

LEG. FINANCE - BILLS 1983 - 1984 1958  
HB 626 cont. - CSHB 635 1958

Use of force or intimidation in retaining property or in attempting to escape, rather than in taking property, as element of robbery, 93 ALR3d 643.

What constitutes attempted bank robbery under 18 USCS § 2113(a), making it offense to take or attempt to

take, by force, violence, or threat, any property, money, or other thing of value from bank, 37 ALR Fed. 253.

Criminal responsibility under 18 USCS § 2(b) of one who lacks capacity to commit an offense but who causes another to do so, 52 ALR Fed. 769.

**Sec. 11.31.100. Attempt.** (a) A person is guilty of an attempt to commit a crime if, with intent to commit a crime, the person engages in conduct which constitutes a substantial step toward the commission of that crime.

(b) In a prosecution under this section, it is not a defense that it was factually or legally impossible to commit the crime which was the object of the attempt if the conduct engaged in by the defendant would be a crime had the circumstances been as the defendant believed them to be.

(c) In a prosecution under this section, it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, prevented the commission of the attempted crime.

(d) An attempt is a

- (1) class A felony if the crime attempted is an unclassified felony;
- (2) class B felony if the crime attempted is a class A felony;
- (3) class C felony if the crime attempted is a class B felony;
- (4) class A misdemeanor if the crime attempted is a class C felony;
- (5) class B misdemeanor if the crime attempted is a class A or class B misdemeanor.

(e) If the crime attempted is an unclassified crime described in a state law which is not part of this title and no provision for punishment of an attempt to commit the crime is specified, the punishment for the attempt is imprisonment for a term of not more than half the maximum period prescribed as punishment for the unclassified crime, or a fine of not more than half the amount of the maximum fine prescribed as punishment for the unclassified crime, or both. If the crime attempted is punishable by an indeterminate or life term, the attempt is a class A felony. (§ 2 ch 166 SLA 1978; am § 1 ch 102 SLA 1980; am § 10 ch 45 SLA 1982)

**Cross references.** — For legislative purpose of ch. 45; SLA 1982, see § 1, ch. 45, SLA 1982 in the Temporary and Special Acts.

**Effect of amendments.** — The 1980 amendment added subsection (e).

The 1982 amendment, substituted "an unclassified felony" for "murder in any

degree or kidnapping" in subsection (d).

**Legislative history reports.** — For a report on Chapter 102, SLA 1980 (TKS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 28, 1980.

**Legislator's notes.** — Many of the cases cited in a note below were decided under former AS 11.05.020.

The word "attempt" generally means the physical effort to do a particular thing. *Woodridge v. United States*, 571 P.2d 631 (9th Cir. 1977).

When attempt complete under former law. — See *Lenke v. United States*, 14 Alaska 587, 211 F.2d 73 (9th Cir. 1954); *Woodridge v. United States*, 571 P.2d 631 (9th Cir. 1977).

In the area of attempt, criminal liability was present under former AS 11.05.020 where there was the formation of a criminal attempt, a preparation to commit the crime, and a direct unequivocal act toward its perpetration. *Braham v. State*, Sup. Ct. Op. No. 1522 (File No. 2558), 571 P.2d 631 (1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

When preparation to commit a crime, followed by an overt act done toward its commission, did not constitute an attempt under former AS 11.05.020. There were borderline cases where it was difficult to determine whether preparation to commit a crime has come close enough to the accomplishment of the crime so that an attempt had been committed. *Gargan v. State*, Sup. Ct. Op. No. 452 (File No. 773), 436 P.2d 968 (1968).

When preparation to commit a crime, followed by an overt act done toward its commission, did not constitute an attempt. *Lenke v. United States*, 14 Alaska 587, 211 F.2d 73 (9th Cir. 1954).

When one's acts were of such a preliminary nature as to constitute mere preparation for the contemplated crime, there was no crime of attempt. *Braham v. State*, Sup. Ct. Op. No. 1522 (File No. 2558), 571 P.2d 631 (1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

**Question of degree.** — Whether acts done in contemplation of the commission of a crime were merely preparation and did not constitute attempt, or whether they were sufficiently close to the commission of the crime to amount to attempt, was a question of degree and depended upon the facts and circumstances of a particular case. *Braham v. State*, Sup. Ct. Op. No. 1522 (File No. 2558), 571 P.2d 631 (1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

**Inadequacy of former statute.** — Former AS 11.05.020 was apparently inadequate to codify effectively as a crime the situation involving the single act of contracting for another to perform a criminal act. *Braham v. State*, Sup. Ct. Op. No. 1522 (File No. 2558), 571 P.2d 631 (1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

Where defendant contracted with someone to kill another, when he instructed the killer to visit the victim, his intention being that there would be fostered a relationship of trust and confidence between the killer and the victim, thus placing the killer in a position where he would be closer to the victim and could more readily kill him, the killer's visit with the victim, at defendant's direction, was the doing of a direct, unequivocal act toward the commission of the crime of murder, which followed the formation of a criminal intent and a preparation to commit this crime. *Braham v. State*, Sup. Ct. Op. No. 1522 (File No. 2558), 571 P.2d 631 (1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

**Factual impossibility not apparent to actor.** — A factual impossibility which was not apparent to the actor at the time should not, as a matter of policy, insulate him from conviction for attempting the commission of the offense. *Gargan v. State*, Sup. Ct. Op. No. 452 (File No. 773), 436 P.2d 968 (1968).

**"Empty pocket doctrine."** — See *Gargan v. State*, Sup. Ct. Op. No. 452 (File No. 773), 436 P.2d 968 (1968).

**Attempt statute applied to attempted violation of narcotic drug statute.** — Persons attempting to commit the crime defined by AS 17.10.010 of the Alaska Uniform Narcotic Drug Act (now repealed) were not exempted or excepted from the provisions of the attempt statute. *Simpson v. United States*, 13 Alaska 635, 195 F.2d 721 (9th Cir. 1952).

An attempt was necessarily included in an indictment for statutory rape. *Sekinoff v. United States*, 283 F. 38 (9th Cir. 1922).

**Indictment need not specify intent to be proved for attempted rape.** — There is authority for the proposition that a specific intent must be proved for the crime of attempted rape. But there is no authority supporting the proposition that the indictment must specify that intent. *State v. Thomas*, Sup. Ct. Op. No. 1077 (File No. 2234), 525 P.2d 1092 (1974).

Title 12  
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Title 12  
Domestic Relations  
Law-Enforcement and Trials

Even though there is no question that the crime of attempt requires a specific intent, it seems equally beyond dispute that a charge of attempt to commit a specific crime clearly advises the defendant of the offense with which he is charged. *State v. Thomas*, Sup. Ct. Op. No. 1077 (File No. 2234), 525 P.2d 1092 (1974).

