

By Richard J. Margolis

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LET US SING of arms and the policeman, of Stun Guns and beanbags, magnums and dumdums. Such are the armorial extremes in a new increasingly agitated debate over the ethics of police weaponry.

Virtually every policeman in the land carries a sidearm, usually a .38 revolver. But in recent years, many of the nation's 40,000 law enforcement agencies have discarded that standard weapon in favor of the much larger and more powerful .357 magnum.

Moreover, for the first time in American history police are loading their guns with the notorious dumdummy, a bullet deemed so cruel that all civilized nations, including the United States, have forsworn its use in war since the turn of the century.

The dumdummy can be shot from magnums but not from .38s. Magnums are powerful; however, what makes the dumdummy infamous is not its velocity but its design. The dumdummy has a hollow point that flattens and expands—or "mushrooms"—inside its target. The result is a huge wound.

Someone struck in the arm by a dumdummy will probably lose his arm. A conventional bullet is likely to sail through its victim and keep right on going, spending its energy as it goes; a dumdummy will hit and stay. The police of Dallas have demonstrated in a recent study that dumdums have 800 per cent more power than do conventional bullets—and the wounds they make are eight times as large.

Meanwhile, a scattering of police departments here and there has been flirting with an entirely different approach—a de-escalation of firepower. In New Jersey, for example, the Bergen County police force is experimenting with Stun Gun, a device that shoots beanbags instead of bullets. The idea is to knock down a suspect without killing or maiming him.

"You get hit with one of those beanbags," a Bergen County policeman told me, "and believe me, it'll hurt—but you'll live to see another day. It's like getting socked by Muhammad Ali."

America is engaged in an often frenetic quest for law and order,

Stun Guns,

and in that quest the beanbag and the dumdummy can be viewed as competing metaphors. Which direction do we want our policeman to choose? What weapons shall they wield, what philosophies shall they brandish? The answer, like Mao's famous definition of justice, is inside the barrel of a gun.

In some measure, both the dumdummy and the beanbag are legacies of the turbulent 1960s, when half the politicians in America were promising to stamp out "crime on the streets"—and the other half were losing elections. The public's understandable edginess about the growing crime rate remains a political factor today; but it probably peaked in 1968, with passage by Congress of the Safe Streets Act, a complex piece of legislation that proved a bonanza for thousands of local law enforcement agencies.

Unpublished Survey

AMONG OTHER things, the Safe Streets Act established the Law Enforcement Assistance Administration (LEAA); that benevolent agency since has doled out more than \$2 billion in grants to state and local police departments. Inevitably, some of the money has gone into "improved weaponry," including dumdums and beanbags.

At present the dumdummy philosophy is the one most police departments are buying, though this is a trend that few in authority seem eager to acknowledge. A survey taken in 1972 by the LEAA suggests that nearly one-fifth of all police agencies now use magnums and dumdums. But the survey has never been published. "These figures may alarm some people," says an LEAA official who asks that his name be withheld.

Alarming as they may be, the LEAA figures are probably pegged too low. Other investigators, including both the American Civil Liberties Union and the International Association of Police Chiefs, estimate that fully 25 percent of the nation's law enforcement agen-

Beanbags and Dumdums



The Washington Post

Standard bullet, left, and three types of dumdums.

cies have switched to magnums and dumdums. A marketing executive for the manufacturer of Colt guns conceded in a recent interview that "there is a tendency among police departments to buy our .357 magnum. It's no revolution, just a trend."

Two biggest makers of magnums, insist

Both Colt and Smith & Wesson, the they do not promote these guns in the literature they distribute. "We just give the specifications," says the Colt man, "and let the customer be the

judge. We're neutral." But the catalogue names of these weapons seem far from neutral. Each manufacturer makes a pair of magnums. Colt's entries are the Python and the Trooper; Smith & Wesson's are the Highway Patrolman and the Combat Masterpiece.

Even on Campus

THE LARGEST maker of dumdummy type bullets is the Jurras Ammunition Company of Indianapolis. In September a Jurras spokesman told a reporter for United Press Interna-

tional that 10 per cent of its sales went to police departments and that 90 per cent of those were for dumdummy-type ammunition. Among Jurras' customers, the spokesman said, were police departments in Chicago, Seattle, Houston, Phoenix and Portland, Ore.

The dumdummy madness even has spread to campuses. According to ACLU data, campus police at the University of Nevada in Reno, and at other campuses, now carry magnums loaded with hollow-point ammunition.

All this has begun to inspire opposition. Critics like Jordan Paust, an associate professor at the Houston Law School, point out that dumdums have been proscribed by international law since the 1899 Hague Convention. The U.S. government failed to sign that covenant only because it wanted a stronger clause inserted against "bullets of useless cruelty." Eight years later we did sign an international agreement banning the use of dumdums and other "bullets which cause unnecessary suffering."

Moreover, U.S. military regulations have since 1907 expressly forbidden personnel "to employ arms, projectiles, or materials calculated to cause unnecessary suffering . . ."

In short, as Prof. Paust insists, "dumdums are illegal per se. No policeman outside America would even consider using them. I have talked to people from Interpol (the international police organization) about this thing and they are appalled."

Paust and others have called on Congressman William L. Hungate (D-Mo.), chairman of the subcommittee on Revision of Criminal Law, to consider legislation making it a crime for any citizen to use a weapon already banned by international law. Meanwhile, the Civil Liberties Union in Connecticut is suing the state police on the grounds that state troopers' use of dumdums is in violation of the Eighth Amendment prohibiting "cruel and unusual punishments."

No one denies that the punishment is

cruel, though plainly it is becoming less unusual. Cruelty, in fact, has been the idea behind the dumdums ever since the British started manufacturing them in India in the 19th Century. (The factory was located in a suburb of Calcutta called Dum Dum.)

An old edition of the "Encyclopedia Britannica" describes those early dumdums: "Their peculiarity consisted in their expanding on impact and thus creating an ugly wound, and they had been adopted in India frontier fighting to stop the rushes of fanatical tribesmen." That, more or less, is what some police hope dumdums will do today—stop the rushes of criminals in urban ghettos.

"The police are in a domestic arms race with criminals and suspects," says Prof. Paust. "There is no way the public can win that race."

Yet the race continues, mainly because the police are frightened of what they perceive to be a growing and well-armed criminal class. "The .38 revolver is no good any more," a New York policeman said to me recently, "Because it won't stop the other guy from shooting. If I'm going to shoot at a guy, I'm going to shoot to kill. That's the only way."

So they shoot to kill and to keep themselves alive. And few policemen see the Stun Gun or the beanbag as anything but a fanciful joke. Even the Bergen County police are skeptical. I asked three of them how they would feel if ordered to throw away their .38 revolvers and henceforth to rely solely on their Stun Guns. "Naked," "frightened" and "very upset" were the instant replies.

"Those who would rather use lollipops on gunmen will have to go elsewhere," said Thomas J. Meskill, then governor of Connecticut, when asked to justify police use of magnums and dumdums. But where is elsewhere?

It would have to be a place where everyone knows each other, a place where there are no strangers—a place like Tyringham, Mass. Last month the Massachusetts Civil Liberties Union polled local police departments to learn what weapons each used. The Tyringham police chief wrote back, "We are a small town. We don't carry guns, thank God."
