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Ms. Melanne Verveer
Deputy Chief of Staff to the First Lady
The White House
Washington, DC

February 27, 1997

Dear Melanne Verveer:

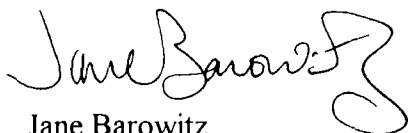
We are delighted and proud that the First Lady has accepted our invitation to serve as honorary chair of our Annual Dinner in this, our 175th anniversary year. I understand that your office must see and approve any materials, including press releases, that include mention of the First Lady's participation.

The date for the dinner is not yet set, beyond that it will take place in November and not be on a Friday night. I am still holding onto the hope that Mrs. Clinton will find it possible to fit the dinner into her schedule and am holding off setting an exact date for as long as possible so we can remain flexible and adjust to her plans.

On a different note, I was fortunate to be invited to the White House for the announcement of the President's adoption initiative, Adoption 2002, and to the subsequent HHS-sponsored focus group. The report arrived this week and I found it extraordinarily impressive. It is clearly organized, responsive and comprehensive. My particular issue, post-adoption services to families, was not covered, but I understand that it was technically beyond the scope of the report, and I feel confident that the voices of those of us calling for such services were heard.

The Chairman of our Board of Trustees, Irwin U. Goldberg, and our Executive Vice President, Paul Gitelson, join me in thanking you for your help so far and your offer of further assistance.

Sincerely yours,



Jane Barowitz
Director of Communications

IN THE
Supreme Court of the United States

OCTOBER TERM, 1989

STATE OF MARYLAND,

Petitioner,

v.

SANDRA ANN CRAIG,

Respondent.

On Writ of Certiorari To The Court Of Appeals Of Maryland

**Brief of Amicus Curiae On Behalf of the National
Association of Counsel for Children; The National Court
Appointed Special Advocate Association; The State Of
Alaska, Office of Public Advocacy; and The State of
Rhode Island, Office of The Child Advocate In Support
of Petitioner**

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Question Presented

Where individualized findings regarding the need to protect child witnesses are made and the witnesses, age four to seven, are subjected to cross examination at trial, does the Sixth Amendment's Confrontation Clause require a face-to-face meeting between the witnesses and the accused before a one-way closed-circuit television procedure may be utilized?

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Interest of Amici Curiae

The National Association of Counsel for Children (NACC) is a voluntary, national membership organization concerned with the rights and interests of children who are the subjects of child protective, matrimonial, and custody litigation. Established in 1977, the association has over 1,100 members in 50 states. Membership is predominantly lawyers and judges, but also includes pediatricians, social workers, child psychiatrists and psychologists, law enforcement officers, and private citizens. The association issues standards and guidelines on the representation of children, holds seminars on legal proceedings affecting children, prepares training and resource materials, and publishes a quarterly newsletter, "The Guardian".

The National Court Appointed Special Advocate Association (NCASAA) is a nonprofit member organization which advocates for the best interest of abused and neglected children, and supports the development, growth and continuation of programs which recruit and train volunteers to serve as advocates for children in juvenile dependency proceedings. Presently there are 377 Court Appointed Special Advocate (CASA) programs in 47 states in this country. The CASA concept has been endorsed by the National Council of Juvenile and Family Court Judges, the American Bar Association, the United States Department of Justice, and many other private and public organizations.

The State of Alaska, Office of Public Advocacy (OPA), is the state agency which has been designated by the Alaska State Legislature to provide legal representation for children as counsel and/or guardian ad litem in child abuse and neglect cases, child custody proceedings, and in criminal matters regarding the protection of child witnesses.

The State of Rhode Island, Office of the Child Advocate (OCA) is the state agency designated by the Rhode Island General Assembly to protect the legal, civil and special

rights of abused and neglected children in state care and in day care settings.

The interest of NACC, NCASAA, OCA, and OPA, who submit this brief as *amici curiae* with the consent of the parties, goes beyond a generalized concern over the legal rights of children. The members of NACC, NCASAA, OCA, and OPA are involved in representing children throughout our country. Because we believe the case below was wrongly decided, and because it involves important questions of law which have not been, but should be, settled by this Court, and because the interests of children are directly and adversely affected by this decision, we join the Petitioner in urging the Court to reverse the Maryland court's holding that face-to-face confrontation is a prerequisite to utilizing the one-way closed circuit television procedure of Section 9-102.

Summary Of The Argument

The Court of Appeals of Maryland erred in interpreting *Coy v. Iowa*, 487 U.S. —, 108 S. Ct. 2798 (1988) so as to require that a young child exhibit "severe emotional distress" from a confrontation with the defendant prior to utilization of Maryland's statutory procedure for taking testimony via one-way closed circuit television. (pp. 4-6).

Although the specific statutory exception created by the Maryland statute is not "firmly rooted" in our jurisprudence, the strong policy of protecting children is "firmly rooted". This Court has long characterized as compelling the state's interest in protecting children from harm. Moreover, common law accommodations for young child witnesses date back to at least 1901 and include a wide variety of accommodations including 1) use of the *res gestae*, fresh complaint, and spontaneous declaration hearsay exceptions, 2) restrictions on pre-trial interviews, and 3) use of leading questions. (pp. 6-9).

Empirical research indicates that testifying in the same manner as an adult is associated with increased behavioral disturbance in children and that children are less likely to

report sexual abuse than are adults. Because authorities agree that young children are less likely to report abuse and that even if reported the chance of successful prosecution is remote, an individualized finding of inability to reasonably communicate based on expert testimony is a sufficient showing of necessity for utilization of closed circuit television. (pp. 10-16).

Closed-circuit television testimony is reliable, subject to contemporaneous cross-examination, and allows the factfinder to view the demeanor of the witness. The totality of the circumstances surrounding the testimony determines reliability; unavailability speaks only to necessity. Many cases have stated that the Confrontation Clause is not violated where the statements admitted into evidence have sufficient indicia of reliability to afford the trier of fact a satisfactory basis for evaluating the truth of the statement. (pp. 16-17.)

A substantial number of pre- and post-*Coy* state court decisions hold that confrontation can be curtailed after a sufficient showing of trauma. This showing is somewhat less than that trauma which would render the child psychologically unavailable. In order to protect child witnesses it is necessary that face-to-face confrontation be curtailed upon a showing that a child cannot testify without significant emotional or physical trauma. Such findings should not normally require a preliminary face-to-face confrontation demonstrating the very trauma the process is meant to obviate. (pp. 17-19).

Many authorities opine that avoiding a face-to-face confrontation between the child and the accused enhances the truthfulness of the child's testimony, so that the use of protective measures can actually further the purpose behind the Confrontation Clause. Amici request that this Court, in upholding the Maryland statute, articulate Confrontation Clause principles which validate dispensing with face-to-face confrontation upon a showing that it would enhance the truthfinding process. Such findings should not normally require a preliminary face-to-face confrontation

to demonstrate the distortion of the truthfinding process. (pp. 20-23).

Where a defendant has promised severe retribution for answering questions about what the defendant did to the child, these threats constitute a forfeiture or waiver of the defendant's right to face-to-face confrontation when a child could effectively testify face-to-face with the accused but only with experiencing severe fear associated with the threatening behavior. (pp. 24-26).

Unavailability pertains to necessity and therefore is not required for admissibility of testimony when, as under Section 9-102, there is contemporaneous cross-examination and sufficient indicia of reliability. If this Court determines that unavailability must be shown, the Court should not give unavailability the strictest literal meaning, but rather it should equate unavailability with inability to testify because of suffering significant psychological or physical harm. There is much precedent for expanding unavailability to include psychological unavailability. (pp. 26-30).

The Amici's interest extends beyond that of the Attorney General of Maryland who seeks to have the Supreme Court uphold as constitutional the Maryland statute here involved. The Amici seek an articulation of Confrontation Clause principles which would permit, or leave for review until another day, numerous variations on the Maryland statute which have been enacted by other state legislatures. (See Appendix).

Argument

I. The Court of Appeals of Maryland Erred In Ruling That A Young Child Must Suffer a Face-to-Face Confrontation With The Accused In Order to Demonstrate such "Severe Emotional Distress" That She Cannot Reasonably Communicate as a Prerequisite to Utilization of Maryland's Statutory Procedure For Taking Testimony Via One-Way Closed Circuit Television.

Relying on *Coy v. Iowa*, 487 U.S. ___, 108 S.Ct. 2798 (1988), the Maryland court below invalidated a testimony

taking statutory procedure protective of vulnerable, abused young children based on its mistaken belief that expert opinion that the children would be traumatized was an insufficient justification for utilizing one-way closed circuit television. If the Maryland Court's procedure is upheld by this Court, then a young child must be first subjected to a face-to-face confrontation with the alleged abuser and exhibit "severe emotional distress" as well as inability to "reasonably communicate" during this confrontation. See *Craig v. State*, 316 Md. 551, ___, 560 A.2d 1120, 1127-1128 (1989), cert gr., 107 L. Ed. 2d 830 (1990).

Then the child must be re-tested to see if he or she is capable of testifying via two-way television. Only if the victim proves to be demonstrably unable to proceed using two-way television may the child finally be permitted to testify by closed circuit television as provided for in the Maryland statute. 560 A.2d at 1128.

In all likelihood, however, after being twice traumatized, the child will be permanently rendered incapable of testifying before the one-way closed circuit procedure could ever be utilized. Thus, the Maryland Court of Appeals has mandated a procedure which not only defeats the important public policy considerations of the Maryland statute, i.e. protection of the child witness from trauma, but also which is likely to cause that testimony to be lost permanently.

Although the court below was correct in concluding that individualized findings of necessity satisfy the Sixth Amendment, the court demanded far more than what is necessary in concluding that these individualized findings could not be based on expert and lay testimony other than the child's own testimony taken face-to-face with the alleged abuser.

The United States Supreme Court in *Coy v. Iowa*, 487 U.S. ___, 108 S.Ct. 2798, 2803 (1988) invalidated the use of a screen between the child witness and the defendant during trial but left "for another day" the question whether any exception to face-to-face confrontation should be made

on public policy grounds. Justices O'Connor and White, concurring made it clear that "a case-specific finding of necessity" would pass constitutional muster, stressed that the right to face-to-face confrontation is not absolute but only a "preference", and indicated that the majority decision did not "necessarily doom" efforts by state legislatures to protect child witnesses. 487 U.S. at ___, 108 S.Ct. at 2803-2805. Justice Blackmun and Chief Justice Rehnquist, dissenting and approving the screened testimony taking, noted that "as the many rules allowing the admission of out-of-court statements demonstrate, legislative exceptions to the Confrontation Clause of general applicability are commonplace." 487 U.S. at ___, 108 S.Ct. at 2809.

If the Supreme Court upholds the Maryland decision it would doom efforts of the Maryland legislature and the efforts of numerous other state legislatures to protect child witnesses.

A. The Public Policy of Protecting Children Constitutes A Compelling Government Interest and the Practice of Making Accommodations for Child Witnesses Is "Firmly Rooted" In Our Jurisprudence.

Despite the relatively recent vintage of state statutes promulgated to protect child witnesses, *see Coy*, 108 S.Ct. at 2803, the policies underlying these statutes of child protection and accommodation for child witnesses are "firmly rooted" in our jurisprudence. This Court has long characterized the state's interest in protecting children from harm as a compelling interest. *See, e.g., New York v. Ferber*, 458 U.S. 747, 757 (1982) ("The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance"); *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607 (1982) ("[S]afeguarding the physical and psychological well-being of a minor" is indeed a compelling state interest); *Ginsberg v. New York*, 390 U.S. 629 (1968); and *Prince v. Massachusetts*, 321 U.S. 158 (1944).

The highest courts of the states are in accord. *E.g., State v. Jarzbek*, 204 Conn. 683, 700-703, 529 A.2d 1245, 1253-54 (1987), *cert. denied*, 484 U.S. 1061 (1988); *People v. Kahan*, 15 N.Y.2d 311, 312, 206 N.E.2d 333, 334, 258 N.Y.S.2d 391, 392 (1965) (Field, J., concurring) (characterizing society's interest in welfare of children as "transcendent"); *State v. Gilbert*, 109 Wis. 2d 501, 326 N.W.2d 744, 750 (1982) ("Society's increasing awareness of the needs of victim-witnesses in the criminal justice system has coincided with society's increased awareness of and growing concern about incest and child abuse, crimes that particularly affect children. The legal system must be examined to determine the traumatic effects the system may have on children who take the witness stand."); *Glendening v. State*, 536 So.2d 212, 218 (Fla. 1988), *cert. denied*, 109 S.Ct. 3219 (1989) ("... the protection of a child witness from the trauma of testifying in open court in the presence of the defendant, when it is demonstrated that there is substantial likelihood that such trauma would result, is a public policy of such importance as to justify a trial procedure that calls for something other than face-to-face confrontation.")

Common law accommodations for young child witnesses date back to at least 1901. *See Parker*, "The Rights of Child Witnesses: Is the Court a Protector or Perpetrator," 17 *New England L. Rev.* 643, 674-677 (1982); and J. Myers, *Child Witness Law and Practice* §§ 5:31-5:37 (1987).

One way in which the common law has long accommodated child witnesses is by restrictions on pre-trial interviews. *See, e.g., Hayes v. State*, 152 Ga.App. 858, 264 S.E.2d 307 (1980) (9-year old victim of child molestation); *Baker v. State*, 47 So.2d 728 (Fla. 1950) (in certain instances limits on interviews are subject to a proper exercise of judicial discretion reposed in the trial judge); *State v. Wise*, 101 Ariz. 315, ___, 419 P.2d 342, 344 (1966) (rape of a 10-year old child is among the "exceptional circumstances [in which] counsel should be barred from interviewing a witness"); *Mackie v. State*, 138 Miss. 740, 103 So. 379 (1925) (children aged seven, nine, eleven and fif-

teen who had witnessed defendant kill their mother spared pre-trial interviews).

