

Their Crimes Don't Make Them Adults

Jacqueline Ross has handled upward of 3,000 cases in her five years as a public defender, all in Chicago's imposing Criminal Courts building. She represents mostly young men, many of whom have been in prison before. But one case still haunts her — that of Pauletta R., who, at the age of 14, was charged with first-degree murder. Pauletta and three girlfriends schemed to lure a man into an alley for sex where another companion, a man in his 20's, waited with a handgun. The robbery went sour and the young man shot the intended robbery victim.

During the trial, Ross recalls, Pauletta would sit at the defense table, her head buried in her hands, her thumb in her mouth. At other times, during particularly tense moments, she would rock in her chair, childlike.

"She had very little idea what was going on," Ross recalls. "She should have been tried in juvenile court."

Pauletta is one of thousands of children who, accused of violent — and in recent years nonviolent — crimes are transferred to adult court, where retribution rather than rehabilitation is the result, if not the objective. This, according to a recent USA Today/CNN/Gallup Poll, is what the public wants. Three-quarters of those polled said children who commit a violent crime should be treated as adults.

As more and more juveniles are arrested for murder, rape and armed robbery — arrests for violent crimes went up 27 percent in the decade between 1980 and 1990 — politicians, partly out of desperation, partly out of fear (for their jobs), are cracking down on kids. It is a frenzy that child advocates have labeled the "adultification" of children.

Alex Kotlowitz is the author of "There Are No Children Here: The Story of Two Boys Growing Up in the Other America" and a distinguished visitor at the John D. and Catherine T. MacArthur Foundation in Chicago.

Last year alone, the Colorado, Utah and Florida Legislatures passed laws making it easier to try certain youth offenders as adults. A number of other states are considering similar legislation. Senator Carol Moseley-Braun, the freshman Illinois Democrat, has introduced a measure calling for the automatic transfer of juveniles as young as 13 who are accused of Federal crimes.

The juvenile courts were founded on the premise that they could be more flexible in working with children; there the accused would be defined less by their offenses than by their youth and their need for adult guidance and care. In juvenile court, the judge — in consultation with probation officers, psychologists and social workers — has great leeway as to what kind of treatment and punishment to impose. Children, because their personalities are still in the process of formation, are thought to be more open to rehabilitation than adults. The "waiving" of juveniles into adult courts protects neither the public nor the children. Consider Pauletta's case.

On the night of July 27, 1991, Pauletta drove around the streets of a tough neighborhood on the North Side of Chicago with three girlfriends and a young man named Michael Brandon. They stopped to chat with a neighborhood gang leader whom Pauletta's sister owed \$100. He told Pauletta that if she didn't come up with the money, he'd hurt her. Pauletta and her friends, one of whom was also in debt to the gang leader, then drew up a plan. They'd pose as prostitutes and rob a customer.

In the early hours of the next day, the four girls primped and posed on a street corner when a young man approached them for sex. They told him he could have his pick. He chose Pauletta's friend, Robin, also 14. Robin and her prey walked into a nearby alley where Brandon lurked in the shadows with a pistol. A struggle ensued, and Brandon shot once, killing his victim. Pauletta heard the gunshot as she walked toward a friend's house. Within hours, the police arrested Pauletta — as well as the four others. All five were charged with first-degree murder.

Given the serious nature of the crime, the prosecution

asked the courts to try this eighth grader as an adult. The court psychologist, Nancy Feys, testified that Pauletta, who lived on welfare with her mother, had "serious problems with depression" and functioned "like a small child" with wide mood swings, including suicidal impulses. Pauletta had told the psychologist, "I just don't like the world," according to court documents.

Feys urged that Pauletta be placed in a long-term residential treatment center; both she and Pauletta's probation officer recommended that Pauletta remain in the juvenile system. The judge, though, sent her to adult court where, last summer, she was found not guilty of murder, but guilty of armed robbery. She received a six-year sentence that insured she would spend her formative teen-age years behind bars.

The crackdown on children has gone well beyond those accused of violent crimes. In Florida, for example, between October 1990 and June 1991, 3,248 children were transferred to adult court for offenses as serious as murder and as trivial as possession of alcohol. And Florida is not alone.

In November, I met Brian H. and his father, Leon, a supervisor at an electrical company, in Courtroom 301 of the same Criminal Courts building where Pauletta's case was heard. Brian, dressed in a gray suit and tasseled brown loafers, sat erect on the bench, nervously clenching his hands as he awaited the judge's arrival. His father leaned over to straighten his tie.

Brian is 15. He had been arrested and charged with possessing 1.9 grams of cocaine with the intent to deliver. This would be Brian's first offense, but because he was accused of selling drugs on the sidewalk near a local elementary school, he will be tried in the adult courts. Under Illinois law, any child charged with dealing narcotics within 1,000 feet of a school or public housing property is automatically transferred into the adult system.

"What does a kid know at 15?" asks his father. "How can you hold a kid at that age responsible for adulthood? There's got to be another way."

Children like Pauletta and Brian live in neighbor-

Despite harsh public views, punishing children as adults probably makes things worse.

BY ALEX KOTLOWITZ

hands that don't allow much room for adolescent mistakes. They experience more than they should. This past summer, for instance, Brian saw a friend shot in the forearm; another schoolmate was killed in a gang shootout. Pauletta came from a family shattered by alcohol and domestic violence. Still, despite the wreckage caused by astronomical unemployment, daily gunfire and inadequate schools, they are just children. They hunt for snakes, ride bikes, play video games and go on dates. They are also impulsive and silly. They often make wrongheaded decisions. They're easily swayed by peers.

Treating adolescents as adults ignores the fact that they are developmentally different. "We can't rewire them," says Dr. Katherine Kaufer Christoffel, a pediatrician and director of the Violent Injury Prevention Center at Children's Memorial Medical Center in Chicago. "It seems like we're saying, 'Don't be a child in the wrong place.'"

Dr. Christoffel argues that preventing youth crime requires changing the child's environment. She cites studies indicating that the greatest impact on diminishing drunken driving among teen-agers comes from changes like curfews, alcohol-free proms and raising the driving age to 17.

Dr. Christoffel is concerned about what she perceives as a backlash toward children. "To the extent that parents and community fail, society has to back them up," she says. What has society done to back up urban children and their parents? Not much.

Brian's situation is illustrative. When he first showed signs of trouble — coming home late, failing classes, being suspended for fistfights at school and wearing expensive jewelry — his parents sought help. The assistance Brian could receive at his school is limited; there's only one full-time social worker and one part-time psychologist for 1,700 students. His parents called the juvenile detention center to ask if Brian could visit the facility. They hoped that might shake him up. Officials there don't give tours and had no suggestions for referral. His father then called the local police station to ask if an officer would come to their house to talk with Brian. But

the police, according to his parents, said they couldn't do anything until Brian got into trouble.

"We wanted to frighten him," Brian's mother says. "We wanted him to get back on track. I was under the impression that as a parent if you were willing to work within the system you could get help."

Children need to face consequences, particularly if they're involved in criminal activity. They cannot be absolved of responsibility. Moreover, the painful truth is that some children need to be locked up for a long time, if for no other reason than to assure public safety. But a blanket policy of sending children like Pauletta and Brian into the adult courts is a grievously misguided policy. This law-and-order approach assumes that trying kids as grown-ups will deter crime. But longer sentences haven't necessarily reduced adult crime. Worse, these transfer laws often have an unintended consequence. The criminal courts are already so overburdened that some adult-court judges have shown a propensity to give children lighter sentences than they might receive in juvenile court.

The debate over treating juvenile offenders as adults is more than a debate over youth crime; it gets to the fundamental question of what it means to be a child, particularly in an increasingly violent world. Children need help navigating through what can be a treacherous adolescent maze. That is why children can't marry without permission of their parents, why children can't buy liquor — and why society created juvenile courts.

"What's so disturbing," says Felton Earls, a professor at the School of Public Health at Harvard University, "is to see a legal process that's lowering the age of adulthood rather than seeing this as a failure of social structures and policy towards our children."

When I met Brian and his father at court, their case was continued to another date. In the hallway, they huddled with their lawyer.

"Is it very serious?" Brian asked, his hands buried deep in his pants pockets, his eyes riveted

on his tasseled shoes. "It doesn't get much more serious than this," his attorney told him.

Because of mandatory-minimum sentencing, if found guilty, Brian — tried as an adult — will receive a sentence of at least six years. Moreover, he will carry for life the stamp of a convicted felon, making it difficult to find employment.

"I'm scared to go back," Brian told me. (He spent three weeks in a detention facility for juveniles.) "I got plans to do with my life." He says he wants to be an electrical engineer, just like his dad.

As for Pauletta, she's due to be released from the Illinois Youth Center at Warrenville this July, at which time she'll be a month away from turning 18. She will re-enter society without a high-school diploma and without the kind of intense counseling the court psychologist said she needed.

Pauletta and Brian made mistakes. Were they big enough that society should snatch away their childhoods? ■



ILLUSTRATION BY JOSH GOSFIELD

PREFACE

The Problem of Youth and Violence - Psychology's Message of Hope

More than a half-century ago, psychology brought the study of violence and human aggression into the realm of science. The Commission on Violence and Youth of the American Psychological Association (APA) was empaneled in July 1991 to bring the body of knowledge generated during the last 5 decades to bear on the troubling national problem of violence involving youth.

Although violence involving youth is hardly a new phenomenon in the United States, both the quantity and quality of this violence have undergone dramatic change within the past 10 to 15 years. Mere statistics cannot tell the story, but the following observations will suggest how much the parameters of the problem have altered:

▶ **Homicide is the most common cause of death for young African American females as well as for young African American males. The probability of a young African American female dying by homicide is four times that of a non-African American female. A young African American male is 11 times more likely to die by homicide than a non-African American male.**

▶ **Children can buy handguns on street corners in many communities. In part because of this ready availability of firearms, guns are involved in more than 75% of adolescent killings. "Get rid of the guns," said a teenage girl from a violent neighborhood in Washington, DC, when APA members asked her what adults could do to stop the violence in her community.**

▶ **The intensity of violence involving children and youth has escalated dramatically. In testimony presented to APA, Mireille Kanda, MD, who then was Director of Child Protection Services at Children's National Medical Center in**

Washington, DC, noted that the rate of penetrating trauma caused by violence seen in her emergency department increased 1,740% between 1986 and 1989.

► **Children are becoming involved in violence at ever-younger ages.**

In a study of first and second graders in Washington, DC, 45% said they had witnessed muggings, 31% said they had witnessed shootings, and 39% said they had seen dead bodies. A 17-year-old African American girl from Boston told a state task force that she had attended the funerals of 16 friends aged 14 to 21 who had died by violence.

Although young people are disproportionately represented on both sides of the knife or gun, it is important to consider their experiences as part of the larger picture of violence in America. By many measures, the United States ranks first among nations in its rates of interpersonal violence. The United States has the highest homicide rate of any Western industrialized country—a rate that is, in fact, many times higher than that of the country with the next highest rate. At current rates, more than 25,000 Americans are murdered each year, and homicide is the tenth leading cause of death in our nation.

In inner-city communities, violence often is dramatically evident in night-ly shootings and in the daytime struggle of families to keep their children from becoming perpetrators or victims. The problem of youth violence is not limited to urban environments, however. Domestic violence, hate crimes, sexual violence, and violence among peers pose threats to children and teenagers in every American community. No one is immune to the pervasive violence in American society, although the probabilities of involvement are affected by race, social and economic class, age, geographical area, population density, and other factors.

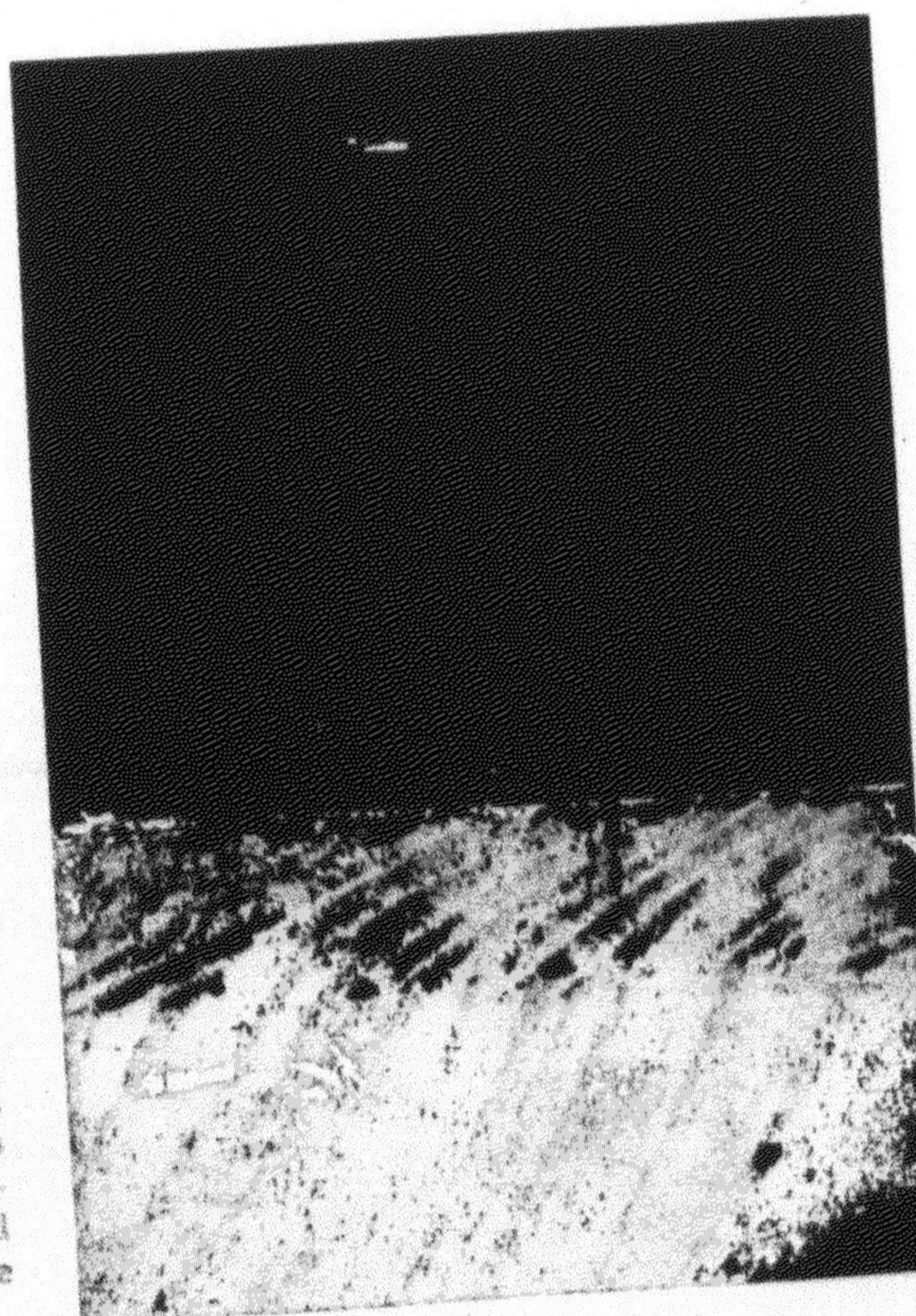
These dismal statistics and the inescapable pervasiveness of violence affecting American youth have led people in communities throughout the country to feel a sense of helplessness and hopelessness.

EXECUTIVE SUMMARY

Our society is failing to protect its children and fails them even more once they are in crisis. As a result, America's children are increasingly at risk.

- Nearly one-quarter of all children under age six in the United States live in families with incomes beneath the federally recognized poverty level (\$11,892 annually for a family of three).
- Families with young children make up the largest proportion of Americans living in poverty. These poor families often cannot provide their children with adequate housing, food, or health care. The parents frequently suffer from high levels of stress and hopelessness that may reduce their ability to provide their children with the emotional support and stimulation necessary to healthy development.
- Most poor families are white, and the child poverty rate is even higher in rural communities than in the inner cities. Yet African-American children are far more likely than white children to be poor.
- Today, one in four children in this country is raised by one parent, due in large part to geometric increases in births outside of marriage and in the divorce rate over the last three decades. Only about half of the women entitled to child support receive the full amount to which they are entitled, and one-quarter do not receive any child support at all.
- Guns kill or injure 40 children every day. Gun-shot wounds are the leading cause of death among both white and African-American teenage boys in the United States.
- Fewer than half of all 17-year-olds in this country possess the academic skills needed to hold most entry-level jobs or to attend college.
- Eight million American children lack any kind of health coverage.
- The United States spends substantial amounts of money keeping roughly 600,000 children in foster care, but does not devote sufficient resources to preventive services that would help keep children safe in their own families.
- Families that need services—ranging from housing to counseling—too frequently cannot obtain those services at all, cannot get transportation to the services that are offered, or receive fragmented services from too many different social services agencies rather than the comprehensive services that experts agree they need.

- State courts are overwhelmed by cases involving families and children, because of, among other things, rapid rises in reported cases of abuse and neglect, and federal legislation that placed burdens on state courts without additional funding. Judges simply do not have the time to make critical decisions involving children. In Chicago, for example, juvenile delinquency judges hear 1,700 cases a month; in Los Angeles, juvenile court judges have about ten minutes to devote to each case.
- Children too frequently find themselves before courts without benefit of counsel, despite their constitutional and statutory rights to counsel in many kinds of cases.
- Children detained pending trial or confined following trial too often suffer placement in overcrowded facilities which fail to provide adequate education or health care, and which expose them to violence within the institution.



Lloyd Wolf

Legal Reform to Fulfill Children's Essential Needs
ABA - 1993

RECOMMENDATIONS FOR PROGRAMS TO PREVENT AND TREAT JUVENILE DELINQUENCY

Social indicators point to a generation of young people with inadequate support from family, school and the community. Lacking positive support, large portions of this generation are left without direction for developing values and life skills. Delinquency, violence, drug abuse, welfare dependency and teenage pregnancy are ravaging this generation and future generations. The nation must step in decisively to rescue our young people and save our communities. This will take efforts to develop all our youth before they fail, as they show signs of failing and if they have failed.

1. Primary Prevention

The best place to start addressing juvenile crime and delinquency is before it starts. The great mass of youth need more support than they are getting from home, school and community. Indicators point to poor school performance, increased teen pregnancy, inadequate career preparation, welfare dependency running into subsequent generations... the list goes on. Correcting these problems once they emerge is a major drain on the national and state budget, and the problems only seem to get worse. Primary prevention -- the delivery of services to forestall problems before they start -- is perhaps the best investment that the country can make in its young people.

Delinquency and other forms of juvenile deviance have been accurately predicted from factors that describe a world of inadequate care and support for young people:

- Teen mothers
- High crime neighborhoods
- Early identified behavioral problems in school
- Early signs of school failure
- Early contact with law authorities.

These indicators clearly predict delinquency, violence and other negative outcomes.

Some successful approaches to primary prevention include:

- Pre-natal care for teens and young mothers
- Early childhood health care
- Parent skills training
- Pre-school day care enrichment programs
- Early school enrichment - Head Start and similar programs
- School resources for early identified behavioral problems
- Parent and community involvement in school decisions
- Career oriented education and training
- Alternate patterns for educational and vocational training.

Head Start and other early enrichment programs have been and continue to be successful. Other models exist, often only in pilot form. New York City's community schools program developed under Deborah Meir is one outstanding example that needs to be replicated. These programs work. And when they work, delinquency and other negative concomitants are reduced. The nation cannot afford NOT to implement primary prevention. Compared against the dollar cost and the social chaos of delinquency and violence, primary prevention is the *best* investment that this country could make.

2. Secondary Prevention

The predictive indicators are clear for early identified problems. They only get worse. Early problems in school performance lead to dropping out. Early behavioral problems lead to more serious problems, which often ends in juvenile and adult crime. Life chances are narrowed into rounds of arrest and incarceration. Life expectancy is greatly reduced, with homicide being a leading cause of death for delinquents and young criminals.

Programs that have worked with early indications of delinquency include:

- Skills oriented training
- Career preparation
- Supportive counseling aimed specifically at correcting criminal ideation and value deficits.

What has *not* been successful with early identified behavioral problems and first offenders has been counseling that takes a broad and general approach to development. This is underprogramming for a group that needs more structure in addressing potential crime and delinquency. Similarly, overprogramming this group with shock programs and scare tactics is counterproductive because youth, especially these youth, do not see themselves caught in the criminal justice net before it actually happens.

Young people who are spotted early need very specific tools to bring them into the mainstream. They need interpersonal skills, job skills, they need to have their destructive thought patterns challenged and improved.

Early identification can be fraught with legal issues, such as labelling offenders before they have actually committed chargeable crimes. Programs need to be skill focused and career enhancing. This is not labelling; this is youth development.

3. Tertiary Prevention

Once young people are caught in the net of the criminal justice system, they are at the greatest risk on continuing in this trap. The best indicators of subsequent

crime and delinquency are previous crime and delinquency. These are the hardest to engage in positive programs and possibly the least likely to improve as a result. Nevertheless, some approaches have been found more successful than others. The more successful approaches all aim directly at criminal behavior. They address it, challenge it and offer alternatives.

Some positive programs include:

- Moral reasoning and logical thinking
- Victim awareness and victim confrontation
- Behavior modification of specific criminogenic activities
- Anger and aggression control.

What does *not* work with tertiary prevention are general programs and those that avoid coming directly to grips with criminal behavior.

Common to all successful programs, no matter what the level of prevention, is that programs must be clearly defined, rigorously implemented as designed and they must ensure that program participants stay with the program. These requirements presuppose adequate staff orientation and training, clear program elements and an adequate level of security to ensure stability and safety to program participants and to the community.



Times Union/SKIP DICKSTEIN

A TEENAGER is arrested Wednesday at the armory on Washington Avenue in Schenectady that was used as a processing center for the 66 people arrested in a massive drug raid. She was standing nearby, looking for acquaintances, when city police arrested her on a warrant.

2 Albany cops charged with taking evidence

■ Both had been recently suspended for off-duty incidents

BY CAROL DEMARE
Staff writer

ALBANY — Two city police officers — already in trouble with the department for recent off-duty incidents — were charged Wednesday in connection with the disappearance of marijuana and cash stemming from an arrest this summer of a suspected drug dealer.

Ricky G. Vincent, 25, and Kelly Kimbrough, 26, both uniformed officers with less than five years on the force, pleaded not guilty to evidence tampering, a felony, and other counts at their arraignments that came after a grand jury returned a sealed indictment Tuesday.

Each posted \$2,500 bail set by County Judge Thomas A. Breslin.

It was the second time this year charges were lodged against the officers. Kimbrough was suspended without pay earlier this month for an unrelated off-duty altercation with campus police at the University at Albany. Vincent was suspended without pay in August for allegedly pushing a woman acquaintance through a cupboard door at her home.

Their arrests come on the heels of another case of evidence tampering that resulted in last month's suspension of narcotics Detective Keith Cole.

Vincent and Kimbrough came under suspicion in September after a drug suspect told New York City transit police that Albany officers had stolen his drugs and money, according to Assistant District Attorney William A. Carter. Transit officials reported the information to Albany, and the department's Internal Affairs Unit began investigating, Carter said.

"It's very unfortunate that it happened," Chief John Dale said Wednesday afternoon. "We're police officers, and in this business there will be people who want to work outside of the law, and it will be up to us to get them and to bring them to justice the same as any other criminal."

Evidence presented to the grand jury by Carter showed that on Aug. 7 at 8:30 p.m. the two cops, who were partners assigned to Division 2, responded to a tip that had been called in. A man was reportedly selling drugs in a park at Catherine and Eagle streets.

Three other officers also responded, Carter said. Kimbrough and Vincent took the lead and arrested



Kimbrough



Vincent

Residents cheer massive drug raid

■ Army of police officers nabs 66 suspects in Schenectady's Hamilton Hill

BY JOE MAHONEY
Staff writer

SCHENECTADY — In a neighborhood where children have learned to duck for cover when cocaine cowboys have shootouts, an army of state and city cops tried to take back the streets Wednesday morning, arresting 66 drug-dealing suspects as many residents cheered.

Most of the arrests — including that of an 11-year-old reputed crack seller — took place during carefully synchronized pre-dawn raids in the city's drug-plagued Hamilton Hill

neighborhood.

The suspects were arrested by more than 500 officers who staged the most massive drug sweep in the city's history.

Those arrested were among 110 people indicted on drug charges stemming from a probe that began last July. That was when State Police Superintendent Thomas A. Constantine agreed to deploy State Police undercover drug investigators to assist Schenectady police in combating street-level drug dealing. The other suspects remained at large Wednesday evening.

Through a total of 332 undercover drug buys made by the State Police Community Narcotics Enforcement Team, police were able to identify virtually every street-level dealer in the city, said Schenectady Public Safety Commissioner Charles Mills.

While the suspects were low-level dealers on the drug world's totem pole, they have had a decidedly corrosive effect on the quality of life in the city, Constantine contended.

"It's a decent neighborhood," Constantine said. "People shouldn't

have to live like that. The people in the community were thrilled with what we did this morning."

Those arrested included several juveniles, one of them an 11-year-old boy who had allegedly sold crack on the street. Another, 17-year-old Raymond Chaires Jr. of 3307 Woodlawn Ave., was wearing a Christian Brothers Academy uniform when he was charged with a felony count of selling cocaine while he was about to leave for the prestigious Albany school.

At precisely 6 a.m., convoys of police cars began swarming into Hamilton Hill like an invading army. Two black trucks were filled with heavily armed members of the State Police Mobile Response Teams. Overhead, a State Police helicopter whirred, ready to help track runners or provide Medivac transport information in the event of injuries.

Clad in black and wearing black military-style helmets and carrying large black shields, the mobile response team members were a partic-

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BUST: 66 nabbed in massive drug raid

ularly ominous presence. The cops swooped into one apartment after another, seeking suspects whose photographs they carried, and searching for guns, drugs and stashes of narcotics money.

From a suspected cocaine lair at the Steinmetz Homes public housing project, State Police Lt. Pat McDonald carried a 5-year-old boy, left alone when other cops arrested the boy's mother.

On Eagle Street, just west of Brandywine Avenue, an elderly woman peered through curtains and waved her approval as police forced their way into a two-story house across the street.

"People came out in their night-clothes to thank the officers," Constantine said later. He said some even pointed to houses where drug deals had been commonplace.

Schenectady Mayor Frank Duci was full of praise for State Police and Schenectady police officers who participated in the clampdown.

"It was fabulous," he said. "The police have sent a message that we're not going to take that kind of stuff in the city of Schenectady. People in the neighborhoods have been so worried; I think this is going to lift their spirits."

Constantine said police had carefully planned for the possibility of encountering armed resistance. "Thank God there were no police officers injured," he said.

In a building on Albany Street, police were met by a pair of snarling pit bulls.

In other locations, police said they found a pair of loaded sawed-off shotguns, a loaded revolver and small quantities of crack and marijuana.

Schenectady County District Attorney Robert Carney said residents can assist authorities in flushing out any drug dealers who think they can step into the void created by the arrests.

"The challenge to the community is: Will you stop other people from taking their place?" he said.

Carney vowed to prosecute the suspects and send them to jail. He said police have garnered strong evidence against them. "From our office's perspective, the cases are trial ready," he said. "We will seek to send these people to prison."

To those suspects who eluded



THOMAS A. CONSTANTINE, superintendent of the State Police, talks about the pre-dawn drug raid carried out Wednesday in Hamilton Hill.

"The challenge to the community is: Will you stop other people from taking their place?"

— Robert Carney
Schenectady County DA

Wednesday's dragnet, Carney said, "You can run but you can't hide. You can go to New York City, but the State Police will get you."

Constantine said at least 35 percent of those targeted for arrest originally came from New York City. Sixty-two percent of the suspects had previous arrests, including 23 for weapons possession charges and 27 for drug-related offenses. Nearly half had prior felony arrests and more than 25 percent had felony conviction records.

Constantine said there has been a significant migration of drug dealers from New York City to upstate communities in recent years, setting the stage for violent turf battles between local and outside drug gangs.

"The citizens of Schenectady, including the residents of Hamilton Hill, are decent, hard-working people who have expressed their concern about violent crime and drugs in their community," said Constantine, who is a leading candidate to become

the next chief of the federal Drug Enforcement Administration. "Today's effort is in response to their request for help in ensuring public safety. It reflects credit on them and on their city."

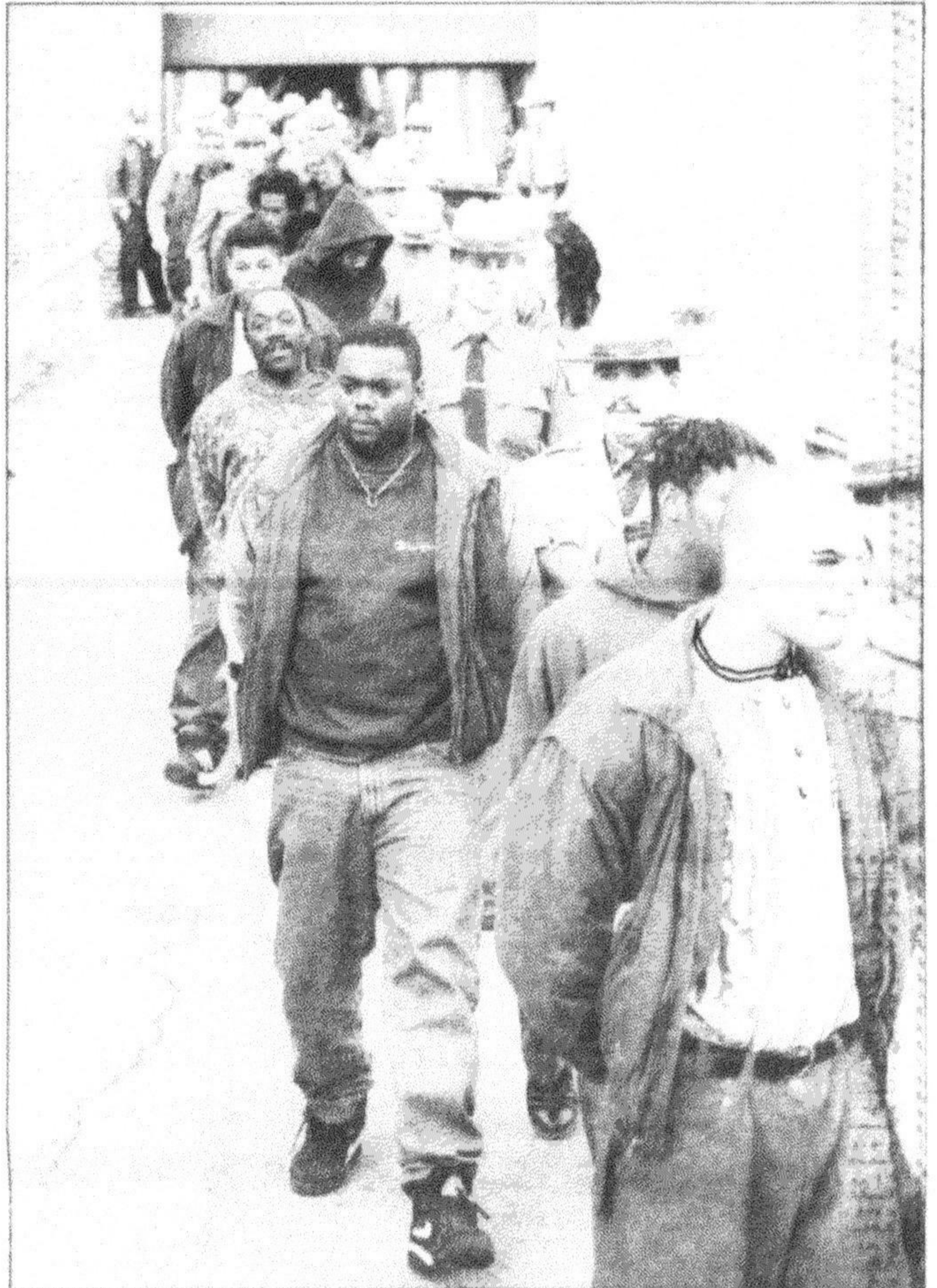
Outside the National Guard Armory on Washington Avenue in Schenectady, where the drug suspects were brought for booking and fingerprinting, a teenage girl was with two friends, waiting to see acquaintances who had been arrested in the roundup, remarking that almost all of those picked up by police were males. Suddenly, police officers came up and ordered her to stand up

against a *Times Union* truck, at which point she was handcuffed and told that they had a warrant for her arrest, too.

The girl, who had been laughing moments earlier, began wailing, "Call my mother! Call my mother!"

One of the indicted suspects, Paul Lester Benedict of Strong Street, was described by authorities as being wanted on a murder charge in Birmingham, Ala.

Interviewed by the *Times Union* while he was led to court by Trooper Clem Harris, Benedict said he was aware he was wanted for murder but denied involvement in the crime.



SOME of those arrested on drug charges are rounded up Wednesday by police officials in Schenectady.

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Names of people arrested in sweep

Here's a list of the people arrested Wednesday:

Anthony Acevedo, 24, State Street, Schenectady, two counts of criminal sale of a controlled substance, third degree; Theresa Ballard, 20, State Street, Schenectady, three counts of criminal sale, third degree; Cesar Barros, 18, Hildebrand Avenue, Schenectady, two counts of criminal sale, third degree; Paul L. Benedict, 22, Strong Street, Schenectady, five counts of criminal sale, third degree; Shawn Black, 25, Hulet Street, Schenectady, four counts of criminal sale, third degree; Todd E. Boyd, 24, New York, one count of criminal possession of a controlled substance, seventh degree; Glen Brodhead, 37, Steuben Street, Schenectady, three counts of criminal sale, third degree; Kevin Brodhead, 27, North Ferry Street, Schenectady, two counts criminal sale, third degree; Nathan Carrasquillo, 17, Stanley Street, Schenectady, two counts of criminal sale, third degree.

Christopher Carver, 27, McClellan Street, Schenectady, one count of criminal sale, third degree; Raymond Chaires Jr., 17, Woodlawn Avenue, Schenectady, three counts of criminal sale, third degree; Sae'lon Charleston, 18, Queens, one count of criminal sale, third degree; Andre Clark, 17, Delamont Avenue, Schenectady, 11 counts of criminal sale, third degree, and one count of criminal possession, seventh degree; Christopher Clayton, 27, Delamont Avenue, Schenectady, two counts of criminal sale, third degree; David L. Clayton, 24, Albany Street, Schenectady, two counts of criminal sale, third degree; Wilson J. Corker Jr., 37, Hulet Street, Schenectady, one count of criminal sale, third degree, and petit larceny.

Dwight O. Daniel, 16, Chestnut Street, Schenectady, two counts of criminal sale, third degree; Anne Devine, 34, Lafayette Street, Schenectady, one count of criminal sale, third degree; Bernard Edwards, 32, Paige Street, Schenectady, one count of criminal sale, third degree; Vernita E. Enous, 16, Delamont Avenue, Schenectady, two counts of criminal sale, third degree; Robert Fraiser, 18, Emmett Street, Schenectady, eight counts of criminal sale, third degree; Leslie M. Gabriel, 17, Steinmetz Homes, Schenectady, eight counts of criminal sale, third degree; Sheldon A. Goodridge, 21, Brooklyn, two counts of criminal sale, third degree; Devon Grant, 28, Front Street, Schenectady, six counts of criminal sale, third degree.