Indictment charging attempted rape and citing only the rape statute held sufficient. — See *State v. Thomas*, Sup. Ct. Op. No. 1077 (File No. 2234), 525 P.2d 1092 (1974).

Defendant may be found guilty though attempt not expressly charged. — Jury could find defendant guilty of the attempt to commit the crime of possessing narcotic drugs despite the fact that the attempt was not expressly charged. *Simpson v. United States*, 13 Alaska 635, 195 F.2d 721 (9th Cir. 1952).

Substantial evidence of attempt. — In a prosecution for possession of narcotic drugs, although there was no substantial evidence that defendant committed the crime charged in the information, there was substantial evidence that she attempted to commit the crime charged. *Simpson v. United States*, 13 Alaska 635, 195 F.2d 721 (9th Cir. 1952).

Same offense for sentencing purposes. — Assault with intent to rob and attempted robbery constituted the "same offense" for sentencing purposes. *Brookins v. State*, Sup. Ct. Op. No. 1936 (File No. 3972), 600 P.2d 12 (1979).

Sentence upheld. — See *Bowie v.*

**Sec. 11.31.110. Solicitation.** (a) A person commits the crime of solicitation if, with intent to cause another to engage in conduct constituting a crime, the person solicits the other to engage in that conduct.

(b) In a prosecution under this section,

(1) it is not a defense

(A) that the defendant belongs to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the solicitation; or

(B) that a person whom the defendant solicits could not be guilty of the crime that is the object of the solicitation;

(2) it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, after soliciting another person to engage in conduct constituting a crime, prevented the commission of the crime.

(c) Solicitation is a

State, Sup. Ct. Op. No. 769 (File No. 1022), 494 P.2d 800 (1972); *Spearman v. State*, Sup. Ct. Op. No. 1210 (File No. 2520), 542 P.2d 202 (1975); *Braham v. State*, Sup. Ct. Op. No. 1522 (File No. 2558), 571 P.2d 631 (1977), cert. denied, 436 U.S. 910, 98 S.Ct. 2246, 56 L. Ed. 2d 410 (1978); *Johnson v. State*, Sup. Ct. Op. No. 1656 (File No. 3424), 580 P.2d 700 (1978); *Ferguson v. State*, Sup. Ct. Op. No. 1791 (File No. 3890), 590 P.2d 43 (1979); *Morris v. State*, Sup. Ct. Op. No. 1830 (File No. 4132), 592 P.2d 1244 (1979); *Ramil v. State*, Sup. Ct. Op. No. 2217 (File No. 4944), 619 P.2d 722 (1980).

Sentence held excessive. — See *Hansen v. State*, Ct. App. Op. No. 218 (File No. 6965), 657 P.2d 862 (1983).

Applied in *Nicholson v. State*, Ct. App. Op. No. 193 (File No. 6192), 656 P.2d 1209 (1982).

Stated in *State v. Silas*, Sup. Ct. Op. No. 1851 (File No. 4237), 595 P.2d 651 (1979); *Coleman v. State*, Sup. Ct. Op. No. 2199 (File No. 4416), 621 P.2d 869 (1980); *Ramil v. State*, Sup. Ct. Op. No. 2217 (File No. 4944), 619 P.2d 722 (1980); *Clark v. State*, Ct. App. Op. No. 96 (File No. 5658), 645 P.2d 1236 (1982); *Tazruk v. State*, Ct. App. Op. No. 195 (File No. 6954), 655 P.2d 788 (1982).

Cited in *Handley v. State*, Sup. Ct. Op. No. 2155 (File Nos. 3946, 4935), 615 P.2d 627 (1980); *Walker v. State*, Ct. App. Op. No. 234 (File No. 6304), 622 P.2d 948 (1983).

- (1) class A felony if the crime solicited is an unclassified felony;
- (2) class B felony if the crime solicited is a class A felony;
- (3) class C felony if the crime solicited is a class B felony;
- (4) class A misdemeanor if the crime solicited is a class C felony;
- (5) class B misdemeanor if the crime solicited is a class A or class B misdemeanor.
- (d) If the crime solicited is an unclassified crime described in a state law which is not part of this title and no provision for punishment of a solicitation to commit the crime is specified, the punishment for the solicitation is imprisonment for a term of not more than half the maximum period prescribed as punishment for the unclassified crime, or a fine of not more than half the maximum fine prescribed as punishment for the unclassified crime, or both. If the crime solicited is punishable by an indeterminate or life term, the solicitation is a class A felony. (2 ch 166 SLA 1978; am § 2 ch 102 SLA 1980; am § 11 ch 45 SLA 1982).

Cross references. — For legislative purpose of ch. 45, SLA 1982, see § 1, ch. 45, SLA 1982, in the Temporary and Special Acts; for legal accountability based on the conduct of another and complicity, see AS 11.16.110.

Effect of amendments. — The 1980 amendment added subsection (d).

The 1982 amendment, substituted "an

unclassified felony" for "murder in any degree or kidnapping" in subsection (c)(1).

Legislative history reports. — For a report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 28, 1980.

#### NOTES TO DECISIONS

Former law construed. — See *McConkey v. State*, Sup. Ct. Op. No. 855 (File No. 1464), 504 P.2d 823 (1972); *Cassell v. State*, Ct. App. Op. No. 91 (File No. 6136), 645 P.2d 219 (1982), decided under former AS 11.10.070.

One contracting with another to kill a third person was guilty of attempted first-degree murder, not solicitation. —

See *Braham v. State*, Sup. Ct. Op. No. 1522 (File No. 2558), 571 P.2d 631 (1977), cert. denied, 436 U.S. 910, 98 S.Ct. 2246, 56 L. Ed. 2d 410 (1978), decided under former AS 11.10.070 and 11.15.010.

Cited in *Hoover v. State*, Ct. App. Op. No. 73 (File No. 6223), 641 P.2d 1263 (1982); *P.S. v. State*, Ct. App. Op. No. 194 (File No. 6870), 655 P.2d 1319 (1982).

**Sec. 11.31.140. Multiple convictions barred.** (a) It is not a defense to a prosecution under AS 11.31.100 or AS 11.31.110 that the crime that is the object of the attempt or solicitation was actually committed pursuant to the attempt or solicitation.

(b) A person may not be convicted of more than one crime defined by AS 11.31.100 or AS 11.31.110 for conduct designed to commit or culminate in commission of the same crime.

(c) A person may not be convicted on the basis of the same course of conduct of both (1) a crime defined by AS 11.31.100 or AS 11.31.110; and (2) the crime that is the object of the attempt or solicitation.

