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Children and Women - The
Trojan Horse Against Mass Poverty?

Children and
Women —
The Trojan Horse
Against Mass
Poverty?



Address by
James P. Grant
Executive Director of the
United Nations Children's Fund
(UNICEF)

to the
International Development
Conference

Washington, D.C.
11 January 1993

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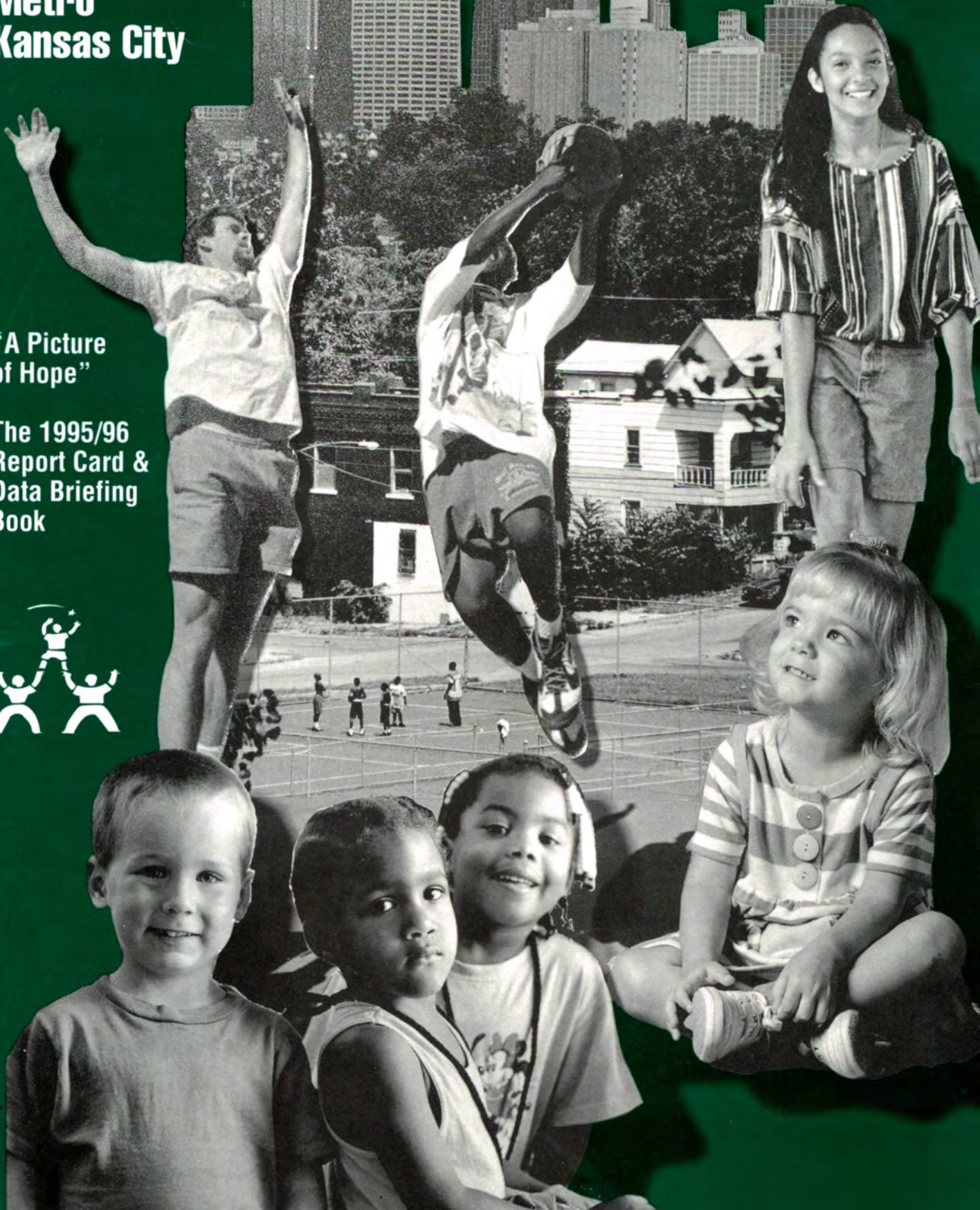
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The Status of Children in Metro Kansas City

"A Picture
of Hope"

The 1995/96
Report Card &
Data Briefing
Book



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Report+ Card: The Status of
Children in Greater Kansas
City (2 Copies)

Community Leaders

Report Card 1995/96 Has Been Endorsed By:

William T. Esrey, chairman and CEO, Sprint
SuEllen Fried, community volunteer
Anita Gorman, community volunteer
Joseph McGuff, retired editor, The Kansas City Star
Hon. Cordell D. Meeks, Jr., Wyandotte County district court judge
Robert B. Rogers, chairman and CEO, Ewing Marion Kauffman Foundation
Rev. Thomas Savage, S.J., president, Rockhurst College
U.S. Senator Nancy Kassebaum, Kansas Republican

Steering Committee

An initiative of the Heart of America United Way and the Greater Kansas City Community Foundation & Affiliated Trusts, the Partnership for Children is governed by a steering committee drawn from the boards of directors of the two organizations and the community.

Co-Chairmen:

William C. Nelson, chairman, president, and CEO, Boatmen's First National Bank
Robert C. Woodworth, president & publisher, The Kansas City Star

Members:

Barbara Allmon, president, H&R Block Foundation
Laura A. Cray, community volunteer
Dwayne A. Crompton, executive director, KCMC Child Development Corporation
William H. Dunn, Sr., chairman of the board, J.E. Dunn Construction Company
John B. Francis, president, Francis Families Foundation
Anita B. Gorman, community volunteer
Marjorie D. Grant, vice president, AMC Entertainment, Inc.
Adele C. Hall, community volunteer
Judy H. Hunt, community volunteer
Drue Jennings, president & CEO, Kansas City Power & Light Company
Cheryl Jernigan, president, Kansas City Area Hospital Association
Janice C. Kreamer, president, Greater Kansas City Community Foundation
Hon. Cordell D. Meeks, Jr., district court judge, Wyandotte County, Kansas
Dr. Robert H. Meneilly, community volunteer
Hon. Carlos Murguia, district court judge, Wyandotte County, Kansas
David F. Oliver, partner, Bryan Cave LLP
Bonnie Peterson, vice president, patient services, Trinity Lutheran Hospital
Kendra Price, Youth Representative
Al Sassone, president, Heart of America United Way, Inc.
Susan M. Stanton, president & COO, Payless Cashways, Inc.
William Tempel, president & CEO, UMB Bank Kansas
David P. Thomas, director, community affairs, Sprint
Linda Ward, director, investor relations, Payless Cashways, Inc.
David H. Westbrook, president & CEO, Corporate Communications Group, Inc.
Eugene R. Wilson, president, youth development, Ewing Marion Kauffman Foundation