John T. Harris, 41, Stanley Street, Schenectady, two counts of criminal sale, third degree; Tracey D. Harris, 30, Jay Street, Schenectady, two counts of criminal sale, third degree; Jose M. Hernandez, 29, State Street, Schenectady, two counts of criminal sale, third degree; Dwight House, 40, First Street, Albany, five counts of criminal sale, third degree; Timothy Hudson, 39, Robinson Street, Schenectady, two counts of criminal sale, third degree; Marty Eugene Humphries, 41, Emmett Street, Schenectady, six counts of criminal sale, third degree; Jermaine Jennings, 16, Strong Street, Schenectady, one count of criminal sale, third degree.

Andrew D. Johnson, 20, South Avenue, Schenectady, one count of criminal sale, third degree; Kevin E. Jones, 27, New York, two counts of criminal sale, third degree; Michelle Jones, 26, Steinmetz Homes, Schenectady, two counts of criminal sale, third degree; Basil R. Joseph, 26, Brooklyn, one count of unlawful possession of marijuana; Leon Martin, 17, Emmett Street, Schenectady, 10 counts of criminal sale, third degree; David Mayo, 38, New York, five counts of criminal sale, third degree; Jackie McDaniell, 28, Emmett Street, Schenectady, two counts of criminal sale, third degree; Ri-keime McQueen, 18, Robinson Street, Schenectady, two counts of criminal sale, third degree; Carmine J. Miller, 36, Jay Street, Schenectady, two counts of criminal sale, third degree.

Robert S. Molnar, 22, Moyston Street, Schenectady, one count criminal sale, third degree; Raliek Moore Jr., 17, State Street, Schenectady, one count criminal sale, third degree; Daniel B. Nelson, 36, Chestnut Street, Schenectady, two counts of criminal sale, third degree; Larry Oates, 31, State Street, Schenectady, four counts of criminal sale, third degree; Ronald Parker, 23, Emmett Street, Schenectady, two counts of criminal sale, third degree; James K. Perkins, 18, Broad Street, Albany, seventh-degree criminal sale.

Robert W. Reid, 16, Germania Avenue, Schenectady, two counts of criminal sale, third degree; Victor Rondon, 19, Broad Street, Albany, seventh degree criminal sale; Stacey Rouse, 24, Jamaica, Queens, two counts, criminal sale, third degree; Maritza Santana, 21, Manhattan, unlawful possession of marijuana; Ilyas M. Scott, 16, Waldorf Place, Schenectady, three counts, criminal sale, third degree; Harley J. Skelley, 44, Hulet Street, three counts, criminal sale, third degree.

Diona Smith, 18, Stanley Street, two counts, criminal sale, third degree; James T. Smith, 26, Broadway, Rensselaer, criminal sale, third degree; Precious D. Spooner, 20, Stanley Street, Schenectady, seventh-degree criminal possession; Moses Timons Jr., 23, Hamilton Street, one count, criminal sale, third degree; Willie Valentine, 26, New York, five counts, criminal sale, third degree; Arnold J. Vargas, 22, 951 Albany St., one count, criminal sale, third degree; Joe Washington, 22, Delamont Avenue, Schenectady, two counts, criminal sale, third degree.

Guy C. West, 36, Emmett Street, Schenectady, two counts, criminal sale, third degree; Maria Whittemore, 34, Avenue A, Schenectady, two counts, criminal sale, third degree; Antione Williams, 25, Clifton Place, Schenectady, third degree, criminal possession of a weapon.

Harold Williams, 38, Lincoln Avenue, Schenectady, three counts, criminal sale, third degree; and Thomas Wilson, 46, Hulet Street, Schenectady, two counts, criminal sale, third degree.

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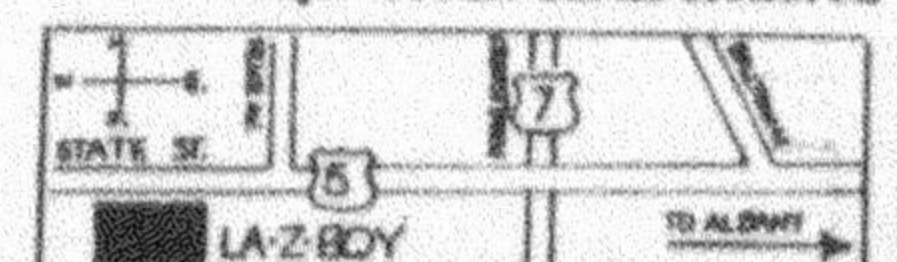
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Preliminary Report on Youth Violence
Youth Violence Commission
Violence in Schools Section
Draft: 2/14/94

VIOLENCE IN SCHOOLS

The increased violence and weapons use among youth has intruded into our schools throughout the nation. A recent study of violence in New York State public schools found that while the majority of students and teachers felt safe at school, the extent of violence and fear is unacceptable (NYS Education Department and the NYS Division of Criminal Justice Services, 1994). One in four seventh through twelfth grade students reported they were robbed or assaulted during the 1992-93 school year. One in five students reported bringing some type of weapon to school during the school year. The weapons students brought to school most often were knives or other sharp objects. One in twenty-five students, though, reported bringing a gun to school during the school year. And, one in fifty had carried a gun to school during the 30-day period prior to being surveyed. One in three students were afraid of being attacked or harmed at school or on their way to or from school.

Nowhere is this problem of violence and weapons in schools more visible than in large urban areas such as New York City where the volume of incidents draws media attention. The problem of violence in schools, however, is not restricted only to large urban schools districts. The study found that assaults were just as likely to occur in urban schools as in rural schools.

Violence in schools inevitably affects students physically, psychologically and academically, and it demoralizes teaching staff. Schools in New York City and elsewhere have generally responded to the escalating violence in schools by increasing security staff and metal detector use in the most troubled schools and by implementing programs designed to reduce student violence. Violence-prevention programs generally focus on conflict resolution, peer mediation, and improvement of self-esteem and decision-making skills. Despite these efforts taken to reduce violence, public concern about the safety of children in schools continues to grow.

Violence in schools interferes with the right of all children to a sound education. Without a safe learning environment, the ability of many students to attain the knowledge and skills that will enable them to become productive members of society is seriously undermined. Programs and strategies must be developed that address the conditions which promote violence among youth if we hope to make schools safe and secure environments for learning.

REFERENCE

New York State Department of Education and the New York State Division of Criminal Justice Services. A Study of Safety and Security in the Public Schools of New York State. Draft Report. Albany, New York, February 1994.

In America

BOB HERBERT

Are We Awake Yet?

Is there reason for hope, or is that naive?

Is the country really waking up to the enormity of its problems of crime and violence, or is this just another phase, driven by the media and lasting only until we are diverted by a killer blizzard, or a celebrity sex scandal, or a surprise locker-room attack by a Buffalo hitperson to the knees of Dallas Cowboy Emmitt Smith?

A serious national effort to combat crime has never been needed more than now. Americans are being murdered, raped, beaten, robbed and otherwise terrorized in numbers that suggest an extraordinary evil has been loosed upon the society.

No one is immune, not even toddlers or infants; and no place is exempt, not even schools or houses of worship.

The reality is more horrible than most fiction writers are capable of imagining. The Children's Defense Fund has released a report that says nearly 50,000 children and teen-agers were killed by firearms in the United States between 1979 and 1991. More than 24,000 of those deaths were homicides, the remainder being suicides and deaths from firearm accidents.

A child growing up in the U.S. is 15 times more likely to be killed by gunfire than a child growing up in Northern Ireland. An American child or teen-ager dies from gunshot wounds every two hours.

The only thing more remarkable than those statistics is that the violent deaths of so many young people could occur without a frenzied national outcry, a collective expression of anguish and outrage.

Perhaps that is occurring now.

A New York Times/CBS News Poll shows that crime has become the nation's biggest concern. The major media outlets are top-heavy with stories and special reports about crime. The politicians, irresistibly drawn to the twin lures of opinion polls and television cameras, are flexing their rhetorical muscles.

But we've been here before. Ten years ago President Reagan trumpeted "the most sweeping anti-crime bill in more than a decade." At a White House press conference he promised to provide "long-overdue protection to law-abiding Americans" and "to put an end to the era of coddling criminals."

That was followed by the most violent, crime-ridden decade in the nation's history.

This time could be different. The key will be whether the politicians and other leaders are willing to avoid the notion of simplistic solutions. Crime is an incredibly complex issue and no real breakthroughs can be accomplished by knee-jerk responses of the right or the left.

Obviously something is wrong with a criminal justice system that regularly releases murderers in five and a half years and rapists in less than three. And there is something wrong with a society that can't seem to corral — and keep corralled — repeat violent offenders.

But there is also something wrong with a society that takes huge segments of its juvenile population and condemns them to a hideous world of ignorance, fear, alienation and criminal neglect. Something has to be done for children who, at ages 10 and 11,

Getting serious about crime.

are making detailed plans for their own funerals.

For years we have had advocates of harsh punishment on one side and those who want to attack the root causes of crime on the other. It is past time for each side to listen seriously, and in a spirit of good will, to what the other side has to say.

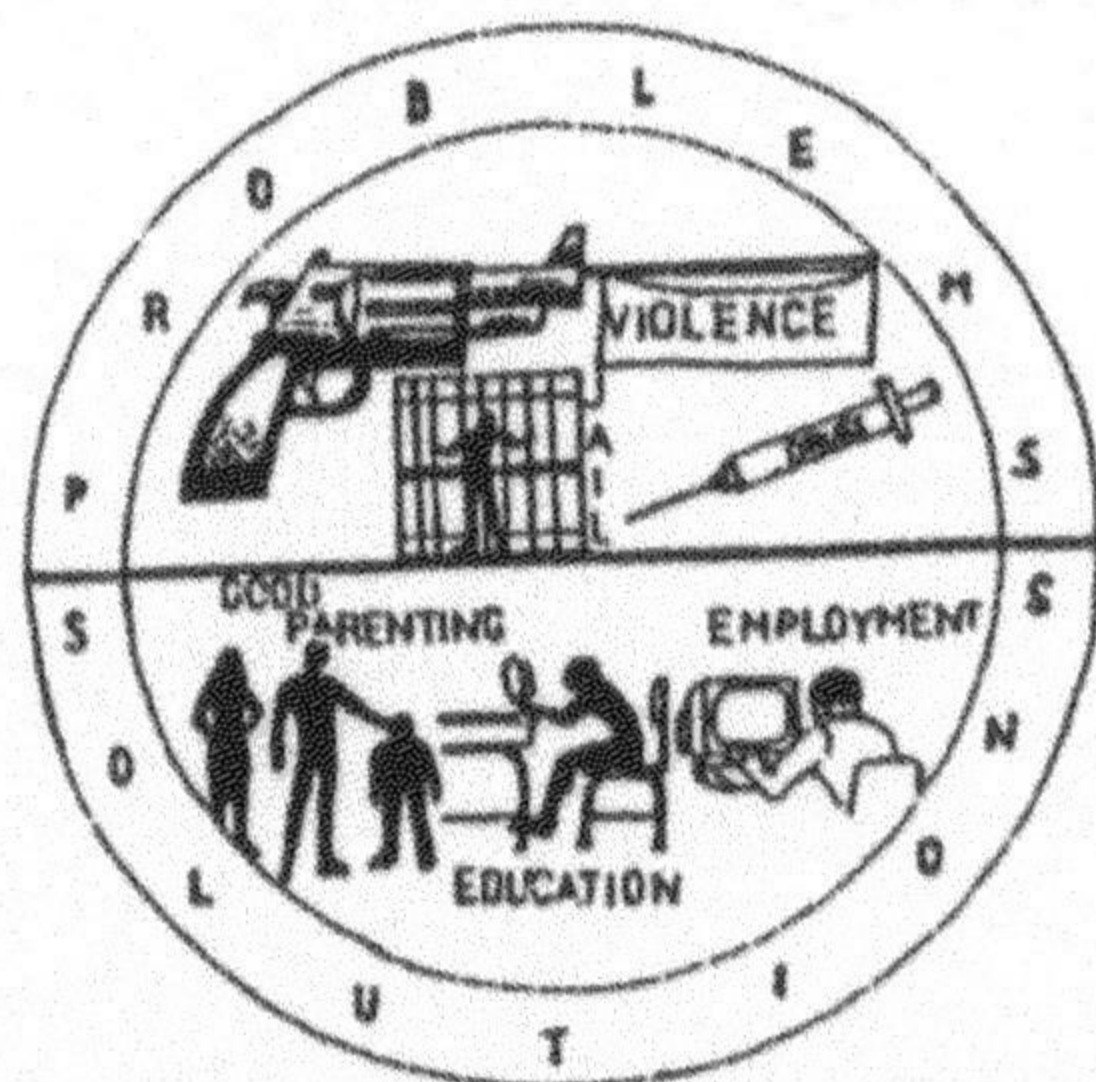
Beyond the toll of lives lost and pain endured, crime in America costs hundreds of billions of dollars every year. Getting even a modest handle on crime would have an enormous positive effect on society as a whole, including the economy and the continuing problems of health care and welfare.

Crime is the real crisis in America. But doing something about crime also means doing something about drugs, about guns, about jobs and about values. It will require the effort not just of politicians, but the rest of America as well, including educators and the clergy, community and civil rights leaders, and ordinary citizens, especially parents and others who care for young children.

There's also the media, of course, which can be helpful by shifting some of the emphasis from the sensational crimes to the less entertaining search for solutions. □

CENTER FOR LAW AND JUSTICE
Pine West Plaza, Building 2
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Albany, New York 12205

**Fourth Annual
Capital District
Community
Conference**
on
Crime and Criminal Justice



**"Youth and the Law:
Problems and Solutions"**

Presented By

**The Center for Law and Justice,
Inc.**

**&
The NYS Division for Youth**

Saturday April 16, 1994

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Urban League of the Albany Area
Women's Building, The

Why a Community Conference on Youth and the Law?

As we rapidly approach the 21st Century, it has become clear that we are losing too many of our children and youth to crime, violence, drugs, poverty, and despair. While affecting parts of all our communities, these ills are visited most viciously upon a disproportionate number of African American and Latino children. This is primarily due to racism, bad social policies, failed school systems, poor housing, the proliferation of guns, and ineffective juvenile and criminal justice systems. They have created an environment in which:

- Nearly half of all African American and Latino children in large urban schools drop out by the age of 16.
- Every 6 hours a child of African heritage dies from firearms.
- 85% of youngsters in NYS Division for Youth custody are African American or Latino.

Our communities, fearful that violence and crime will engulf us all, too often embrace punitive incarceration as the only answer. But the increased incarceration of our young people has failed to deter youth crime or violence. We must come to understand that imprisonment of individuals will not address the root causes of the crime and delinquency which result in large measure from flawed social policies.

The Fourth Annual Community Conference whose theme is "Youth and the Law: Problems and Solutions" is called to:

- *Promote understanding of the complex problem facing our youth and their relationship to the juvenile and criminal justice systems.
- *Conduct an intergenerational dialogue that will lead to the adoption and use of concrete solutions and strategies that will address the societal and spiritual problems facing our youth and communities.
- *Adopt and embrace a set of community action plans and strategies thought useful in addressing the crisis before us.

Planning Committee Coordinators:

Wanda Stratton (Albany)
Donald Tutt (Rensselaer)
Brian Wright (Schenectady)

SCHEDULE

8:00 - 9:30 Registration and Refreshments

9:30 - 10:00 Welcome: Alice P. Green, Executive Director, The Center for Law and Justice, Inc.

10:00 - 11:00 - Youth Speak - (Dramatic Performance and Panel Discussion by area high school and college students)

11:00 - 12:00 -Response: Dr. Frankie Bailey, School of Criminal Justice, University at Albany
Brian Wright, Schenectady County Office of Community Services

12:00 - 1:00 LUNCH BREAK - Lunch, Information Booths, Vendors, Entertainment (Music and Dance)

AIDS Workshop - "How to Talk to Your Children About AIDS" - Yvonne Goodbee, Cornell Cooperative Extension

1:00 - 1:15 Award Ceremony - Presentation of the "Frederick Douglass Struggle for Justice Award" by the Honorable Michael Brown, Alderman, Albany Common Council

1:20 - 2:50 Workshops:

A. Juvenile Justice - What Does it Mean?
Discussion of the System, how it functions, and recommendations for change

B. Prevention and Societal Survival Skills for Youth - Strategies for avoiding and surviving those forces that impinge upon the healthy development of youth.

3:00 - 4:30 Workshops:

C. Programs that Work -
Sharing and Learning to Prevent and Treat
Presentation of local model youth programs that prevent and treat.

D. Legal Rights Workshop - Presentation by local attorneys of the legal rights program they developed for area youth

4:30 - 5:00 - Summary & Action Agenda for Change

REGISTRATION

Fourth Annual Capital District Community Conference on Crime and Criminal Justice
Theme: "Youth & The Law: Problems and Solutions"

NAME _____

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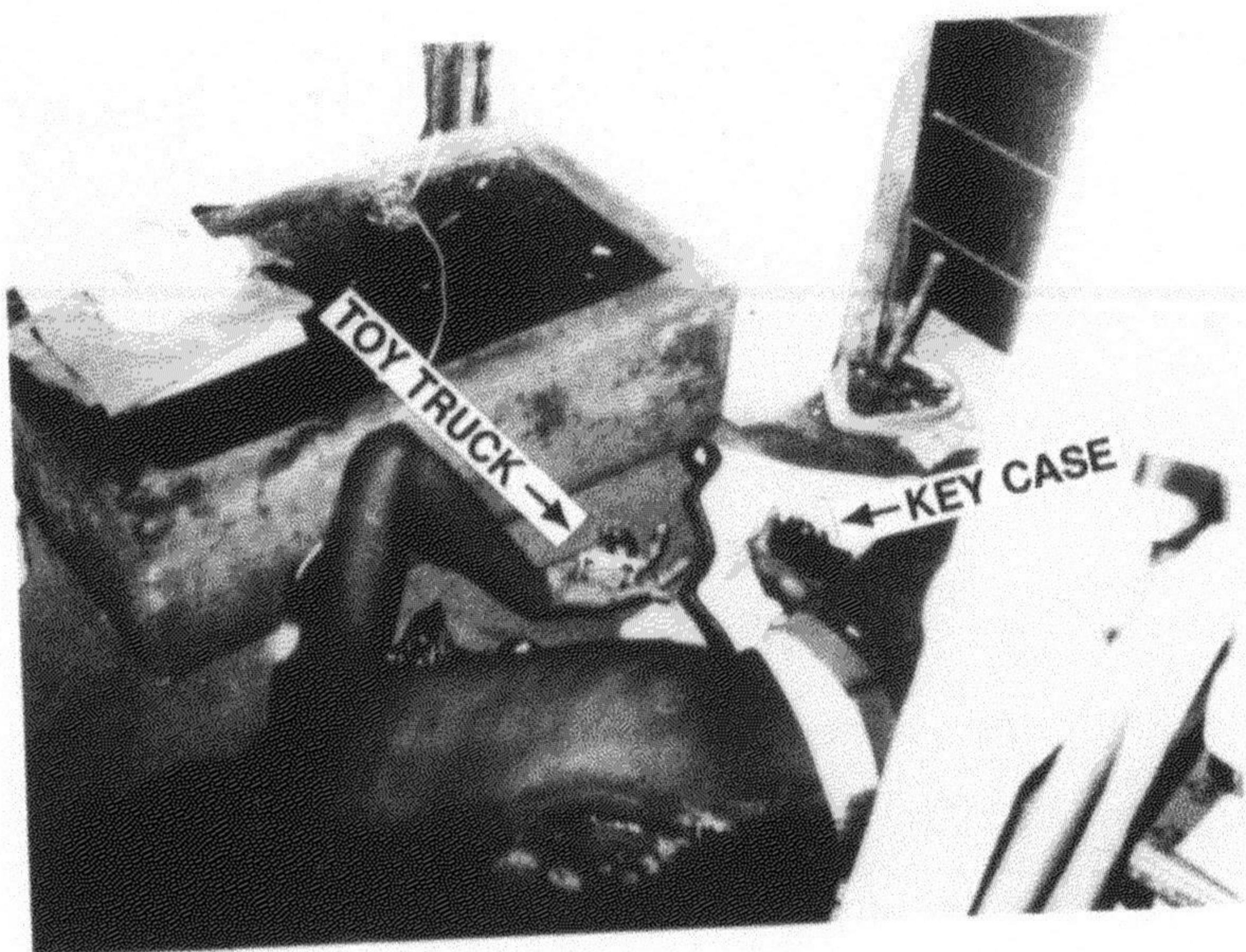
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I will not be able to attend, but I would like to make a donation of \$ _____

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IN AS MUCH AS YE HAVE DONE IT UNTO ONE OF THE LEAST OF THESE MY BRETHREN,
YE HAVE DONE IT UNTO ME. (Matthew 25:40)

JESSIE DAVIS

On July 8, 1984, Jessie Davis was shot and killed by Albany police officers who broke down the door of his apartment with guns drawn. He was accused of no crime and the police had no warrant to arrest him.

A closed Albany County grand jury cleared the five officers involved in the Davis matter, but criticized three of them for violating police procedures. They, in turn, were cleared by a state arbitrator.

Mr. Davis' sister, Louise Thornton, filed state and federal civil rights lawsuits against the City of Albany and the police officers in order to establish that Mr. Davis was the victim of excessive force and was illegally shot to death. Since there are no witnesses for Jessie Davis to establish what actually happened, the event must be reconstructed based on photographs, such as the one above, and other physical evidence that must be interpreted by experts. Jessie Davis' family is poor and cannot afford such experts.

The photograph above was discovered only recently in police files. It was not shown to members of the Grand Jury. Why? Police claimed that they shot Mr. Davis because he attacked them with a knife and fork. In this picture, taken by a police officer only minutes after Mr. Davis was shot and lay dying, he is pictured with a toy truck and key case in his hands. How can this be explained? The family and the community want to know. Now we are told that the trial will commence on September 16th in Syracuse, a decision that will pose additional hardships on the poor plaintiffs.

The City of Albany will pay any and all legal and court expenses for the police officers. Mr. Davis' family has no money. We, who believe in justice, must come to their aid. The poor should not be denied justice.

YE SHALL KNOW THE TRUTH AND THE TRUTH SHALL MAKE YOU FREE. (John 8:32)

*"Let us be dissatisfied until from every city ball, justice will roll down like waters
and righteousness like a mighty stream." (Martin Luther King, Jr.)*

***Double Your Contribution to Honor Dr. King:
Support the Lincoln Park Memorial AND The Jessie Davis Fund!***

The life of Dr. Martin Luther King, Jr. calls out to be honored and remembered in many ways. One inspiring and fitting tribute is the King memorial monument being constructed in Lincoln Park by the memorial committee. This monument will be a visible reminder of the contributions of Dr. King and the civil rights movement. The monument also will serve as an ongoing expression of the commitment of the people of Albany to keep Dr. King's dream and vision alive.

The upcoming trial in the Jessie Davis case presents another opportunity to honor Dr. King and to create a "living" memorial to his commitment to justice. Jessie Davis' family seeks their day in court to publicly establish the truth about what happened to him on July 8, 1984. The only surviving witnesses are the police officers themselves. All legal proceedings so far have been closed to the public. The recent revelation of a photograph showing the dying Jessie Davis clutching not the knife and fork claimed by the officers, but a small toy truck and key case, has raised many questions concerning the truth of what happened to Mr. Davis.

If Martin Luther King, Jr. were alive today, he would likely be found among those who are pressing for justice in the Jessie Davis case. Dr. King, who was always willing to speak the truth to those in power, would likely agree that the police story of the events of July 8, 1984 does not make sense, that there must have been alternatives available to the police other than to shoot and kill Mr. Davis.

Dr. King would be honored by the City's dedication of a monument in Lincoln Park, but also would want his life to be remembered for his willingness to assist those who sought justice, even under difficult circumstances.

Please join in this additional tribute to Dr. King by contributing to the "Jessie Davis Fund." The community in Albany has already raised significant funds to assist in this lawsuit. The Albany NAACP has donated and raised over \$1500 and has also arranged for the services of a stenographer to help with the many pretrial depositions necessary in preparing this case. The Center for Law & Justice has also raised funds. However, much more is needed in order to make sure that the truth about the events of July 8, 1984 can be brought out.

As Dr. King said, "... we are still challenged to be dissatisfied. Let us be dissatisfied ... until justice will roll down like waters from a mighty stream." We can only add, "Let us be dissatisfied until the truth about how and why Jessie Davis was killed can come out publicly *and* let us show our dissatisfaction by making sure that the family of Jessie Davis is provided the resources needed to have their day in court!"

**SUPPORT THE MONUMENT AND THE "LIVING" TRIBUTE TO DR. KING!
CONTRIBUTE TO THE MEMORIAL COMMITTEE AND TO THE JESSIE DAVIS FUND!**

Yes, I want to promote justice. Here is my tax-deductible donation.

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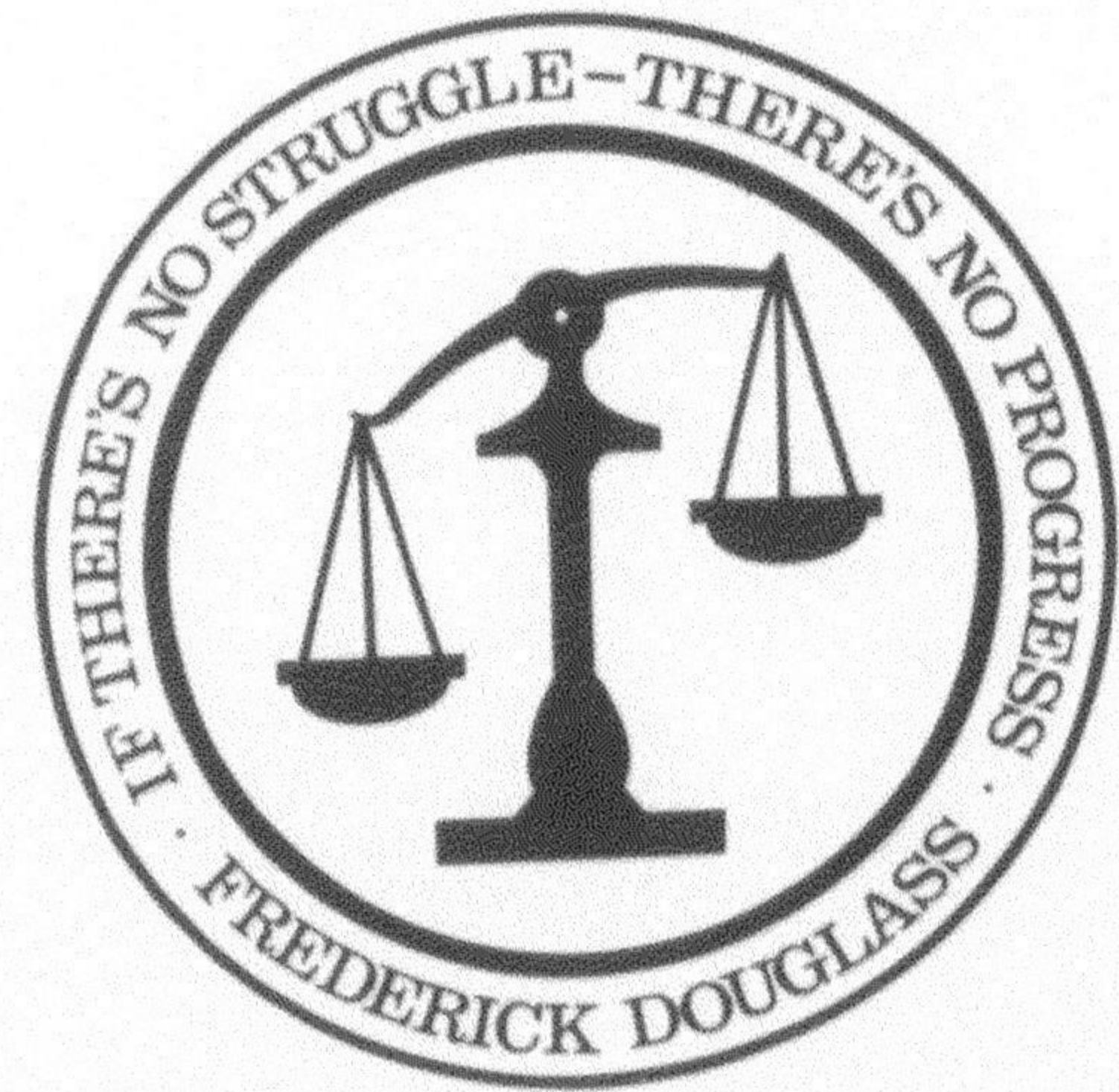
Jessie Davis Fund
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Pine West Plaza #2
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Albany, New York 12205
Phone: (518) 427-8361

*That Justice is a blind goddess
Is a thing to which, we black are wise
Her bandage hides two festering sores
That once perhaps were eyes.*
Langston Hughes



Alice P. Green, Ph D
The Center for Law and Justice
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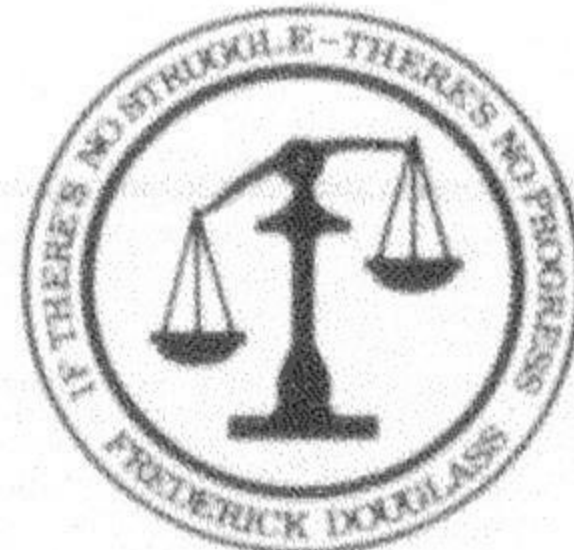
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Community Education
Mobilization & Empowerment
Change in Criminal Justice

The Center for Law and Justice is a minority-operated, community-based organization founded in 1985. Its purpose is to provide information, technical assistance and advocacy that promote the empowerment of disenfranchised communities to effectively address problems of crime and criminal justice policy.



THE CENTER FOR LAW & JUSTICE, Inc.

THE PROGRAM

- **Community Education**—the center organizes conferences, publishes a newsletter, serves as a clearing-house for criminal justice information and issues.
- **Advocacy**—the center conducts workshops on legal rights, evaluates complaints of bias, promotes crime prevention and the use of alternative sentencing, and assists individuals who have been arrested or convicted.
- **Promotion of Change**—the center monitors criminal justice legislation, coordinates community activity to promote changes in the system and provides liaison between the community and prisons.

THE PROBLEM

The disenfranchised Black and Latino communities are in crisis—suffering from poverty, crime, and drugs. The future holds little hope as long as society continues to respond with incarceration, ignores the need for effective treatment and crime prevention and overlooks community-based programs that could help people in trouble become productive members of society.

Young Black men are more than 23 times more likely than young white men to be incarcerated in New York State.

Young Latino men in the state are more than 11 times more likely to be incarcerated than young white men.

As a result, nearly 85 percent of the prison population in New York State is Black or Latino.

The disproportionate incarceration of Black and Latino men, as well as women and juveniles, generates enormous social, fiscal, and political costs; it destroys families; it deepens poverty, anger and despair; and it robs the community of potential leaders.

The criminal justice system's response to the crisis in poor, urban communities is not working. Communities must recognize their peril and mobilize against crime and against inequities in the criminal justice system that exacerbate its impact. The Center for Law and Justice exists to coordinate this community mobilization.

THE SOLUTION

If you need information or assistance with a criminal justice problem, contact the Center for Law and Justice.

As an individual:

- if you were arrested and subjected to brutal treatment by the police or other law enforcement officials
- if you are being prosecuted for a crime and are not getting adequate legal representation
- if you are in jail and have a complaint about jail conditions

As a member of a community group

- if you need a speaker on criminal justice or minority topics
- if you need information on bias in the criminal justice system
- if you need to coordinate activities related to criminal justice change

As a volunteer:

- if you are committed to promoting justice in our society
- if you want to find out how you can help
- if you wish to become a member

Get in touch with

Alice P. Green, Ph D
The Center for Law and Justice
Pine West Plaza#2
Washington Avenue Extension
Albany, New York 12205
(518) 427-8361

"The Center serves a critical purpose in helping the black community reclaim its men from the prison system."

Jamie Denard, President
Urban League of Northeastern New York

"The Center has given the Capital District bold focus and direction to the issues of racial bias in policing and the courts. Under the capable direction of Alice Green, the Center never falters in its quest for peace and justice."

Capital District Coalition Against
Apartheid and Racism

"Since I have come in contact with the Center for Law & Justice, I have learned of the bias against people of color. But, in the 90's, things are changing, and we must rid the criminal justice system of bias."

Doreen Sheldon
Community Resident

MEMBERSHIP

The Center for Law & Justice, Inc. welcomes memberships, donations and volunteers.

All donations are tax deductible.
For additional information, please contact the Center at
(518) 427-8361

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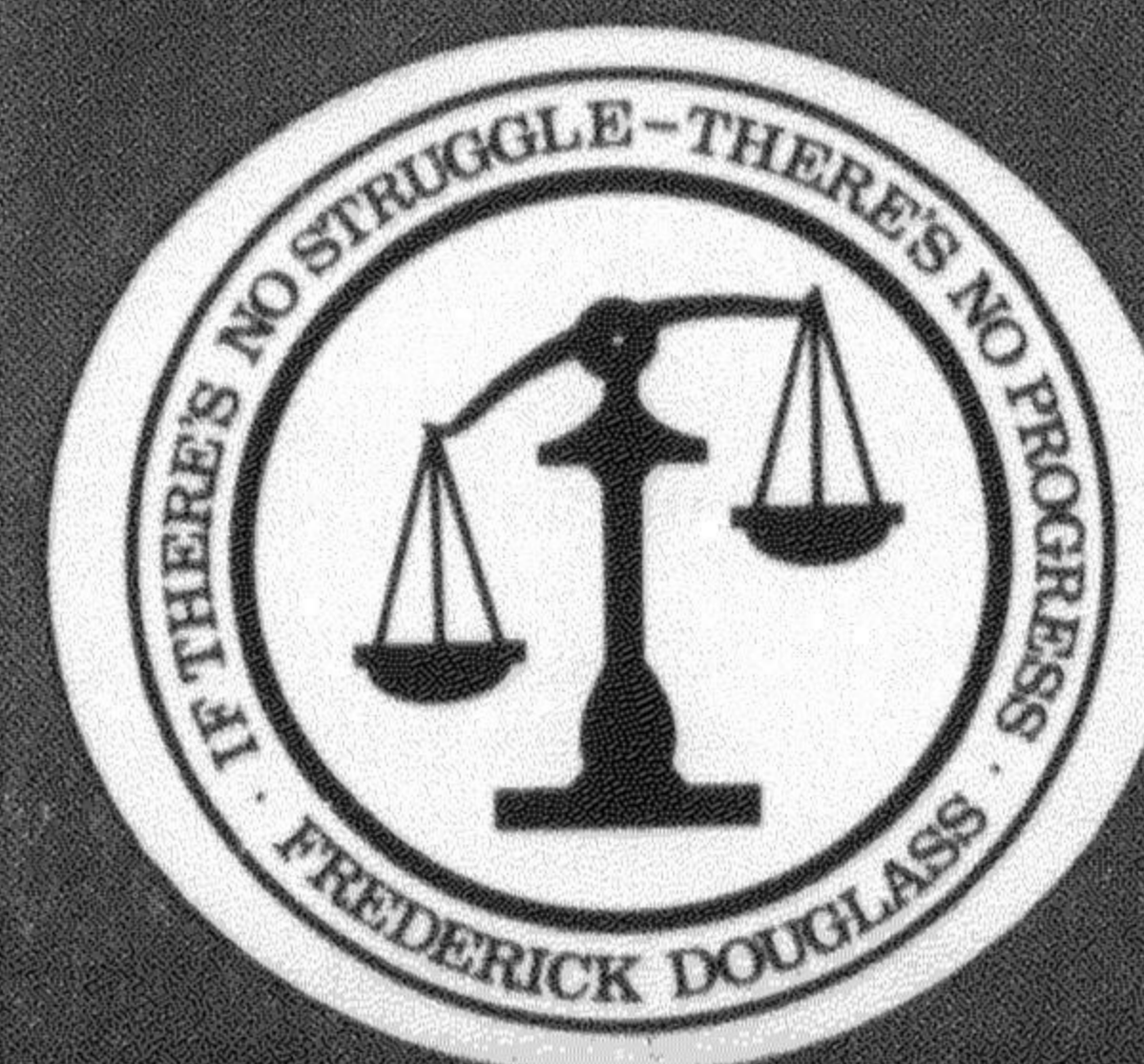
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The
Center for
Law & Justice,
Inc.



