

U.S. Department of Justice
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Law Enforcement
Assistance Administration

LEAA/OJP Retrospective

*30 Years of Federal Support to
State and Local Criminal Justice*

SUMMARY

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Foreword

One of the things every institution should do from time to time is look back. During the snowy days of the federal government shutdown in early 1996, I had the opportunity to step back from the hectic day-to-day pace of the Justice Department and do some thinking about the roots of my agency -- the Office of Justice Programs (OJP) -- back to the "LEAA days." And as I mulled over the history of federal crime control assistance to state and locals, I contemplated the quote on the front of the National Archives building across from OJP -- "What is Past is Prologue." As we head into the 21st Century, it seemed critical to me that those of us in criminal justice should step back and reflect on the 30-year history of this program through OLEA, LEAA, OJARS and OJP, and to contemplate the lessons those experiences hold for the future.

Over the following months, my staff and I put together a plan for a one-day Retrospective to bring back earlier leaders of the program to share with us insights about their successes, what they would have done differently, and what advice they would offer us for the future. The result was a session held on July 11, 1996 in Washington, D.C., attended by some 50 former administrators, deputies and regional directors of the program. Representation included persons from both Republican and Democratic Administrations and from virtually every era since the founding of OLEA in 1966. One thing that struck me during the session was that -- despite those differences -- the participants almost uniformly shared a common optimism, the belief that government **can** take steps to successfully address the problems of crime affecting our country.

This publication contains a summary of the observations offered during that July day and "lessons learned" from the earlier federal

initiatives to assist state and local crime-fighting efforts. As Deputy Attorney General Jamie Gorelick noted that day when she joined us for lunch, no government agency can wisely chart its future without looking back at its past.

I offer my thanks to a number of people for their help in making July 11 a rich and productive experience -- the OJP Bureau Heads, who took time from their hectic schedules to join me for this "day of history"; Mike Dalich, my Executive Assistant and a veteran of the early LEAA days, who took the laboring oar in organizing the session and tracking down the past leaders of the program; Frank Hartmann of the Kennedy School at Harvard for his superb job in moderating the day's discussions; and Ed Connor and his staff at the Institute for Law & Justice for their skilled work in handling management and logistics. But most of all, I want to express my appreciation to the "alumni" of the LEAA, OLEA, OJARS and OJP program who took the time to travel to Washington to share their thoughts with us on how the "feds" can best help state and local governments reduce crime and improve criminal justice. It is clear to me from those July 11 discussions that - - even for those who have been gone from the program for nearly 30 years -- their spirit of dedication and public service still burns bright.

Laurie Robinson
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LEAA/OJP Retrospective: Executive Summary

The 1996 budget of \$2.7 billion for the Office of Justice Programs (OJP) was the largest since the agency's predecessor, the Law Enforcement Assistance Administration (LEAA), was created by the 1968 Safe Streets Act. What has been learned over the past 30 years that can benefit today's OJP? What are the most important roles for the federal government in reducing crime and violence? What organizational changes are needed to work more efficiently toward the goal of building a safer society? These questions drove the discussion at a recent meeting of 52 past and present LEAA and OJP administrators. Called together by Assistant Attorney General Laurie Robinson, they attacked the job at hand with enthusiasm and candor, recalling mistakes and lessons learned, as well as successes. By the end of the one-day meeting, participants had reached general agreement in several areas:

- OJP should tackle the difficult job of setting priorities based on the knowledge that criminal justice agencies alone cannot solve crime problems. In fact, OJP should be a standard bearer, actively reinforcing this message to all of its stakeholders—the Congress, state and local agencies, researchers, the public.
- OJP should strengthen its emphasis on planning and enlist agency and community representatives at the state and local levels to help shape the OJP agenda.
- OJP should be organized as a single agency. It is difficult to achieve consistency and continuity in programming — or to have a real impact by leveraging its resources to best address crime — with its current fragmented statutory structure.

Based on their collective experience and knowledge, the majority of meeting participants also agreed that the most important roles for OJP are to:

- Assist and more vigorously oversee state and local criminal justice planning. Staff should be planning experts, and OJP should provide a well developed technical assistance program.
- Emphasize research, evaluation, and development. OJP needs to sponsor more “tier one” research and evaluation, demonstrate intellectual leadership, and convince the Congress of the importance of such research.
- Improve the flow of information to the public, to state and local agencies, and to the Congress.
- Use discretionary grants to encourage experimental approaches, help support programs that have proven effective, and fill in the gaps in state programming.