PARTNERSHIP FOR CHILDREN

Report Card

Report on: The Status of Children in Greater Kansas City

Ages: 0-19 Year: 1995/96

Parents/Guardians: Citizens of Greater Kansas City

Overall
Grade
C

Greater Kansas City has been graded C for 199 5/96

Dated this fifth day of October, 199 5

file children

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CALLIGRAPHERS LIST

KIWANIS LUNCHEON WITH FLOTUS. - Wednesday FEB 8 1995 - 11:30 AM State Floor - - east visitors

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REPORT TIME: 11:39 AM

Ms. Victoria Almquist
Assistant Director for Child Advocacy
NACHR
401 Wythe Street
Alexandria, VA 22314

Dr. Molly Anthony
Vice President for Research and Policy Analysis
National Association of Children's Hospitals &
Related Institutes
401 Wythe Street
Alexandria, VA 22314

Ms. Jean Athey
Project Officer
Emergency Medical Services for Children National
Resource Center
Children's Hospital
111 Michigan Avenue, N.W.
Washington, DC 20010-2970

Ms. Jane Ball
Director
Emergency Medical Services for Children National
Resource Center
Children's Hospital
111 Michigan Avenue, N.W.
Washington, DC 20010-2970

Ms. Mary Jo E. Bane
420 7TH ST NW
WASHINGTON, DC 20004

Ms. Christine Benero
Director, Washington Office
Association of Junior Leagues International
Government Affairs
Suite 604
1319 F Street, N.W.
Washington, DC 20004

Ms. Anne Blackmer

Mr. David Blackmer

Mrs. Mardian Blair
2400 Bedford Road
Orlando, FL 32803-1489

Dr. and Mrs. W. J. Blechman
Past International President
Kiwanis International
3636 Woodview Trace
Indianapolis, IN 46268

Ms. Eve Brooks
Executive Director
National Association of Child Advocates
1522 K Street, NW
Suite 600
Washington, DC 20036

Mr. Max L. Burdick, Jr.
Vice President
Children's Miracle Network
P.O. Box 10351
111 Michigan Avenue, N.W.
Washington, DC 20010

Ms. Joy Byers
Director, Public Awareness
National Committee for the Prevention of Child
Abuse
332 South Michigan Avenue
Suite 1600
Chicago, IL 60604-4357

Mr. David Carr
1535 Cricklewood Way
Zionsville, IN 46077

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REPORT DATE: April 8, 1997
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Ms. Judy Langford Carter
901 Forest Avenue
Evanston, IL 60202

Ms. Jan Chapin
Associate Director
American College of Obstetricians and
Gynecologists
Division of Program Services
409 12th Street, S.W.
Washington, DC 20024

Ms. Anne Cohn-Donnelly
Executive Director
National Committee to Prevent Child Abuse
332 South Michigan Avenue
Suite 1600
Chicago, IL 60604

Ms. Lori Cooper
Executive Director
Healthy Mothers, Healthy Babies
409 12th Street, NW
Washington, DC 20024

Ms. Sally Cotten
La Leche League Liaison
La Leche League International
800 E Street, N.E.
Washington, DC 20002

Mr. John Cuny
President, CEO
Acordia Benefits of Florida, Inc.
6440 Southpoint Parkway
Jacksonville, FL 32216

Ms. Lee Ann Deal
Executive Director
La Leche League International
1400 North Meacham Road
P.O. Box 4079
Schaumburg, IL 60168-4079

Mr. Horace B. Deets
Executive Director
American Association of Retired Persons
601 E Street, N.W.
Washington, DC 20049

Mr. Jeffrey Diver
National Field Director
SAFE KIDS Campaign
111 Michigan Avenue, N.W.
Washington, DC 20010

Hon. Elizabeth H. Dole
President
American Red Cross
430 17th Street, N.W.
Washington, DC 20006

Mr. Rod Ellerbusch
Trustee and Board Liaison to the Advisory
Council
Kiwanis International
3636 Woodview Trace
Indianapolis, IN 46268

Mr. Keith R. Faller
Anthem Health Plan
4040 Vincennes Circle
Indianapolis, IN 46268

Ms. Eden Fisher-Durbin
Young Men's Christian Association
1701 K Street, NW Suite 903
Washington, DC 20006

Ms. Ellen Galinsky
Co-President
Family & Work Institute
330 Seventh Avenue
14th Floor
New York, NY 10001

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REPORT DATE: April 8, 1997
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Mr. Peter Goldberg
President and CEO
Family Service America
11700 West Lake Park Drive
Milwaukee, WI 53224

Ms. Olivia Golden
Acting Assistant Secretary for Children and
Families
2601 Woodley Place #103
Washington, DC 20008

Ms. Amy Goyer
Senior Program Specialist
American Association of Retired Persons
601 E Street, N.W.
B5 - Room 270
Washington, DC 20049

Ms. Ruth Graves
President
Reading is Fundamental INC
Suite 600
600 Maryland Avenue, SW
Washington, DC 20024

Ms. Sarah Green
Executive Director
National Head Start Association
1651 Prince Street
Alexandria, VA 22314

Ms. Marlys Gustafson-Bell

Mr. Ralph W. Hale
American College of Gynecologists

Ms. Sandra Hamburg
Vice President and Director of Education Studies
Committee for Economic Development
477 Madison Avenue
New York, NY 10022

Dr. Burton H. Harris
Director
Kiwaniis Pediatric Trauma Institute
New England Medical Center
750 Washington Street
Box 344
Boston, MA 02111

Ms. C. Anne Harvey
Director of Programs
601 E Street NW 5B Room 270
Washington, DC 20049

Ms. Bryna Helfer
Coalition Coordinator
Emergency Medical Services for Children National
Resource Center
Children's Hospital
111 Michigan Avenue, N.W.
Washington, DC 20010-2970

Mr. Reed Henderson
Senior Vice President
Family Service America
11700 West Lake Park Drive
Milwaukee, WI 53224