Pine West Plaza, Building 2
Washington Ave. Extension
Albany, New York 12205

The Center for Law & Justice, Inc. is...

a community-based organization founded in 1985 to effectively address unfair and unjust treatment of poor people, people of color and other powerless groups. Supported by private donations, grants, membership dues, volunteers, and student interns, the Center seeks to involve a diverse community population toward working for change in criminal justice policy.

The mission of the Center for Law and Justice, Inc. is...

to promote the empowerment of individuals and communities to change criminal justice policy to bring about a fair and just criminal justice system.

The Center seeks to accomplish its mission by pursuing three major goals:

1. Provide useful legal and criminal justice information, referral and education.
2. Provide client-based and group-based advocacy that addresses criminal justice issues.
3. Encourage and support organized community action programs directed toward criminal justice and social change.

The Center's programs and activities include:

• **Information Clearinghouse**

The Center provides criminal justice information to individuals, organizations and communities.

• **Client Intake and Referral**

As a referral and intake resource, the Center handles over 1500 requests for information and service on an annual basis. These requests concern issues of public defense, policing, corrections, courts, legal rights, discrimination, etc.

• **Community Education**

Community education efforts focus on the development and implementation of legal rights workshops, conferences, meetings, panel discussions, speeches, symposia, publication of a newsletter, and prison seminars on employment discrimination and legal remedies. These offerings are made available to schools, colleges, public and private agencies, professional organizations, prisons, and community groups such as public housing residents.

• **Field Placement**

Field placement activities provide internship opportunities for college students of law, social welfare, criminal justice, sociology, and other areas of study.

• **Support and Technical Assistance**

Support and technical assistance allow for the provision of information, and the use of effective strategies by community groups and organizations seeking to address problems of crime and criminal justice policy.

Over the course of recent years, the Center's more notable activities have included the following:

Annual Capital District Community Conference (1991, 1992)

- Over 50 groups represented in conferences that focused upon significant crime and criminal justice issues.
- Over 400 participants attended from the Capital District community and neighboring states.

Prison Legislative Conference

- Three conferences were planned, developed and implemented. These forums have served as a vehicle to bring together state prisoners, community groups, and members of the New York State Black and Puerto Rican Legislative Caucus.

Grant Awarded

- Awarded a grant in 1992 from the "Holding Our Own" project to develop and publish a resource packet for female prisoners and parolees returning to the community.

Coalition for Community Action

- Planned, organized and administered the development of the Capital District Coalition for Community Action Against Racism and Violence (CAARV). CAARV is a constructive community response to the Rodney King verdict, and local crime and criminal justice problems.

What You Can Do

It is time for us to cash in on hard-won gains.

"The individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of rights recognized in the present Covenant.
ICCPR Preamble

We encourage concerned people to take three steps:

- Communicate with candidates across the nation asking them to pledge to focus on this new criminal justice law.
- Communicate with media figures across the nation, challenging them during the election campaigns to focus on this human rights and criminal justice law.

Please send us copies of your efforts in this campaign, which we will share with others.

- Collect information on police brutality and government response, on access to counsel and interpreters in criminal trials, on prison conditions and programs, and on efforts to meet the new standards, for inclusion in a critique of the first U.S. human rights report to the UN in September 1993.

Please send us copies for our critique.

SAMPLE ACTIVIST LETTER TO PRESIDENTIAL CANDIDATES

Dear [Candidate]:

If you are elected, you will solemnly swear to "take care that the laws be faithfully executed," as required by the Constitution.

The International Covenant on Civil and Political Rights requires the President to protect the rights of all who come into contact with the criminal justice system--arrestees, defendants, prisoners. And it requires the President to appoint a member to the UN Human Rights Committee.

The Senate ratified the Covenant on April 2, 1992 (Cong Rec S 4783-4784), effective September 5, 1992.

Enforcement of this human rights and criminal justice law, and appointment of a strong criminal justice advocate to the UN Committee, is essential to our future--as individuals and as a nation.

Let the voters know your commitment to carry out the law and make the ICCPR the new standard for the American criminal justice and penal system. We have a right to know your views on enforcing human rights for all.

Sincerely,

Signature _____
Address _____
City, State, Zip _____

Presidential Candidates

Bush for President
1030 15th Street, N.W., 12th Floor
Washington, D.C. 20005
(202) 336-7080

Clinton Committee
P.O. Box 615
Little Rock, AR 72203
(501) 372-1992

Candidates/Congressmembers
House Office Building
Washington, D.C. 20515
(202) 225-3121

Candidates/Senators
Senate Office Building
Washington, D.C. 20510
(202) 224-3121

WE CAN HOLD THEM ACCOUNTABLE!

* This leaflet was *
* produced by the *
* Meiklejohn Civil Liberties *
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* distributed in the *
* Captial District by the: *
* *
* CAPITAL DISTRICT *
* COMMITTEES OF *
* CORRESPONDENCE *
* P.O.Box 6811 *
* Ft. Orange Station *
* Albany, NY 12206 *
* *****

WE CAN USE THE NEW LAW TO PROTECT

- VICTIMS OF POLICE MISCONDUCT
- CRIMINAL DEFENDANTS
- PRISONERS



Meiklejohn Civil Liberties Institute
Box 673, Berkeley, CA 94701-0673
(510) 848-0599; Fax (510) 848-6008

A new law was passed in April of 1992 when the U.S. Senate ratified the International Covenant on Civil and Political Rights (ICCPR).

Cong Rec S 4783-4784 (4/2/92)
"Weekly Compilation of Presidential Documents," Vol.28, p.1008 (6/5/92);
6 Intl. Legal Materials 368 (1967).

The ICCPR, a Senate-ratified treaty, is part of the supreme law of the land and should be obeyed by all U.S. agencies: federal, state, and local.

U.S. Const. Art. VI § 2

The United States has now agreed that "In the determination of any criminal charge" the accused is entitled to counsel "without payment ... if he does not have sufficient means to pay for it."

ICCPR Article 14 § 3

The United States has also committed itself to provide "free assistance of an interpreter" to any criminal defendant needing translation.

ICCPR Article 14 § 3

During the Gulf War, and again in the aftermath of the Rodney King verdict, police arrested thousands on charges ranging from looting to violating curfew. Activists report being herded into containment centers and given no access to counsel.

The U.S. has now committed itself before the international community to reach a higher standard of treatment for all criminal defendants.

DUE PROCESS

The U.S. is committed to provide remedies when rights of defendants or arrestees are violated.

"[A]ny person whose rights and freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."

Article 2 § 3

"Anyone who has been the victim of an unlawful arrest or detention shall have an enforceable right to compensation."

Article 9 § 5

These rights were already recognized in the U.S. Constitution and 42 USC § 1983. The ICCPR provides for international scrutiny of U.S. efforts to meet these standards.

Local, state, and federal agencies should enforce the ICCPR and effectively compensate victims of police brutality and prosecutorial misconduct.

The ICCPR sets specific requirements for due process and equal protection, and puts the U.S. criminal justice system under international scrutiny. When the system betrays Americans by failing to protect human rights, the ICCPR underlines the standard we have agreed to achieve in our own Constitution.

EQUALITY BEFORE THE LAW

By signing the ICCPR, the United States "undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 2 § 1

Specifically, the composition of juries and the instructions given to jurors must reflect this commitment to guarantee rights and remedies without distinction or bias, which builds on the U.S. Constitution equal protection clause.

Broadly, we must work to change sentencing guidelines and arrest profiles to remove bias based on race, property, or other classifications.

This law specifically requires the President to submit his first report to the UN Committee on Human Rights in September 1993 on our progress in implementing these important rights in our criminal justice and penitentiary system.

Article 40, § 1

Underlining indicates language new to U.S. law.

RIGHTS OF PRISONERS

Under the ICCPR, the U.S. has recognized that "The penitentiary system shall comprise the treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation."

Article 10 § 3

Rehabilitation clearly comes first, although the U.S. Senate in its ratification document recognized "punishment, deterrence, and incapacitation as additional legitimate purposes for a penitentiary system."

Maximum security prisons such as the federal prison at Marion, Illinois, or the soon-to-be-constructed federal prison at Florence, Colorado, do not attempt to meet the ICCPR standard.

The ICCPR forbids "cruel, inhuman or degrading treatment or punishment." Although currently the U.S. is bound only to the extent of the 5th, 8th and 14th Amendments, President Carter was advised when he signed ICCPR in 1977 that this should be a standard which the U.S. seeks to meet.

We must demand that prison administrators provide training and rehabilitation programs and work to bring recidivism rates down for the good of society.

THE SUNDAY GAZETTE

The Independent Voice of the Capital Region

JANUARY 9, 1994

\$1.25

SCHENECTADY, N.Y.

SPECIAL REPORT

DEAD ENDS

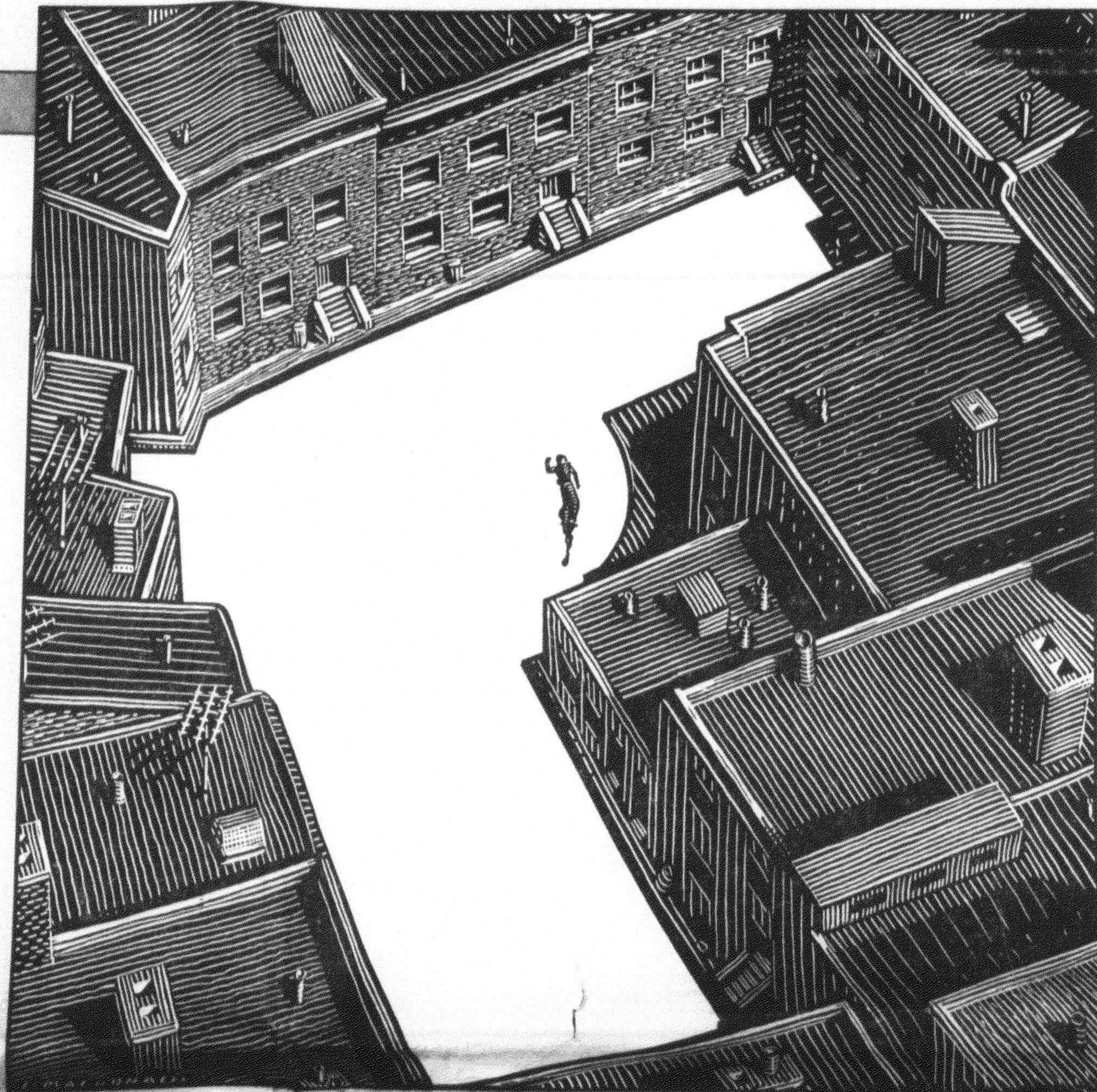
Guns in the Capital Region

By KATE GURNETT
Gazette Reporter

ALBANY — The Dec. 7 Long Island Rail Road rampage left six dead and 17 wounded. It took three minutes.

Exactly one week later, a gunman in an Aurora, Colo., Chuck E Cheese's restaurant shot five people in the head, slaying four. Killing time: 5 minutes.
A 15-minute shooting spree in a San Francisco law office in July left eight dead and six wounded.
In each case, angry gunmen vented their rage with semiautomatic firearms.
In the Capital Region, our tragedies have occurred on a smaller scale. But the region is starting to see gun-related problems that tear at the fabric of society.
• An 18-year-old student armed with an assault rifle allegedly opened fire at Simon's Rock College of Bard in Great Barrington, Mass., on Dec. 14, 1992, killing a professor and a student.
• A 17-year-old senior at Burnt Hills-Ballston Lake High School put a .22-caliber rifle to his head and killed himself at the playground of Charlton Heights Elementary School on Nov. 2, 1993.
• An estranged husband armed with a 12-gauge shotgun killed his wife and mother-in-law in Moreau on Nov. 6, 1993.
Guns helped make these events happen. Unlike other weapons, they are efficient, quick — and often final. Most people who own guns do so without incident. The National Rifle Association repeatedly argues that guns don't kill, people do.
In response, Simon's Rock faculty member Nancy Yanoshak had this comment:
"People with guns kill people faster."

See 'GUNWORLD', Page 3



JOHN MACDONALD For The Sunday Gazette

A day in the life of N. Swan Street

By KATE GURNETT
Gazette Reporter

ALBANY — 4 a.m. Crack! Pop! Pop!
Gunshots on North Swan Street wake John Williams inside his apartment.
Diving to the floor, he rolls to a table, pulls down a knife and clenches it between his teeth.
"I just dug in like I was in the field ready for war," the 34-year-old former soldier said a few days later. "Like, where's my grenades?"
He laughed. "I started flipping out."
A waning crack cocaine high aggravated his panic.

"So I crawled to the dresser and got another hit," he said.
Appliances and bottles he collects fill the basement flat his friends call "the dungeon."
Weeks earlier, three men stormed his place, robbing him at gunpoint.
His reaction?
"I was going to get me a pistol — or an M-16 [rifle] or rocket launcher."
Outside, North Swan Street climbs north from Clinton Avenue, peaks on Arbor Hill and levels off at Livingston Avenue, a quarter-mile stretch intersected by First, Second and Third streets.

A hodgepodge of red, yellow and green two-story apartment buildings crowds four short blocks with 14 iron-barred store fronts and vacant dirt lots.
Here, even the second-floor windows are guarded by metal mesh.
Crack cocaine is a main source of employment. And violence is a part of life.
By day, children in orange and lime-green outfits dart around corners while slow-moving senior citizens walk to Franze's grocery or Dargan Health & Beauty Supply.

See DRUGS, Page 2

MOST mileage least resources

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PROFILES

Those who died of gunshots locally in 1993

LEWIS L. BURKETT

TROY — On Sept. 14, someone fired a handgun

The stray bullet entered an apartment house where two girls, ages 6 and 13, slept, according to the girls' mother, a woman who only identified herself as Sue. Sue said she planned to leave the house because of the shooting on her block and the gunfire

Prosecutor Michael McDermott said he did not oppose Blair's release because the witnesses had altered their stories so dramatically. One witness who told police he saw Blair shoot Burkett subsequently said it was not Blair, McDermott said.

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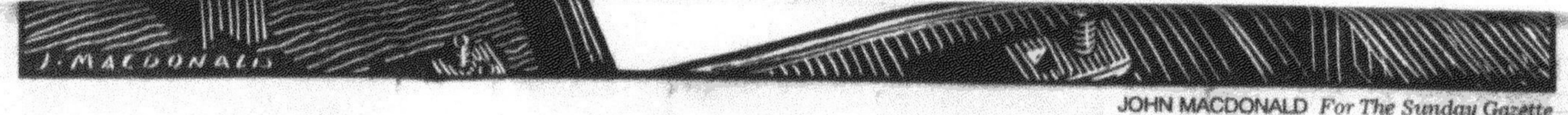
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Those who died of gunshots locally in 1993

LEWIS L. BURKETT

TROY — On Sept. 14, someone fired a handgun in a Fifth Avenue parking lot. Some of the bullets hit Lewis L. Burkett, while at least one bullet entered a house across the street where two children slept.

The children were not hurt, but Burkett, 27, of 936 Albany Ave., Brooklyn, died about 30 yards from the spot where another young Brooklynite was fatally shot almost exactly two years before.

Chappelle Webb, 16, died Sept. 13, 1991, on the street between Jacob and Hutton streets. Troy police said both shootings arose from drug-dealing disputes.

Burkett's death may have stemmed from a turf dispute between rival drug-dealing factions, said Detective Sgt. Anthony Magnetto.

The stray bullet entered an apartment house where two girls, ages 6 and 13, slept, according to the girls' mother, a woman who only identified herself as Sue. Sue said she planned to leave the house because of drug dealing on her block and the gunfire that comes with it.

Police believe a .38-caliber semiautomatic pistol was used in the shooting, but the weapon was not recovered.

Police accused Nailon M. Blair, 17, of 123 Livingston Ave., Albany, of shooting Burkett.

Blair was charged with second-degree murder and third-degree criminal possession of a weapon, both felonies.

Blair was released on his own recognizance Nov. 8 because the district attorney's office had not presented the murder case to a grand jury within the 45 days required by law.

Prosecutor Michael McDermott said he did not oppose Blair's release because the witnesses had altered their stories so dramatically. One witness who told police he saw Blair shoot Burkett subsequently said it was not Blair, McDermott said.

Although Blair was released on the murder charge, he was sent back to the Rensselaer County Jail the same day on unrelated drug charges.

Magnetto said police want to arrest other suspects who were with Blair when he allegedly pulled the trigger at about 12:30 a.m.

Magnetto said police have a hard time sorting out drug crimes. Finding out about victims and suspects alike is difficult in a drug culture in which people have no roots and change identities frequently.

Magnetto said police know little of Burkett's background. The victim had married recently and had a child. He had no criminal record.

BETTY CONLEY

CHARLTON — Betty Conley lost her life for about \$100.

That's all the money Saratoga County sheriff's deputies say was in the cash drawer of the X-tra Mart convenience store on Route 67 in Charlton, where Conley was working the overnight shift the morning she was murdered.

On June 8, just a few hours after she began her shift — and only six weeks after she began working at the store — the 37-year-old Providence mother of two was slain by a single bullet to the back of the head at about 2:10 a.m. during a robbery of the store. Her killer has not been caught.

Neighbors and relatives of Conley in this rural

Saratoga County community continue to wonder how a life so valuable to them could have been taken in such a cheap, senseless crime.

"It's always somebody else you read about in Albany and the big city," said John Tranka, Conley's next-door neighbor on South Line Road. "This makes you realize that you are a lot more vulnerable than you thought."

"You could accept an accident more than you could accept something like this," said Mike Staber, who worked with Conley at the Cock & Bull restaurant, one of several jobs held by the woman, whom he described as easy-going and family-oriented.

"She was the most ambitious and kind-hearted lady you'd know. She was just motivated to do everything," Tranka said.

Conley's death came at a time when her life was just beginning to grow, friends say.

Conley, who had become interested in gardening from working part-time at her neighbor Tranka's nursery, had decided to take the job at the convenience store to help save money to study horticulture in the fall.

She wanted to continue her education after just recently receiving her high school equivalency diploma.

While saving money for her own education, she also wanted to do the same for her daughter, Linda, 17, who had just graduated from Galway Central High School with plans to become the first in the family to go to college.

More PROFILES, Page 3



Drugs and guns go together on North Swan

Continued from Page 1

On Sunday, well-dressed churchgoers at the Bethany Baptist Church might be reminded of Saturday night as they step over blood spilled on the sidewalk.

At night, hustlers and partiers fill the narrow, littered blocks, drinking 40-ounce bottles of beer or Seagrams gin in paper bags. Skinny, gold-toothed teen-agers carry more cash than their parents earn in a week.

They buy drugs. They shoot craps. They tell loud jokes and get high. And they fight.

But in the past four years a glut of guns — the crack trade's deadliest tool — has altered the street, bringing menace and fear, residents say.

"Everyone's got a gun," said Born, a Swan Street drug dealer. (The Gazette is referring to him by a fictitious street name.) "They're easy to find and they're cheap to buy. And if you mess around you'll get shot. I live up here, I work up here and I play up here. And I pack mine."

Citywide, gun-related police calls rose 105 percent from 320 in 1989 to 655 in 1992, the last year for which statistics are available. That means an average of nearly two calls a day, though much of the action takes place in the summer, when police can field as many as a dozen calls on a weekend.

North Swan Street generated more police gun calls than any other spot in 1992.

Innocent victims

While most agree gunfire is limited to rival drug dealers, there are innocent victims:

• Marilyn Robinson, 22, of Schenectady took a bullet in the head as she left a Caribbean Night party at the T C Club at 36 N. Swan St. Dec. 1, 1991. Three gunmen fired eight shots. Their targets — Sam Cassell and Paul "Demus" Miller, high-level Jamaican marijuana dealers in a turf war with Albany dealers — escaped injury, police said.

Robinson had just met Cassell and Miller minutes before she was killed.

• Gavin Lee Franklin, 25, was dragged from his bed and shot once in the back of the head, execution-style, in his mother's second-floor apartment at 55½ N. Swan St. on March 10, 1992. Police believe Franklin's older brother, Ricky "Jah" Durham, owed money to a New York City cocaine supplier. They found several ounces of the drug in the apartment.

"The activities on that street hurt everybody. Not just the people that live in that area and have to live in

common sentiment: These days, she said, "it's best to stay in your own house."

Guns make firefighter paramedics cautious when called to the block.

"You try to watch who's walking around and use common sense. You don't start getting too personal. You just keep the questions to medical treatment and you keep watching the crowd," said William Tobler, president of the Albany Permanent Professional Firefighters Association.

Firefighters want the city to remove the badges from their uniforms so they aren't mistaken for police.

Police at disadvantage

Even police have problems on North Swan Street.

"It's the toughest street in the city to police," Detective Kenneth Kennedy said. "It's so small. And if you have illegal activity up there, there's no way to get to that street without lookouts seeing you first. It's on the top of that hill and it's narrow, so if you're in a police car you get jammed up in traffic."

For most residents, foot patrols are part of the answer.

"You need neighborhood police, not somebody riding through the area" in a car, said Headley. "You need the same officers, day in, day out, to create some type of rapport with the community."

Gunfire is particularly alarming to parents and the elderly.

Fear kept one mother of four from letting her children out of the house at Swan and Third streets.



DAVID J. ROGOWSKI

The Rev. Richard I. Headley waves to visitors at the opening of the new version of the Bethany Baptist Church at Second and Swan streets. The church, which had been burglarized several times, sports a new security system.

"Some of the kids are mean and they're vicious. And they place no value on life or property," former 3rd Ward Alderman Nebraska Brace said.

Brace's wife, Anne Marie Brace, runs Anne Marie's Final Touch hair salon in a gray-brick vault of a building at Third and Swan.

Here, crack dealers crowd the corner day and night, oblivious to a large sign on the wall above their heads. It reads:

"Warning. Persons seen loitering on this corner or near this building will be singled out as drug dealers or buyers. Nebraska."

"A lot of times I go out and ask them to move. But that gets tiresome," Anne Marie Brace said. "And I don't always feel safe."

"You can feel it. People just don't brandish [guns]. They don't show it, but you know they have it," Nebraska Brace said. "It's to the point now where people are afraid to come to Swan Street."

Despite the warnings, dealers use the salon outer wall to store their "bumpies," small bits of crack. After tearing down a fence, they carved hiding spots by ripping bricks out of the wall.

9 a.m. North Swan Street is nearly deserted as Katherine Jordan, 17, walks to her office job under a cloudy sky, quiet and precise in a beige pantsuit, her hair in a soft bun.

A young boy in a baggy white T-shirt and blue jeans climbs the hill from First to Second streets. Two early-bird dealers beckon to passing motorists at Third Street.

Jordan is a college-bound honor student. The crack dealers will match her weekly minimum-wage salary this morning.

When Jordan moved in with her father last March, he gave her a firm, but simple warning:

"Don't speak to anyone on the street."

"Action. Boom, boom. Shoot. I jumped right into the frying pan when I moved over here," said Jordan, who had lived with her mother in Rensselaer.

"You don't hear it in Rensselaer," she said, smiling behind large glasses. "I'll tell you the truth. I was scared over here."

Kids drawn in

Seeing 8-year-old children outside at 2 in the morning bothers Jordan the most. "And the parents have the kids carry drugs. I think that's sad."

"If I had a choice I would not live here. You wouldn't see me," she added. "I think everyone would move. I don't know about the [dealers] because they're making money."

ambitions, your place to exchange ideas — maybe not always good, but there is a social interaction that goes on," he said.

"It's harmony," said Chuck Traynham, 44, who stops on the block each day after work. "Everyone sticks together around here."

4 p.m. Contractor Amos Carter, 49,

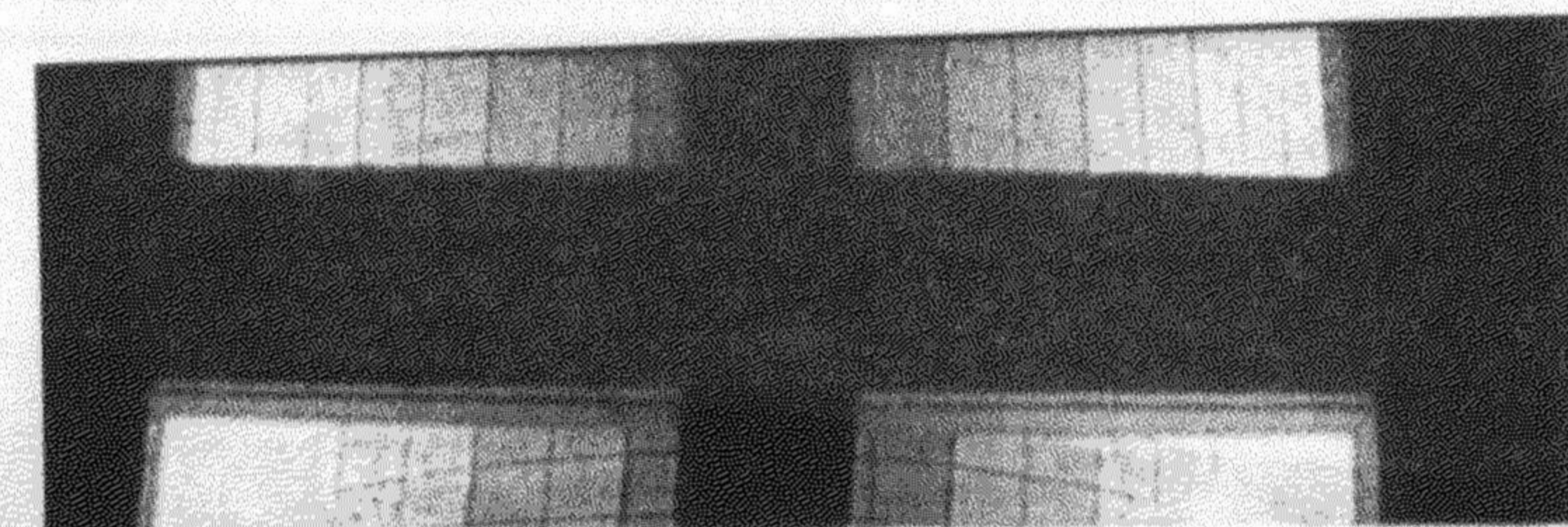
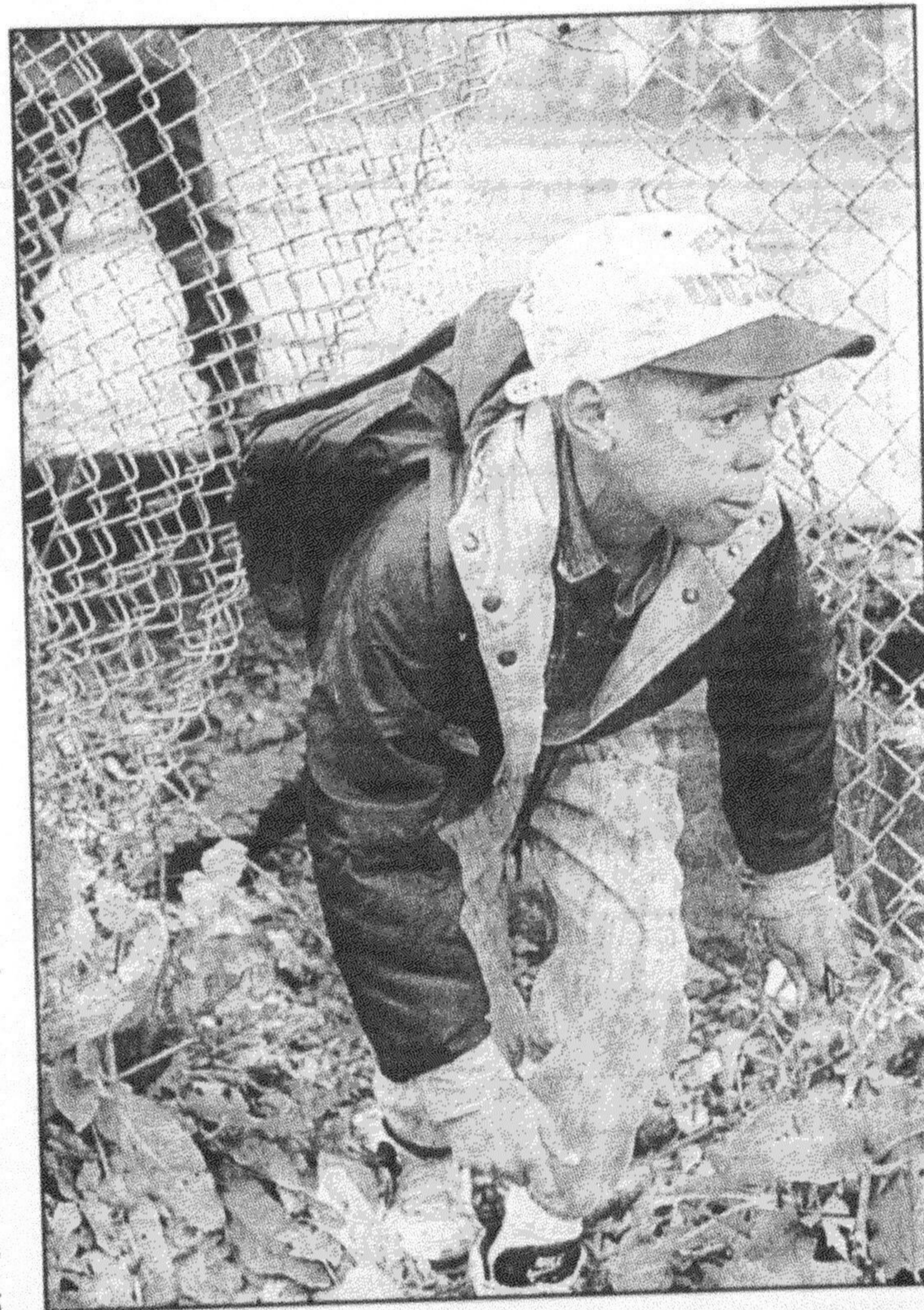
stands in work clothes and talks to a group of men near a grove of trees in a dusty lot at Livingston Avenue.

Like others raised here, Carter often visits in the afternoon.

But by 6 p.m., he is gone.

"You see the time of day I'm here."

See NORTH, Page 4



"Action.
Boom,
boom.
Shoot. I
jumped

*boom.
Shoot. I
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**Katherine
Jordan**

the back of the head, **BOOM!** in his mother's second-floor apartment at 55 1/2 N. Swan St. on March 10, 1992. Police believe Franklin's older brother, Ricky "Jah" Durham, owed money to a New York City cocaine supplier. They found several ounces of the drug in the apartment.

"The activities on that street hurt everybody. Not just the people that live in that area and have to live in that area," said the Rev. Richard I. Headley of Bethany Baptist Church at Second and Swan streets. His parishioners often leave church to find drug deals "going down" on their cars, he said.

"This is a combat zone," said Headley. "One only has to drive through there. People are on the corner, and if you understand the hand signals as you go by, [you see] what drugs they have to sell. I do believe that if they have to defend their territory — if that means indiscriminate shooting — so be it."

Guns are mostly hidden in "safe houses," said one member of a local "posse," a loose-knit gang.

"If you yell up, 'Throw me the joint. Throw me the toolie,' they throw it to you. That's why people are sitting in the windows."

Last year, an unidentified gunman shot and slightly injured Robert Jones in front of A & M Groceries at 32 N. Swan St. Earlier that year, a 25-year-old white man from Ghent, Columbia County, blasted a shotgun into a crowd as he drove by Catherine's New World Lounge at 48 N. Swan St. No one was hurt. Police said he was retaliating for a drug rip-off.

Last summer, city officials shifted North Swan's annual block party to the Arbor Hill Elementary School two blocks away — "to get it off Swan Street" one officer said.

Shirley, a street hustler who frequents North Swan Street, echoed a

DAVID J. ROGOWSKI
The Rev. Richard I. Headley waves to visitors at the opening of the new version of the Bethany Baptist Church at Second and Swan streets. The church, which had been burglarized several times, sports a new security system.

Next door, a rusty blue swing-set frame rises from a weedy city playground. There are no swings.

"The city doesn't even keep that [playground] clean. There's always broken glass and the aftermath of the night before," said Headley.

More than 54 percent of all police gun calls citywide during the first seven months of 1993 were to this corner.

The mother of four saw just one alternative. She moved.

One older man's front door resembled crushed Styrofoam after street thugs bashed it in and ripped off his porch railings in a street fight.

"They said they'd blow my house up" if I complained, he said. Like many, he did not want his name published.