(d) This section does not bar inclusion of multiple counts in a single indictment or information charging commission of a crime defined by AS 11.31.100 or AS 11.31.110 and commission of the crime that is the object of the attempt or solicitation. (§ 2 ch 166 SLA 1978)

NOTES TO DECISIONS

**Conspiracy is separate offense.** — The crime of conspiracy is generally regarded as a separate offense from the substantive crime that is the object of the conspiracy. Unlike the other preliminary offenses of attempt and solicitation, conspiracy does not merge into a conviction for the substantive crime. *Lythgoe v. State, Sup. Ct. Op. No. 2235 (File No. 4497), 626 P.2d 1082 (1980).*

The no-merger rule means that a defendant can be convicted of both conspiracy and the object of the conspiracy. One reason advanced for this special treatment of conspiracy as a separately punishable offense is that conspiracy has been regarded as a serious crime in itself. *Lythgoe v. State, Sup. Ct. Op. No. 2235 (File No. 4497), 626 P.2d 1082 (1980).*

Sec. 11.31.150. Substantive crimes involving attempt or solicitation. Notwithstanding AS 11.31.140(d),

(1) a person may not be charged under AS 11.31.100 if the crime allegedly attempted by the defendant is defined in such a way that an attempt to engage in the proscribed conduct constitutes commission of the crime itself;

(2) a person may not be charged under AS 11.31.110 if the solicitation in question is defined as a specific crime under other provisions of law. (§ 2 ch 166 SLA 1978)

Chapter 35. Abandonment and Nonsupport.

*[Repealed, § 1 ch 39 SLA 1970 and § 21 ch 166 SLA 1978. For current law on desertion and nonsupport of a minor, see AS 11.51.100 — 11.51.120.]*

Chapter 36. Failure to Permit Visitation with Minor Child.

*[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.51.125.]*

Chapter 40. Crimes Against Morality and Decency.

*[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.51.130, 11.51.140, 11.61.110, 11.61.130, 11.61.140 and 11.66.100 — 11.66.150.]*

Chapter 41. Offenses Against The Person.

Article

- 1. Homicide (§§ 11.41.100 — 11.41.140)
- 2. Assault and Reckless Endangerment (§§ 11.41.200 — 11.41.250)
- 3. Kidnapping and Custodial Interference (§§ 11.41.300 — 11.41.370)
- 4. Sexual Offenses (§§ 11.41.410 — 11.41.470)
- 5. Robbery, Extortion, and Coercion (§§ 11.41.500 — 11.41.530)

**Cross references.** — For provisions authorizing arrest without warrant in certain cases where the police officer has reasonable cause to believe that the person has committed a crime under this chapter, see AS 12.25.030(b).

NOTES TO DECISIONS

*Cited in Leuch v. State, Sup. Ct. Op. No. 2419 (File No. 5255), 633 P.2d 1006 (1981).*

Article 1. Homicide.

Section

- 100. Murder in the first degree
- 110. Murder in the second degree
- 115. Defenses to murder
- 120. Manslaughter

Section

- 130. Criminally negligent homicide
- 135. Multiple deaths
- 140. Definition

**Collateral references.** — 41 Am. Jur. 2d, Homicide, § 1 et seq.

40 C.J.S., Homicide, § 1 et seq.

Homicide by wanton or reckless use of firearm without express intent to inflict injury, 6 ALR 603; 23 ALR 1554.

Homicide or assault in attempting to prevent elopement, 8 ALR 660.

Wife's confession of adultery as affecting degree of homicide in killing her paramour, 10 ALR 470.

What amounts to participation in homicide on part of one not the actual perpetrator, who was present without preconcert or conspiracy, 12 ALR 275.

Intoxication as reducing homicide from murder to manslaughter, 12 ALR 888; 79 ALR 897.

Responsibility of persons participating in jail delivery for homicide committed by one of their number, 15 ALR 456.

Recommendation for mercy, 17 ALR 117; 55 ALR 639.

Homicide by unlawful act aimed at another, 18 ALR 917.

Criminal responsibility of peace officers for killing or wounding one whom they wished to investigate or identify, 18 ALR 1368; 61 ALR 321.

Homicide as affected by time elapsing between wound and death, 20 ALR 1006; 93 ALR 1470.

Humanitarian motives, homicide as affected by, 25 ALR 1007.

Discharge of firearm without intent to inflict injury as proximate cause of homicide resulting therefrom, 55 ALR 921.



JUSTICE

# How the Mob Really Works

They are the criminals Americans have loved to fear. For 60 years, the barons of organized crime have lived off the nation's thirst for vice: first liquor, then women, gambling, drugs and usurious cash. At the same time, they have become legends in their own land, hyperbolized in the press and pop culture as figures of Evil and Honor, concepts that mean little to the hoodlum on the street. Today, in its middle age, the mob finds itself in a difficult period of transition. Its top leadership is aging. Its young bloods huff at traditional hierarchies. Its forays into the straight economy are increasingly risky. Most worrisome of all, it faces unprecedented efforts by law-enforcement agencies, which have finally found ways to disrupt, if not destroy, criminal networks. Still, the mob is hardly a declining industry. Its principal commodities—lust, greed and blood—remain very much in fashion.

1980 was not a good year for the underworld. About 600 mobsters were convicted in Federal courts. They include bosses Frank Tieri of New York, Nicholas

and an informant masqueraded for a year as crooked insurance agents to record conversations with Carlos Marcello, the reputed boss of the New Orleans crime family. The 70-year-old Marcello was indicted last June for racketeering, fraud and conspiracy. He was accused of agreeing to help the agents bribe Louisiana officials, they were to get state contracts and he was to receive a piece of their action. In courtrooms along the Gulf and East coasts, evidence gathered during a five-year inves-

tigation into dock corruption has brought the convictions of more than a hundred union officials and shippers on bribery and extortion charges. Despite all this, lawmen say they are only containing the mob. "Organized crime is powerful," says Francis M. Mullen, executive assistant FBI director of investigations. "We do not really hope to eliminate it. We hope to diminish its influence."

