

Jose Cerda III
Domestic Policy Council
Box 1 of 2

Sex Offenders
Megan's Law
Victims' Rights
Victims
Violence Against Women Act
Domestic Violence
Gang Trafficking Net
White House Conference – Youth, Drugs and Violence
Juvenile Legislation
Anti-Gang and Youth Violence
Youth Crime Gun Interdiction Initiative
Juvi Conference
Methamphetamine – Miscellaneous
Federal Firearms Licensees
1989 Assaults Ban
1995 China Ban
California Assaults Ban
LCMMs (High Capacity Ammunition Clips)
NRA
Saturday Night Specials
Smart Guns
Chinese Munitions Ban
Imported Clips
Surplus Military
Curios and Relics
Indian Country Directive
Indian Law Enforcement Directive
International Crime Bill
Missing Children
Arms Trafficking Agreement

ENCLOSURES FILED OVERSIZE ATTACHMENTS

18930
2 boxes filed 12/20/2000 NANA 16134

MEMORANDUM FOR THE ATTORNEY GENERAL

✓THE SECRETARY OF DEFENSE

ALL FEDERAL LAW ENFORCEMENT AGENCIES

SUBJECT: Registration Of Federal and Military Sex Offenders

One of the most important duties of the government is to protect our children and others from sexual offenders. Law enforcement data show that, as a group, sex offenders are significantly more likely than other offenders to commit additional sex crimes. And a recent Justice Department report found that on any given day, 60%, or over 140,000 of the 234,000 convicted sex offenders under the care of corrections officials, are living in the community on either probation or parole. Recidivism by these offenders presents significant challenges to law enforcement in protecting children and others from sex crimes.

Among the most significant provisions in the 1994 Crime Act is the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. It promotes the establishment by States of effective registration systems for child molesters and other sexually violent offenders. In addition, I recently signed two major pieces of legislation that build upon the registration requirement. The first of these, "Megan's Law," requires States to make public relevant information about released child molesters and sexually violent offenders. The second, the "Pam Lychner Sexual Offender Tracking and Identification Act," refines and strengthens the earlier registration requirements.

In June of last year, I directed the Justice Department to develop a national sexual predator and child molester registration system -- a computerized system that would, for the first time, link together the sex offender registration and notification systems being developed in all 50 States. On February 23, 1997, an important first step occurred toward making that national registration system a reality, when the FBI's interim national sex offender registry became operational. The FBI has modified its existing Flash Program to allow arresting officers and others to identify immediately an individual as a convicted sex offender and indicate where that person is registered.

Much still needs to be done to make this system an effective tool in combatting and preventing sex crimes. The new national registry will only be as good as the quality of the information on sex offenders that it contains. We must forge a close partnership between the FBI, other federal agencies and state law enforcement agencies in ensuring that accurate and up-to-date information on the whereabouts of sex offenders is timely loaded into the system and available to those who need it.

A few states have already risen to this challenge and are loading their sex offender information into the national system. Other states are moving rapidly toward that objective. But, for the system to work, all states must work together. I have called upon every state to load its information on sex offenders into the national registration system as soon as possible.

At the same time, it is important that federal sex offenders be registered, including those released

from federal or military prisons, or placed on probation. The potential danger to the public from a released child molester or sexually violent offender whose whereabouts are unknown to the authorities is the same, regardless of whether the offender was convicted in a state, federal, or military court.

I am accordingly asking the Attorney General and the Secretary of Defense to maximize the use of current administrative options to ensure that: (1) federal and military authorities notify the appropriate state authorities concerning the release to their areas of federal and military sex offenders, (2) federal and military sex offenders are required to register in the states where they reside, and (3) complete and current information on released federal and military sex offenders will be included in the registries of the states where they reside and in the national sex offender registry. I am also asking the Attorney General and the Secretary of Defense to report, within 60 days, on any legislative changes that would be needed to realize these objectives fully and to allow the national sex offender registry to completely realize its important potential. Finally, I encourage federal and state cooperation with Indian tribes toward the inclusion of sex offenders who have been adjudicated through tribal justice systems.

[WILLIAM J. CLINTON]

Date: 05/05/97 Time: 18:30

MTrial begins of neighbor charged in death of 'Megan's Law' girl

TRENTON, N.J. (AP) The defendant's own confession and a bite mark little Megan Kanka left on his hand as she struggled for her life will prove he lured the girl into his home, raped and killed her, the prosecutor said today in opening statements.

And the girl's mother told jurors how police showed her pieces of Megan's clothing found in the the defendant's garbage.

Prosecutor Kathryn Flicker told the jury of the night of July 29, 1994, when Megan asked her neighbor if she could see his new puppy.

Defendant Jesse Timmendequas told the girl who became a symbol for victims of sexual predators freed from prisons she would have to come inside his house to see the dog, Ms. Flicker said.

"Unsuspecting, trusting, 7-year-old Megan walked into the defendant's house, unseen by any of the people who might have intervened. She would never walk out," Ms. Flicker said.

In the years since Megan's slaying, laws in her name have been passed around the country in efforts to see that people are notified about sexual predators living in their communities.

Timmendequas (pronounced ti-men'-de-kwas), who had two prior sex convictions, lived across the street from the Kanka family in suburban Hamilton Township. He is charged with murder, kidnapping and sexual assault. If convicted of the top count of murder, he could face the death penalty.

The first witness was Megan's mother, Maureen Kanka, who testified that at first she wasn't unduly concerned when she didn't see her daughter because "This is such a nice neighborhood."

Mrs. Kanka began crying as she told how police came to her door and showed her pieces of cloth found in Timmendequas' garbage.

"They were pieces of Megan's shorts," Mrs. Kanka said.

Ms. Flicker had told jurors that the discovery of the clothing prompted police to question Timmendequas, and that hours later he agreed to lead officers to the girl's body in a park.

Earlier, Timmendequas' lawyer, public defender Barbara R. Lependorf, had asked the jurors not to let their feelings color their view of the evidence.

"The death of a child is emotional. But you have to view this analytically not emotionally," she said in her opening statement.

She also said the jurors would have to judge the credibility of the prosecution's witnesses, many of whom are police.

"They are not infallible. They make mistakes," Ms. Lependorf said.

In her opening statement, Ms. Flicker told the jury that Timmendequas gave police an oral statement, a handwritten statement and finally a formal confession.

And she said said a forensic dentist would testify that a cut visible on Timmendequas' hand when he was being questioned was a bite mark.

"That dentist will tell you conclusively the wound on the defendant's palm came from Megan's lower front teeth," Ms. Flicker said.

The girl's death sparked outrage because neighbors were unaware a convicted sex offender was living in their midst. Mrs. Kanka campaigned for laws requiring neighbor notification when sex criminals move in.

Versions of "Megan's Law" were passed in New Jersey and

elsewhere and President Clinton last year signed a federal bill.
The laws have been challenged in state and federal courts.
APNP-05-05-97 1843EDT

Leanne A. Shimabukuro 07/09/97 07:22:45 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP

cc: Jose Cerda III/OPD/EOP

Subject: sex offender registry

At today's crime meeting, Rahm asked which states have been putting their data into the national sex offender registry. The six states are: **Arizona, Georgia, Oklahoma, South Carolina, Texas and Wyoming.**

Leanne A. Shimabukuro 07/29/97 04:48:47 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP
cc: Jose Cerda III/OPD/EOP
Subject: sex offenders

I spoke with Dina Sacco in OPD who gave me an update on the activities of the Center for Sex Offender Violence at DOJ:

August 9- releasing a brochure on the center

October 14/15th- Center meets with Board of Experts on selection of their "mentor" sites

November- Center members meet in AZ

If we wanted to make an announcement on managing sex offenders (like the Maricopa County example), we could tie it to one of these dates to highlight what the Justice Department/Administration is doing to help localities promote some of the more successful programs. Even if you don't want to link anything to the Center's schedule, we should certainly mention that it exists. Justice is willing to come up with some suggestions on how to spotlight the Center.

FYI: Rahm wants to do the federal and military sex offender directive and letter to Governors before the end of August.

Date: 07/01/97 Time: 19:29

SState releases computer database on sex criminals

SAN DIEGO (AP) A CD-ROM with detailed information on 64,000 sex offenders, made public Tuesday by a new California law, confirmed an old suspicion for one San Diego grandmother.

She typed the name of the stepfather of her four grandchildren into the computer at the sheriff's office and found that the man her former daughter-in-law married had been convicted three times of raping a girl under age 18.

"I said, 'What if he's a rapist?' and sure as hell, he was," said the grandmother, who declined to give her name. She said she and her son, who has custody, will use the information to wage a visitation battle with the mother over the three girls and a boy, all under age 10.

California's compilation of the CD-ROM is one the most aggressive attempts yet to keep people informed of sex offenders in their midst. It is part of the wave of state and federal laws that followed the 1994 murder of 7-year-old Megan Kanka by a repeat sex offender living in her neighborhood.

Civil libertarians and criminal defense lawyers who oppose the notification laws warn of the danger of vigilantism or harassment of sex offenders who have already paid their debt to society.

"People go berserk over this issue," said Elisabeth Semel, a San Diego attorney with the National Association of Criminal Defense Lawyers.

The CD-ROM lists the names and ZIP codes and in many cases includes photographs of 64,000 people in California who have committed a broad range of sex crimes since 1944. That irks Michael McGlinn, an attorney for two men who he says are rehabilitated and should not be part of the registry.

One is a 63-year-old gay man arrested in the 1950s for having oral sex with another sailor in a parked car, and a youth counselor convicted of having consensual sex with a teen-ager.

"I'm upset about California's Megan's Law," McGlinn said. "It's much too broad. It's ridiculous. At least in some other states, the notification requirements are a lot more selective and only apply to certain offenders."

Donald Balch, a father of a 4-year-old daughter and a 4-month-old boy, said he stopped by the sheriff's office Tuesday to look at the database because he doesn't think people can be too cautious when it comes to their kids.

"When I pulled up my ZIP code, there were 98 people on it," Balch said. "I was a little surprised." He said he also never would have guessed how "regular" the convicted sex offenders looked. He didn't recognize any.

Addresses are listed only for about 1,600 "high risk" offenders, who have two or more violent sex-crime convictions or one violent sex offense and at least two violent non-sex offenses.

California Attorney General Dan Lungren has acknowledged that the CD-ROM contains outdated or incomplete information on thousands of the sex offenders. About 40 percent of the state's convicted offenders have not registered, he said.

At least one lawsuit already has been filed to challenge the open-records policy as unfairly punishing those who already served their time.

Defense lawyers envision sex offenders' homes being picketed or their relatives embarrassed at work.

"The public is totally unsympathetic and disinterested in the

privacy rights of people convicted of sex crimes," Semel said.

"You're also exposing family members who are completely innocent and sometimes victims" Semel said. "It's not just a question of, 'I don't care about the privacy of this man. What about his wife and children? These people are connected, and you can seriously damage them by making this information public.'"

APNP-07-01-97 1945EDT

Date: 06/27/97 Time: 10:56

SCourt: Not all Kansas sex offenders have to disclose whereabouts

WASHINGTON (AP) The Supreme Court today refused to let Kansas publicly disclose the whereabouts of all sex offenders who are required to tell authorities whenever they move.

The court, without comment, let stand a Kansas Supreme Court ruling that said the disclosure rule cannot be applied to people whose crimes were committed before it took effect.

Today's action follows the high court's ruling earlier this week in another Kansas case involving sex offenders. The court ruled Monday that sexual predators judged to be dangerous though not mentally ill can be locked up even after they finish serving their sentences.

All 50 states and the federal government have some type of law requiring convicted sex offenders to register their whereabouts.

Most states require sex-offender registry information to be kept confidential. But some states provide public access to the information or require community notification of at least some offenders' locations.

The 1993 Kansas Sex Offender Registration Act required habitual sex offenders to register with local officials whenever they move. The information was to be kept confidential.

The law was amended in April 1994 to require anyone convicted of a sexually motivated offense to register. It also requires officials to make the information available to anyone who requests it.

The registration requirement continues 10 years after release for a first offender and 20 years for a repeat offender. A court can lift the requirement on a finding that the offender is rehabilitated.

The law was challenged by Kym E. Myers, who pleaded no contest in August 1994 to an aggravated sexual battery several years earlier of a 17-year-old girl.

He argued that because the law was enacted after his crime occurred, it amounted to an unlawful retroactive increase in punishment.

The Kansas Supreme Court ruled Myers must register with authorities but the information could not be made public.

The disclosure rule was an unlawful increase in punishment for people whose offenses occurred before April 1994, the state court said, adding that wide public availability of such information could lead to ``public stigma and ostracism.''

In the appeal acted on today, Kansas Attorney General Carla J. Stovall said courts have been divided on the proper legal standard for deciding whether such changes in law amount to retroactive punishment.

The case is Kansas vs. Myers, 96-823.

APNP-06-27-97 1112EDT

DRAFT

[Date]

[Address]

Dear Governor _____:

I write to seek your support for several important initiatives, all designed to utilize modern technology to improve the quality and flow of information among Federal and State law enforcement authorities.

New information-sharing technology holds much promise for linking together Federal and State law enforcement efforts in beneficial ways not thought possible even a few years ago. This technology allows Federal and State agencies to exchange and track critical data on criminal offenders and the crimes that they commit, as well as to compile that data into local, regional and national crime trends.

This information is invaluable to our law enforcement agencies and the citizens that they serve. Using computers, we now have the capacity:

- ° to track the whereabouts of convicted sex offenders to prevent them from committing new crimes against children and others.
- ° to record in incident-based crime reports descriptions of the modus operandi or victim of a crime, information that can assist police officers in solving related crimes more swiftly.
- ° to supply our Federal and state prosecutors and judges with complete and up-to-date criminal histories to ensure that convicted offenders receive appropriate punishment commensurate with their accumulated misdeeds.
- ° to track and identify national and local crime trends, allowing legislatures and law enforcement to target resources on emerging crimes and to develop effective crime reduction programs.

All these benefits -- and many more -- are potentially offered by information-sharing computer technology.

Beginning with the 1994 Crime Act and continuing through the recently-passed Pam Lychner Sexual Offender Tracking and Identification Act,, I have worked diligently with the Congress to pass landmark legislation designed to harness this new technology for the public good. Many of you played critical supportive roles in obtaining the passage of this legislation and I thank you again for that assistance. But, while these laws provide an important and necessary foundation for Federal and State cooperation, they represent but a starting point -- much still needs to be done. And that is why I write you today.

Realizing the full potential of this technology will require a continuing and close partnership between the States and the Federal government in developing compatible computer systems and timely loading accurate data into those systems. I cannot emphasize enough the point about timely loading accurate data -- the value of effectiveness of these new computer systems will only be as good as the accuracy and completeness of the data that they contain. Without this vital data, all the computer hardware in the world will not prevent a child from being harmed or lead to the arrest of a violent offender or to an appropriate lengthy sentence for a repeat offender. Only if this data is available when it is needed will the promise of the statutes that have been passed be realized and technology actually result in a safer America.

I am pleased to report that we have made much progress and are already working closely with officials in your state on many technological fronts. My hope is to intensify those efforts in the upcoming months. I am prepared to take concrete actions to do that, but need your help on the following initiatives:

National Sex Offender Registry. In June of 1996, I directed the Attorney General to develop a national sexual predator and child molester registration system -- a computer system that would, for the first time, link together the sex offender registration and notification systems being developed in all 50 states. Earlier this year, the FBI computers housing the interim national sex offender registry became operational. The Attorney General recently wrote you to enlist your assistance in ensuring that information on sex offenders possessed by your state is loaded into this interim national registry as soon as possible. I am informed by the Attorney General that nine states have already loaded their information onto the system and that many of you have written her back emphasizing your commitment to load your state's information into the sex offender registry within the next few months. I am grateful for any assistance you can provide in making this national sex offender registration system a reality, thereby greatly assisting our Federal and State law enforcement officers in protecting our children and others from sex offenders.

Today, I have taken steps to expand the national sex offender registry to cover convicted sex offenders being released from federal facilities. While the FBI's interim registry system currently has the technical capacity to allow federal agencies, such as the Bureau of Prisons and the military, to share information they have regarding the criminal histories of sex offenders convicted under various Federal laws, data from those agencies has not yet been loaded into the interim system. To correct this, I have today directed the applicable federal agencies to maximize the use of current options in registering federal sex offenders.

The Interstate Compact. In recent years, the Federal Bureau of Investigation has discussed with state representatives an Interstate and Federal-State Compact on the exchange of criminal history records. The Compact would allow the FBI to decentralize criminal history records and would establish a mechanism for developing rules regarding the exchange of criminal history records for background checks and other purposes not directly relating to arrests.

Decentralization will allow the FBI and State and local law enforcement to avoid transmitting and maintaining duplicate sets of fingerprints and other records. Instead, the FBI would maintain an index of criminal history information -- the Interstate Identification Index -- while the States would maintain the actual records which would be accessible nationwide through computers. A useful analogy is that of a card catalog -- the FBI would maintain the catalog and the States would house the actual libraries. This new system should improve access to more complete national records, while generating significant savings for the FBI and the States in terms of not processing and maintaining duplicate records.

The Compact would also create a Council made up of State and Federal representatives to establish rules for the exchange of criminal history records for purposes such as employment checks for child care workers, elder care providers, school bus drivers and nuclear facilities. Currently, not all state records are available for such purposes and this has led to some major problems. For example, under the current system, a convicted child molester from a state that does not make its criminal histories available for non-arrest purposes could become a day care worker in another State that conducts what it believes to be a nationwide background check. The Compact would lead to the development of standardized rules for accessing records that would prevent such situations.

I will soon be submitting the Compact to the Congress for approval to evidence the Federal government's commitment to this

process. I would hope that you would support passage of the Compact as it moves through your State legislature.

Criminal History Improvement. A number of recent Federal laws -- among them the Brady Handgun Violence Prevention Act, the National Child Protection Act of 1993, the Stalking and Domestic Violence Reduction provisions of the Violence Against Women Act and the National Instant Criminal Background Check System (NICS) -- are designed to assist states with automating their criminal history record systems and improving the accuracy, completeness, timeliness, and accessibility of those records. The availability of complete, accurate and immediately accessible criminal history records is vital for criminal investigations, prosecutorial charging, sentencing decisions, correctional supervision and background checks. Among other things, having such records will allow states to:

- ° more effectively track the movement of felons from state to state and have information on criminal histories when individuals previously convicted of felonies are rearrested or attempt to purchase firearms.
- ° ensure that persons responsible for child care, elder care, or care of the disabled do not have prior disqualifying convictions.
- ° ensure that persons subject to a domestic violence protective order or convicted of stalking are prohibited from purchasing guns.
- ° more easily identify criminal offenders subject to "three strike" laws.

These and other benefits of improving your criminal history records redound not only to your individual states and its local communities, but to all states, as well as the Federal government, by increasing the number of complete records that will eventually be available through the FBI's Interstate Identification Index. But, again, these benefits will be realized only to the extent that your state's records are accurate and accessible, particularly in reflecting the disposition of criminal cases.

I hope that I will have your personal support in this effort. For our part, the Federal government stands ready to provide assistance through the National Criminal History Improvement Program (NCHIP), administered by the Department of Justice's Bureau of Justice Statistics, which provides grants and other technical support to speed improvements in state criminal history records. To date, more than \$112 million has been awarded to states under the NCHIP program. This program will

The Honorable
Page 5

continue for several more years and has an authorized total funding of \$226 million. I hope that you will encourage your state to participate in this program.

Uniform Crime Reporting Program (UCR) and the National Incident-Based Reporting System. I also want to call to your attention other important criminal justice data systems where cooperation between the State and the Federal government is vital for our crime reduction programs. These include the FBI's Uniform Crime Reporting Program (UCR), which provides data that let us know our progress in reducing crime and are used by Congress and the Justice Department to allocate formula grants and other funds. The next generation of UCR, the National Incident-Based Reporting System (NIBRS), will usher in a new era of having a more accurate picture of crime at the state, local and national levels. NIBRS is particularly important because it provides information that is not typically captured in criminal histories -- whether, for example, a crime was a hate crime, an incident of domestic abuse or directed at a child. These key facts allow law enforcement not only to identify local, regional and national trends, but also can supply the missing clue that leads to the quick apprehension of a violent offender. The Justice Department is working with States, counties and cities to expand NIBRS and I hope that you will lend your support to this effort.