Minnie Littles, 85, a 40-year resident of 78 N. Swan St., has never seen a gun on the street. But her days of relaxing on the back porch are over.

"I don't dare do that now. Too many strangers go up and down the street... and you never know when a bullet could come flying," Littles said.

Merchants also suffer. Plywood tacked over shattered store windows is a common sign of "street justice."

One shopkeeper who called police on dealers saw her window broken. Another merchant refused to close his store to mourn the gunshot death of a neighborhood marijuana dealer. Two of his windows were smashed.

Kids drawn in

Seeing 8-year-old children outside at 2 in the morning bothers Jordan the most. "And the parents have the kids carry drugs. I think that's sad."

"If I had a choice I would not live here. You wouldn't see me," she added. "I think everyone would move. I don't know about the [dealers] because they're making money."

Behind the immediate problems of crack and guns, the neighborhood suffers widespread unemployment, lack of education and alienation.

"The problem is always going to exist — as long as the people come down to buy it, there will be people selling it," landlord Sal Franze said. They're not going to work for \$30 to \$40 a day when they can make \$400 a day. It's basic sociology."

Franze, whose family ran Franze's market for 86 years until he sold out last May, has trouble finding tenants for his 39 rental units on the block.

"It's been a tough grind," he said. He said county probation officers forbid their clients to live on North Swan Street.

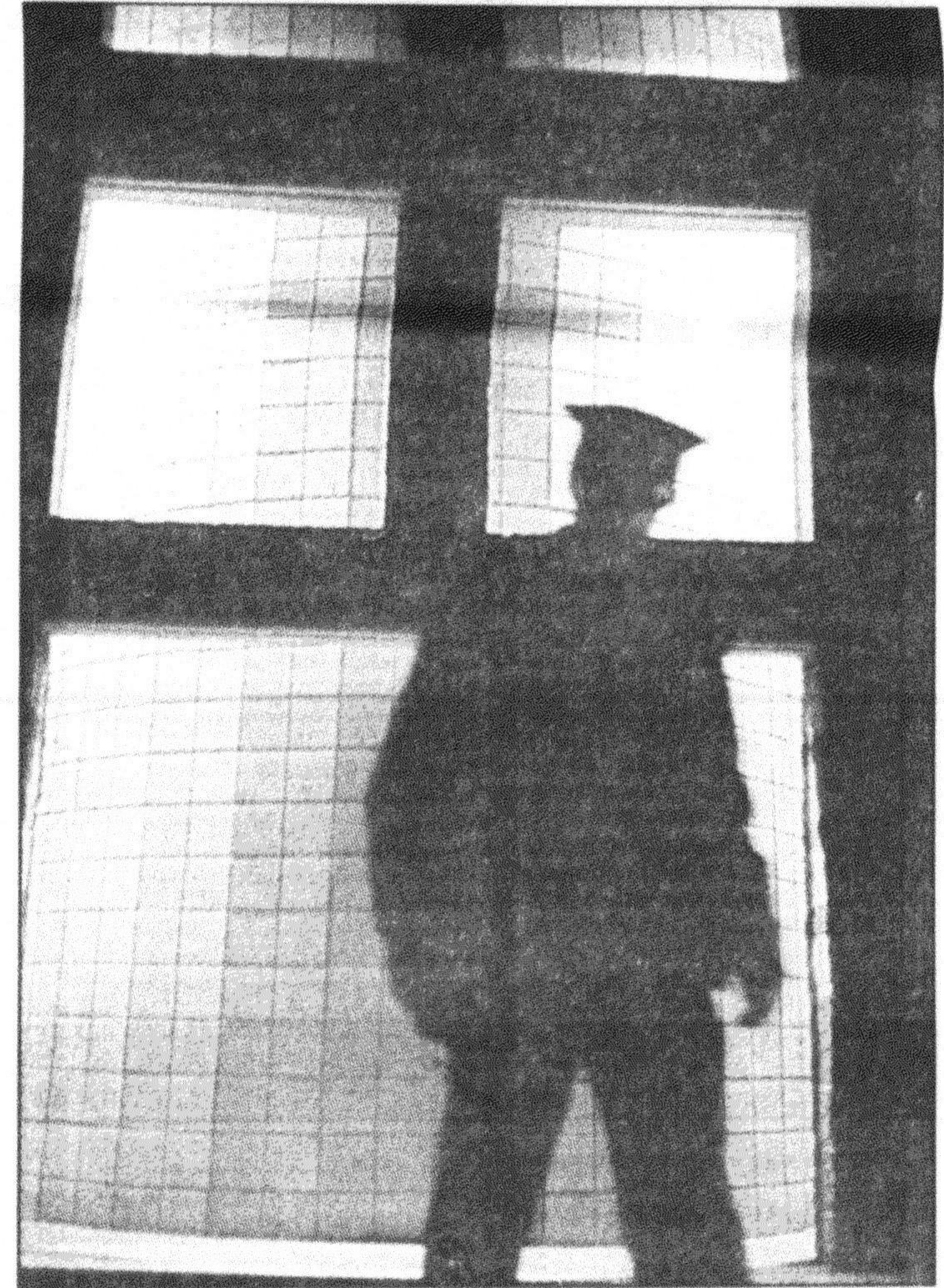
Placing an addict in such a high drug area is like "sending a pedophile to work in a day camp," said Albany County Probation Director Charlotte Gray. Keeping them out avoids trouble for clients as well as the community.

"People are just hanging out — they've got nothing else to do. It's poverty. Poverty's a problem up there," said Kennedy.

Without jobs, folks gravitate to the street to socialize.

"The more people feel hopeless and despondent, the more they're going to take to the street," said Headley.

"It's not only a dangerous place, it's a place to talk about your hopes, your

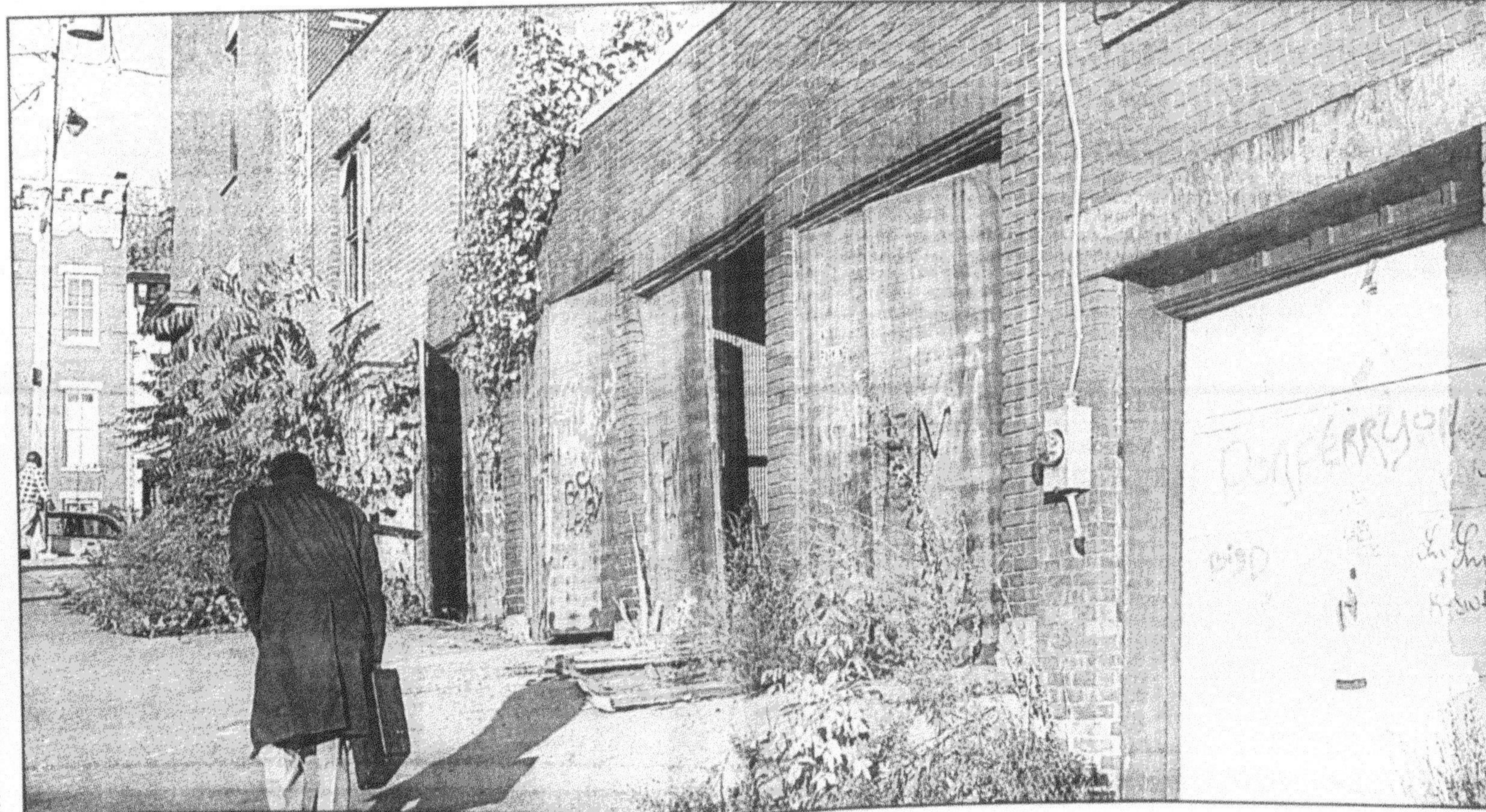


BRUCE SQUIERS
Gazette
Photographer

A boy slips through a hole in the fence of a run-down playground at the intersection of North Swan and Third streets, top.

Above, Albany patrolman Robert Tierney, is silhouetted in front of Bethany Baptist Church.

Left, a man climbs the hill of South Swan Street in Albany's Arbor Hill.



'Gunworld' doesn't spare the Capital Region

Continued from Page 1

And gun use is up, officials say. Statewide, crimes committed with firearms are "at record levels and increasing steadily," particularly in cities, according to a 1992 state report on gun-related violence.

In Colonie last year, four people were killed by gunfire in the presence of police — three of them suicides. Another 15 people were gunned down in the Capital Region last year. In some cases, violent relatives fired the shots. In others, a careless friend, drug rival or robber pulled the trigger. In several cases, victims killed themselves during confrontations with police.

There were three gun homicides in Schenectady last year, up from zero in 1989. Two of those were drug-related, Asst. Chief Louis J. Pardi said.

Albany police have seen reports of gun activity — shootings and shots fired, fights with a gun or people with guns — more than double, from 320 in 1989 to 655 in 1992. Actual shootings rose 40 percent, from 25 to 35, during that time.

Drug dealers account for some of the increase as they arm themselves and fight over turf with New York City interlopers.

One dealer, Bronx native Kenneth "Mac" Myrick, who operated in Albany before he was jailed here in 1991, earned his nickname by carrying

a MAC-10 assault pistol, according to police.

Illegal guns are brought from outside the state or stolen in house burglaries. They fetch \$50 to \$1,000 on the street, depending on the quality. Others, like illegal sawed-off shotguns, are bought legally, then altered for quick concealment.

But the drug world accounts for a small percentage of gun violence. A much more common contributor is alcohol — a factor in more than 60 percent of American homicides.

Carl Murtagh, 31, was blind drunk when he shot at his parents and police and killed himself in Gloversville on Aug. 15, according to the coroner.

In response to the violence, Gov. Mario Cuomo urged tough anti-gun measures in his State of the State address Jan. 5.

Cuomo called for a near-total ban on assault weapons, harsher penalties for illegal gun sales, gun sales to minors, as well as sloppy storage or handling of guns.

Last month, the state Assembly beefed up security by installing metal detectors in its visitor's gallery, something the state Senate did years earlier.

Government fears about workplace violence are well founded.

In five states, homicide was the No. 1 cause of workplace deaths, according to a National Institute of Occupational Safety and Health study.

New York had 1,783 workplace deaths between 1980 and 1989; 867 of those were murders. In the greater New York City area, 45 percent of the 306 workers killed on the job in 1992 were homicide victims.

Taxi drivers, police, retail workers and others who handle money, work alone or work at night, are most apt to be slain on the job, according to the study.

Meanwhile, the number of legally owned firearms is growing, said Walter "Bud" Bleyman, resident agent-in-charge of the U.S. Bureau of Alcohol, Tobacco and Firearms office in Albany.

While New York City keeps a registry of residents who legally own rifles and shotguns, there is no such registry upstate, Bleyman said.

Pistol permits are administered by each county and tracked by New York State Police.

In the Capital Region, permit approvals have remained steady — 1,234 in 1991, 1,251 in 1992 and 1,146 through November of 1993. Those totals are for Albany, Schenectady, Rensselaer, Saratoga, Fulton, Montgomery and Schoharie counties.

Women are the newest breed of gun buyer, says Mike Spenello, hunting manager at Taylor & Vadney Sporting Goods in Albany.

"Most of them have joined a pistol club or a league and they learn to shoot and they enjoy it and they feel comfortable having [a gun] around," Spenello said.

Most people buy handguns to feel safe, Spenello said. The 9mm semiautomatics made by Ruger, Smith & Wesson and SIG-Sauer are popular.

"There is no freedom for women who are afraid to walk alone," declared a fall 1992 NRA ad campaign in women's magazines.

While 95 percent of Spenello's buyers are trained to use guns or have used them before, about 5 percent have never used a gun, he said. "They want a home protection gun like a 12-gauge shotgun."

Ironically, sales of assault weapons jump when gun control laws are proposed or publicized, Spenello said.

The Chinese-made AKM-47, a spin-off of the AK-47, for example, is selling now because customers are afraid

it might be banned in the future, he said.

"From a retail aspect it's good for us," he added.

A study published in the Journal of Quantitative Criminology reports that people who use a gun to resist a robbery are less likely to be hurt than people who do nothing to resist.

But people who keep guns in their homes aren't necessarily safer, a 1993 study published in the New England Journal of Medicine found.

People who keep guns at home are nearly three times more likely to be killed than those who don't, according to the study, which characterized guns as a health risk.

More than 75 percent of the victims are killed by a spouse, relative or acquaintance.

Guns in the home bring higher risks of suicide, fatal accidents and assaults involving relatives or acquaintances, the report said.

Last month, an Orange County woman fired her 410-caliber shotgun at a fire chief who broke down her door to warn her about a fire.

The chief underwent three hours of abdominal surgery. The woman, who was charged with attempted murder, told police, "I was defending myself, my possessions and my dog," according to the Associated Press.

About 37,000 Americans die each year from gunshot wounds in homicides, suicides and accidents, according to Handgun Control Inc. of Washington D.C. Another 240,000 are injured.

That's more Americans killed every two years than died in the entire Vietnam War.

Related annual hospital costs are at least \$1 billion, according to the Journal of the American Medical Association. Such figures have prompted many doctors to name gun violence as a leading national health crisis.

"We live in Gunworld," syndicated columnist Garry Wills wrote after the Long Island commuter killings last month.

Shooting sprees often lead to more gun deaths, experts say.

When Colin Ferguson, who faces multiple murder charges in the Long Island Rail Road shootings, threat-

ened a lawyer in New York weeks ago, he spoke of the July slaughter in which a vengeful law client killed eight people in a San Francisco law office, police said.

Young people are particularly vulnerable to violence portrayed in movies and television, many researchers believe.

More than 100 characters were killed in "Rambo III." Another 264 were slain in "Die Hard II." Such carnage without consequences rarely shows permanently disfigured victims, grieving families or their troubled attackers.

In real life, using guns to solve problems is more complicated.

Take Amin Cowan, 16, of Albany. Police gave this account:

Cowan was shooting craps with some older teens on Lark Street last July when a player pistol-whipped him.

To retaliate and save face, Cowan returned to his First Street home and got a gun.

Tucking the .38-caliber revolver in his waist band, Cowan took off on his bicycle. But when he hopped a curb and landed, the cocked gun fired, shooting him through the left testicle.

The outcome might have been worse.

"He was going to blast them all," one acquaintance said.

"We have to do something about this," ATF's Bleyman said. "People are getting slaughtered all over the place. Because wackos and kids are getting a hold of [guns]."

The oft-cited NRA argument on the "right to bear arms" is erroneous, according to Bleyman.

Our founding fathers were "talking about muskets. A cannon that you had to wheel in on two wheels and pull with a horse, not an automatic weapon that you can stick in your pocket and carry on a train. Don't the innocent people have any rights anymore?"

More prisons is not the answer, added Bleyman. Simply put, "There are too many guns on the streets."

Said one Aurora, Colo. Chuck E Cheese employee: "It could happen to anybody, any place, even at a kid's restaurant."

FACTS



There are more than 200 million firearms in the United States today, nearly one for every citizen.

Of those, 65 million to 70 million are handguns. About 2.7 million handguns were manufactured in the United States in 1991, with another 300,000 imported.

Nine out of 10 illegal handguns confiscated by police are



BRUCE SQUIERS
Gazette
Photographer

A school bus turns the corner to head south toward Clinton Avenue on North Swan Street, above. Some



BRUCE SQUIERS
Gazette
Photographer

A school bus turns the corner to head south toward Clinton Avenue on North Swan Street, above. Some vacant buildings on the block have become crack or gambling parlors, police and residents say. Others are hiding spots for illegal guns or drugs.

A young man, right, surveys the scene on North Swan Street from a vacant lot at Livingston Avenue. Out-of-town residents who visit the block often drive through to buy drugs.



imported.

Nine out of 10 illegal handguns confiscated by police are untraceable because serial numbers have been filed or drilled off, or no record of the gun can be found because a gun dealer has gone out of business.

In 99.8 percent of the protective uses of guns, such as pulling out a gun to frighten an attacker, no one gets killed.

PROFILES

STEVEN D. CONLON

EAST GREENBUSH — Steven D. Conlon bought a .22-caliber, semiautomatic rifle at Kmart on Columbia Turnpike at 7 p.m. March 16.

About three hours later, Conlon fired the Marlin rifle at two police officers and then shot himself in the head in a back yard on Grandview Drive in North Greenbush.

The 24-year-old East Greenbush construction worker was pronounced dead at the scene, about four miles from his Acorn Avenue home.

The shooting ended a short life scarred by crime since Conlon was a teen.

Police said Conlon's criminal record began at age 16, when he broke into a North Greenbush house and removed a handgun. He was arrested the next day after firing the gun in a wooded area. Conlon was sentenced to three years' probation for the burglary.

Conlon's arrest record lists 15 charges in the Capital Region since 1985, including aggravated harassment, menacing, assault, reckless endangerment and criminal trespass.

On March 16, a woman came to North Greenbush police to lodge against Conlon charges of trespass, assault,

aggravated harassment and leaving the scene of an accident, North Greenbush Police Chief Bernhard Peter said.

When Conlon drove by the police station about 9:30 that night, the woman spotted him and told Officer Robert Durivage. Durivage, who had been interviewing the woman, got in a police car and pursued Conlon on Blooming Grove Drive.

According to police, Conlon stopped about a mile from the police station, but sped away when Durivage approached his rented Chevrolet. The chase continued south on Route 4 into the town of East Greenbush, where Conlon was forced to abandon his car because of

a roadblock set up by East Greenbush Police Sgt. Richard Kemner.

As officers Kemner and Durivage pursued Conlon on foot back across the town line into North Greenbush, he fired five shots at them, all of which missed. Then he shot himself.

"I'm not aware of any suicidal pattern" in Conlon's life, Peter said. "There appeared to have been a pattern that he was very disturbed."

The rifle that Conlon bought with a credit card for about \$100 is a very popular model, often used for target shooting and hunting small game, said East Greenbush Police Chief Christopher Lavin.

DUANE E. JOHNSON

ALBANY — Duane E. Johnson died in the snow. Nine bullets riddled his body.

Before he was gunned down on a South End street corner near his childhood home on Feb. 13, Johnson, 21, liked to party with his friends at the Renaissance bar on Central Avenue. His friends called him "Freedom."

On March 2, two weeks after his death, Johnson's family and friends gathered at the popular nightclub to say goodbye.

Too distraught, his mother had missed the funeral for her son.

Meanwhile, police sorted rumor from fact and came up with the following conclusions:

Johnson wasn't killed over drugs or a woman, as initially reported.

"It was just a fight," said Detective Ken Wilcox, an officer at the time who investigated the crime.

The first scuffle broke out at the Renaissance bar. Johnson and several friends argued with three menacing patrons who had bothered a female friend. The trio — high school classmates in the Bronx — had relocated to Albany to peddle crack cocaine.

Days later, there was a second clash, this time at the B&B Lounge on Morton Avenue.

The Bronx group vowed to "get" Johnson. At the time, Johnson was staying with a girlfriend at

14 Teunis St. The New Yorkers — Eric "E" Benson, Michael Lopez, and Robert "Smoke" Singleton, — were staying nearby at 5 Teunis St.

At 3:20 a.m. Benson and Lopez left Teunis Street in a taxi. Within minutes, they spotted Johnson at Clinton Street and Third Avenue, jumped out of the cab and opened fire, pumping nine bullets into Johnson. A bullet to the neck severed his carotid artery, killing him.

Reports of the trio's loud laughter as they fired on Johnson were untrue, Wilcox said. "It wasn't them laughing," it was an uninvolved bystander.

But police made a chilling discovery. The shooters — arrested the next day — also planned to kill Johnson's friends, they say.

The suspects were no strangers to crime and gunplay.

Lopez, 19, has 37 prior arrests — 13 for serious felonies, including two for attempted murder — in New York City. He first told police his name was Victor Melendez.

Benson, 21, was charged with attempted murder three months earlier in the shooting of a well-known Arbor Hill drug dealer.

Singleton, 22, had been charged with robbery one month before Johnson's death.

Singleton later pleaded guilty to weapons possession and is expected to testify against Lopez and Benson in their murder trial later this year.

More PROFILES, Page 5

Illegal weapon pipeline feeds violent crime

By **TIM McGLONE**
Gazette Reporter

ALBANY — Members of a Boston-based crack cocaine "posse" made about 30 trips to Georgia between 1989 and the spring of 1991.

Their mission: to buy guns for their own protection and to sell them in the Capital Region. All they needed were Georgia driver's licenses.

The posse muscled its way into the drug and weapons market in Arbor Hill until local, state and federal authorities dismantled the operation.

The five gang members have been convicted in federal court and are now serving lengthy prison terms.

But the guns they left behind on the streets are contributing to a steady increase in violent crime, authorities said.

Guns are being used more often nowadays in rapes, robberies and assaults, statistics show.

In one category — armed robberies of individuals on the streets of Schenectady County — the use of a gun to commit the crime increased 1,000 percent over 10 years ago, according to state statistics.

In Schenectady, Albany and Rensselaer counties, violent crime committed with a gun is increasing at a faster pace than crimes committed without guns.

One person whom authorities partly blame for this is John Zodda.

Zodda, New York state's most notorious illegal gun trafficker in recent years, was sent to federal prison in November for 40 months after being convicted of illegally buying more than 1,300 firearms.

Zodda held a federal license to buy and sell firearms for 10 years before he decided in the late 1980s to branch out into the illegal gun trade.

Once he did, he transferred his license from New York City to the Schoharie County town of Middleburgh, perhaps thinking it would be more difficult to track him there, authorities said. He never actually lived there, though he worked out of a relative's home there.

He then began to sell thousands of weapons to the Mafia, Chinese gangs in New York City and to his associates, federal authorities said.

When federal authorities raided the Middleburgh home, they found a typewriter Zodda used to forge licenses, according to a federal agent. He apparently used correction fluid to blot out his name so he could type in a fake one.

Like 80 percent to 90 percent of the illegal guns confiscated by police, the guns used and sold by the Boston gang and those sold by Zodda came from out of state, according to the state Division of Criminal Justice Services.

Despite those arrests and countless others, the illegal gun trade is flourish-

ing, local police and federal agents said.

"Over the last 10 years, we've seen a noticeable increase in the number of guns on the streets," said Walter "Bud" Bleyman, agent-in-charge of the Albany office of the U.S. Bureau of Alcohol, Tobacco and Firearms.

Weapons that can't be traced by police agencies in northeastern New York state, including the Capital Region, Amsterdam and Utica, are traced by the Albany ATF office.

"There's no limit to the number of places guns can come from," Bleyman said of the legal purchases.

Law enforcement authorities say the majority of illegal guns that end up in the Capital Region come from the streets of New York City.

"They're purchased illegally in New York City, but they're purchased legally in states where the laws are somewhat lax," said ATF agent Martin Marciniak. "They come from what I consider the source states."

"You take states like Florida, Virginia, Ohio, where it's relatively easy to get a gun ... that's how the guns get here," Bleyman said.

"They quickly get distributed. Guns move quick," he said.

"We can't say it's all from New York City," he said, citing the Boston gang as an example. "They come from all over."

There's no limit to the number of different types of people we run into," he said.

"We're looking for convicted felons who are dealing weapons; we're looking for drug dealers who are dealing weapons," Bleyman said.

ATF also will look for gun traffickers who buy guns wholesale, sometimes by the thousands, and sell them on the streets.

Local, state and federal authorities broke up a Jamaican organization in Saratoga Springs in 1987 that dealt crack and guns throughout the Capital Region. One member was known to carry an Uzi submachine gun.

Eight members of the gang were arrested. Seven were natives of Jamaica who moved to New York and then to Saratoga Springs to corner the crack market, according to trial testimony in federal court. They had teamed up with a Saratoga Springs native.

Authorities said the group moved into two homes in Saratoga Springs and Malta from Brooklyn. During raids at the two homes, police found four guns, thousands in cash, 150 vials of crack cocaine, 150 packages of cocaine and extensive drug records.

That was one of the first organized crack gangs to move into this area from New York, Bleyman said. Six of the eight were convicted and sentenced to 20 years or more in prison. Two were acquitted.

"We're inundated with cases. Our caseload is heavier than it ever was," Bleyman said.

Most of the criminal cases today involve drug dealers who also deal in guns. That's a trend that came about over the past 10 years. Before that, most criminal cases involved those who sold just guns illegally, he said.

"The magnitude of the cases has become greater. What I mean is we're seeing less of the type of individual who makes one or two mistakes in his life," Bleyman said.

"I'm talking about violent criminals who are recidivists," he said.

But Bleyman is confident about his work.

"Eventually, everybody gets caught," he said.

When the Albany ATF office opened 16 years ago, agents handled 15 cases in the first year.

Last year, agents forwarded 41 criminal cases to the U.S. Attorney's office, a record.

Local police also see the increase in the illegal gun trade, both in the increase in violent crime involving a weapon, and in the number of guns they are finding on criminals.

In a three-week period in July, Schenectady police found 10 handguns either on suspects or at crime scenes. Never before have city police found so many guns in such a short time, police said.

The increase in the use of guns in the commission of violent crimes is more telling.

Since 1982, guns have begun to appear as a factor in Schenectady County rapes, according to state statistics.

Of the 11 rapes in Schenectady County in 1982, none of the rapists had a gun. Of the 46 reported rapes in the county in 1992, six of the rapists used a handgun.

Armed robberies in Albany County increased at a much faster rate than other robberies in that 10-year period. Of the 320 robberies reported in 1982, 22 were armed robberies. Of the 561 robberies in 1992, 78 were armed.

That translates to an increase of about 250 percent for armed robberies, but only a 62 percent increase in robberies in which guns weren't used, according to the statistics.

Armed robberies in Rensselaer County also increased by 250 percent between 1982 and 1992, whereas the number of robberies without guns was the same, according to the statistics.

Other counties in the region had too few violent crimes to draw a comparison.

"I would have to say there's more guns out there and more violence with guns," said Schenectady Police Commissioner Charles M. Mills.

Schenectady police teamed up with ATF agents in October during an undercover investigation into an illegal gun dealer, Mills said. He would not

be more specific because of the ongoing investigation.

Mills agreed that the illegal guns generally come from out of state.

"It's virtually impossible to get a gun permit in Schenectady County," he said.

Aside from bringing in an illegal gun from out of state, the second most common way guns get to the streets is through burglaries and thefts, authorities said.

A handgun bought legally from a wholesaler at \$75 to \$90 will sell illegally in New York City for \$400 to \$1,000, said Marciniak.

In the Capital Region, an illegal gun will sell for \$250 to \$500 on the street, Marciniak said.

However, there are stories of guns being traded for crack cocaine or for small amounts of cash by an addict looking for a fix, they said.

Eighty percent of ATF's work has to do with guns. The remaining 20 percent of the time is spent investigating illegal alcohol and tobacco trafficking and arson investigations that cross jurisdictions, such as the 1992 Mohasco Industries arson in Amsterdam.

Agents also work undercover with local, state and other federal law enforcement agencies.

Local and state police will search the computerized data banks of the National Crime Information Center and the New York State Police Information Network for stolen gun reports after searching their own reports.

In one case, the gun used to kill Eugene Holmes on Paige Street, Schenectady, on New Year's Day 1992 was reported stolen from a Schenectady resident in 1988.

Local police found the stolen gun report and talked to the owner. The police discovered that the man had 17 guns stolen from his home in a burglary, police said.

Police passed that information along to the ATF. Since then, five of those guns besides the murder weapon have been recovered.

Schenectady police found two of the six. One was used to kill Holmes and the other was used in a random shooting in which no one was hurt, police said.

ATF found the other two after shootings in New York City.

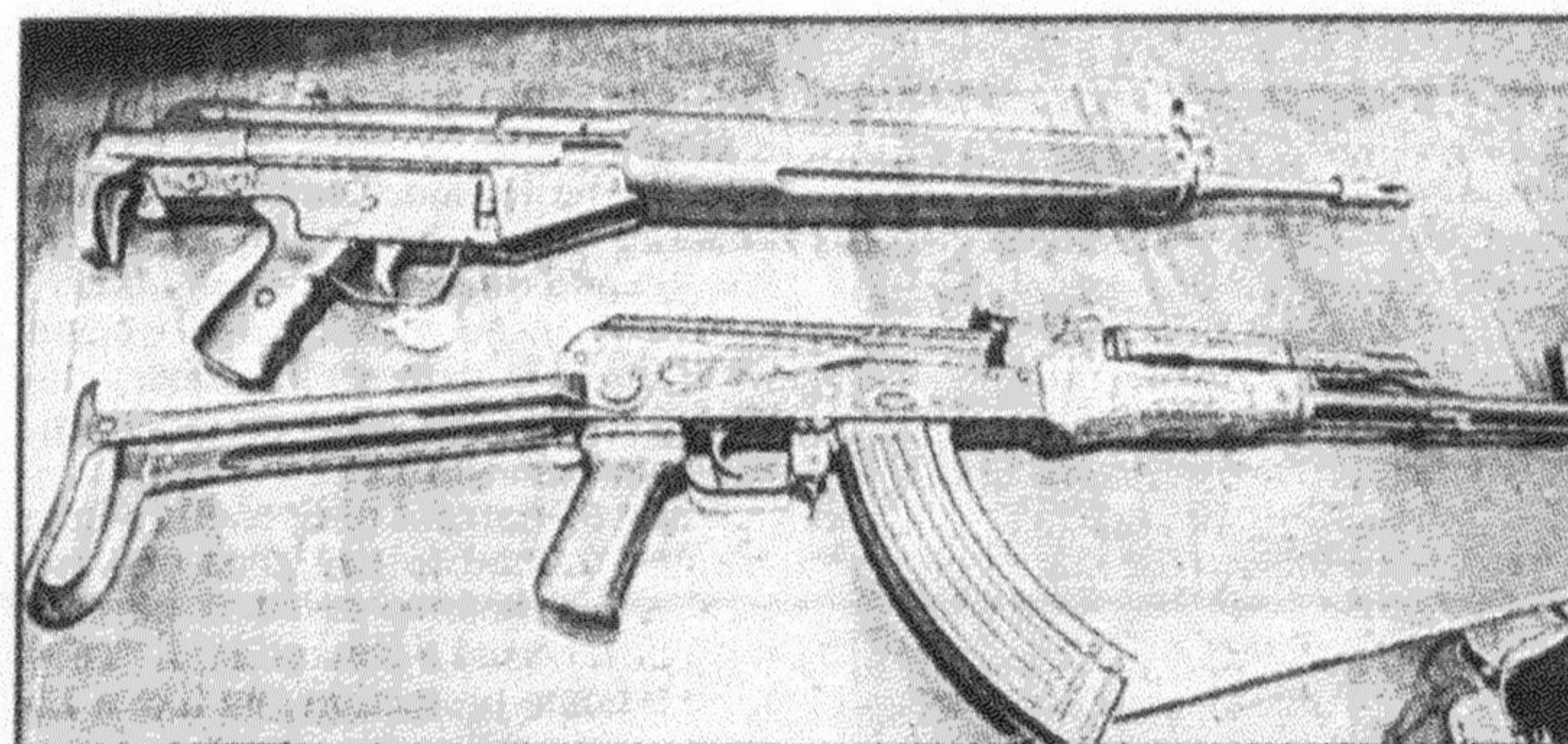
ATF becomes involved when the legal owner cannot be located and the weapon has to be traced from where it was manufactured, or when the investigation crosses jurisdictional lines.

About a year ago, ATF and the state police formally teamed up in a gun-tracing program. The troopers collect raw data on illegal guns and start a trace. If a gun used in a crime has not been reported stolen and is illegal, the information is passed on to ATF for further investigation.

ATF hopes to establish a data bank to better see the big picture.

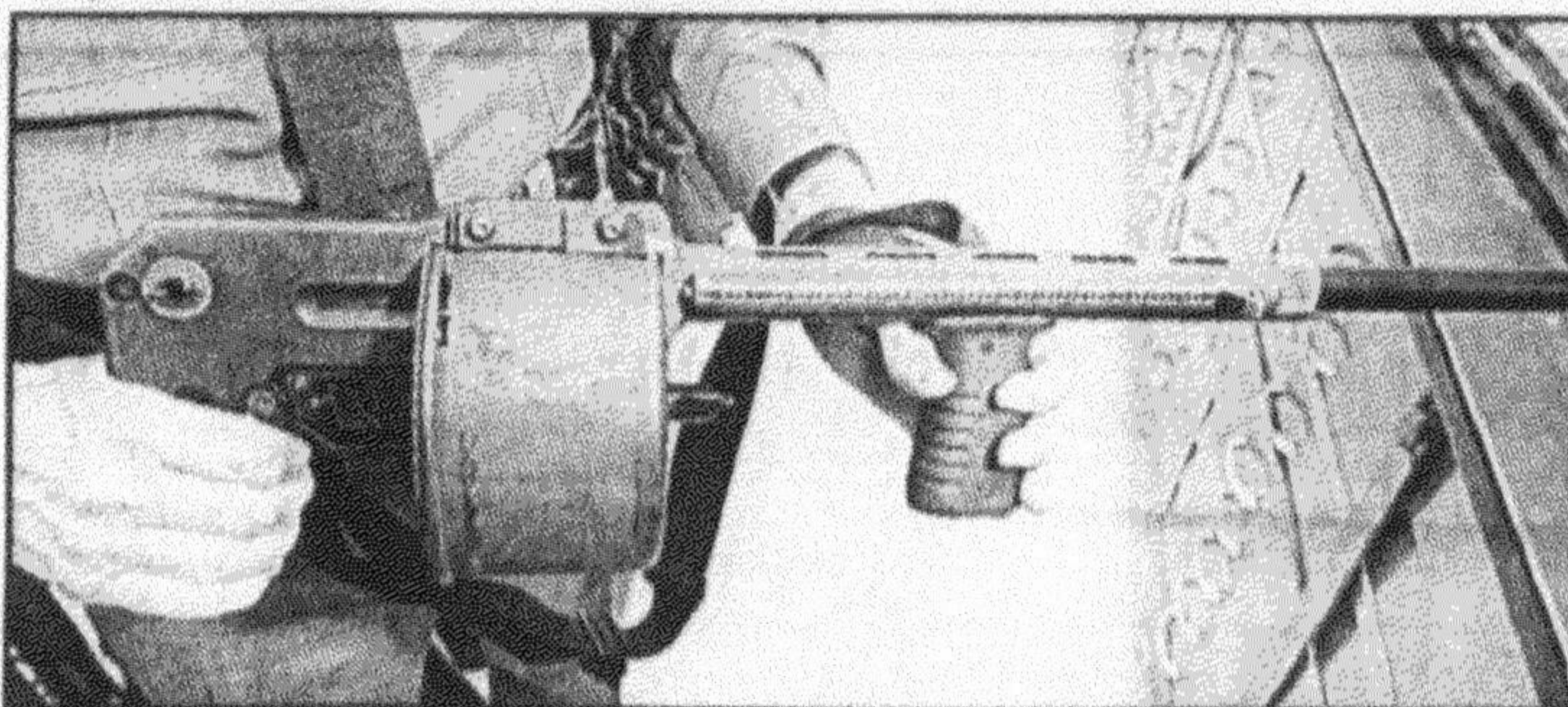
"We're inundated with cases. Our caseload is heavier than it ever was."

