. For their part, many gun dealers will sell their guns to persons whom any reasonable person would understand intend to possess or use them improperly. Simply by virtue of selling their guns to Chicago residents, a gun dealer should be aware that there is a high probability that the guns will be brought into Chicago. Nonetheless, dealers rarely concern themselves with their purchaser's residence, and, even though they know that their purchasers are from Chicago, they rarely take any steps to ensure that the guns will be kept by the purchasers outside of Chicago. Dealers will sell guns under other circumstances where they should know that the weapons will be used illegally. For instance, they will sell a large number of guns to an individual within a short period, knowing that the individual intends illegally to transfer the guns to others; they will also illegally sell to individuals who are not licensed to purchase guns. Compounding this problem is the ease with which almost anyone can become a federally licensed gun dealer, and the resulting high number of irresponsible persons selling guns.

The entire gun industry is aware of how their conduct causes guns to continue flooding the streets of Chicago; in fact, that is what they intend. They know that the widespread availability of these illegal weapons threatens the safety and well-being of Chicago's residents, and creates a public nuisance. Yet no standards for responsible sales practices are followed in the industry. Manufacturers and distributors knowingly and eagerly provide more efficient, powerful and dangerous guns to the very persons they know will use them illegally. Their conduct is not different from the tavern that plies a patron with alcoholic drinks and then sends him off to drive home intoxicated. Just as the tavern must pay for irresponsibly putting an intoxicated driver behind the wheel, the defendant members of the gun industry should be held liable for the public nuisance they create by supplying weapons to persons they know will use them illegally.

This lawsuit is not brought for the purpose of limiting the rights of law-abiding citizens to own guns. Rather, it is brought to force those who illegally, irresponsibly and immorally arm criminals to pay for the damage they cause, and to compel them to stop acting with utter disregard for the safety, health and well-being of the public.

## Pros, Cons and Questions

Should gun manufacturers be held accountable for costs of gun violence?

### **PROS:**

- Gun manufacturers make huge amounts of revenue by flooding the cities with guns; it is only fair that they pay part of the costs of damage caused by those guns.
- The gun industry will respond only to financial pressure, not moral persuasion about not making guns available to criminals.
- Cost-effective: legal costs in suing manufacturers is small relative to the cost of lost lives and will be more than made up in large verdicts won against gun manufacturers.
- Precedential value; if Chicago wins its suit, many other cities will use the precedent in their own suits against the gun industry.

### **CONS:**

- It is illogical to sue gun makers for damage caused by illegal use of guns: guns don't kill people, people kill people.
- Deflects focus and resources from the real problem: investigating and prosecuting criminals who use guns illegally.
- Impinges on the 2nd Amendment right to bear arms.
- Unfair: Costs of defending suits and paying judgments will put law-abiding gun store owners and manufacturers out of business.
- Improper application of legal principles of product liability; guns are not defective.

### **QUESTIONS:**

- Will this policy serve as a deterrent to gun manufacturers flooding cities with guns for illegal use?
- Will law suits against the industry be an effective "wake up call" for the gun industry?
- Is this policy fair?
- How might this policy be improved?
- What experiences or other evidence do you have to support your views?

## Lesson 4: Enforcement: Combating Hate Crimes

### Policy Focus

Should Congress provide new authority for federal authorities to investigate and prosecute cases in which bias violence occurs?

### Objectives

- Learn to define hate crimes.
- Apply the definition of hate crime to three cases.
- Explore the extent of the problem by examining hate crime statistics.
- Analyze currently pending legislation on hate crimes.

### Materials

*1997 Hate Crime Statistics*. Uniform Crime Reports. Federal Bureau of Investigation, U.S. Department of Justice.

Hate Crimes Definitions

Sample Cases

Answers to Sample Cases Exercise

Synopsis of *The Hate Crimes Prevention Act of 1998*

### Time Required

1 or 2 class periods

### Class Activity: Defining Hate Crime: Sample Cases Exercise

Under the Illinois Hate Crime Act, a person commits a hate crime when s/he commits a crime by reason of the actual or perceived race, religion, national origin, sexual orientation, physical or mental disability, or gender of another individual or group of individuals. Assault, battery, and criminal damage to property are the most common predicate crimes charged as hate crimes. More serious crimes or felonies also may be bias motivated, such as arson or murder. Federal law contains a similar definition. (See Hate Crime Definitions)

Divide into pairs and review the Sample Cases exercise. Students should work together to determine which cases are hate crimes and which are not and why.