Within their traditional markets the mob's influence—and profits—keep climb-

*Lawmen are making things tougher, but organized crime is finding new ways to make crime pay.*



Michael Rizzitello  
Los Angeles



Frank Tieri  
New York

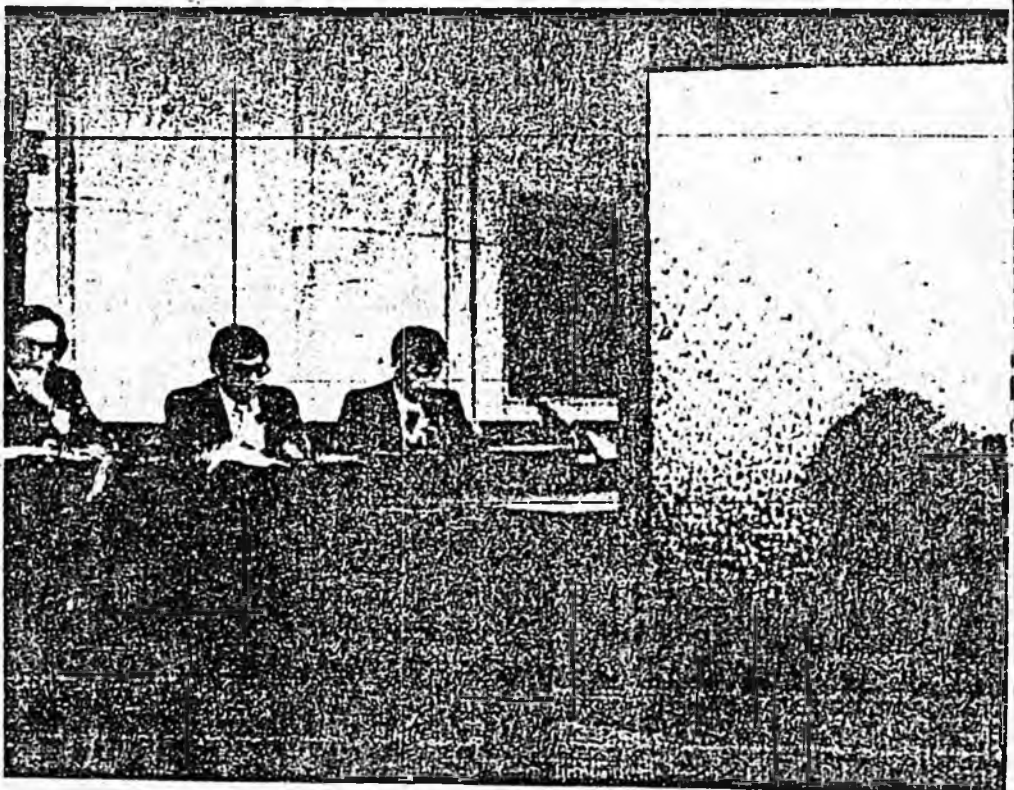


Dominick Brooklier  
Los Angeles

Civella of Kansas City and the entire top echelon of the Los Angeles crime family, who were convicted of racketeering, and former New York boss Joseph Bonanno, who was convicted of conspiracy to obstruct justice. (All of the bosses are appealing.) Tieri and members of southern California's "Mickey Mouse Mafia" were fingered by the most important informer in two decades, Jimmy (The Weasel) Frattano, who now wields his memory the way he once used a garrote (page 36). "These prosecutions illustrate that organized crime is penetrable," says Attorney General Benjamin Civiletti. "It is not, as we sometimes hear, an organization which has such a strong oath of silence it is immune from Federal investigation."

The FBI has learned the value of going undercover to beat the mob on its own turf. In the Brilab case, two FBI agents

*Mafia informants concealed at Senate hearing: 'Mobsters are like cockroaches. You step on them one place and they turn up somewhere else.'*



ing heroin smuggling is again a growth industry. Agents from the Federal Drug Enforcement Administration seized 433 pounds of heroin in the first eleven months of 1980, up one third from all of 1979. The police are not suddenly better, they're just swimming the loan off a flood tide. Professional fences can barely keep up with the loads of hijacked goods they wash clean through burgeoning flea markets and street peddlers. And, says Dominic Amorosa, chief of the Organized Crime Strike Force in Manhattan, "the amount of loan-sharking on the street has never been higher." Inflation has driven hordes of businessmen and bill payers to loan sharks for money borrowed at up to 200 to 300 percent annual interest, using their firms—and their bodies—as collateral.

The mob has also moved into new enterprises. "These people are like cockroaches," says one veteran investigator. "You step on them one place and they turn up somewhere else." Record and tape pirates working with underworld backers now sell enough counterfeit albums to make rock stars weep. Not only legitimate chemical companies dump toxic wastes illegally, now the mob does too. Last April an allegedly Mafia-connected chemical-waste warehouse in New Jersey exploded; the lethal mess still hasn't been completely disposed of. Gangsters were also quick to observe that coal mining seems profitable again. They are not only stealing expensive heavy equipment from the sites, but they sell shares in nonexistent or nonproductive mines. The gangs have become so successful

that seven states have pooled investigative resources to fight the crime.

The Reagan Justice Department is expected to maintain the new pressure. Attorney General designate William French Smith inherits a national group of tough, aggressive professional prosecutors and a reformed but still controversial Witness Security Program (page 42).

**Pizza:** Why should the ordinary citizen care about any of this? Because like it or not, the mob has become a fact of everyday life. If you buy clothes, eat at restaurants with linen napkins, shop in stores that use private garbage services, gamble in casinos, invest in high-flying stocks, have a yen for dirty books, can't start the day without a fresh bagel or finish it without a pizza pie, the mob is there to help. And if you are afraid to venture out at night lest some junkie-mugger will be lurking, it's the mob that feeds his habit. "Organized crime is draining millions of dollars—tax-free dollars—from our nation's economy," says FBI director William H. Webster. "Its impact is felt throughout our society."

At the same time, it's important to understand what the mob isn't. The Mafia is not the principal source of economic crimes—price-fixing or shaving work- and product-safety standards. Those are the provinces of conniving businessmen. The kickbacks or other favors that some corporations give politicians often rival anything the mob provides. "Organized crime is a serious problem, but one which is sometimes exaggerated and sometimes minimized for political purposes," says Deputy Assistant Attorney General Irvin Nathan.

Harvard sociologist Daniel Bell once wrote that the underworld serves as one of America's "queer ladders of social mobility." Some criminals climb and get off, others can't wait to get on, and some never leave. The Italian syndicate, called La Cosa Nostra by some gangs and by the FBI, and the Mafia by everyone else, fits the last category. So much has been written about this group that it's difficult to separate myth from fact. This at least seems true: the Mafia is a loose confederation of gangs spread around the country. They work together on projects such as Las Vegas gambling, and operate independently on local affairs such as protection rackets or labor racketeering (chart, page 38).