Background on the Meeting: Past as Prologue

On July 11, 1996, a group of 52 experienced former and current Department of Justice criminal justice program administrators were called together by Assistant Attorney General (AAG) Laurie Robinson, head of the Office of Justice Programs (OJP), to take a hard look at the past, with an eye to the future. Twenty-eight years before, the Safe Streets Act of 1968 had created the Law Enforcement Assistance Administration (LEAA), the first comprehensive federal program designed to provide funding to the states—primarily through block grants—to reduce crime. Fourteen years later, LEAA closed its doors.

Even so, it is not entirely accurate to talk of the “demise” of LEAA, as many participants pointed out. First, although LEAA experienced problems that could not be overcome during its lifetime, it can be credited with many accomplishments that still have a major impact on crime control today. Second, the Justice Assistance Act of 1984 created separate agencies to perform many of the functions associated with LEAA. Finally, with the 1994 Crime Bill, federal funding for state and local crime control came more than full circle—a record \$2.7 billion in 1996 and \$3.2 billion in 1997 were provided for OJP.

Today, six Presidential appointees administer OJP programs. One is the Assistant Attorney General who heads OJP and who also administers the Violence Against Women Act, Drug Court, and Corrections programs and the Executive Office for Weed and Seed. In addition, Presidential appointees direct each of OJP’s agencies: National Institute of Justice (NIJ), Bureau of Justice Assistance (BJA), Office of Juvenile Justice and Delinquency Prevention (OJJDP), Bureau of Justice Statistics (BJS), and Office for Victims of Crime (OVC). Altogether, there are over 600 OJP employees, compared to a high of 800 who worked for LEAA in its Washington, D.C. and regional offices—but up from some 300 just two years ago.

Participants at the July 11 meeting included former LEAA administrators as well as current OJP agency directors. Their challenge was to use the “1,800 years of collective wisdom and adult experience represented around the table” to develop a series of lessons that could be passed on to the next generation of administrators. As AAG Robinson explained, “The inscription on the National Archives building serves as a reminder that the past is prologue to the future. It is important to look back as we chart the course for the 21st Century.” With this in mind, participants were asked to “first review what has been accomplished, what has been learned, and what might have been done differently; and second, make recommendations about where we should be going.”

LEAA: Contributions and Controversies

During the discussion that followed, participants provided many specific examples of accomplishments under LEAA. At the same time, they offered insights about controversial aspects of the program and about the political climate that prevailed during their tenure.

Contributions

There was general agreement that, among its most significant accomplishments, LEAA:

- Encouraged for the first time state-level planning in criminal justice by spurring the formation of criminal justice state planning agencies (SPAs).
- Contributed to law enforcement professionalism by providing higher education opportunities. The Law Enforcement Education Program (LEEP) enabled 100,000 students to attend more than 1,000 colleges and universities. A significant majority of current criminal justice leaders around the country are LEEP alumni.
- Laid the foundation for the development of standards for police, courts, and correctional agencies.
- Encouraged the use of targeted strategies (for example, the establishment of career criminal units in prosecutors' offices).
- Launched the victim witness movement, encouraging prosecutors and other parts of the criminal justice system to undertake victim-witness initiatives.
- Enabled technological advances, including the development of bulletproof vests and forensic applications of DNA technology.

Participants also noted some of OJP's accomplishments in the 1980s, particularly in the area of research. For example, OJP has:

- Continued to emphasize technology; supported development of detection scanners and magnetometers to help combat domestic terrorism; and conducted research on less-than-lethal weapons.
- Encouraged new policing strategies (for example, through its work with Harvard University on police problem solving and community policing).
- Encouraged a major study of human development and criminal careers through a partnership with the MacArthur Foundation.
- Developed the Drug Use Forecasting (DUF) survey and drug testing program to help local governments to track and develop strategies to combat illegal drugs.
- Encouraged alternative dispute resolution strategies.