There are numerous other ways in which accommodations for child witnesses are "firmly rooted" in our jurisprudence, such as, the allowance of the use of leading questions when a child is testifying. The Advisory Committee on the Federal Rules of Evidence expressly noted the propriety of leading questions with "the child witness or the adult with communication problems." Fed. R. Evid. 611(c), Advisory Committee's Note. Many cases approve leading questions during direct examination of children. See, e.g., *United States v. Rossbach*, 701 F.2d 713, 718 (8th Cir. 1983); *United States v. Iron Shell*, 633 F.2d 77, 92 (8th Cir. 1980), *cert. denied*, 450 U.S. 1001 (1981); J. Myers, *Child Witness Law and Practice* § 4.6, at 130 n.16 (1987) (collecting cases).

The policies underlying Maryland's one-way closed circuit television statute are at least as "firmly rooted" as the *res gestae* hearsay exception, which is often utilized as a way of obtaining a young child's testimony without having to place the child on the witness stand. A good recent example is *Commonwealth v. Rockwood*, 27 Mass. App. Ct. 1137, 538 N.E.2d 40 (1989) in which a mother

"Had brought the child to a therapist, Linda Simon. Within a month or so of resumption of therapy in November, 1986, the child began to relate that she and her father slept in the same bed during the overnight visits. On at least one occasion, he had placed his hand on the child's 'private' and prompted her to 'please touch my dick.' The victim also described the molestation to Jane Zundell of the Norfolk District Attorney's sexual assault unit." *Id.* at 1138, 538 N.E.2d at 41.

The Court held that:

"The judge properly allowed Simon and Zundell to give fresh complaint testimony. Reception in evidence of the child's complaints made four to six months

after the sexual assault is well within the court's discretion. See *Commonwealth v. Comtois*, 399 Mass. 668, 672-673 N.9, 506 N.E. 2d 503 (1987) (nine-month-old complaint); *Commonwealth v. Amirault*, 404 Mass. 221, 228-229, 535 N.E. 2d 193 (1989) (eighteen-month-old complaint)." *Id.* at 1139-1140, 538 N.E.2d at 42 (some citations omitted).

Accord People v. Wade, 181 Cal. App. 2d 314, 315-316, 5 Cal. Rptr. 63, 64 (1960) ("general rule that evidence of a complaint made is inadmissible under the hearsay rule unless the alleged victim has testified to the acts which occasioned the complaint, inapplicable when the victim is too young to be a competent witness"); *State v. Hummel*, 132 N.J. Super. 412, 334 A.2d 52, *certif. denied*, 67 N.J. 102, 335 A.2d 54 (1975) (statement admitted under "fresh complaint rule" even though three years had elapsed since rape).

Section 9-102 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland (1984 Repl. Vol., 1988 Cum. Supp.) provides for the utilization of a closed circuit television procedure only if:

"The judge determines that testimony by the child victim in the courtroom will result in the child suffering serious emotional distress such that the child cannot reasonably communicate."

Clearly, this legislation provides greater protection to the accused than does the current caselaw on fresh complaint discussed above which, unlike Section 9-102, has no requirement of a specific finding of "serious emotional distress such that the child cannot reasonably communicate" and does not provide for cross-examination. In short, the government's interest in protecting children is compelling and solicitude for child witnesses is firmly rooted in our jurisprudence.

B. A Court May Base Its Finding of Necessity For the Use of Closed Circuit Television On Expert Testimony That A Child Witness' "Severe Emotional Distress" Renders Her Unable to Communicate Face-to-Face With the Accused.

It is well-established that if one were to write a handbook for perpetrators of sexual assaults, the first tenet would be to only attack young children because they are much less likely to report¹ the assault and even if reported

¹ It is estimated that the actual incidence of sexual abuse is two to fifty times higher than the 100,000 cases reported each year, largely because of the trauma of pre-trial and trial procedures for the complaining-witness. De Francis, "Protecting the Child Victim of Sex Crimes Committed by Adults," 35 *Fed. Prob.* 15, 17 (Sept. 1971). A younger child is even more likely to delay in reporting the assault than is an older victim. Peters, Social Psychiatric A. 128th Annual Meeting (May 7, 1975, as reprinted in S. Katz & M. Mazur, *Understanding the Rape Victim* 190, 245 (1979).

"The American Humane Association's latest figures, which are from 1984, indicate that 200,000 cases of child sexual abuse were reported that year." B. Dziech & C. Schudson, *On Trial America's Courts And Their Treatment of Sexually Abused Children* 1 (1989).

"The point on which experts agree is that child sexual abuse is one of the most underreported of all crimes. Fewer than half of the respondents to the *Los Angeles Times* poll told a close friend or relative about their victimization within a year, and only 3 percent reported the incident to legal authorities or public agencies. This statistic is similar to Russell's findings that only 2 percent of intrafamilial and 6 percent of the extrafamilial incidents were reported to the police." *Id.* at 2.

"Victims themselves unknowingly aid in society's denial. Most disclose the incidents slowly and reluctantly over a period of weeks, months, or even years. Some live all of their lives without admitting to anyone what happened to them. Of former victims responding to the *Times* poll, 42 percent replied they told someone within a year, 21 percent said they waited more than a year, and 36 percent reported that they had told no one until asked by the interviewer. This response is indicative of the process that psychiatrist Roland Summit, after thousands of first-hand observations and consultations with professionals dealing with victims, described as the 'child sexual abuse accommodation syn-

the chance of a successful prosecution² is remote. The plight of a child rape or sexual assault victim has been described by The Supreme Judicial Court of Massachusetts in *Globe Newspaper Co. v. Superior Court*, 379 Mass. 846, 401 N.E.2d 360 (1980):

drome.' *Id.* at 3.

Sexual abuse is under-reported. Melton, "Children's Testimony in Cases of Alleged Sexual Abuse", 8 *Advances Dev. & Behav. Pediatrics* 181-183 (1987).

According to the Federal Bureau of Investigation "only one in five of all sexual assaults are reported, and where children are involved, incidents are usually reported only when hospitals, schools or social agencies become involved." Collins, "Studies Find Sexual Abuse of Children Is Widespread," N.Y. Times, May 13, 1982, at C1, Col. 1, C10, Col. 1.

In short, statistics on reported cases of sexual assault understate the problem. Either the child does not report the incident, *see* National Center on Child Abuse and Neglect, "Child Sex Abuse: Incest, Assault and Sexual Exploitation" (1981); Landis, "Experiences of 500 Children with Adult Sexual Deviation," 30 *Psychiatric Q. Supp.* 91, 99 (1956), or the parents refuse to go to the authorities, *see* Collins, "Studies Find Sexual Abuse of Children Is Widespread," N.Y. Times, May 13, 1982, at C10, Cols. 5-6.

² At least one study has reported that less than one percent of the offenders are ever imprisoned. N.Y. Times, May 13, 1982, at C10, Col. 5. That study compared the number of offenses committed by patients in a sexual behavior clinic. It concluded that in only 1 of 250 cases was the molester imprisoned. *Id.*

Only 50% of the sex offenders (238 men) in the Sexual Behavior Clinic at the New York State Psychiatric Institute had ever spent time in jail. These men had committed a total of 16,666 acts of child molestation, an average of 68.3 molestations per offender. N.Y. Times, May 13, 1982, at C1, Col. 1, C10, Col. 1.

"Comfortable in its ignorance, the public can avoid the challenge of Suzanne Sgroi, whose *Handbook of Clinical Intervention in Child Sexual Abuse* is a classic in its field. Sgroi reminds us that 'we tolerate sexual abuse of children in our society because we continue to process cases through an adversary system that is overwhelmingly weighted against the child victim at virtually every level.'" B. Dziech & C. Schudson, *On Trial America's Courts And Their Treatment of Sexually Abused Children* 5-6 (1989).

"The rape victim's ordeal in court has been well documented. It has been said that '[t]he court experience, for the rape victim, precipitates as much of a psychological crisis as the rape itself.' In fact, the victim may feel that she has been raped twice: once by the defendant and once by the criminal justice system. A rape victim who anticipates humiliation or embarrassment may choose not to come forward at all, or, if she comes forward, may abandon her participation midway through the case. Even if she continues to participate in the criminal process, she may become so distressed that she cannot testify effectively.

This is especially true for the child victim of rape." *Id.* at 858-859, 401 N.E. 2d at 368-369 (emphasis added).

Also see *Globe Newspaper Co. v. Superior Court*, 383 Mass. 838, 423 N.E. 2d 773 (1981), *rev'd*, 457 U.S. 596 (1982):

"To the extent that such a hearing is effective, requiring various psychological examinations in some depth, the victim will be forced to relive the experience. So, too, the families of youthful victims will be uncertain whether the reporting of a sexual assault will expose a child to additional trauma caused by the preliminary hearing as well as to public testimony at the trial." *Id.* at 849, 423 N.E. 2d at 780.

In short, while the sexual assault itself is emotionally damaging, the ordeal of bringing criminal charges can compound the damage. Libai, "The Protection of the Child Victim of a Sexual Offense in the Criminal Justice System," 15 *Wayne L. Rev.* 977, 984 (1969); see discussion at notes 1 and 2, *supra*.

An important factor responsible for under-reporting is the post-attack treatment of the victim by the judicial process itself. Many parents, realizing how grueling the criminal process can be, fail to report sexual assaults in order

to protect their children from courtroom trauma.³ J. MacDonald, *Rape Offenders and Their Victims* at 128 (1971).

"[A]lthough research in this area is still in its early stage, studies of children who have testified in court indicate that such testimony is associated with increased behavioral disturbance in children." *Coy*, 487 U.S. at —, 108 S.Ct. at 2808 (citation omitted).

If the prosecutor does decide to go ahead with the case, the victim usually must testify at a preliminary hearing, which can take a serious emotional toll on a child. The victim is often frightened at having to face the assailant again, and may be embarrassed when required to repeat the story of the attack in a public setting. See generally T. McCahill, L. Meyer, & A. Fischman, *The Aftermath of Rape* 170 (1979) and L. Holmstrom & A. Burgess, *The Victim of Rape* 226 (1978).

Like the preliminary hearing, the trial itself creates fear and stress for the child witness. One study of rape victims admitted to the Boston City Hospital emergency wards in 1972 and 1973 concludes:

"Overwhelmingly, both adult and young victims found court an *extremely stressful experience*. The features they found most upsetting (judged by the frequency with which they mentioned them) were the *cross-examination* by the defense lawyer, the *confrontation* between the accused and accuser, and the *public setting*. They also found it difficult to listen to the defendant's version of what happened and were upset when informed belatedly about the *length* of the court process." L. Holmstrom & A. Burgess, *The Victim of Rape* 222 (1978). (emphasis added).

One researcher, investigating what troubled witnesses about the criminal justice system, found that:

³ Shortly after testifying in the same manner as an adult, one of the children who was represented by one of the writers of this brief committed suicide.

"the most frequently mentioned fear was facing the defendant. That experience is frightening . . . to a child who does not understand the reason for confrontation. [T]hat participation and experience of being in close proximity to the defendant can be overwhelming."

D. Whitcomb, E. Shapiro and L. Stellwang, "When the Victim is a Child; Issues for Judges and Prosecutors," National Institute of Justice, 17-18 (1985).

Consistent with the above discussed studies, there were specific findings in the instant case, by the expert witnesses, concerning each of the children's inability to testify.⁴ The findings were similar to those required for proof of an adult witness's inability to testify, see *Warren v. United States*, 436 A.2d 821 (D.C. App. 1981) and similar

⁴ Mary Burke, a treating child therapist with the Howard County Sexual Assault Center, testified that it would be difficult or impossible for the victim Brooke Etze to sit in the same room with Sandra Craig, and that the fear and anxiety would manifest itself by disruption in her breathing and that she would curl up in a ball and be unable to proceed. (E.75, 76,80,85). Ms. Burke, also testified that Justin Peeples, age five, another child victim of Craig, "would have great difficulty talking in front of people, particularly in front of Mrs. Craig, whom he sees as a threatening figure." (E.77). According to Ms. Burke, in order to avoid impairing Justin's ability to communicate and to maximize the opportunity of adducing the child's testimony, it would be necessary "to remove the threatening agent which he perceives as Mrs. Craig." (E.78). Ms. Burke also testified that Jessie Sue Smith age four, in light of threats made by Mrs. Craig, would be unable to testify in front of Ms. Craig. Dr. Gladys Sweeney testified that the fourth child witness, Drew Woodbury age five, exhibited extremely regressive behavior when talking about Craig's sexual abuse (E.95-99) and opined that Drew's "ability to communicate would be grossly impaired if he were to testify in an open court in the presence of Mrs. Craig." (E.94). Hence, expert opinion established that all four child witnesses would experience "severe emotional distress" stemming from the presence of the defendant during their attempt to testify. Implicit in the above testimony by the therapists who examined four of Craig's victims is the likelihood that each of the children might break down if forced to confront Craig face-to-face and thereafter become incapable of testifying even via one-way closed circuit television.

to what has been required to establish a child's inability to testify, see *People v. Stritzinger*, 34 Cal. 2d. 505, 194 Cal.Rptr. 431, 668 P.2d 738 (1983); Comment, "LB90 and the Confrontation Clause: The Use of Videotaped and In Camera Testimony in Criminal Trials to Accommodate Child Witnesses," 68 *Neb. L. Rev.* 372, 407 (1989); J. Myers, *Child Witness Law and Practice*, § 5.27 at 311 (1987) (collecting cases).