**Shakedown:** Organized crime, however, is by no means an Italian monopoly. Jewish and Irish hoodlums have long cooperated with the Mafia. "Guys that hate each other will sit down for money," says a New York police detective. But now new groups have begun to climb Bell's curious ladder. Black outfits in Philadelphia and New York run—in concert with the Mafia—much of the gambling and narcotics action. Chinese gangs shake down San Francisco merchants, the self-proclaimed Israeli Mafia (page 40) extorts money in Los Angeles. Colombian and Cuban drug rings have flooded Florida with their products—and



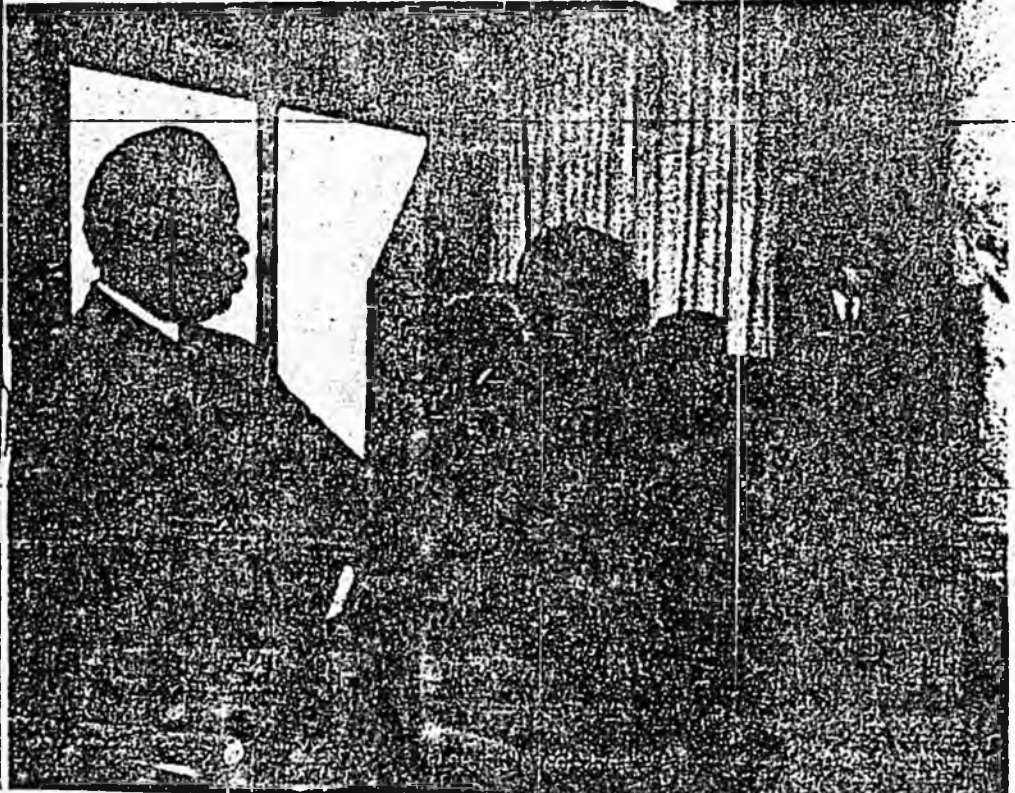
Joe Bonanno  
Tucson



Carlos Marcello  
New Orleans



Louis Tom Dragna  
Los Angeles



one pulling hard on the end of the rope. What the hell what can I tell you. He says. "The guys I killed were killers themselves."

In prison for extortion from 1954 to '60, he came out finding little honor in a blood brother's. The family refused to turn the money he had left to him from his sharking and gambling operations, attacked by parole from living in Los Angeles, Frattiano moved to northern California. Combining the construction side learned from his father, Teamsters contacts and a questionable San Francisco milk loan, he built a million-dollar trucking business in Sacramento. But by 1970 his money was gone, spent to pay debts, partner and fines levied by a state administration intent on separating hoodlums from state contracts.

Bosses Frattiano, who had transferred his official allegiance to the Chicago family, was asked in the mid '70s by his L.A. allies to come back and help run their operations. The following years are the most important to government prosecutors. Frattiano mingled in the often impenetrable realm of crime bosses. He was friendly with Sam Giancana of Chicago. He met Santos Trafficante in Florida. He al with Genovese family boss Frank Tieri in a back-room session at which the old man pointed thumbs down while saying "hit," giving the order to kill a family debtor. And he helped the Los Angeles family set up Frank Tompegniero, who was discovered to be an FBI informer.

What the family did not know was that by then Frattiano himself had begun selling information to the Feds, who tempted him with cash when he ended still another prison term in 1973. To the ever-hustling Weasel, the information seemed insignificant—another way of making some money. But the contact turned out to be life-saving. Some members of the Los Angeles family thought Frattiano was using his position as an acting boss to aggrandize himself—perhaps to lift his northern California operation into competition with the L.A. mob. Before long he discovered that a contract was out on his life. Since he was facing several new indictments for gambling and racketeering, it was not a difficult choice for him to graduate from part-time tipster to star informant.

Scalping: He testified first at the trial of ten men accused of fraudulently bankrupting the Westchester Premier Theater in Tarrytown, N.Y. As legitimate investors were losing money in the operation, Mafia members and associates were skimming the profits and scalping their own tickets for extra unrecorded income. One of the theater's stars was Frank Sinatra, who performed several concerts there and is now the subject of a New York Federal grand jury investigation for allegedly re-

ceiving \$50,000 of the skimmed profits.

Now 67 and silver-haired Frattiano talks to exhaustion about his past, because talking to his security. In all his more regular court appearances, his credibility is attacked by defense attorneys who point to a well-documented history of lying under oath. Jimmy's response is that in the past he lied because he had to now, only the truth keeps him alive. There is pride in it, but a book recounting his adventures will be published next month. "Why should I get paid for writing about the things I've done?" he muses. "I see the point. But I don't want to make a million. I just want something in the bank, to leave something for my wife and kids. I think



Under arrest: From shaved dice to murder

it's a service to the country, what I did."

The government agrees, up to a point, but that may no longer be good enough. Soon the testimony will be over, his official protection will end and Frattiano will live by his hit man's wits. In a Salt Lake City hotel room this fall, watched over by two Federal marshals, he bellowed over the telephone to a Justice Department official in Washington. "I wanta be someplace where there's no mad guys. Where you're taking me, there's a hundred." Then he hung up the phone and chewed stonically on a long Mexican cigar. "Nothin' bothers me. What do I give a damn? If it comes, it comes. I ain't gonna age myself on account of it."

\* The Last Mafia: The Transformation of Jimmy Frattiano. By Fred Dannay. Times Books.

## JUSTICE

its banks with their profits. La Suescia Familia grew out of Louis Hoffmann's work, a flat-top organization thrown together in a California prison, now about 1,000 members work the West Coast. As seen in the books by Dwight C. Smith Jr. and Richard D. Allen, have written, organized crime must be recognized as a part of American society, nurtured and shaped by American circumstances, not simply as an alien parasitic force.