With your State's active participation, we cannot fail. I look forward to working with you to achieve our mutual goal -- using technology to provide a safer America for all our citizens.



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

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 8/7/97

TO: Jose Cerda

FACSIMILE NO. 456-7028

TELEPHONE NO. _____

FROM: Kent Markus

FACSIMILE NO. (202) 514-1724

TELEPHONE NO. (202) 514-2107

NUMBER OF PAGES INCLUDING COVER SHEET: 12

COMMENTS: _____



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

June 16, 1997

Outgoing

The Honorable Don Sundquist
Governor of Tennessee
Nashville, TN 37243-0001

Dear Governor Sundquist:

I write to enlist your assistance in the important endeavor to link federal and state law enforcement in an effort to protect our children and others from sex offenders.

As you know, one of the most significant provisions in the 1994 Crime Act was the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. It promotes the establishment by the states of effective registration systems for convicted child molesters and other sexually violent offenders. Two more recent laws have built upon this registration requirement: "Megan's Law," which requires public disclosure of relevant information about child molesters and sexually violent offenders who are released from prison or placed on probation, and the "Pam Lychner Sexual Offender Tracking and Identification Act," which refines and strengthens the earlier registration requirements.

In June 1996, President Clinton directed me to develop a national sexual predator and child molester registration system -- a computer system that would, for the first time, link together the sex offender registration and notification systems being developed in all 50 states. On February 23, 1997, an important first step occurred toward making that national registration system a reality, when the computers housing the FBI's interim national sex offender registry became operational. The FBI has modified its existing Flash Program to allow arresting officers and others to identify immediately an individual as a convicted sex offender and indicate where that person is registered. Because that new system is centralized, this information, once it is loaded onto the system, can be retrieved through a single search as opposed to 50 separate inquiries.

Of course, this new national registry will only be as good as the quality of the information on sex offenders that it contains. For the system to work, there must be a close partnership between federal agencies, such as the FBI, and state and local law enforcement agencies. We are already working closely with officials in your state to ensure that accurate and up-to-date information on the whereabouts of sex offenders is loaded into the system on a timely basis.

The Honorable Don Sundquist
Page 2.

I would greatly appreciate your assistance in ensuring that information on sex offenders possessed by your state is loaded into the interim national registry as soon as possible. We stand ready to work with you and assist you in this vitally important endeavor.

Should you have any questions or need further assistance regarding the national sexual predator and child molester registration system, please have your staff contact Venetia Sims of the Federal Bureau of Investigation, who may be reached at (304) 625-2747.

Working together, I know that we can make a difference in preventing sex crimes. I look forward to continuing the close partnership between federal and state law enforcement agencies in pursuing that common goal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Reno".

Janet Reno

343646
P**STATE OF TENNESSEE****DON SUNDQUIST**
GOVERNOR

July 1, 1997

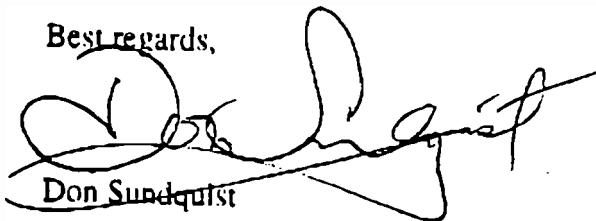
Honorable Janet Reno
Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear General Reno:

The State of Tennessee is proud to participate in the important endeavor of linking federal and state law enforcement in an effort to register and track child molesters and sexually violent offenders. The Tennessee Bureau of Investigation is the agency in our state that administers the sexual offender registration database. Over 2,000 of the 2,500 names in Tennessee's database are persons that meet the criteria required to be placed in the FBI's interim national sex offender registry. Tennessee currently participates in the interim solution for the electronic exchange of sex offender information by utilizing the transactions provided by the National Law Enforcement Telecommunications System (NLETS). In fact, Tennessee was one of the first states to implement this interim method for data exchange.

We are anxious to participate in the FBI's interim national registry by submitting sex offender data electronically via III using the newly implemented transactions provided by the FBI for this purpose. Staff members at TBI are currently involved in completing program changes necessary to implement this interim solution and it should be completed shortly. Our state intends to do everything in our power to provide the most accurate and timely data in order to aid the success of this very important project. We look forward to working together with federal law enforcement in pursuing the common goal of preventing sex crimes and protecting our children.

Best regards,


Don Sundquist

DS:LW:kml

BENJAMIN J. CAYETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

MARGERY S. BRONSTER
ATTORNEY GENERAL

JOHN W. ANDERSON
FIRST DEPUTY ATTORNEY GENERAL

July 15, 1997

The Honorable Janet Reno
U.S. Attorney General
Office of the Attorney General
Washington, D.C. 20530

Dear Attorney General Reno:

It is with great pleasure that I am able to share with you news of the passage of Act 316, 1997 Session Laws of Hawaii, which now implements an expanded program of sex offender registration in our State. This new law broadens our State's program and embraces the provisions of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and Megan's Law.

The Department of the Attorney General is now the state agency responsible for the registry and we are already working on a project to automate the registration information in order to have a system in place that can more effectively maintain and track the offenders who must now register for life. This will also allow us to address the reporting of this information to the Federal Bureau of Investigation on a more timely basis.

Hawaii will be represented at the National Conference on Sex Offender Registries later this month at Seattle, and we look forward to having the opportunity to share information and ideas with the Department of Justice and other states.

Very truly yours,

A handwritten signature in cursive script that reads "Margery S. Bronster".
Margery S. Bronster
Attorney General

2551044

STATE OF MARYLAND
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TDD (410) 333-3098

July 30, 1997

The Honorable Janet Reno
Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue NW, Room 4000
Washington DC 20530-0001

Dear Attorney General Reno:

Thank you for your letter concerning the development of a national sexual predator and child molester registration system. It is encouraging that the United States Department of Justice is working closely with state and local authorities to ensure the proper exchange of information on those who prey on our nation's children.

Maryland will ensure that the highest possible level of cooperation in the national sexual predator and child molester registry continues. To accomplish the coordination you have requested, I have directed a copy of your correspondence to the Office of the Secretary of the Department of Public Safety and Correctional Services, Bishop L. Robinson. Secretary Robinson is the coordinator of Maryland's sexual predator and child molester registration. His Department will continue to provide the information to the national registry as rapidly as possible.

Thank you again for your letter. We look forward to working with the Department of Justice to continue our commitment to this vital program.

Sincerely,

Parris N. Glendening
Governorcc: Secretary Bishop L. Robinson, Department of Public Safety
and Correctional Services

354157
P

GEORGE V. VOINOVICH
GOVERNOR

STATE OF OHIO
OFFICE OF THE GOVERNOR
COLUMBUS 43266-0601

July 7, 1997

The Honorable Janet Reno
Attorney General
Office of the Attorney General
Washington, DC 20530

Dear Attorney General Reno:

Thank you for your recent letter concerning the establishment of a national sexual predator and child molester registration system, and how Ohio can contribute to the efficacy of that system.

Ohio's "Megan's Law," which I signed on July 17th of 1996, set forth the requirements for registration, community notification, and verification of sexual predators who are released from Ohio prisons. The registration requirements took effect July 1, 1997, and Ohio's Bureau of Criminal Identification and Investigation is currently in the process of collecting and inputting data from various sources.

Please know, I am fully supportive of the implementation of a national tracking system. Indeed, I believe that without such a system each state's individual systems will be lacking. Ohio will cooperate fully in making that system the best it can be.

I understand Ohio Attorney General, Betty Montgomery, has been in contact with both the Justice Department and the FBI to establish appropriate contacts. Should you have further questions, it may be most efficient to contact Attorney General Montgomery's Office directly by writing (17th Floor Rhodes Tower, 30 East Broad Street, Columbus, Ohio 43215) or phoning (614) 644-5720.

Sincerely,

A handwritten signature in dark ink, appearing to read "George V. Voinovich", is written over a horizontal line.

George V. Voinovich
Governor

cc: Attorney General Betty Montgomery

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E

EXECUTIVE CHAMBERS

HONOLULU

BENJAMIN J. CAYETANO
GOVERNOR

July 17, 1997

The Honorable Janet Reno
U.S. Attorney General
Office of the Attorney General
Washington, D.C. 20530

Dear Attorney General Reno:

I am writing in response to your letter of June 16, 1997, requesting assistance at the state level with regard to convicted sex offenders. Act 316, 1997 Session Laws of Hawaii, became effective on July 1, 1997, and expands the existing program for the registration of convicted sex offenders in our State. This Act includes significant changes to the current State program by implementing provisions of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and Megan's Law.

Hawaii is committed to the timely and accurate capture of this vital information. Steps are currently being taken in this regard and for sharing with the appropriate federal agencies. We will be represented at the National Conference on Sex Offender Registries this month in Seattle which will provide a timely opportunity for federal and state agencies to share information and concerns relating to this very important program.

With warmest personal regards,

Aloha,


BENJAMIN J. CAYETANO

356898
E

Angus S. King, Jr.
Governor



Col. Alfred R. Skolfield
Commissioner

DEPARTMENT OF PUBLIC SAFETY

Telephone (207) 624-7074

July 21, 1997

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

Dear Attorney General Reno:

I am writing in response to your letter of June 16, 1997 concerning the Federal Bureau of Investigation's interim national sex offender registry.

The Maine State Police is responsible for maintaining a registry of those sex offenders that are required to register under Maine law. The State Police is also the control terminal agency and as such has responsibility for the interchange of information between Maine and the National Crime Information Center.

I intend to fully participate in the interim sex offender registry and have caused the necessary technical changes to be made to facilitate the transfer of the required information. It is my understanding that all registered Maine sex offenders will be entered into the FBI's interim national sex offender registry by July 31, 1997. After the initial data entry the State Police will work with the FBI to ensure that the data is kept current.

I believe that the interim national sex offender file is a step in the right direction. The timely interchange of information between local, county, state, and federal agencies is critical in preventing and investigating criminal activity.

Sincerely,

A handwritten signature in cursive script, reading "Alfred R. Skolfield".

COLONEL ALFRED R. SKOLFIELD
Commissioner

ARS:jb



STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD 62706

JIM EDGAR
GOVERNOR

July 21, 1997

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

Dear Attorney General Reno:

I would like to confirm Illinois' strong commitment to enhance public safety through the establishment of programs promoted by the 1994 Crime Act. Illinois has aggressively responded to the direction provided by the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Megans Law, and the Pam Lychner Sexual Offender Tracking and Identification Act. Working together, Illinois criminal justice agencies and public and private entities have developed an exemplary program that will successfully link local, state and federal law enforcement in a joint effort to combat crimes committed by sex offenders.

Information regarding sex offenders required to register in Illinois will be provided to the interim national registry no later than September 1, 1997. Additionally, the Illinois State Police has identified almost 1,100 sex offenders who have moved to other states. Information has been provided to each of the 42 states where these sex offenders have relocated.

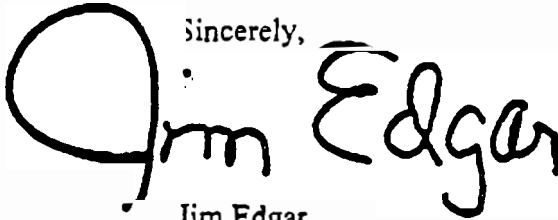
The Illinois State Police has committed significant resources to this very important effort. A staff assigned to program administration is assisted by officers specifically assigned to ensure registration, train local agencies and assist with sexual assault cases. Training has recently been provided to criminal justice agencies in all 102 Illinois counties regarding new federal requirements. Intelligence personnel utilize sex offender registration information to assist in the solving of crime.

Illinois is further taking positive steps to enact legislation in response to the guidance of the 1994 Crime Act. Illinois law will clearly detail the actions that must be taken by state and local law enforcement, therefore assuring statewide compliance with federal requirements.

Attorney General Janet Reno
Page 2
July 11, 1997

A close and effective partnership will help prevent sex crimes and solve offenses more quickly. I look forward to this cooperative venture and the benefits it will provide to our citizens.

Sincerely,

A handwritten signature in black ink that reads "Jim Edgar". The signature is written in a cursive, flowing style. The "J" is large and loops around the "i". The "m" is connected to the "E". The "d" is also connected to the "g". The "a" is a simple loop, and the "r" is a short vertical stroke.

Jim Edgar
GOVERNOR

JE:dak

354291
E



BUREAU OF CRIMINAL APPREHENSION

1246 University Avenue
St. Paul, Minnesota 55104-4197
612/642-0610

July 17, 1997

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

Dear Attorney General Reno:

In response to your letter to Governor Carlson dated June 16, 1997, I wish to take this opportunity to update you on the progress Minnesota is making in regard to the registration of sex offenders. The Minnesota Bureau of Criminal Apprehension is the state agency which is tasked with the responsibility of administering the sex offender registration law.

Minnesota has had a sex offender registration law in effect since 1991 which our staff is aggressively enforcing. When congress passed the Jacob Wetterling Act, Megan's Law and the Pam Lyncher Act, we asked our attorneys to review those acts and make any and all recommendations necessary to insure that our state statutes complied with federal requirements. Our registration laws have been updated and are very close to meeting those requirements. All that remains is to add to our statute that persons must register who have been convicted of soliciting minors to engage in prostitution, soliciting a minor to engage in sexual conduct, or false imprisonment of a minor. This should be addressed in a special legislative session this summer.

On January 1, 1997, Minnesota implemented a separate sex offender community notification law which meets federal guidelines as well. In addition, to facilitate the implementation of this law, our state Peace Officers Standards and Training Board, through extensive effort, has developed detailed guidelines for Minnesota law enforcement agencies to follow.

With regard to the National Sex Offender Registry, our state has been working diligently with NCIC staff to insure a smooth transfer of our sex offender registration data base to the national registry.

The Minnesota Bureau of Criminal Apprehension is on track with you. We fully support your efforts in these matters and you may be confident in our continued support.

Sincerely,

A handwritten signature in cursive script that reads "Nicholas V. O'Hara".

NICHOLAS V. O'HARA
SUPERINTENDENT

Total Pages: _____

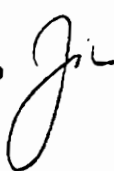
LRM ID: REJ203

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, July 24, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference
OMB CONTACT: Ronald E. Jones 
PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: JUSTICE Amendment(s) on HR1683 Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act 

DEADLINE: 4:00 PM Today. Thursday, July 24, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: DOJ would like to provide these amendments to House Judiciary Committee staff informally tomorrow, Friday, July 25th. If we do not hear from you by the 4:00 PM deadline, we will assume you have no objection to these proposed amendments.

DISTRIBUTION LIST

AGENCIES:

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Victoria Wassmer
Mary Jo Siclari

JUL-23-1997 20:03 TO:JOSE CERDA

FROM: JONES, R. E.

P. 2/12

Suzanne L. White

Timothy R. Fain

Andy Abrams

LRM ID: REJ203 SUBJECT: JUSTICE Amendment(s) on HR1683 Jacob Wetterling Crimes
Against Children and Sexually Violent Offenders Registration Improvements Act

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ronald E. Jones Phone: 395-3386 Fax: 395-3109
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

AMENDMENT CONCERNING FBI REGISTRATION

Insert at an appropriate place the following:

() FBI REGISTRATION. -- (1) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended --

(A) in subparagraph (A), by striking "each" and all that follows through "title;", and inserting "offenders convicted of offenses specified by State law; and";

(C) by amending subparagraph (B) to read as follows:

"(B) includes procedures for updating address information when a registrant changes residence during the period for which registration is required."; and

(D) by deleting subparagraphs (C) and (D).

(2) Section 170102(g)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(g)(3)) is amended by striking "with-" and all that follows through "(B)".

(3) Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

"(d) States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.".

EXPLANATION OF AMENDMENT CONCERNING FBI REGISTRATION

The amendment addresses an unintended consequence of provisions of the Lychner Act (in 42 U.S.C. 14072) which require direct registration by the FBI of released sex offenders from states that do not have "minimally sufficient" registration programs. The legislative history of the Lychner Act reflected an awareness by Congress that all 50 states had (or would soon have) some type of registration program for sex offenders, and it was assumed that these programs would all be "minimally sufficient" in the relevant sense. Hence, the provision for direct registration with the FBI was seen by Congress essentially as a back-stop or fail-safe measure.

However, experience has not borne out the underlying legislative assumption concerning state programs' satisfaction of the "minimally sufficient" definition. Under the definition of "minimally sufficient" which now appears in 42 U.S.C. 14072(a)(3), a state registration program would not qualify if, for example, there were slight variances in the offenses covered by the program from the list of offense categories in the Wetterling Act; or if the state had not yet come into compliance with the new requirement to transmit registration information to the FBI; or if the state did not have a periodic address verification procedure which was fully consistent with the verification provisions of the Wetterling Act. In light of these conditions, it appears that few, if any, state programs are "minimally sufficient" in the relevant sense at the present time. This will largely continue to be true even if the other changes to the Wetterling Act proposed in this bill are enacted, and it is unrealistic to assume that this situation will basically change by the time the Lychner Act provisions take effect in October of this year.

The practical consequence is that the FBI is likely to be responsible for direct registration of almost all sex offenders in the United States within a few months, if this problem under the Lychner Act provisions is not corrected. This consequence was clearly not intended by Congress, and if allowed to occur, would have a number of deleterious effects.

A first concern is the potential undermining of state responsibility with respect to sex offender registration. The incentive for states to upgrade their sex offender registration programs is reduced if the FBI will be responsible in any event for registering and tracking their offenders. Moreover, it is state and local agencies that have the most direct and substantial interest in monitoring released sex offenders in their jurisdictions, and that are best situated to provide effective oversight for such offenders and ensure the security of their local communities. Hence, public safety is promoted most effectively by maximizing the incentive for strong state sex offender registration programs, as opposed to having a direct federal registration system which may diminish that incentive.

- 2 -

A second concern is potential adverse effects on compliance by offenders with registration requirements. All state systems experience to some degree problems of non-compliance by released sex offenders with registration requirements, notwithstanding the sanctions that are imposed for violations. These problems of non-compliance would be increased by a dual system under which released offenders are required to register, report changes of address, and return periodic address verification forms to the FBI, as well as having to go through similar procedures with the registration authorities in the states where they reside. Faced with duplicative requirements of this type, it is likely that more offenders will decide to take their chances and not bother with any of it.

A third concern is the resulting administrative and investigative burdens on the FBI. The direct registration responsibilities under 42 U.S.C. 14072 would immediately engage the FBI in directly dealing with thousands of individual released sex offenders, including receiving initial registration information and subsequent change of address information, periodically verifying address, notifying state and local law enforcement officials concerning changes of address by registrants, and initiating investigations when registrants fail to provide the required information or do not comply with address verification procedures.

Paragraph (1) in the amendment addresses this problem by redefining the concept of a "minimally sufficient" state registration program under 42 U.S.C. 14072 to include all programs which require registration for specified categories of released sex offenders, and updating of address information on changes of residence. These basic elements of a sex offender registration program are probably satisfied by all existing programs in the states. Making the definition more flexible in this manner would conform the statutory criteria to Congress' understanding that all states would have programs deemed "minimally sufficient," and limit any FBI responsibilities for direct registration to the fail-safe function that Congress contemplated in enacting the Lychner Act. This change will help to realize the objectives of the Wetterling Act and the Lychner Act amendments by encouraging strong state-based registration programs, whose registration information will be available on a nationwide basis through the national sex offender registry operated by the FBI.

Paragraph (2) in the amendment makes a conforming change in 42 U.S.C. 14072(g)(3), which currently requires registrants from all states -- whether or not the states' programs are "minimally sufficient" -- to register directly with the FBI when moving from one state to another (as well as registering with the affected state). Since the updated information provided to the states can be made available on a nationwide basis through the states'

- 3 -

participation in the national sex offender registry, requiring registration directly with the FBI is essentially duplicative. The amendment in paragraph (2) accordingly deletes the requirement of direct registration with the FBI in these interstate situations. For the reasons discussed above, the optimum allocation of responsibility is for state and local authorities to deal directly with individual registrants, and for the FBI to make the information gathered under the state programs available on a nationwide basis through the operation of the national sex offender registry.