The teacher can conduct a vote on each of the three cases, “How many of you think case A constitutes a hate crime,” etc. and tally results on the board. Then share the answers provided in the accompanying answer sheet.

## Discussion Questions

Review the 1997 Hate Crime Statistics. As you reflect on this report, discuss the following:

- How widespread is the problem of hate crime?
- Do you think that the statistics accurately reflect the numbers of hate crimes committed?
- What might be some of the reasons for not reporting hate crimes?
- Are there any statistics that surprise you?
- Why do you think people commit hate crime?

## Policy Analysis

One proposal for combating hate crime is to toughen the enforcement power of the existing federal law on hate crime. Review the Synopsis of the *Hate Crime Prevention Act of 1998*. Apply the policy framework as a class.

## Service Projects

- Conduct research on hate crime statistics in your community. Create a one-page summary of your findings and proposed solutions. Send it to your legislators.
- Brainstorm ideas about how youth can combat bias violence. Write a letter to the editor of a local newspaper outlining your suggestions for change.
- Interview a victim of a hate crime and prepare a short summary of that person's reaction to the crime. *Be sure to respect the victim's wishes regarding confidentiality.*
- Conduct research into resources in your community to prevent hate crime or to assist victims of hate crime. Compile a resource list or awareness pamphlet and make it available to your school library, police headquarters, and other places where you think the information would be helpful.
- Organize a "Unity March" in your community to demonstrate your commitment to accepting all members of the community. Invite various community members, students, teachers, parents and others to march with you.

### Illinois Compiled Statutes

#### § 720 ILCS 5/12-7.1 Hate Crime

Section 12-7.1. Hate crime. (a) A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct. . . or harassment by telephone. . .

Hate crime is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense. Any order of probation or conditional discharge entered following a conviction for an offense under this Section shall include, a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. In addition the court may impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of hate crime may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. . . The parents or legal guardians. . . of an unemancipated minor shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection. . .

(d) “Sexual orientation” means heterosexuality, homosexuality, or bisexuality.

#### *Hate Crimes Statistics Act of 1990*

Hate crimes are:

Crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage, or vandalism of property.

## Sample Cases

Which, if any, of the incidents described below constitute a HATE CRIME?

### **CASE A:**

On a busy street during rush hour traffic, an African-American motorist accidentally rear ends the car of a white motorist. The white motorist gets out of the car and yells race specific derogatory words at the African-American motorist.

### **CASE B:**

A Jewish synagogue is vandalized during the night. All of the windows have been broken out. None of the surrounding buildings were touched by the vandals.

Same as above, but the vandals spray paint a swastika on the front door.

### **CASE C:**

On Chicago's North Lakefront, an area where many gays live, a small group of youths drive past two males walking and holding hands down a residential street. The driver of the car yells at the couple, "Hey Queers...if you want to be in the military so much learn to walk straight!" Startled, the two men begin to walk faster yelling back at the moving car.

Same as above, but, two youths get out of the car swinging a bat approaching the men to beat them up.

## Answers to Sample Cases Exercise

### CASE A:

Is not a hate crime. Although the African-American motorist is a member of one of the protected categories by virtue of his ethnicity, no crime was committed during the incident. Also, the incident was motivated as a result of the car accident not as a result of hate.

### CASE B:

A possible hate crime. Although Jewish synagogues have long been targets of vandalism, there is no definitive evidence that shows the vandals to be anti-semitic. The fact that none of the surrounding buildings were touched may indicate that the vandals intentionally targeted the synagogue.

A hate crime. The hate motivation behind the crime is clearly established by the swastika representing hatred for members of the Jewish faith or religion.

### CASE C:

Not a hate crime. Although the young offenders intended to intimidate the two males perceived to be gay because of the area, their speech is protected by the first amendment.

