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Statement of Senator Edmund S. Muskie on Nonlethal Weapons

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IMMEDIATELY

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MUSKIE SIGHTS ATTICA TRAGEDY IN PLEA FOR NONLETHAL WEAPONS

The tragedy at Attica prison last week brought 40 deaths. Most of these deaths need not have happened. Assuming that it was necessary to storm the prison rather than continue the negotiations, the resulting loss of life might still have been prevented -- if the state troopers had been armed with effective nonlethal weapons.

And in spite of all the differences of opinion over the events at Attica, I think all Americans would have to agree that it would have been far better if order could have been restored without the deaths of either the hostages or the prisoners.

One of the greatest difficulties in restoring order in a prison riot situation without risking many deaths is the unavailability of effective nonlethal weapons.

The authorities often have no alternative to the use of potentially deadly force. Guns are crude weapons when used to incapacitate; they often cause unintended and unnecessary death. Their bullets, flying indiscriminately in the confusion of an emergency such as Attica, too easily find the wrong target. The same is true when a policeman on the beat must react instantly to protect himself or apprehend a suspected criminal, or to deal with a violent street demonstration or other civil disorder.

Nonlethal weapons would do the same job of incapacitating a suspect or rioter, without the risk of serious injury or death to anyone involved. Innocent bystanders or hostages, if hit, would recover unharmed, while suspects or criminals would be brought to trial.

Nonlethal weapons would also give more protection to our police by deescalating the violence that now too often flares between the police and those whom they must apprehend or control.

Nonlethal weapons would have saved lives at Attica, and at Kent State, and Jackson State, and in the innumerable confrontations that occur in the routine of crime control in our cities.

Nonlethal weapons are tools that our police desperately need to do their job effectively. And our society needs them, to reaffirm and safeguard America's commitment to the value of human life, all life -- the lives of the police and of those who are breaking the law or suspected of doing so. We need nonlethal weapons now, as a tool and as a symbol.

But there are no adequate nonlethal weapons available today, because our national law enforcement officials have refused to follow the recommendations of their own advisors.

In 1967, the President's Commission on Crime recommended that such weapons be developed. Under its auspices the Institute for Defense Analyses studied and reported favorably on the prospects for developing a variety of nonlethal weapons, especially those involving more effective delivery of incapacitating chemical agents.

In 1968, the Kerner Commission on Civil Disorders recommended that the federal government should test, evaluate and develop nonlethal weapons for police use.

And finally, in 1969, the National Commission on the Causes and Prevention of Violence recommended that the federal government should join with private industry to develop an effective nonlethal weapon both for police use and for home protection by individuals. Milton S. Eisenhower, the distinguished Chairman of that Commission, has several times characterized this as one of his group's most important recommendations.

Three times the federal government has been told to develop a nonlethal weapon, a task beyond the means of state and local police, as the Kerner Commission explicitly noted. Three times these prestigious commissions in law enforcement indicated how important this nonlethal weapon was for protecting police and saving lives. And three times the federal government ignored these recommendations.

While there are promising nonlethal weapons in early stages of development, guns which shoot hypodermic projectiles, there is today still no coordinated federal program, no significant federal research effort, and, most importantly, no federal leadership in the effort to develop nonlethal weapons and bring them into widespread use.

I call upon the President to rectify this failure of federal responsibility and to inaugurate immediately a high-priority program to develop and deploy effective nonlethal weapons for use by law enforcement officers.

One million dollars should be granted at once by the National Institute of Law Enforcement and Criminal Justice to the Army Chemical Corps to carry on the basic research and development to produce an operational nonlethal substitute for and adjunct to the conventional firearm. More money will be needed later, as new avenues of research open up.

The partially vacant Army facilities such as Fort Detrick and Edgewood Arsenal in Maryland, Pine Bluff Arsenal in Arkansas, and Rocky Mountain Arsenal in Colorado could well be used as centers of this effort. In the past they were centers of chemical warfare research, since discontinued. There is no reason why these idle federal facilities cannot now be used to protect lives and help fight crime.

The Attorney General should coordinate the federal programs in this area and should bring leadership to the private sector's random and so far largely unsuccessful efforts to develop effective nonlethal weapons. He should see to it that the development work goes

forward and that the necessary police training, revised operational practices, and field evaluation of such weapons are carried on.

The Law Enforcement Assistance Administration in the Department of Justice has nearly \$700 million available in the current fiscal year for programs to improve law enforcement, and the amount specifically earmarked for federal research and development is over \$20 million. The money is there; let us use some of it for this important purpose.

We cannot restore those lives lost because guns, rather than non-lethal weapons, had to be used in the past, but we can save lives in the future and take a small step toward a more peaceful society. In this way, as in others, let us bend our technology toward the achievements of the humane goals of a just and orderly nation.

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