After decades of books and movies, the gangster is more than a creature of the mean streets; he is a fixture in the American imagination. But his role and symbolic value keep changing, and with it the nation's perception of the underworld. In the 1931 movie "Little Caesar," Edward G. Robinson portrayed the paradigmatic mobster, Rico Bandello, an unredeemed hood who deserved killing. By 1954, the focus had shifted to the victim, exemplified by Marlon Brando's Jerry Malloy, a broken-down pug left to work on the waterfront after his gangland brother forced him to throw a fight. "I coulda been a contender," was Jerry's complaint, if only the mob hadn't intervened. His recourse to strike back, first with testimony against a corrupt union boss, then with his fists in a triumphant climax where good whips evil on the docks. Only in the movies. Finally, there is the latter-day Brando as The Godfather, Vito Corleone: the gangster as hero, who makes people offers that they cannot refuse.

Warnings: The real-life mob hasn't forgotten how to persuade people. When Peter Salerno, a former Mafia thug who now testifies for the FBI, began his enforcement career, his principal job was simply to stand menacingly, with his broad shoulders and bulging biceps, while his superiors issued warnings to welsing numbers runners or other shaky operatives. Once, he says, during the construction of New York's World Trade Center, he saw a mobster threaten to shove a union foreman down an elevator shaft because the foreman was complaining about phony time cards being punched for nonworking mob members—a modest scam that netted the family \$100,000 in one year.

Sometimes Salerno got more involved. "I've burned big warehouses so people can collect insurance," he says. "We shot up people's houses. I beat up a lot of people. I picked up money from restaurants and businesses that had to pay protection." But always Salerno managed to rationalize his activities—by reminding himself that his victims were bad guys, after all, and by insisting that his heart wasn't in it. "I did it because it was a job, but I got no enjoyment out of it," he claims. "I know one guy, he'd get great enjoyment. I've seen him hit a guy with a bat and put his arm on the curb and break it, then put his leg up and break that top."

To their surprise, however, police have

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tion, exposed the rampant corruption in the Teamsters union. Then, as his brother's Attorney General Kennedy stepped up the assault on organized crime.

The Justice Department has now made organized crime a top priority. Federal laws have also strengthened its hand both in prosecuting individual mobsters and chasing down their assets. Special strike forces in 26 cities concentrate specifically on organized crime. They combine the resources of Justice lawyers, the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, the Department of Labor, and the Internal Revenue, the Customs and Postal services so that the bad guys do not manage to slip between the law-enforcement cracks.

**Dirty-Movie Dealers:** FBI director Webster has committed more than one-fifth of the bureau's money and manpower to fighting organized crime. The bureau now relies heavily on "underworld" informants such as Frattiano and undercover "sting" operations run by its own agents. Agents Pat Livingston and Bruce Ellavsky, for instance, spent two years and \$400,000 posing as dirty-movie dealers. They traveled the country, having a drink in Las Vegas, buying films in Miami, attending movie conventions in Los Angeles, making contacts with the mob. "It puts law enforcement face to face with the criminals," says one top FBI agent. "They are so well insulated and so sophisticated that there is no other way to do it." The Livingston-Ellavsky sting led to the indictment of 47 alleged members of a national pornography network, many with strong links to mobsters.

The biggest haul by far came from an operation called Unirac, for union racketeering. Started in 1975, after a Miami shipper named Joseph Teitelbaum tired of paying off International Longshoremen's Association leaders and complained to the cops, the daring investigation turned up corruption on docks from New Orleans to New England. By 1980, 150 government agents had infiltrated the waterfront, developed informants and planted three dozen electronic bugs. So far, Unirac has produced 128 indictments and 110 convictions of union and waterfront-company officials. Among those found guilty of racketeering (their cases are now on appeal): Michael Clemente and Tino Fiumara, top members of New York's Genovese crime family who had effectively controlled crime in the port of New York; snazzy Anthony Scotto, president of ILA Local 1814 in Brooklyn, and a power in New York politics, who took his bribes in posh restaurants, and George Barone, president of Miami Local 1922, who investigators believe also served

\*At the same time, according to recent reports, the CIA was negotiating with Mafia hit men to arrange the assassination of Fidel Castro.

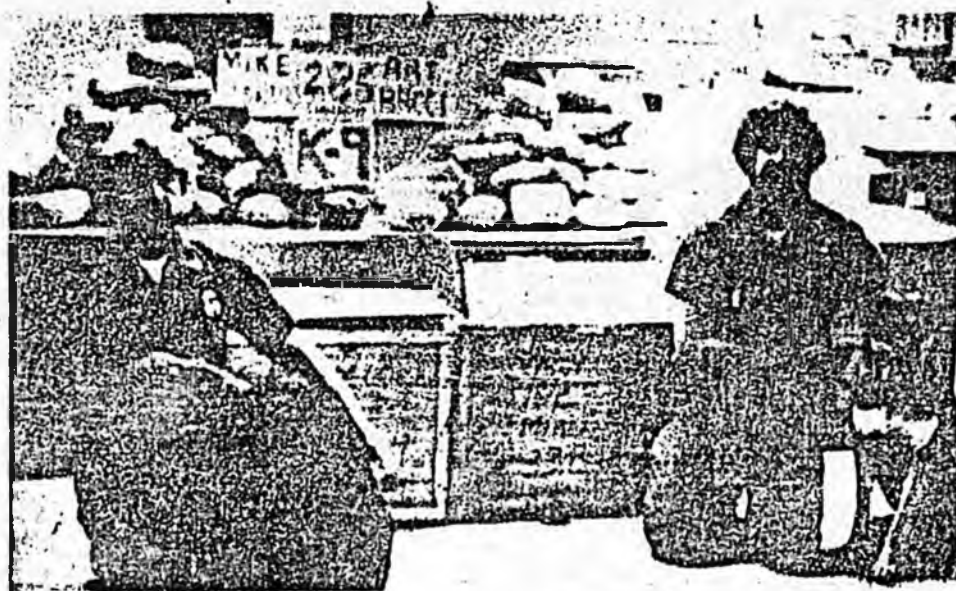
as a fugitive for New York gangster.

Unirac was unusual because it relied not just on undercover agents but on electronic surveillance devices. The bugging evidence often was sensational, one bug planted in Scotto's bleached bull desk recorded him complaining that the payoffs weren't coming in on schedule. Then, on tape, Scotto conceded his error. "I figured it wrong. I must have gotten screwed up when you did a double one at Christmas." As dramatic as such testimony may prove in court, the government no longer relies heavily on recording devices, simply because it is difficult to obtain a warrant to use them. Under a 1968 Federal law, an investigator must convince a judge in advance that a particular phone or room is being used for criminal purposes, and that there is no other way to obtain evidence. That's a simple standard to meet when pursuing bookmakers, but more difficult in com-



Ken Hogan—Camera 5

*Pornography: The mob's hard-core profits*



U.S. Customs Service

*Cocaine (above) and toxic wastes: Two growth industries for the underworld*

plicated economic crimes. One compromise has been for agents to wear recording devices to meetings. This doesn't require a warrant, but if they are caught, they may be killed.