Paragraph (3) in the amendment provides, through cross-reference to other effective date provisions in the Lychner Act, that states have three years (subject to a possible two year extension) to establish minimally sufficient registration programs for purposes of the Lychner Act's direct registration requirements. This will provide adequate time to ensure that the registration programs of the 50 states are "minimally sufficient" under the revised definition proposed in paragraph (1), and time for D.C. and the larger territories -- which are treated as "states" for Wetterling/Lychner Act purposes -- to establish sex offender registration programs. This provides a further safeguard against the unnecessary assumption by the FBI of direct registration functions.

AMENDMENT CONCERNING SEXUALLY VIOLENT PREDATORS AND OFFENSE
COVERAGE

Amend page 2, line 15, through page 4, line 18, to read as follows:

"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS;
WAIVER. -- A determination whether a person is a sexually
violent predator for purposes of this section shall be made by a
court after considering the recommendation of a board composed of
experts in the behavior and treatment of sex offenders, victims'
rights advocates, and representatives of law enforcement
agencies. The Attorney General may waive the requirements of
this paragraph if the Attorney General determines that the state
has established alternative procedures for determining whether a
person is a sexually violent predator. The Attorney General may
also approve alternative measures of comparable or greater
effectiveness in protecting the public from unusually dangerous
or recidivistic sexual offenders in lieu of the specific measures
set forth in this section in relation to sexually violent
predators."; and

(3) in paragraph (3) --

(A) in subparagraph (A), by striking "that consists
of -" and inserting "in a range of offenses specified by State
law which is comparable to or which exceeds the following range
of offenses:"; and

(B) in subparagraph (B), by striking "that consists of" and
inserting "in a range of offenses specified by State law which is
comparable to or which exceeds the range of offenses encompassed
by".

EXPLANATION OF AMENDMENT CONCERNING SEXUALLY VIOLENT PREDATORS AND OFFENSE COVERAGE

The amendment enhances provisions of the bill concerning "sexually violent predators."

Currently, the Wetterling Act sets out a specific definition of "sexually violent predator," and provides that offenders who meet this definition are subject to heightened registration requirements. They are subject to lifetime registration, as opposed to the basic 10 year registration period under the Act, and they are subject to quarterly address verification, as opposed to the annual address verification for other registrants. The Wetterling Act (as amended by the Lychner Act) provides that the "sexually violent predator" determination is to be made by the sentencing court after receiving a report by a board composed of experts in the field of the behavior and treatment of sexual offenders, victims rights advocates, and representatives from law enforcement agencies.

The amendment preserves the Act's provisions regarding registration of sexually violent predators, but adopts two qualifications:

First, following a proposal in H.R. 1683 as originally introduced, the amendment allows the Attorney General to approve alternative procedures for making the "sexually violent predator" determination. This type of change is desirable, since alternative approaches may be equally effective in realizing the Act's objectives. For example, the constitution of boards including a mix of psychological experts, victims' representatives, and law enforcement personnel to make recommendations to a court concerning the sexually violent predator determination is not the only legitimate approach. While input from the perspective of law enforcement and victims is important, this input can be provided directly by the prosecutor and the victim at the sentencing hearing, as opposed to being merged in a joint report with experts conducting a psychological assessment of the offender.

Second, the amendment more broadly allows the Attorney General to approve registration programs which effectively protect the public from exceptionally dangerous sex offenders, even if they are not congruent in all respects with the Act's "sexually violent predator" definition and procedures. Few states currently follow the "sexually violent predator" approach in their registration systems. Many states have reported that it is particularly difficult to modify their systems to include judicial determinations of "sexually violent predator" status based on psychological assessments.

However, states can, and in some instances already do, incorporate other features in their systems which further similar objectives. For example: (1) Some state systems have

- 2 -

registration periods for broadly defined categories of sex offenders which are much longer than the basic 10 year registration period under the Wetterling Act. This may provide more protection for the public than heightened registration requirements limited to a relatively small class of offenders who would be classified as "sexually violent predators." (2) The Wetterling Act, as amended by the Lychner Act, now requires lifetime registration for all recidivists in the Wetterling Act offense categories, and for registrants who have been convicted of an "aggravated offense" (roughly speaking, a rape-type offense). It is likely that registrants who would be certified as "sexually violent predators" will fall within these (generally much broader) lifetime registration categories in any event, based on their criminal histories or the nature of their offenses. (3) The Wetterling Act guidelines already provide that determinations concerning "sexually violent predator" status are not required if a state imposes the heightened registration requirements on all offenders in the broader class of persons convicted of a "sexually violent offense." (4) Some states require civil commitment, lifetime supervision, or very long periods of imprisonment for sexually violent predators or generally broader classes of serious sex offenders.

The amendment would make it clear that alternative approaches like these can be approved as adequate substitutes for the specific approach to sexually violent predator registration described in the Act's provisions.

The amendment also makes a change in the language of the Wetterling Act relating to offenses for which registration is required. The specification of offenses in the Wetterling Act is generally designed to ensure comprehensive registration requirements for child molestation offenses, and for at least the most serious sexually assaultive crimes against adult victims (rape-type offenses). However, the degree of detail in the Act's offense categories makes state compliance difficult, since all states differ from the provisions of the Wetterling Act (and from each other) in the terminology and categorizations they use in defining sex offenses. Hence, a state could inadvertently find itself out of compliance with the Wetterling Act because the state's registration provisions were not exactly congruent with one of the Wetterling Act offense categories, even if the state program's offense coverage was much broader in other respects than that required by the Wetterling Act. The amendment creates greater flexibility on this point by providing, in effect, that a state program will be deemed in compliance if its offense coverage is "comparable to or . . . exceeds" the range of offenses which is described specifically in the Act.

AMENDMENT CONCERNING PROTECTED WITNESS REGISTRATION

Insert at an appropriate place the following:

() PROTECTED WITNESS REGISTRATION. -- Section 3521(b)(1) of title 18, United States Code, is amended by --

- (1) striking "and" at the end of subparagraph (G);
- (2) redesignating subparagraph (H) as subparagraph (I); and
- (3) inserting after paragraph (G) the following:

"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and".

EXPLANATION OF AMENDMENT CONCERNING PROTECTED WITNESSES

The amendment authorizes the Attorney General to provide appropriate oversight and tracking for protected witnesses who are subject to registration requirements, while protecting the security and confidentiality of the identities of such persons. For example, the Attorney General could provide, in relation to a protected witness, that the U.S. Marshals Service is to carry out some or all of the functions that would normally be carried out by a state registration agency.

Total Pages:

LRM ID: REJ169

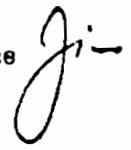
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, July 2, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference
OMB CONTACT: Ingrid M. Schroeder
PHONE: (202)395-3883 FAX: (202)395-3109

SUBJECT: DEFENSE Report on HR1683 Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act 

DEADLINE: Wednesday, July 9, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:
DISTRIBUTION LIST

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62-HHS - Sondra S. Wallace - (202) 690-7760

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Edward H. Chase
Maya A. Bernstein
Victoria Wassmer
Mary Jo Siclari
Suzanne L. White

JUL-02-1997 10:41 TO:JOSE CERDA

FROM:GAYMON, D.

P. 2/5

Timothy R. Fain
Richard J. Turman

LRM ID: REJ169 SUBJECT: DEFENSE Report on HR1683 Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Honorable Bill McCollum
Chairman,
Subcommittee on Crime
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 1683, 105th Congress on the "Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvement Act of 1997." The Department of Defense concurs with the views of the Department of Justice forwarded to you by separate letter and recommends several additional changes to strengthen application of the Bill to the military.

Subsection 2~~nd~~ (b)(7) of H.R. 1683 would require registration in every state in which an offender is employed or enrolled as a student for over 14 days or an aggregate of over 30 days in any year. Requiring service members to register in every state in which they might serve temporarily would be onerous and could adversely impact on military readiness. This provision raises problems for the military because service members will often not have the information and resources necessary to comply with state registration requirements for every state in which they might be temporarily assigned. Accordingly, we recommend adding a subparagraph to subsection 2(7)(A)(i) to read "serving pursuant to a permanent change of station orders" and modifying the definition of employment to clarify that service members are employed in a state only if they are present under permanent change of station orders.

subsection 170102 of the Violent Crime Control and Law Enforcement Act (VCCLEA)
The bill would amend ~~42 U.S.C. 14602~~ (g)(3) by adding paragraph C (III)(bb) stating that in the "case of a member whose permanent duty station is outside the United States, the State of registration will be the member's home of record (as determined under regulations as prescribed by the Secretary of the military department concerned)." "Home of record" is used to describe a location of entry into military service and may not accurately reflect actual or legal residence. Further, requiring military members assigned and living overseas to register in a state does not further the purposes behind the sex offender registration system. In some instances these registrations would only serve to confuse the state receiving the registration documents who might erroneously conclude that the member has an established connection with the state. Military members should be required to register with the state in which they return pursuant to permanent change of station orders.

proposed subsection 170102(g)(3)
The intent of the reference to possible prosecutions under the Uniform Code of Military Justice (UCMJ) as an effect of failure to comply stated in ~~Section 2~~ (C)(ii)(1) is unclear. Additional study and coordination should be undertaken before modifications to the UCMJ in this area are made. The Department recommends that this issue be referred to the Joint Services Committee on Military Justice for study and policy development.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

cc:

Honorable Charles Schumer
Ranking Democrat

[Date]

[Address]

Dear Governor _____ :

We have a ground breaking opportunity to work together to use new technology to link together our Federal and State law enforcement efforts in ways we never thought possible even a few years ago. Using this technology, we now have the capacity to:

- track the whereabouts of convicted sex offenders to prevent them from committing new crimes against new children and others;
- exchange criminal history records between states for employment checks on child care workers and bus drivers; and.
- use incident-based crime reports describing the modus operandi, or victim of a crime, helping police officers to solve a church arson case or capture a serial killer.

All these benefits -- and many more -- can be realized if we make effective use of computer technology now available which allows us to share vital criminal history information.

From the historic 1994 Crime Act through the Interstate Compact on Criminal History Records that I will submit to Congress next month, I have worked hard to pass legislation to harness this new technology for the public good. Many of you have played critical roles in fighting to pass this legislation, and I thank you again for that assistance. While these laws are an important foundation for Federal and State cooperation, much still needs to be done. And that is why I write to you today.

We must forge a close partnership between the Federal and State governments in order to realize the full potential of this technology. We must work together to make our computer systems compatible, and commit to load accurate and complete data in a timely fashion. I am prepared to take actions to intensify our Federal efforts in the coming months, but I will need your help in order to maximize our success on the following initiatives:

National Sex Offender Registry. In June of 1996, I directed the Attorney General to develop a national sexual predator and child molester registration system to link together the sex offender registration and notification systems being developed in all 50 states. The Interim national sex offender registry became

operational earlier this year. The Attorney General recently wrote to enlist your assistance and I am informed that nine states have already loaded their information onto the system, with many of you pledging to do so within the next few months. I am grateful for any assistance you can provide in making this national sex offender registration system a reality.

I am taking action to make our national registry even more complete. Today, I directed the Attorney General and Secretary of Defense to take steps to expand the national sex offender registry to cover convicted sex offenders being released from Federal and military facilities. While the Interim registry system has the technical capacity to allow Federal agencies to share the criminal histories of sex offenders convicted under Federal laws, such data has not yet been loaded into the Interim system. To correct this, I have today directed the applicable Federal agencies to maximize the use of the current options in registering Federal sex offenders.

The Interstate Compact. Next month, I will submit to Congress an Interstate and Federal-State Compact to facilitate the exchange of criminal history records. The Compact establishes an FBI index of state-maintained criminal history information which states could access nationwide through computers as well as the National Fingerprint File. In addition, the Compact would establish standardized policies on the exchange of such records for purposes such as employment checks for child care workers and bus drivers.

The Compact presents a valuable opportunity to both improve access to better criminal history records and save States and the Federal government money by avoiding the processing and maintenance of duplicate records. I hope I can count on your support of the Compact as it moves through your State legislature.

Criminal History Improvement. Many Federal laws -- including the Brady Handgun Violence Prevention Act, and the National Instant Criminal Background Check System (NICS) -- include provisions to help States automate and improve their criminal history records. Complete and immediately accessible criminal history records are absolutely vital during criminal investigations, sentencing, corrections, and for the completion of effective background checks.

The Department of Justice stands ready to provide assistance to States to accomplish this important goal through the National Criminal History Improvement Program (NCHIP). Through NCHIP, the Justice Department has already awarded more than \$112 million to States, with a total of \$226 million authorized. I urge your State to take full advantage of this program.

Uniform Crime Reporting Program (UCR) and the National Incident-Based Reporting System. As you know, the FBI's Uniform Crime Reporting Program

(UCR) provides data that helps track our progress in reducing crime. The next generation of UCR, the National Incident-Based Reporting System (NIBRS), will usher in a new era of crime data that can tell us whether, a crime was a hate crime, an incident of domestic abuse, or directed at a child. These key facts could help our law enforcement not only to identify local, and national trends, but also could supply missing clues that lead to the quick apprehension of violent offenders. The Justice Department is working with States, counties, and cities to expand NIBRS. I hope that you will lend your support to this effort.

With your State's active participation, we can make tremendous progress. I look forward to working with you to achieve our mutual goal -- using technology to provide a safer America for all our citizens.

Sincerely,

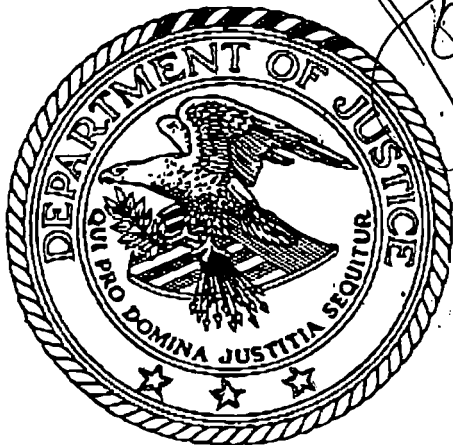
William J. Clinton



U.S. Department of Justice
Office of the Associate Attorney General

Deputy Associate Attorney General

Washington, D.C. 20530



FRANCIS M. ALLEGRA
DEPUTY ASSOCIATE
ATTORNEY GENERAL
OFFICE OF THE ASSOCIATE
ATTORNEY GENERAL
(202) 514-2987 (OFFICE)
(202) 307-3904 (FAX)

TO:

DATE: 8/19/97
JOSE CERDA / LEE ANN SHIMABUKURO

FAX NO:

456 - 7028

PHONE NO:

OF PAGES:

6

(INCLUDING COVER)

6-7871

COMMENTS:

**U.S. Department of Justice****Office of the Associate Attorney General**

Deputy Associate Attorney General

Washington, D.C. 20530

August 19, 1997

MEMORANDUM

TO: Jose Cerda
Leanne Shimabukuro
Domestic Policy Council

FROM: Fran Allegra 

SUBJECT: Revised Draft Letter on Technology for Law Enforcement

Kent Markus wanted me to pass along to you the accompanying revised draft. It incorporates recommended changes from the FBI and other relevant Justice components.

Please let me know if you need any additional information.

Attachment

DRAFT August 19, 1997 1:46pm

[Date]

[Address]

Dear Governor _____:

I write seeking your support for several major initiatives, all designed to use modern technology to improve the quality and flow of information among Federal and State law enforcement authorities.

New information-sharing technology holds much promise for linking together Federal and State law enforcement efforts in beneficial ways not thought possible even a few years ago. This technology allows Federal and State agencies to exchange, track and compile critical data on criminal offenders and the crimes that they commit. This information is invaluable to our law enforcement agencies and the citizens that they serve. For example, using computers, we now have the capacity:

- to track the whereabouts of convicted sex offenders to prevent them from committing new crimes against children.
- to use incident-based crime reports describing the modus operandi or characteristics of the victim of a crime to solve a church arson case or capture a serial killer.
- to supply Federal and State prosecutors and judges with up-to-date criminal histories so that individuals who have lived a life of crime, albeit in different States, can still receive an appropriate sentence.
- to track and identify local and national trends in juvenile crimes, allowing legislatures and law enforcement to target resources on emerging problems and to develop effective crime reduction programs.

All these benefits -- and countless more -- can be realized if we make effective use of available information-sharing computer technology.

Beginning with the 1994 Crime Act and continuing with the Interstate Compact on Criminal History Records that I am submitting to the Congress today, I have worked diligently to pass landmark legislation designed to harness this new technology

The Honorable
Page 2

for the public good. Many of you have played critical supportive roles in obtaining the passage of this legislation and I thank you again for that assistance. While these laws provide an important foundation for Federal and State cooperation, much still needs to be done. And that is why I write you today.

Realizing the potential of this technology requires an unprecedented partnership between the States and the Federal government in developing compatible computer systems and loading accurate data into those systems. I cannot emphasize enough the point about timely loading accurate data -- the value and effectiveness of these new computer systems will only be as good as the accuracy and completeness of the data that they contain. Without this vital data, all the computer hardware in the world will not prevent a child from being harmed or lead to the arrest of a violent offender. With this data, we can empower our law enforcement agencies and have a profound impact in making our neighborhoods safer for all Americans.

We have made progress and are already working closely with officials in your State on many technological fronts. My hope is to forge an even closer partnership between State and Federal efforts in the upcoming months. I am prepared to take concrete actions to demonstrate the Federal government's commitment to making these initiatives, but we need a cooperative effort. In particular, I need your help on the following initiatives:

National Sex Offender Registry. At my direction, the Attorney General has developed a national sexual predator and child molester registration system -- a computer system that would, for the first time, link together the sex offender registration and notification systems being developed in all 50 States. The Attorney General recently wrote you to enlist your assistance in ensuring that information on sex offenders possessed by your State is loaded into this national registry as soon as possible. I am informed by the Attorney General that nine States have already loaded their information and that, in recent weeks, many of you have responded to her emphasizing your commitment to load your State's information into the sex offender registry within the next few months. I am grateful for any assistance you can provide in making this national sex offender registration system a reality, thereby protecting our children and others from sex offenders.

Today, I have taken steps to expand the national sex offender registry to cover convicted sex offenders being released from federal facilities. Up until now, information from Federal agencies, such as the Bureau of Prisons and the military, regarding the criminal histories of sex offenders convicted under various Federal laws has not been loaded into the national registry. To correct this, I have today signed a directive

The Honorable
Page 3

ordering the applicable federal agencies to use all the tools at their disposal to maximize their use of current options in registering federal sex offenders.

The Interstate Compact. The FBI has been working with State representatives on an Interstate and Federal-State Compact on the exchange of criminal history records. The Compact would allow the FBI to decentralize the maintenance of criminal history records and would establish standardized policies regarding the exchange of criminal history records for background checks and other purposes.

Decentralization will allow the FBI and State and local law enforcement to avoid transmitting and maintaining duplicate sets of fingerprints and other records. Instead, the FBI would maintain an index of criminal history information, the Interstate Identification Index, as well as a national file of fingerprint impressions, the National Fingerprint File, while the States would maintain the actual records which would be accessible nationwide through computers. A useful analogy is that of a card catalog -- the FBI would maintain the catalog and the States would house the actual libraries. This new system should improve access to more complete national records, while generating considerable savings for the FBI and the States in terms of not processing and maintaining duplicate records.

The Compact also would create a council of State and Federal representatives to establish rules for the exchange of criminal history records for purposes such as employment checks for child care workers, elder care providers, school bus drivers and nuclear facilities. These rules will ensure that officers in your State will truly be able to perform "nationwide" background checks that reveal any criminal conduct relevant to the suitability of an individual to work with children, the elderly or in other sensitive positions.

I will soon be submitting the Compact to the Congress for approval and I hope the Congress will move swiftly to pass the necessary implementing legislation. I ask for your support as the Compact moves through your own State's legislature.

Criminal History Improvement. A number of recent Federal laws -- among them the Brady Handgun Violence Prevention Act, the National Child Protection Act, the Stalking and Domestic Violence Reduction provisions of the Violence Against Women Act and the National Instant Criminal Background Check System (NICS) -- include provisions to assist States with automating their criminal history record systems and improving the accuracy, completeness, timeliness, and accessibility of those records. Having this information is vital for criminal investigations, prosecutorial charging and sentencing decisions, correctional

The Honorable

Page 4

supervision and background checks. These records will allow States to:

- ° more effectively track the movement of felons from State to State and have information on criminal histories when individuals previously convicted of felonies are rearrested or attempt to purchase firearms.
- ° ensure that persons responsible for child care, elder care, or care of the disabled do not have prior disqualifying convictions.
- ° ensure that persons subject to a domestic violence protective order or convicted of stalking are prohibited from purchasing guns.
- ° more easily identify criminal offenders subject to "three strike" laws.