A hate crime, because the crime was a physical assault with a weapon because of the couple's sexual orientation made apparent by the public show of affection.

**The key to making determinations in these types of ambiguous situations is MOTIVATION. One must ask: "Was the bias a substantial or significant motivating factor for the crime?" If so, it is a hate crime.**

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*Source: Adapted from the Chicago Lawyers' Committee for Civil Rights Under Law, Inc., Project To Combat Bias Violence*

## 1997 Hate Crime Statistics

Feelings of jealousy, desperation, greed, or hatred often motivate individuals to commit crimes. When bias against another person's race, religion, disability, sexual orientation, or ethnicity drives the criminal act, the offense is classified as a hate crime... Even though lawmakers and the law enforcement community have taken a stand, hate crime by its very nature is difficult to combat. Knowledge about the nature, volume, and scope of hate crime in America may be the most important weapon in the struggle against it...

During 1997, a total of 8,049 bias-motivated criminal incidents were reported to the FBI by 11,211 law enforcement agencies in 48 states and the District of Columbia. Of the 8,049 incidents, 4,710 were motivated by racial bias; 1,385 by religious bias; 1,102 by sexual-orientation bias; 836 by ethnicity/national origin bias; 12 by disability bias; and 4 by multiple biases.

The 8,049 incidents involved 9,861 separate offenses, 10,255 victims, and 8,474 known offenders. Sixty-nine percent of the incidents involved only one individual (person) victim, while 95 percent involved a single offense type.

### Offenses

Crimes against persons composed 70 percent of the 9,861 offenses reported. Of all offenses measured, intimidation was the most frequently reported hate crime, accounting for 39 percent of the total. Destruction/damage/vandalism of property accounted for 26 percent of all offenses, while simple assault and aggravated assault accounted for 18 percent and 13 percent, respectively.

Eight persons were murdered in 1997 in hate-motivated incidents. Racial bias motivated 5 of the murders, and sexual-orientation bias the remaining 3.

When examining offenses associated with racially-motivated incidents, 2,336 of the 3,838 anti-black offenses involved white offenders, while 718 of the 1,267 anti-white motivated criminal incidents offenses involved black offenders.

### Victims

Eight of every 10 of the 10,255 reported hate crime victims were individuals (people), while the remaining were businesses, religious organizations, or various other targets.

Sixty-seven percent of the 10,255 victims in 1997 were targets of crimes against persons. Nearly six of every 10 victims were attacked because of their race, with bias against blacks accounting for 39 percent of the total. Sixty-five percent of the 1,586 total victims of religious bias crimes in 1997 were targets of crimes against property.

### Offenders

Law enforcement agencies reported 8,474 known offenders to be associated with the 8,049 incidents recorded in 1997. Of the known offenders, 63 percent were white and 19 percent were black.

Unlike victims and/or witnesses of crimes against property, those who witness or are victimized by crimes against persons are frequently able to assist law enforcement with the identification of offenders. Offenders were unknown for 2,791 or 35 percent of the incidents. Of the known offenders in 1997, 37 percent were reported in connection with the offense of intimidation.

Offenders involved in religious-bias crimes are difficult to identify because most of the crimes they commit are against property. Clearance rates are historically low for these types of crimes. Law enforcement identified only 792 offenders in connection with 1,385 religious-bias incidents in 1997.

## **Locations**

In 1997, 30% of reported hate crime incidents, occurred in/on residential properties. Incidents perpetrated on highways/roads/alleys/streets accounted for 21 percent, while 11 percent occurred at schools/colleges. The remaining incidents were widely distributed among various locations.

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Source: *1997 Hate Crime Statistics*. Uniform Crime Reports. Federal Bureau of Investigation, U.S. Department of Justice.

## Synopsis of Hate Crimes Prevention Act (HCPA)

The Hate Crimes Prevention Act (S. 51 IS), amends the primary statute used to combat bias-motivated violence (Section 245 of Title 18 U.S.C.) in two ways:

- Removes the overly restrictive obstacles to federal involvement by permitting prosecutions without having to prove that the victim was attacked because he/she was engaged in a federally-protected activity; and,
- Provides new authority for federal authorities to investigate and prosecute cases in which bias violence occurs because of the victim's real or perceived sexual orientation, gender, or disability.