**Seized Assets:** Frustrated lawmen know that putting big-time mobsters in jail will not break up the underworld; when a gang's head is cut off, it merely grows a new one. To fight the entire apparatus, Congress passed in 1970 the Racketeer Influenced and Corrupt Organizations Act (called RICO, an apt echo of the character in "Little Caesar"). This law allows prosecutors to charge gangsters with the crime of running criminal enterprises and to seize assets illegally used or gained. Before RICO, "we had put a lot of people in jail, and some big people, but that's all we did," says Ed Sharp, FBI agent in charge of the Brooklyn-Queens field office. "Now, instead of going after individuals, we're attacking organizations. We've got to take



John Ficaro—Newsweek



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... assets and get rid of the incentive." Unfortunately RICO has promised more than the government has delivered. It has been a marvelous tool to obtain convictions—prosecutors can enthrall jurors with criminal histories and gangland ties—but getting the assets has proven far more difficult. For instance, in the ten years since RICO and a similar narcotics-forfeiture law were passed, only \$675,000 has been forfeited in narcotics cases. "The Justice Department's record in attacking the financial foundations of organized crime has been very nearly nonexistent," says Sen. Joseph R. Biden Jr. of Delaware. "Indeed, I believe it is a major reason [that] illicit drug trafficking continues to flourish in this country." Other parts of the 1970 statutes also have faltered. Federal prosecutors have seldom sought civil penalties under RICO or the long prison terms they may ask for under the companion Dangerous Special Offenders Act. "Ultimately this record is a failure of imagination and will," says Prof. G. Robert Blakey of the Notre Dame Law School, an authority on organized crime. "The law is there, but they haven't used it."

**Turning Point:** The government has, however, used RICO in a novel way this year in two significant cases against top mafiosi. It has contended that Mafia families themselves are "illegal enterprises." In one case, a jury convicted Frank Tieri, head of New York's Genovese crime family, of extortion and fraud—and of being a Mafia boss. In the other trial, Dominick Brooklier, Louis Tom Dragna, Samuel Sciortino, Jack Locicero and Michael Rizzitello of the Los Angeles gang were convicted on racketeering and conspiracy charges. The government has not moved to seize assets in either case—and if it did, it might never find any.

Well-placed Federal sources say that they are preparing another round of important cases. Grand-jury investigations aimed at mobsters are under way in Chicago, Detroit, Milwaukee, Kansas City, Philadelphia, Miami and Las Vegas. Significant labor-racketeering cases against officials of the Laborers' International Union in Florida, New England and Illinois are also expected to surface soon. And FBI agents are buzzing that another hot undercover sting is afoot.

The first big mob test for the Reagan Administration may not come in a courtroom at all, but in negotiations between the Internal Revenue Service and the Teamsters Union's Central States Pension Fund. The pension fund—with assets of \$2.2 billion—has long been known as "the mob's bank," providing funds for casinos and speculative real-estate deals. In 1977, after the IRS threatened to lift the fund's tax exemption, the trustees resigned and outside managers were hired for five years. No one believes that all the mobsters have lost their influence—especially not under



Don Carl Steffen



John F. Scarpa—Newsweek

*FBI's Webster, Justice's Margolis: First get the gangsters, then their profits*



*Agents Ellavsky, Livingston in Las Vegas: Living face to face with the criminals*

the lackluster Carter Labor Department—and what happens when the managers' contract expires in 1982 is unclear. But the Teamsters union hopes to have positioned itself to block new restrictions; it was one of two major unions to support Reagan.

**Handicap:** Lawmen have few illusions about what their year of success means; they are in no danger of jailing all the mobsters and having to find other work. Some of the new strategies are obviously promising. Retiring Attorney General Civiletti, for example, favors industry-wide investigations, rather than the piecemeal headhunting of the past. But the government always starts with a handicap. "For all our talks about goals and strategies, law enforcement in a free society is primarily reactive," says David Margolis, chief of Justice's Organized Crime section. "No matter how effective we are, one kind of crime or another is not going to be stamped out."

Margolis is right; there is no quick fix for any sort of crime. The government could

make a small dent, perhaps, by legalizing such "victimless crimes" as pornography or gambling. But there are obviously limits beyond which the statutory line cannot be nudged.

It has become conventional wisdom, in some circles, to look on the Mafia as something of a service industry: loan sharks serve people the banks won't touch; corrupt labor leaders serve "legitimate" bosses who don't want to negotiate with an honest union. Certainly there would be less business for the mob if there were fewer people in desperate want or more who could control their greed. But the new Mafia, like the old, is not about to be stamped out by a few social improvements, or anything else short of unforeseeable changes in the human animal. At this point, the criminals Americans love to fear have become the criminals they often do business with, the mobsters who won't disappear when the lights go up.

ARIC PRESS with ELAINE SHANNON, RON LABRECQUE and bureau reports



## A Squealer's Secrets

Federal investigators call Jimmy the Weasel Fratianno the most informative and reliable witness they have ever dealt with over the past three months.

NEWSWEEK'S Ron Lulbregue spent hours with Fratianno, following him coast to coast listening to his testimony in court and his bluster in private. Lulbregue reports:

Jimmy Fratianno remembers the pleasant evening in 1948 that he drove his new Cadillac to a Los Angeles winery. In a dingy, vat lined workroom, 30 men awaited him around a long wooden table on which a gun and a dagger lay crossed. The men joined hands and one of them recited the rules of the group in a Sicilian dialect that Fratianno did not know. Fratianno did understand *omerta*, the code of silence which dictates that a man leaves the organization only when he is dead—at the hands of his colleagues if he reveals their secrets. Fratianno's finger was pricked with the dagger. Then, after kissing each of his new brothers on the cheek, he became a "man of respect," a "made" member of La Cosa Nostra.

For the next three decades Fratianno engaged in a series of criminal schemes including murders on contract—that alternately landed him in prison or boosted him in the Mafia hierarchy. But in 1977 the guns seemed about to turn on him, the Los Angeles family believed incorrectly he was ready to launch a rival faction. Acting as always out of self-interest, he sold himself to the government for protection. Now, with the same passionless conscience that made him a successful murderer, he regales investigators with a richly detailed expose of Mafia life, from petty-jealousy killings to high-council business transactions. Fratianno's testi-

mony has helped convict a host of bosses in San Francisco and Mafia bosses in Los Angeles and New York and has out of court testimonies have provided invaluable intelligence on the trade.

Fratianno began to learn the ropes in Cleveland where he earned the nickname "Weasel" after he threw a rotten tomato at a cop who couldn't catch him. The son of immigrant parents, he attended Catholic schools until he learned as a teenager to shave dice and started operating profitable crap games in the neighborhood on Sunday mornings. "I was a good hustler. I always had money, so I just went on to organized crime," Fratianno says. "You grow into it because of your environment."