But, again, benefits like this will be realized only to the extent that your State's records are accurate and accessible, particularly in reflecting the disposition of criminal cases.

I hope that you will make a personal commitment to the success of this effort. For our part, the Federal government stands ready to provide assistance through the National Criminal History Improvement Program (NCHIP), administered by the Department of Justice's Bureau of Justice Statistics, which provides grants and other technical support to speed improvements in State criminal history records. To date, more than \$112 million has been awarded to States under the NCHIP program. This program will continue for several more years and has an authorized total funding of \$226 million. I hope that you will encourage your State to participate in this program.

Uniform Crime Reporting Program (UCR) and the National Incident-Based Reporting System. Finally, I want to call to your attention other important criminal justice data systems where cooperation between the States and the Federal government is vital. These include the FBI's Uniform Crime Reporting Program (UCR), which provides data that let us know our progress in reducing crime and are used by Congress and the Justice Department to allocate formula grants and other funds. The next generation of UCR, the National Incident-Based Reporting System (NIBRS), will usher in a new era of having a more accurate picture of crime at the State, local and national levels. NIBRS is particularly important because it provides information that is not typically captured in criminal histories -- whether, for example, a crime was a hate crime, an incident of domestic abuse or directed at a child. These key facts allow law enforcement not only to identify local, regional and national trends, but

The Honorable

Page 5

also can supply missing clues that lead to the quick apprehension of violent offenders. The Justice Department is working with States, counties and cities to expand NIBRS and I hope that you will lend your voice to this effort.

With your State's active participation in these technological initiatives, we cannot fail. I look forward to working closely with you to achieve our mutual goal -- using technology to provide a safer America for all our citizens.

[Appropriate Closing],

Bill Clinton

DRAFT

[Date]

[Address]

Dear Governor _____:

I write to seek your support for several important initiatives, all designed to utilize modern technology to improve the quality and flow of information among Federal and State law enforcement authorities.

New information-sharing technology holds much promise for linking together Federal and State law enforcement efforts in beneficial ways not thought possible even a few years ago. This technology allows Federal and State agencies to exchange and track critical data on criminal offenders and the crimes that they commit, as well as to compile that data into local, regional and national crime trends.

This information is invaluable to our law enforcement agencies and the citizens that they serve. Using computers, we now have the capacity:

- ° to track the whereabouts of convicted sex offenders to prevent them from committing new crimes against children and others.
- ° to record in incident-based crime reports descriptions of the modus operandi or victim of a crime, information that can assist police officers in solving related crimes more swiftly.
- ° to supply our Federal and state prosecutors and judges with complete and up-to-date criminal histories to ensure that convicted offenders receive appropriate punishment commensurate with their accumulated misdeeds.
- ° to track and identify national and local crime trends, allowing legislatures and law enforcement to target resources on emerging crimes and to develop effective crime reduction programs.

All these benefits -- and many more -- are potentially offered by information-sharing computer technology.

Beginning with the 1994 Crime Act and continuing through the recently-passed Pam Lychner Sexual Offender Tracking and Identification Act,, I have worked diligently with the Congress to pass landmark legislation designed to harness this new technology for the public good. Many of you played critical supportive roles in obtaining the passage of this legislation and I thank you again for that assistance. But, while these laws provide an important and necessary foundation for Federal and State cooperation, they represent but a starting point -- much still needs to be done. And that is why I write you today.

Realizing the full potential of this technology will require a continuing and close partnership between the States and the Federal government in developing compatible computer systems and timely loading accurate data into those systems. I cannot emphasize enough the point about timely loading accurate data -- the value of effectiveness of these new computer systems will only be as good as the accuracy and completeness of the data that they contain. Without this vital data, all the computer hardware in the world will not prevent a child from being harmed or lead to the arrest of a violent offender or to an appropriate lengthy sentence for a repeat offender. Only if this data is available when it is needed will the promise of the statutes that have been passed be realized and technology actually result in a safer America.

I am pleased to report that we have made much progress and are already working closely with officials in your state on many technological fronts. My hope is to intensify those efforts in the upcoming months. I am prepared to take concrete actions to do that, but need your help on the following initiatives:

National Sex Offender Registry. In June of 1996, I directed the Attorney General to develop a national sexual predator and child molester registration system -- a computer system that would, for the first time, link together the sex offender registration and notification systems being developed in all 50 states. Earlier this year, the FBI computers housing the interim national sex offender registry became operational. The Attorney General recently wrote you to enlist your assistance in ensuring that information on sex offenders possessed by your state is loaded into this interim national registry as soon as possible. I am informed by the Attorney General that nine states have already loaded their information onto the system and that many of you have written her back emphasizing your commitment to load your state's information into the sex offender registry within the next few months. I am grateful for any assistance you can provide in making this national sex offender registration system a reality, thereby greatly assisting our Federal and State law enforcement officers in protecting our children and others from sex offenders.

Today, I have taken steps to expand the national sex offender registry to cover convicted sex offenders being released from federal facilities. While the FBI's interim registry system currently has the technical capacity to allow federal agencies, such as the Bureau of Prisons and the military, to share information they have regarding the criminal histories of sex offenders convicted under various Federal laws, data from those agencies has not yet been loaded into the interim system. To correct this, I have today directed the applicable federal agencies to maximize the use of current options in registering federal sex offenders.

The Interstate Compact. In recent years, the Federal Bureau of Investigation has discussed with state representatives an Interstate and Federal-State Compact on the exchange of criminal history records. The Compact would allow the FBI to decentralize criminal history records and would establish a mechanism for developing rules regarding the exchange of criminal history records for background checks and other purposes not directly relating to arrests.

Decentralization will allow the FBI and State and local law enforcement to avoid transmitting and maintaining duplicate sets of fingerprints and other records. Instead, the FBI would maintain an index of criminal history information -- the Interstate Identification Index -- while the States would maintain the actual records which would be accessible nationwide through computers. A useful analogy is that of a card catalog -- the FBI would maintain the catalog and the States would house the actual libraries. This new system should improve access to more complete national records, while generating significant savings for the FBI and the States in terms of not processing and maintaining duplicate records.

The Compact would also create a Council made up of State and Federal representatives to establish rules for the exchange of criminal history records for purposes such as employment checks for child care workers, elder care providers, school bus drivers and nuclear facilities. Currently, not all state records are available for such purposes and this has led to some major problems. For example, under the current system, a convicted child molester from a state that does not make its criminal histories available for non-arrest purposes could become a day care worker in another State that conducts what it believes to be a nationwide background check. The Compact would lead to the development of standardized rules for accessing records that would prevent such situations.

I will soon be submitting the Compact to the Congress for approval to evidence the Federal government's commitment to this

process. I would hope that you would support passage of the Compact as it moves through your State legislature.

Criminal History Improvement. A number of recent Federal laws -- among them the Brady Handgun Violence Prevention Act, the National Child Protection Act of 1993, the Stalking and Domestic Violence Reduction provisions of the Violence Against Women Act and the National Instant Criminal Background Check System (NICS) -- are designed to assist states with automating their criminal history record systems and improving the accuracy, completeness, timeliness, and accessibility of those records. The availability of complete, accurate and immediately accessible criminal history records is vital for criminal investigations, prosecutorial charging, sentencing decisions, correctional supervision and background checks. Among other things, having such records will allow states to:

- more effectively track the movement of felons from state to state and have information on criminal histories when individuals previously convicted of felonies are rearrested or attempt to purchase firearms.
- ensure that persons responsible for child care, elder care, or care of the disabled do not have prior disqualifying convictions.
- ensure that persons subject to a domestic violence protective order or convicted of stalking are prohibited from purchasing guns.
- more easily identify criminal offenders subject to "three strike" laws.

These and other benefits of improving your criminal history records redound not only to your individual states and its local communities, but to all states, as well as the Federal government, by increasing the number of complete records that will eventually be available through the FBI's Interstate Identification Index. But, again, these benefits will be realized only to the extent that your state's records are accurate and accessible, particularly in reflecting the disposition of criminal cases.

I hope that I will have your personal support in this effort. For our part, the Federal government stands ready to provide assistance through the National Criminal History Improvement Program (NCHIP), administered by the Department of Justice's Bureau of Justice Statistics, which provides grants and other technical support to speed improvements in state criminal history records. To date, more than \$112 million has been awarded to states under the NCHIP program. This program will

continue for several more years and has an authorized total funding of \$226 million. I hope that you will encourage your state to participate in this program.

Uniform Crime Reporting Program (UCR) and the National Incident-Based Reporting System. I also want to call to your attention other important criminal justice data systems where cooperation between the State and the Federal government is vital for our crime reduction programs. These include the FBI's Uniform Crime Reporting Program (UCR), which provides data that let us know our progress in reducing crime and are used by Congress and the Justice Department to allocate formula grants and other funds. The next generation of UCR, the National Incident-Based Reporting System (NIBRS), will usher in a new era of having a more accurate picture of crime at the state, local and national levels. NIBRS is particularly important because it provides information that is not typically captured in criminal histories -- whether, for example, a crime was a hate crime, an incident of domestic abuse or directed at a child. These key facts allow law enforcement not only to identify local, regional and national trends, but also can supply the missing clue that leads to the quick apprehension of a violent offender. The Justice Department is working with States, counties and cities to expand NIBRS and I hope that you will lend your support to this effort.

With your State's active participation, we cannot fail. I look forward to working with you to achieve our mutual goal -- using technology to provide a safer America for all our citizens.

Leanne A. Shimabukuro 07/09/97 07:22:45 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP

cc: Jose Cerda III/OPD/EOP

Subject: sex offender registry

At today's crime meeting, Rahm asked which states have been putting their data into the national sex offender registry. The six states are: **Arizona, Georgia, Oklahoma, South Carolina, Texas and Wyoming.**

FILE
SEX OFFENDER
REGISTRY

Leanne A. Shimabukuro	09/02/97 06:37:20 PM
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Record Type: Record

To: Michelle Crisci/WHO/EOP
cc: Jose Cerda III/OPD/EOP, Elena Kagan/OPD/EOP
Subject: community notification laws --update on pending cases

Here's the update on community notification laws (Megan's Laws):

* There have been four federal court of appeals cases challenging state community notification/registration laws: New Jersey, Washington, New York and Connecticut. The Justice Department filed amicus briefs in all four cases.

* The 3rd Circuit upheld the NJ law and the 2nd Circuit upheld the NY law. The Connecticut and Washington cases are still pending. Justice expects that the CN case will be decided soon-- although they didn't give a date. The decision on the WA law is expected to come later since it is coming out of the 9th Circuit. [Note: Washington was the first state to enact community notification in 1990 -- NJ basically copied the WA statute when they enacted their version which they named "Megan's Law."]

* The federal Megan's Law that the President signed last year has not yet been challenged.

I'm getting copies of all of the amicus briefs for the files. Let me know if you want them.

Clinton Record on Sex Offenders

For
BACKGROUND

National Sex Offender Registry

- June 21, 1996: President Clinton signed a directive to the Attorney General to develop a plan for a National Sex Offenders, Predators and Child Molesters Registration System (“national sex offender registry”). The President directed the Attorney General to take immediate action to identify the obstacles to developing the national registration system and to work with all 50 States, the Congress, the Judiciary and the federal agencies to make the registry as cost-effective and efficient as possible.
- August 24, 1996: In his radio address, President Clinton discussed the report he received from the Attorney General containing the blueprint for the National Sex Offender Registry.
- Late February 1997: The interim National Sex Offender Registry became operational.
- While the President’s directive created the national system-- and the Lyncher Act later passed by Congress mandated the FBI to create the system-- participation by states is voluntary.
- To date there are 14 states that are participating in the national sex offender registry: Arizona, Georgia, Illinois, Nebraska, New Jersey, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington and Wyoming. Two additional states are in the “test” phase to participate in the national registry: Florida and Maine.
- Many states have had to overcome technological hurdles to make their systems compatible with the national registry-- which accounts for some of the delay in participation. Moreover, some states need to change their own laws in order to participate in the national registry, and efforts are being made to make such changes.
- Anecdote: Arkansas police accessed the national sex offender registry and found a man wanted in the state of Arkansas (not for a sex offense) registered as a sex offender in South Dakota. Arkansas police then located and caught the offender in South Dakota

Megan’s Law

- May 17, 1996: The President signed Megan’s Law which mandates community notification concerning the release of sex offenders when necessary to protect the public. The Justice Department released the guidelines for Megan’s Law on July 21, 1997.

THE WHITE HOUSE

WASHINGTON

October 30, 1997

The Honorable Fob James
Governor of Alabama
Montgomery, Alabama 36130

Dear Fob:

I write to you again to seek your assistance and cooperation on one of our most important responsibilities -- protecting our children from violent, sexual predators. Nothing is more threatening to our families and communities than criminals who move from neighborhood to neighborhood looking for children on whom to prey. That is why we must do everything we can to track these offenders and keep them away from our children.

With your support, we have already enacted critical legislation -- such as the Jacob Wetterling Act, the Pam Lychner Act, and Megan's Law -- to help our communities guard against repeat sex offenders. These laws now serve as the foundation for many state sex offender registration systems and for notifying communities of released sex offenders. Congress is now considering -- and I strongly support -- additional legislation to help states implement these registration systems and to make sure that sex offenders convicted in federal or military courts are covered by these laws.

Equally important, my Administration has worked hard to defend the constitutionality of state sex offender registration systems and community notification laws. And I am pleased to report that three federal courts of appeal have now upheld sex offender statutes in New Jersey, New York, Connecticut, and Washington against constitutional challenges. My Administration will continue to fight to uphold these laws in the courts.

Last year, I directed the Attorney General to create a national sexual offender registry to join together the efforts being made in all 50 states to track sex offenders. Our national registry will only be effective if every state participates and shares its data on sex offenders with other states. Although our interim registry

became operational this spring, only 14 states are currently participating. With an incomplete registry, the law is unable to follow dangerous sex predators wherever they go -- state by state, neighborhood by neighborhood. I urge you to move expeditiously to participate in our national registry for the safety of the public and our children.

I cannot emphasize enough how important your continued support and personal involvement is to the success of these initiatives. Through our combined efforts, we can be confident that we will have taken decisive steps to help families across our country protect their children.

Sincerely,

Bill Clinton

THE WHITE HOUSE

WASHINGTON

October 30, 1997

3~

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Sincerely,

Clinton Record on Sex Offenders

National Sex Offender Registry

- June 21, 1996: President Clinton signed a directive to the Attorney General to develop a plan for a National Sex Offenders, Predators and Child Molesters Registration System (“national sex offender registry”). The President directed the Attorney General to take immediate action to identify the obstacles to developing the national registration system and to work with all 50 States, the Congress, the Judiciary and the federal agencies to make the registry as cost-effective and efficient as possible.
- August 24, 1996: In his radio address, President Clinton discussed the report he received from the Attorney General containing the blueprint for the National Sex Offender Registry.
- Late February 1997: The interim National Sex Offender Registry became operational.
- While the President’s directive created the national system-- and the Lyncher Act later passed by Congress mandated the FBI to create the system-- participation by states is voluntary. [States only began to load their information into the system this summer.]
- To date there are 14 states that are participating in the national sex offender registry: Arizona, Georgia, Illinois, Nebraska, New Jersey, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington and Wyoming. Two additional states are in the “test” phase to participate in the national registry: Florida and Maine. More than 6 more states have recently promised the Justice Department that they will be participating in the system within the next month.
- Many states have had to overcome technological hurdles to make their systems compatible with the national registry-- which accounts for some of the delay in participation. Moreover, some states need to change their own laws in order to participate in the national registry, and efforts are being made to make such changes.
- Anecdote: Arkansas police accessed the national sex offender registry and found a man wanted in the state of Arkansas (not for a sex offense) registered as a sex offender in South Dakota. Arkansas police then located and caught the offender in South Dakota

Megan’s Law

- May 17, 1996: The President signed Megan’s Law which mandates community notification concerning the release of sex offenders when necessary to protect the public. The Justice Department released the guidelines for Megan’s Law on July 21, 1997.

High Court Rejects Challenge To New Jersey's 'Megan's Law'

Sex Offenders Saw Double Jeopardy in Notification Policy

By Joan Biskupic
Washington Post Staff Writer

The Supreme Court yesterday rejected a constitutional challenge to "Megan's Law," the New Jersey statute that requires authorities to notify communities of convicted sex offenders in their neighborhoods.

The law, named for a 7-year-old girl who was raped and murdered by a twice-convicted sex offender, was the first of its kind. Provoked by the tragedy of Megan Kanka and by New Jersey's 1995 law, 36 other states, including Maryland and Virginia, as well as the District, have since adopted similar statutes.

Community notification laws and harsher penalties for sex crimes are part of a national trend to try to protect children from those who would prey on them. But such efforts also have drawn protests from defense lawyers who say civil liberties and rights are being trampled.

In the Megan's Law case, a group of sex offenders whose crimes were committed before the New Jersey law was enacted sued, claiming the policy making their names and addresses public and subjecting them to community harassment and violence imposes a second punishment on them, violating the double-jeopardy guarantee against multiple punishments.

They also argued that the law's retroactive effect breached the guarantee against ex post facto laws. The Constitution prohibits laws that increase a defendant's punishment beyond what was on the books when the crime was committed.

The U.S. Court of Appeals for the 3rd Circuit upheld Megan's Law last year. The appeals court ruled the law cannot be considered additional "punishment," saying, "The state had imposed no restrictions on a [person's] ability to live and work in a community, to move from place to place, to obtain a professional license or to secure governmental benefits."

Yesterday's Supreme Court action, letting that ruling stand, sets no national precedent and does not stop legal challenges to other state laws. However, it does offer a vote of confidence to states that require prosecutors to notify local residents about convicted sex offenders. Under Megan's Law, prosecutors evaluate the record of a convict's offense and other private information to determine his or her potential risk to the community and decide how extensive community notice should be.

The high court action, made public in a one-sentence order in a day of varied court business, was not accompanied by any comment from the justices.

"The lawsuit we fought so hard to win is over," said New Jersey Attorney General Peter Verniero, hailing the court's action.

Indicative of the broad interest among politicians and policy makers, President Clinton issued a statement saying the Supreme Court

action leaves intact "a crucial tool to protect children from known sexual predators." He said the administration was working with states to establish a national sex offender registry.

John J. Gibbons, lawyer for the unnamed sex offenders in the case, said yesterday that many convicts believe if they have served their time they should be able to live in quiet anonymity. Noting that lower courts were divided over whether state notification laws were unconstitutional additional punishment, Gibbons had urged the justices to take the appeal to rule definitively on the question.

Last year, the Supreme Court ruled that locking up a repeat sex offender in a mental institution after he has served his time does not violate double-jeopardy protections. That decision in a Kansas case partly influenced the 3rd Circuit's ruling that the New Jersey law did not rise to the level of a second punishment for a defendant. "All Megan's Law mandates is registration and notification," the appeals court said.

The sex offenders' original lawsuit had challenged a part of Megan's Law that allows prosecutors to rank sex offenders according to their perceived risk to a community. The appeals court agreed that the process lacked sufficient safeguards and violated the convicts' constitutional guarantee of due process of law.

The appeals court said an offender must be able to object to the classification at a hearing and that the state must be able to justify by "clear and convincing" evidence the individual's classification and planned scope of notification. New Jersey officials had appealed this part of the ruling, but their case also was rejected by the high court in its orders in *W.P. v. Verniero* and *Verniero v. W.P.*

In other action yesterday, the Supreme Court without comment rejected an appeal by nine FBI and U.S. Marshal employees sued by Kevin Harris, who was wounded in the 1992 shootout at Ruby Ridge, Idaho. The court spurned a challenge to a 9th Circuit Court of Appeals ruling that said the agents were not shielded from a civil rights lawsuit by Harris, who contended that fabricated statements by the agents had led to his wrongful arrest and prosecution.

The justices also denied appeals by the Dallas Morning News, trying to see sealed records from the Oklahoma City bombing prosecutions, and by groups challenging a ban—on free-speech grounds—on T-shirt sales on the Mall and at the Vietnam Veterans Memorial (*Dallas Morning News v. United States* and *Friends of Vietnam Veterans Memorial vs. Stanton*).