Controversies

Politics. Several participants recalled that political leaders who were elected on “law and order” platforms in the late 1960s and early 1970s took a special interest in LEAA. But later in the decade, priorities changed among members of Congress and the Executive Branch, and LEAA eventually came under fire. One participant characterized LEAA as “a victim of a more general loss of public confidence in the Executive Branch following Watergate.” Others said LEAA administrators were either unaware of, or unwilling to believe, the intent of Congress and the President to disband the agency. Staff public information efforts were not good, they said; administrators did not have a strong network on the Hill, and LEAA administrators “began lobbying too late.” There was considerable agreement with the assessment that “trouble came to LEAA when it lost its handle on the political process.”

Funding Approaches. Several participants discussed the use of a block grant approach for providing federal funds to the states (which Congress opted for in the 1968 Safe Streets Act) versus other types of aid. Federal funding under LEAA, said some attendees, was seen as a “blank check” rather than as seed money with definite time limits; and LEAA failed to require states to assume their share of costs.

As one participant summarized it, “In 1968, there was a very small, sincere band of people who wanted to stop crime by next Thursday, but there were very few guidelines for doing this. After a while, block grants gave way to an increase in discretionary and categorical grants.” Some participants did not see the wisdom in awarding small grants, while many others felt small grants to creative people were worthwhile. “It is not necessary to award \$600 million to one contractor to effect change,” said one participant. Effective uses of grants in the \$10-15,000 range were cited: helping states develop training standards, encouraging the entry of women and African Americans into policing, and facilitating local community policing and problem solving efforts. Other attendees noted that in the early 1970s, the discretionary grants program also energized federal employees. Ideas generated at the federal level included the one-day-one-trial jurors program, initiatives to combat sexual abuse of children, and Free Venture Prison Industries program.

Mission and Organizational Issues. Some participants emphasized the agency’s original crime control mission, which, along with crime prevention, drove policy at LEAA. But as one member of the group observed, “When the original legislation is compared to subsequent re-authorizations, a shift can be observed from reducing crime to developing models and demonstration programs.” Administrative changes at LEAA accompanied the shift toward categorical and discretionary grants, with the agency evolving “from a simple to an increasingly complex and increasingly bureaucratic organization.” At the same time, “LEAA’s proximity to the Attorney General and to the Congress got lost.”

Planning. LEAA's experiences with planning—and more importantly, the implications of those experiences for today's OJP—was a particular concern for many participants. Several noted that because LEAA placed a heavy emphasis on planning, “when LEAA failed, the conclusion on the Hill was that planning failed.” Some felt LEAA was not a good test because “there was no real planning expertise on staff.” As another group member put it, “There was an increasing disrespect for planning because we didn't do it very well.” Others believed this judgment was too harsh, noting that LEAA encouraged the development of state criminal justice planning agencies. LEAA often used its regional offices to involve state and local agencies in planning; and it encouraged a greater reliance among planners on research and statistics. LEAA should take at least partial credit, they said, for fostering such organizational changes as civilianization in police organizations and the adoption of strategic planning by many law enforcement agencies.

Relevance to State and Local Needs. With the creation and expansion of LEAA, said some participants, came a false sense of confidence that “the federal government has all the answers,” a notion that was resented at the state and local levels. Further, many of the smaller states did not perceive LEAA as particularly relevant to their needs and were not concerned when the program ended. There was also a belief by some that the program was too controlled by law enforcement, resulting in a lower priority for efforts by other criminal justice agencies.

Several participants, however, felt the emphasis on law enforcement was not misplaced and had long-lasting, positive effects. Police have played, and will continue to play, an important leadership role, they said. For example, they noted, police are speaking out in favor of some gun control measures and have worked hard toward achieving a more racially integrated workforce, with African Americans making up 11.5 percent of today's police officers. In addition, local law enforcement officers have shown they can help families when they are trained in crisis intervention to handle family situations with sensitivity.

OJP Today: Continuing Issues and New Challenges

Current OJP administrators struggle with some of the same core issues that faced LEAA—political uncertainties, changes in funding approaches, a need to reach out to many different stakeholders. At the same time, today's OJP is working with a different set of resources. In the plus column: more funding, a broader base of research results on which to build, and new partners from other agencies and disciplines who share common objectives. In the minus column: an organizational structure described as “inelegant” at best and a continuing need for programming to be driven more by research and evaluation and less by a perceived need for quick solutions.