Walter Bleyman
U.S. Bureau of Alcohol, Tobacco and Firearms



JIM CASSIN Gazette Photographer

Above, two semiautomatic assault rifles, an HK German-made .308-caliber, on top, and an AK-47, on bottom, sit in evidence at the New York State Police headquarters. A New York state trooper, below, displays a 12 gauge "street sweeper", manufactured by S&S Inc. The gun, illegal to import but made in America, can fire 12 shotgun shells in a few seconds.



and those sold by... out of state, according to the state Division of Criminal Justice Services. Despite those arrests and countless others, the illegal gun trade is flour-

Two were acquitted. "We're inundated with cases. Our caseload is heavier than it ever was," Bleyman said.



ATF hopes to establish a data bank to better see the big picture.

See SMUGGLERS, Page 5

North Swan Street two worlds by day and night

Continued from Page 2

Nighttime, it changes. It's a whole different people. The ones out here now won't be here at night."

Back in the 1960s, North Swan was integrated with Polish, Italian and African-American residents. Leaders at St. Joseph's Academy and the Sons of Arbor Hill men's group were active in the neighborhood, Carter said.

"There was none of that white-black stuff [that] people are feeding on now." These days, white faces are

rare on North Swan Street, with the exception of police.

Guns and drugs have brought a "total deterioration" of the street, he said.

Still, many remain optimistic. The street and nearby blocks sport several new homes, new sidewalks and brighter street lights.

The Bethany Baptist congregation built a new church last fall. One feature is a new security system — the church has been burglarized many times.

"We wanted to stay in the area because there is a need, and we do have hope that things will change," Headley said.

Most agree that real change can come only through the combined efforts of community leaders, police, human service agencies and educators.

"It's not only the responsibility of the police," Headley said. "The economic situation has to get better so that young kids are not making more money than their parents. So that parents can take care of the children in-

stead of the children taking care of the parents."

Sunset. As the sun sets over the crest of the hill, a dark, empty brick building looms at First and Swan streets, encircled by a freshly laid concrete sidewalk.

Inside, prostitutes and crack dealers entertain members of the underworld on the upper floors. A wary male lookout lurks two feet behind in a first-floor window.

Outside, a white BMW parks at the curb. An angular young woman steps

out. Gold beads dot her French twist hairdo. She wears a halter top and tight pants.

Just then, a striking, heavy woman in a white silk dress emerges from the seemingly vacant building. A large, sweeping black-and-white hat shades her brow.

The larger woman, who runs the whorehouse, breezes to the car.

She is smiling. She has a police record.

To many, she is the picture of success on North Swan Street.

Police need to forge links with the community, residents say

By KATE GURNETT
Gazette Reporter

ALBANY — It's a common sight on North Swan Street. A white-and-blue prowler car turns up the block.

Crack dealers scatter. The police car cruises by, then moves on.

Crack dealers come back. With just nine officers assigned to foot patrols citywide, a constant watch on North Swan Street is impossible, Community Police Unit head Sgt. John Fischer said.

The officers work out of three community outreach offices in the South End, West Hill and in Arbor Hill, where North Swan Street is located.

But residents say a full-time officer is vital on the street that had the most police gun-related calls in 1992.

Meanwhile, to combat the heavily armed New York City crack dealers coming to the Capital Region, local drug dealers are ganging up in "posses" and arming themselves for protection, local law enforcers say.

"That's the only way. It keeps peace that way," one local gang member said. "Otherwise, it'd be wide open gunfire."

On North Swan Street, "all the hustle belongs to us," he added.

Police say they find fewer downstate dealers on North Swan Street than at Lexington and Clinton avenues, for example, where out-of-town and local peddlers split the street and sell from either side.

When shots are fired, residents rarely cooperate with police. "Everyone sticks together. They're all getting paid" to hold drugs or guns or work as lookouts, the posse

member said. "Why should they jeopardize their livelihood?"

Breaking down such barriers is a job for neighborhood police, "not somebody riding through the area" in a car, said the Rev. Richard I. Headley of Bethany Baptist Church. "You need the same officers, day in, day out, to create some type of rapport with the community."

But police don't develop relationships with residents, Headley said.

They're "usually very stern — white or black. I've never seen police officers walk through Swan Street and a bunch of kids run over and talk to them, and they'll take time to talk. We've never had a beat officer trying to become a part of that neighborhood. So now they're outsiders."

Police "don't think we're human," one local added.

Mayor Jerry Jennings hopes to change that.

"I'm not going to tolerate that type of treatment of anyone in the city. [Police] rank and file will be held accountable. There has to be continual sensitivity training," Jennings said.

"By and large we have a good Police Department. I want the police to feel more comfortable talking to the people."

To achieve that, Jennings plans to expand the city's community police program.

Community policing combines foot patrols with social programs and other preventive measures to help curb crime.

In years past, city leaders had said expanding the Community Police Unit was too costly. Police union leaders complained the foot patrols were an ineffective, Band-Aid solution.

"Whether some people like it or not, [police] have to be where people can touch them, where people can see them, where they can communicate with them, blend in with them. Until then, I feel sorry for the street, I really do," former 3rd Ward Alderman Nebraska Brace said.

Brace fought the 1986 closing of the Arbor Hill Neighborhood Police Unit, which residents say had left a void. The unit had operated for 14 years.

A substitute "park, walk and talk" program fizzled out as citywide calls for service jumped 20 percent each year and officers became too busy racing to calls to get out of their cars, Assistant Chief William M. Murray said.

Jennings plans to hire 25 more officers and use federal funds to help expand foot patrols. Identifying trouble spots that require foot patrols, such as North Swan Street, will be easy, he said.

Swan Street "is one of the worst. I've walked it and I've driven through there at night and I've seen it," said Jennings.

"What they need to do is stick a couple of policemen on that block. Put them there and let them stay there," said Gary Pickens, president of the Colonie Street Neighborhood Watch.

Instead, police let the dealers "set up and keep their business. And they do their little rounds and every once in a while they do a raid. And it's not effective," he said.

"They've got to be there 24-7 [24 hours a day, seven days a week]. When it comes to drugs and guns, it's not going to change unless you have something to stabilize it. The neighborhood can't do all that."



BRUCE SQUIERS Gazette Photographer

Albany police officer Robert Tierney, left, and his partner Leonard Croske check an Orange Street house for a young man they've been keeping an eye on.

Smugglers feed guns to region's violent felons

Continued from Page 4

"When we establish a large enough data bank, we'll use that information to establish trends, gather statistics and develop leads," Bleyman said.

The states where it's easiest to buy handguns include Florida, Georgia, Texas, Oklahoma, Tennessee, Ohio, and, close to home, Vermont.

Federal agents would have placed Virginia on the top of that list a year ago, but tougher laws that took effect in July will make it difficult from now on to traffic in guns from that state.

In 1992, 26 percent of the illegal guns confiscated in New York state came from Virginia, the highest among the top four "source states," followed by Florida, Texas and Georgia, according to the state police.

"The Virginia State Police have begun an initiative to work with agents down there. Any intelligence gathered there is given to New York and vice versa," said Bleyman. A similar agreement has been reached with Florida.

There are 50 ATF agents in Rockville, Md., who do nothing but conduct nationwide traces of illegal guns from manufacturers to wholesalers. When they find out where a particular gun went, they will pass that information along to the appropriate agent in the field, who then tries to complete the trace.

Nationwide, ATF conducted 50,000 gun traces in 1992.

One problem agents working on a trace run into comes when a federally licensed dealer says he doesn't keep records. Federal law requires licensed dealers to keep records of whom they buy firearms from and sell to.

"You would think the people with a license would be responsible and keep proper records, but it doesn't always work that way," Bleyman said.

He points to Zodda as a perfect example. Zodda had a federal license to buy and sell guns, so he could avoid the middleman.

"He was in the firearms business [legally] for 10 years, but it wasn't until the last few years that he [branched] out in the illegal market," Bleyman said.

Once Zodda started dealing guns illegally, mostly in New York City, he transferred his license to

Middleburgh. However, there was no evidence Zodda was dealing weapons in this region, just that he had relatives in Middleburgh and was forging licenses there.

"He probably figured no one would ever check up here," Bleyman said.

Zodda was caught selling handguns to undercover agents working the Fulton Fish Market in lower Manhattan. Federal authorities said the fish market is controlled by the mob and that it is also a market for illegal goods.

Zodda would buy his guns from major wholesale distributors in Pennsylvania, Connecticut, Massachusetts, Georgia and Delaware.

"He would just drive to these places and load up his trunk," Bleyman said. "He was so arrogant he would take orders."

Bleyman said it may look unusual for someone to drive to a wholesaler and load up a trunk full of weapons, but the wholesaler generally will not report the sale to authorities.

"They're not going to call us because they don't want to give up that profit," he said.

Zodda "was known as the number one man in the New York state underground gun trade," Bleyman said.

The agents point out that 99 percent of the sales by wholesalers are to legitimate dealers. But that one percent can put thousands of illegal weapons on the streets.

"One bad gun dealer can put 2,500 on the street," Bleyman said.

They cite as an example two dealers in Virginia who ordered 5,000 handguns from RSR Wholesale Guns in Rochester between 1989 and 1991.

The dealers later were arrested and charged with buying the guns legally and selling them illegally. One of the suspects committed suicide. The other, who got 2,700 of the weapons, is awaiting trial. The agents would not release the suspects' identities.

"A lot of them are starting to appear in New York," Marciniak said of the 5,000 guns.

"We'll be finding these guns for 20 years," said Bleyman. "Eighteen of these guns were picked up in New York City in murder cases, robbery cases ... from Russian mobsters," said Bleyman.

"There's a story behind every one of those guns," he said.



Courtesy, Schenectady County District Attorney's Office

The Stum Ruger Co. 9mm handgun model P-85 that was used in the New Year's Day 1992 murder of Eugene Holmes now sits in an evidence room at the district attorney's office. The gun will be destroyed if and when the convicted murderer, Christopher Carpenter, exhausts his appeals.

A legitimate gun ends up as evidence

By TIM MCGLONE
Gazette Reporter

SCHENECTADY — Like most handguns, this one started out being legal.

The Ruger 9mm semiautomatic pistol, serial number 300-02889, model P-85, now sits in a bin at the Schenectady Police Department, waiting to be destroyed.

It is black with a silver trigger — mean-looking to those who are not used to seeing such weapons. Bullets can rip out of the chamber as fast as the trigger can be pulled.

A fully loaded clip shoved into the handle can hold 9 bullets. The gun's chamber can hold a 10th.

That's the beauty of the 9mm to gun enthusiasts — more firepower than the average revolver. Some models can hold as many as 17 bullets.

And that's why the gun has become so popular among criminals. They can fire more bullets at a faster rate and they can reload it much faster than they can a revolver.

But 9mm guns have their drawbacks. Experts say they are not as accurate as revolvers and they frequently jam.

This 9mm showed no sign of those problems the last time it was used, on New Year's Day 1992.

Today, it is scratched a bit and still has traces of fingerprint powder on it.

The gun was manufactured in the mid-1980s by the Stum Ruger Company, based in Southport, Conn.

The 9mm is usually sold for self-protection and even small-game hunting,

less often for target shooting. Also, police agencies across the country have been trading in their revolvers for semiautomatics, boosting sales of 9mm weapons.

Stum Ruger would not say what dealer purchased this particular gun, but city police said it eventually wound up in the handgun case at Goldstock's Sporting Goods when the store was located on Broadway.

Most likely a wholesaler bought the gun from the manufacturer and then sold it to Goldstock's.

Goldstock's would not search its records for The Gazette to find out where the gun came from and whom it was sold to, citing confidentiality of those records.

But police said a Schenectady gun collector bought the weapon in 1988 to add to his collection of about 70 firearms.

Seventeen of those guns were stolen in a burglary at the man's home.

Police would not release the name of the man because of an ongoing investigation into the whereabouts of those guns. They did say the man is in his 80s or 90s and is an invalid.

Police could not say what interest an elderly and bedridden man would have in a 9mm semiautomatic handgun. They know that he collected all types of guns, both antique and new.

Police said they suspect that a visiting nurse who cared for the elderly man told her boyfriend about the guns and the boyfriend then broke into the home and stole the weapons. However, no arrests were ever made in that

break-in. The boyfriend was never located.

Six of them have been recovered. Assistant Police Chief Louis J. Pardi said four of the guns were used in shootings, including the Ruger.

Two of them were used in shootings in New York City. Two, including the Ruger, were used in shootings in Schenectady, police said.

Christopher "Slick" Carpenter, now 20, used the Ruger on Jan. 1, 1992, to gun down 23-year-old Eugene Holmes on Paige Street.

A fingerprint matching Carpenter's third finger on one of his hands was found on the gun clip, authorities said.

Carpenter bought that gun on the streets of Schenectady, police said. Carpenter was arrested the day after the murder. He confessed, telling police Holmes had robbed him three times of cocaine and cash and that he was sick of it.

He told police the first shot struck Holmes in the leg. A second shot hit him in the head as he was falling to the pavement.

Carpenter walked up to Holmes to finish him off. He stood above him and fired two more shots. One missed. The other struck Holmes, who may have already died at this point, in the temple.

Carpenter ditched the gun under a porch at 294 Paige St. He is now serving 20 years to life in prison.

Authorities are waiting to make sure Carpenter has exhausted all legal appeals before sending the Ruger to its ultimate fate — to be melted down with other illegal weapons by the state police.

FACTS



Homicide is the leading cause of death among blacks, male and female, 15 to 24. Roughly 70 percent of those males and 45 percent of those females are killed by firearms.

For white males 15 to 24, homicide is the third-leading cause of death. For white females in that age group, homicide is the fourth-leading cause of death.

Homicide is also the leading cause of death for black males 25 to 34, but it drops to the fourth-leading cause of death

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For all males, guns have been used in 67 percent of homicides.



The Glock 17, a 17-shot Austrian-made 9mm, is praised the Mad Lion song "Shoot to Kill," a popular selection on Siena College's WVCR. Made of plastic and steel, the Glock is very lightweight and commonly used by the police.



The Smith & Wesson 9mm Luger, roughly seven inches long, can hold two 12-round magazines.

Popular handguns in the Capital Region

High-quality 9mms are often the handgun of choice for drug dealers. They are also commonly used in drive-by shootings and mass killings. The 9mm is light and easy to stick in a waist band. Semiautomatics are loaded by magazine clips that are inserted into the grip and hold from 9 to 16 cartridges. The .380-caliber semiautomatics, which are smaller and cheaper than 9mms, are also common in the Capital Region. Despite the ascendancy of the nines, the .357-caliber Magnum revolvers are still popular. Semiautomatics tend to jam or misfire. But revolvers, although heavier to carry, will fire regardless of the gun's condition. For those reasons, some police officers prefer revolvers.

The .38 Special is a popular revolver for police officers, who use it as a second concealed weapon, often strapped to their leg or in a shoulder holster. But since most police departments have switched to semiautomatic handguns, these small revolvers are becoming extinct.



The .32-caliber semiautomatic seven-shot pistol is popular among amateurs because it is cheap, sometimes costing \$50 or less on the street. The gun is also favored because it is small and lightweight, making it easily concealable. But the gun is of poor quality and not as powerful as the 9mm or larger handguns.



PROFILES

DAVID HEMINGWAY

ALBANY — By all accounts they were best friends. But gunplay ruined the friendship, killing one 22-year-old and landing the other in jail on a murder charge.

By all accounts, the shooting was unintended. David "Rassan" Hemingway had just bought a .38-caliber Smith and Wesson during a visit to New York City, police said. They said Hemingway was a mid-level marijuana dealer.

On Aug. 10, Corey Scott Willis showed up at Hemingway's 58 Ida Yarbrough Homes apartment, a cigar jutting from his mouth.

In the living room, large color photos of Hemingway's 6-year-old son, Jaquaad, and his girlfriend, Tamika Lawyer, 22, shared the living room wall with a picture of the Rev. Martin Luther King Jr.

Lawyer's mother, Bernice Norwood, was watching soap operas with a neighbor.

Hemingway was in an upstairs bedroom. A heavyset man also known as "Big Ra," he had planned to open a big and tall men's clothing store uptown.

Police gave this account:

In an upstairs bedroom, Hemingway was cleaning his new revolver. Willis kidded him. It was too small, he joked.

As Willis sat on the edge of the bed, Hemingway handed him the gun.

In an instant, Willis realized, the hammer was back.

In that instant it fired, hitting Hemingway in the chest.

Hemingway apparently took the bullets out of the gun while cleaning it but missed one, according to police.

After calling for help, Hemingway uttered his last words.

"I can't breathe," he said. Minutes later, he was dead.

After the shot, Willis ran outside to call paramedics. He then dashed upstairs, slit a window screen and tossed out a small bag of marijuana. He also hid the gun.

Police charged Willis, of 76 Maguire Ave., with second-degree murder for creating a "grave risk of death" to Hemingway. A grand jury rejected the charge, indicting him on a lesser count of manslaughter. No trial date has been set.

Norwood said the young men were like brothers. They had been friends for at least 12 years, she said.

"I know deep down inside it was an accident," she said.

CARL J. HENZEL

COLONIE — A visit with New Jersey state prison inmates as a young teen-ager was supposed to convince Carl J. Henzel of Colonie to clean up his act before he turned 16.

Instead, it may simply have convinced him that no matter what kind of trouble he got into, he could never allow himself to be locked inside a state prison.

Friends and family say it was a fear of prison that drove the 18-year-old to shoot his friend Robert W.

Jenks, 17, and then himself early on Jan. 24, 1993, when it appeared the two were about to be arrested for robbing a Pizza Hut of \$800.

Henzel had picked up a .38-caliber pistol on the streets of Arbor Hill in Albany only weeks before he used it during the robbery. He wound up using the gun to kill himself and his friend as they sat inside a car during a traffic stop by police.

Police learned through interviews that Henzel had bragged about his new weapon to friends, and showed it to many of them in the short time he owned it.

Detectives later discovered the same gun had been

reported stolen some two years before from the home of a retired Albany police officer, who lived in Colonie.

Henzel, who lived with his family on Michelle Lane before his death, had a troubled adolescence that included problems with the law, and stints in reform school and alcohol rehabilitation.

But his father said Henzel was starting to turn his life around. For nine months, the younger Henzel had been working for ARA Services, the food concession at the Greyhound bus terminal in Albany. He was almost done paying off his car, a 1978 Plymouth.

The teen-ager, who had graduated early from Colonie

Central High School, was thinking about becoming a policeman or going to business school.

"He could have done anything he wanted to," his father, John Henzel, told The Daily Gazette. "It was just a matter of how much he wanted to study."

But his possession of the stolen pistol gave Henzel the power to act on what was either a split-second impulse or a planned course of action. Shortly after 12:40 a.m. on Sunday, Jan. 24, he turned around from the front passenger side of a white Monte Carlo toward his friend, Jenks, who was sitting in the back seat.

After two shots from the gun, both teens were dead.

ROBERT W. JENKS JR.

At the funeral of 17-year-old Robert W. Jenks Jr. of Colonie on Jan. 28, 1993, the Rev. David E. Noone of St. Francis De Sales Church urged the young man's friends to take a lesson from his death.

"We ought to be far more careful about our choices than we often are," he told those who had assembled on that somber morning.

But Colonie police detectives never could prove it was Jenks' choice to die the morning of Jan. 24, when his friend Carl J. Henzel shot him in the face with a .38-caliber pistol before taking his own life with the same gun.

Police said the two had just robbed a Pizza Hut of \$800, and were about to be taken into custody. But gunpowder marks found on the back of one of Jenks' hands left questions about whether he tried to block the fatal shot. Was he really willing to throw away his life because of a botched robbery?

One teen, who described himself as a best friend to both Jenks and Henzel, believed it was Jenks' choice to die that night.

"I don't think Carl's a murderer," the 17-year-old said. "I know he wouldn't fire on Bobby unless Bobby told him to."

Jenks' life up until that Saturday night was far from perfect, but he was showing signs that he was ready to

face the responsibilities of adulthood, his friends said.

Having graduated early from Colonie Central High School just days before his death, Jenks was looking for full-time work, possibly in carpentry, a friend said. Not only was he preparing to fend for himself, but his girlfriend was expecting a child.

At his funeral, he was described as someone who had a good sense of humor, as well as a serious side.

The Rev. Noone, after speaking with Jenks' family, also recounted stories about how the teen-ager always made time for a boy in the neighborhood who was sick with leukemia, and how he once counseled a young girl who had thoughts of suicide.

For drug dealers, guns a tool of the trade

By KATE GURNETT
Gazette Reporter

ALBANY — Drug dealers know it. Police know it.

The U.S. Court of Appeals confirmed it in its 1987 decision, *United States vs. Crespo*:

Guns are "as much tools of the trade" as other narcotics paraphernalia, the decision states.

Why are dealers so heavily armed? "They have the gun for self-protection [because] they're afraid of getting robbed," Albany County Sheriff's Department Inspector John F. Burke said.

"If they don't have a gun on them, they have a gun near them, whether the gun is on somebody else, whether the gun is in an alley, whether the gun is in a house. Dealers would be foolish not to [be armed], because they're [handling] a lot of money," Burke said. Take convicted mid-level cocaine dealer Issac "El-Bar" Lanier.

Lanier was at home with his girlfriend, child and three visitors at 29 McArdle Ave. in Albany when two armed men burst in and demanded money in April 1992.

Rodney Henry, 21, and Eric "B" Robinson, 19, both of Brooklyn, fired five shots from their .380-caliber semi-automatic and .38-caliber handguns, hitting Lanier in the stomach, police said. They made off with \$5,000. Both are now serving prison terms for the crime.

Six months later, when police burst into Lanier's new Slingerlands apartment in a pre-dawn raid, Lanier reacted quickly.

He grabbed his .45-caliber revolver. "At first he thought it was somebody that was going to rob him," said Burke. "As soon as I said 'Drop it,' he put it right down. He knew me."

Lanier was later convicted of cocaine distribution for a loose-knit \$400,000-a-week drug ring operating in Albany.

The 1992 robbery of Lanier is a classic example of the New York City crowd muscling in on upstate drug dealers, who arm themselves in response, police said.

"The guns represent power. And if you have power you have territory," said Burke. "The kids from New York are saying, 'Hey, I've got a .380-caliber. Don't bull ... me or I'm gonna shoot you.' And they're going to take a block."

"Just as during Prohibition gangsters and booze and guns went together, now you have drugs and criminals and guns," said Assistant Police Chief William M. Murray of the Albany Police Department.

"They have the guns to protect themselves from other drug dealers, more so than protecting themselves from police," Albany narcotics



Racks of rifles and shotguns seized in criminal cases line one wall of a room at the New York State Police headquarters in Albany. The state police try to keep one model of every gun in existence for identification purposes.

JIM CASSIN, Gazette Photographer

Detective Sgt. Thomas Fitzpatrick said.

In 1992, violent crime rose 1.1 percent upstate and declined 6.4 percent in New York City, according to a report issued by state Police Superintendent Thomas A. Constantine.

The murder rate rose 17 percent from 1990 to 1991 in upstate counties. That upstate rate jumped another 12 percent, from 117 to 131 murders in the first six months of 1993 over the same period in 1992, according to FBI statistics.

The figures are closely tied to the "explosion" of crack cocaine abuse, Constantine said.

"Ninety-five percent of the gunfire or gunplay we've had and seen increase since 1989 has been directly connected with the proliferation of drugs," Murray said.

There are "at least 200 percent" more guns on the street in 1993 than in 1989, adds Fitzpatrick. "There's guns all over the place."

The street value of crack upstate — twice that in New York City — has drawn dealers north, Constantine said. With the best New York City street corners taken over by violent gangs, other dealers are opting to bring their goods upstate.

In the Capital Region, a steadily employed base of state and federal workers and a fairly stable economy

create a healthy market for recreational cocaine use, officials said.

While police have a harder time arresting suburban drug dealers, who are more apt to ply their trade indoors than on a street corner, the drugs and guns are there, too, Gray said. "There are loads of guns."

Many guns that suburbanites buy for protection are eventually involved in injuries or deaths, Gray said.

A recent study published in the *New England Journal of Medicine* supports Gray's claim. The study showed that people who keep guns in the home — nearly half of all Americans — are three times as likely to be shot to death at home than residents who don't have guns.

Drug dealers who keep guns at home are also at risk.

David "Rassan" Hemingway, 22, was cleaning his new .38-caliber Smith and Wesson when it fired, killing him at the Ida Yarbrough Apartments on Aug. 10, police said.

The death of Hemingway, whom police called a mid-level marijuana dealer, was the result of "easy access," said Gary Pickens, president of the Colonie Street Neighborhood Watch group. "Everyone carries them around for protection and anything could happen."

Meanwhile, drug dealers are "getting younger and more reckless and

their regard for life is practically nil," said Walter "Bud" Bleyman, resident-agent-in-charge of the U.S. Bureau of Alcohol, Tobacco and Firearms office in Albany.

"Drug dealers shoot each other, they steal each other's money and drugs," he said. "They shoot each other over territory disputes ... They'll shoot at bad guys, they'll shoot at cops and they'll kill kids in the street if they get in the way."

In the inner city, dealers recruit children between 12 and 15 to act as lookouts or couriers, police said.

"They start young and they make a lot of money and they don't think they can get in trouble," Albany County Probation Director Charlotte Gray said. "They absolutely do not see the results of their actions. At that age, they see on television that somebody gets shot and is up walking around. So many kids don't understand the difference between TV shows and real life."

A shocking double murder in 1988 in Albany was the Capital Region's first hint of the drug-related violence to come.

The convicted killers, dubbed "The Brooklyn Six," received prison terms of up to 82 1/2 years to life.

The victims, George Jones Mosley, 21, and William Patterson, 20, had come to Albany from Brooklyn to sell

coke and were renting a First Street apartment.

When Mosley and Patterson fell behind on payments to their "Brooklyn Six" suppliers, the group drove north on a cold March morning and executed them with shots to the head.

In Schenectady, Christopher "Slick" Carpenter, 20, also of Brooklyn, was sentenced to 30 years to life for the Jan. 1, 1992, killing of a rival Hamilton Hill drug dealer. Carpenter admitted shooting Eugene Holmes, 23, twice in the head with a 9mm handgun after Holmes repeatedly stole his drugs and cash.

Carpenter's lawyer called him a "typical throwaway kid" who turned to drugs and street crime for survival.

In 1990, a rival drug dealer shot to death 19-year-old Bronx crack peddler James A. Mannix in Vale Cemetery. He then stole Mannix's 4-ounce cocaine stash from a nearby house, according to police. Authorities said this was the first murder in Schenectady involving drug dealers who moved here from New York City.

Dionisio "Born" Somerville, 24, and Darrell "Maleek" Thomas, 23, both of Schenectady, were convicted of plotting to rob and kill Mannix.

In Troy in 1993, police launched CRASH, or Community Resources Against Street Hoodlums, a special task force to counter drug violence after Shawn "Shabazz" Robinson, 21, of Queens was shot to death on Fifth Avenue in what police described as a drug-turf battle Jan. 7. One suspect, Anthony Dunbar, 19, was acquitted of the murder charge Nov. 24 by a Rensselaer County Court jury; a second, Robert Roy Cephas, Dunbar's half-brother, remains at large.

With cash on hand, dealers can now afford "good quality semiautomatic handguns [or] assault rifles," said Bleyman. The 9mm semiautomatic handgun is a favorite.

They're not going for "Saturday night specials," Fitzpatrick said. "They go for Smith & Wessons, Walthers. It's a status symbol to have 'a piece.' That's why a lot of them have them."

A .380-caliber handgun, smaller than a 9mm, is common, as are .45-caliber and .38-caliber pistols. Shotguns, sawed off for easy concealment, are also popular. "They saw them off with a hacksaw," Fitzpatrick said.

Drug or gun dealers can travel to Southern states and buy weapons legally, then sell them illegally on the streets of New York, Fitzpatrick said.

Virginia was the leading state for such sales until a new law took effect in July limiting handgun sales to one

See DEADLY, Page 7

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Inspector John F. Burke
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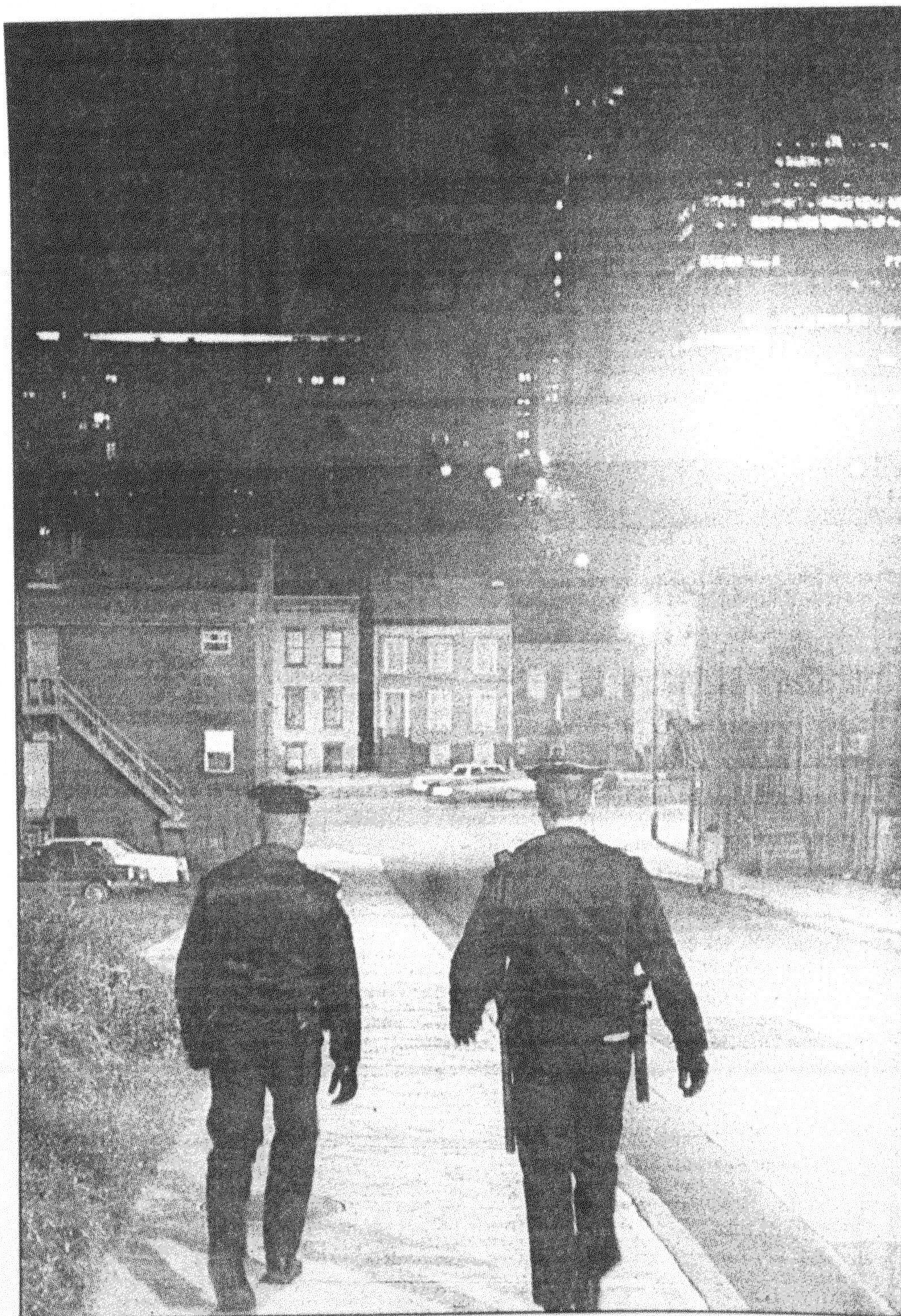
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See DEADLY, Page 7



BRUCE SQUIERS Gazette Photographer
 Albany Police Department community police officers walk the beat on North Swan Street in Arbor Hill, a neighborhood notorious for drug activity and gun incidents.

Living the life of the streets can make a man tough or dead

By KATE GURNETT
 Gazette Reporter

ALBANY — Somewhere at the murky bottom of the Hudson River is a .22-caliber pistol used in a drug dispute a couple of years ago.

Born, a 38-year-old Arbor Hill drug dealer, says he shot a man who owed him \$600 on a half-ounce cocaine debt, then tossed the gun in the river.

"There's a lot of guns in the river," he says.

The debtor wasn't critically wounded. And he did not call the police.

He simply went to the hospital, "got fixed up and came right back out here," says Born (not his real street name).

"He knew he deserved it. I've got my little bit of respect I've got to keep. You need yours, I need mine. Don't play me short."

A lean, quick-tempered man with a thin, sharp mustache and fiery eyes, Born makes his living selling drugs.

Like many street dealers, he carries a 9mm semiautomatic handgun. He also has a .38-caliber pistol and a sawed-off shotgun.

"Everyone doesn't have a gun. But everyone has access to it. If you don't have it, you can get to it shortly," he says.

"Six out of 10 [dealers] carry a gun. Nine out of 10 have access. And the other one is an idiot. He's the one that's gonna get shot."

"You know who the gun intimidates? The man who ain't got one." Most dealers prefer 9mm pistols, which can be bought illegally for about \$200 in New York City, Born says.

"And if you find a crack head you'll get one for \$50. I saw a man sell a .38-caliber and a .22-caliber pistol near the liquor store for a \$50 hit."

Born says he turned to the street as a young teen-ager after his mother went to jail.

Back then, he would steal money from the cash registers at Franze's grocery on North Swan Street, go to the pool room and "buy weed."

"I've had guns around me all my life. When I was a kid walking my dog I had a [25-caliber pistol]. I carried it in my pocket. You could put it in your hand. It's small enough."

"This ain't even new to me," he

adds, pointing to an old bullet wound on his left leg.

"You're gonna die. Live as hard as you can. Nobody gives a damn when you die up on that block [North Swan Street]."

Acquaintances know Born as a small-time dealer who peddles guns or works as a gun-for-hire to intimidate other dealers.

"He'll use a gun if he's forced to use a gun," one friend says.

His police record is limited to minor drug and robbery charges.

The cash he earns supports his own crack cocaine habit, friends say.

"I'm well educated. I can read and write, and I went to college," Born says, his voice rising. He was expelled from a local college after officials accused him of selling drugs there.