FOR MORE INFORMATION

To read about key cases from this term and background, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com

The Washington Post

TUESDAY, FEBRUARY 24, 1998

Tornadoes, Rain Linked To El Nino

*Record-Setting Weather
Seen Continuing in Spring*

By Curt Suplee
Washington Post Staff Writer

El Niño likely propelled the lethal tornado rampage in Florida, and probably will continue to set records for rainfall, storm ferocity and other unusual types of weather across the nation through the spring, federal weather officials said yesterday.

"The strength of the jet stream is probably what fueled those tornadoes," said meteorologist Rich Tinker of the National Oceanic and Atmospheric Administration's Climate Prediction Center here.

"Although February in Florida and the Gulf Coast is one of the highest times of tornadic activity," he said, the exceptionally strong jet stream caused by El Niño doubtless contributed to the disaster.

During El Niño years, the jet stream shifts from its normal position and becomes a high-altitude conveyor belt for storms that sweep across the South, gaining thermal energy and moisture from the warm gulf waters.

Around the country, El Niño effects "seem to have gotten stronger in February," Tinker said. "In November and December, we didn't see the [kind of weather] we'd expect to see with this strong an El Niño event." In addition, the typical El Niño weather pattern subsided somewhat during January, as it has at other times this century. "But in February, it started right on cue," Tinker said.

Florida, of course, had already had its share of rough weather. In December, January and February, Tampa received 29.95 inches of rain—twice the previous record of 14.86 inches in 1936-37. Normal precipitation for the period is 7.22 inches. So far this month, Jacksonville has accumulated 9.52 inches of rain, already above the record high for February of 9.16 inches in 1920.

Much of that was expected: The great El Niño of 1982-83 soaked various locations in the state with 6 to 13 inches above normal rainfall during January, February and March. The southernmost region got 70 percent more rain than average in those three months.

But the state also has benefited. The 1997 hurricane season was uncommonly quiet, the National Hurricane Center reported, with only seven named storms (compared to an average 9.3), of which three became hurricanes instead of the average 5.8.

In Northern California, where more storms lashed the already sodden landscape yesterday, it's the wettest February on record in San Francisco, San Jose, Stockton and Monterey. As of Sunday, Eureka had had rain for 50 of the previous 52 days. Local forecasts called for as much as three feet of snow in the mountains before the current storm blitz—which reportedly dumped as much as an inch an hour of rain in some sites yesterday—finally declines.

In the south, the Los Angeles area got more than five inches between Sunday and Monday morning, with the possibility of up to four more inches before the end of the day yesterday. North of Los Angeles, Santa Maria's February accumulation of 9.78 inches has surpassed the 1962 record for the entire month. Riverside set a February record of 8.03 inches, 14 percent above the old mark. The National Weather Service noted in a bulletin Sunday that "the all-time greatest monthly rainfall for [Riverside] was 9.32 inches," and that "this record could easily fall this week."

According to the Associated Press, Amtrak temporarily canceled its Los Angeles-to-Seattle Coast Starlight train, which usually carries about 2,000 passengers a day.

Across the northern tier of states and into New England, El Niño—a periodic abnormal accumulation of hot sea water in the eastern Pacific—has brought a remarkably mild winter. For example, in customarily frigid Winnipeg, temperatures have been around 13 degrees above normal during the past 90 days. Numerous cities in North Dakota, South Dakota, Minnesota and Wisconsin have recorded highs at least 10 degrees above normal. Even International Falls, Minn.—traditionally a contender for the coldest place in the nation—has been 14 degrees above average.

Overall, the Department of Commerce estimates, consumption of heating fuel this winter is about 10 percent below normal.

In the Washington metropolitan area, temperatures for December, January and February probably will average around 41.9 degrees, according to the National Weather Service. That's about 4.7 degrees above normal, but still short of the 1931-32 three-month record-setting average high of 44.6 degrees. If present trends continue, the NWS estimates, this will be the sixth warmest winter in Washington and vicinity.

As of last week, however, it was only the 23rd wettest winter for the region, with 11.07 inches of rain since Dec. 1. And it could prove to be the least snowy winter. Total snowfall recorded at Ronald Reagan National Airport is 0.1 inches for the season. If there's no more this year, it will tie the winter of 1972-73.

Federal experts also attribute at least some of the abundant rainfall in the area to El Niño. So far this year, for example, Roanoke has had three times as much precipitation as it usually gets. Lynchburg and Blacksburg also are ahead of normal.

FOR MORE INFORMATION

To review Post graphics detailing how weather is affected by El Niño and satellite maps, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com

The Washington Post

TUESDAY, FEBRUARY 24, 1998

Justices affirm much of 'Megan's Law'

By Frank J. Murray
THE WASHINGTON TIMES

The Supreme Court yesterday upheld the original "Megan's Law," but left in force a ruling that lets sex offenders secretly question in court the level of risk they pose to the community.

The action was an unwanted side effect to the court's refusal to review a class-action challenge by sex offenders in New Jersey to a state law that set the pattern for the nation, requiring them to register with authorities and disclose their address.

New York's version of the law, which is similar, also survived a constitutional challenge in the high court yesterday.

In both states, the degree of public notification depends on which of three risk levels a criminal poses, but the 3rd U.S. Circuit Court of Appeals imposed on New Jersey the additional burden of defending the classification.

New Jersey Attorney General Peter Verniero had hoped the high court would overturn that provision, which grants each criminal a chance to question his risk rating in court, putting the burden of proof on the state and requiring an

Molester notice challenged in New Jersey

attorney for applicants unable to afford one.

"The state is going to have a hard time in many instances, if not most, of convincing the judge," said Newark lawyer John J. Gibbons, who brought the class-action appeal.

He said yesterday's decision significantly undermines Megan's Law.

"The decision was a major victory for us. If you look at the [review] factors as scientific predictors of human behavior, what you're dealing with is junk science," he said.

The law is named for Megan Kanka, 7, who was raped and murdered by Jesse Timmendequas, a twice-convicted child molester who lived across the street from her in Hamilton, N.J. He is under death sentence for her slaying.

"I've had faith in this law from day one," said Megan's mother, Maureen Kanka, who has crusaded for its adoption throughout the country. Similar statutes have been passed by 36 states besides New Jersey, and Mrs. Kanka attended a May 17, 1996, cere-

mony at which President Clinton signed a bill requiring every state to do so.

"It is the right thing to do and it is such a prevalent problem in this country," Mrs. Kanka said after being told of yesterday's Supreme Court action.

Who receives public notification in New Jersey depends on which of three risk levels is predicted in each case:

- Notices on low-risk offenders go to law enforcement agencies.

- Tier 2, or moderate risk, requires notice to schools, day care centers, recreation groups, women's shelters, and other organizations likely to encounter the criminal.

- Police deliver Tier 3 notices door-to-door to neighbors of offenders posing the most serious risk.

The New York system is similar, but risk categories are assigned by the original trial court with recommendations from a prison board. The 2nd U.S. Circuit Court of Appeals did not add any method to the New York law similar to the provision imposed on New Jersey.

The rule cited by Mr. Gibbons gives offenders in New Jersey the right to challenge risk determination at a secret hearing before a Superior Court judge in the person's home county. Notification is postponed until any appeals are resolved.

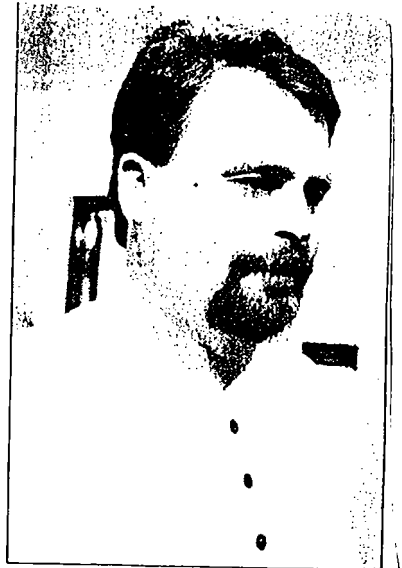
The high court's refusal to review the case does not imply legal approval or disapproval, but leaves the 3rd Circuit's decision in force in Delaware, New Jersey and Pennsylvania.

The basic challenge to the law was brought to the high court by Mr. Gibbons at the request of the Public Defender's Office. He filed the case as a class action on behalf of all sex offenders convicted before the law's passage on Oct. 31, 1994, attacking its retroactive use.

Courts have ruled that registration and notification are not punitive, so there is no retroactive punishment in violation of the Constitution's ban on "ex post facto" punishment or double jeopardy.

On Oct. 6 the high court upheld Virginia's version of the law, which applies only to those sentenced after its effective date of July 1, 1994.

Federal judges also have re-



Kevin Harris

jected a variety of other challenges based on claims of double jeopardy and invasion of privacy.

In other action yesterday, the court refused to hear a claim by nine FBI agents and deputy U.S. marshals that they are immune from a civil rights lawsuit filed by Kevin Harris, growing out of the 1992 siege at Ruby Ridge, Idaho.

Mr. Harris, who was wounded by agents seeking to arrest Randy Weaver, was acquitted in 1993 of federal murder charges.

Court upholds McDougal conviction

LITTLE ROCK, Ark. (AP) — A federal appeals court yesterday upheld the Whitewater conviction of Susan McDougal, saying a lower court properly allowed testimony from her former husband, despite her objection.

"That's pretty disappointing," said Mark Geragos, Mrs. McDougal's lawyer in a California case unrelated to her Whitewater conviction. An appeal to the U.S. Supreme Court is likely, Mr. Geragos said.

The 8th U.S. Circuit Court of Appeals in St. Louis also ordered a new hearing on whether a juror was biased against a co-defendant, Jim Guy Tucker, then governor of Arkansas, because Tucker had twice denied clemency to the juror's husband after a drug conviction.

Tucker's lawyers also had ob-

jected because the juror's husband, whom she married during a lunch break in the trial, is a nephew of a longtime Tucker detractor.

Tucker, McDougal and her former husband, James B. McDougal, were convicted in May 1996 for fraudulent transactions related to a failed Arkansas real estate development.

Tucker was sentenced to 18 months' home detention, which expired Thursday. Mrs. McDougal has not begun her two-year sentence because she has been jailed on a contempt charge for refusing to answer questions before the Whitewater grand jury.

James McDougal is serving a three-year prison term after agreeing to cooperate with prosecutors.

On Friday, Tucker pleaded

guilty in a separate case brought by Whitewater prosecutors. He admitted that he conducted a sham bankruptcy in order to save himself and a partner \$3 million in income taxes.

As part of Tucker's plea agreement, the former governor promised to cooperate with Whitewater independent counsel Kenneth W. Starr's investigation of President Clinton. Mr. Starr's office, meanwhile, agreed not to retry Tucker's earlier Whitewater conviction in case it is overturned.

Tucker's attorney, W.H. "Buddy" Sutton, said the timing of yesterday's federal appeals court decision was unfortunate because his client already has served his sentence.

"But," Mr. Sutton added, "it is still important to him as to whether the conviction stands."

House misses free lunch, mulls less strict gift ban

By Nancy E. Roman
THE WASHINGTON TIMES

Chafing under their austere rules against accepting gifts, members of the House of Representatives say they'd like to be able to have lunch on a lobbyist or accept the odd bottle of wine.

Just working with the House ethics committee to determine which gifts are insignificant enough to slip under the low bar the House agreed to in 1995 has become a cumbersome chore, many members say.

"Having to figure all this out has gotten to be a difficult thing to do," said Rep. Lindsey Graham, South Carolina Republican.

Most House members now believe they made a major misjudgment when they adopted a rule that prohibits members and staff from accepting outside gifts that exceed a "nominal value."

The rule neglects to define "nominal value," other than to say it would include things like T-shirts. "Members should use their common sense," the rule admonishes.

Now House Majority Leader Dick Armey, Rep. John Linder, Georgia Republican, and others are considering scrapping the gift ban and adopting one more like the Senate ban, which, while barring extravagant travel and big-ticket items, allows gifts of up to \$50.

"There is a bloc in both parties which is prepared to vote to change it," said Mr. Linder, chairman of the National Republican Campaign Committee.

Such a move would bring back to the House the much-missed political tool — the business lunch. But it may also anger voters, who supported the congressional reforms adopted by the new GOP majority three years ago and don't see the need to permit even small gifts or free lunches for members of Congress.

"This would be suicidal," said one senior House GOP aide.

Over the years, some informal rules have evolved: Coffee mugs are in; bottles of wine are out. Never mind that a mug could cost \$15 and some bottles of good Chilean red are only about \$6.

The National Beer Wholesalers recently produced a clear plastic beer mug that was considered of nominal value and sent to offices across the Hill.

"Is the baseball cap from the Farm Bu-

reau OK?" asked Mr. Graham. "I was one of the crusaders on [the rule change], and I agree that it probably makes sense to change it."

Food from home states is OK if it is displayed or distributed to constituents. That means peanuts for Georgians and oranges for Floridians. Occasionally the odd fruit basket sneaks into an office.

"Even when you take something of nominal value, there's a fear, 'Am I going to be nailed?'" said one House aide, who asked not to be named.

Ted Vandermeid, chief counsel to the House Ethics Committee, said his office still fields "quite a few" phone calls from members and staff confused about the ban.

"I've given presentations on this" to outside groups," he said. "A lot of offices will flat out not accept gifts."

With three years' hindsight, House members say the Senate restrictions appear much more reasonable.

The Senate gift ban permits lawmakers and aides to accept gifts valued at up to \$50 so long as no one person or group gives more than \$100 during a year.

Mr. Linder said he rarely conducts business over meals because the gift ban makes it so awkward. For example, he says, if a businessman in his district comes and takes a group of eight out to lunch, he must pay his portion of the tab.

But don't look for the ban to be modified this year.

Neither party is eager to vote lawmakers an expanded perk — no matter how modest — during an election year. Mr. Linder said a vote on the gift ban probably won't occur right after the November election either.

"One of the things I've concluded is that you sure don't want to make a change in the rule on the first day of the session — the first vote," he said.

Rep. Barbara B. Kennelley, Connecticut Democrat and vice chairman of the Democratic Caucus, favors keeping the rule as it is but said it is too early to say how Democrats would react to a proposal to relax the gift ban.

One House Democrat said yesterday that the reason Democrats won't talk about it is "because Democrats aren't that dumb."

"We'll never say we are for it," he said. "We'll just vote for it one day."

The Washington Times
TUESDAY, FEBRUARY 24, 1998

suffering

In fact, a survey of 1,200 of the 5,000-plus recipients who left the rolls between April and June found that about half were working, said Alan Rowland, Idaho's deputy administrator for welfare.

"We don't think they're tough," Rowland said of Idaho's policies. "Our focus is on work. We think that's a reasonable expectation because the economy is robust and opportunity for work is there."

Others countered Brown's assertion that states aren't investing sufficiently in the kinds of programs that can help recipients find jobs. Federal law requires states to spend 75 to 80 percent of their 1994 funding levels for welfare-to-work activities. The Clinton administration has encouraged states to spend more than this.

In fiscal year 1997, 22 states did just that, according to figures from the U.S. Department of Health and Human Services. Another five—Alaska, Arkansas, Delaware, Missouri and South Dakota—exceeded their 1994 spending levels.

Golonka, of the governors association, said that 25 states have reported to the National Conference of State Legislatures that they'll spend more per person on welfare this year than last year.

The study also challenges many of the fundamental premises on which most state reforms are built. Chief among them is the use of penalties, such as the loss of benefits, to ensure that families comply with new rules. While caseworkers and politicians say the stringent measures make it easier to work with difficult clients, the study says they do little to change behavior in the long-term.

Don Winstead, welfare reform administrator in Florida, which was among the lowest-ranked states, said the study reflects the researchers' philosophical leanings more than the effectiveness of a state's programs.

"If a shorter time limit spurs more people to go to work and longer ones encourage more people to stay on welfare longer, particularly in our state where work pays better than welfare, then I don't think there's anything wrong with shorter time limits."

Criticism of the report also came from federal officials, the National Governors Association and the American Public Welfare Association, whose members work for state welfare agencies.

Welfare reform is not failing, they said.

"What we are seeing (nationally) is quite the opposite of what this (study) is supposedly portraying," said Michael Kharfan, spokesman for HHS.

Peter Edelman, former assistant HHS secretary who resigned to protest the welfare reform law, was part of a national advisory board that oversaw the study. In the event of economic downturn or when recipients begin to exhaust their eligibility on benefits, the nation's children will suffer greatly, said Edelman, now a Georgetown University law professor.

"America's children are going to be in a deeper crisis of poverty in the not-to-distant future," Edelman said, "unless the states do a whole lot better or the Congress takes action to restore the safety net for our children that was destroyed by the 1996 law."

Megan's Law survives constitutional challenge By Aaron Epstein Knight-Ridder Newspapers (KRT)

WASHINGTON—Megan's Law, which allows people in most states to discover the whereabouts of released sex criminals, survived a key constitutional challenge Monday in the Supreme Court.

Without comment, the justices refused to hear a case from New Jersey, the first of many states to enact such a law. The 1994 New Jersey statute also was the first to reach the Supreme Court and is expected to be followed by other appeals. Various versions of Megan's Law are being challenged in at least 16 states.

"It's a victory for parents and children," said Todd Mitchell, legislative director for the Center for Missing and Exploited Children in Arlington, Va., which lobbies for passage of Megan's Law. "It overcomes a big hurdle. New Jersey has the premier model of the law we would like other states to emulate."

The law was named for Megan Kanka, a 7-year-old New Jersey girl who was raped and strangled in 1994 by a neighbor, a twice-convicted pedophile named Jesse Timmendquas. He has been sentenced to death for the crime.

"I've had faith in this law since day one," said Maureen Kanka, who has crusaded for community notification laws throughout the nation since her daughter's murder.

All 50 states now require sex offenders to register. The center for exploited children said the number of registered sex offenders reached 184,000 as of February 1997, its latest accounting.

Thirty-two states authorize officials to distribute information about sex offenders and 15 states allow access to information only upon

request. Mitchell said only three states—Kentucky, Nebraska and Mexico—have no notice provision at all.

The high court's action left intact provisions of the New Jersey law that require state officials to classify offenders according to the perceived risk that they will commit another crime and to notify communities of the names, addresses, descriptions and places of employment or education of the most dangerous individuals.

Lawyers for sex offenders who committed offenses before the New Jersey law went into effect vainly argued that the notice provision violated constitutional guarantees that a person cannot retroactively receive an increased penalty or be punished twice for the same crime.

Notice to the community is "potentially catastrophic" to registered offenders because it can prevent them from finding homes, jobs or a social life and could subject them to harassment, isolation and violence, the lawyers told the Supreme Court.

But the justices declined to disturb the ruling of a Philadelphia-based federal court of appeals that the notification requirement does not amount to punishment even though it "may inflict very substantial individual hardship."

In a leading precedent, the Supreme Court ruled last year in a Kansas case that state sexual predator laws allow violent sex offenders to be locked up in mental institutions after their prison terms are over if they are found to be mentally abnormal and likely to commit sex offenses if freed.

The court said in the Kansas case that civil commitment is not additional punishment.

And if civil confinement for an uncertain period is not punishment, New Jersey Attorney General Peter Verniero said in a legal brief, then neither is Megan's Law, which he said merely provides for "dissemination of largely public information."

But the Supreme Court, in refusing to take the case, also let stand the lower court's provision that allows offenders to fight the way New Jersey ranks their threat to society. Verniero had sought to challenge that part of the ruling. The rankings are important because they determine the way in which communities are notified.

The New Jersey law requires officials to notify police, schools, youth groups, day-care centers and summer camps about moderate-risk offenders. For high-risk offenders, the law requires police to go door to door, informing anyone in the neighborhood who is "likely to encounter" the offenders.

"I'm glad ... we can begin doing what the laws allow us to do," said Camden County (N.J.) Prosecutor Lee Solomon, whose office is monitoring 390 released sex offenders.

Under the lower-court ruling, an offender placed in the moderate or high categories could force a hearing at which a prosecutor must prove the accuracy of the classification with "clear and convincing evidence."

Michael Buncher, a lawyer in the New Jersey Public Defender's office, said the hearings would "ensure that the notifications won't be made erroneously."

Legal challenges have focused primarily on retroactivity issues, but have also raised questions of privacy, due process, double jeopardy and cruel and unusual punishment.

Clinton welcomes agreement but with a warning to Iraq By Robert A. Rankin and John Donnelly Knight Ridder Newspapers (KRT)

President Clinton cautiously welcomed Iraq's agreement Monday to admit United Nations weapons inspectors, but warned that if Saddam Hussein breaks his word again, America might act on its own.