Ms. Alma C. Hobbs
1200 Crystal Dr.
#214
Arlington, VA 22202

Ms. Beverly Hoover
Specialist
External Relations, Health and Safety, American
Red Cross
431 18th Street, N.W.
5th Floor
Washington, DC 20006

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REPORT DATE: April 8, 1997
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Ms. Jennifer Howse
President
March of Dimes
National Headquarters
1275 Mamaroneck Avenue
White Plains, NY 10605

Mr. Solomon Hurwitz
800 Forest Ave.
Rye, NY 10580-3202

Ms. Karen Ignagni
3105 Chesapeake Street, NW
Washington, DC 20008

Ms. Beverly Jackson
Director of Public Policy
National Center for Clinical Infant Programs
N/A Phone

Ms. Wendy Jacobson
2824 28th St. NW
Washington, DC 20005

Ms. Mollie Jenckes

Ms. Susan Katz
National Council of Jewish Women
53 West 23rd Street, N.W.
New York, NY 10010

Ms. Rossie Kelly

Mr. Jeff Kimball
Public Affairs Director
American Academy of Pediatrics
Homer Building, Suite 400 North
601 13th Street NW
Washington, DC 20005

Hon. Jennifer Klein
Special Assistant to the President for Domestic
Policy
The White House
Second Floor
West Wing
Washington, DC 20500

Mr. Glenn Kollen
Vice President
Acordia Benefits of Florida
6440 Southpoint Parkway
Jacksonville, FL 32216

Ms. Sharon Ladin
Associate Director
Children's Defense Fund
25 E Street, N.W.
Washington, DC 20001

Mr. David Liederman
300 East 56th Street
Apt. 28A
New York, NY 10022

Mr. Ronald Logsdon
Chairman, International Committee for Young
Children Priority One
Kiwanis International
3636 Woodview Trace
Indianapolis, IN 46268

Ms. Joan Lombardi
1941 Shiver Drive
Alexandria, VA 22307-1631

Ms. Sue Marcum
National Council of Jewish Women
8045 Mary Oaks Court
Vienna, VA 22182

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REPORT DATE: April 8, 1997
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Mr. Lawrence A. McAndrews
President and CEO
National Association of Children's Hospitals
401 Wythe Street
415 S. Fairfax Street
Alexandria, VA 22314

Ms. Jean McIntosh
Board Member
Parents Anonymous
1250 Eye Street NW Suite 503
Washington, DC 20005-3922

Mr. James K. McNaughton
Acordia Benefits of Florida
6440 Southpoint Parkway
Suite 300
Jacksonville, FL 32216

Mr. Matthew Melmed
Executive Director
National Center for Clinical Infant Programs
2000 14th Street North
Suite 380
Arlington, VA 22201-2500

Ms. Joan Melner
Director of Public Policy
2000 14th Street North Suite, 3800
Arlington, VA 22201-2500

Mr. David R. Mercer
National Executive Director
Young Men's Christian Association
101 North Wacker Drive
Chicago, IL 60606

Ms. Sarah Nordmann
NACCRA
Washington, DC 20004

Mr. Lucio A. Noto
CEO
Mobil Corporation
3225 Gallows Road
Fairfax, VA 22037

Mr. Matthew J. O'Keefe
President
Circle K International
300 Hammond Street
Chestnut Hill, MA 02167

Dr. Heather Paul
Executive Director
SAFE KIDS Campaign
111 Michigan Avenue, N.W.
Washington, DC 20010

Mr. and Mrs. Ian Perdriau
President
Kiwanis International
24 Laburnum Street
Australia

Ms. Nancy Peterson
Director
American Academy of Pediatrics
141 Northwest Point Boulevard
P.O. Box 927
Elk Grove Village, IL 60009-0927

Dr. Janet A. Phoenix
Director
Environmental Health Center of the National
Safety Council
1019 19th Street, N.W.
Suite 401
Washington, DC 20036-5105

Dr. Lisa Pion-Berlin
Executive Director
Parents Anonymous
520 South LaFayette Park Place
Suite 316
Los Angeles, CA 90057

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Mr. Ike Prather
TN Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902

Ms. Jeanne Priester
National Program Leader
USDA Cooperative Extension Service
USDA South Building, Room 3444
14th & Independence Avenues, S.W.
Washington, DC 20250

Mr. Bill Randolph
Associate Director
March of Dimes
National Headquarters
1275 Mamaroneck Avenue
White Plains, NY 10605

Honorable Carol H. Rasco
Department of Education
600 Independence Avenue, SW
Room 6141
Washington, DC 20202

Mr. Jon Reiker
General Mills, Inc.
5900 Lake Ellenor Drive
Orlando, FL 32809

Ms. Becky Reynolds
Children's Defense Fund
25 E Street, NW
Washington, DC 20001

Mr. Christopher J. Rice
Director of Program Development
Kiwanis International
3636 Woodview Trace
Indianapolis, IN 46268

Mr. Mark W. Riley
1406 Broadway St.
6
Little Rock, AR 72202-4859

Ms. Ann Rosewater
2205 California Street, NW
Apt #601
Washington, DC 20008

Mr. Don T. Ryan
Executive Director
Alliance to End Childhood Lead Poisoning
227 Massachusetts Avenue, N.E.
Suite 200
Washington, DC 20002

Ms. Laurie Ryan
Program Director
United Way of America Success by Six Program
701 North Fairfax Street
Alexandria, VA 22314

Mr. Bryan Samuels
Director of Public Policy
Family Resource Coalition
200 South Michigan Avenue
Suite 1520
Chicago, IL 60604

Dr. Joe M. Sanders
Executive Director
American Academy of Pediatrics
141 Northwest Point Boulevard
Elk Grove Village, IL 60007

Ms. Helen Scheirbeck
US Department of HHS
Admin. on Children, Youth & Families/330 C
Street, SW Room 2310
Washington, DC 20201

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Mr. A.G. Terry Shaffer
International Secretary
Kiwanis International
3636 Woodview Trace
Indianapolis, IN 46268

Mr. Jeff Shavelson

Mr. Eyjolfur Sigurdsson
President
Kiwanis International
PO Box 8405
Iceland

Mr. Howard Silberstein
Executive Director
Children's Miracle Network
P.O. Box 10351
111 Michigan Avenue, N.W.
Washington, DC 20010

Ms. Holly Sloan
Executive Director
Association of Junior Leagues International, Inc.
660 First Avenue
New York, NY 10016