That the child's fear of testifying in the presence of the defendant may be compounded by testifying in an imposing courtroom filled with strangers is irrelevant. As long as the presence of the defendant is a significant factor in rendering the child mute, there is no reason why it need be the sole factor. See *Kentucky v. Stincer*, 482 U.S. 730 (1987) (no right to confrontation at a competency hearing).

The Maryland State Legislature had ample support in respectable current research to conclude that: 1) face-to-face confrontation has the potential to cause serious emotional distress in young children, sometimes rendering children unable to reasonably communicate, 2) that the prospects of emotional distress and inability to testify face-to-face dissuade children, their families and the state from pursuing justice for child victims in the criminal process, 3) that actual attempts to testify face-to-face need not be made in order for a judge to determine the inability of an individual to reasonably communicate because of that severe emotional distress, and 4) that testifying by closed circuit television, not preceded by a paralyzing preliminary confrontation, would lessen the trauma faced by child victims who attempt to testify and encourage those victims who in the past have not come forward, to pursue justice in the criminal courts, serving the general protection of children.

There is no reason based on current knowledge in the field for this Court to second guess these legislative findings of fact. The Amici urge this Court to determine that these legislative findings establish the requisite level of necessity to legitimate the use of closed circuit television

pursuant to the process enacted by the legislature of Maryland.

C. The Statutory Condition That A Child Be Found Unable to Reasonably Communicate Satisfies The Unavailability Requirement If Such A Requirement Is Imposed By This Court.

1. The Confrontation Clause Does Not Demand A Showing of a Child's Unavailability As A Pre-condition To the Admission of Testimony Taken By Closed Circuit Television and Subject to Contemporaneous Cross-Examination.

Closed-Circuit television testimony is reliable, subject to contemporaneous cross-examination, and permits the factfinder to view the demeanor of the witness. Only reliability, not unavailability, is the pre-requisite to the admission of many forms of hearsay. Requiring unavailability does nothing to promote reliability which is instead determined by the totality of the circumstances.

In *State v. Roy*, 214 Neb. 204, 333 N.W. 2d 398 (1983), the Nebraska Supreme Court stated that the Confrontation Clause is not violated where the statement admitted into evidence has sufficient indicia of reliability to afford the trier of fact a satisfactory basis for evaluating the truth of the statement. The court stated: "[T]he mission of the confrontation clause is to advance practical concern for the accuracy of the truth determination process in criminal trials by assuring that the trier of fact has a satisfactory basis for evaluating the truth of the prior statement." *Id.* at 207, 333 N.W. 2d at 401.

In *Roy*, the court affirmed the defendant's conviction of first-degree sexual assault upon his 2-year-old stepdaughter. The court found that admission of an excited utterance by the child was permissible. It concluded that the age of the victim, her battered physical condition, the nature of the event, and the child's fear of additional injury (i.e. the totality of circumstances) provided a sufficient basis of reliability for the child's statement to qualify as an acceptable exception to the hearsay rule.

What is pertinent to the admission of many forms of children's hearsay statements is not whether or not the child could testify face-to-face with the accused but instead whether the statement is reliable based on the totality of the circumstances, a multi-factored test. *See, e.g., State v. Robinson*, 153 Ariz. 191, 735 P.2d 801, 811 (1987) (substance of statement corroborated by other evidence, spontaneity, consistent statements and statement elicited by questioning); *Morgan v. Foretich*, 846 F.2d 941 (4th Cir. 1988) (substance of statement corroborated by other evidence, spontaneity, statement indicates unusual knowledge of sexual acts or anatomy); *State v. Conklin*, 444 N.W. 2d 268, 276 (Minn. 1989) (spontaneity, lack of incentive of adults to fabricate allegations); *State v. Kuone*, 243 Kan. 218, 757 P.2d 289, 292 (1988) (consistent statements, lack of motive to fabricate); and *State v. Sorenson*, 143 Wis. 2d 226, 421 N.W. 2d 77, 85, 87 (1988) (statement indicates unusual knowledge of sexual acts or anatomy, use of terminology to describe sexual abuse that one would expect from a child of similar age, and accused had opportunity to commit act).

Moreover, under procedures like the Maryland procedure there is the additional safeguard that the child's testimony is subject to cross-examination. *See, e.g., Douglas v. Alabama*, 380 U.S. 415, 418 (1965) "... that a primary interest secured by it [the confrontation clause] is the right of cross-examination; an adequate opportunity for cross-examination may satisfy the clause even in the absence of physical confrontation."

a. A State May Curtail Face-to-Face Confrontation Upon a Showing That A Child Would Endure Severe Trauma In Testifying Effectively.

A substantial number of pre- and post-*Coy* state court decisions hold that confrontation can be curtailed after a sufficient showing of trauma. This showing is somewhat less than that trauma which would render the child psychologically unavailable. *See Glendening v. State*, 536 So.2d 212 (Fla. 1988), *cert. denied*, 109 S. Ct. 3219 (1989); *Brady*

v. *State*, 540 N.E.2d 59 (Ind. App. 1989); *State v. Hoversten*, 437 N.W.2d 240 (Iowa) *cert. denied*, 110 S.Ct. 212 (1989); *In re J.D.S.*, 436 N.W.2d 342 (Iowa 1989); *State v. Chisholm*, 245 Kan. 145, —, 777 P.2d 753, 758-59 (1989) (*Coy* does not “require the trial court to specifically find that the child’s trauma is so great the child cannot reasonably communicate and therefore is unavailable as a witness”); *State v. Eaton*, 244 Kan. 370, 769 P.2d 1157 (1989); *State v. Albert*, 13 Kan. App.2d 671, 778 P.2d 386 (1989); *State v. Thomas*, 150 Wis. 2d 374, 442 N.W.2d 10 (1989). These cases reflect the state’s compelling interest in protecting capable child witnesses from undue harm.

Analyzing *Craig*’s Confrontation Clause challenge in the light of *Coy*, the Court of Special Appeals of Maryland emphasized the State’s interest in protecting children from trauma:

“[T]he State has an interest in protecting children generally from trauma, especially trauma that would result from the deliberate action of the State itself. Keeping in mind the threshold requirements in § 9-102, what is to be gained from forcing a child-victim to testify in the direct presence of the defendant when the only product of it will be further suffering for the child rather than any meaningful evidence—*inculpatory* or *exculpatory*.” *Craig v. State*, 76 Md. App. 250, —, 544 A.2d 784, 800 (Md. App. 1988).

In comparison to adults, children run a greater risk of experiencing negative effects from testifying in court because they are less likely than adults to have the cognitive skills necessary to organize the experience. See *Ward*, “The Child as Witness,” 4 *Family Advocate* 14 (Sept. 1982) and Melton, “Children’s Competency to Testify,” 5 *Law and Human Behavior* 73, 110 (1981). Also see, Part B *supra*. It is undoubtedly true that many children are traumatized by involvement in the legal system, and in particular by testifying before the defendant. See *Commonwealth v. Amirault*, 404 Mass. 221, —, 535 N.E.2d 193, 206 (1989) (child’s therapist “testified that the child became more

anxious, concerned, and aggressive as he prepared to testify in court.” The boy was reluctant to talk about his abuse at day care, and “reacted to the topic by holding his knees up, covering his eyes, clenching his fists, and grinding his teeth”) and *State v. Albert*, 13 Kan. App. 671, 778 P.2d 386 (1989) (child’s therapist of six months opined that testifying would be very difficult for child, who had a serious ulcer and who cried every time the subject of testifying was brought up).

Unavailability pertains to necessity and therefore should not be required for admissibility of testimony when there is contemporaneous cross-examination and other sufficient indicia of reliability and placing the witness before the accused is precisely the harmful situation to be avoided. See, e.g., *United States v. Inadi*, 475 U.S. 387 (1986).

“*Ohio v. Roberts* did not stand for the radical proposition that no out-of-court statement can be introduced . . . without a showing that the declarant is unavailable.’ In the Court’s analysis [in *Inadi*], such an interpretation adds nothing to the determination of the truth in a case, which is the object of the confrontation clause.” Dziech & Schudson, *supra* n.1 at 138.

Amici concede that the Maryland statute does not permit dispensing with face-to-face confrontation when a child who will be severely traumatized can, nevertheless, effectively testify. Amici pray that this Court, in upholding the Maryland statute, nonetheless articulate Confrontation Clause principles which validate curtailing face-to-face confrontation upon individualized showings that a child can testify but only at great personal expense in terms of serious emotional or physical trauma. Such findings should not normally require a preliminary face-to-face confrontation demonstrating the very trauma the process is meant to obviate.

b. A State May Curtail Face-To-Face Confrontation When It Would Undermine The Trustworthiness Of The Child's Testimony.

This Court's decisions

"... make it clear that the mission of the Confrontation Clause is to advance a practical concern for the accuracy of the truth determining process in criminal trials by assuring that 'the trier' of fact [has] a satisfactory basis for evaluating the truth of [any out of court statement]". *Dutton v. Evans*, 400 U.S. 74, 89 (1970), quoting *California v. Green*, 399 U.S. 149, 161 (1979).

See *Coy*, 487 U.S. at ___, 108 S. Ct. at 2802, quoting *Kentucky v. Stincer*, 482 U.S. 730, 736 (1987) ("the right to face-to-face confrontation" [exists in part to] "'ensur[e] the integrity of the fact-finding process'"). "Thus, the priority accorded the right to face-to-face confrontation in *Coy* turned not on its intrinsic inviolability but rather on its functional value in enhancing the fact-finding process of criminal trials." *State v. Bonello*, 210 Conn. 51, 554 A.2d 277, 282, cert. denied, 109 S. Ct. 2103 (1989). See also *Ohio v. Roberts*, 448 U.S. 56, 64 (1980).

As was recently discussed by the Georgia Court of Appeals, a face-to-face confrontation between the defendant and the child witness more likely than not will inhibit the revelation of the truth:

"In many cases, to require eye-to-eye contact between the victim and the appellant would not only be intimidating and very possibly exacerbate the damage done them, but it also serves no meaningful purpose in the search for truth." *Ortiz v. State*, 188 Ga. App. 532, 374 S.E.2d 92, 95 (1988).

See *Commonwealth v. Ludwig*, 531 A.2d 459, 467 (Pa. Super. 1987), app. gr., 518 Pa. 617, 541 A.2d 744 (1988) (Tamilia, concurring):

"It requires no expert testimony to establish that a child in an adult courtroom, subject to the most cre-

ative and stressful means of getting to the truth, will react not as an adult but as a child. *While this procedure is calculated to arrive at the truth with an adult, a child can only be expected to respond with emotional and physical reactions derived from terror.* For a child not to "freeze" is unusual and to present a clear unequivocal statement of the occurrence is even more unusual. If the constitution may be interpreted broadly enough to deny them the right of adults for their protection and in their best interests (denial of jury trial, denial of emancipation, right to contract, etc.), it can also be extended to soften (not eliminate) the harshness of their testifying in court for the same reason the juvenile acts, dating from 1898, universally adopted throughout the country, are testimony to this recognition. To do otherwise is to provide a defendant charged with sexual or other child abuse with an overwhelming advantage (inconsistent) with equal justice." *Id.* at 467 (emphasis added).

See also *State v. Sheppard*, 197 N.J. Super. 411, 484 A.2d 1330, 1332 (1984) in which a recognized expert in forensic psychology testified:

"[T]he victim has the capacity to testify truthfully. It was [the doctor's] opinion, however, that *avoidance of an in-court appearance through the use of video equipment would improve the accuracy of her testimony.* He provided reasons: An adult witness, testifying in court, surrounded by the usual court atmosphere, aware of the black-robed judge, a jury, attorneys, members of the public, uniformed attendants, a flag, and religious overtones, is more likely to testify truthfully. The opposite is true of a child. . . . The video arrangement, because it avoids courtroom stress, relieves these feelings, thereby improving the accuracy of the testimony." *Id.* at 1332. (emphasis added).

Additionally, empirical research suggests that physical confrontation with the defendant may even damage the reliability, quality, and often the very existence of the

child's testimony. Hill and Hill, "Videotaping Children's Testimony: A Empirical View," 85 *Mich. L. Rev.* 809, 820 (1987).

As Justice Blackmun noted in his dissent in *Coy v. Iowa*, 487 U.S. at ___, 108 S.Ct. at 874, the use of protective measures can actually enhance the reliability of the testimony of child sex abuse victims. Also see, B. Dziech & C. Schudson, *On Trial America's Courts and Their Treatment of Sexually Abused Children* (1989):

"In courtrooms witnesses are judged on the basis of juries' perception of qualities like truthfulness, trustworthiness, certainty, and confidence. It seldom occurs to most people that some hardened criminals or pathological liars may be more likely than innocent people to appear honest, trustworthy, and self-confident. Children are not likely to look directly or long at a strange judge or a hostile attorney because they are frightened and because they have been instructed from infancy to avoid strangers. Yet few jurors consider that children's avoidance reactions may not be dishonesty but rather shyness, fear, and other predictable qualities that are heightened by their inexperience and impotence in the legal system." *Id.* at 66.

....

A child intimidated into silence by the traditional court process is a far greater danger to an innocent defendant than is one who communicates confusion or untruth. Silence can be interpreted as fear of the defendant when it may, in reality, be reluctance of the child to be trapped in a lie. The best defense against false allegations by children is implementation of procedures that will increase their participation in the legal process. To establish that the innocent are being persecuted because of malicious stories from devious children, one must first allow the children to tell their stories; and if the telling is contingent upon puppets or laps or even a television camera, it is

preferable to little or no testimony at all." *Id.* at 18-19.