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Source: The Hate Crimes Prevention Act of 1998 (HCPA)

S. 1529: Sens. Kennedy (D-MA), Specter (R-PA)

HR. 3081: Reps. Wyden (D-OR), McCollum (R-FL)

*Sponsorship is currently in transition.*

## Pros, Cons and Questions

Should Congress provide new authority for federal authorities to investigate and prosecute crimes in which bias violence occurs?

### PROS:

- Provides jurisdiction now lacking for prosecution of some heinous crimes of bias.
- Offers national uniformity.
- Would send a clear message to the country about the unacceptability of hate crime.
- Draws law enforcement and public attention to hate crimes.

### CONS:

- Unconstitutional: First Amendment protects speech - hate crime bill is an attempt to legislate political correctness.
- Statistics show hate crimes are decreasing; this legislation is unnecessary.
- Doesn't do anything to solve the underlying problem of bigotry in our society.
- No evidence exists that this is an effective approach.

### QUESTIONS:

- What are the underlying causes of hate crimes?
- What policies might be most effective in addressing those causes?
- What role should government play in implementing those policies?
- How might this proposal help or hurt the reduction of hate crimes?

## Lesson 5: Tough Choices—A Town Meeting on Youth Safety

### Overview

In this simulation, students will take the role of citizens of “Ourtown.” You will gather in groups to discuss various proposals, then present your ideas on how the funds should be allocated at a special town meeting. After discussion, the City Council will vote on these ideas, give reasons for their vote and then open up the meeting for feedback.

### Class Activity

Town Meeting

### Procedure

*Steps 1-3 (15 minutes)*

Read the City Council’s announcement and the proposals for 108F grants

### City Council’s Announcement

The city has just received special federal funds to promote youth safety. A decision must be made about how the funds are to be used. The City Council has set up a special open meeting to decide the matter and has invited community members to offer opinions on how best to use the federal funds. The city council printed the following announcement in the local paper:

*Communities throughout the state, indeed, communities across the nation, are experiencing the same concerns about youth safety. Problems facing and involving youth are widespread and growing, and the need to find solutions is urgent. We must all work together to make sure that everyone in our town feels safe.*

*The federal government has heard the cries for help. It has created a pilot youth safety program that will make some funds available to the cities. These funds are to be used at our discretion in attacking problems that make our youth feel unsafe. Under section 108F of the program, we are entitled to \$150,000 a year. At today’s costs, that is not a very large amount, but it is a start and we must use it well.*

*The \$150,000 is to be spent at our discretion, as long as it is targeting youth safety concerns. How do you think should this money be spent? What programs would you like to see put into effect? Please join us and share your views at a special town meeting on the first of next month.*

Students rank the six proposals in order of which would be the most effective. Which proposal do you think would really help keep Ourtown’s youth safe? Rank the proposals from 1-6 on the handout: #1 is most effective; #6 is least effective.

Prepare for the town meeting:

- Strategy. Should you concentrate on presenting the reasons why their proposal is best? Should you point out weaknesses in other approaches and proposals? Inappropriate behavior may prejudice members of the City Council against you and you should avoid arguing or interrupting conversations.

- Arguments. What are the strengths of your proposal? Why is the proposal a good idea for solving youth safety problems in Ourtown? Try to keep your presentations brief and to the point. Ask for a firm commitment of supporting for your proposal.

(During this time, members of the City Council may be preparing for their open meeting by writing the proposals on the board and thinking about how best to allocate the funds.)

(5 minutes) Hold the town meeting. Student presentations should be limited to 2 minutes each with one minute for follow-up questions.

(5 minutes) Members of the City Council should meet in front of the whole class to discuss the proposals. The committee must now decide on how to spend the \$150,000. **PROPOSALS MUST BE FUNDED IN FULL; ANY RESIDUAL FUNDS WILL BE ALLOCATED TO A VICTIM'S ASSISTANCE PROGRAM.**

- Will a combination of proposals prove effective in promoting safety for youth? Will it prove effective in promoting safety for the entire community?
- Will the proposals rated highly serve a broad range of community interests?
- Will the proposals funded serve more than one segment of the population?