"I believe if it (Iraq) does not keep its word this time, everyone would understand that then the United States, and hopefully all of our allies, would have the unilateral right to respond at a time, place and manner of our own choosing," Clinton said.

The president said he has ordered U.S. military forces to remain on alert in the Persian Gulf "until we are satisfied that Iraq is complying with its commitments." If Iraq does not, Clinton said, "there will be serious consequences."

Clinton spoke to the nation Monday afternoon in a brief televised address from the Oval Office. He welcomed Iraq's "written commitment" to permit the resumption of with United Nations inspections but emphasized that "what really matters is Iraq's compliance, not its stated commitments; not what Iraq says, but what it does. In the days and weeks ahead, UNSCOM must test and verify," he said, referring to the U.N. Special Commission that oversees Iraqi weapons inspection.

U.N. officials in New York who asked to remain anonymous said UNSCOM plans to begin testing the agreement as early as next week,

lage of the fighting men who know, at least for the moment, that the threat of war has been postponed. From now on the men will have to make do in cramped base conditions or out in the desert. For the duration of their tour of duty will be at least 120 days to see whether the agreement works.

"The tension has dropped a lot in the last few hours. I'm relieved. At least we know no missiles are going to go over us," said Sgt. Randy Wade from Bossier City, La., a veteran of three missions to the gulf.

"But you never know what Saddam is going to do," the computer system specialist added. "He's broken his promises too often. I'd sure like to do something so we don't have to come back here no more."

What worries the men most is not the threat of Iraqi attacks or the difficult living conditions of this fortified base, but the knowledge that any agreement will prolong their stay in the gulf, away from their families.

"A lot of homes are being broken up, destroyed because of these long deployments," said Staff Sgt. David Kimbell from Alabama, a veteran of the 1991 gulf war and the Somalia and Bosnia peacekeeping campaign.

The sergeant, like many of his men, kept his sense of humor: "Still, there's always a possibility that Saddam could change and turn out to be a good guy."

In this oil-rich emirate that was invaded, burned, looted and terrorized by the Iraqis eight years ago, no one believes the man in Baghdad will metamorphose into a good guy.

"It's nice to know there won't be a war today and tomorrow, but what about next week or next month or next year?" asked Fatima Abdullah, a travel agent who shares the fear of many Kuwaitis that their country is the first target of Saddam Hussein's expansionist ambitions. Each time he balks at U.N. resolutions, the anxiety barometer goes up in Kuwait.

Over the past few days, thousands of Kuwaitis booked flights to destinations abroad. Most were issued gas masks and instructions on what to do when a missile strikes or when there is a chemical or biological attack.

KRT offers extensive coverage of developments in Iraq crisis Knight Ridder/Tribune News Service (KRT)

Whether diplomacy or gunfire prevails in the Persian Gulf, KRT clients can expect complete coverage from Knight Ridder Newspapers, the Chicago Tribune and The Dallas Morning News. Reporters for these papers are stationed throughout the region, in Washington, London and Moscow, and at the United Nations as well.

KRT Photo Service, KRT Graphics Network, KRT Interactive and KRT News In Motion are also providing extensive coverage. In addition to daily coverage, dozens of Iraq-related archive photos, graphics, maps, illustrations, caricatures, Web packages and animations are available on PressLink Online.

Watch each day's KRT-NEWS-BJT and each Friday's KRT-SUNDAY-NEWS-BJT for Iraq-related stories and art. We will move additional advisories as developments warrant.

These KRT correspondents are covering the Iraq crisis:

KNIGHT RIDDER NEWSPAPERS

John Donnelly and Barbara Demick in Baghdad

Neely Tucker in Kuwait and Bahrain

Juan O. Tamayo in Bahrain

Jeffrey Fleishman in Kuwait

Lori Montgomery in Jerusalem

Fawn Vrazo in London

Inga Saffron in Moscow

Robert A. Rankin, Richard Parker, Michael D. Towle, Elsa C. Arnett, John Walcott and Joyce Davis in Washington

CHICAGO TRIBUNE

Colin McMahon and Laurie Goering in Baghdad

Hugh Dellios in Cairo

Tom Hundley and Uli Schmetzer in Bahrain

Ray Moseley in Amman, Jordan

Storer H. Rowley and Stephen Franklin in Jerusalem

Merrill Goozner at the United Nations

David S. Cloud in Washington

Roger Simon at the White House

William Neikirk on Capitol Hill

THE DALLAS MORNING NEWS

Tod Robberson in Amman, Jordan

Drusilla Menaker in Kuwait

Michael Precker or Gregory Katz in Jerusalem

Richard Whittle at the Pentagon

Ed Timms in Washington

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PHOTOS

KRT Photo Service has two photographers in the region, and will also provide photos from the Department of Defense pool.

Most states have policies that hurt welfare families, study found By Tony Pugh Knight Ridder Newspapers (KRT)

WASHINGTON Despite numerous reports of welfare reform's early success, a national study has found that most states have enacted measures that hurt the families they're supposed to help.

Only 14 states have policies that are likely to improve the economic conditions of poor families, according to the first national evaluation of each state's welfare reform initiatives, released Monday. Critics quickly attacked the study as being liberal-leaning and placing value judgments on policy decisions without studying their effects.

The year-long study by researchers at the Center on Hunger and Poverty at Tufts University in Medford, Mass., also found that most states are spending more on child care than before the changes in the federal law in 1996 and have developed measures to let the poor keep more of what they earn.

But in areas of benefit eligibility, work requirements, policies toward legal immigrants, and penalties for clients that don't meet state guidelines, 35 states have adopted policies that are more harsh than those under the old welfare system.

And those policies will likely put welfare families in greater economic peril than ever before, according to J. Larry Brown, director of the poverty center.

"The evidence shows that as of now, welfare reform is failing and it is failing badly," Brown said. "The vast majority of states are not developing programs to improve the economic circumstances of the poor."

Susan Golonka, program director for welfare reform at the National Governors Association, disputed Brown.

"The underlying assumption is that anything stricter, tougher, or that asks more of recipients than under (the old system) is a bad thing," she said.

"This report simply looks at the decisions that states have made and attaches numeric values based on the subjective values of the authors," said Golonka. "It's not about how the states are actually doing."

Under the new federal welfare law, states could tailor their welfare programs, including eligibility requirements, to their unique needs, which they previously could not do. As a result, caseloads have fallen dramatically, more single female mothers have entered the work force and states have experienced huge savings in their welfare payments.

But with no way to determine how many former recipients are actually working, or the effect of a booming economy, many say it's too early to label the reform a success.

The Tufts study rated each state on 34 issues related to benefit levels and eligibility, time limits for receiving benefits, work requirements and related penalties, assistance in obtaining work, income and asset enhancement, child care and legal immigrants. The highest possible score was 22 points. The lowest possible score was minus 38 points.

Vermont, which has no absolute time limit on benefits, led the nation with a score of 12. Jackie Levine, spokeswoman for the Vermont Department of Social Welfare, said clients must work, but if their earnings are low enough that they remain eligible for welfare, they can continue receiving aid indefinitely.

Oregon, Rhode Island, Pennsylvania, New Hampshire, Maine and California followed Vermont as the states with the best policies.

Idaho was rated the worst with a score of minus 15. Also at the bottom were Wyoming, Kansas, Washington, D.C., Georgia, Alabama and Mississippi. Generally, northeastern states scored the highest, while Midwestern and southern states scored lowest.

Part of Idaho's low score was due to its flat \$276 monthly payment to all welfare families, regardless of size. Idaho recipients also lose their eligibility for life after violating state rules three times. But state officials said the tough measures have not brought about massive

Senate begins talks on campaign finance reform By William Neikirk Chicago Tribune (KRT)

WASHINGTON With carefully staged political theater, the Senate on Monday began talking itself into another impasse over campaign finance reform.

Some senators held out the slim hope that the stalemate over putting limits on campaign contributions held over from last year might be broken in the next few days through a compromise offered by two moderate Republicans.

But most weren't holding their breath, saying that a series of expected votes likely would leave the chamber in the same deadlock as in 1997, with neither side able to garner the 60 votes needed to end a filibuster.

"We need to get a supermajority (60 votes), and as far as I can tell, that's not there yet," said Sen. Joseph Lieberman, D-Conn.

Lieberman supports a measure by Sens. Russell Feingold, D-Wis., and John McCain, R-Ariz., to ban "soft money," donations given ostensibly for party-building but used widely in the 1996 campaign to support two presidential candidates.

While most expected the debate would lead to campaign-finance reform being stymied once again, consideration of the issue gave proponents another chance to warn of dire political consequences.

Sen. Fred Thompson, R-Tenn., who chaired a special committee that investigated fund-raising abuses by the Clinton re-election campaign, said 1996 "will seem like child's play" in future elections.

"There are no limitations on campaign contributions in America today," McCain said. "It's wrong, it's wrong, it's wrong. We need to do something to fix it."

The Senate debate opened with Majority Leader Trent Lott, R-Miss., offering a GOP measure dubbed the "Paycheck Protection Act" which would require labor unions to obtain prior approval from members before using their dues for political activities.

Feingold called it a "poison pill" for any reform, but Lott said the proposal "is a litmus test of whether we are serious or whether we are credible" about campaign finance reform.

Through pre-arrangement, McCain and Feingold offered their bill as a substitute to Lott's bill. The GOP moved to table, or kill, the McCain-Feingold measure and the Senate will vote on the tabling motion on Tuesday afternoon.

If previous lineups on the issue hold up, the Republicans are likely to fall short of votes to kill the Feingold-McCain bill. That could lead to another filibuster by the GOP. But if Republicans succeed, the Democrats are likely to filibuster the Paycheck Protection Act.

Hoping to break through this jam, Sens. James Jeffords, R-Vt., and Olympia Snowe, R-Maine, offered a compromise amendment that would ban funds from labor unions and corporations from being used to pay for campaign commercials within 30 days of a primary or 60 days before a general election.

Lieberman expressed hope that the Jeffords-Snowe amendment would attract enough bipartisan support to help muster the 60 votes needed to shut down a filibuster. While it may not come to a vote, the amendment is seen as a lure to senators seeking a way out of the deadlock over the issue.

Lott called the amendment "pretty patently unconstitutional," on the ground that it violates free-speech guarantees the main GOP objection to campaign finance reform.

Rep. Mitch McConnell, R-Ky., a staunch opponent of the Feingold-McCain bill, said that 85 percent of Americans support clamping down on unions that use dues for political activity, but he said that if it passes, President Clinton "is sure to veto it."

Feingold dismissed the paycheck protection provision as "essentially an anti-union poison pill" designed to prevent any controls over corruption in campaign finance in the U.S. "The American people deserve more than parliamentary tricks ...," he said.

Campaign finance reform is coming up now because Lott promised a vote on it before March. Feingold and McCain modified their bill in hopes of attracting a few more votes, although there was little sign they would succeed.

Their bill would ban soft money, ban the solicitation of campaign contributions in any federal office building and put a \$30,000 total annual cap on individual donations. Rules on "issue ads" would be tightened so that if a candidate's name is mentioned, the expenditure would have to be disclosed and financed with funds raised under federal election laws.

Without such reforms, said Thompson, the country will head into the next election without any practical restraints on what the candidates can spend. Both parties found ways in the 1996 campaign to use "soft money" raised for party activities to pay for commercials that were thinly disguised candidate ads.

After Attorney General Janet Reno ruled that such expenditures did not violate campaign laws, Thompson said, soft money will be used widely in congressional campaigns to push individual candidates.

"We're going to have to address money in our political system comprehensively," Thompson said. "We haven't done it in 20 years, and it shows."

Supreme Court asked to rule whether laws on crack, powder cocaine unconstitutionally different By Jan Crawford Greenburg Chicago Tribune (KRT)

WASHINGTON To prosecutors, the men who introduced crack cocaine to Rockford, Ill., were "modern-day gangsters" who deserved every day of their harsh jail sentences.

Two got life in prison without a chance of parole. Others got prison terms of 10 to 26 years, also without parole, from U.S. District Judge Philip Reinhard, who said he was setting an example.

The men maintained they were being punished too severely, and Monday they took those arguments to the U.S. Supreme Court.

In an hourlong hearing, the justices considered whether the judge went overboard when he handed down the stiff sentences to members of "The Mob," a Rockford street gang hit hard in a major drug crackdown in 1993.

Chicago lawyer Steven Shobat argued the judge calculated the sentences incorrectly after making decisions should have been left up to the jury.

The court's ruling could affect numerous other federal drug cases, but it likely would have the most dramatic impact on the two Rockford defendants facing life in prison. If the court accepts their argument, Karl Fort and Reynolds Wintersmith could be out in 30 years.

The case touches on the controversial discrepancy between the punishment handed down for distributing powder cocaine and that for crack cocaine. Federal sentencing guidelines punish defendants much more severely for selling crack than for selling powder cocaine, and opponents have long argued the distinction is racist.

At issue in the Rockford case is whether the judge can sentence the defendants for selling crack and powder cocaine if the jury, when finding them guilty, did not determine the type of drug involved or the amount. The judge determined the amounts of powder and crack cocaine attributable to each defendant.

Shobat argued because the jury verdict was ambiguous and did not specify whether the defendants were guilty of dealing powder or crack cocaine or both, the judge could not make those findings at sentencing.

Instead, where there is no jury finding, the judge is required to sentence the men on the lesser offense, which in this case involved powder cocaine, Shobat said.

The argument came on a day when the justices refused to get involved in several other high-profile cases, including one from New Jersey that asked justices to strike down a community-notification statute known as "Megan's Law."

New Jersey enacted the law in 1995, after a twice-convicted sex offender raped and murdered 7-year-old Megan Kanka, who lived near his home. It requires authorities to notify communities, and in some cases individual residents, when convicted sex offenders are living in their midst.

Since then, 36 other states, including Illinois, have passed similar statutes.

The Illinois law took effect in 1996 and makes available at local police stations the names and addresses of some 3,600 convicted child-sex offenders in the state. Schools and day-care centers receive the information quarterly.

The court's decision not to review the New Jersey law does not necessarily mean other state laws will withstand Supreme Court review. Indeed, other challenges are expected, but likely will be on different grounds.

In the New Jersey case, a group of convicted sex offenders argued the law placed them in double jeopardy, in violation of the Fifth Amendment, because it punished them more than once for the same crime. After serving their sentences, the men argued, they again were punished by the notification and the public's reaction.

Challenges to other community-notification laws are expected to rest on other constitutional provisions, including the right to privacy.

Sigh of relief sweeps across Middle East By Hugh Dellios and Storer H. Rowley Chicago Tribune (KRT)

AMMAN, Jordan While a wary Washington cautiously supported the deal brokered Monday between U.N. Secretary General Kofi Annan and Iraqi President Saddam Hussein, a sigh of relief swept across the Middle East.

Kings, presidents and diplomats across the Arab world had worked hard to avoid a new conflict. Even nations such as Egypt, which joined the military force allied against Iraq during the 1991 Persian Gulf war, concluded that more bombing would unnecessarily punish the Iraqi people, shake fragile Arab governments and further upset the balance of power in the region, all without necessarily removing Saddam from power.

Across the region, many Arabs said that with the Iraqi crisis receding, nations should refocus attention on the stalled Middle East peace process.

Privately, many Arabs regret that the proposed deal would leave a despised Saddam in power, possibly stronger and capable of putting the region through it all again. The alternative, they said, was worse.

"The political option has won out in solving the crisis, preventing the Middle East from plunging into a dangerous crossroads which could have led to a catastrophe and threatened the whole region and interests of the superpowers," said Esmat Abdel-Meguid, secretary general of the 22-member Arab League.

On the streets of Kuwait, occupied by Saddam's forces in 1990, Kuwaitis expressed disappointment that their worst fears weren't alleviated once and for all, warning that anything less than a major strike to oust the Iraqi dictator would leave him free to sow terror anew. That message was echoed by Iraqi exile leaders in Jordan.

"He had all this time delay. Is it possible he was able to hide all his weapons?" asked Burgham Kadhim, a member of the Iraqi National Accord, an opposition group. "This regime survives on continued crisis, continued war and continued conspiracy. He will find something new in the months to come."

Much of the Arabs' exasperation with U.S. threats against Iraq was due to lack of progress in the American-sponsored peace talks between Israel and the Palestinians. There was no immediate indication that those stalled talks would be reinvigorated in the wake of the Iraq-United Nations deal.

In Jerusalem, Israeli Prime Minister Benjamin Netanyahu reacted cautiously to the agreement worked out between Annan and Saddam, warning Monday that Israelis still must remain on guard because the crisis proved they now live in a "new Middle East" of missiles and biological weapons.

Palestinian President Yasser Arafat welcomed the tentative deal, saying he hoped it would return U.S. attention to the faltering Mideast peace process.

Dubbing fears of an Iraqi attack with biological weapons the "anthrax crisis," Israeli commentators lamented the appearance of panic it generated among citizens of the Jewish state. In past crises, some commentators noted, Israel had presented a strong, courageous and unflinching face to the world.

"Today, on TV screens across the globe, we look like an American puppet, both in steps taken to protect ourselves and as a terrified mob controlling its government," wrote columnist Ron Ben-Yishai on Monday in the daily Yediot Ahranot.

"The government sends people running from gas mask distribution points to the plastic sheeting store and from there, maybe, to the pharmacy for antibiotics. It isn't important at all whether a third of the public is hysterical. Syria, Iran, Iraq and Libya know now what will bring us to our knees."

At the Hamashbir department store in downtown Jerusalem, the earlier long lines at the gas-mask distribution counter dwindled Monday after news that the Annan had struck a deal.

Israelis breathed easier, reasoning that without a U.S. attack on Iraq, there was virtually no chance that Saddam might lash out at Israel with anthrax-tipped missiles. Still, Israeli analysts leveled harsh criticism at the media and the government for fueling public panic.

"The Netanyahu government faced a complicated problem that required leadership abilities, courage and maturity," wrote another respected columnist, Nahum Barnea, in Yediot Ahranot. "The results were embarrassing."

Netanyahu, briefing the Knesset Foreign Affairs and Defense Committee, asserted that despite the deal, Saddam will continue to develop his weapons of mass destruction and may choose again to restrict the movements of U.N. arms inspectors or expel them from the country.

Netanyahu defended the national mobilization of the army's Home Front Command to prepare the public to deal with a potential attack of

biological or chemical weapons. He said it was a timely exercise in preparedness.

"I have to say that in general the level of preparedness that has been achieved is something that we would like to maintain," Netanyahu told reporters. "I think we have learned a great deal and actually gained quite a bit of valuable experience in all the civil defense systems that have worked together to prepare our civil defense."

He reacted sharply to criticism in the Arab world that the U.S. applies a double standard in the region, failing to force Israel to adhere to U.N. resolutions to give back occupied Arab lands while threatening Iraq with military strikes for its resistance to U.N. arms monitors.

"Well, I don't think there's a double standard," he told an impromptu news conference. "I think there's an equal standard. Iraq's Saddam Hussein is a ruthless dictator who used poison gas against his own people and has committed every possible form of aggression. The U.S. demands (his) compliance (with U.N. resolutions).

"In our case, we demand compliance from the Palestinians who promised to fight terror, the same terror that knows no bounds, that we seek to control ... In this case, if you want to seek the question of compliance, look elsewhere."

Reflecting bitter resentment among the Arab population of Israel, rioters cheered Saddam, denounced the United States and burned Israeli and American flags in the self-ruled Palestinian territories in recent weeks. Similar demonstrations took place in Jordan and Egypt, the two moderate Arab states that also made peace deals with Israel.

"A few weeks ago they actually organized a demonstration in favor of Saddam Hussein. In these demonstrations they called for Saddam to bomb Tel Aviv and to destroy Israel," complained the prime minister. He called it a "public relations disaster" for Arafat's Palestinian Authority.

In a committee hearing, opposition Labor members of the Knesset and other lawmakers lambasted Netanyahu for his handling of the crisis, promising to hold a no-confidence vote next week to censure the government.

Labor Party Secretary Ra'anan Cohen said Netanyahu's tactics have made Saddam "king of the Arabs" and weakened moderates, such as Egyptian President Hosni Mubarak and Jordan's King Hussein.

Netanyahu retorted that throughout the crisis the Iraqi president respected Israel's deterrent capability—that is, the threat that if Iraq attacked Israel again, the Jewish state would not hold back as it did in the Persian Gulf war but retaliate with even more force.