And, he notes, in spite of street dealers' reputation for ruthlessness he respects children and the elderly.

Each month "the old people cash their checks at Dargan's and they walk all over the block all day and nobody bothers them."

"They made it and you owe it to them, so you give them your respect. Same with the babies. Because they might end up doing something for themselves."

"I have to say the gun people have respect for Arbor Park Child Care Center," says Director Janice Parker. The center is half a block east of North Swan Street on Second Street.

"Gun carriers, drug dealers, they seemingly all have a respect for children, mothers and apple pie. We've had that saving grace of 'Don't bother the kids, man,'" Parker says.

The migration of armed New York City drug dealers has brought more violence to Albany, Born says.

"You've got a bunch of young guys coming up from New York. They'll just do [shoot] you. And they'll make you have to go back and do them to pay them back. It's nuts."

"You mess with them at your own risk. But not at my age. As far as shooting you, they don't give a damn at all. They grew up with it even larger [worse] than being up here. They come from the South Bronx, from Harlem, they probably already lost a brother or some family" to guns.

If necessary, Born says, "I'd shoot

a [guy] in a minute. I'm prepared to do the time. I'll do the time standing on my head. I've done 27 months, I've done six months, I've done 10 minutes. Murder don't mean nothing to me."

In a gun fight, he prefers his 9mm semiautomatic, which has "enough shots to take care of a man and his friends." His two clips hold nine rounds each.

"Hell, if you shoot [a big man] with a .22 it'll just sit in his muscles," he says.

He cites what he heard about the July 31 shooting of Robert J. Jones.

According to police records, Jones 21, pulled up in his brother's black Cadillac to the A & M Market at 32 N. Swan St. at 4 a.m. Outside the store, he had words with a man who pulled a small gun and shot Jones in the chest.

Undeterred, Jones "jumped up and beat the ... out of him," Born says.

Jones later refused to cooperate with police. So far, no arrests have been made.

Such spur-of-the-moment violence is typical of Arbor Hill shootings, Born says.

"It's random. Nobody sits up there and plots a murder. We don't sneak into a bedroom with a chloroform-soaked rag and hold it over someone's mouth" (as in the case of convicted former North Greenbush Councilman John Ramahlo).

Shootings are most often sparked by "drugs or money or you really disrespect somebody's lady or family. It's life as we know it. It's black men in America."

"There goes one now," he adds, as a shotgun-like boom resounded from the Robert Whalen Homes on Colonie Street. (Police have no record of anyone reporting a gunshot on Colonie Street at the time of this interview.)

For Born, guns are just "a part of life. White people like us to have guns so we can shoot each other."

But he insists he has no regrets.

His seven teen-age or college-age children, who live with their mothers, have managed to escape a life of crime, he says.

"I was lucky enough to have them with women who had means. Maybe that could be why we're not together," he adds.

"I'm thinking about all the people I know that didn't make it. I'm 38. I hope to make 40. Then I'll hope to make 50."



JIM CASSIN
Gazette
Photographer

Schenectady County Court Security Officer Jacqueline Paniccia receives instructions from Sheriff's Deputy Bill Leguire on how to use an AR-15 semi-automatic assault rifle.

FACTS



In Kennesaw, Ga., about 20 miles northwest of Atlanta, every citizen is required to own a gun, according to legislation passed in 1982. The exceptions are convicted felons, the mentally ill and conscientious objectors. The town's population doubled since then, but crime decreased.

Cities with the strictest gun laws such as New York City, Chicago and Washington, D.C., have the highest homicide rates.

In 1987, Japan, with a population of about 121 million, recorded eight gunshot homicides for an annual rate of 0.5 per 100,000 population. That's about as many as New York City has in a weekend. New York City had a homicide rate of 22 per 100,000.

Shooters say more red tape not the answer

By **TIM McGLONE**
Gazette Reporter

SCHENECTADY — Bill Leguire was standing around with some friends at a shooting range back in 1971 when he told his 4-year-old son Patrick to go get the .44-caliber revolver off the table.

The young Leguire picked the gun

up carefully, with the barrel pointed to the ground. He carried the gun to where the men were standing.

"He asked them could they please step behind him," Bill Leguire said.

The 4-year-old opened the cylinder, loaded the chambers with bullets that were bigger than his fingers and snapped it shut.

Then he fired at the target. When

he was through, he opened the cylinder, emptied out the shells and handed the gun back to his father with the barrel pointing down.

Bill Leguire's friends were stunned, he said.

Not every gun owner would allow his or her young child to handle a gun like this, but Leguire has strong beliefs about guns.

"If they learn how to respect them and how they function, I don't see any reason why anyone can't have one," Leguire said of handguns.

Leguire, an ex-Marine who works as a Schenectady County sheriff's deputy, has been a gun aficionado all his life. He travels around the world competing in marksmanship contests.

He has tremendous respect for guns, enjoys shooting them

and talking about them and believes that anyone besides criminals and the mentally ill should be able to own one if trained properly in handling them.

He is an adamant supporter of the Second Amendment right of the individual to keep and bear arms. He dismisses the argument by gun-control advocates who say the Second Amendment only gives members of the militia the right to own guns.

Besides enjoying guns for sport, he said he believes guns are important for self-protection as well. He also supports those who collect guns as a hobby.

But with the right comes responsibility, he said. Gun owners need training and good sense.

"It's dangerous for a person to buy a gun and turn around and stick it in his pocket. We have to be responsible for where those bullets are going," Leguire said.

He said he taught his son Patrick, now a police officer with the city of Schenectady, to respect guns as soon as his son was old enough to understand. That turned out to be soon after he started walking and talking.

However, Leguire stops short of calling for state-mandated training. Instead, he said, gun owners should train themselves.

"It's not practical," he said of mandatory training. "I don't think it would work — the cost, the time."

Leguire shoots two to three times a week at local gun ranges. On a recent chilly afternoon at the Rotterdam po-

lice range, Leguire showed off a Thompson fully automatic submachine gun and two semiautomatic assault rifles. One was an Uzi and the other an AR-15, the civilian version of the military M-16.

Two novice shooters and two trained shooters went along.

The machine gun was made in 1921 and first used by the Pinkertons to guard the Delaware & Hudson trains. When the federal government began to license machine guns, the gun was given to the Sheriff's Department, Leguire said.

Civilians cannot buy machine guns anymore and there is only one manufacturer of fully automatic guns left in the country — a company based in West Hurley, Ulster County, that sells them to the military here and abroad.

The guns are intimidating and menacing to look at, the shooters said.

But when fired, the feeling changes to one of power.

"You feel like you're the strongest person in the world," said one shooter after firing the Uzi.

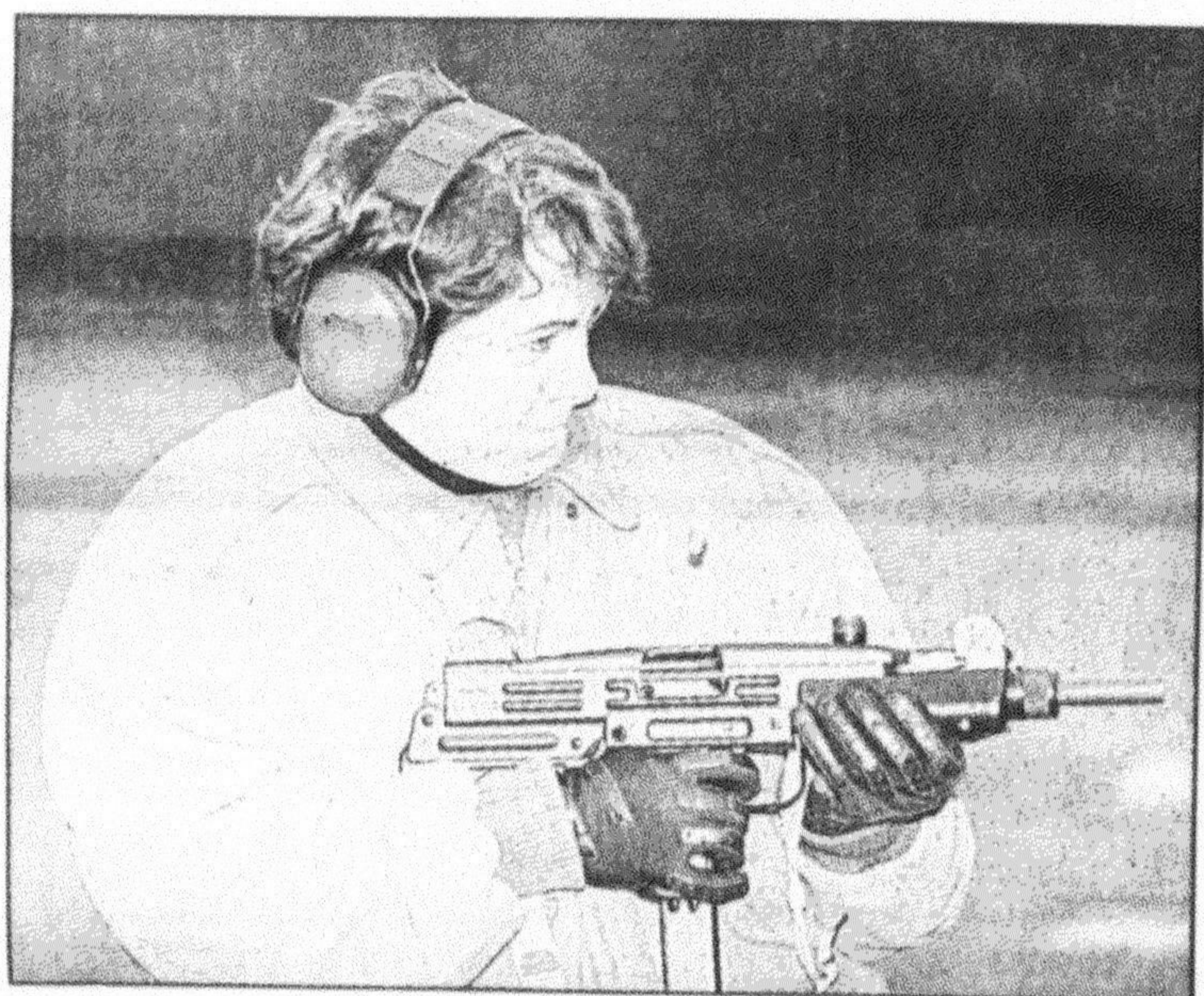
"You could take out the whole world with that thing," said another.

The Uzi was by far the favorite of the three guns. It is the smallest, but it also was the most comfortable and had the least kickback.

The Uzi is the type of gun most often seen in the movies. "It's the coolest," said another shooter.

"Remember when Reagan got shot?"

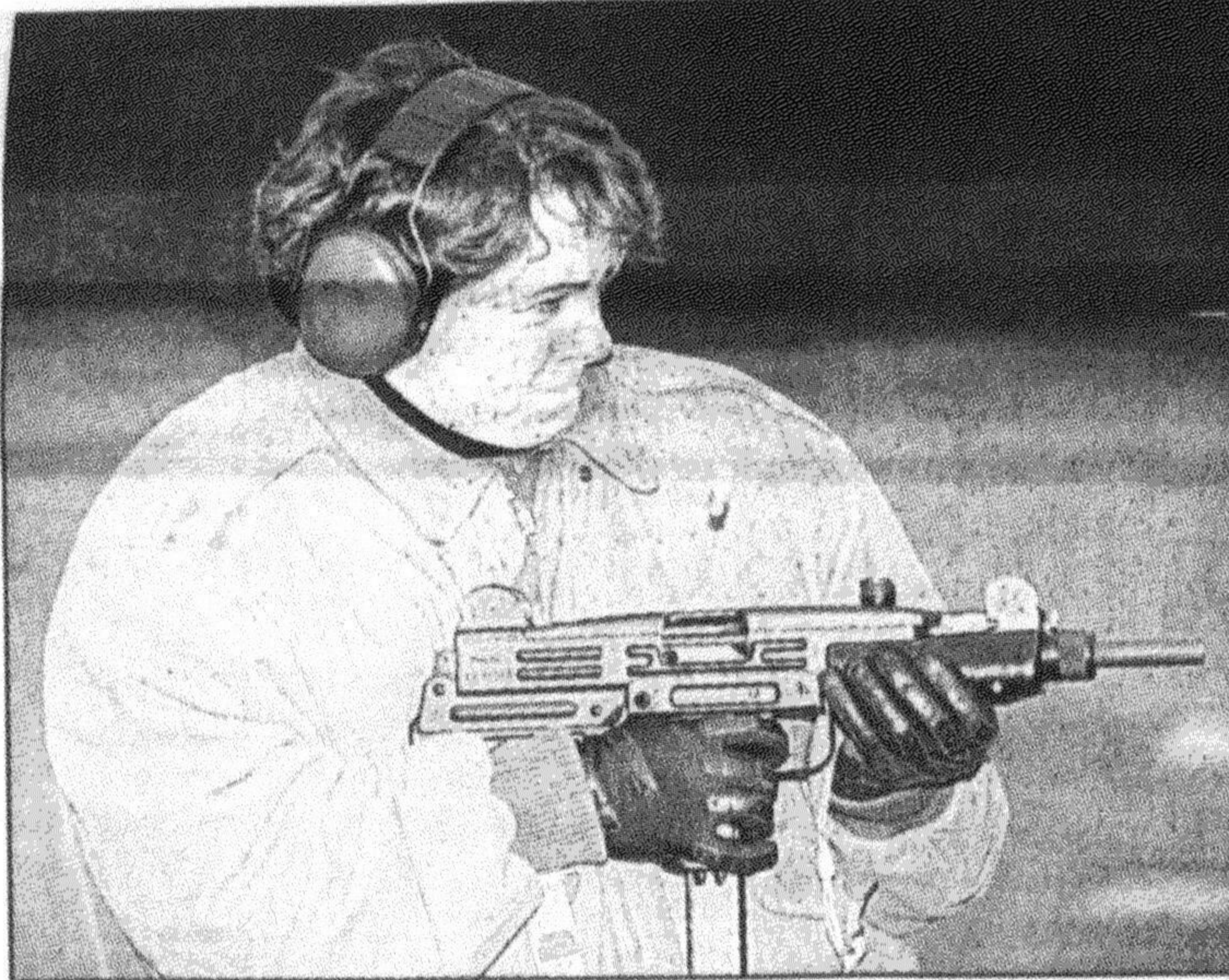
See REGULATIONS, Page 8



JIM CASSIN
Gazette
Photographer

Schenectady County Sheriff's Department Correction Officer Theresa Miller fires an Uzi 9mm semi-automatic rifle at the Rotterdam police target range.

JIM CASSIN
Gazette
Photographer
Schenectady
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See REGULATIONS, Page 8

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In 1991, firearms were used in 70 percent of New York state's homicides, compared with 54 percent in 1985.

Deadly force an integral part of the illicit drug business

Continued from Page 6

gun per person per month, Bleyman said.

Once drug dealers get a gun, they usually hide it in a secure but accessible spot.

Dealers stash their guns "in any number of places," Fitzpatrick said. "A safe house, a girlfriend's house. Somewhere they can get them if they need them, for a vendetta or a threat or if they anticipate some competition. Or at times they do carry them on the street. [But] usually it's a question of going to get them when they need them."

A safe house might be a vacant building or the home of a friend or relative.

Keeping the guns in a remote spot also helps prevent heat-of-the-moment shootings over petty disputes, one gang member said.

"Otherwise they'd be blasting each other all over the place," he said.

Drug dealers may be heavily armed, but they're not trained marksmen, police said.

"It's not like they went through any classes," said Burke.

"A [.45-caliber revolver] will kick like hell and they're not going to be that good with it. A 9mm, if you're not

used to it, will dog up [jam] or catch," Burke said.

A jammed 9mm saved the life of Laura Amos during the 1988 "Brooklyn Six" First Street killings when it failed to go off, trial testimony revealed.

However, little training is required to fire a 9mm semiautomatic handgun, notes Bleyman.

"When you shoot somebody from four feet away, you're going to hit them. A 9mm might hold nine rounds of ammunition. You shoot nine rounds from 10 feet away, you're going to hit them."

When a trio of gunmen fired eight

shots in a marijuana turf battle on North Swan Street on Dec. 1, 1991, they missed their intended targets — Jamaican nationals and alleged pot dealers Samuel Cassell and Paul "Demus" Miller, police said.

But ricocheting bullets struck and killed an innocent bystander and pierced one gunman's jaw.

Despite the glut of guns, some drug dealers avoid them, Fitzpatrick said. Such dealers "don't feel threatened by other drug dealers."

Michael A. Holmes, 37, of Albany is one example, Burke said.

When Burke and others raided Holmes' apartment on July 2, 1993,

they found five ounces of cocaine, \$15,000 in cash, computers, beepers and a fax machine. Burke described Holmes as a "sophisticated" drug dealer who bought drugs in New York City and sold them in Albany for the past five years.

He did not own a gun.

Because Holmes didn't deal on the street, he was much less likely to be robbed, Burke said.

"He had a lot of select clientele, upper-class people, lawyers," Burke said.

Police arrested him after he allegedly sold drugs to a police informant. That case is pending.

PROFILES

ELLIOT HEWITT

TROY — Someone fired a bullet into Elliot Hewitt's head on Sept. 5 in Troy, but police don't know who did it or why.

Tenants at 2916 Fifth Ave. found Hewitt, 29, of the Bronx, in a puddle of his own blood at the bottom of their hallway staircase. He had been shot through the mouth.

Two residents said police told them Hewitt was the loser in a deadly game of Russian roulette.

But authorities are still not certain why Hewitt died.

"The case is still open," said Michael McDermott, chief assistant district attorney in Rensselaer County. No charges have been filed against anyone in connection with the shooting.

"The information we have to date is that it was a game of Russian roulette," McDermott said.

"El" Hewitt had been visiting a friend who lives in

the two-story house on Fifth Avenue next door to the Troy school board offices, tenants said.

At the time of the shooting, about 5:30 a.m., five adults and five children were home at the second-floor apartment.

One tenant said an electric fan drowned out the sound of the gunshot, but she was awakened by the thud when Hewitt's 6-foot-6, 250-pound frame collapsed downstairs.

Neighbors said Hewitt had been staying in the Troy

area for several months after moving from New York City. They did not know whether he was employed.

A tenant said Hewitt had recently bailed her cousin out of jail and had given money to another tenant to buy diapers for her 1-year-old daughter.

Police said Hewitt had been charged with selling and possessing drugs in Massachusetts.

Hewitt was a father, but police said they did not know how many children he had or whether he was married.

JAMES HILL

SCHENECTADY — Kimberly McGuire pointed to a vase of violet miniature carnations her boyfriend had bought her a few days before his murder, saying he was a generous person.

"He was just somebody from [New York City] trying to make a better life for himself," she said, in the Hattie Street apartment they had shared for a year and a half.

In the kitchen, her boyfriend's ring-necked doves cooed from their cage.

McGuire and others who had known 30-year-old James Hill said his death in April was senseless and unexpected — that he was not a person prone to violence

or crime, just a hard worker trying to get ahead in life.

Hill was fatally wounded by a shooter who fired two bullets into him behind a State Street dance club around 3:40 a.m. April 10. Police said the shooting followed an argument; McGuire, a witness, said Hill himself hadn't even spoken to people at the club, though another in their group had.

Three bullets were fired; two struck and killed Hill, according to police.

His brother, Antonio Hill, drove frantically up State Street with James slumped beside him, and flagged down a police car near Brandywine Avenue. James Hill was pronounced dead at Ellis Hospital a short time later.

Police charged a 17-year-old Schenectady High

School junior with second-degree murder, and said it was a simple argument outside the club that erupted in gunfire. The suspect, Carlton Brown, is still charged with the killing, according to police, and is currently in jail on unrelated drug charges.

Hill was a chef who friends say was generous and well-liked. They also said he was a conscientious worker who often logged long hours at past jobs — at the Ramada Inn in Schenectady, the OTB Imperial restaurant and the Jewish Community Center in Albany, where he was head chef when he died.

A few days after the shooting, friends who gathered in the apartment downstairs from Hill's said he was not a person they would have expected to be shot to death.

"He was a just a very nice guy," said William Marshall, who remembered Hill helping people fix cars. "Everybody liked him."

Others said he was devoted to his 4-year-old son, James Anthony Hill Jr., born to a prior girlfriend.

Born in Amityville, Suffolk County, Hill had come to Schenectady to escape the New York metropolitan area, McGuire said.

He had lived in Schenectady about five years, earning a degree in culinary arts from Schenectady County Community College.

Hill was determined to succeed in life, and was an optimist, she said.

More PROFILES, Page 9

Legislators, advocates get ready to do battle

By TIM McGLONE
Gazette Reporter

The way members of the Citizens Committee for the Right to Keep and Bear Arms see it, more citizens own guns legally than voted for President Bill Clinton.

The president received 44 million votes. There are between 60 million and 80 million firearm owners.

Citizens are arming themselves at unprecedented rates — roughly two to three million new handguns are sold each year, said John Snyder, chief congressional lobbyist for the committee.

Fear of crime and new federal gun control laws sparked a gun buying frenzy across the country in late 1993. Estimated holiday gun sales were up more than 100 percent over the previous year, according to an industry analyst.

"I'd like to translate that politically," Snyder said. Gun control is not what the majority wants.

"I think that's so ridiculous," said state Sen. Emanuel R. Gold, the deputy minority leader from Queens who is one of the leaders in the gun control movement in the Legislature.

"I think the public today is much, much more concerned," he said.

Though no gun control legislation passed last session, Gold said legislators are negotiating vigorously for the passage of a law requiring background checks on those who want to buy rifles and shotguns, and licensing those weapons.

A bill that would require completion of a gun safety course before a handgun license is issued or before a rifle or shotgun is purchased appears to have the strongest chance of passage this session, he said.

Pending legislation would also outlaw the possession and sale of assault rifles. The bill exempts collectors and the use of assault rifles at authorized target ranges and by competitive marksmen.

But Senate Majority Leader Ralph Marino, a Conservative-Republican from Long Island, has refused to let any gun control legislation out of com-

mittee. Marino has said that New York already has enough gun control laws. He would prefer that the federal government pass tougher laws with stiffer penalties.

Gov. Mario Cuomo, in several speeches in recent months including his State of the State address Wednesday, called for a combination of federal and state action to control gun violence.

His state proposals include a ban on assault rifles, leading some insiders to believe passage is imminent. He also said the state is working to pass a law lowering legal capacity to 10 or fewer bullets.

New York state has some of the toughest gun control laws in the country, so to some it is not unusual that bills to make the laws tougher have stalled in the state Legislature.

Those bills have been doomed in recent years because of the strong anti-gun control lobby and Marino's stance.

The lobbyists argue that New York's tough stance on handgun purchases has not worked to reduce gun-related violence. Further restrictions would not work any better, they say.

But Gold is optimistic about the passage of new gun control legislation this session.

In July, Cuomo signed a law creating a new felony crime of criminal sale of a firearm to a minor, but gun-control proponents consider the law weak because it only outlaws the sale or transfer of a handgun to a person under 19 by a person who is not authorized to possess the gun.

Before that law was signed, the last time any type of control legislation passed was in 1986, when armor-piercing bullets and sawed-off shotguns were outlawed.

Statistics show that handgun violence is at an all-time high among the nation's youth, according to a study by Northeastern University.

Despite years of watching this violent trend reach record heights, state and federal legislators have done little to quell the violence, according to gun-control lobbyists.

Even the federal Brady bill, signed into law last month, took 10 years to pass. The law requires a five-day waiting period and background check before a handgun can be purchased, but won't bring any changes here, since New York already has tougher requirements.

"What it really comes down to is we're not to the point of putting down the rhetoric," said Jack McPadden, a spokesman for Gold.

Gold has been an advocate of gun control legislation for years, but his efforts have been stymied because he is in the minority.

Once a year, he makes a show of it by walking into a local gun shop and purchasing a shotgun, rifle or semiautomatic assault rifle. He has been trying to ban the semiautomatic rifles for four years.

Last spring, Gold walked into the Service Merchandise store in Colonie, dropped \$69 and walked out with a shotgun.

He sawed off the barrel and held press conferences here and in New York City to show the media how easy it was to purchase a deadly, concealable weapon. He said the New York City reporters were shocked, but he

got little media attention in this region.

One day in the spring of 1991, he bought an AK-47 bayonet-tipped, semiautomatic assault rifle from B&T Inc. on Central Avenue, Albany. Fifteen minutes later he bought a 12-gauge shotgun from the Pistol Parlor in Rensselaer.

He then took out a newspaper advertisement offering the AK-47 for sale at nearly twice the price he paid. He said he received several inquiries from people eager to buy the

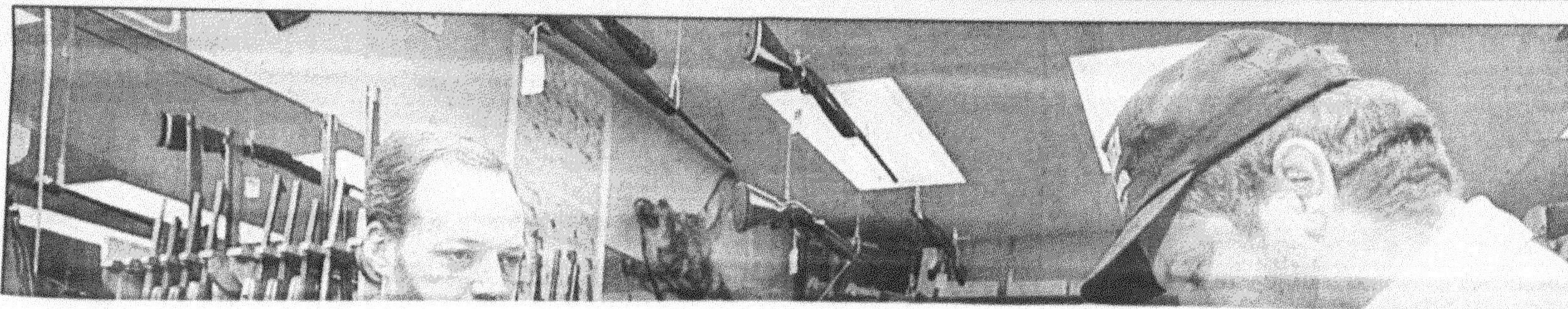
See OPPONENTS, Page 9



Courtesy, Sen. Emanuel R. Gold

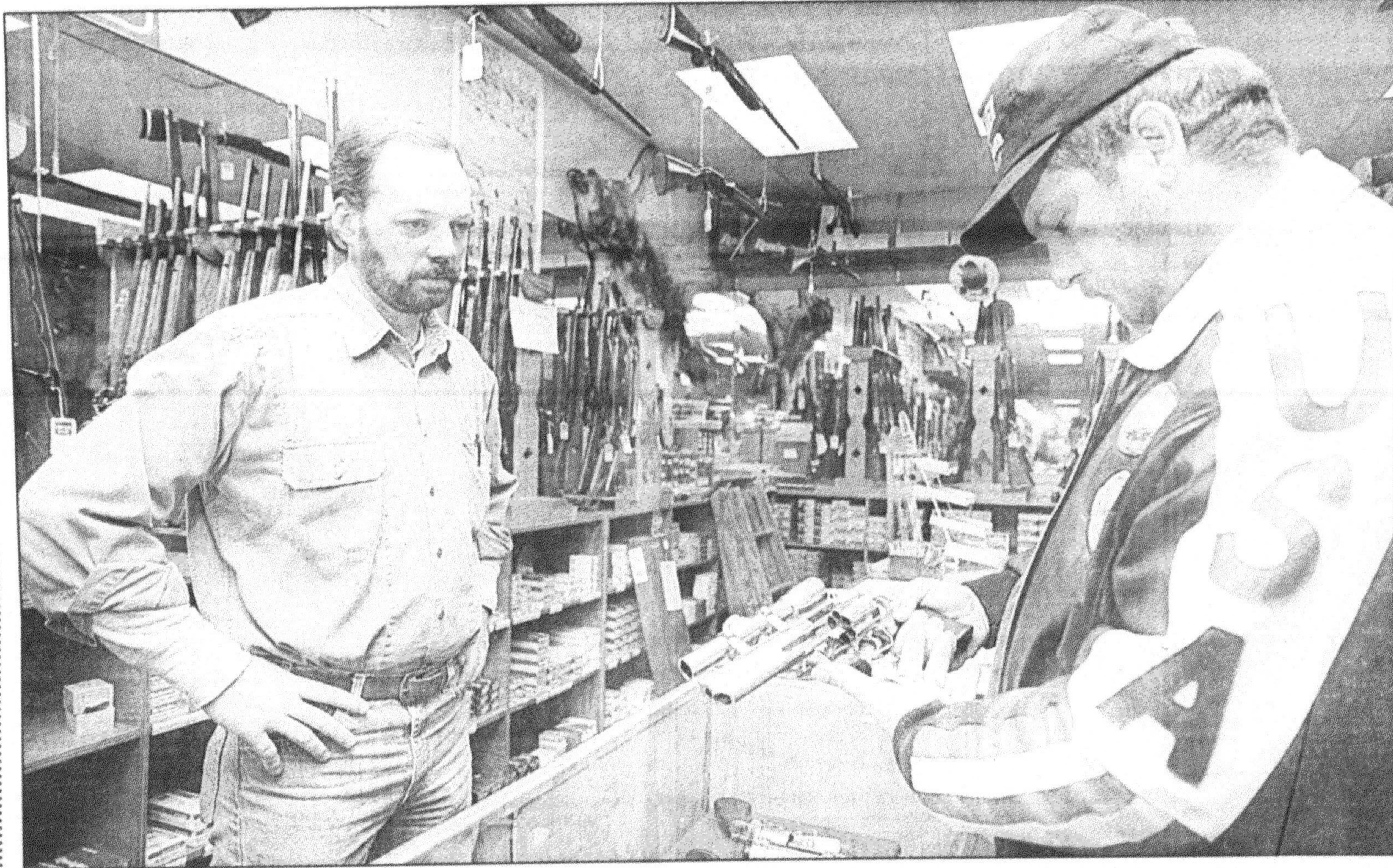
State Sen. Emanuel R. Gold displays a Mossberg shotgun, left, and an AK-47 semiautomatic assault rifle with bayonet. He bought both weapons in Capital Region stores in 1991.

"I prefer not to call any of these weapons. I prefer to call them precision instru-



I prefer to call them precision instruments. It's only a weapon if you take it and use it as one."

Bill Leguire
Marksman;
Schenectady
County sheriff's
deputy



JAMES PANETTA
For The Sunday
Gazette

Scotia resident Harry Simkins looks over a handgun with scope at Taylor and Vadney Sporting Goods on Central Avenue, Albany, as employee Mike Spenick looks on. Simkins was looking for a handgun for hunting.

Regulations won't impede criminals, gun proponents say

Continued from Page 4

The Secret Service men came out holding a gun up like this," Leguire said, holding the Uzi straight up in the air. "This is exactly the same gun," he said.



JIM CASSIN Gazette Photographer
Schenectady County Sheriff's Deputy Bill Leguire watches as Schenectady County Court Security Officer Jacqueline Paniccia practices firing a Thompson submachine gun at the Rotterdam police target range. The fully automatic machine gun, which would be illegal for a civilian to buy, belongs to the Sheriff's Department.

"People who can acquire them use them legally," he said. Those people are sport shooters and hunters.

Leguire, a member of the National Rifle Association, is very sensitive when it comes to the debate over guns.

"I prefer not to call any of these weapons. I prefer to call them precision instruments. It's only a weapon if you take it and use it as one," he said.

He does not believe more laws are necessary to prevent handgun violence. What is needed is more training and education and instant background checks.

He said it is already too difficult to get a handgun permit in New York state. He should know — he processes all the handgun permits for the county.

"I think it's necessary to make these checks, but it's not the law-abiding citizen who's ruining it," he said.

The Brady bill, which President Clinton signed into law in December, is useless in New York, he said. The law creates a five-day waiting period and background check before a handgun can be purchased.

In New York state, first-time gun buyers must be fingerprinted. Those prints are sent to three agencies — the FBI, the state Division of Criminal Justice Services and the state office of Mental Health. The resulting wait is far longer than five days.

If the potential buyer has a criminal record or a history of mental illness, the application is denied.

"I process handgun permits every day of the year. There are people waiting six, eight, 10 months," he said, citing the bureaucratic red tape that must be endured by law.

Leguire, like the NRA, wants a com-

puterized instant background check system. The federal government is working on such a system and there will be funds available from the Brady law to improve computer systems on the state level. But the new systems are years off.

One of the shooters debated with Leguire about how in some places it is easy for criminals to get their hands on dangerous weapons like Uzis and other semiautomatic guns.

"I see where you're coming from. There is no purpose for this gun," he admits of the Uzi. "If you've got criminal intent, no law is going to stop you."

Leguire equates the Uzi to someone buying a Cadillac over a Chevrolet. He said the Uzi is more prestigious than other semiautomatic guns. It's a status symbol among legal and illegal gun owners.

The others at the range in Rotterdam have their own feelings about guns. They end up debating Leguire.

Jacqueline Paniccia, a security officer in the County Courthouse, carries a .38-caliber revolver on her side every day at work.

"It was real exciting to go out and shoot the guns," Paniccia said.

"I felt like I had a lot of power. It was definitely a high — the excitement of it," she said. "But I don't think I'd make it a habit."

She is required to practice shooting her .38 revolver once a year.

But Paniccia said she's confused over the constitutional right to keep and bear arms and the toll guns have taken on the lives of Americans.

"I don't think you should be able to go into a store and buy a gun. But it's a Catch-22. Then what do you do about hunters? I'm confused just like everybody else. What are you supposed to do, not let hunters hunt?" she asked.

But she agrees with Leguire that waiting periods do not work to deter crime. She cites as an example Colin Ferguson, the 35-year-old man charged in the Dec. 7 commuter-train bloodbath on Long Island.

Ferguson followed all the proper procedures in purchasing a Ruger 9mm semiautomatic handgun in California. The only thing he may have done wrong there is lie about his address, authorities said.

"If people want to get a weapon to commit a crime, they're going to get a gun," Paniccia said.

"It's only because I work here that I carry a gun. I've been in this building with crazy people. I don't need my gun to calm them down," she said.

But what if she came face to face with a man holding a gun?

"Somebody could walk in here and start shooting. What are you going to do?" she said.

"There is no training that will get you ready for that. I'm going to have to pull my weapon and start shooting," she said.

Opponents set to do battle in the legislature

Continued from Page 8

gun and avoid retailer registration forms.

"I'm concerned about people who have an argument and can run in and buy one of these things," Gold said.

All that someone needs to buy a rifle or shotgun is a driver's license. The buyer has to fill out a form developed by the federal Bureau of Alcohol, Tobacco and Firearms, but the form stays in the store. It is never verified.

Gold has proposed legislation requiring statewide licensing and registration for shotguns and rifles, similar to what is currently used for drivers and their cars.

The licensing bill calls for a seven-day waiting period prior to the purchase of a rifle or shotgun. The local police department would check the buyer's name, date of birth and social security number. If the check showed a possible criminal record, the buyer would then have to submit his fingerprints to the state for further verification if he wanted to pursue the sale.

The bill allows up to a month for a more thorough background check of the person's fingerprints. If a criminal record is verified, the application would be denied.

The bill requiring registration of rifles and shotguns would require these steps whenever a sale is made, whether in a store or between two private citizens.

Gold said California, which licenses rifles and shotguns, stopped more than 2,000 sales because the customers had criminal backgrounds or a history of mental illness.

He also proposes mandatory weapons training prior to purchase of a pistol or revolver.