Politics. There was considerable discussion about how difficult it is to address underlying contributors to crime — family breakdown, poor schools, unemployment— when political candidates continue to tout solely justice system approaches. As one former administrator expressed it, “We always must have a crime bill and it always calls for more penalties, more of a criminal justice model, more ‘after the fact.’ Administrators are sometimes able to fit in other types of programs, but the money isn’t there.” Others asserted that some components of the criminal justice system—law enforcement, for example—have come to think of OJP money as an entitlement.

Funding Approaches. Because grants have gone in and out of favor with Congress over many years, most participants felt that debates about block grants versus other funding approaches would continue. Some believed that Congressionally-mandated funding categories (“earmarks”) discourage innovation and strategic long-term programming, while others were more concerned about accountability when block grant approaches are used. Moreover, OJP today must manage numerous separate funding streams created by Congress for agency functions (e.g., Weed and Seed). This makes it even harder to integrate programs at the state and local levels.

Policy and Research. In the view of many participants, criminal justice policy is not influenced by research to the extent it should be. Despite the knowledge gained over the past 30 years, there is a significant need for more criminal justice research and, particularly, for more evaluation. At the same time, it is difficult for government to attract the best researchers or the best management talent; and there is still little real Congressional investment in criminal justice research when compared to areas like health or defense.

Mission and Organizational Structure. Some participants questioned whether agency functions had actually changed much since the days of LEAA. As one former administrator said, “A case can be made that we just changed the boxes or moved the boxes around.” A related concern was the selection and confirmation of OJP agency directors, a process that can leave OJP agencies operating for up to two years without a confirmed director. Even when all director positions are filled, the current structure involving six Presidential appointees forces a reliance on personalities to make it work.

In considering OJP’s structural defects and strengths, several questions were raised: Should the current OJP offices be part of a consolidated agency? Should the entire agency be part of the Department of Justice? Should the statistical and research functions (BJS, NIJ) be separate? Are there missing pieces, or existing pieces that should be somewhere else?

Planning. Taking a lesson from LEAA, most participants felt that effective state and local criminal justice planning should be a continuing priority for OJP. An important challenge for OJP today, they said, is to find new ways to involve state and local stakeholders in the planning process.

Constituencies. One participant noted that much of the discussion about LEAA was related to “constituency building” and that there was a continuing need to strengthen relationships with all of OJP’s constituents. At the federal level, this included the President; other agencies within the Department of Justice; other federal agencies, including those without criminal justice functions; and Congress. Similarly, constituency building at the state and local levels is vital. Some participants felt that closing the LEAA regional offices had a negative impact on that agency’s ability to build state and local constituencies. Further, while LEAA had strong linkages to big cities, it did not have the same relationship with suburban and rural areas. OJP needs to continue to be inclusive, reaching out to professional groups and national research organizations, as well as state and local agencies.

Role of the Federal Government

What should the federal government’s mission be with regard to crime? As this question was discussed, several themes emerged. A majority of participants agreed that the federal government should (1) address underlying causes of crime, (2) support top flight research, and (3) ultimately reduce crime and control criminal activity. The group also noted the government’s responsibility to help families of officers killed in the line of duty.

Address Underlying Contributors to Crime

Many participants felt strongly that it was time to develop policy based on the clear evidence that criminal justice agencies alone can never solve crime problems. “The political rhetoric is bankrupt,” said one former LEAA official, “but who will stand up and say the emperor has no clothes?” Another reminded the group that “the current Attorney General wanted to bring together all social services to focus on crime.” “We have missed the boat,” he said, “by focusing on crime control through justice agencies or diversion through justice-controlled agencies.” Related recommendations included the following:

“Bring together an open-minded, multi-disciplinary group to discuss whether the criminal justice/law enforcement model is what we want, or whether we should develop a medical/prevention model. We may then make a decision on it and stick with it.”

“Make a much more broadly-based attack on crime, including health, education, non-government institutions. The attack should be from the bottom up through a regional planning process and, at the same time, from the top down with Presidential leadership.”