Thus, in addition to protecting the child witness from emotional trauma, the procedures utilized by the trial court furthers a second important interest—that of enhancing the truth-determining process of criminal trials. See *Wildermuth v. State*, 530 A.2d 275, 283-284 (Md. 1987); *State v. Tafoya*, 108 N.M. 1, 765 P.2d 1183, 1186 (1988), *cert. denied*, 109 S.Ct. 1572 (1989); and *State v. Bonello*, 210 Conn. 51, 554 A.2d at 281-282. Indeed, lack of trustworthiness (as opposed to unavailability of the witness or trauma to the witness) is the test for invoking the Connecticut videotaping statute. See, e.g., *State v. Jarzbek*, 204 Conn. 683, 529 A.2d 1245, 1255 (1987), *cert. denied*, 484 U.S. 1061 (1988) ("the minor victim would be so intimidated, or otherwise inhibited, by the physical presence of the defendant that the trustworthiness of the victim's testimony would be seriously called into question.")

Of course, the younger the child, the more likely it is that confrontation with the accused will inhibit, rather than foster, the truthfulness of the child's testimony, especially since commonly children are told that if they tell, their parents won't love them anymore, their parents will die, they will be killed, or they will get in trouble. See, e.g., *State v. Sheppard*, 197 N.J. Super. 411, 484 A.2d at 1332.

Amici concede that there was no finding in the instant case regarding the use of closed circuit television to enhance the truthfulness of given testimony. Indeed the Maryland statute does not seem to contemplate such an inquiry. Amici pray that this Court, in upholding the Maryland statute, articulate Confrontation Clause principles which validate dispensing with face-to-face confrontation upon an individualized showing that it would enhance the truthfinding process. Such findings should not normally require a preliminary face-to-face confrontation to demonstrate the distortion of the truthfinding process.

c. The Accused's Threat to the Child Witness Represents a Forfeiture or Waiver of the Right to Face-to-Face Confrontation.

The accused's threatening conduct would justify dispensing with face-to-face confrontation even when a child could effectively testify face-to-face with the accused but only with experiencing severe fear associated with the threatening behavior. Where a defendant has promised severe retribution for answering questions about what the defendant did to the child, the defendant has forfeited his right to face-to-face confrontation. See *United States v. Carlson*, 547 F.2d 1346, 1359 (8th Cir. 1976), *cert. denied*, 431 U.S. 914 (1977) (waiver of confrontation by threatening or intimidating witnesses; "the Sixth Amendment does not act as a shield to protect the accused from his own misconduct or chicanery").⁵ It is already a well-established rule of law that a defendant waives his right to confrontation should he cause a witness to be unavailable or incapable of testifying: "[a]ny other result would mock the very system of justice the Confrontation Clause was designed to protect." *United States v. Mastrangelo*, 693 F.2d 269, 273 (2d Cir. 1982), *cert. denied*, 467 U.S. 1204 (1984). See also *United States v. Thevis*, 665 F.2d 616 (5th Cir.), *cert. denied*, 459 U.S. 825 (1982); *United States v. Balano*, 618 F.2d 624 (10th Cir. 1979), *cert. denied*, 449 U.S. 840 (1980); *Black v. Woods*, 651 F.2d 528 (8th Cir.), *cert. denied*, 454 U.S. 847 (1981); *State v. Jarzbek*, 204 Conn. 683, 529 A.2d 1245, 1252-53 (1987), *cert. denied*, 484 U.S. 1081 (1988); *State v. Sheppard*, 197 N.J. Super. 411, 484 A.2d 1330 (1984).

The Amici ask that this rule apply to situations in which the accused's threatening conduct is such that face-to-face

⁵ Waiver of the right of confrontation is also found in a number of other situations. See, e.g., *Williams v. Oklahoma*, 358 U.S. 576 (1959) (waived by a defendant stipulating to the admission of certain evidence); *Boykin v. Alabama*, 395 U.S. 238 (1969) (a defendant who pleads guilty waives his right to confrontation); *Illinois v. Allen*, 397 U.S. 337 (1970) (engaging in disruptive behavior in the courtroom as waiver).

confrontation during testimony would unduly exacerbate the child's fear. The importance of the Court's consideration of the dynamics of a defendant's relationship to a child witness was observed by the dissenting justices of the Georgia Court of Appeals in *Glisson v. State*, 188 Ga. App. 152, 372 S.E.2d 462 (1988):

"The victim, often the only witness able to establish the evidence necessary for a conviction may be intimidated into silence out of fear of reprisal. . . . Conviction for these reprehensible offenses should not be thwarted by the accused's emotional and psychological control over the victim. The offense in these cases, as in any other crime, is not just against the victim but against the laws, good order, peace and dignity of the state. When reliable evidence is available to sustain a conviction, it must not be excluded. Justice is blind, but not dumb." *Id.* at 462.

In explaining the basis for her opinion that "it would be very difficult if not impossible to sit in the same room with Mrs. Craig and discuss the alleged abuse incidents," (E.75), Mary Burke, a child therapist with the Howard County Sexual Assault Center, who had conducted twenty therapy sessions with Brooke each lasting one to one and one-half hours (E.74) said that Brooke perceives "that she was threatened by Mrs. Craig and that she feels that her life is in jeopardy and part of her family and the household pet." (E. 75-76). Ms. Burke also commented that Brooke "truly believes that those threats will be carried out against her." (E. 75). Similar findings were made concerning other child-victim-witnesses: Justin Peeples, age five, sees Mrs. Craig "as a threatening figure" (E.77) and Jessie Sue Smith, age four, perceives Craig as a threat to herself, her parents, and her siblings (E.80). She believes that Mrs. Craig is capable and willing to carry out those threats at home and Jessie is fearful of this person. *Id.*

Here the therapists' testimony based on numerous therapy sessions establishes that the children feared serious reprisals from Mrs. Craig including fearing for their lives

and fully believed that Mrs. Craig was capable of carrying out these threats. Surely these children are entitled to the same protection given the adult government witness in *Carlson*.

The Amici concede that the trial court did not make a finding that Craig's threats created a forfeiture of face-to-face confrontation rights. This could have been and remains an alternative ground for upholding the trial court's dispensing with such confrontation. In the event this Court upholds the Maryland statute as written, Amici pray that this Court articulate Confrontation Clause principles which validate dispensing with face-to-face confrontation upon individualized findings that an accused's threats to a child witness would cause the child to experience severe fear of harm or retribution if forced to testify in the accused's presence.

2. A Trauma Induced Inability to Testify Face-to-Face With The Accused Constitutes Unavailability for Confrontation Clause Purposes.

As indicated by *Coy*, the Supreme Court of the United States has said that while the Sixth Amendment reflects a preference for a face-to-face confrontation at trial, the preference is not absolute and inelastic. The Confrontation Clause of the United States Constitution does not preclude the use of hearsay evidence in criminal trials under circumstances which otherwise render such evidence reliable, i.e., where it bears sufficient 'indicia of reliability.' *Ohio v. Roberts*, 448 U.S. 56, 66 (1980) (involving former testimony of unavailable witness). See *United States v. Inadi*, 475 U.S. 387 (1986) (statement of co-conspirator); *Dutton v. Evans*, 400 U.S. 74 (1970) (statement of co-conspirator); *Mattox v. United States*, 156 U.S. 237, 242-244 (1895) (former testimony); *Williams v. Melton*, 733 F.2d 1492 (11th Cir. 1981), *cert. denied*, 469 U.S. 1073 (1984) (out-of-court statements of witnesses falling under *res gestae* exception); *Haggins v. Warden*, 715 F.2d 1050 (6th Cir. 1983), *cert. denied*, 464 U.S. 1071 (1984) (excited utterance); *United States v. Peacock*, 654 F.2d 339 (5th Cir. 1981), *cert. denied*, 464 U.S. 965 (1983) (statement of co-conspirator).

If the Court were to determine unavailability must be shown then unavailability should not be given the strictest literal meaning, but instead be equated with inability to testify because of suffering significant psychological or physical harm. For example, the 1972 United States Supreme Court case of *Mancusi v. Stubbs*, 408 U.S. 204, 206 (1972) held that if a witness is unavailable to testify, it is not a denial of the right to confrontation to allow into evidence prior recorded testimony of a witness where the defendant has had an adequate opportunity to cross-examine the witness. Hence, admission of former testimony has been upheld over a challenge of unconstitutionality in a variety of contexts including: death of the witness, *People v. Behm*, 49 Ill. App.3d 574, 580, 364 N.E.2d 636, 641 (1977), prosecution's inability to locate the witness, *People v. Contreras*, 57 Cal. App.3d 816, 820, 129 Cal. Rptr. 397, 400 (1976); *People v. Fink*, 37 Colo. App. 512, 552 P.2d 529, 531 (1976), *rev'd*, 194 Colo. 516, 574 P.2d 81 (1978); alleged loss of memory of the witness, *State v. Thomas*, 110 Ariz. 120, 126, 515 P.2d 865, 870 (1973), witness's refusal to testify on grounds of fear for the safety of his person and of his family, *People v. Rojas*, 44 Cal. App. 3d 978, 119 Cal. Rptr. 144 (1975), witness's pregnancy, *Lamb v. State*, 560 P.2d 583 (Okla. Crim. 1977), and psychological unavailability of the witness, *People v. Gomez*, 26 Cal. App.3d 225, 231, 103 Cal. Rptr. 80, 84 (1972).

Similarly, two federal circuit court cases have found that the invocation of the fifth amendment privilege against self-incrimination constitutes sufficient unavailability. *Phillips v. Wyrick*, 558 F.2d 489, 494 (8th Cir. 1977), *cert. denied*, 434 U.S. 1088 (1978); *United States v. Brasco*, 516 F.2d 816 (2d Cir.), *cert. denied*, 423 U.S. 860 (1975). In addition, Section 804(a)(1) of the Federal Rules of Evidence defines "unavailability" as including the situation where the declarant is exempted from testifying on the ground of privilege.

Flexibility in the unavailability test under the Confrontation Clause is also supported by the judicial recognition that the legislature is free to provide for depositions to

perpetuate testimony without fear of infringing on the defendant's confrontation rights. For example, the Supreme Court of Appeals of Virginia in *Setliff v. Commonwealth*, 162 Va. 805, 173 S.E. 517 (1934) found Virginia's statute, which provides for a deposition to be read into evidence in rape cases, to be well within constitutional limits. *Accord United States v. King*, 552 F.2d 833 (9th Cir. 1976), *cert. denied*, 430 U.S. 966 (1977) which upheld the constitutionality of the federal criminal deposition statute, Fed. R. Crim. P. 15, 18 U.S.C. §3503 (1976).

Moreover, that the hearsay rule is not violated by admitting the out-of-court statement of a psychologically unavailable witness is supported by *Commonwealth v. Stasko*, 471 Pa. 373, 370 A.2d 350 (1977). In *Stasko*, the Supreme Court of Pennsylvania held that, under the circumstances, the trial court properly permitted the prosecution to take and use at a trial a videotaped deposition of an eyewitness whose health did not permit a court appearance. The witness saw a co-employee being murdered in the parking lot after work. She had had numerous abdominal operations for regional ileitis and ulcerative colitis and her doctor thought that the emotional strain of her appearance would gravely aggravate her condition.

Creating a new category of unavailability (psychological unavailability), for which the legislature finds compelling policy reasons in light of the emotional vulnerability of child witnesses, will not violate the Confrontation Clause. Two recent federal cases support this assertion. First, in *United States v. Nick*, 604 F.2d 1199 (9th Cir. 1979), the defendant unsuccessfully appealed his conviction of sexual assault on a 2-year-old child alleging that the trial court erred in admitting, over hearsay and Confrontation Clause objections, damaging statements of the victim reported in the testimony of the child's mother and his physician. Second, in *United States v. Iron Shell*, 633 F.2d 77 (8th Cir. 1980), *cert. denied*, 450 U.S. 1001 (1981), the trial court's admission of the 9-year-old assault victim's statement to her doctor and to the police officer was upheld. The Eighth Circuit court reasoned:

"It has been recognized, however, that even though a declarant is available to testify, the confrontation clause protection may be called into question because the declarant is too young to be subjected to a thorough cross-examination as envisaged by the constitution This principle was also recognized in *California v. Green* where the court remanded the case for a determination of whether 'the nature of the opportunity to cross-examine' was dispositive of the confrontation issue. *These cases recognize a special type of "unavailability" for purposes of the confrontation clause* Nevertheless, assuming arguendo that Lucy was *unavailable* in the sense suggested by the *Nick* court, we conclude that the confrontation clause was not violated" *Id.* at 87 (citations omitted) (emphasis added).

Thus, the Eighth and Ninth Circuit court opinions relied upon special notions of unavailability to admit out-of-court statements by a young child into evidence.

Moreover, if a witness may be rendered unavailable by mere lack of memory, *see, e.g.*, Fed. R. Evid. 804, Advisory Committee's Note, at 144 (West 1975) or by simple refusal to testify, *see, e.g.*, *Johnson v. People*, 152 Colo. 586, 384 P.2d 454 (1963), *cert. denied*, 376 U.S. 922 (1964); *People v. Pickett*, 339 Mich. 294, 63 N.W. 2d 681 (1954), *cert. denied*, 349 U.S. 937 (1955), in situations for which there is no public policy reason for protecting the witness, it seems inappropriate to bar the child's cross-examined statements where there are strong policy reasons for allowing it into evidence.

A growing number of pre- and post-*Coy* state court decisions hold that confrontation may be withheld when a face-to-face encounter would render the child unavailable as a witness. *See State v. Vincent*, 159 Ariz. 418, 768 P.2d 150 (1989); *State v. Twist*, 528 A.2d 1250 (Me. 1987); *State v. Conklin*, 444 N.W.2d 268 (Minn. 1989); and *State v. Taylor*, 562 A.2d 445 (R.I. 1989).