Gun advocates fear that if the Legislature passes one bill, even if it did little to control purchases — for example, mandating a handgun safety course — then the floodgates would open.

"I think it's just a way to get their foot in the door," said Frederick Rossi, a Scotia resident.

Rossi was named the 1993 Citizen of the Year by the Citizens Committee for the Right to Keep and Bear Arms.

Rossi, also a member of the National Rifle Association, won the award for his work in the fight against further gun restrictions.

About 1,000 of the committee's 650,000 members nationwide receive the award annually.

Rossi, like the NRA, believes in a proposal before Congress that supports instant computerized background checks for handgun purchases.

That system needs a national data bank of criminal records.

Opponents of that plan say it would take years to set up such a computerized program.

Snyder, the committee's lobbyist in Washington, said a computerized program could be in place in a matter of months and would work much the same as credit-card checks currently in use.

He said federal criminal records already are computerized.

The main difference between proponents of the Brady Bill and opponents of instant background checks is the waiting period.

"The Brady Bill is a cop-out. It simply puts a burden on the person who wants to buy a gun," said Snyder.

Rossi cites the April 1992 riots in Los Angeles as a reason against a waiting period.

"When the rioting went on, the people were at the mercy of the thugs," Rossi said.

He said those in fear for their lives should have been able to walk into a store and buy a handgun for protection in the midst of the rioting.

"There's too much rhetoric; there's too much fear," said McPadden, Sen. Gold's spokesman.

He said he believes that one day there is going to be a disastrous crime involving a gun and then the public will be demanding gun control.

"When Wayne Lo went crazy in Massachusetts, you saw the reaction. It's only a matter of time that people will begin saying, 'Who are we protecting?'" McPadden said.

Lo, 18, a sophomore at Simon's Rock College in Great Barrington, Mass., is accused of roaming the campus with a Chinese-made semi-automatic assault rifle and gunning down a teacher and a student and wounding four others. Lo purchased the gun legally and bought 200 rounds of ammunition through the mail.

"I really believe in the dam principle. The day is going to come when that dam is going to burst," he said.

The anti-gun control lobby argues that tougher laws will not make the country any safer; it will just make it more difficult for law-abiding citizens to obtain guns, while the criminals will continue to buy their weapons from the black market.



Vincent Papolizio, owner of Taylor and Vadney Sporting Goods on Central Avenue, Albany, displays some of the handguns for sale in his store. Gun sales hit record levels last year due to fears that tighter federal regulations would restrict the ability to purchase guns legally.

For example, the lobbyists said, New York City — which already requires fingerprint checks for all firearm purchases, including rifles and shotguns — has one of the highest

murder rates involving firearms in the country.

A recent study by Tulane University showed that 17 percent of convicted felons who used guns in the

commission of a crime purchased their weapons from licensed gun dealers.

The remaining 83 percent bought them on the black market.

FACTS



Between 80 percent and 90 percent of the guns that police seized throughout the state come from out of state. In New York City, the percentage stands at above 90 percent.

In 1980, handguns killed 77 people in Japan, eight in Great Britain, 24 in Switzerland, eight in Canada, 18 in Sweden, 23 in Israel, four in Australia and 11,522 in the United States. In 1992, the number of victims rose to 34,000 in this country.

The United States had eight homicides per 100,000

Rossi, also a member of the National Rifle Association, won the award for his work in the fight against further gun restrictions. About 1,000 of the committee's 650,000 members nationwide receive the award annually.

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The United States had eight homicides per 100,000 people in 1984. For the same year, Canada came closest with 2.7 per 100,000 and Japan had the fewest of the industrialized nations with 0.8.

Cuomo seeks state, local and federal cooperation

By **TIM McGLONE**
Gazette Reporter

AL BANY — The governor and the director of criminal justice services in June issued the second-annual joint report titled "A Strategy for Action Against Gun-Related Violence."

The report is their wish list for stricter gun control laws.

On the first page, the report calls for "a national gun control strategy as a cooperative endeavor between federal, state and local officials to control illegal firearms trafficking."

Gov. Mario Cuomo's proposed laws would:

- Ban possession of more than 40 types of assault weapons.
- Prohibit large-capacity ammunition-feeding devices.
- Hold juveniles who possess deadly firearms responsible as adults.
- Reduce parole eligibility for people convicted of gun crimes.
- Require a firearms safety course before a handgun license is issued.
- Close loopholes in an existing state law that mandates a one-year jail term for illegal possession of a handgun. Of the 3,000 offenders who

could have been subjected to this mandatory sentence in 1992, only 36 percent received one year or more of incarceration, according to the report.

• Require renewal and recertification of handgun licenses every three years. The objective is to improve the records kept by the state police. The fees raised would go toward law enforcement.

But the report states that the effectiveness of the state's gun control laws is weakened by the absence of "meaningful" federal gun control regulations.

The report calls on the federal government to:

- Pass the Brady Bill, which it did in December. The president signed it into law on Dec. 1. It takes effect March 1 and mandates a five-day waiting period and background check before anyone can purchase a handgun from a licensed dealer. The law does not apply to private transactions.
- Ban the transfer, transport, shipping and receiving of assault weapons.
- Require those who apply for federal firearms licenses to comply with

state and local laws before a license is issued. A federal firearms license allows for the wholesaling of guns and allows them to be purchased in large quantities.

• Deny federal firearms licenses to convicted felons, even if their civil rights have been restored.

• Require fingerprint-based criminal background checks for federal firearms dealers.

• Raise the penalty from a misdemeanor to a felony for a federal firearms dealer's intentional failure to maintain proper firearm transaction records.

PROFILES

JAYNE E. LYNCH

GREENFIELD — Jayne E. Lynch, 43, is remembered as a bright woman with a keen interest in history. Yet, on Feb. 21, she shot herself to death with a .22 caliber rifle, after earlier firing the rifle at a friend.

Police said Lynch, a former Greenfield town councilwoman, had lived with Valerie Dominick on Bump Hill Road for 16 years.

The couple broke up in November 1992. Lynch, jealous over Dominick's alleged involvement with another woman, moved to Saratoga Springs, according to city police.

Police said Lynch fired a rifle shot that went through a car window and hit Veronica Coyner, 39, Dominick's twin sister, in the left shoulder. The shooting came at 12:45 a.m. Feb. 21 as Coyner and Dominick were leaving 227 Nelson Ave. in Saratoga Springs, where Lynch was living.

Police said that six hours later, Lynch took her own life with the small-caliber rifle, shooting herself in the head as she stood in a small closet in the Nelson Avenue home.

Back in the mid-1980s, Lynch had served as a deputy town clerk for Greenfield town clerk Pauline Levo. Lynch was also Greenfield town historian in the mid-to-late 1980s and served as town councilwoman from

January 1988 to June 1989.

"She was very dedicated to town history," said Levo. "It's such a shame; she was bright and artistic."

The Greenfield Town Board passed a resolution in memory of Lynch at its March 11, 1993 meeting.

"As town historian she inaugurated the tradition of Heritage Days for the town which have become an annual, well-attended event," the resolution says.

"And further, as town historian, [Lynch] engaged in an active role for the preservation and dissemination of historical information about the town and was instrumental in the publishing of the Greenfield Quarterly."

A native of Saratoga Springs, Lynch was a 1967 graduate of St. Peter's Academy, now Saratoga Central

Catholic High, and later graduated from Elizabeth Seton College in Yonkers.

She had been an assistant art instructor at Ballston Spa High School and also worked at the Wilton Developmental Center.

Former town supervisor Edward Stano Jr., with whom Lynch ran for election in the fall of 1987, said he got along well with her until she stopped coming to Town Board meetings in 1989 and finally left the board due to recurring back problems.

He and other town officials said they lost touch with her after she stepped down from the board.

Lynch is survived by her mother, Jean Shippey Lynch, two brothers and a stepbrother.

DALE O. LABARGE

MOREAU — People who knew Dale O. LaBarge well said the friendly grandmother never said an unkind word about anyone.

"She was a lovely woman," said Eileen Weeks, who worked with LaBarge at Webb Graphics in West Glens Falls.

A single shot from a 12-gauge shotgun took LaBarge's life.

The bodies of LaBarge, 60, of Frankie Lane, and her

36-year-old daughter, Jeanne Marie Turcotte of Newcomb, Essex County, were found on the morning of Nov. 6 in LaBarge's home.

Turcotte's husband, Sylvain, 37, of Newcomb was charged in the shooting.

Dale LaBarge was the wife of longtime Moreau landfill superintendent J. Frank "Pedie" LaBarge.

The LaBarge home is adjacent to the town landfill, and many town residents visited with the family on their way to or from the landfill.

Jeanne Turcotte was staying at her mother's home after serving her husband with divorce papers just

weeks before the shooting.

People who knew Dale well said she enjoyed making gourmet meals and having her friends and relatives over for dinner.

She would arrive home from her job at Webb Graphics, finding not only her husband but sometimes several of his friends visiting and looking for something to eat.

"She would be just as pleasant to everyone there," said a friend who asked that his name not be used. He said that everyone was always welcome in the LaBarge home.

"[Jeanne] was a bubbly kind of person, usually up," said Arthur Anaou of Newcomb.

Anaou and his wife, Marie, were close friends of the Turcottes, who lived in a colonial home on Winebrook Road in Newcomb with their three children, Jason, 15, Ryan, 13, and Sarah, 7.

The Turcottes were married for 15 years, but Jeanne had filed for a divorce just weeks before her death. She had moved temporarily into her mother's home.

Anaou said that Jeanne had some "severe problems in her life" that sometimes turned the naturally happy person into a more serious one.

"We were trying to help her in her moments of distress, trying to lighten her load by spending time with her," said Anaou.

"We loved Jean," he said.

The Anaous have organized fund-raising events for the Turcotte children since their mother's death and father's imprisonment.

Friends and relatives said Sylvain had a drinking problem, which had strained their marriage.

"She put a lot of effort into her work, into her shopping... but she had some emotional problems the last year or so," said Anaou.

Since 1989 Jeanne Turcotte, who was born in Glens

"It didn't matter who was there, she would be nice to them," he said.

Anne Kusnierz, a Moreau town councilwoman, said the LaBarges "were a unique couple. They had a great relationship, mutual, sharing, warm... always willing to help people."

"She was very well liked and was also a very good friend to all of us," said Weeks.

Weeks said Dale LaBarge had worked at Webb Graphics for 13 years. She was an excellent employee and worked in the credit, production and planning departments at one time or another.

Falls, had worked as a developmental aide at the Mix Road group home in Long Lake, operated by the Wilton Developmental Center.

"She was a very caring person, she had lots of friends," said Eleanor Yandon, director of the group home, which houses 12 developmentally disabled people.

Yandon said Jeanne "took a great deal of care" to make sure the disabled people were properly dressed and fed.

"She's going to be missed," Yandon said.

More PROFILES, Page 11

Guns become way to settle disputes for some children

By KATE GURNETT
Gazette Reporter

ALBANY — The nightclub was dark and crowded. On a second-floor platform above the bar, a crush of 300 college and high school students danced and drank at an end-of-summer bash at Panfilo's Sports Bar on Aug. 23, 1992.

Some wore plastic bracelets — marking them as old enough to buy alcohol at the downstairs bar.

But the upstairs was so packed, a detective said later, no bartender could have edged through the crowd to check for underage drinking.

Soon, it wouldn't matter. When the first shot was fired, dozens of teens dove to the floor while others bolted for the door, smashing tables and chairs along the way, witnesses and police said.

At first, Christopher Wright, 24, didn't realize he'd been shot.

"I thought I was getting trampled by the crowd. Then I realized I couldn't get up," he said.

Sprawled on his stomach, Wright saw a teen with a gun standing over him.

"I thought: 'I'm gonna die.' I just knew he was gonna blow my head off."

Instead, he was shot a second time in the back. As he bled from the two bullet holes, Wright tried to crawl down the stairs, but passed out critically injured, he said.

He later learned his cousin, George Proctor, 16, an honor student from Central Islip, Suffolk County, was killed.

Police arrested an unlikely pair of suspects: Two college-bound Albany High School students.

Taison Adams, 17, of Mount Hope Drive, a pre-engineering student at the Rensselaer Polytechnic Institute's minority mentoring program, was accused of shooting Wright. His good friend, Devon Carter, 18, of Third Street, was charged with killing Proctor.

Adams and Carter said they never fired any guns; police never found the weapons.

Parents, police, educators and doctors are increasingly concerned about the use of guns by children as school violence and increased health care costs indicate that gunplay is taking its toll on the younger generation.

Carter's murder trial is scheduled to start this week. Adams' trial is expected later this year.

"They had mad guns in that place, as the kids say," said Amos Carter, Devon's uncle, meaning several teens were armed that night.

"The guns is what we have to keep out of the hands of all people," Beatrice Adams said. "If there weren't guns around, maybe this wouldn't have happened."

Police said a yearlong spat over a girl sparked the shooting.

that death is not a television stunt — to be done and undone in a twinkling," states Prothrow-Stith.

Research conducted by George Gerbner, dean emeritus at the Annenberg School of Communications at the University of Pennsylvania, revealed that children who watch television have trouble distinguishing between fictional violence and reality.

Young people, particularly males, are infatuated with firearms, said New York State Trooper Clemmie Harris of Troop G in Loudonville. Harris heads the Black Male Training mentoring program, which uses a one-on-one approach to teach young black men about community service, personal health, higher education and etiquette.

"The constant survival issues that many minority and poor people are faced with on a daily basis draws them to this false sense of power," Harris said. "One, they recognize that a firearm is a way to obtain what they want through the threat or actual use of this lethal force. [Two], it provides them with a degree of safety."

One 13-year-old boy was so drawn to Harris' 9mm Glock handgun that he talked about the gun for five minutes. He told Harris that he loved guns.

Harris stunned the teen by advising him to love people, not guns. Most police officers never draw their gun, a last-resort tool that should not be glorified, he explained.

"I clearly remember as a child, I was scared of guns. To this day, I'm still scared of them," said Harris. "But these kids can tell you what you're carrying and the capability of your firearm. And these teen-agers are the direct role models for the younger kids coming up behind them."

"I don't know if they [realize] the guns hurt," Amos Carter said. "The younger generation came up with 'Miami Vice' and all that. I really don't think they know the effect of the gun. What a gun will do. But they got them."

Spending the past 16 months in jail awaiting trial has given his nephew "one hell of an education," added Carter.

"My nephew was taught not to do anything like that. Anybody knows

him, he's a passive guy. He's not into that crazy stuff. I could never imagine him being where he is right now. He was in the wrong place at the wrong time."

Carter said he thinks some young people carry guns because they're scared.

More than 40 percent of the students surveyed in a Louis Harris national poll in July said guns made them feel safer.

"Guns are not just for drug dealers and gang members," writes Prothrow-Stith. "'Good kids' as well as 'bad' feel compelled to protect themselves with a firearm."

But weapons are much less common in public schools outside New York City, according to the April 1993 New York State United Teachers report, "Conflict in the Classroom."

Upstate public school students "are more likely to be toting a bad attitude than a weapon," the NYSUT report states.

Student behavior is a societal problem that reflects the overall poverty, drugs, and glorification of violence on television and in the movies, the report states.

"Because of what we're allowing to go on in our communities, we're forcing our kids into a defensive posture. It almost puts them into a position where firepower is the only solution," said Albany Mayor Jerry Jennings, a former vice principal at Albany High School.

"It's not necessarily school-related," said Michael Dutkowsky, assistant superintendent for secondary education for the Schenectady City School District.

Some students caught with small pocket knives on campus told administrators they'd placed a knife in a jacket pocket for self-protection in the city, then forgot to take it out before going to school.

Albany police arrested just one teen-ager under 16 in 1993 for weapons possession, Juvenile Unit head Lt. Charles R. Geyer said. That was a 15-year-old girl with a loaded .25-caliber semiautomatic pistol she took from a parent.

In Albany, children are more typically caught with BB guns or knives, Geyer said.

Teens arm themselves for a variety

of reasons, said Geyer. "One kid that we dealt with was a recent immigrant to this country and thought it would make her look tough."

In rural areas like Saratoga County, lots of young people are around guns, and use them to hunt with their families, said Michael Gonroff, building principal at Saratoga Springs Junior High School.

But firearms haven't caused any problems at school, he said. "The kids have been very good about it."

Last year, a 15-year-old boy was suspended after he brought an old, broken .38-caliber revolver to school to show his friends, Gonroff said. Compared to New York City, guns in the schools are "a minor concern" he said.

To keep the schools safe, most local administrators impose strict anti-gun policies. Schenectady has an automatic five-day suspension for possession of a weapon in school. It also refers students to a hearing for further discipline or removal to an alternative school.

"We want the message to be that it is a no-tolerance situation," Dutkowsky said.

Weapon-related incidents "decreased dramatically" to almost nil in 1993, Dutkowsky said. He could not provide specific figures.

Dutkowsky credited a new discipline committee and extra time spent at the start of the year talking to students about the weapons ban.

All schools should provide gun education, said Alan J. Lizotte, associate professor of criminal justice at The University at Albany.

Children need to learn how dangerous guns are — that "when you see this thing, you don't touch it, you go to an adult right away," he said.

A study of 1,000 juvenile delinquents Lizotte and others are conducting in Rochester has revealed that those children are more apt to carry illegal guns than use dangerous drugs, he said.

"The basic thing that you need to know when there are guns around is — make it clear — you can die. This is not a game."

Part of the solution for Albany schools has been dispute mediation.

Each year, teams of student-teacher

mediators provide a conflict-resolution service to students at Albany High School and two middle schools.

The program is important because it helps children see peaceful resolution as normal and acceptable behavior, said William Ritchie, president of the Albany Public School Teachers Association.

Mediators listen to both parties then ask them to find common ground in a dispute, he said.

Ritchie hopes to see the program expand in the future.

"This has to become a central theme of instruction, because [violence] is a reflection of what is happening on the outside, and at this time there seems to be no abating of the problem on the outside. So we have to address it, because if we don't, our schools are going to become more violent."

Schenectady also uses conflict mediation at its middle and high schools, Dutkowsky said.

Children who can resolve conflicts peacefully stand a better chance of "surviving to adulthood," according to Prothrow-Stith.

In fact, homicide and assault rates would drop 50 to 75 percent if all children were taught how to manage anger and aggression by their parents, she argues.

Most experts agree that violent behavior starts in the home.

While parents can't rid the world of guns, drugs or television violence, there are ways they can "inoculate" their children against violence.

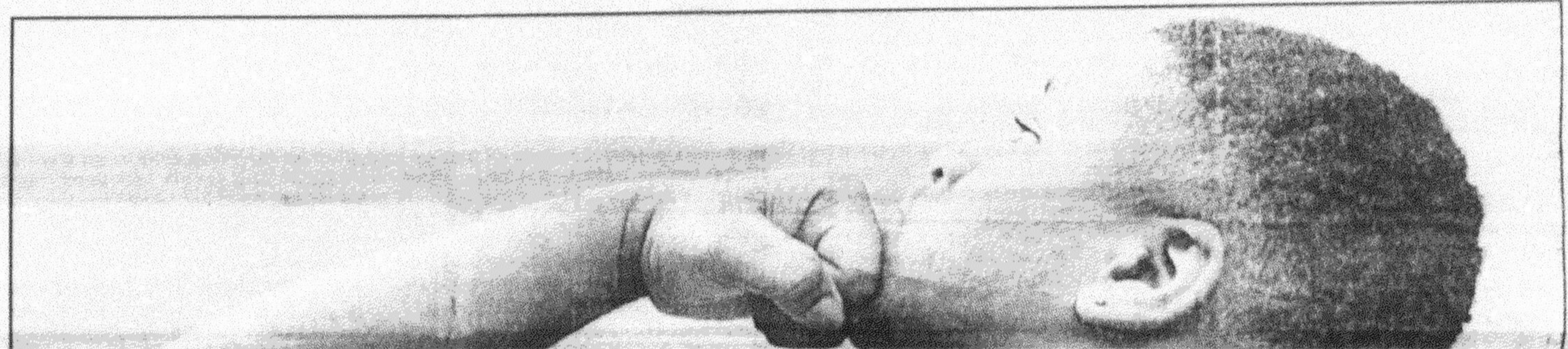
How? By teaching them to function socially without the use of force, says Prothrow-Stith.

It's important for teen-agers to know that gangs and drugs cause a mere 10 to 20 percent of all homicides, says Prothrow-Stith.

Like their adult counterparts, young people "would rather think that UZI-toting, crack-selling gang members are responsible for the violence. No one wants to face how ordinary most assaults and most homicides are."

In fact, most violent assaults and homicides involve "plain people; acquaintances, family members, who drink, who disagree, who have a gun," writes Prothrow-Stith.

"But these kids can tell you what you're carrying and the capability of your firearm. And these teen-agers are the direct role models for the younger



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**Clemmie
Harris**
N.Y. State
Trooper

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"The guns is what we have to keep out of the hands of all people," Beatrice Adams said. "If there weren't guns around, maybe this wouldn't have happened."

Police said a yearlong spat over a girl sparked the shooting.

Like many teen-age handgun deaths, the cause was minor — a dispute that in earlier times might have been settled by a fistfight.

But more and more, children are imitating adults and television or movies by turning to violence to resolve conflicts, experts say.

Homicide is the second-leading cause of death for Americans between 15 and 34. Gunshots cause 1 in 4 American teen-age deaths, according to the National Center for Health Statistics. Homicide is the leading cause of death for young black males like George Proctor.

Such figures have prompted doctors such as Deborah Prothrow-Stith, former Massachusetts public health commissioner, to declare handgun violence a health crisis.

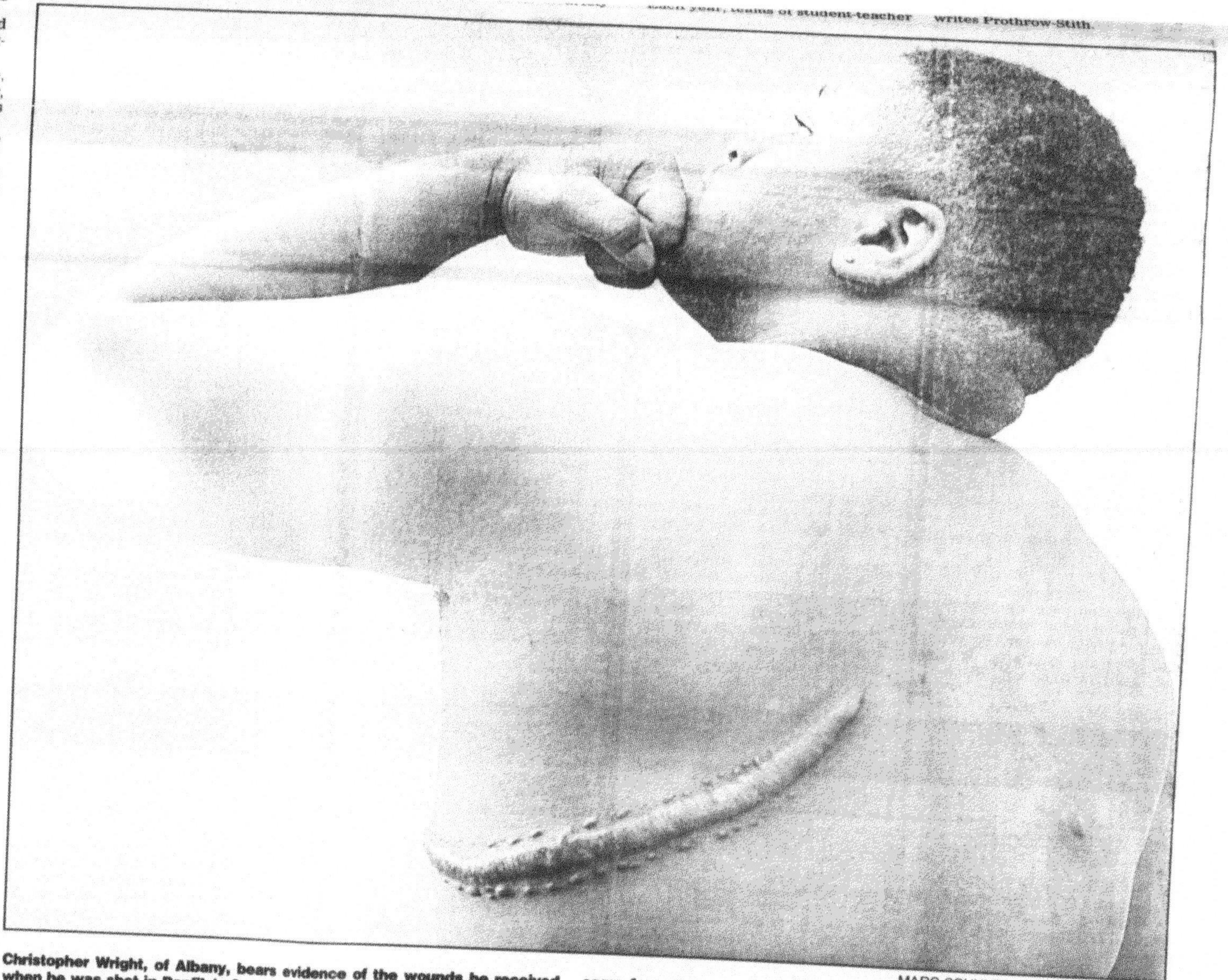
"Americans too often resolve their trivial arguments by shooting one another to death," writes Prothrow-Stith in "Deadly Consequences. How Violence is Destroying Our Teenage Population and a Plan to Begin Solving the Problem."

"It's really completely out of hand," said Wright. "It's totally different than when I was coming up. Fights was just fights. And it would be over and you'd probably be friends by the next week anyways."

"It was real silly over what it involved," he added. "Really, it wasn't even over the girl anymore. It was just bad blood."

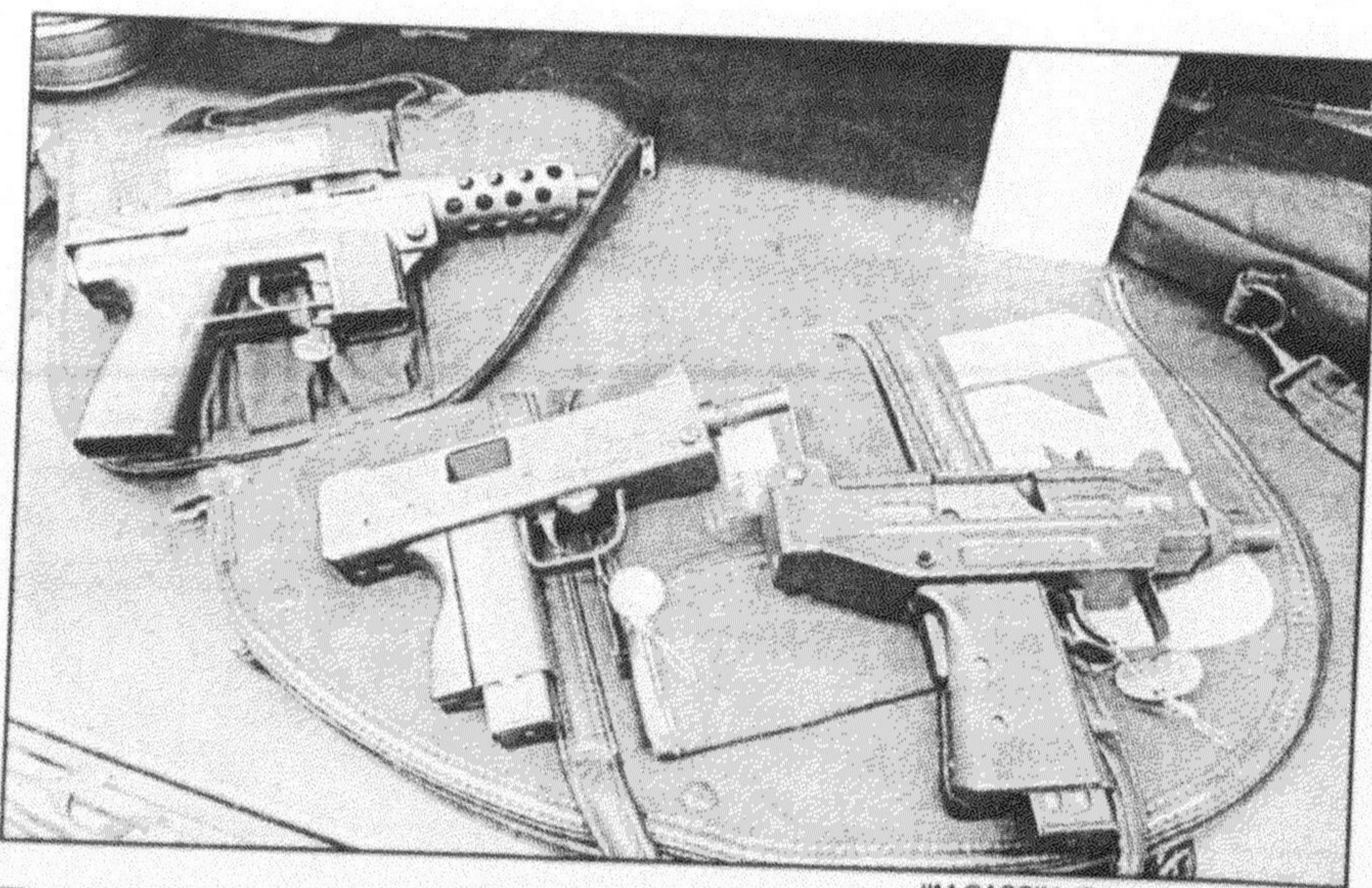
Ironically, the Wright and Adams families grew up together on Long Island, he said.

"Often the victims and the perpetrators are too young to even realize



Christopher Wright, of Albany, bears evidence of the wounds he received when he was shot in Panfilo's Sports Bar in Albany in August 1992. He has

scars from two bullet wounds and a surgical incision. One bullet remains inside his body. **MARC SCHULTZ** Gazette Photographer



These rapid-fire semiautomatic pistols could be outlawed if state Republicans and Democrats can agree on pending legislation.

These guns, from left, an Inter Dynamic 9mm, an RPB Military .380 and an Uzi 9mm, were seized by the New York State Police.

Health, government officials offer ways to increase safety among U.S. youth

By **KATE GURNETT**
Gazette Reporter

ALBANY — As more and more children misuse guns, state and federal governments are offering ways to stem the tide of youth violence:

- Last month, U.S. Surgeon General Joycelyn Elders, speaking at a congressional hearing on handgun violence, urged parents to exclude toy guns as Christmas presents

- President Clinton's proposed "Safe School Act" encourages schools to track crimes on campus. The U.S. Department of Education reports that 1 in 5 high school students carries a weapon on a regular basis.

- Last February, the New York State Law Enforcement Council asked the state Legislature to stiffen penalties for crimes committed with a gun within 1,000 feet of

a school. A proposed law passed the state Senate in June and is under consideration by the Assembly Codes Committee.

Each day, 100,000 youngsters bring guns to school nationwide, according to a memo in support of the Senate bill. On a typical day, 40 children are either killed or injured by guns.

Gun incidents in New York City schools rose from 20 in the 1989-90 school year to 129 in the 1991-92 school year, the memo states.

- In Massachusetts, students and administrators at Simon's Rock College of Bard in Great Barrington have lobbied state legislators for stricter gun control since Wayne Lo, 18, a sophomore from Billings, Mont., allegedly went on a rampage with an assault rifle, killing a professor and a student on Dec. 14, 1992.

Their efforts prompted Gov. William F. Weld to reverse his position on gun con-

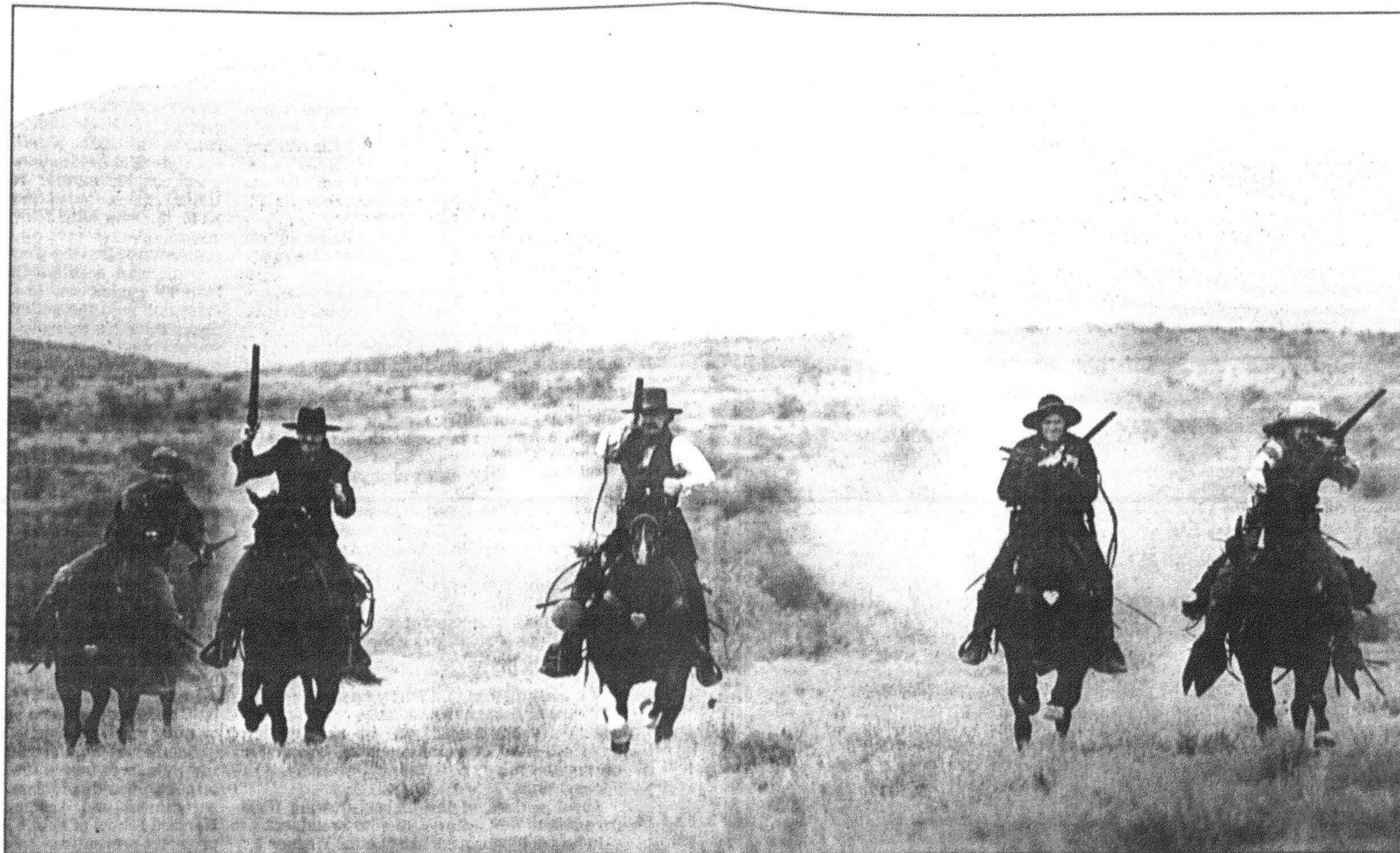
trol and draft a law that would ban military-style assault weapons like the one used in the spree. Weld's bill also would hike the handgun possession age from 18 to 21.

- Colorado Gov. Roy Romer recently signed 10 anti-crime bills into law after a special legislative session on juvenile violence prompted by a string of shootings in Denver last summer. One law bans handgun possession for people 18 and under except for hunting or other legal activities.