Ms. Karen Smiley
Director of Field Support
United Way of America Success by Six Program
701 North Fairfax Street
Alexandria, VA 22314

Ms. Marilyn Smith
Executive Director
National Association for the Education of Young
Children
1509 16th Street, N.W.
Washington, DC 20036-1426

Ms. Sharon R Smith
8111 Gatehouse Road
Falls Church, VA 22042

Ms. Pat Spahr
Chairperson
Young Children: Priority One Advisory Council
1509 16th Street, N.W.
Washington, DC 20006

Hon. Judith Ann Stock
Special Assistant to the President & Social
Secretary
The White House
East Wing, Suite 200
Washington, DC 20500

Ms. Helen H. Taylor
2230 Sheperd Street, N.E.
Washington, DC 20018

Ms. Marilyn Thomas
President and CEO
National Head Start Association
Miami Valley Child Development Centers, Inc.
1034 Superior Avenue
Dayton, OH 45407

Mr. Donald C. Trigg
Sr. Vice President
The Associated Group
120 Monumnet Circle
Indianapolis, IN 46204

Hon. Melanne Verveer
Deputy Assistant to the President & Deputy
Chief of Staff to the First Lady
The White House
100 OEOB
Washington, DC

file children

DRAFT 8/8/97 5:00 P.M.

**FIRST LADY HILLARY RODHAM CLINTON
STATEMENT AT PEDIATRIC DOSAGE EVENT
THE ROSE GARDEN
AUGUST 13, 1997**

I would like to welcome you to the White House. We are here to take another major step in protecting the health of America's children. The action the President is taking today will see to it that important medications are tested and made available for children faster than ever before. It will also ensure that parents and doctors have the most complete information possible when it comes to knowing how much medicine they can safely give a child.

I would like to say a special word of thanks to a number of people whose efforts have made this achievement possible. [acknowledgments tk]

I would also like to remember the contributions of someone who isn't here: Elizabeth Glaser.

Elizabeth's struggle to get medication for her young daughter, Ariel, and for other children with AIDS made clear a heartbreaking problem: Too many medical treatments that are saving adult lives are slow in finding their way to children.

In the Glaser's case, Elizabeth contracted HIV from a blood transfusion she was given shortly after giving birth to her daughter. The virus was passed to Ariel. Yet while Elizabeth was able to take AZT to fight the AIDS, Ariel was not. Priceless time was lost because doctors were not authorized to administer the treatment to children [ck]. Nor did they know whether or not the drug would be dangerous for a young person.

The plan the President is announcing today grows out of Elizabeth's efforts to see to it that no child or parent will have to endure this kind of agony. It will guarantee that children get the same access to newly developed drugs as their parents. It will ensure that doctors know exactly what medicine works for children and how much of it to give. It will extend not just to medications for critical illnesses, but also to treatments for conditions like asthma, allergies, ear infections, and temporary pain.

This reform will, in short, give parents and doctors the basic peace of mind that comes from knowing that an ill child is getting the best possible treatment. Period.

Today's proposal is part of the President's comprehensive children's health agenda.

Last week, the President signed into law a balanced budget that will help extend health insurance to up to 5 million children -- for everything from regular checkups to antibiotics to major surgery. This \$24 billion investment -- paid for in part by a 15-cents-a-pack tax on cigarettes -- is the largest expansion of children's health coverage since the passage of Medicaid in 1965.

Last month, the President announced that more than 90 percent of our 2-year-olds received the most critical doses of recommended vaccinations, surpassing the goal this administration set in 1993. The President also announced steps that will help us immunize the remaining children who are still not getting their recommended vaccinations.

Since he came to office, the President has taken a series of important steps to protect the health of our children: from the Family and Medical Leave Act and the Kennedy Kassebaum bill to fighting drugs and protecting our young people from tobacco. This administration has embarked on a new initiative to help infants and toddlers in their crucial early years of development. And it has done its utmost to safeguard the food our children eat, the water they drink, the air they breathe. In fact, earlier this summer, the President approved the most stringent air quality regulations in XX years -- regulations that will help XX children with asthma breathe easier.

When it comes to the health of our children, I am proud to say that my husband is as relentless as Harrison Ford. He will not stop.

None of this progress on behalf of children's health would have been possible without the leadership of the Vice President. His efforts to reform government so that it responds swiftly and efficiently to people's needs are at the heart of the steps the President will announce today. So it is with great pleasure that I now introduce the Vice President of the United States, Al Gore.

TO: The First Lady, Melanne Verveer

FROM: Neera Tanden

RE: Juvenile Justice Legislation

DATE: March 18, 1998



Attached is the memo Attorney General Reno sent to Melanne and an outline of the provisions in the Administration's Juvenile Justice bill. This memo is meant to provide additional background on the juvenile justice legislation by detailing the status of internal White House discussions on juvenile justice legislation, providing the interest groups' concerns about this legislation, and discussing a few key issues in the Attorney General's memo.

JUVENILE JUSTICE LEGISLATION ON THE HILL

The House has already passed two juvenile justice bills -- H.R. 3 and H.R. 1818. Although both bills are titled "The Juvenile Crime Control and Delinquency Prevention Act of 1997," H.R. 3 is an accountability bill and H.R. 1818 is a prevention and intervention bill. H.R. 3, which was introduced by Rep. McCollum (R-FL) and passed the House on May 8, 1997, authorizes a \$1.5 billion block grant over three years for post-conviction or -adjudication activity only. Of this \$1.5 billion, no prevention spending is permitted, much less required. H.R. 1818, which was introduced by Rep. Riggs (R-CA) and passed the House on July 15, 1997, creates a block grant for prevention and intervention, although no money has been specified in the bill. The Administration strongly supports H.R. 1818 and opposes H.R. 3. Both bills await conference.

The Senate has before it S. 10, the "Violent and Repeat Juvenile Offender Act of 1997," which was introduced by Senators Orrin Hatch (R-UT) and Jeff Sessions (R-AL), and reported out of the Senate Judiciary Committee on July 24, 1997. In terms of spending provisions, S. 10 provides a \$3.25 billion block grant over 5 years for a range of purposes, but, currently does not contain guaranteed prevention money -- despite a guarantee that 60% of funds will be used for juvenile facilities, sanctions, drug testing, and record-keeping. A floor vote is expected either in late spring or early summer, although the bill's prospects have dimmed somewhat.