In *Craig* there was sufficient expert testimony that the four child witnesses would be psychologically traumatized by the presence of the defendant rendering them unable to reasonably communicate. See footnote 4, *supra*. Therefore, each of the children were unavailable as the defendant's presence, according to the expert testimony, was a significant factor in the experts' opinion that each of the children would be rendered unable to reasonably communicate. Indeed, while it is asking too much as criteria for admissibility to establish unavailability, the Maryland Court does determine that there is "psychological unavailability." *Craig*, 560 A.2d at 1126.

CONCLUSION

By erroneously and illogically requiring the child to be exposed to the very psychological and physical trauma that Section 9-102 was intended to minimize, the Maryland Court of Appeals has defeated its legislature's goal of protecting children and the criminal process's mission of ferreting out the truth. The Maryland Court's interpretation of Section 9-102 should be reversed to the extent that it requires face-to-face confrontation prior to utilizing Section 9-102. Expert or lay testimony is sufficient. Likewise, the court's limitation of the reason behind the child's inability to communicate to solely the fear of the defendant must be reversed.

Like the apple in "Snow White and the Seven Dwarfs" the current court procedures promise health but practice harm. Only legislation, such as Section 9-102, can end this senseless system and protect vulnerable young children. The restrictive interpretation given Section 9-102 by the Maryland Court below, which defeats the state Legislature's purpose of child protection, should be reversed.

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March 2, 1990

Respectfully submitted,

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APPENDIX

APPENDIX**Provisions For Use Of Closed Circuit Television, One-Way Screens or Two-Way Mirrors**

1. Alabama: Ala. Code Sec. 15-25-3 (Supp. 1988)
2. Alaska: Alaska Stat. Sec. 12.45.046 (Supp. 1988)
3. Arizona: Ariz. Rev. Stat. Ann. Sec. 13-4253 (Supp. 1988)
4. California: Cal. Penal Code Sec. 1347 (West Supp. 1989)
5. Connecticut: Conn. Gen. Stat. Sec. 54-869 (West Supp. 1989)
6. Florida: Fla. Stat. Ann. Sec. 92.53 (West Supp. 1989)
7. Georgia: Ga. Code Ann. Sec. 81-1006.2 (Supp. 1989)
8. Hawaii: Haw. R. Evid. 616
9. Indiana: Ind. Code Ann. Sec. 35-37-4-8(d) (Burns Supp. 1989)
10. Iowa: Iowa Code Ann. Sec. 910.14 (West Supp. 1989)
11. Kansas: Kan. Stat. Ann. Sec. 2203434 (1988)
12. Kentucky: Ky. Rev. Stat. Ann. Sec. 421.350 (Baldwin Supp. 1989)
13. Louisiana: La. Rev. Stat. Ann. Sec. 15:283 (West Supp. 1989)
14. Maryland: Md. Cts. & Jud. Proc. Code Ann. Sec 9-102 (Supp. 1988)
15. Massachusetts: Mass. Gen. Laws Ann. ch. 278, Sec. 16D (West Supp. 1989)
16. Minnesota: Minn. Stat. Ann. Sec. 595.02 (West Supp. 1988)
17. Mississippi: Miss. Code Ann. Sec. 13-1-405 (Supp. 1987)
18. New Jersey: N.J. Rev. Stat. Sec. 2A:84A-32.4 (West Supp. 1989)

19. New York: N.Y. Crim. Proc. Law Secs. 65.00-.03 (McKinney Supp. 1989)
20. Ohio: Ohio Rev. Code Ann. Sec. 2907.41 (Supp. 1987)
21. Oklahoma: Okla. Stat. Ann. tit. 22 Sec. 753 (West Supp. 1989)
22. Pennsylvania: Pa. Cons. Stat. Ann. tit. 42 Sec. 5985 (Purdon Supp. 1989)
23. Rhode Island: R.I. Gen. Laws 11-37-13.2 (Supp. 1988)
24. Texas: Tex. Crim. Proc. Ann. art. 38.071 (Vernon Supp. 1989)
25. Utah: Utah Code Ann. Sec. 77-35-15.5 (Supp. 1989)
26. Vermont: Vt. R. Evid. 807

Provisions For Use of Videotaped Testimony

1. Alabama: Ala. Code. Sec. 15-25-2 (Supp. 1988)
2. Arizona: Ariz. Rev. Stat. Ann. Sec. 13-4253 (Supp. 1988)
3. Arkansas: Ark. Code Ann. Sec. 16-44-203 (1987)
4. California: Cal. Penal Code Sec. 1346 (West Supp. 1989)
5. Colorado: Col. Rev. Stat. Sec. 18-3-413 (1986)
6. Connecticut: Conn. Gen. Stat. Ann. Sec. 54-869 (West Supp. 1989)
7. Delaware: Del. Code Ann. tit. 11, Sec. 3511 (1987)
8. Florida: Fla. Stat. Sec. 92.53 (West Supp. 1989)
9. Hawaii: Haw. R. Evid. 616
10. Illinois: Ill. Ann. Stat. ch. 38, para. 106A-2 (Smith Hurd Supp. 1989)
11. Indiana: Ind. Code Ann. Sec. 35-37-4-8(d) (Burns Supp. 1989)
12. Iowa: Iowa Code Ann. Sec. 910.14 (West Supp. 1989)

13. Kansas: Kan. Stat. Ann. Sec. 22-3434 (1988)
14. Kentucky: Ky. Rev. Stat. Ann. Sec. 421.350 (Baldwin Supp. 1989)
15. Massachusetts: Mass. Gen. Laws Ann. ch. 278 Sec. 16D (West Supp. 1989)
16. Minnesota: Minn. Stat. Ann. Sec. 595.02 (West Supp. 1988)
17. Mississippi: Miss. Code Ann. Sec. 13-1-407 (Supp. 1987)
18. Missouri: Mo. Ann Stat. Secs. 491.680-687 (Vernon Supp. 1989)
19. Montana: Mont. Code Ann. Secs. 46-15-401 to -403 (1987)
20. Nevada: Nev. Rev. Stat. Ann. Secs. 174.227 and 174.229 (1986)
21. New Hampshire: N.H. Rev. Stat. Ann. Sec. 517.13-a (Supp. 1988)
22. New Mexico: N.M. Stat. Ann. Sec. 30-9-17 (1986)
23. Ohio: Ohio Rev. Code Ann. Sec. 2907-41 (Baldwin Supp. 1987)
24. Oklahoma: Okla. Stat. Ann. tit. 22 Sec. 753 (West Supp. 1989)
25. Pennsylvania: Pa. Cons. Stat. Ann. tit. 42 Sec. 5984 (Purdon Supp. 1989)
26. Rhode Island: R.I. Gen. Laws Sec. 11-37-13.2 (Supp. 1988)
27. South Carolina: S.C. Code Ann. Sec. 16-3-1530(G) (1984)
28. South Dakota: S.D. Code Ann. Sec. 23A-12-9 (1988)
29. Tennessee: Tenn. Code Ann. Sec. 24-7-116 (Supp. 1988)

30. Texas: Tex. Crim. Proc. Code Ann. art. 38.071 (Vernon Supp. 1989)
31. Utah: Utah Code Ann. Sec. 77-35-15.5 (Supp. 1989)
32. Vermont: Vt. R. Evid. 807
33. Wisconsin: Wis. Stat. Sec. 967-04(7)(a) (Supp 1988)
34. Wyoming: Wyo. Stat. Sec. 7-11-408 (1987)

R from
HFC to
Anne

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April 9, 1997

Hillary Rodham Clinton
The White House
Washington, DC

Dear Hillary,

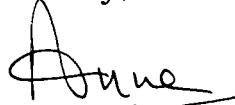
Bobbie Greene left our home this morning for her very exciting trip to Asia. Both she and Melanne told me that you two had a good meeting. Bobbie said another meeting is planned upon her return. I am so glad you enjoyed talking with her. She is very talented, experienced and a delight to work with.

The immediate reason for my writing is Dr. Dorothea McArthur, a good friend of Larry's and mine, recently contacted me regarding the upcoming White House Summit Conference on Children. She has taught and written about children's, parents' and teachers' rights for several years. She was very excited when *It takes a Village* was published because it coincided with so much of her thinking and she knows how important it is to advance these issues in today's society.

Dorothea asked me to bring to your attention some of her writings on these issues, which are enclosed. While, she thought it might be helpful in preparation for the White House Conference on Children in late April, she also wanted you to know about her work as she greatly admires all that you have done, and continue to do, for children. She, of course, would be delighted if she could assist you in achieving your similar goals in any way possible.

I hope this note finds you well and the President mending.

Sincerely,


Anne Bartley

DOROTHEA S. McARTHUR, PhD

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April 2, 1997

Hillary Clinton
White House
Washington, D.C.

Dear Mrs. Clinton:

I understand that you are hosting a White House Summit Conference on Children April 25 and 26, 1997, in which you are urging corporations to contribute volunteer work on behalf of children. I have been most encouraged by the work you have done for children and families.

I am a clinical psychologist with 28 years experience and a published author. I have been working for the past three years on a set of Children's, Parent's and Teacher's Rights with author Suzanne Arms. This task was completed prior to the publication of your book, IT TAKES A VILLAGE, but happens to parallel many of the issues you addressed. These Rights might provide a strong manifesto for your Summit meeting, since, in an accompanying manuscript, I provide suggestions for community action that actualize each Right. Many of these suggestions are for corporations.

I have been working on this project because I am very concerned about the increasing amount of unethical behavior within our society. In order to care for our children properly, we need to assure that their parents and teachers are guaranteed some basic rights and responsibilities to provide the quality time required to raise healthy children. Only then can these children give back competently and compassionately to society. I believe that the Children's, Parents' and Teachers' Rights have a place in raising the collective consciousness about children's needs. This project has already been critiqued by classrooms of children, and racially diverse adults.

Enclosed please find samples of Parts I (Parents' Rights) and II (Children's Rights) of DECLARATION OF THE RIGHTS AND NEEDS FOR CHILDREN, PARENTS, AND ALL ADULTS HELPING CHILDREN, and copy of my résumé. Please let me know if you are interested in seeing Part III (Teachers' Rights) or a version of the manuscript that provides further details about each Right with suggestions for corporate community action.

I appreciate your consideration of this material.

Sincerely yours,

Dorothea S. McArthur, PhD

Dorothea McArthur, PhD, ABPP

**DECLARATION
OF THE RIGHTS AND NEEDS FOR CHILDREN, PARENTS AND
TEACHERS**

By DOROTHEA McARTHUR, PhD with SUZANNE ARMS

**PART I
FOR PARENTS AND ADULTS WHO WORK WITH CHILDREN**

● **VALUE OF CHILDREN**

P1. Children are a magnificent part of nature. Watching and helping children grow shows us the magic, mystery and complexity of nature and can be one of life's most privileged experiences.

No child shall be considered dispensable. Every child shall be accorded dignity and protection.

If we take the time to raise each child well, this planet will be well cared for by our children when they become adults.

P2. Each child is a unique reflection of nature; no two will ever be the same.

When adults show respect for a child, that child learns respect and kindness towards other living things.

We can teach children that their special strengths and uniqueness belong and are important in their community.

P3. Understanding the innocent wisdom, natural humor and dreams of children is essential to sustaining the best of our culture.

Every child belongs to a family, a group or culture with its own past and future.

Making time to listen to, play with, and watch children, adds fundamental richness to our adult perspective.

P4. Every child is born with intuition and an ability to understand healthy and unhealthy interactions between people. Children innately sense much of what they need from adults in order to grow and develop normally.

Children, if allowed, will spontaneously use their full range of emotions to express their needs without judging or criticizing themselves or others.

They know when adults are responding badly towards themselves or others.

When something goes wrong in the relationship between a parent and a child, it is also normal for a young child, to view the adult as powerful and perfect and themselves as lacking and bad. This mix of conflicting feelings causes conflict and feelings of self doubt within children.

We must not train children to ignore or falsify their feelings in order to please others.

It takes maturity and humility for adults to accept what children show us about ourselves.

● **THE CHALLENGE OF PARENTING**

P5. Parenting is one of life's most challenging activities. Some of parenting is instinctive, but much of it is learned.

We learn about parenting principally from the parenting we received. We tend to copy it or react against it. If we received poor parenting, we have an insufficient model.

We can improve our parenting skills with explicit training, thoughtful time with other parents, reading and continuing education.

We can improve our nation by providing universal and free information regarding contraception, pregnancy, birth, child development, and parenting throughout our older children's education.

Parents do not have to be perfect. Perfection is not possible for human beings nor is it necessary for children and parents to thrive.

P6. Parents are entitled to convenient, affordable, preparation in providing structure and constructive discipline. Modern culture has acquired a lot of information about what harms children and what makes them thrive.

Much of what adults interpret as rudeness or cruelty in children is either natural curiosity or an attempt to express unhappy feelings.

We need to differentiate between destructive punishment and constructive discipline.

Hitting children, isolating or "silent treatment" for long periods of time, are destructive. These models lead to fear, power struggles, retaliation, low self-esteem in children and guilt in parents.

Inquiry, listening, limit setting, time out, the unfolding of natural consequences, and constructive action increases understanding, learning, self-esteem, and a feeling of protection and caring for both parents and children.

It is not helpful to try to make children feel guilty. We can talk about a particular behavior without shaming the whole child.

We can teach children best with compliments and constructive advice rather than sarcasm, or humiliation.

Parents need information, regarding children's appropriate and inappropriate behavior for each age and level of development. Parents also need suggestions, about how to respond to irritating or simply frustrating behavior.

P7. Our own children will inevitably test and confront us repeatedly, like no one else can.

Children's interactions with adults provide us with the opportunity to face any unresolved feelings left over from our own childhoods.

Unresolved issues can surface with an unexpected intensity when children test our limits or "push our buttons." Parents are entitled to affordable counseling to learn how to respect, understand, and challenge any misconceptions about their past.

Children learn when we let them see our efforts to resolve our own conflicts and manage our own behavior.