Many participants also emphasized the need to approach crime prevention in new ways. For example, consider the costs to the states of redistributing money for juvenile probation into job training; challenge universities to redesign teacher training and enable teachers to educate people who fall out of the public education system; tackle the enormous job of strengthening families. In short, “It’s not all about getting equipment to cops.”

Support Top Flight Research

Another primary role for the federal government should be to support research, evaluation, and development. Moreover, these should be top flight, “first tier” efforts. “We need to develop a critical mass of knowledge,” said one participant. “For example, why do some of ‘the unloved’ become productive members of society while others become criminals?” Another stated that “intellectual leadership is the number one responsibility of government . . . but intellectual federal leadership on justice ‘in the large’ is missing from the portfolio.”

Several participants stressed the importance of being able to conduct research over the long term. Although elected officials are often impatient when there are no “overnight” results and answers, enough time must be allowed to produce reliable evaluation results. LEAA determined it takes at least four to six years to fund, implement, and evaluate a major program.

Reduce Crime and Control Criminal Activity

Many participants were concerned that OJP not lose sight of goals for reducing and controlling crime. In summarizing the morning’s discussion, one participant said it was clear that “OJP should be in the business of providing all kinds of support to state and local jurisdictions to reduce crime.” Several others felt strongly that “the government can establish peace on the streets and in the community, so parents can focus on their children.”

How OJP Can Rise to the Challenge

The final task for participants was to propose specific ways in which OJP can be in a better position to refine and accomplish its mission.

Organizational Structure. First, specific attention was given to the organizational issues raised earlier, with the following results:

- A show of hands revealed almost unanimous agreement that OJP should, indeed, remain in the Department of Justice.
- Almost all attendees recommended that OJP be reorganized as a single agency under one Presidential appointee.
- About two-thirds of participants agreed that OJP should re-establish a regional presence. For example, OJP should consider establishing regional advisory councils and provide some funding for travel, conferences, reports, etc. OJP should also continue to take advantage of Internet capabilities to improve the flow of information to its constituents.
- Some participants recommended putting all grant management functions together.
- A minority of participants supported removing research and statistical functions from the Department of Justice to insure objective contributions to a national agenda.

Funding Approaches. The participants as a group did not take a position favoring any one approach to funding state and local programs. Rather, they stressed the importance of providing information—especially research and evaluation results—that enables Congress and state and local administrators to make sound policy decisions. In addition, many participants advocated the use of discretionary grants for specific purposes: to support programs that have proved successful; to fill in gaps in state programming; and perhaps most important, to encourage experimental approaches with “the freedom to fail” (something the states usually cannot afford to do).

Constituencies. Virtually all participants agreed that OJP should make a concerted effort to know and develop its constituencies (some preferred the term “stakeholders”). It is critical to “find sources of sustained leadership,” and “build a network of champions.” More specifically, OJP should:

- Continue to build bridges with the rest of the Department of Justice, although it was noted that these ties are stronger than at any time since the earliest LEAA days.
- Talk to the states, not simply to encourage their partnership, but to gain their input into policy development. Determine what they need from the federal government and continue to build a “customer service” model.

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- Do a better job of getting information out to the public; improve the public information function and serve as an information clearinghouse.

Planning. Many participants strongly recommended that OJP “return to the idea of planning” and “emphasize criminal justice planning and analysis at the local and state levels.” Moreover, some recommended that OJP more vigorously oversee state-level planning, with receipt of funding dependent on an acceptable planning process.

OJP should also help the states with planning. More specifically, the agency should:

- Ensure that its own staff includes planning experts.
- Operate a well-developed technical assistance program.
- Draw from private industry to help develop the agency’s planning expertise.
- Help the criminal justice community learn from corporate America, particularly with regard to the re-engineering process.

Research and Development. Several recommendations were made for ways in which OJP could better fulfill its role as a sponsor of and advocate for “first tier” research and development. These included:

- Sell the importance of research to the Congress.
- Sustain a research focus on juvenile crime.
- Analyze the past 30 years of federal government involvement in delinquency and juvenile justice research and programming, and involve other agencies in the process.
- Be in the forefront with regard to state of the art literature.
- Serve as an incubator for research and demonstration projects to test hypotheses.
- Continue research on less-than-lethal weapons.
- Expand the collection and dissemination of statistics.
- Facilitate the exchange of knowledge by enabling practitioners and researchers to routinely come together.