STATUS OF NEGOTIATIONS

Most of the focus of energy and attention is now on S. 10, because it can still be amended or defeated on the floor. While the White House and Justice Department see serious flaws in S. 10, they are attempting to improve it, rather than defeat it. However, the Justice Department is particularly frustrated by the pervasive sense on the Hill that the President is likely to sign a juvenile crime bill regardless of the harmful provisions that it contains. They believe this view is due to signals sent by the President's senior advisers, specifically Rahm Emanuel. Of course, the pervasiveness of this view makes it all the more difficult to amend S. 10 for the better. It is because of this frustration that they are contacting you.

At the same time, Justice is concerned about the fact that many progressive interest groups, including the Children's Defense Fund, the NAACP, and the ACLU, are taking affirmative steps to block

passage of S. 10, because they think its objectionable provisions far outweigh the good that it might produce. Fundamentally, they believe the various legislative proposals under consideration in this area abandon the rehabilitative approach to juvenile justice in favor of pure punishment. More specifically, they are concerned provisions in both H.R. 3 and S.10 which increase prosecutions of juveniles as adults, expand access to juvenile records, and erode the "core requirements" (a.k.a. "fundamental protections") -- especially the requirement of separation of delinquents from adults in state custody. The groups' opposition is apparently persuading some Senate Democrats, who are content to seek prevention funds through the appropriation process and abandon S.10.

The Administration's approach has been to try to modify or eliminate the most objectionable parts of S.10., while retaining the important crime-fighting provisions it already contains. Our view has been that the bill's reforms to the federal juvenile system, including increased prosecutorial discretion and greater protections for victims and witnesses, are very important. Many of its amendments to federal criminal law that will make it easier for prosecutors to combat gangs, guns, and drugs came straight out of the Administration's bill. In addition, the Department of Justice enthusiastically supports some more minor provisions, such as the set-aside for Indian tribes, felony treatment for failure to pay child support, and authorization to spend prison drug treatment funds on non-residential after-care. Consequently, the Administration has been working to effect critical changes to S. 10, primarily dedicated prevention funds, preservation of the core mandates, judicial safeguards for juveniles in the federal system, and far greater flexibility for states in the administration of their own juvenile justice systems.

Justice and the White House are concerned that the commitment of the groups to block juvenile justice legislation generally will mean that if S. 10 is not defeated, it may be passed in a far more objectionable form than if the groups had deployed their energy toward improving it. This, of course, would make the President's decision about signing the bill much more difficult.

PROGRESSIVE GROUPS' CONCERNS

While the groups have many concerns about S. 10, the following issues present the largest problems:

1. Erosion of federal protections for juvenile delinquents in state custody (especially housing juveniles with adults)
2. Prosecuting juveniles as adults
3. Increased mandatory minimums
4. Expanded access to juvenile records

1. Erosion of Federal Protections for Juveniles in State Custody (especially housing juveniles with adults)

The groups are very upset that S.10 might permit the housing of juvenile delinquents with adults in state custody. They fear a return to the levels of abuse and suicide that prompted the separation requirements in the first place. In essence, this issue involves the four federal core requirements (a.k.a. "fundamental protections") that states must satisfy in order to obtain the formula grant money administered by OJJDP: 1) separation of juveniles from adults by sight and sound separation in all institutions while in state custody; 2) removal of juveniles from adult jails and lock-ups; 3) deinstitutionalization of status offenders; and 4) disproportionate minority confinement. While the

Administration endorses certain minor changes to these two requirements, mostly in order to give rural jurisdictions more flexibility, we share the groups' vehement objection to the provisions in S.10 that gut these requirements.

In terms of the sight and sound, as well as the jail removal requirements, we support the codification of existing regulations and H.R. 1818 includes these changes. S.10, on the other hand, prohibits only "direct physical contact that provides an opportunity for an adult inmate to physically harm a juvenile," and only "sustained oral communication that easily provides an opportunity for an adult inmate orally to threaten a juvenile." In addition, it would eliminate the jail removal requirement altogether.

The requirement to deinstitutionalize status offenders prohibits the incarceration of status offenders (e.g., truants, runaways), with narrow, court-ordered exceptions. While the Administration would again codify existing regulations, S.10 permits incarceration of runaways for up to 14 days and other status offenders for up to 3 days, with a required court appearance within 24 hours. Child advocates are particularly angered by this provision.

Finally, disproportionate minority confinement requires states to examine their incarcerated juveniles and, if confinement of minorities is disproportionate to the minority proportion of the general population in that jurisdiction, to alter policies and practices in the juvenile justice and law enforcement systems in that jurisdiction that contribute to such disproportionate confinement. While we continue to support this requirement, codifying only that it does not require quotas, S.10 virtually eliminates it.

2. Prosecuting Juveniles as Adults

The groups are distressed that the new bills expand the list of offenses for which a juvenile may be tried as an adult in the federal system, and give U.S. Attorneys the discretion to charge juveniles as adults. They think these changes give prosecutors too much power and unnecessarily "federalize" juvenile crime. The Administration's bill also proposed expanding the list of offenses for which a juvenile could be tried as an adult in the federal system, and gave U.S. Attorneys the discretion to charge juveniles as adults -- although we provided for judicial review of this decision in all but the most serious cases. The Administration's position is that increased prosecutorial discretion is critical because the current process for determining whether a juvenile may be tried as an adult is often highly unpredictable and fraught with delay.

The groups are even more upset that the new bills would require, as a condition of receipt of new federal juvenile justice money, that States prosecute more juveniles as adults. S. 10 makes it a condition that juveniles 14 and older may be prosecuted under State law as adults for an act that would be a serious violent felony if committed by an adult. H.R. 3's condition is even stricter: States must provide that juveniles 15 or older charged with serious violent crimes can be tried as adults either as a matter of law or prosecutorial discretion.

3. Mandatory Minimum Sentences:

The groups oppose mandatory minimums in general, and are particularly upset that: 1) more

juveniles will be subject to existing ones if tried as adults, and 2) S.10 increases certain existing mandatory minimums as well as creates several entirely new ones.

The Administration's bill proposed only one new mandatory minimum: 3 years for the transfer of a handgun to a juvenile knowing it will be used to commit a crime of violence. The Administration's bill also raised existing mandatory minimums (from 1 to 3 years) for the most egregious forms of drug trafficking: selling drugs to children, using children to sell drugs, and selling drugs near schools. While S. 10 includes versions of both of those provisions, it also includes several new mandates, such as 5 years for a "pattern" of criminal gang activity, and 25 years for a second offense under the new "pattern of gang activity" statute. We have stated from the outset our concerns about these attempts to crack down on gangs.

