

Executive Director Robert C. Fellmeth

Council For Children Thomas A. Papageorge Council Chair Martin D. Fern Birt Harvey, M.D. Louise Horvitz, M.S.W., Psv.D. Hon, Leon S. Kaplan Paul A. Peterson Gary F. Redenbacher Gary Richwald, M.D., Ń.Р.Н. Blair L. Sadler Gloria Perez Samson Alan Shumacher, M.D. Owen Smith

The Orange County Registerpublished this commentary on July 26, 1998.

High School Shoot 'Em Ups and Government by Anecdote

Yet another kid grabs a ubiquitous firearm and sprays his classmates to the shock of his relatives, the horror of his victims, and the delight of the radio talk shows. TV news coverage is assured: a mini-morality play, with video clip of distraught crying available, possible heroes to feature, and the de rigeur mindless happy talk chatter between anchors about youth gone wrong.

Even more disturbing than these tragic murders has been the lessons drawn and remedies advanced. Politicians have leapt aboard the "juvenile crime wave" band wagon. This is another example of valueless, spoiled juveniles, a rural extension of the urban drive-by gang-banger shooters. The solution? Get tough. Juveniles are just small adults who need to be held accountable; pass judgment, put many in state prison with adults; we have a crisis on our hands, we must stem the tide.

It is the media which largely drives current "crackdown on youth" mania. Public officials respond to the issues on the media's "story selection agenda". Luke Woodham and some of his "shoot 'em up" colleagues are on it, front and center. The small number of such bizarre incidents has not impeded their generalization. Witness last month's sublead of widely read Parade Magazine: "Experts agree that most violent crime is committed by youth 15-19 years old." The facts - as may be predicted when "boy bites dog" is the trigger for story selection - are wildly different than our nightly news indicates and most citizens believe. For example:

(1) There is no juvenile crime wave. Earth to media and professional pundits: it does not exist. The "shoot 'em ups" are stories partly because they are so weird.

(2) Parade editors may have been talking to the "experts" over at the Inquirer or Star. Juveniles have never been responsible for committing most violent crime. In fact, adults commit violence against children at least ten times more often than kids hurt adults. Not only do juveniles not commit the majority of violent crimes, they barely make their proportionate share.

(3) The Department of Justice arrest data is unambiguous: Juvenile crime was low in the 1960s and hit its zenith in the 1968 to 1979 period. It has declined fairly steadily since - for 17 continuous years - and steeply in the last five years.

University of San Diego School of Law 5998 Alcalá Park San Diego, CA 92110 (619) 260-4806 (619) 260-4753 (Fax)

926 J Street Suite 709 Sacramento, CA 95814 (916) 444-3875 (916) 444-6611 (Fax)

> Reply to: San Diego Sacramento

www.sandiego.edu/childrensissues

(4) Some specifics from California: the juvenile arrest rate for violent offenses stands at 14.6% of all violent arrests - close to the youth percentage of state population over 9 years of age. The juvenile share of homicide arrests is at 15.3%. Look at the actual numbers of juvenile homicide arrests in California, they track as follows: 1991- 696, 1992- 645, 1993 - 618, 1994 - 542, 1995 - 521, 1996 - 389; with the 1997 and 1998 early indicators showing trend continuation. Sounds like a rising storm of anarchy, doesn't it?

The objective data are presented in the just released California Children's Budget 1998-99, and the picture they draw is clear. Juveniles are over represented in auto theft and some property crimes. And as to the one crime where youth do make up the majority of arrestees: arson (e.g., playing with matches). But it might surprise you to know that they make up only 5.5% of narcotics arrests. The highest drug offense area is marijuana - even here they make up only 10% to 17% of the arrests.

The entire picture is a better guide for law and policy than the anomalies picked out for dramatic value. They tell a story of youth who are generally and increasingly law abiding. And available but undramatic studies also confirm that "trial as adults" increases recidivism, while underfunded early intervention techniques indicate substantial positive results.

Young people are sophisticated enough to know what the media and politicians are doing to them. The Foundation of America - Youth in Action puts together youth leadership conventions, and wisely turns the agenda over to the kids. I have attended some of these events and listened with interest. The consensus view: not only are we elders focused on ourselves and uncommitted to them (unlike our parents and previous generations), but they feel they are portrayed as dangerous, psychopathic, drive-by shooters. One put it as follows, to the enthusiastic nods of 30 of his peers: "We are not as the nightly news depicts us. The good things we do get little attention. The media continuously slanders us as a group. If we were politically incorrect to attack, like senior citizens or racial groups, it would be a different story, wouldn't it?"

The media should consider its own role in these matters. Even at low rates, any juvenile violence is a tragedy. But what did Luke Woodham say about his motivation, after killing his mother and two classmates, "I guess the world's gonna remember me now!" He knew his murders would get him attention. And so have his successors. We do have one point of amelioration: once the copy cats become really prevalent, the coverage will shut off as not anomalous enough. That is the interesting tragedy of government by media anecdote, at some point well short of the problem becoming massive, endemic, and a serious threat, and warranting strong public policy response, media attention begins to turn off.

There is more to the media's role in youth violence than the TV "local news." There is the matter of the 100,000 murders and 800,000 acts of violence the average kid will view on TV before he or she leaves elementary school. There is the almost total lack of consequences to the violence portrayed - with people taking the form of comic book characters who have no mothers, fathers, mourners. Here is a thought rarely transmitted: most every person murdered has a mother who bore him in pain, changed countless diapers, rocked him for hours when he cried, worried about his illnesses, read stories, and dreamed of his success and happiness. What does his murder do to her? Do you want to start with Dad and brothers and sisters and dear friends? It is a powerful price paid, but we do not see it.

The research is quite overwhelming - although the media have not reported it. Media violence has a clear and strong effect on youth behavior. We have double blind tests and strong correlations. Instead of taking any responsibility, the media stand behind the first amendment - which is especially nice when you are the only ones with a microphone. What is most amazing is that youth crime is declining in the face of a constant barrage of false cultural values - that to be a man is to be tough, that to be a woman is to be alluring. We should be rather proud of our kids for their resistance to much of the media's regrettable influence, and for their anger at the continuing insult that they are a crowd afflicted with borderline dementia.

The rest of us have to begin to compensate for the media filter to see reality clearly. We have to ask: what is the incidence here? How widespread is that? Is that increasing or decreasing? What are the causes? What has been the recidivism rate when we do that? And we have to grill our politicians with even greater tenacity. Left to their own devices, they will jump on every bandwagon with possible media kudos, and with god awful consequences.

Do we really need a curfew at 10 PM every night, as San Diego has arranged? Do we really want to put magnetic detectors at every elementary, middle, and high school? Do we need to remove judicial authority to decide whether a 14 year old should be tried as an adult and essentially given up on - based on the unilateral decision of a prosecutor? Do we need to lower the capital punishment age to 12? These are all serious suggestions made after anecdote flurries. And we're in one now. So to paraphrase Mark Twain's special brand of American wisdom: be careful, no man or dog is safe, "because the legislature's in session." He doubtless would have added today, "and the TV is on."

--Robert C. Fellmeth Price Professor of Public Interest Law, University of San Diego Law School, Director Children's Advocacy Institute.