This is an open meeting. The entire class will observe the Council's deliberations. The following information should be written on the board. Reminder: the City Council cannot spend more than \$150,000.

<b>Proposal</b>	<b>Request</b>	<b>Award</b>
1. Teen Relationship Violence Hotline	\$15,000	
2. Safe Cities Legal Fund	\$75,500	
3. Hate Crimes Training Seminars	\$34,000	
4. Date Rape Prevention Program	\$45,340	
5. Gun Safety Awareness Project	\$60,000	
6. Seven Gables Home for Youth	\$82,000	
<b>TOTAL</b>	<b>\$311,840</b>	<b>\$150,000</b>

6. When the City Council has finished deliberating, Council members should vote on the allocation of funds.
7. (5 minutes) Now the City Council should invite a reaction to its decision by the whole class. Responses should be limited to, at most, one minute each.
8. (10 minutes) Conduct a debrief on the simulation as follows:

- If you served as a city council member, how did it feel to have to choose between all the alternatives? How did it feel to respond to all your various constituents?
- If you served as a citizen, how did it feel to watch your policy preferences go through the city council decision process?
- For all participants, answer the following discussion questions:
  - Is this a fair way to make public safety decisions? Why or why not?
  - Is this an effective way to make these decisions? Why or why not?
  - Does this method of decision-making serve everyone in the community? Are some populations served and others neglected? Does one group have to bear more than its share of the burden for keeping the community safe?

### **PROPOSAL 1: Teen Relationship Hotline (COST: \$15, 000)**

This 24-hour hotline will be staffed by trained crisis counselor volunteers who have the latest information on date rape drugs. The Hotline will act as a link to existing victim's assistance programs and will provide confidential information and referrals. A local legal assistance clinic will be available for individuals who need advice in coping with sexual assault. The budget will cover the cost of the telephone equipment and operating expenses.

### **PROPOSAL 2: Safe Cities Legal Fund (Cost: \$75,000)**

This legal fund will support the efforts of Ourtown to sue gun manufacturers for damages incurred as a result of guns sold to our citizens. The budget will cover legal costs, including hiring lawyers and court costs. Funds will also be provided for publicizing Ourtown's efforts as a means of deterring further gun manufacturers.

### **PROPOSAL 3: Hate Crimes Training Seminars (COST: \$34,000)**

This annual program would cover the fees for a two-week seminar to train local law enforcement officials how to identify and report hate crimes. The U.S. Department of Justice will match up to \$30,000 of the funds devoted to the seminar. This means that although Ourtown would pay \$34,000 for the program, the additional money would give Ourtown \$64,000 to spend. The additional money would not come out of Ourtown's grant budget. Ourtown's 300 police officers would receive training from an FBI hate crimes specialist, learn about the victim's perspective from guest speakers, and training simulations. The matching DOJ funds would be used to establish a hate crimes task force to explore methods of reducing hate crime in the community.

### **PROPOSAL 4: Date Rape Prevention Program (COST: \$45,340)**

This program will provide information to the community on the use of date-rape drugs and how to prevent date rape. Guidelines for dealing with victims of drug-induced date rape will be provided to the local police department, hospitals and medical personnel. In addition, the program will include development of a brochure on date rape prevention and two-day seminars on date rape to be offered at Ourtown High School and Ourtown University. The budget will cover the costs of staff, program development, brochure publication, and the training seminars.

### **PROPOSAL 5: Gun Safety Awareness Project (COST: \$60,000)**

This project is designed to raise community awareness about the problem of gun violence in the community. The project will gather statistics on gun violence and act as a clearinghouse for information on gun violence. A public awareness campaign against flooding Ourtown with illegal firearms will be conducted through posters on Ourtown buses and public service announcements prepared for radio and television. Funds cover administrative staffing and project costs.