4. Expanding Access to Juvenile Records

The groups are angry that the new bills drastically increase access to juvenile records, especially state records. They argue, correctly, that most juvenile offenders never return to the justice system, and youthful indiscretion should not follow them forever. Specifically, many of them see this as one more unnecessary obstacle many young black men will face in trying to seek employment.

The Administration's legislation proposes incentive grants to help states modernize their juvenile record keeping systems. However, S. 10 and H.R. 3 go much further, imposing a requirement on States to fingerprint and photograph juveniles, keep most juvenile records in a manner equivalent to adult records, send juvenile records to the FBI and, under the Senate bill, dramatically expand access to those records by schools, courts, and law enforcement of any jurisdiction. The Administration is strenuously opposing this condition because it is extraordinarily intrusive and expensive.

THE ATTORNEY GENERAL'S MEMO:

While the Attorney General's memo raises a variety of issues, some of which are addressed above, only her concern that S.10 lacks juvenile crime prevention funds requires additional background information. First, many progressive groups are also very concerned about S. 10's lack of guaranteed prevention funds, but they have made a strategic decision to fight the bill instead of expending their energy into a fight for such funds. Second, there are many different vehicles for prevention funding -- while the Attorney General's goal is prevention money administered by the Department of Justice, our attempts to secure such funding have not been successful in past appropriation processes. In fact, the White House has been content to secure either block grant funding to the states or funding in other streams, such as the Department of Education. For example, last year we sought after-school/at-risk funding in the budgets of the Departments of Education, Health and Human Services, and Justice, and only Education's 21st Century Learning Centers Program received funding. Finally, the Attorney General argues that the President's after-school initiative is not sufficient prevention funding because its tie to tobacco funding makes its passage tenuous. However, it is not the case that the President's after-school initiative is funded with tobacco money; it relies on other offsets.



Office of the Attorney General
Washington, D. C. 20530

March 9, 1998

MEMORANDUM FOR: Melanne Verveer
Chief of Staff to First Lady Hillary Rodham Clinton

FROM: Janet Reno
Attorney General of the United States

SUBJECT: Juvenile Justice Legislation

Thank you for speaking with me earlier about the pending juvenile justice legislation. As I said, I believe the White House has an important opportunity here to set the high ground for the enactment of any juvenile justice legislation.

As you know, the Administration's approach to youth violence has been to *balance* tough enforcement measures with smart, effective crime prevention and intervention. Many young offenders are already hardened criminals, and need to be taken off the street. But many, many more young people are merely *at risk* for serious delinquency and crime, and the intervention of a strong, caring adult -- be it a parent, teacher, coach, mentor, or clergy member -- can still turn their lives around. Crime prevention and intervention are a critical part of any effective -- and cost-effective -- crime fighting strategy.

In its current form, S. 10, the "Violent and Repeat Juvenile Offender Act of 1997" under consideration in the Senate, gives short shrift to prevention and intervention in its effort to "get tough" on juvenile offenders. The White House has an important opportunity here to remind Congress that such a one-sided approach to youth violence is unacceptable.

As we discussed, many child advocate groups, including the Children's Defense Fund, are affirmatively trying to block passage of S. 10. By contrast, our approach has been to try to modify or eliminate the most objectionable parts of the bill, and to add as many key provisions from the President's legislation as possible. This strategy has two premises: first, it seems to be common wisdom that in this election year, Congress probably *will* move forward with its only "crime bill;" and second, S. 10 contains several important crime-fighting provisions that we would like to see become law.¹

¹Specifically, S. 10's reforms to the federal juvenile system, including increased prosecutorial discretion and greater protections for victims and witnesses, are very important. Many of the bill's amendments to federal criminal law that will make it easier for prosecutors to combat gangs, guns, and drugs came straight out of the Administration bill. In addition, while I

Given this framework, I believe the White House should make clear that there are three basic provisions that any acceptable juvenile justice bill must have. In recent months, the majority has warmed somewhat to these provisions, but if in the end they were not included, the bill would be quite bad. Therefore, I think the White House should take the opportunity now to ensure they are included in the final bill. The three "must haves" are:

- 1) **Statutory authorization of *at least* \$95 million (or else 20% of new block grant funds) for DOJ-administered prevention and intervention, and a commitment to appropriate those funds.**

Context: Although the bill authorizes \$500M per year for a range of purposes related to juvenile justice, it does not dedicate *one penny* to juvenile crime prevention. By contrast, the bill requires States to spend 60% of their funds on juvenile facilities, sanctions, recordkeeping, and drug testing (but not treatment) -- and yet makes crime prevention spending totally optional. We know from years of experience with block grants that despite its value, crime prevention rarely gets funded when it has to compete with shorter-term law enforcement interests.

Why It's Critical: While it is customary not to oppose a bill for what it lacks, this is a very important exception to that rule. First, a federal juvenile crime bill is largely symbolic. Few juveniles are actually prosecuted federally, and the money the federal government provides is small compared to vast State spending in this area. A juvenile crime bill that over-punishes, while committing nothing to prevention, sends a *wrong, dangerous* message to the States. Second, I do not believe we can afford to rely on after-school funds requested in the President's Childcare Initiative. Not only is that money not yet real (among other things, it largely depends on the success of the tobacco settlement), but it is not expressly focused on crime prevention. School-based after-school programs do not necessarily target the children most at risk for crime. Nor do they include truancy prevention measures or family intervention measures, both of which are vitally important to fighting youth crime.

- 2) **Statutory authorization of at least \$100M for state and local prosecutors and courts.**

Context: Although S. 10 authorizes funds for prosecutor and court support -- including court-based interventions like Operation Night Light in Boston -- it sets the authorization

think we can be pleased with the funding streams for prosecutors and courts achieved in the appropriations process -- and it is possible that such a result could be accomplished for prevention -- it is far preferable to establish a statutorily authorized basis for each of these three funding streams, as they exist now for police and prisons. Finally, I enthusiastically support several other provisions in the bill, such as the set-aside for Indian tribes, felony treatment for failure to pay child support, and authorization to spend prison drug treatment funds (RSAT funds) on non-residential aftercare.

level at only \$50M. This is substantially less than was appropriated for FY 98 for these purposes under the Juvenile Accountability Incentive Block Grant.