P8. It is always dangerous for adults to physically injure, sexually exploit, or neglect a child of any age.

Although the human spirit and body are normally resilient, we dare not weaken our children with avoidable trauma.

Adults who hurt children or knowingly witness the injury of a child are responsible for seeking help to protect the child.

Each community must provide easy access to subsidized, non-punitive, help and support for parents. If adults do not take the responsibility for using this help to stop injuring children, then they must face logical consequences. These may include supervision, community service, restraint, fines,

and prosecution in order to protect our communities.

● BIRTH AND INFANCY

P9. Adults shall be given the necessary information to consider their true desires in relation to bearing children.

It is a natural part of the human life cycle, to want to raise children.

Everyone needs easy access to information regarding family planning and parenting so they can make thoughtful decisions.

It is not wise to take on the 20 years of responsibility for raising a child simply because we failed to educate ourselves, talk with our partner to prevent unplanned pregnancy, feel lonely, insecure, unloved, or want to control someone smaller than us.

In assessing our true desire, we need to take into consideration that the earth's natural resources are limited and our culture already consumes the largest quantities of the world's non-reusable resources.

A desire for a large family can also be met by bearing children and also by taking in other children who are waiting for homes. With the help of extra training, financial support from the government, and general help from our local community, the job of foster or adoptive parenting can be most rewarding.

Some people have good reasons for preferring not to have children. There are many ways, other than parenting, to be of service to children and parents.

P10. Parents-to-be shall be given the information and support that will allow pregnancy and birth to be as normal and uninterrupted as possible.

Health Services must focus more attention on the psychological as well as physical well-being of babies, mothers and their families.

All parents need to be made aware of the supreme importance of healthy physical bonding and psychological attachment with their baby. Parents need accurate information regarding the advantages and disadvantages of drugs and Caesarean birth.

Breast feeding is preferable, whenever possible, because it provides valuable nutrients, strengthens the babies immune response, and encourages close physical contact.

● RAISING CHILDREN

P11. Parents and children thrive best when they can stay together within a healthy, intact, biological family.

Children are born craving the security of belonging to a family related by blood ties.

Children of single parents, divorce, adoption, and foster care show or tell us that their relationships with both biological parents are very important psychologically. Therefore, alternative forms of parenting are inherently more complex psychologically for children and their parents and may require more creative management.

Necessary resources, such as premarital, family and blended family counseling, must be made available by society to maximize the chances that biological families can remain intact and flourish.

P12. As has wisely been stated in many traditional societies, "It takes a whole tribe to raise one

child well."

Adults overburdened and isolated from community support cannot be expected to be adequate parents.

Parents need time to share knowledge, experience and express needs and frustrations with each other.

Extended family can be made up of friends and neighbors as well as siblings and relatives. All provide an enhanced sense of belonging and a feeling of roots.

Because elders now have an average of 15 years beyond retirement, there should be ample opportunities for them to assist overburdened parents.

P13. Parents, teachers, day care workers, clergy and health workers - must be acknowledged with our public appreciation, peer support and highest incentives such as salary, benefits, tax compensations, and ample time off.

The work of parents must be especially honored.

Mothers assume a major parenting role because of their special biological connection to their children. Cultural tradition has also assigned and equipped mothers with particular nurturing skills and responsibilities.

Families and children thrive when some of the responsibilities given to mothers are shifted to fathers. Older siblings deserve recognition for helping with the raising of children.

Teachers also deserve to be regarded with high respect by society for their many hours of teaching, care, and responsibility for children.

P14. Our man-made physical environment (housing developments, apartments, schools, shopping centers, neighborhoods, streets) shall be designed or redesigned with children and parents' needs as a priority.

The design of our buildings, streets and neighborhoods shape the way we interact with each other.

Our culture, in the 20th century, has been designed around the use of cars, personal privacy and the acquisition of possessions. In many ways, these designs have shut children out. We have the power to change this with the help of ideas from our children.

Without destroying what already is in place, there is much we can do to humanize our man-made environment to make it considerate of children's needs.

P15. Adults and children shall be encouraged to understand that the ebb and flow of natural disasters, trauma, crises, losses and disappointments are both a overwhelming danger and an important opportunity to expand life.

Trauma can set us back and also provide unusual and rich opportunities to help others, expand our sense of community, understand the meaning of life and death, and create something new.

Children will model adult behavior especially when we emphasize our opportunities rather than our fears.

● TIME WITH CHILDREN

P16. Our time with children has become a scarce resource. Our attention is the greatest gift we have to give.

It is the small acts of kindness that make the greatest difference.

Doing one thing at a time works best.

Many of us have become accustomed to overfilling our days. We can encourage each other to evaluate the number of activities that we can realistically accomplish in a day so that we see and enjoy our children, other people, and the world around us.

Children do not regard many toys as a reasonable substitute for time with parents.

When we get overstressed we can rest instead of numbing ourselves with tuning-out activities such as television, computer games or substance abuse.

Our children model the way adults use time.

P17. Businesses and communities shall find ways to grant all parents the respect and support to take some reasonable time away from work to be with and enjoy the children they are parenting.

Parenting children is as important to this nation as being a productive worker. It is not in children's or society's best interest to promote "overemployment" through long hours on the job or work driven by undue competition, or financial greed.

Workaholism is an addiction requiring an intervention. It is destructive to the self, children and to family life.

If a child is going through an exceptionally difficult time with illness or school problems, it is in the best interests of the child, employee, and employer to authorize necessary hours of paid leave from work to cope with and constructively resolve the child's problem.

Minimum wage should be sufficient so that no parent has to work more than one full time job in order to provide basic needs for a family.

All workers should be granted a month of vacation in addition to traditional holidays. We can only do our best and most efficient work when we are granted regular and reasonable rest periods.

P18. Marking natural transition times through special ceremonies are important to everyone's full development.

Birth, puberty, marriage and death are particularly important Rites of Passage.

Children naturally love and benefit from ceremony and ritual.

Rites of Passage give children and adults a sense of their relationship to each other, their community, and to the source of all life.

PART II CHILDREN

C1. Individuals, families, neighborhoods, communities, states, government and institutions all have fundamental responsibilities to provide basic needs for our children, protect and help them recover from physical damage.

We must protect children with a safety net superstructure encoded in legislation, funding and law enforcement.

This nation must prevent hopelessness for our individuals, families and children. Everyone must be given the training, support and opportunity to meet basic needs for food, shelter, clothing, and basic school supplies.

Our children are developing physically until the age of fourteen. Adults have the responsibility for protecting children from damage to their bodies.

Governments, corporations and parents are responsible for conducting research, understanding, and creating legislation to protect our children and our families from harmful agents such as substance abuse during pregnancy, second hand smoke, artificial coloring and sweeteners, pesticides, lead poisoning, contaminated water, soil and air.

Politicians, businesses, and special interest groups must be discouraged from destroying the execution of this basic responsibility out of a desire for personal gain.

● BIRTH AND INFANCY

C2. A child's personality and way of relating to the world are each influenced by our experiences in the womb, how we are born, and how we are cared for after birth.

A fetus and mother already have a significant bonding and attachment relationship before birth. A fetus hears the mother's voice and other sounds in the outside world.

A child's sense of safety, security, and happiness depend directly upon how much parents are emotionally attached.

When pregnancy and childbirth become purely medical events, the natural process of emotional development and the relationship between parent and infant tends to be disrupted.

All infants need a lot of nurturing before birth and in the beginning of life. Meeting their basic needs for food, warmth, cuddling, rocking and affection at the beginning of life is crucial to their emotional and physical development.

We need to create day care situations that allows young children to have quality time and consistency from loving, skilled, responsible, highly paid caretakers.

C3. When it is impossible to give children parenting with their biological family, long-term quality substitute care shall be provided as soon as possible.

Every child deserves the chance to form a long-term secure, healthy relationship with at least one adult.

Substitute caretakers must offer the kind of support, love, consistency, and continuity to help the child recover from the loss of biological family.

When a birthparent or couple is able to provide love but lacks money or employment, the community needs to offer training programs and job placement to help keep the family together.

Relinquished biological siblings shall remain together as a unit, whenever possible, and remain in contact if they have to be separated.

Every effort must be made to place children within or maintain ties with their ethnic and

cultural community. However, no child should be in extended transitional placements and denied a long term relationship just because a cultural match is difficult to find.

● GROWING UP

C4. The most crucial parenting occurs in the first six years of a child's life. During this period of time the child develops a core personality and a fundamental sense of self separate from others.

There are many different styles of parenting which can work well. The crucial factors are experience, training and support in parenting, with an absence of intolerable stress.

Children need enough time with and attention from parents to feel a sense of value and belonging within their family. Avoiding time with children only increases a child's demands and feelings of insecurity, making parenting truly more difficult.

Warm physical and verbal contact touches unmet needs, and helps to lessen pain, frustration, and anger.

Children also innately model themselves after the adults who raise them.

Every stage of development is built upon a prior stage. Meeting children's needs in the first six years of life is one of the surest ways to prevent anti-social or self-destructive behavior.

C5. Children of every age do best when they have many hours a day in the presence of parents and other attentive, caring adults.

School age children can manage well in the external world if they can come back to their parents several times a day to share what has happened.

Adults need to make sure that children are provided with physical activity, appropriate limits, learning experiences, and unstructured time for fantasy play.

Most children, under the age of 11, are not ready to be left alone without adult supervision nearby.

From a positive beginning, children naturally become more able to be happy, generous, creative, eager to learn, self protective and resilient from adverse circumstances.

We teach our children to assume more personal and family responsibilities each year in helping parents to maintain family life.

C6. Children must be allowed to express the signals from their bodies that tell them what is needed for them to be physically healthy in terms of food, water, rest, activity and medical care.

Sometimes children crave a particular food, rest or activity needed for growth. We can honor these requests and compliment children for knowing what they need.

If we allow children to go hungry, become over-tired or over-stimulated we may need to help them to read these natural signals.

C7. Children need nutritious foods. When adults make such foods available in a balanced diet, children will usually select and eat the right amount for their bodies to be healthy and a normal weight.

It is unfair to entice children towards non-nutritional foods by packaging them with free toys and/or loading food with artificial flavors, colors, and excessive sugars, fat, and salt.

Sharing home cooked food together without distraction of electronic media can provide leisurely conversational time.

C8. For the most part, children will naturally respond well unless something is troubling them physically or psychologically. When children misbehave, there is a reason.

We can ask disruptive children what is troubling them before resorting to discipline.

A child who behaves poorly continually, needs parents to reach out to other parents, books or mental health professionals. We need to discover what is wrong and provide corrective measures.

● BEING EDUCATED

C9. We educate our children best when it conforms to the way children naturally grow and learn.

There is a wide range of differences in normal learning for children. These variations need to be noncompetitively respected and accommodated.

We must be careful not to push our children academically well beyond their developmental level especially to bolster our own pride. Children who are pushed lose the chance to act in accordance with their own age level and often suffer burnout.

Schooling should include academic, social and interpersonal learning. Therefore education must be given to children in small enough classes and schools so that children can have a personal identity, feel a sense of community, and be known by other children, teachers, and staff.

Education includes learning to use all parts of the brain including intuition, creativity and inspiration as well as logical thinking.

C10. Parents and teachers will serve our children best if we teach them how to respect their own feelings, questions, and conclusions rather than blindly following adult directions.

We can model living by understanding and respecting our own feelings and mistakes, taking responsible care of ourselves, and sharing how we do this with our children.

Generally children learn little when they are forced to act against their will. We can instead advise and help children figure out what they really want or need to do. We can let them make some mistakes and learn from the natural consequences of their actions.

We help our children by letting them figure out how to acquire something rather than giving them everything they want.

C11. The education of all children includes ongoing moral and ethical development, appropriate to each age level.

Everyone in the community (parents, extended family, teachers and religious, and cultural institutions) hold the responsibility for contributing to a child's moral and ethical development. This training includes learning to appreciate different religious and spiritual traditions.

Adolescents are especially in need of some spiritual direction at a time when they are trying to separate from parental guidance. Many adolescents find it helpful to develop a relationship with either their higher inner self or some form of higher power external to themselves, which many people call God.

Moral, ethical and spiritual direction helps individuals to discover meaning in life and purpose in the community.

C12. All children, like adults, enjoy heightened states of awareness.

Children can reach this state in solitary play, mastering a skill or performance, day-dreaming, praying in collective worship, listening to or performing artistically, being in nature, engaging in a physically demanding activity, volunteering help for others, and laughing during fits of silliness.

Children have a natural sense of wonder about how the world works. Children get a thrill of discovery when they learn something or solve a problem on their own.

We need to teach and support children in reaching these natural altered states of awareness

because they shift a child's perception, foster creativity, heighten learning, and provide a broader perspective.

Higher consciousness becomes a natural protection against the use of chemical substance abuse.

C13. It is natural and normal for children to notice physical differences between individuals at a very young age. This is healthy observation, not racism. Racism is comprised of negative judgments towards differences generalized to entire groups of people of different race, color, creed or life style. Racism is gleaned from each other in the absence of adequate cultural education.

Prejudice means to "prejudge" an individual in the absence of contact, dialogue or observation.

Racism is usually learned very early in childhood and runs so deep in our culture that many of us are not aware that we are passing it on to our children.

In a culture full of diversity, it is crucial that every one learn to cultivate a respectful appreciation for the differences among people. Therefore, the community needs to provide educational experiences and resources to conquer racism in adults and children.

● CONNECTING WITH LIFE EXPERIENCES

C14. Children thrive when they can have an ongoing relationship with nature.

Nature is a superb guide. It offers a model of balance, beauty, interdependence, cooperation, fitness for survival, patience, as well as wildness, and raw power. Through observing and engaging with nature, without harming it, we learn humility and respect for the necessary unending process of creation to death.