- Last fall, Florida Gov. Lawton Chiles signed a new law that prohibits anyone under 18 from having a gun unless they are hunting or target shooting. Dealers who sell guns to underage customers face up to 15 years in prison. The law was written after several teen-agers were charged with serious crimes, including the killing of a tourist.

JOHN BRAMLEY
Courtesy of Cmergi
Productions

The Old West continues to symbolize individualism and defiance in American culture. The image of the armed lawman bringing the outlaws to justice still inspires productions like the recently released *Tombstone*.



FACTS



Much of the increase in violent crime over the past 30 years has been gun-related. In 1960, 481 murders were reported in the state. In 1991, there were 2,557, an increase of 432 percent. During the same period, the state's population increased only 7.2 percent. Of the 1991 homicides, 70 percent of the victims were killed by firearms, and of those, 95 percent were killed by handguns. Of the 1960 homicides, 32 percent of the victims were killed by firearms.

Firearms and violence reflections of culture

By KATE GURNETT
Gazette Reporter

ALBANY — An Englishman comes home to find his wife in bed with another man.

In a rage, he grabs his gun. He fires one shot. Into the ceiling. And? Is that it? No dead, no wounded, no hostages? "In the States everyone [would have] died. And we'd be real lucky if he didn't go on a shooting spree," said Alan J. Lizotte, associate professor of criminal justice at The University at Albany.

Lizotte said the story, told to him by a Scotland Yard inspector, illustrates the difference between the gun cultures of the United States and England.

The inspector, who does not carry a gun, told Lizotte how he deals with armed criminals:

He tells them to give up the gun. Usually, they do. "Don't try that in New York," was Lizotte's reaction.

"There's no question that we have a lot of gun violence. We're a pretty violent crew," said Lizotte. Without guns, "there wouldn't be as much death, but I bet you there'd be as much crime."

Americans have a unique attitude toward guns. Since Colonial times, firearms have been as integral to the culture as Thanksgiving. Here, the right to bear arms is constitutional. The per capita handgun ownership rate is four times higher than in any other nation.

This connection with guns is rooted

in the country's history, some scholars argue.

Unlike the more dutiful, class-conscious English, Americans are steeped in defiance, rebellion and individualism.

Frontier settlers who moved West under the Homestead Act of 1862 took guns and farm tools.

"If you made it, good. If you didn't, you were screwed," said Lizotte. "They were their own law enforcement."

Contrast that with the Canadians, who would send out the Royal Canadian Mounted Police, build forts and secure the area before recruiting western settlers.

"Those people didn't need guns because law enforcement came first," said Lizotte.

Remnants of the two settlement patterns remain today. In western Canada, only a few people have handguns. In the western United States "almost everyone" owns a gun, Lizotte said. There are four times as many handguns in Seattle as in Vancouver, British Columbia.

Still, Canadians today are "as assaultive as their U.S. neighbors," notes epidemiologist Dr. Brandon S. Centerwall in his comparison of Canadian and U.S. homicide and handgun ownership rates. They just find "other means of killing one another."

The highly publicized deaths of nine foreign tourists in Florida in 1993 underscored the contrast between American and other cultures. The killings prompted South Florida rental companies to remove telltale stickers and license plates.

The German government issued travel advisories after two Germans

were killed near Miami. British newspapers warned visitors away from Washington, D.C., after a 72-year-old British retiree was shot to death there last June.

An acquittal in the shooting death of 16-year-old Japanese exchange student Yoshihiro Hattori shocked Japan; 1.6 million Japanese signed petitions calling for tougher U.S. gun-control laws.

Hattori was killed by Rodney Peairs in Baton Rouge, La. after he went to the wrong house looking for a Halloween party. Peairs hollered "Freeze!" and fired his .44-caliber handgun when Hattori didn't respond. It was a term the teen did not understand.

It was a death the Japanese did not understand. In their country, guns are illegal and gun deaths are so rare that statistics are not kept.

"Our people don't think [visitors] are dangerous," said Toshiko Takahara, of the Japan Information Section of the Japanese Embassy in New York City. "It's hard to understand just ordinary people have guns at home and shoot so easily at invaders."

Mourners created the "Yoshi Fund" to help send American high schoolers to Japan to experience firsthand "the difference of safety," Takahara said.

In Japan, guns were banned 500 years ago and remain an oddity today, said Lizotte.

But what really makes Japan peaceful isn't the lack of guns. It's the cultural bent toward obedience, Lizotte said.

David B. Kopel, author of "The Samurai, The Mountie, and The

Cowboy," which examines the gun cultures of Japan, Canada, Australia, Jamaica and other countries, contrasts the United States and Japan using the following proverbs:

In America, "The squeaky wheel gets the grease." In Japan, "The nail that sticks out will be pounded down."

While many Japanese were surprised by the verdict in Yoshihiro Hattori's death, for those familiar with the South, it was a foregone conclusion, Lizotte said.

Louisiana is a state where female gun ownership ranges from 50 to 80 percent, Lizotte said. Nearly all the men own guns.

Owning guns is a tradition in the South. So is protecting your home. Like many cultural behaviors it began, years ago, as a necessity, Lizotte said.

In the hilly South, shotguns were the most efficient weapon because they produced powerful blasts at close range.

Colorado cowboys carried handguns — the best tool to tote on a horse or use to shoot a rattlesnake. In the Plains states, people used rifles — the best weapon to shoot buffalo or grizzly bear.

"In the short run, there's a need for something. In the long run, once you do that for hundreds of years ... it's built into you — and that's what culture is, it's the built-in part," said Lizotte.

"Dad hands down Granddaddy's hunting rifle, whether or not you still need a gun. That's what we do — as a family and as a people," Lizotte said.

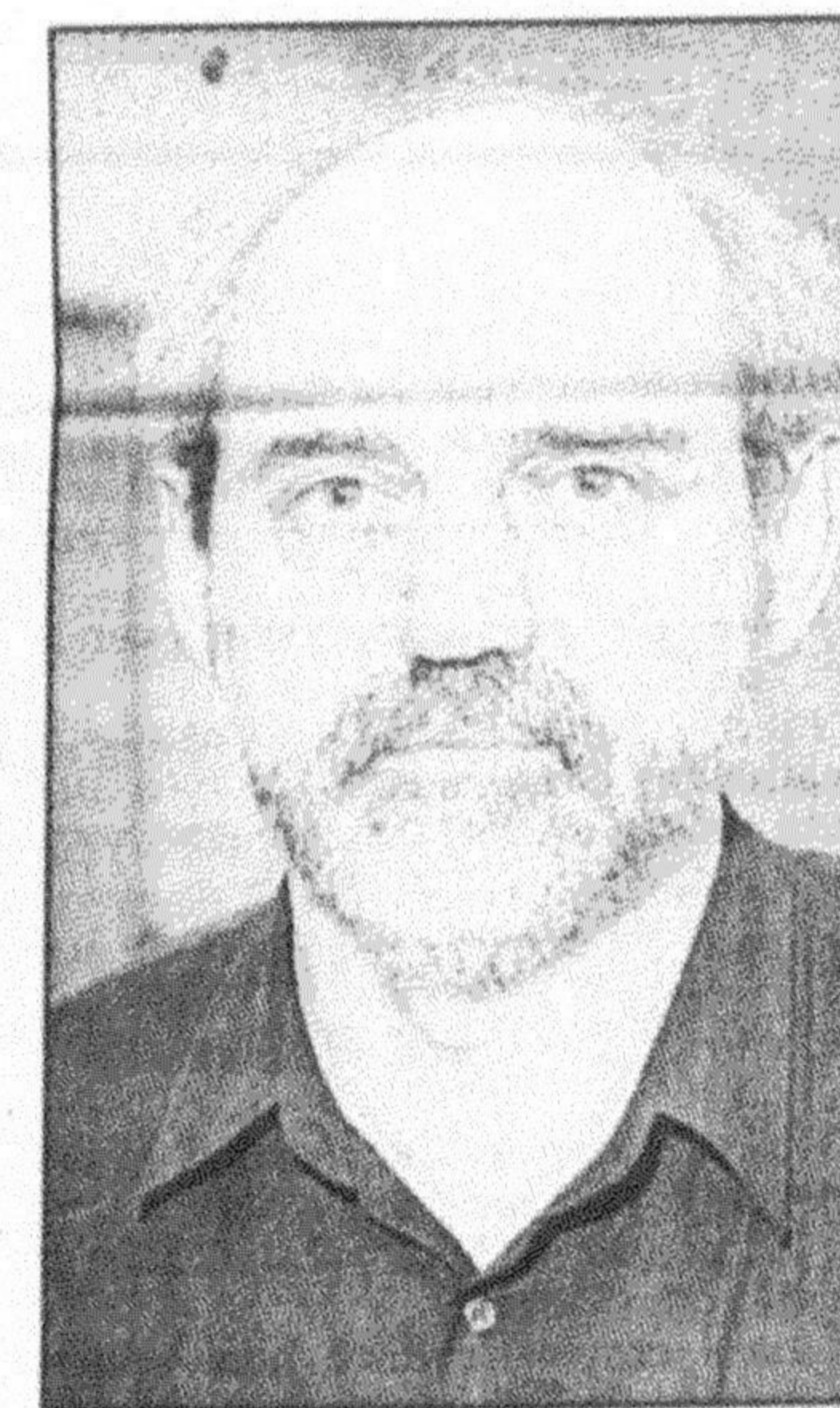
Today, 52 percent of all households nationwide own guns, Lizotte said. Most Southern and Western states rise well above that mark. In the

Northeast — settled the longest and populated by urban European immigrants who didn't use guns — the average drops to 35 percent.

"A Southerner might say to the Japanese, 'Well, you stop eating Japanese rice and then we'll talk about the gun thing.' These are cultural things. We don't commit suicide here. They do," he said.

Switzerland presents another contrast.

See ATTITUDES, Page 12



Alan J. Lizotte

gun, told Lizotte how he deals with armed criminals.

He tells them to give up the gun. Usually, they do.

"Don't try that in New York," was Lizotte's reaction.

"There's no question that we have a lot of gun violence. We're a pretty violent crew," said Lizotte. Without guns, "there wouldn't be as much death, but I bet you there'd be as much crime."

Americans have a unique attitude toward guns. Since Colonial times, firearms have been as integral to the culture as Thanksgiving. Here, the right to bear arms is constitutional. The per capita handgun ownership rate is four times higher than in any other nation.

This connection with guns is rooted

in the way Americans think (visitors) are dangerous," said Toshiko Takahara, of the Japan Information Section of the Japanese Embassy in New York City. "It's hard to understand just ordinary people have guns at home and shoot so easily at invaders."

Mourners created the "Yoshi Fund" to help send American high schoolers to Japan to experience first-hand "the difference of safety," Takahara said.

In Japan, guns were banned 500 years ago and remain an oddity today, said Lizotte.

But what really makes Japan peaceful isn't the lack of guns. It's the cultural bent toward obedience, Lizotte said. David B. Kopel, author of "The Samurai, The Mountie, and The

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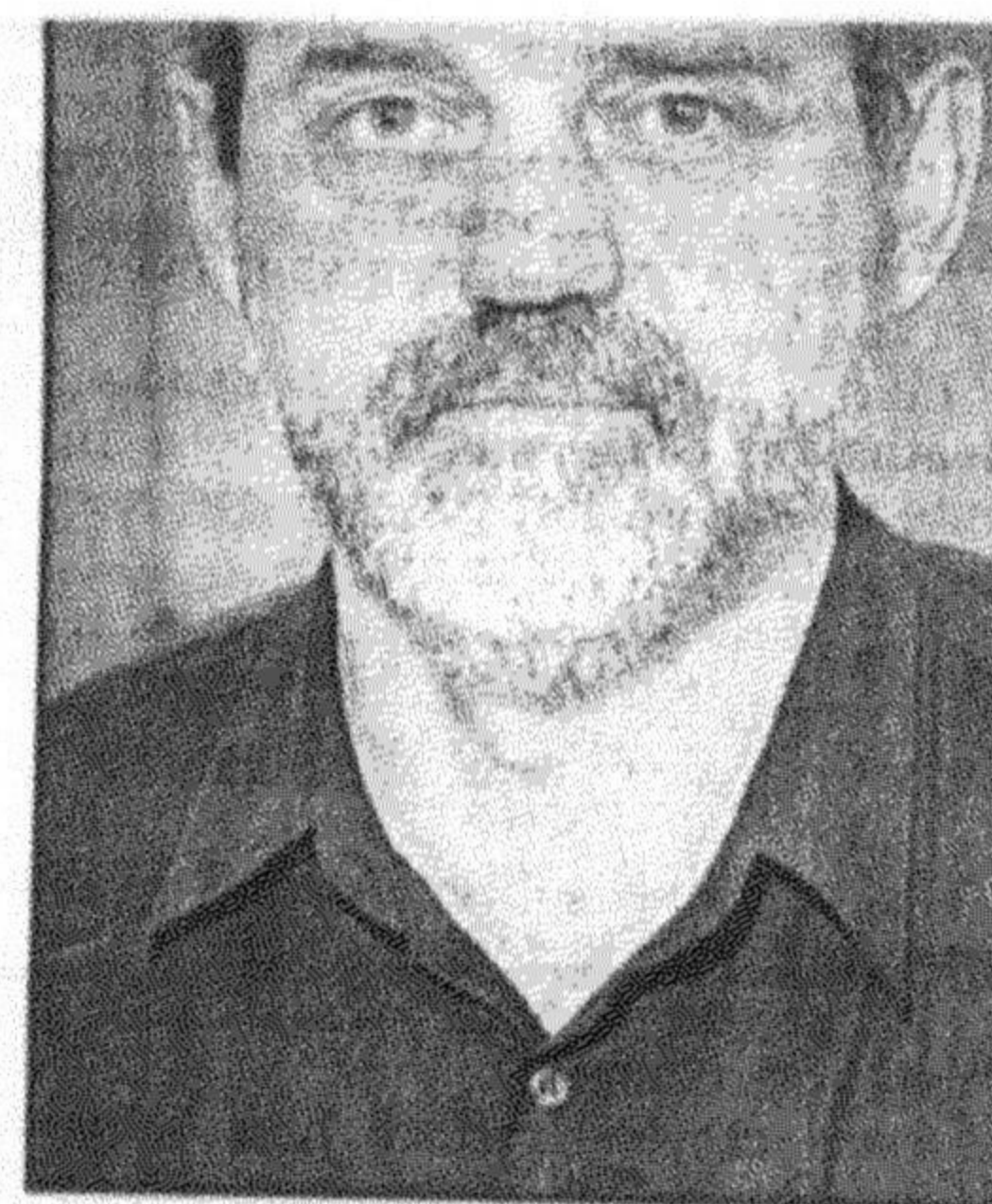
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Alan J. Lizotte

handguns. Of the 1960 homicides, 32 percent of the victims were killed by firearms.

PROFILES

CARL MURTAGH

GLOVERSVILLE — The official cause of Carl Murtagh's death in August was a self-inflicted gunshot wound to the head. But the death certificate could have listed alcohol as well — at least as a factor that heavily contributed to his death.

Murtagh died inside his 204 N. Kingsboro Ave. apartment on Aug. 15 after an argument with his parents. It was his 31st birthday.

Before turning the gun on himself, the record company technician fired from his second-floor porch toward his folks and police officers.

The blast missed his parents, but a few pellets struck Officer Richard B. Miles, who sustained minor wounds.

Law enforcement officials said Murtagh was a big

drinker, and was very drunk at the time of his death.

An autopsy showed he had a blood-alcohol content of .38, nearly four times the limit for driving while intoxicated, and enough to kill many people, Coroner Paul Decker said.

Susan Licardo, Murtagh's downstairs neighbor, said he was prone to an occasional tantrum, usually when someone parked in his reserved space in front of the house.

Still, she said, Murtagh was a good neighbor, mostly quiet and helpful, as when it came time to shovel snow or borrow a ladder.

"He had his little tantrums, but as far as him being an upstairs neighbor, for the amount of times that he ever made any noise or disturbed me it was very, very minute," she said.

"Most of his friends ... said he was pretty quiet and

kept to himself. He would do anything for his friends and neighbors," District Attorney Richard C. Giardino said. "The one thing that many people commented on was that he was a big drinker ... And he was pretty much of a loner," Giardino said.

Murtagh came to Gloversville from his native Chateaugay, near Malone, Franklin County, and was an avid hunter and fisherman. He was also a baseball fan and played softball for Uni Distribution Corp., his company's team.

An excellent cook, he made reservations at an area restaurant that weekend to celebrate his birthday with his parents, Genevieve and Gerald Murtagh.

He prepared drinks, shrimp cocktail, cheese and crackers for his parents. The family spent the afternoon visiting, and Murtagh, a graduate of Canton Agricultural and Technical College, talked about a cabin he planned

to build. He showed his father the tools he bought for the job.

But when it came time to go out to dinner, "he got into the car and started mumbling incoherently and passed out," said his aunt, Teresa Fobare of Albany.

Murtagh's parents ate alone at McDonald's, leaving their son asleep in the vehicle outside his apartment.

When they returned to get their things and leave, "he went from being asleep and flew into a violent rage," Fobare said.

"There was no provocation. They don't know what happened," she said.

Fobare said Murtagh's suicide devastated her sister and brother-in-law.

"You cannot imagine how my sister and my brother-in-law feel unless you go through something like this yourself," she said.

SHAWN A. ROBINSON

TROY — On Jan. 7, Shawn A. Robinson became the first person to die from gunfire in the Capital Region in 1993.

Robinson, 21, of Queens was near a corner known as a drug dealers' haven when he and two companions began exchanging gunfire with two to four other men, Troy police said.

A bullet from a 9mm semiautomatic pistol hit Robinson in the chest and came out his back. He fell on Rensselaer Street near Fifth Avenue about 7:15 p.m., and died less than an hour later at Samaritan Hospital, police said.

Two Brooklyn men were charged with murdering Robinson.

One suspect, Anthony Dunbar, 19, was acquitted of the murder charge Nov. 24 by a Rensselaer County Court jury.

The other suspect, Robert Roy Cephas, Dunbar's half-brother, remains at large.

The jury did not believe the two people who testified that Dunbar shot Robinson, according to prosecution and defense lawyers, who spoke with jurors after the trial.

The witnesses, both friends of Robinson from New York City, testified that Dunbar and Robinson had an argument at about 5 p.m. on the afternoon of the shooting. They said Robinson lifted his jacket to expose a handgun as a means of threatening Dunbar.

About two hours later, the witnesses said, they and Robinson passed Dunbar and Cephas on Fifth Avenue, and were fired on.

Prosecutor Michael McDermott noted that the witnesses admitted they were in Troy to sell drugs, and that the jury knew each had been in trouble with the law.

The nature of violence in Troy is changing, according to Sgt. Anthony Magnetto, a Troy police detective.

"It's a downstate type of violence that's been transported up here," he said. "That's how they settle their disputes. With guns, rather than a few years ago, with clubs or with chains."

Police know little about Robinson, nicknamed "Shabazz," who lived on 99th Street in the Rego Park

section of Queens. He was buried Jan. 13 at Amityville Cemetery on Long Island.

A woman who answered the phone at Robinson's apartment and identified herself as his mother called on Troy authorities to find his killers. She described Robinson as a "nice, gentle, kind person," but declined additional comment.

Robinson had a criminal record, however. He had been convicted of first-degree burglary and sentenced to serve five to 15 years in the Queensboro Correctional Facility in his home borough.

Robinson, who would have been eligible for release in December 1993, had been working in a Queens store through a prison work-release program, according to the state Department of Correctional Services.

KATHRYN SEELEY

HOOSICK FALLS — Kathryn Seeley was not a life-long resident of Hoosick Falls, and her violent death Nov. 19 was as much a mystery to locals as she was.

The 47-year-old Seeley was found shot to death in her John Street home after her husband walked into the village police station and reported that his wife had committed suicide.

But investigators say they soon found discrepancies in Carl Seeley's story and decided he had killed his wife

with a 12-gauge shotgun, and then tried to make it appear that Kathryn Seeley had killed herself.

Carl Seeley, 37, was eventually charged with second-degree murder, and the case is pending.

The alleged murder was the first in 12 years in the quiet village in northeastern Rensselaer County near the Vermont border. Mayor Donald Bogardus called the news "a shock."

Bogardus and several other village residents said they knew little of the Seeleys. The mayor said he had passed Kathryn Seeley on the street and found her pleasant enough, but "really didn't know these people very well."

One man in a local tavern, who did not wish to give his name, said the couple had stopped in for a drink a few evenings before the shooting. They showed no signs of trouble, he said.

But a woman who worked with Seeley at the Rite Aid store in the village — one of the few Hoosick Falls residents who came to know Kathryn Seeley — said she was not entirely surprised by what police said had happened.

Amy Tilley was Kathryn Seeley's co-worker during the summer of 1992. She said the Seeleys, who had moved to the village from the New York City area about three years ago, had a troubled marriage.

Kathryn Seeley was troubled by health and marital problems," Tilley said.

She never managed to endear herself to her new neighbors, Tilley said. Her "gruff exterior" made her hard to get to know.

But Tilley called Kathryn Seeley "a real decent human being."

"If people had known her, they wouldn't be gossiping about the woman who got shot in Hoosick Falls," Tilley said.

"She didn't deserve what she got."

More PROFILES, Page 1

Attitudes toward firearms rooted in culture

Continued from Page 11

There, every adult male is required to keep a working, fully automatic machine gun at home.

"The Swiss don't have an army — they are an army," one factor that protected them from invasion by Nazi Germany, Lizotte said.

Yet Switzerland has very little crime today. Why?

Switzerland has "a very homogeneous population, a fantastic social welfare system and nearly full employment," said Lizotte.

With more than 200 million guns in the

United States — more guns than cars — the gun culture is "not a light or transient thing. It's the very fabric of the being of people... It's a way of life, in essence, that's being preserved," Lizotte said.

That's why 75 percent of the gun owners Lizotte surveyed in Illinois said they would refuse to give up their guns if they were outlawed.

"It's like saying, 'You can't be Catholic anymore. You can't be Jewish. You have to give up your culture because we don't like what it's about.'"

In fact, the gun culture is beneficial, some scholars argue.

For families who join gun clubs, firearm use is highly regulated.

In John Steinbeck's "The Red Pony," for example, part of the boy's rite of passage is the .22-caliber rifle his father gives him.

The boy must keep the gun — without bullets — and use it safely for an entire year to earn his ammunition.

At the end, he points the gun at a bird and immediately realizes: If my father saw me do that, I'd never get bullets.

"Well, that's good," said Lizotte. "If you're going to have guns around it's real nice to train young people to their safe usage."

Today there are more guns and more people. But statistics show there was much more gun violence in America in the 1880s and the 1930s, Lizotte said.

"The gun culture hasn't changed. The media has changed," he said.

Now, we're inundated with news, "so when somebody robs a McDonald's and blows five people away, you hear about it. And when you hear about a bunch of kids shot in Stockton, Calif., you say, 'Oh, my God, that could happen to my kid in Albany.'"

While news programs report mayhem, movies and TV dramas romanticize the gun as an easy solution, experts say.

"It's swift, it's cool, it's effective, it's thrilling and it always leads to a happy ending, because you have to deliver the audience to a commercial in a happy mood," said George Gerbner, dean emeritus of the Annenberg School for Communication at the University of Pennsylvania.

About a third of the highest-grossing films from 1990 to 1992 featured gunplay prominently.

In best-selling movies like "Lethal Weapon 3," "Die Hard 2" and "Total Recall," Hollywood heroes routinely rely on guns to solve their problems.

"You can't turn on an HBO movie today without seeing some [kind of] irresponsible social behavior," said E. Scott Geller, professor of psychology at Virginia Polytechnic Institute and State University. "And it's not just the guys with the black hats. It's the guys with the white hats, too."

"The people we look up to are violent. Maybe it started with 'Dirty Harry'... There are people who believe that the gun is a statement of my individual freedom. And everyone likes to be free. I'm free, I'm American, I'm an individual."

But popularity isn't driving the production of violent films, argues Gerbner.

Global marketing is.

American television producers barely break even on the American market, Gerbner said. Their profits lie in exports to other countries. And violent action is an easily translated ingredient.

For American children, who spend more time

watching TV than they do in school, watching aggression can lead to antisocial behavior, according to a 1992 report by the American Psychological Association.

Per capita murder rates doubled in the United States, Canada and South Africa in the 10 to 15 years after television was introduced, according to research conducted by epidemiologist Centerwall at the University of Washington.

Centerwall acknowledges that factors other than TV contributed to the increase in homicides, but said the pattern shows television affected the rates regardless of what other factors were present. For instance, in the United States, television was introduced to different regions at different times. Yet in each case homicide rates increased following its introduction. The regions that acquired TV first were first to see higher homicide rates.

Violence is common fare for preschoolers.

Brutal acts occur 20 to 25 times per hour on children's Saturday morning programs, the report states. That rate is four times higher than for prime-time violence.

The average child witnesses 8,000 murders and 100,000 other assorted acts of television violence before graduating from elementary school.

Heavy TV viewers are more apt to believe their neighborhood is unsafe, to assume that crime is rising regardless of the facts and to buy new locks, watchdogs and guns for protection, according to Gerbner.

Last year, after a public outcry, the ABC, CBS, NBC and Fox television networks agreed to post warning labels on violent television shows.

Another epidemiologist, Dr. Deborah Prothrow-Stith, sees our cultural violence as a chronic public health problem. As assistant dean of government and community programs at the Harvard School of Public Health, Prothrow-Stith promotes prevention.

With more than 20,000 homicides each year, or 10 killings per 100,000 people, America has the fifth-highest homicide rate in the world — 10 times as high as Britain and 25 times that of Spain.

Handguns are used in 50 percent of the homicides; 47 percent of the killings are caused by arguments, usually among acquaintances or relatives who have been drinking, Prothrow-Stith states in "The Epidemic of Violence and its Impact on the Health Care System."

"More street lights, more police, and stiffer prison sentences will have no effect on this particular situation," Prothrow-Stith states.

While doctors use behavior modification and education "aggressively" to prevent heart disease, stroke and cancer, they do nothing to prevent violence, Prothrow-Stith and others argue.

She recommends teaching children how to handle anger, educating physicians about family violence and pressuring the media to eliminate the "unrealistic, glamorous portrayal of the never-injured violent hero."

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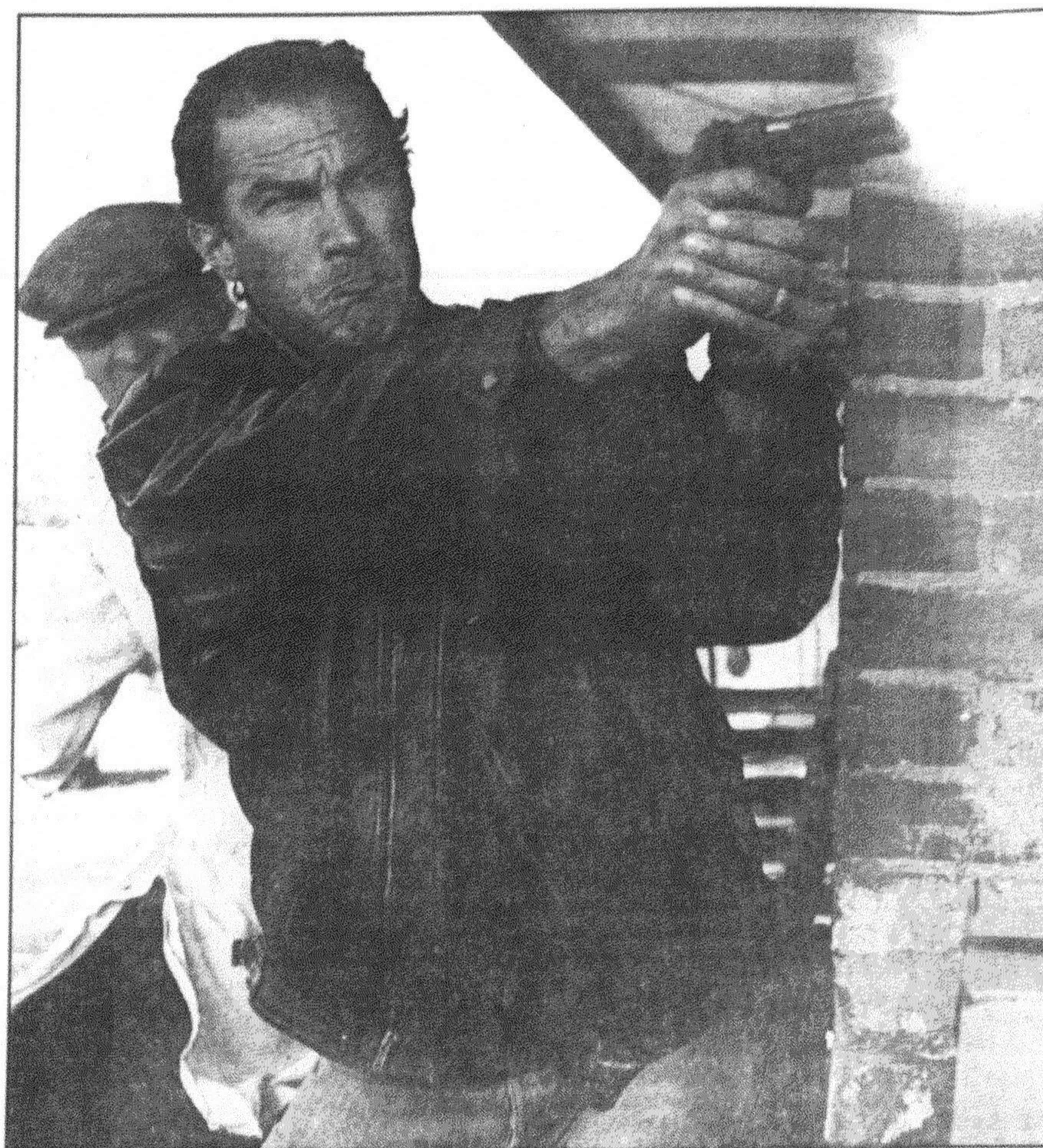
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Courtesy of Warner Bros.

Action movie heroes like Steven Seagal, star of *Above the Law*, frequently shoot their way out of jams. Critics argue that popular movies often give a romanticized impression of guns.

Sources for gun facts:

The U.S. Department of Justice, the state Division of Criminal Justice Services, the state Health Department, the governor's office, The Centers for Disease Control, the National Rifle Association, the New England Journal of Medicine, Louis Harris & Associates.

America's love affair with weapons may be symptomatic

By KATE GURNETT
Gazette Reporter

ALBANY — For many Americans, the gun is a remedy, an answer.

The question, experts say, is one of control.

Take "Falling Down," a 1993 film about an angry, unemployed, divorced motorist on the Los Angeles freeway. The victim, played by Michael Douglas, takes control of his life.

How? He picks up a bazooka and blows away every obstacle in his path.

Columnist George Will calls it "catharsis cinema."

Such movies reflect how Americans are feeling these days, says E. Scott Geller, professor of psychology at Virginia Polytechnic Institute and State University, and editor of the

Journal of Applied Behavior Analysis.

"A gun increases a sense of personal control, doesn't it? So I can use this gun and be in control," said Geller.

"We feel a loss of control, people putting us down. Look at the people who lose their jobs who go in and kill their boss."

But a gun decreases a sense of community, said Geller. "It increases a sense of individuality at a time when we need to start promoting collectivism."

"There is no doubt that the gun is an unfortunate instrument in the hands of too many people," said Geller.

But "it's also known as a symbol of this country and of freedom and the frontier. It's going to be tough to convince people not to buy guns. And as we become more aggressive, we feel a

greater need for a gun to protect ourselves. So it's a vicious cycle."

With 50,000 Americans dying each year from homicide or suicide, some doctors are pushing to make violence a public health issue.

Many poorer people may be living in a state of "free-floating anger," argues epidemiologist Dr. Deborah Prothrow-Stith.

Constant feelings of frustration and helplessness can provoke people to a constant state of irritation more likely to erupt in violence, she contends.

Geller, who gives seminars at companies such as Exxon and the James River Corp., combats negative mindsets by teaching managers a concept he calls "actively caring."

Altruistic behavior — reaching out to help others — can range from giving a simple compliment or using a vehicle turn signal to recycling or res-

cuing a co-worker caught in a machine.

Certain states of mind bolster active caring, Geller said. They are:

- Self-esteem. People with higher self-esteem are more likely to help others. For those with low self-esteem, the reverse is true.

- Self-efficacy. It's feeling that "I can do it." At companies where there are layoffs, poor training and limited instructions, workers lose faith that they can get the job done.

- Belonging. People are less willing to help others and are more prone to aggressive behavior.

- A feeling of belonging. "We're losing that sense of community and togetherness in this society," Geller said.

"At so many companies, people tell me, 'Twenty years ago, we were like a family.'"

- Learned optimism. Optimists expect the best. They do not feel "it's inescapable" or "I can't get out of the rut."

- Personal control. If people believe they are in control, they're happier and more willing to help others, Geller said.

He cited this example: Researchers studied two groups of people — asking both groups to proof-read for 30 minutes in a noisy room. One group could stop the noise by pushing a button, though they were encouraged not to. The other set had no control over the piped-in noise.

The people who could control the noise — regardless of whether they took advantage of that control — performed better, Geller said.

Action movie heroess like Steven Seagal, star of *Above the Law*, impulsively shoot their way out of jams. Critics argue that popular movies often give a romanticized impression of guns.

For American children, who spend more time

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PROFILES

RALPH VILLANUEVA

SCHENECTADY — Ralph Villanueva was 17 when he was convicted of robbing a taxi driver at gunpoint.

He was 22 when killed by a gunshot wound to the chest after a teen-ager allegedly pulled a gun on him in what police describe as an argument over a \$10 drug debt.

Ralph Villanueva's father, Raphael, of Albany, is still trying to figure out how his son got caught in a cycle of violence that took his life on May 29. He claimed his son was no longer into drugs, even though he once had a problem.

"People make mistakes when they are young," he said. "I have all the confidence in the world Ralph would have gotten his life back on line."

The Puerto Rican native said it is especially frustrat-

ing because he moved to the Capital Region with his two sons 10 years ago to escape the violence of New York City.

Raphael Villanueva, 45, said he'd love to relocate again with his surviving son Michael, whom he has raised alone. Villanueva's mother died when the two boys were young after a drunken driver hit her car.

"I'd like to move from the state but I have commitments here," he said. "I just can't pack up and leave."

Among his commitments is his granddaughter — born to Ralph Villanueva and his girlfriend just two weeks before his death.

Villanueva had been living with his girlfriend Sheila Rivera in a Schenectady Street apartment.

The 22-year-old was visiting the Strong Street apartment of a friend, Marvin Grimsley, at the time of the May 29 shooting.

Grimsley's wife, Karen, recalled awaking early that

morning to the sounds of knocking at the apartment door. Her husband answered and she then heard voices grow louder before hearing two shots.

One of the bullets fatally wounded Villanueva, whom Grimsley found lying in a pool of blood in the kitchen entryway. The other bullet injured her husband, Marvin, whom she found in the bathroom.

Eric Page, 17, of Division Street was arrested by Schenectady police two weeks after the shooting. A grand jury indicted him in July on three counts of second-degree murder, two counts of attempted murder, assault and burglary charges.

Paige remains in jail, awaiting trial.
The identity of two other suspects in the shooting remains a mystery.

Villanueva's death came only two years after he was released from a two-to-six-year prison sentence for the robbery conviction.

It was even learned that Wilensky was arrested in Rhodes while she was in Colonie for a tennis tournament.

A glimpse into his mind was provided by a recording