Why It's Critical: Recently, the federal government has provided funding streams for the front- and back-ends of the criminal justice systems -- police and prisons -- and both in the magnitudes of hundreds of millions of dollars. Prosecutors and court personnel (including defenders, judges, probation officers, and pre-trial services providers) need comparable resources to keep pace. Moreover, some of the most innovative approaches to crime intervention, like Operation Nightlight, at the heart of Boston's success, are prosecutor- and court-based.

3) **Preservation of the four "fundamental protections" addressing the incarceration of juveniles.**

Context: In a largely hypocritical effort to reduce federal "micromanagement" of state juvenile justice policy -- and I say that because elsewhere, the bill imposes several entirely new, dramatic requirements on State systems -- S. 10 would severely cut back on existing protections for juvenile delinquents in state custody. Some of these conditions have been law since 1974, when Congress responded to epidemic levels of abuse and suicide of youth in adult jails. Specifically, S. 10 would:

- ▶ abolish the requirement that juveniles be removed from adult jails and lockups;
- ▶ gut the sight and sound separation requirement that governs those exceptions where juveniles may be placed temporarily in adult facilities;
- ▶ permit detention of status offenders; and
- ▶ undermine the requirement that States address disproportionate minority confinement in their juvenile justice systems.

Why It's Critical: To the extent that certain modifications to these rules were appropriate in order to give States (and rural jurisdictions in particular) greater flexibility, they were included, at the Administration's urging, in H.R. 1818, the House bill that passed overwhelmingly last summer. That moderate approach is the right one, not the wholesale gutting of important protections *to which no State is particularly objecting*.

Moreover, these "core requirements," or "fundamental protections," are essential not only to the safety of youth, but to the safety of communities. There is no better way to ensure that a wayward youth becomes a hardened criminal than to detain him with adult, hardened criminals day and night. Retreat on these protections would be a dark day for children and for crimefighting efforts in this country.

For your convenience, I have attached a list of other Administration priorities for the juvenile justice bill, some of which are included in S. 10 already. I hope the White House will make it very clear, however, that without the three "must haves" at the top of the list, the bill will

not be acceptable.

I appreciate your attention to this matter. If you have any further questions or concerns, please call me. Members of my staff responsible for this issue are Kent Markus (514-3008) and Kinney Zalesne (514-2927), who are also happy to discuss these matters further with you.

Juvenile Justice LegislationMust Have

- Statutory authorization of *at least* 20% of JJ block grant funds for prevention/intervention and a commitment to appropriate those funds.
- Statutory authorization of at least \$100 million for JJ court and prosecutor support
- Preservation of the four "fundamental protections" dealing with the incarceration of juveniles

Should Have

- Federal prosecutorial discretion with respect to charging juveniles as adults, with judicial review in most circumstances
- Preservation of the presumption in favor of state prosecution of juveniles
- Reforms in federal juvenile proceedings to better protect victims and witnesses
- Ban on the possession of firearms by those who committed serious/violent offenses as juveniles
- Appropriate penalties for certain drug and gun offenses frequently involving juveniles
- New federal law provisions to combat state and local witness protection
- Minimal (if any) new eligibility requirements for block grant funds
- Reorganization of juvenile justice grant funding to permit greater flexibility for communities
- Set-asides for both research and training & technical assistance
- Set-asides for Indian country JJ funding and preservation of tribal "opt-in" provisions
- Authorization for prison drug-treatment funds to be used in non-residential aftercare
- Authorization for prison construction funds to be used for drug testing & treatment
- JJ federal streamlining requirements without unwieldy budget certification mechanisms
- Felony treatment for failure to pay child support

Anti-Gang and Youth Violence Legislation

Summary of Major Provisions

I. Findings and Purposes

II. Targeting Violent Gangs, Gun Crimes, and Drugs

Subpart A – Federal Prosecutions Targeting Violent Gangs, Gun Crimes and Illegal Gun Markets, and Drugs

Targeting Gangs:

- Eliminate the statute of limitations for offenses involving murder or where the maximum penalty is life imprisonment.
- Authorize forfeiture for crimes of violence, racketeering, and obstruction of justice. (Note: there is no forfeiture authority for such offenses except when they are included in a RICO prosecution.)
- Add certain gang-related firearms offenses as RICO predicates, *e.g.*, traveling interstate to acquire a firearm, with intent to commit a crime of violence or drug trafficking offense, transferring a firearm with knowledge it will be used to commit a crime of violence or drug trafficking offense, theft of firearms from a licensee.
- Amend the RICO statute to provide a maximum penalty of up to life imprisonment in cases where the racketeering activity upon which the RICO charge is based carries up to a life sentence.
- Facilitate prosecution under the federal car-jacking statute by eliminating the need to prove that a defendant intended to cause death or serious bodily injury to the victim of a car jacking.
- Facilitate prosecution of certain RICO cases by providing that prosecutors need prove only that the defendant participated in the racketeering enterprise, and not that the defendant personally agreed to commit any acts of racketeering.
- Increase maximum penalty for conspiracy to provide that a conspiracy to commit a felony, *e.g.*, conspiracy to intimidate a witness or conspiracy to commit a firearms offense, carries the same penalty as the offense which was the object of the conspiracy. (Note: Currently 18 U.S.C. 371 has 5-year maximum penalty, but most newer conspiracy offenses such as narcotics and money laundering have same penalty for conspiracy and substantive offense.)
- Amend the Violent Crimes in Aid of Racketeering statute by adding crimes of violence (current law covers only threats to commit a crime of violence) and increasing certain penalties, including increasing the maximum possible penalty for murder conspiracy from 10 years to life.
- *Expand the use of federal juvenile records for law enforcement and certain other purposes, e.g., communications with victims, transmittal of "felony equivalent" records to FBI, analysis of records by DoJ, disclosure of federal records permitted to extent authorized under state law.*¹

¹ Provisions in italics were included in last year's "Anti-Gang and Youth Violence Control Act" in similar or identical form.