Children find solace from time spent in direct contact with flowers, animals, forests, mountains, and bodies of water. Exploring nature - getting dirty and skinning knees - is as important to a child as learning to read.

Caring for plants and animals teaches gentleness and responsibility and allows children to feel valuable.

Children need to feel contact with nature in order to understand the need to care responsibly for our planet.

C15. Sports and recreation can provide physical exercise, belonging, cooperation, and the challenge of personal excellence.

Participation in sports and recreation with other children and caring adults augments what families can provide.

The word "compete" means to "seek together." Opponents can be peers, not enemies, challenging us to bring out our personal best.

Like imaginative play, the act of mastering physical pursuits can be so completely absorbing that feelings of inadequacy are replaced with peak moments of mastery, joy and confidence.

C16. Children's imagination is essential to their development. It needs to be kept alive and vital.

Imaginary play is child's work. Children need ample opportunity and props, alone and with other children, to engage in fantasy play.

Children thrive on exposure to all forms of creativity. This includes music, dance, poetry, theater, drawing, painting, sculpture, pottery, photography and film making.

Children feel a sense of power, excitement and challenge with electronic media. However,

since it has such a high degree of stimulation, immediate reward, and overrides our brains natural ability to create inner imagery, children can lose the ability to be imaginative and patient with longer term creative projects.

Educational computer software can enhance learning. However, it is essential that electronic media not be substituted for teachers, books, or conversations.

Modern forms of electronic media - including toys, movies, television, and computer games and internet - should be presented to children only for short periods of time. Those that are interactive, non-violent, constructive, nonaddictive and non-mesmerizing are preferred.

Children who are addicted to computer games, like any addict, are very skilled at getting adults to support their craving.

It is tempting for adults to use electronic media as a babysitter or as a routine reward for children. However, it is best used sparingly as it is an isolating activity. Electronic media that produces "information underload" - a narrow, repetitive band of negative information - has no value for children.

● PERMISSIONS FOR CHILDREN

C17. Children need to feel in charge of their own bodies. They should not have to endure physical or sexual abuse.

Children are naturally sensual, curious and have sexual feelings from a very young age. However, they are not seeking sexual gratification from adults. A child is harmed by sexual experiences with adolescents and adults.

Children naturally know when their body is being invaded with physical or sexual abuse. However, they often become confused by contradictory verbal messages of feigned love, or threat from their abuser. This confusion makes it impossible for them to naturally protect themselves.

Sexual abuse may cause negative hormonal, pubertal, and neuroendocrine physiological changes. Sometimes the damage causes infertility.

Physical abuse might stop a child from doing something wrong. However, it is always an ineffective way to communicate because it models violence, injures, causes pain and severely lowers a child's self esteem.

When abuse is occurring, there is always unequal power between an adolescents or adult and a child. The child loses free choice with such a power imbalance.

We must give children clear permission and the necessary information to defend their bodies when confronted with physical or sexual abuse.

C18. Children need access to extended family and community resources when they are unhappy, or in physical pain due to neglect, abuse, or strife within the family.

Communities can create their own compassionate, integrated system of physical and psychological care. Children and adults may come in for constructive help whenever there is obvious trouble. Support will be offered before resorting to reprisal or isolation of any family member.

Children should not be left alone for extended periods or given excessive responsibility for the care of younger siblings.

C19. Taking risks is a natural, and essential part of growing up.

Children and adolescents go through stages of being naturally cautious and also naturally fearless.

Risk-taking can be supported as long as children are not in danger of being seriously harmed

and are in a reasonably safe environment where they can learn the natural consequences of their actions.

Children must have the chance to make mistakes as well as to succeed. The seeds of success often spring from setbacks. Success is truly appreciated only when failure has been experienced.

C20. Children shall be granted all of their childhood and adolescence so that they can develop fully.

Childhood and adolescence involves taking increasing responsibility for one's self and the community. Every age brings appropriate opportunities for growth and maturity.

Children must not be forced to act grown-up before their time. Nor should children have to curtail their own development in order to take care of any adult's psychological needs. When adults are addicted, unintentionally neglect, overprotect, overindulge, abuse, or sabotage our children, we interfere with our child's natural development.

Every child needs to be recognized as a separate human being with their own personal boundaries. It is unfair to treat any child as an extension of an adult; children should not be asked to behave or perform for the purpose of bolstering their parent's self esteem. This robs children of the expression of their own desires, goals, and unique personality.

C21 "Special needs" and "high needs" children require extra, specialized physical and psychological attention and consideration from family and community for these children to be able to thrive.

Many children need specialized attention. These include children with learning disabilities, hyperactivity, physical and mental disabilities or injuries. Some children remain "special" while others need special help only for a period of time.

Even at birth, some babies are "high needs." These babies may exhibit a greater vulnerability physically or psychologically and are often very demanding. This kind of baby requires an extraordinary amount of comforting, rocking and close affectionate contact in order to feel secure. When special attention is given, the baby is more likely to develop normally.

Other children become "high needs" individuals due to adversity later on. They includes children who have endured divorce, abuse, neglect, foster placement, lengthy hospitalization, adoption, poverty, hopelessness, and parental addiction. They too need more close physical contact, soothing, as well as consistency, and clear limits in order to feel at ease and a have sense of belonging.

Psychological and physical services should be a normal and natural part of the whole support system for these children, and their families.

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001. resume	Curriculum Vitae of Dorothea s. McArthur, PhD (partial) (1 page)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
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OA/Box Number: 12631

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Letters - No Response Necessary

2013-0359-S

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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EDUCATION:

B.A. - English, University of Rochester, NY. 1961-1965.

M.A.T. - Applied Sculpture, Rhode Island School of Design, RI.
1966-1967.

M.Ed. - Counseling Psychology, University of California at Santa Barbara.
1970-1972.

Ph.D. - Clinical Psychology, California School of Professional Psychology,
Los Angeles. 1973-1976.

Dissertation: A Comparison of the Stimulus Influence of Three Thematic Projective
Techniques with Children.

LICENSURE: Psychologist. State of California, License Psy5301

PROFESSIONAL CERTIFICATIONS:

Diplomate in Clinical Psychology, American Board of Professional Psychology, 1982

Listed in National Register, 1980 -

Disaster Response Team; Red Cross Certified. 1990.

Divorce Mediation Skills: Certified by Pepperdine University School of Law. 1994.

Qualified Member: Women's Referral Service. 1994

AWARDS AND HONORS:

Certificates of Continuing Education, (1978-1980. 1980-1983)

Verdugo Mental Health; Award for Dedication and Excellence in Therapy, Assessment,
Training, Research and Supervision.

Red Cross for Dedication in Los Angeles Civil Disturbance, 1992, Burlington Fire, 1993.

Meritorious and Dedicated Service Award (1992 and 1993) American Board of
Professional Psychology

American Psychological Association (1992) Letter for Commendation for Outstanding
Service during Los Angeles Riots

Distinguished Humanitarian Contribution (1993) California Psychological Association.

CURRENT EMPLOYMENT:

Private Practice, Los Angeles, CA - 1978 - present Brief Focused to long term psychotherapy with children, adolescents, adults, families, and couples.

Specializations:

Critical Incidence Stress Debriefing,
Crisis Intervention,
Sexual, physical and psychological abuse,
Working with difficult family-of-origin,
Developing lasting relationships,
Play therapy and parenting,
Adoption,
Physical illness.

PROFESSIONAL EXPERIENCE:

Social Advocates for Youth, Santa Barbara, CA - Counselor, 1972-1973

Verdugo Mental Health Center, Glendale, CA- Clinical Psychology Intern, 1973-1974

Private Practice of Stephen D. Lee, PhD, Santa Barbara, CA - Psychological Assistant, 1973-1977

Resthaven Community Mental Health Center, Los Angeles, CA - Clinical Psychology Intern, 1974-1975

Didi Hirsch Community Mental Health Center, Culver City, CA - APA approved placement. Clinical Psychology Intern, 1975-1976

Academic Appointment, California School of Professional Psychology, Los Angeles, CA 1979-1980

Adjunct Clinical Faculty, California School of Professional Psychology, Los Angeles, CA Supervisor, 1982-1983

Verdugo Mental Health Center, Glendale, CA - Coordinator of Adult Services, 1976-1982, Coordinator of Training, 1982-1983

ORGANIZATIONAL AFFILIATIONS:

Member - American Psychological Association Division of Clinical Psychology 1978-present

Member - California Psychological Association, 1978-1996

American Board of Professional Psychology, National Board of Trustees, Term: 1987-1993

Chairperson: Clinical Specialty Council, 1987-1992

Chairperson: Credentials Review Committee 1987-1992

Chairperson: Appeals Committee, 1992-1993

Chairperson: Transitional American Board of Clinical Psychology, 1992-1993

Examiner: 1982 to present

American Board of Professional Psychology, Western Regional Board, 1984-1992

Independent Psychotherapy Network, Inc. 1993-present, Founder and President

COMMUNITY PROFESSIONAL ACTIVITY

Home for Battered Women, Pasadena Ca. Advisory Board, 1983-1984

Wellness Community, Pasadena, CA, Advisory Board 1990-1992

Pasadena Chorale, Pasadena, CA, Advisory Board 1987-1988

Cambridge Singers, Los Angeles, CA. Advisory Board, 1991-1992

Consultant, Law Practice of William Handel, Surrogate Parenting. 1983-1985

Supervisor, Outreach Concerns, 1995- present

PUBLICATIONS:

McArthur, D. (1982) **Manual for the Roberts Apperception Test.** Los Angeles, Western Psychological Services. (118 pages).

McArthur, D. (1988) **Birth of A Self in Adulthood.** Northvale, New Jersey: Jason Aronson.

McArthur, D. (1989) Chapter 10: "Contemporary Adoption, A Cooperative Enterprise."
In: Joan Offerman-Zuckerberg, (Ed.) **Gender in Transition: A New Frontier.**
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McArthur, D. Bach, G. and Maurer, C. (1992) **Revised Clinical Diplomate Oral Examination: Examinee Manual.** Columbia, MO: American Board of Professional Psychology.

McArthur, D. **The Changing Nature of Adoption.** near completion.

WORKSHOP OR PRESENTATIONS:

BORDERLINE PATIENT:

University of Southern California- Counseling Center, 1988, 1989

University of Southern California- School of Social Work, 1992

9th and 10th Annual Mental Health Conference; Pasadena Mental Health; Pasadena, CA, 1987, 1988

Verdugo Mental Health Center, Glendale, CA, 1989

California School of Professional Psychology, Los Angeles, CA, 1991

American Board of Professional Psychology Post Graduate Institute, Oregon; 1988

University of Texas, Austin, TX, 1988

Parenting Resources, Tustin, CA, 1992

Kaiser Permanente, Montclair, CA, 1993

Glendale Area Mental Health Professionals Association, Glendale 1997

ADOPTION:

10th Annual Mental Health Conference, Pasadena Mental Health, Pasadena, CA, 1988

American Adoption Congress, Anaheim, CA, 1991

Parenting Resources, Tustin, CA, 1990

Vidmar and Associates, 1991

Glendale Area Mental Health Professionals Association, 1995

CRISIS INTERVENTION SEMINAR:

Verdugo Mental Health Center, 1978, 1979, 1980, 1981

Kaiser Permanente, Montclair, 1992

SHORT TERM PSYCHOTHERAPY:

Verdugo Mental Health Center, 1982

ON BECOMING A DIPLOMATE:

California State University, Northridge, 1982, 1983

MANAGED CARE AND PSYCHOTHERAPY

Glendale Area Mental Health Professionals Association, 1993

Marriage, Family and Child Alumnae Association. Pacific Oaks. 1994

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002. letter	To Hillary Clinton from Erika Brockmann Quiroga - 8 U.S.C. 1202 (f) (2 pages)	03/1997	P3/b(3), b(6)
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Clinton Presidential Records
First Lady's Office
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Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



Dear Mrs Clinton:

We still remember your stay in our
country.

Want you to know that Bohemian Women
have had a first victory. Through the Political
Forum, The Congress passed a Law (Alternative
Action) to include a minimum of 30% of
women in Candidate's lists to the Congress.

We are aware of the new challenges we have
from now on, in order to strenght the real and
effective participation of women. Sincerely.
Yours
J. P. R.



**PLANNED PARENTHOOD AFFILIATES
MEDICAL DIRECTOR LETTERS on HR 1833**

updated September 13, 1996
total: 35

WESTERN REGION

Central California (Fresno, Bakersfield, Merced, Madera, Oakhurst)
Pasadena (CA)
New Mexico (3 letters)

COPIES TO MEMBERS:

Dooley, Martinez

NORTH ATLANTIC REGION

Maryland (only have a fax copy: original went directly to President)
Mercer Area (Trenton, Hamilton, Hightstown, NJ)
Suffolk County (NY)
Buffalo & Erie County (NY)

COPIES TO MEMBERS:

Greenwood, Specter, Zimmer

SOUTHERN REGION

Arkansas Vascular
North Central Florida (appears to be a copy)
Palm Beach & Treasure Coast Area (W Palm Beach, Belle Glade, Vero Beach, Lake Worth, Stuart FL)
Orange & Durham Counties (NC)
Eastern OK and Western AK (PA staff letter as well)
Central South Carolina
Memphis TN
Central Texas
Houston and SE Texas
Blue Ridge (Roanoke, Charlottesville, Blacksburg, VA) (2 letters)

COPIES TO MEMBERS:

Ford, Tanner, Johnston, Hastings, Foley, Wilson, Jackson-Lee, Green, Bentsen, Hefner, Clayton, Watt, Lambert Lincoln, Thornton

Medical
letters on
HR-1833

GREAT LAKES REGION

East Central Illinois (Champaign, Clinton, Effingham, Ottawa, Lincoln, Bloomington, Hoopeston)
(3 letters)

Springfield (IL)

Greater Iowa

Kansas

East Central Michigan

West Michigan

Tri-Rivers Missouri

Central Ohio (Columbus OH)

Greater Cleveland (Lakewood, Bedford, Cleveland, E Cleveland OH)

Mahoning Valley (OH) (2 letters, 19 others from non-MDs)

North Central Ohio (Mansfield, Galion, Wooster OH)

Summit, Portage, and Medina Cts (Akron, Norton, Kent, Ravenna, Medina OH)

COPIES TO MEMBERS:

C. Levin (twice), Abraham (twice), Simon, Moseley-Braun, Camp (twice), Barcia, Chrysler, Kildee, Kasich, Pryce, Hoekstra, Ehlers, Durbin, LaHood,

TO: Melanne

FROM: Diana

RE: Dr. Kizer's Request re February 22 California
Teleconference on Solutions to Handgun Violence against Youth

Dr. Ken Kizer is head of the California Wellness Foundation, and would love for the First Lady to speak briefly on their February 22 Teleconference about solutions to gun violence against children. They suggest she do the opening comments or whatever; it involves about 3 minutes of taped speaking time. Donna Shalala, Barbara Boxer, Maxine Waters, Bill Bradley, Lynn Woolsey, and Lucille Roybal-Allard are the national politicians who are participating. Here are materials about the conference participants and about the Foundation, which includes Faye Wattleton on the Board of Directors.