### **PROPOSAL 6: Seven Gables Home for Youth (COST: \$82,000)**

This is a year-round program of education, counseling, and community service for youth charged with committing hate crimes. The budget will cover multicultural curriculum resources, field experiences in different racial, religious, and ethnic communities, experiences with developmentally or physically challenged populations, service project costs, and stipends for a diverse staff to serve 10-15 Ourtown youth at one time.

## Selected Print and Electronic Resources

### Print

In addition to resources available through your school library, your local library, your local representatives and the phone book, your teacher has been provided the following materials as part of the Illinois Youth Summit:

Excerpts: *Averting The Campus Date Rape Drug Crisis*, Illinois Attorney General

“ Model Secondary School Date Rape Prevention Program” by Marybeth Roden , from *Dating Violence: Young Women in Danger*, edited by Barry Levy

*The Campaign to Reduce Gun Violence in Illinois*, On Target Coalition

*Against Handgun Violence*, Illinois Council Against Handgun Violence

*More Guns More Crime II, More Injuries More Death*, Illinois Council Against Handgun Violence

*Fables, Myths and Other Tall Tales*, National Rifle Association

*1997 Hate Crime Statistics. Federal Bureau of Investigation, U.S. Department of Justice*

*Hate Crime: What You Should Know About Bias Violence*, Chicago Lawyers’ Committee for Civil Rights Under Law, Inc., Project to Combat Bias Violence

*Violence Prevention News*, Illinois Center for Violence Prevention

*Youth in Action: Planning Successful Crime Prevention Projects*, U. S. Department of Justice

Materials for Conducting and Tallying the 1998 Illinois Youth Summit High School Survey

*Chicago Directory of Law-Related Education Resources (CRFC)*

*Service Learning and the Social Studies (CRFC)*

## **Electronic: Start at <http://www.crfc.org/summit.html>**

The Internet is an unparalleled resource on every subject of human endeavor. In addition to searches by issue or topic, we recommend you check out the following sites on the “Youth Summit” page of the CRFC web site (<http://www.crfc.org/summit.html>):

### **General Reference**

Illinois Violence Prevention Authority <http://www.ivpa.org>  
Adolescence Directory On-Line <http://education.indiana.edu/cas/adol/adol.html>  
THOMAS: Legislative Information (U.S. Congress) <http://thomas.loc.gov>  
United States Code <http://www.law.cornell.edu/uscode>  
Justice Information Center (U.S. Justice Dept.) <http://ncjrs.org>  
Partnerships Against Violence <http://www.pavnet.org>

### **Date Rape**

Partnership Against Violence <http://www.pavnet.org>  
American Psychological Association <http://www.apa.org/pi/pii/teen>  
Attorney General Jim Ryan’s Web Site <http://www.ag.state.il.us>

### **Guns**

Mayor Daley’s Home Page <http://www.ci.chi.il.us/Mayor/GunIndustry/LawSuit.html>  
Justice Information Center (U.S. Justice Dept.) <http://ncjrs.org>  
Illinois Criminal Justice Information Authority <http://www.icjia.state.il.us>  
National Rifle Association <http://www.nra.org>

### **Hate Crimes**

FBI Hate Crime Statistics 1997 <http://www.fbi.gov/publish/hatecrime.htm>  
Leadership Conference on Civil Rights <http://www.civilrights.org/hate>  
Anti-Defamation League (ADL) <http://www.adl.org>  
Cato Institute <http://cato.org/pubs/handbook/hb106/hb106-16.pdf>

### **Service Learning**

Learn and Serve America <Http://www2.whitehouse.gov/WH/EOP/cns/html/ls-1.html>  
National Service-Learning Cooperative Clearinghouse <http://www.nicssl.coled.umn.edu>  
Corporation for National Service <http://www.cns.gov>  
National Youth Leadership Council <http://www.nylc.org>

### **Law-Related Education**

American Bar Association Division of Public Education <http://www.abanet.org/publiced/youth.html>  
Center for Civic Education <http://www.civiced.org>  
Constitutional Rights Foundation (Los Angeles) <http://www.crf-usa.org>  
Phi Alpha Delta Public Service Center <http://www.pad.org/psc/index.htm>  
Street Law, Inc. <http://www.streetlaw.org>