Despite U.N.-Iraq deal, U.S. buildup continues in Gulf By Uli Schmetzer Chicago Tribune (KRT)

DOHA BASE, Kuwait The U.S. buildup in the Persian Gulf went ahead without pause Monday, even as President Clinton gave conditional support to the agreement signed between Iraq and the United Nations.

Battle tanks rumbled out of this military base at the heart of the U.S. forces facing Iraq. Out in the desert, sometimes only miles from the Iraqi border, U.S. infantrymen dug foxholes on high ground while specialists installed electronic hardware to aid air-to-ground strikes.

From the Al Jaber air base on the other side of Kuwait City, F-16 fighters, F-117 Stealth fighter bombers and A-10 antitank Warhog aircraft roared into the blue gulf sky on training missions that have not slowed as diplomatic efforts progressed.

Few of the U.S. soldiers or their Kuwaiti hosts shared the optimism of U.N. chief Kofi Annan that a crisis had been averted. Annan appeared confident the Iraqi leadership will honor a commitment to allow U.N. inspectors access to all possible sites where weapons of mass destruction might be hidden.

But veteran U.S. servicemen and Kuwaitis do not trust the man who promised not to invade Kuwait, an emirate that had paid him large sums of money to maintain his military machine during the Iraq-Iran war in the 1980s.

"I don't think this agreement is going to work," said Senior Airman Jeff Miller, 24, of Detroit as he sat in the PX of the base dressed in white shorts and a gym shirt.

"Most of the guys would have liked to see things over and done with so we can go home," he added, echoing popular sentiment among the men and their officers.

At the international airport, C5A Galaxy transport planes continued to spill from their bulging bellies U.S. infantrymen shouldering M-16 rifles and rucksacks packed with chemical warfare suits.

They rapidly deployed to their assigned locations as part of Operation Thunder, the code name for the gulf mission.

Nothing has changed in the military preparations at Doha except the

TALKING POINTS ON THE SUPREME COURT'S ACTION ON MEGAN'S LAW

- The Supreme Court today turned down an appeal by sex offenders and left intact the notification provisions of Megan's Law, enacted by New Jersey in 1995 and adopted by 36 other states since. (Today's action does not preclude the possibility the Court might some day fully review and disapprove of such a notification measure.) President Clinton has fought for registration of violent sex offenders and for community notification procedures.
- The Supreme Court's action will help ensure that members of the public can protect themselves and their families by obtaining information about registered rapists, child molesters and other sexually violent predators.
- President Clinton has worked to aggressively fight sexual predators. The 1994 Crime Act required every state to create a sex offender registry. In May of 1996, the President took the next step by signing the Federal Megan's Law, requiring states to release relevant information concerning registered child molesters, rapists and other sexually violent offenders when necessary to protect the public. In addition, at the President's direction, the FBI has created a national sex offender registry.
- The Administration believes that community notification enables communities to take common sense measures to protect themselves and their families, such as ensuring that their children do not associate or visit with known child molesters.
- When sex offenders move, the law should move with them. Local authorities should know when a child molester or rapist is released from prison and reenters the community. Registration and notification laws help law enforcement investigate sex crimes by informing the authorities of the identities and whereabouts of convicted sex offenders. These systems also may inhibit offenders -- who know that the authorities know who they are and where they are -- from committing additional crimes.
- The Clinton Administration has actively supported the efforts of states to defend their sex offender registration and notification laws when they have been challenged in court. The Justice Department filed numerous amicus briefs in support of New Jersey's Megan's Law and in other federal court challenges to state Megan's Laws.
- Every state is aggressively working to improve criminal history record keeping so that they can participate effectively with the national registry. Some impediments exist - - several states have only recently begun to computerize their records; others have computer systems that are incompatible with the federal system; and others lack the computer infrastructure to share information -- but because of the hundreds of millions in federal dollars provided to the states in the last several years, the rate at which we see improvements in the state criminal history databases should continue to increase.

FROM : CO DIV CRIM JUS

TO :

MEMORANDUM

DIVISION OF
CRIMINAL JUSTICE700 Kipling Street, Suite 3000
Denver, Colorado 80215
(303) 239-4442William Woodward
DIRECTOR

DATE: May 29, 1997

TO: Voncile Gowdy

FROM: Kim English *ke*

SUBJECT: Sex Offender Recidivism Rates

Post-it Fax Note	7871	Date	May 29	# of pages	1
To	Voncile Gowdy	From	Kim English		
Co./Dept.	NIS	Co.	DCJ		
Phone #	202-307-2951	Phone #	303-239-4453		
Fax #	202-307-6394	Fax #	303-239-4491		

From the Canadian research report entitled "Predictors of Sexual Offender Recidivism: A Meta Analysis" by Hanson and Bussiere (1996), prepared for the Ministry of the Solicitor General of Canada, a meta analysis of 61 studies averaging a follow-up period of four to 5 years:

- 13.4% of sexual offenders recidivated with a sexual offense;
- 18.9% of the rapists committed a new sex crime;
- 12.7% of the child molesters recidivated with a new sex crime.

When recidivism is defined as any new crime, the rates were higher of course:

- 36.3% of sexual offenders recidivated with any crime;
- 46.2% for rapists;
- 36.9% for child molesters.

These findings are a conservative estimate since most sexual offenses remain undetected and unreported. Further, it is difficult to classify sex offenders as "rapists" and "child molesters" because recent research is suggesting significant heterogeneity among this population, so the distinctions could be irrelevant.

When the containment approach is used, as we advocate in our book, with a team of criminal justice professionals developing case-specific management plans and employing the polygraph in the offense-specific treatment and monitoring of the offender, we have evidence from Maricopa County, Arizona, that the recidivism rate for new sex crimes drops to less than 2%, after approximately 50% are revoked to prison on sex-offender specific technical violations.

C O V E R

S H E E T

FAX

To: Leanne Shimabukuro
Fax #: 202-456-7028
Subject: Sex Offender Recidivism
Date: June 2, 1997
Pages: 2, including this cover sheet.

Leanne -- As I mentioned last week when we first discussed this topic, NJ has done no research specifically on sex offender recidivism. I'm sending you in the mail a number of background pieces related to this topic which may be of interest. Basically, what we have is the following:

- ▶ One current NIJ research grant will develop a "typology" of sex offenders. This is essentially an attempt to figure out if a classification instrument developed on serious, incarcerated sex offenders can be generalized to other types of offenders, and to other populations, such as college students. Final results of this grant are not expected until FY 1998.
- ▶ One grant soon to be awarded will examine the usefulness of polygraph testing for monitoring sex offenders living in the community. Final results of this study are not expected before FY 1999.
- ▶ NIJ recently published the Research in Brief, "Managing Adult Sex Offenders in the Community - A Containment Approach." The primary investigator for this project, Kim English has looked into existing research on sex offender recidivism. Her summary of existing research is attached.
- ▶ NIJ will soon publish a research report on "Child Sexual Molestation: Research Issues." A draft of this document is on its way to you via mail.
- ▶ In February, 1997, the Bureau of Justice Statistics published "Sex Offenses and Offenders." While this pub does not get at recidivism directly, there are lots of eye-opening statistics in there. For example, only about a third of offenses are reported to law enforcement; 8 out of 10 of those convicted had plead guilty; 2/3 of those convicted received a prison sentence; average sentence was 10 years and average time served was 5 years, and on and on. Pages 25-27 give you some sense of re-offending differences among types of offenders, but don't give a definitive answer to the question. how many recidivate?

From the desk of...

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Date: 05/20/97 Time: 14:10
SGOP aims at sex offenders

WASHINGTON (AP) Loopholes that let some convicted sex offenders avoid registering their status would be closed under a law proposed Tuesday by Republican House and Senate members. ``We're trying to use the power of the information age to deny sexual predators the one thing they need to prey on our children and on the weaker members of our society and that is a dark corner to hide,'' said Sen. Phil Gramm, R-Texas, a co-sponsor of the Senate bill.

The legislation being introduced in the Senate by Sen. Judd Gregg, R-N.H., and in the House by Rep. Bill McCollum, R-Fla., would require that people convicted in federal and military courts of sexually violent crimes or sex offenses against children register with their states.

In addition, such offenders who work or attend school in a state other than the one where they live would have to register in both states. Offenders who transfer to another state while on probation or parole would have to register in the new state. It also calls for states to create laws prohibiting stalking of juveniles.

``We're seeing, unfortunately, almost on a daily basis, news stories about a sex offender committing a repeat crime,'' Gregg said. In a reference to criticism that registration is an inappropriate additional punishment for people who have already paid their debt to society, Gregg said they are ``sexual predators who must be watched and whose rights must be limited just because of the fact that their crimes are so horrid.''

Rep. Randy ``Duke'' Cunningham, R-Calif., said there are now ``20 or 30 in every zip code.''

The bill would give states more flexibility in establishing their own sex offender registry. Although all 50 states have such registries, only one meets the requirements established by earlier legislation that said states not in compliance by Sept. 30 risk losing federal law enforcement grants.

Legislation starting in 1994 on this issue has been named for victims of sexual predators: Jacob Wetterling of Minnesota, Megan Kanka of New Jersey and Pam Lychner of Texas.

APNP-05-20-97 1424EDT

COMMUNITY NOTIFICATION AND SETTING THE RECORD STRAIGHT ON RECIDIVISM

NCIA RESEARCH VOLUNTEERS DRAFT NOVEMBER 8TH, 1996

How should Community Notification be implemented? Who should have access to the information? Will notification be effective? Is it needed? Is it just? Is it constitutional? Do once caught sex offenders pose a high risk of reoffending, more so than murderers or other criminals? How do we know?

Is Community Notification the only way to deal with former sex offenders, as opposed to every other class of criminal? If so, how should notification be handled? Who should be told? Who, if anyone, should not be told? Does telling reduce or increase the risk of reoffense? Again, how do we know?

Whether the public labeling of sex offenders is socially effective, morally right, or even constitutional, there is no denying its popularity. It sells newspapers. It gets votes. Willie Horton, a sex offender and a true monster, helped elect a president.

Community Notification titillates and may even satisfy an enormous public appetite, but even its strongest advocates acknowledge that it comes with a price. Hate crimes. Public paranoia. Violence. Selective denial of human rights. Creation of a new criminal underclass.

But how many sex offenders are like Willie Horton? All of them? Most of them? To answer some of those questions, we have a very practical need to know how many offenders, once caught, will offend again.

In preparing its April 1996 Research Update, the National Center for Institutions and Alternatives reviewed a substantial public database of scientific studies related to sex offender treatment and recidivism. Based on that research, NCIA concluded that public policy in this area often is based on misinterpretations, bending of the facts, and myth.

Part of the problem has been the sheer number of studies that have accumulated over the past 50 years on the subject of sex offender recidivism. Until recently and the advent of more careful meta analysis comparisons, people had difficulty in sorting out the results.

"But maybe now", as Dr. Margaret Alexander pointed out, "through an accumulation of studies we can." Saying this in her Oshkosh Institution's November 1994 Report to the ASTA Conference, her team's "Quasi Meta-Analysis II", did just that. It evaluated an extensive number of sex offender studies, 673 of them, laboriously coding 74 to a standardized form.

Until a few months ago there had been but two really landmark evaluations that looked at most all of the hundreds of studies done to date. The impressive Oshkosh Correctional Institution's study and another voluminous overview in 1989 by Lita Furby, Mark Weinrott and Lyn Blackshaw. Now however, just published in April 1996, we have still another major compilation, this one from Dr. R. Karl Hanson and Monique T. Bussiere of the Office of Canada's Solicitor General. Collectively between these three robust reviews, we may at last have a considerably less changeable accumulation of data that in total has tracked tens of thousands of sex offenders, many of them for lengthy periods of time.

As the focus of this paper is solely to address the issue of Community Notification, we culled these three compilations to look only at sex offenders who had once been caught.

We isolated these individuals because they have been identified to the authorities as sex criminals. Unidentified offenders are likely to have higher offense rates, but solid information cannot be known about their behavior because they are - by definition - unidentified.

Between these three reviews, over 800 new studies have now been marshaled. Most importantly, 207 of the studies specifically addressed rearrests for a subsequent sex offense, hereinafter referred to as "reafasso" rates....(Furby so enumerates in 37 studies, Alexander in 83 studies (68 + 15), and the Solicitor General in 87 usable documents).

When the "reafasso" rates are isolated from all these studies and properly weighted and interpolated, a recidivism figure is found which will be a surprise to most:

**WITH OR WITHOUT TREATMENT,
THE VAST MAJORITY OF ONCE-CAUGHT SEX OFFENDER
87%
DON'T GO ON TO BE REARRESTED FOR A SUBSEQUENT NEW SEX
OFFENSE**

**SEX OFFENDER RECIDIVISM IS MUCH LOWER THAN PEOPLE BELIEVE
ONLY A SMALL MINORITY**

**13%
OF THOSE THAT COMMUNITY NOTIFICATION MIGHT CONFRONT,
GO ON TO BE REARRESTED FOR A SUBSEQUENT NEW SEX CRIME.**

EXHIBIT (A)

Number of Sex Offenders Tracked	From a Data Pool of Hundreds of Studies	Rearrest for a Subsequent Sex Offense "Reafasso" Rates
6,534	Alexander-Oshkosh Correctional Institution 1994 See attached Alexander bar graph (treateds only)	10.9%
1,219	Alexander-Oshkosh Correctional Institution 1994 See attached Alexander bar graph (untreateds only)	18.5%
15,361	Furby-Blackshaw-Weinrott 1989 See Our exhibit (B)	12.7%
23,393	Office of Canada's Solicitor General 1996 See Excerpt from their Executive Summary	13.4%
46,507	See our weighted average calculation Exhibit (C)	12.95%

**ROUNDING 12.95% TO 13%
TELLS US THAT 87%
8.7 OUT OF 10 ONCE CAUGHT SEX OFFENDERS
DO NOT GO ON TO BE REARRESTED FOR A NEW SEX OFFENSE**

A word of caution...it should be noted that the total number of rearrested subjects, 46,507 counts some people twice because the Furby, Alexander and the Solicitor General's Office pulled from hundreds of studies, a few of which were the same studies.

In spite of that reification, what these recent reviews still leave us with is an immense data pool of the

tracking of tens of thousands of sex offenders. Most notable...all three reviews, after accumulating from all the other studies provide nearly the same results. Collectively recidivism rates for a new sex offense are in the low teens.

Although the unearthing of a modest 13% recidivism rate for the once caught comes from years of research and hundreds of studies, few people are going to believe so few recidivate. **But the fact is until other reviews come along, that accumulate even more data, that track even more subjects, this latest finding of 13% recidivism rate should not be dismissed.**

When compared to other types of criminals, sex offenders also have a far lower rate of going back to jail. When criminologists compare sex offender recidivism to the F.B.I.'s 1994 statistic.... **"that 74% of all of those released from prison" for all types of crime "are back in prison within four years"...** a degree of how much mis- or dis- information we've heard begins to emerge.

Although any recidivism of a sexual nature is not to be minimized, **the 1.3 out of 10 who are rearrested for a subsequent sex crime is a far cry from the 7.4 out of 10 who are being arrested and going back to prison for other types of crime.**

SKIEWING RECIDIVISM RATES

When being tough on crime and skewing recidivism rates remains one of their best vote getting ploys, politicians aren't about to shoot themselves in the foot acknowledging low reoffense rates. For them finding a study from somewhere with high recidivism rates has been easy. There are so many recidivism studies out there that a few can be found to say almost anything. When one hears of a study citing high reoffense rates, closer scrutiny will often however lead either to someone focused on the most serious offenders, or to some study with a minuscule data pool, that may have tracked only a couple of hundred subjects, or less.

Another way for spinmasters to disparage the findings of new research is to decree whatever comes along as "inconclusive". You will also hear **"up to" figures:** "up to 40% reoffend", "up to 75% reoffend". The trouble with such claims is they are not averages, and they are not backed by any credible broad base of data like the massive works of Alexander, Furby or Hanson.

Offense rates for some categories of offenders may be "up to" about 30%, but other categories may be "as low as" 3%. What matters is the average offense rate or a careful tracking of which offense rate fits which category. If one were to sample a group of sexually dangerous psychotics, a 100% recidivism rate might be conceivable, but the average sex offender is not in that psychosexually afflicted group.

One politician, Assemblyman Bill Hoge on the make in this last election in Pasadena was claiming without any credible basis whatsoever that sex offenders "will repeat the crime again at least 90% of the time". Frank Zimring a Law Professor at the University of California at Berkeley addressing Assemblyman Hoge has written "that such gross exaggerations are a "folk belief", that what we are looking at is the dynamics of ignorance in action", that "this is don't bother me with the facts legislation".

Still another ruse in promoting the myth of high reoffense rates, is to leave out the word sexual and site the arrest rates of sex offenders for other types of crime. If a convicted sex offender later shoplifts he has committed a new offense, but it's not a new sex offense.

But even by this measure, the arrest rates of sex offenders for other types of crime compare favorably with the arrest rates of others. If for accuracy you interpolate from large data pools, sex offenders get arrested for other types of crime (including probation violations) at about half the rate of other criminals.

Offense rates are very different before and after being caught. Although many sex offenders may offend for sometime before being apprehended, the commission of new offenses becomes considerably more difficult once they have been caught and are known to law enforcement. As later detailed in this

paper, there are a number of reasons why once caught sex offenders become less likely to continue offending.

HOW MANY SEX OFFENDERS ARE WE DEALING WITH?

- The total hasn't been tabulated yet. Depending on how far the states are legally allowed to go back in time (if they are allowed to go back), it looks like at least 250,000 will be affected.
- According to the State of Washington's Institute for Public Policy, by the time of their July, 1996 review....135,638 sex offenders had already registered themselves in the 50 states.
- When you apply the finding that 87% do not go on to commit a new sex offense, what should be reflected upon is that once 250,000 have registered over 217,000 of those souls will be exoffenders.
- To paint pretty much all with the same brush, to permanently label so many who won't again reoffend is not only unfair but a major injustice that will only compound the problem.

FROM THE PERSPECTIVE OF THE EXOFFENDER

It is well established that most sex offenders have histories of being molested themselves as children. This trauma leaves many of them with a long term problem of clouded boundaries. If the problem becomes deep seated enough, the victim may become a perpetrator. But with arrest and the other shocking consequences of being discovered, those uncertain boundaries are suddenly and vividly redrawn. For most, that drawing emerges with very hard lines.

More than with any other class of offender, getting caught leaves sex offenders humiliated, shamed and shaken to the core. Being handcuffed and hauled away from decent society is a shattering experience for anyone, but it is all the more electrifying and soul-stripping when the nature of the offense is as intimate and shameful secret as is a sex crime. In some cases, the perpetrator's first real lesson in recognizing the consequence for his behavior comes with the shock of seeing his name and perhaps his picture in the newspaper or on television, accused and exposed before all his friends, family, neighbors, co-workers.

The process hardly ends with arrest. Prior to sentencing, which can sometimes take a year or more, little can be worse than the prolonged agonies and reflections of not knowing how long one may be going to prison, for some it may be for life. In this setting, life around them becomes narrow and terrifying. If pending trial, a sex offender is already bracketed in jail, it may be the first time his blurred boundaries come face to face with real vengeance. Greeted with beatings or worse, many first time sex offenders are startled by the degree of rage they now must encounter. Perhaps most devastating of all is the gradual realization that they are themselves criminals and as a known sex offender, the safety, comfort and security of the life left behind may be gone forever.

All of this is much more of a shock than putting a finger in a light socket, it is not just another passing experience. For sex offenders, more than almost any other class of criminal, being caught is the major crossroad in their lives. As with other forms of extreme aversion therapy, all of these humiliations imprint a painful, life-changing lesson. Few will ever forget the nightmare. As these low recidivism rates attest, getting caught teaches most.

TOWARDS A POLICY THAT WORKS

Widespread Community Notification that makes **dartboards out of sex offenders is risky business**. We shouldn't be damning people and we shouldn't be making an outcast or pariah of anyone. Setting any group up to be hassled, hunted or taunted, is not the way to have less crime.

Long term provocation of sex offenders could very well set up the very same anxieties, frustrations, depression and despair that may have precipitated or been a part of the cause of their deviant behavior in the first place.

Making life-time lepers out of most all sex offenders could cripple the recovery of many and irrevocably some. Such tramplings that make sport out of destroying people will most certainly not reduce reoffense

rates, it only sets a stage for further irresponsibility.