Targeting Gun Crimes:

- Authorize the criminal forfeiture of firearms used in the commission of any crime of violence or any felony under federal law, including authorization to destroy such firearms upon forfeiture.
- Establish gun purchase disability for juveniles adjudicated delinquent of "Three Strikes" predicates.
- For purposes of the gun purchase disability, an individualized finding by a state official is required to restore gun possession civil rights.
- Require FFLs to sell a gun lock or similar device each time a firearm is sold.
- *Adopt Bailey fix, including provisions for a mandatory minimum 10-year penalty for discharge of a firearm or seriously bodily injury, while retaining existing mandatory minimum 5-year penalty for 924c offenses generally.*

Targeting Illegal Gun Markets:

- Authorize civil and criminal forfeiture for gun running when five or more firearms are involved.
- Increase the penalty from a misdemeanor to a felony for gun dealers charged with aiding and abetting straw purchasers and other false statements.
- Amend the sentencing guidelines to increase penalties for transfers of firearms to prohibited persons.
- Increase penalties for unlawful transfer of a handgun to a juvenile and juvenile possession of a handgun.
- Require FFLs to securely store firearms inventories to prevent theft.
- Provide for the suspension of federal firearms licenses and civil penalties for willful violations of the Gun Control Act.
- Increase the penalty for knowingly receiving a firearm with an obliterated or altered serial number from five to ten years.
- Amend current law which makes it unlawful to transfer a firearm "knowing" that it will be used to commit a crime of violence or drug trafficking crime to authorize prosecution where the person has "reasonable cause to believe" that the gun will be so used.

Targeting Drugs:

- Expand the authorized use of prison grant funds for drug testing.
- *Increase the mandatory minimum penalty under from one to three years for persons who sell drugs to kids, use kids to sell drugs, or sell drugs in or near a school or other protected location.*
- *Increase the penalties for using federal property to grow or manufacture controlled substances.*
- *Add serious juvenile drug offenses to the list of predicates under the Armed Career Criminal statute.*
- *Give the Attorney General emergency re-scheduling authority for controlled substances.*

Subpart B -- Grants to Prosecutors' Offices to Target Gang Crime and Violent Juveniles

- Provide \$200 million over two years to prosecutorial offices for at least 1000 new initiatives, including hiring new gang prosecutors, to target gangs, gang violence, and other violent juvenile crime.

Subpart C -- Grants to Court to Address Violent Juveniles

- Provide \$50 million for initiatives to expedite and more effectively handle violent juveniles in the court system.

III. – Protecting Witnesses to Better Prosecute Gangs and Violent Criminals

- Amend the Bail Reform Act by expanding the list of prior convictions necessary to authorize pre-trial detention to include federal or state violent crimes committed while a juvenile (if such offenses would have allowed for pre-trial detention if committed by an adult) and possession of explosives or firearms by convicted felons.
- Specify that membership or participation in a criminal street gang, racketeering enterprise or other criminal organization should be considered by courts in making bail determinations.
- Amend the Travel Act predicates to include witness intimidation, obstruction of justice, and related conduct in state criminal proceedings.

IV. Protecting Victims' Rights

- Expand public access to juvenile proceedings (*i.e.*, proceedings are presumptively open, but may be closed in the interests of justice or for good cause shown).
- *Expand victims right in juvenile proceedings (i.e., guarantee allocation, allow communications with victims in order to effectuate any other provision of law).*

V. Federal Prosecution of Serious and Violent Juvenile Offenders

- *Expand the list of serious felonies for which a juvenile can be prosecuted as an adult to include certain firearms and drug offenses, crimes of violence, and conspiracy.*
- *Give federal prosecutors the discretion to transfer juvenile offenders to adult criminal court. Except for the most serious juvenile offenders 16-years-old and up, juveniles charged as adults may petition the court to be tried as juveniles rather than as adults.*

VI. Incarceration of Juveniles in the Federal System

- *Authorize federal courts to make available fines and supervised release, which are not presently sentencing options, for juveniles adjudicated delinquent.*
- *Authorize BOP to transfer, in appropriate circumstances, juveniles adjudicated delinquent to adult facilities upon turning 18 to ensure that such juveniles do not harm other, less dangerous incarcerated juveniles.*
- *Authorize BOP to transfer juveniles convicted as adults to adult facilities upon turning 16, thereby giving BOP the discretion to transfer dangerous offenders to adult facilities so that the safety of other, less dangerous juvenile offenders is not threatened.*

VII. New Office of Juvenile Crime Control and Prevention

Better integration and coordination

- New Office of Juvenile Crime Control and Prevention established within the Office of Justice Programs.
- Clarifies reporting, personnel, grant-making, and regulatory authority for new Office of Juvenile Crime Control and Prevention to better integrate and coordinate juvenile crime initiatives.
- Eliminates and/or streamlines statutory requirements to increase flexibility.
- Gives Director of Office of Juvenile Crime Control and Prevention authority to waive, in appropriate circumstances, certain statutory requirements to promote innovation by state and local officials.

New resources for crime prevention and intervention programs

- Provide \$75 million for new and enhanced At-Risk Children Initiative, an increase of \$55 million over the old program.

More funds for state/local formula grant program

- Provide \$80 million for state and local formula assistance, an increase of \$10 million over last year's amount.

New incentive program

- Provide \$17 million for a new incentive program to support improvements in state and local practices.
- Two required elements for program eligibility: graduated sanctions; and system for juvenile history record information collection, storage and dissemination as provided by state or tribal law.
- Authorized uses of incentive funds include: two elements listed above; firearms initiatives; data collection/dissemination; comprehensive programming in facilities; targeting serious offenders; disproportionate minority confinement; and other activities specified by the Director.

More research/Guaranteed high quality research

- Dedicate 10% of program funds (\$27 million) for research related to funded initiatives.
- Provide \$12 million for other research activities including, pure research, statistics, and program evaluations, thereby allocating more than 13% of total juvenile crime control funds for this purpose.
- Office of Juvenile Crime Control and Prevention initiates research projects; National Institute of Justice and Bureau of Justice Statistics manage research activities.

More funds to aid replication of effective initiatives

- Dedicate 2% of program funds (\$5 million) for training and technical assistance related to funded initiatives.
- Provide \$10 million for other training and technical assistance initiatives.

Direct funding for Indian Tribal Governments

- Dedicate 2% of total funds for Indian Tribal governments (\$6 million).
- Ensure that Indian tribal governments are eligible for all other grant programs.

Protect juveniles from harm while in custody

- Maintain fundamental safeguards for juveniles in custody, including: sight and sound separation; removal from adult jail and lock-up; deinstitutionalization of status offenders; and disproportionate minority confinement.

Support programs focusing on missing and exploited children and prevention of child abuse and neglect

- Provide more than \$18 million for initiatives in this area.