Beyond the Meeting

Participants at the July 11 meeting felt strongly that one of the most effective ways OJP can provide leadership to the field is by demonstrating consistency and continuity in its own programs. A “varsity team,” such as a bipartisan group of former LEAA and OJP officials, they said, should educate Congress about the most appropriate agency mission, objectives, and organizational structure for fulfilling this leadership role. First steps should include presenting to a broader audience the results of the LEAA/OJP Retrospective meeting and holding additional consultations to follow up on the recommendations made and challenges presented.

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Agenda

LEAA/OJP Retrospective

Thursday, July 11, 1996

8:00 a.m. - 9:00 a.m. Registration and Coffee Service

9:00 a.m. - 9:45 a.m. Welcome, Opening Remarks, and Introduction of Participants

Laurie Robinson, Assistant Attorney General, Office of Justice Programs
U.S. Department of Justice, Washington, DC

Moderator:

Francis X. Hartmann

Executive Director, Program in Criminal Justice Policy and Management
Kennedy School of Government, Harvard University, Cambridge, MA

**9:45 a.m. - 12:15 p.m. Where Have We Been?
Reflections on the LEAA/OJARS/OJP Programs**

Patrick V. Murphy, Associate Administrator, Office of Law Enforcement
Assistance, 1968 - 1969

Jerris Leonard, Administrator, Law Enforcement Assistance Administration
1971 - 1973

Donald Santarelli, Administrator, Law Enforcement Assistance Administration
1973 - 1974

Henry Dogin, Administrator, Law Enforcement Assistance Administration
1978 - 1979

Robert Diegelman, Acting Director, Office of Justice Assistance, Research, and
Statistics, 1980 - 1982

James (Chips) Stewart, Director, National Institute of Justice, 1982 - 1989

Laurie Robinson, Assistant Attorney General, Office of Justice Programs
1993 - Present

12:15 p.m.-1:30 p.m. Luncheon

Keynote Address: **Jamie S. Gorelick**, Deputy Attorney General, U.S. Department of Justice
Washington, D.C.

1:30 p.m. - 2:00 p.m. Synthesis of Morning Discussion

Sally T. Hillsman, Deputy Director, National Institute of Justice
Office of Research and Evaluation, U.S. Department of Justice, Washington, DC

Price Foster, Professor, Justice Administration, University Liaison for the
Urban Mission, University of Louisville, Louisville, KY
formerly Director, LEAA's Law Enforcement Education Program

**2:00 p.m. - 4:00 p.m. Where Should We Be Going?
Moderated Discussion, Involving All Participants, on the Federal Criminal
Justice Role**

Moderator: **Francis X. Hartmann**, Executive Director, Program in Criminal Justice Policy
and Management, Kennedy School of Government, Harvard University
Cambridge, MA

4:00 p.m. - 4:30 p.m. Synthesis of Afternoon Discussion

John Greacen, Clerk, U.S. Bankruptcy Court, Albuquerque, NM
formerly Associate Director, National Institute of Law Enforcement and
Criminal Justice

David Tevelin, Director, State Justice Institute, Alexandria, VA
formerly LEAA's Office of General Counsel

4:30 p.m. - 4:45 p.m. Closing Remarks

Laurie Robinson, Assistant Attorney General, Office of Justice Programs
U.S. Department of Justice, Washington, DC

LEAA/OJP Retrospective



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Participants: *(front row, left to right)* W. Powers, J. Stewart, L. Robinson, G. Holden, C. Lauer, M. Beckman ;*(second row, left to right)* J. Nadol, J. Devine, G. Trubow, M. Dalich, S. Hillsman, S. Bilchik; *(third row, left to right)* R. Diegelman, R. Sui, A. Hopkins, T. Kirkpatrick, P. Foster, R. Goffus, P. Wormeli, G. Bohlinger, H. McQuade; *(fourth row, left to right)* D. Tevelin, N. Gist, B. Ewing, J. Shealey, J. Gregg; *(top row, left to right)* C. Work, W. Pomeroy, D. Santarelli, P. Murphy, P. Haynes, J. Jemilo, F. Hartmann and J. Travis.



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