If one is to become permanently tagged as a deviant criminal, just keeping a job, a home, a family becomes a problem.

Although society is fearful and has every right to be anguished, if we want fewer victims, the monitoring of such a complex problem should not be turned over to a public that is untrained, misinformed on recidivism and fixated more on punishment than on curing the problem.

Unless we're going back to the dark ages of our history, unless we're returning to a punishment mentality only, we should not be giving license to the kinds of Salem-like witch hunts that Community Notification is likely to encourage.

Permanent brandings may be all right for cattle, but it shouldn't be for people.

TREATMENT

Although many continue to question whether treatment works for sex offenders, it at the very least makes a great deal of difference. The April 1996 NCIA Research Update , "Sex Offenders: Does Treatment Work?", specifically addressed that question.

Those who say such behavior can't be modified might be reminded in very basic terms that pets get house trained, children get potty trained, and horses get ridden. Even animals from the wild can be taught to take direction at least in the circus. It is absurd to say that humans, the most intelligent of beings can't be realigned. Maybe the truly psychotic hard core can't be disciplined but they constitute a very minute fraction of sex offenders. As D. Thornton has written, "the results of a well designed and executed treatment program provides little support for the nihilistic belief that sexually aggressive behavior is irremediable." **The majority of humans are capable of growth and achievement to maturity and sex offenders are no exception.**

As the numbers in this paper show, a single arrest and probation cures most sex offenders even without treatment. However, over long periods of time recidivism rates do increase, but principally for those regarded as high risk. Accordingly, we should start demanding treatment of all sex offenders before and after release, with lengthy programs for some.

Without treatment a sex offender may never come to terms or realize the often devastating posttraumatic stress that he may have heaped upon a victim. For some victims, such stress if not treated, can cause a lifetime disorder. So treatment is needed for both the perpetrator and the victim not only for relief but as further insurance that it doesn't happen again.

The latest skills and techniques of relapse prevention are clearly proving themselves, particularly aversion therapies and those that develop victim empathy.

When the cost of treating sex offenders is a fraction of warehousing people in a debilitating cell, probational professionals trained in relapse prevention, would make a lot more sense than just building more prisons.

As we are soon to see more graduates from our prisons than from our colleges, we'd do well to think more of alternatives. There are other ways to fight crime, treatment is one of them. If our legislators truly want to do something constructive, they should start funding relapse prevention. With the latest regimens, such programs could well reduce recidivism into the low single digits.

If we're ever to deal more effectively, the actuality of low reoffense rates for the once caught should be acknowledged and treatment should be given more of a priority, more of a chance. If we want fewer victims of criminal sexual conduct, society must see past it's politicians and its resistance to rehabilitation.

RISK ASSESSMENTS

Although most states are calling for risk assessments, i.e. low, moderate or high risk tiers, few exoffenders are likely to see a low risk assessment. Because of the lack of knowledge about these actual recidivism rates, most politically appointed Assessments Boards are likely to have serious qualms over assigning more than just a few sex offenders to a low risk tier. As a result, under most of the state notification laws, the general public will be given the addresses of almost all sex offenders.

One particularly well thought of expert in the field is Robert Freeman-Longo of The Safer Society Foundation. On risk assessments he writes:

"The most serious problem in determining the dangerousness of a particular offender is the fact that there is no reliable risk checklist, risk assessments may be conducted by untrained persons using a standardized list of risk criteria. In the absence of highly qualified, trained professionals to conduct comprehensive risk assessments, the chance of miscalculated risk is increased".

Poorly or hastily researched risk assessments done by state boards or prosecutors will lead only to more problems. As all the studies in this paper attest, most sex offenders will never reoffend again, so if there is to be risk assessments, if the program is done fairly and professionally, most offenders should be assessed to a low risk tier. As that is not likely, the whole costly program may very well become bogus and a sham. In this set up, most offenders are likely to be painted with the same barbaric brush as if wearing the Scarlet Letter A. Once so damned, they and their families could well be hounded for the rest of their lives.

REGISTRATION

Sex offenders, would object less to registering if that information was to be kept relatively private. Some of the states have prudently decided such information shall only be available to law enforcement. Sex offenders do feel, however, that registering and re-registering every year or every 90 days or whenever they move, for periods like 15 to 25 years or for life is an overreaction, a painful burden, a singling out and overkill.

There are also complaints of excessive penalties for not registering and very short time frames to do so. Many states now require registry within 5 days or even 48 hours - and not just if one is moving to the state. Nevada and Florida have gone so far as to say sex offenders "must register within 48 hours of entering". In these states, even passing through could land one in jail. The penalty is as much as a year in jail in Nevada. In Florida, it's worse. Failing to register within 48 hours is a felony.

Under the soon-to-be imposed Federal identification program, the penalty for not registering has been propelled to a base fine of \$100,000.

Particularly onerous to exoffenders are also the ex post facto and double jeopardy attempts by the states to impose what are in effect new sentences. Some are trying to scoop up in their registries all sex offenders, even though many have completed their sentences decades ago. Until now and these new enactments, their debts to society had supposedly been paid.

As the vast majority of once caught sex offenders are not reoffending, little is served by their having to near endlessly register and reregister. **Before any such extra punishment is allowed to stand, legislators should be made to prove their claims of high reoffense rates. If they can not, both new laws Community Notification and Registration should be struck down.**

This situation is analogous to legislation, which is sometimes overturned because it is too broad. For example, in October 1996 a juvenile curfew in D.C. was **overturned in Federal Court because of flawed statistics**. The judge did so citing that although the city had a compelling interest to reduce juvenile crime, it passed the legislation without credible statistical evidence that there was more crime at night or that the curfew would primarily reach children likely to commit crimes. **In the absence of**

credible statistical evidence that once caught sex offenders pose a high risk of reoffense, should not Community Notification and Registration Laws not be similarly overturned? Regardless of popular belief, if the statistics of our politicians are flawed, if indeed the allegation of a high reoffense rate is false, these new laws should not be allowed to continue on the books.

WILL COMMUNITY NOTIFICATION BE EFFECTIVE ?

For a number of reasons it won't be. One of the more obvious is the fact that if someone is still offending, and is known in his neighborhood as a sex offender, there's little to stop him from traveling a short distance to some other neighborhood where he is not known.

Couple this with the fact that 95 some percent of child molestation is said to take place in the home, by a family member or close friend, until that party is caught, that problem will not be addressed by anything as simplistic as a neighborhood sex offender watch. Such legislation may feel good, but it will do very little to stop the real problem.

What's confusing to a community is that when they are told of a sex offender's presence, 87% of that notification is irrelevant. The offender has already been punished - sometimes years before - and none in that 87% group will go on to be rearrested for a subsequent sex offense.

Branding all identically with the few who will reoffend is where the damage comes in and not just to the former offender but often to his entire family. It may even cause further public pain for the victim.

Some will argue that distinctions between those who will reoffend and those who won't are too subtle for trained professionals to forecast reliably. If so, the logic of Community Notification would leave responsibility for that same judgment to a neighbor or the general public most of whom have had no training in these matters at all. This is not a solution; it is simply passing the buck on an emotionally charged issue that almost every politician finds too hot to handle.

HATE CRIMES & OTHER PUNISHMENTS

Even though Community Notification has as yet to be fully unleashed, there has already been some vigilantism. Today, released sex offenders are being greeted with slurs and sometimes slugs. Some have been beaten. Some have had their houses torched. One man found his dog decapitated, its head propped on his stoop.

If under Community Notification there's to be access to most all sex offenders, regardless of risk level, if virtually any hot head can get directed via 800 or 900 telephone directories to the home of most any sex offender, serious problems will abound...and not only for the offender, but for his family or who ever else may live with him. Where a sex offender is domiciled or may have lived in the past may even effect the value of the real estate. If that address remains in a directory, even the next owner may be targeted. What if a known sex offender lives next door? Even just being a neighbor might make it pretty hard to sell one's own house.

Many would like to inflict their own brand of punishment or just deserts on any rotten apple sex offenders they can find, and many will take that second bite if Community Notification gives them a near license to do so. One young sex offender hid in an upstairs closet petrified as he heard his family below get seriously pummeled in their own living room. In that incident, the enraged hot heads who had barged in were a father and son team, one of them was a Corrections Officer.

Headlines of tragic cases prompt a lot of bona fide anger but passing out sex offender addresses may become like dropping matches on oil soaked rags. If one wanted more crime, there may not be a better prescription than Community Notification.

Very few people other than some researchers and criminologists have ever heard that the vast majority of sex offenders, once-caught, do not go on to reoffend. So it's no wonder there's so much fear and anguish among the public. A lot of it, we suspect, may be because so many in our society have been

victimized themselves.

Given this context, the public will find it difficult to accept the fact that reoffense rates are really low. The problem though remains, that if society wants fewer victims, it shouldn't be just other types of criminals who are given a peaceful path to realign. Once anyone has served his time for a crime, that should be it.

Although many will disbelieve the 13% recidivism mean found from all these studies, skeptics might consider this. **Even if one were to double that 13% mean and called it 26%, the conclusion would be the same...the vast majority, even in that stretch...74% would still not be going on to be rearrested for a new sex crime.**

When claims are made that registration is not extra punishment, that's certainly not what is being said and felt by the hundred of thousands of sex offenders who are now under the threat of heavy fines and or jail if they don't register. One sex offender who didn't register in California under their "three strikes and you're out" is now facing 25 years to life.

In one recent case in Virginia, after the community was notified of the presence of a teenage sex offender, the threats and hassles became so great for a mother that she told her son, that he had to move out. Now he's on the street without any family support. What's that prognosis? The odds are certainly not now better for that young man's recovery. Thanks to Community Notification, predicaments like this only insure the likelihood of more criminal conduct not less.

If through Community Notification we're going to make more difficult the road to redemption, we'll ultimately have only more victims to show for it. If the courts can't find the decency to rule some for the hundreds of thousands of souls who are not reoffending, then most importantly it must be done for the sake of fewer future victims.

Although giving sex offenders additional punishments maybe politically seductive, it eats away at the very footings of our Constitution.

Our forefathers protected all of us - not just some of us - against ex post facto laws and double jeopardy because such are inherently unfair, subject to uneven application, and fundamentally abusive. Like sex crimes, such measures violate the constitutional contract that holds together our society. But unlike the recidivism rates for the great majority of once caught sex offenders, laws once enacted go on virtually forever.

The claim that registration is not an extra punishment is proven false by the fears and renewed shame experienced by the hundreds of thousands of Americans suddenly under the threat of heavy fines or the penitentiary if they don't comply with a requirement that didn't exist at the time of their sentence.

Fear and shame are powerful silencers, not only for the recovering sex offenders but for their families who are the totally innocent victims of these new laws. The Safer Society writes, "is it fair to have others stare and gossip about people because they are married to a sexual offender or they are the sister, brother, parent or relative of the offender?" Community Notification will clearly not only punish offenders but entire families.

It is bad government that panders to the impulse for revenge, enacts laws through intimidation, or ignores the fearful silence of sex offenders and their families.

Consider everything that is actually involved in being inscribed on the roll of public shame, in reporting every year or every 90 days or with every move or in some states whenever you travel into the state, and doing so endlessly for decades or for an entire lifetime. **How can we ask a former offender to shed the errors of the past if we make permanent the stigma that goes with them?**

Unless one has lived through a lengthy period of probation or parole as a sex offender, it's hard to imagine the humiliation of repeatedly and forever reporting to define yourself to others in terms of past behavior that in almost every case has its roots in a tragedy of childhood. For the most fragile, those

most in need of a better self image, support and encouragement, the near endless process of registering and re-registering will not add to the cure.

As most states are trying to reach back and require all sex offenders to register even though they may have offended many years ago, what has been served up is nothing less than an ex post facto extension of probation. What it amounts to is a new decades long or life sentence of parole. Not calling it an extra sentence or extra punishment may be very popular but it's preposterous.

It's been amazing to see how the public has been duped into thinking that the once caught sex offender isn't already registered. To claim sex offenders are not already known to law enforcement is a joke. Whether convicted or not, if one has ever been arrested for a sex offense, he has been photographed and fingerprinted and those records have been going from the local police and state police to the FBI for decades. There are few sex offenders who don't have to face parole or probation after their release from jail and generally they must report their whereabouts for 5, 10 or more years. Regardless of how long ago a sentence, those records remain. The debate we're now having is who should have those records. If we are to be prudent, we will keep such in the hands of law enforcement and probational professionals. To do otherwise is reckless.

PRIVACY

All who have done their time and served their sentences, should be afforded some privacy. If they can't be granted that, it will be all the more difficult for them to maintain healthy emotions. Without some time and space, away from notoriety, free from constant stress and anxiety, the probability that an offender will turn to crime again is increased, not reduced.

Is some privacy for sex offenders really too much to ask? Few could care less if some perverts are getting a bad rap, but if in truth most the once caught are not reoffending, if in fact their threat to society has been vastly exaggerated, then there is no "emergency" for this type of legislation, and privacy should not be denied.

Even though these are not compassionate times and even though it may be politically too humane, poorly thought out legislation that forfeits or permanently takes privacy away from anyone, even sex offenders, is a serious erosion of liberty that undermines the very integrity of our judicial system.

Supreme Court Justice Louis Brandeis once wrote "The right to the left alone is the most comprehensive of right and the right most valued by civilized man."

In spite of that at least one state, New Jersey, has upheld Megan's law although even there it is now under a temporary restraining order. Many other states however have been more judicious and declared Community Notification unconstitutional. Among them - Alaska, Arizona, Illinois, New Hampshire and now most recently New York.

When psychologists and criminologists alike feel that Community Notification is more apt to propel reoffense than to reduce them, sanity will have to come from the courts as it certainly isn't coming from our politicians.

What Walter Dickey, a University of Wisconsin law professor, recently had to say about other rush to punishment laws also applies to Community Notification. He said, it is **"designed to get people to think that it will take repeat offenders off the street, it tricks people into thinking the problem has been solved."** The truth is that Community Notification and Registration has been legislated **"not because it's good crime control but because it's good politics."**

If our courts would recognize all this vote-crazed legislation for what it is, there could be a more civilized approach and less criminal sexual conduct as a result. Once our judges are apprised that Community Notification has been brought to us on a false premise, and that reoffense rates have been exaggerated, maybe we can go on to more intelligently deal with this painful social problem.

Community Notification and onerous decades long Registration laws are ill concocted, election-year lawmaking, and poor public policies. The electorate deserves better protection than laws that should be declared unconstitutional, and the legislative process is poorly served by a herd response that comes mostly from fear and scapegoating.

The legitimate, realistic goal of protecting innocent lives is better served by careful thought, fairness and the truth.

Before there is story after story of vigilantism, before thousands of souls and their innocent families become taunted and hounded, our courts must come forth more wisely and honestly than have our politicians.

Community Notification is contraindicated,...it needs to be rethought,...it needs to be put in check.
Community Notification/NCIA/ncia@igc.apc.org

SEX OFFENDERS

① FALL CONFERENCE ?

② JUDGE RON RHINESSTEIN (CRIMINAL)
MARICOPA, CTY.
602-506-3921 (AZ PROBATION FOR LIFE)

③ WHAT CAN JUSTICE DO BY WAY OF PRISON FUNDS

④ OTHER STATES, OTHER E.G.S OF HOW TO
MANAGE SEX OFFENDERS ?
↳ KS, E.G.

⑤ OVERALL STATS, ON ISSUE (Tom)

⑥ SKADDEN, ARPS DRAFT LEGIS.

Delaware Driver's Licenses to Note Sex Offenders

By MICHAEL JANOFFSKY

In a novel expansion of laws requiring sex offenders to register with the authorities, Gov. Thomas R. Carper of Delaware yesterday signed into law a bill that requires sex offenders in the state to be so identified on their driver's licenses.

Delaware is among the 48 states that require sex offenders to register with local law-enforcement authorities so neighbors can be notified of offenders living near them.

But the new measure, which passed by unanimous vote in the State House and by an overwhelming

majority in the Senate, is the first of its kind in the country, said one sponsor, Representative Roger Roy, who said the chief beneficiaries of the law would be other states.

"We know where a sex offender is when he's in Delaware because he has to register," Mr. Roy said in an interview. "The problem is if he leaves."

Under the new law, anyone convicted of any of 12 sex crimes, including rape, sexual extortion and sexual abuse of a child, in Delaware would be reissued a driver's license with the designation of "y" on the reverse

side. If the offender moves to another state and applies for a driver's license, turning in the old license, the designation would enable authorities in the new state to identify the person as a sex offender.

Mr. Roy said his interest in proposing the legislation arose from an incident last year involving the release from prison of an 18-year-old man with a record as a sex offender while a juvenile.

Mr. Roy said the man moved to North Carolina, "got caught with a couple of kids" and was arrested by authorities who had no knowledge of

his past conviction.

Supporters of the measure said it would also help Delaware law-enforcement authorities patrolling schools, playgrounds and other areas where children might congregate.

And Mr. Roy said he intended to lobby the National Council of State Legislatures and the Council of State Governments to have other states pass a similar measure to develop a national data base from motor vehicle registration information.

But Judith Mellon, director of the American Civil Liberties Union office in Wilmington, said she opposed the law as a violation of privacy. Ms. Mellon questioned whether the measure would make much differ-

ence in tracking a sex offender.

"We understand society's desire to protect public safety and we sympathize with people who want to do something about sex offenders," she said. "But I wonder if this is the most effective manner."

Ms. Mellon said she was at least satisfied that Delaware lawmakers compromised on one proposed element of the bill. In the original version, she said, sponsors wanted the driver's license to have the words "sex offender" stamped on it.

Teen hackers create scare at Pentagon of electronic war

By Bill Gertz
THE WASHINGTON TIMES

Senior Pentagon officials were so concerned about recent sophisticated attacks against U.S. defense computers that they notified the White House an Iraqi electronic attack might be under way.

The culprits proved instead to be three teen-agers, two in California and an Israeli.

"This was real," said a government security official. "There was a series of systematic attacks against defense information infrastructure hosts" — the unclassified computer networks that are one of three vital Pentagon communication tools used for everything from sending ships to sea to ordering spare parts.

The attacks coincided with U.S. military preparations in early February for large-scale air and missile strikes on Iraq for its refusal to permit United Nations weapons inspections.

At about the same time, the Pentagon came under an intense three-week electronic bombardment. Only weeks later was it learned the attacks were probably the work of international hackers.

Deputy Defense Secretary John Hamre, who was continually briefed on the attacks, was so concerned at one point about the prospect of a crippling strategic computer attack that he went to the White House to brief President Clinton.

A second Pentagon official said that while the activity was judged unlikely to be a government-backed computer attack, "because of the context in which it was happening, we could not rule out that this was an Iraqi effort." Mr. Clinton was briefed because "he has taken a keen interest in infrastructure vulnerabilities."

At least 11 Pentagon computer network sites were hit and others probably were victimized, said officials close to the issue.

Mr. Hamre called the cyber at-

tacks "the most organized and systematic attack the Pentagon has seen to date."

The attackers exploited a weakness in the Solaris operating system used in many Pentagon computer networks that allowed the unknown intruders to break in, plant a cyber "trap door," and close it up — all without leaving a trace for system operators to find, the security official said.

What alarmed top Pentagon officials was that several of the attacks passed through the United Arab Emirates, while others were traced to Germany and Israel.

"There was the possibility that started to pop in people's minds:

Hey, this could be the Iraqis prepping us for an information-warfare attack," the official said.

The Pentagon traced the attackers around the world several times but could not find the source. The official said the timing of the attacks prompted "a very large amount of concern at the high levels of the Department of Defense."

The matter is still part of an ongoing investigation by the FBI.

Weeks later, the FBI traced the attacks to two high school students in Cloverdale, Calif. And on March 18, authorities in Israel arrested an 18-year-old hacker dubbed "the Analyzer" and charged him with breaking into Pentagon computers.

The threat of potentially crippling electronic attacks prompted the U.S. Strategic Command at Offutt Air Force Base, Neb., to set up a new alert system similar to the Defcon — defense condition — levels used to prepare U.S. forces for nuclear war.

The Infocon alerts range from Normal to Alpha, Bravo, Charlie, Delta — the highest alert state. At each level, various security steps are taken to minimize possible attacks, such as disconnecting from the Internet and monitoring networks full time.

• Jerry Seper contributed to this report.