This will obviously make Ken Kizer very happy.

February 8, 1993

Senator Terry Sanford
2500 Auburn Street
Durham, North Carolina 27706

Dear Senator Sanford,

Thank you so much for sending along the invitation to the Duke University Medical Center health care conference. Academic health centers certainly can contribute to solving America's health care problems.

Mrs. Clinton is interested in exploring the possibility of attending the conference, or of sending a representative from the Health Care Reform Working Group. We will be forwarding Dr. Snyderman's request to the health care scheduling office and hope to act on it as soon as is practicable. Again, thank you for sending along the request.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

February 8, 1993

Mr. Thomas L. Mason
State Representative
House of Representatives
Salem, Oregon 97310

Dear Representative Mason,

Thank you for sending along your proposal and your article. Both will be valuable material for the Health Care Reform Working Group to review. It is important for us to get these sorts of perspectives from those of you in states where the health care reform debate is ongoing.

I will be forwarding your materials to John Hart, the Health Care Reform Working Group's liason in the Office of Intergovernmental Affairs. He will be focusing on input from state level officials in this vital issue.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

February 8, 1993

Senator Jim Duncan
Alaska State Senate
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Duncan,

Thank you so much for your interest in the Health Care Reform Working Group and for sending along a copy for your commission's final report. It is important for us to get these sorts of perspectives from those of you in states where the health care reform debate is ongoing.

I will forward your letter, including your generous offer of a contribution of your time, to John Hart, the Working Group's liason in the Office of Intergovernmental Affairs. He will be focusing on the concern of state level officials in this vital issue.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

February 8, 1993

Arthur S. Flemming
William L. Taylor
Citizens' Committee on Civil Rights
2000 M Street, N.W.
Suite 400
Washington, D.C. 20036

Dear Dr. Flemming and Mr. Taylor,

Thank you for sending a copy of "New Opportunities". The subject is one of great importance to the nation and of great interest to me. I applaud your efforts to continue to make progress on the status of civil rights in so many important policy areas. With best wishes.

Sincerely yours,

Hillary Rodham Clinton

February 9, 1993

Kurt Konietzko, Ph.D.
710 Main Street #3
Keene, New Hampshire 03431-4031

Dear Kurt,

I was delighted to hear from you again. I hope all is going well. As you requested, I have brought your resume to the attention of the personnel office.

Thanks for your good wishes. I hope your recent surgery went well.

Sincerely,

Hillary Rodham Clinton

February 9, 1993

Kurt Konietzko, Ph.D.
710 Main Street #3
Keene, New Hampshire 03431-4031

Dear Kurt,

I was delighted to hear from you again. I hope all is going well. As you know, I will do whatever is possible to bring your resume to the attention of the personnel office.

Thanks for your good wishes. I hope your recent surgery went well.

Sincerely,

Hillary Rodham Clinton

February 8, 1993

The Honorable Barbara Boxer
United States Senate
Washington D.C. 20510

Dear Senator Boxer,

I want to thank you for your participation in the meeting on health care reform arranged by the Majority Leader. Your collaboration in this endeavor gives me much confidence that we will succeed.

I appreciate your comments about women's and children's health needs. Your point that only thirty percent of women are covered by an employer-based health care system is one real example of why health care reform must be addressed this year.

I look forward to working with you. I hope you won't hesitate to give us the benefit of your advice.

Sincerely,

Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Zelayhar Hassanali
First Lady of Trinidad and Tobago

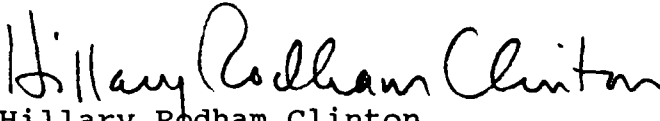
Dear Mrs. Hassanali,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,

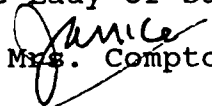

Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Janice Compton
First Lady of Saint Lucia

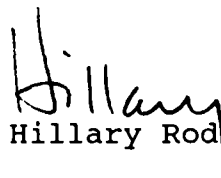
Dear  Mrs. Compton,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,



Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Janet Jagan
First Lady of Guyana

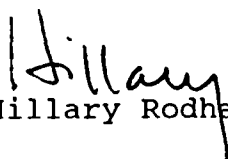
Dear Mrs. Jagan,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,

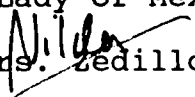

Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Nilda Velasco de Zedillo
First Lady of Mexico

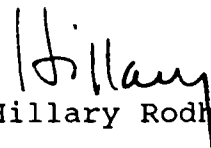
Dear Mrs.  Zedillo,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Ivy Sylvia Lucille Cooke
First Lady of Jamaica

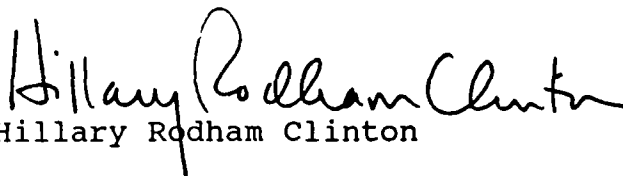
Dear Mrs. Cooke,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Josefina Villalobos de Durán Ballén
First Lady of Ecuador

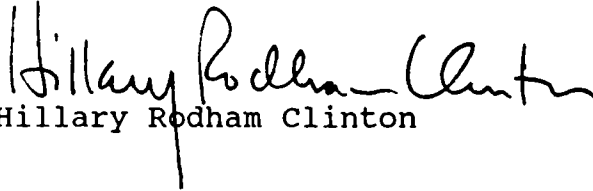
Dear Mrs. Durán Ballén,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. Your presentation on children's education was very informative and compelling. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Ximena I. de Sánchez de Lozada
First Lady of Bolivia

Dear Mrs. ~~Ximena~~ Sánchez de Lozada,

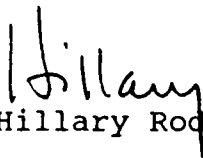
It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

The Secretariat for the Sixth Conference could be in no better hands than yours, and I look forward to hearing about plans for the next convening.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Liesbeth Venetiaan Vanenburg
First Lady of Suriname

Dear Mrs. Vanenburg,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Aline Chrétien
First Lady of Canada

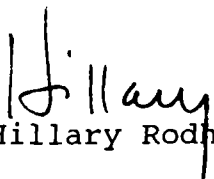
Dear Mrs. ^{Aline} Chrétien,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

Bravo on your bravery!

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Josette Altmann de Figueres
First Lady of Costa Rica

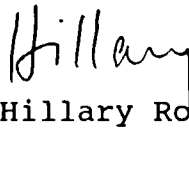
Dear Mrs. Figueres,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,

A handwritten signature in cursive script, reading "Hillary", with a long vertical line extending downwards from the end of the signature.

Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Marta Larraechea de Frei
First Lady of Chile

~~Marta~~
Dear Mrs. Frei,

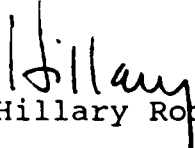
Thank you very much for your warm hospitality during my visit to Chile. It was wonderful to spend so much time with you and learn about the important work you are doing for the people of Chile. I especially enjoyed the luncheon you hosted for me at La Moneda.

It was also a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. I read your presentation on "Education and Training for Women" with great interest. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards to you and your family and gratitude for all you did to make my visit so special, I am,

Sincerely yours,

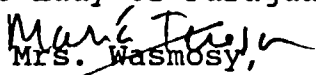

Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. María Teresa Carrasco de Wasmosy
First Lady of Paraguay

Dear  Mrs. Wasmosy,

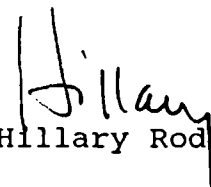
You have great reason to be proud of the Fifth Conference of Wives of Heads of State and Government of the Americas. I know what hard work was behind the flawless running of the event. I was delighted to be able to participate. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. We have so much to learn from one another, and I look forward to continuing to work together.

Congratulations again on a wonderful conference. I am so pleased with the Paraguay declaration, which commits us to continuing our work on behalf of the health and education of women and children throughout the hemisphere.

With warm regards and gratitude for your warm hospitality, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Eugenia Morales de León Carpio
First Lady of Guatemala

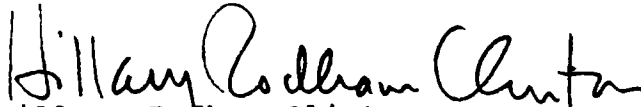
Dear Mrs. León Carpio,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. Your presentation on measles elimination and children's immunizations was very informative and a useful example for all of us. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Dora Boyd de Pérez Balladares
First Lady of The Republic of Panama

Dora
Dear Mrs. Pérez Balladares,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. Your presentation on measles elimination and children's immunizations was very informative and a useful example for all of us. We have so much to learn from one another, and I look forward to continuing to work together.

Thank you also for your thoughtful expression of support for my remarks at the United Nations Fourth World Conference on Women.

With warm regards, I am,

Sincerely yours,

Hillary
Hillary Rodham Clinton

THE WHITE HOUSE

WASHINGTON

November 21, 1995

Mrs. Bessie Watson de Reina
First Lady of Honduras

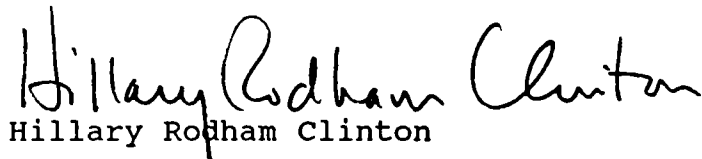
Dear Mrs. Reina,

It was a pleasure to see you in Asunción at the Fifth Conference of Wives of Heads of State and Government of the Americas and to participate with you in the discussions. I know we agree that the convening was important in highlighting the common challenges that we face in meeting the health and education needs of women and children in our hemisphere. The conference demonstrated that there is much we can do as First Ladies to help meet these challenges.

It was especially gratifying for me to learn more about the concrete ways that concerns are being addressed and model programs are being developed throughout our region. Your presentation on measles elimination and children's immunizations was very informative and a useful example for all of us. We have so much to learn from one another, and I look forward to continuing to work together.

With warm regards, I am,

Sincerely yours,


Hillary Rodham Clinton

THE WHITE HOUSE
WASHINGTON

November 20, 1995

Ambassador Thomas R. Pickering
United States Embassy
Moscow, Russia

Dear Ambassador Pickering,

Thank you very much for your note and for representing me at the official presentation of Bristol-Myers Squibb's donation of Phenyl-Free to the people of Russia. I was so pleased that Mrs. Yeltsin could join you. As you know, her concern for Russian children suffering from phenylketonuria prompted her intervention, and I am very gratified that we were able to do something to help alleviate the problem.

My gratitude to Alice and you for all you do and my warm personal regards to you both.

Sincerely yours,


Hillary Rodham Clinton



Embassy of the United States of America

Moscow, Russia

November 2, 1995

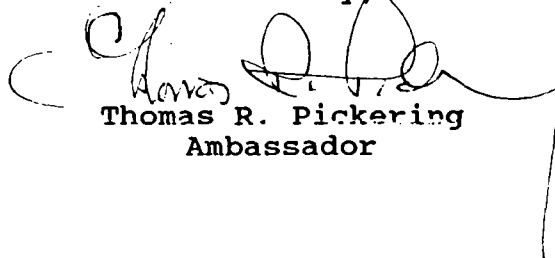
Dear Mrs. Clinton:

On Tuesday of this week I had the honor of attending the official presentation of Bristol-Myers Squibb's donation to Russia of the dietary supplement Phenyl-Free for children suffering from phenylketonuria. Mrs. Yeltsin attended the presentation, as well as Russian Deputy Minister of Health Kocherovets, Dr. Baikov of the Moscow and Russian Centers for Neonatal Screening, and Mr. John Knocklein of Bristol-Myers Squibb.

Mrs. Yeltsin sends to you her deepest thanks and warm good wishes. She was as usual gracious, clear, and concise in her public remarks, thanking the company and you personally for playing such an important role in the gift. She focussed especially on the need to help children and promised that the Phenyl-Free would be distributed all over Russia. She looked forward to Russia becoming self-sufficient in the production of pharmaceuticals of this type.

I am very pleased that I was able to attend the event and thank you very much for all you did to make it possible.

Sincerely,



Thomas R. Pickering
Ambassador

The First Lady,
The White House,
Washington, DC.