**Charmer:** Fratianno first went to jail after he and his partners beat up a bookmaker who didn't pay off on a 1937 Indians-Red Sox game. But eight years in Ohio prisons only hardened his survival skills. "I ain't out a week and I gotta get even right away," he says. "I'm looking to rob somebody. There's no thought at all about going back to jail." The target was a West Virginia gambling hall. His share was \$20,000. He parlayed postwar black-market sales into \$90,000 in just a few months, then, looking for bigger prey, took his wife and daughter to Los Angeles. Soon he met Johnny Rosselli, a dapper charmer with show-business friends and a hidden foothold in Las Vegas. Rosselli liked Fratianno and sponsored him for membership in the L.A. family.

One of his first assignments as a made mobster was the assassination of Mickey Cohen, a splashy gambler who headed a rival syndicate. Fratianno planted a bomb beneath Cohen's bedroom and lit the fuse—but it fizzled out. A few months later Fratianno helped make another attempt on Cohen's life. With his wife and daugh-



Fratianno: A life inside the mob

ter, Jimmy dropped by the mobster's Hollywood clothing store, then signaled to gun-toting colleagues that Cohen was inside and vulnerable. The setup ended in failure when the target fortuitously went to the bathroom. But Fratianno eventually made his first hit—on a friend. Frank Nicolci was a Cohen hit man, a loyalist who scorned the pleas of the Italians to defect. Not knowing that Fratianno and his friends were the ones trying to kill his boss, Nicolci visited Fratianno's home one night. "We just took a rope around him and choked him," Jimmy remembers. "It took three minutes, you know, didn't take long."

**Juice:** Fratianno also helped dispatch Los Angeles family member Frank Borgia. "They just told me to do this, and that's it," he says. "A lot of guys get killed for nothing. If I get into an argument with a guy and I have more juice with the boss, then he gets killed. If he has more juice, then I get killed." It took Fratianno more than a year to track down Louis (Russian Louie) Strauss on a contract from a Las Vegas casino owner. Finally Fratianno lured Strauss to a Palm Springs house where he was efficiently strangled. Fra-

Jimmy the Weasel (second from right) with Frank Sinatra, and with Dean Martin: A man with friends in high and low places



## JUSTICE



subsequently get reimbursed by a bank.

• Selling packages, complete with falsified driver's licenses and matching checks waiting to be forged.

• Running custom auto repair shops that install stereo equipment and burglar alarms. While the car is being repaired, copies of the keys are made and then passed to thieves who later steal the cars.

While authorities may have some ideas about what the mob does, underworld income remains a mystery. Official guesses usually begin at \$1.20 billion—about dou-

ble the actual Mafia income, says a Justice Department spokesman. The amount of the revenue from sports is difficult to estimate at first, gangsters don't keep careful ledgers and cops have been known to pry apart the figures. The FBI's Webster admits he doesn't know how much money the underworld takes in. "I don't know," he says dryly. "It's a large amount."

'Head Start' The money began to flow freely during Prohibition, when criminals organized to develop complex distribution networks for illegal whiskey and to buy the required political and police protection. Ever since, law enforcement has always lagged behind the mob. "They've been in business almost since the turn of the cen-

tury," says Ed Davis, special agent in charge of the FBI's Los Angeles field office. "We take a little to the mob from time to time. They've got a big head start."

Some of the problem can be blamed on the government. For decades FBI director J. Edgar Hoover claimed that organized crime existed. Federal statutes did not adequately address the special complexities of underworld crime. Law enforcement agencies jealously guarded their turf, refusing to share information—a condition that still occasionally prevails. Finally, in the '60s Sen. Estes Kefauver turned his investigating committee's spotlight on the national gambling syndicate. Six years later, Robert Kennedy, chief counsel to Sen. John F. McClellan's labor-racketeering investiga-

## And Now, the 'Israeli Mafia'

Not long ago some men dropped by a store owned by a Jewish merchant on Fairfax Avenue in Los Angeles and strongly hinted that the businessman should pay them for protection. If he didn't, they suggested, his store and his merchandise might be damaged—or some harm might come to his family. The shopkeeper declined, and within 48 hours he received word that a grenade had exploded at his father's house. No one was hurt, but the merchant was convinced that the thugs meant business; his father lived in Tel Aviv.

It was a typical ploy of a group calling itself the "Israeli Mafia." A gang of ex-cons and former commandos who began as black marketeers in the Israeli seaside city of Bat Yam, they have migrated to America—some by lying on their immigration forms, others simply by entering as tourists and staying illegally—and have established a sophisticated crime ring that trades in extortion, insurance fraud, narcotics and murder. They have neither the breadth nor depth of the Cosa Nostra; they lack its hierarchical structure and the protection it gains from political corruption. But, says one investigator, "they've managed in five years what the Italians took 40 years to do."

From its start in shaking down Jewish merchants in Los Angeles, the Israeli Mafia quickly built its first big-money base: insurance fraud. Members are said to maintain a network of businesses in the Southwest. In a variation of what is known as a "bust-out," they establish a good credit rating for one of the businesses, report a mysterious fire or burglary and collect on insurance claims. Then the supposedly lost merchandise reappears in another store owned by another gang member. Though the scam has yielded millions to the gang, few insurance companies have challenged the claims because of the cost involved and the difficulty in proving fraud.

'Code of Silence': In the past year, the Israeli Mafia has channeled its energies into the even more profitable field of narcotics trafficking. "They supply half the cocaine in L.A.," one lawyer says. Some gang members have contacts with known dealers in Israel and West Germany, and a series of murders has led authorities to tie the

group to drug deals in Mexico City and Miami. The most recent killing was discovered in October 1979, when a driver named Dan Van Meter, rummaging through trash bins outside a liquor store in Van Nuys, Calif., came across a plastic bag containing a woman's leg. Police soon found more parts of a young woman identified as Esther Ruven and of her husband, Elahu. Charged with their murder are three men, Joseph Zakaria, Jehuda Avital and Elahu Komerechero, whom police link to the Israeli Mafia. Officials speculate that the Ruvens were cocaine dealers who fell into a dispute over a \$70,000 payment; they were apparently lured to a meeting at the Bonaventure Hotel in Los Angeles, where they were hacked to bits with meat cleavers and knives and stuffed into bags and suitcases.

The savagery, savvy and cross-continental reach of the Israeli Mafia makes the gang increasingly worrisome to law-enforcement officials, who have had little success penetrating it. "Their code of silence is more rigidly enforced than the Italians'," complains one investigator. The government has deported some members, but no one believes those efforts are sufficient to shut down the gang. A Federal grand jury looking into narcotics trafficking is expected to begin hearing testimony soon on the Israeli Mafia—a step toward the kind of painstaking investigation that will surely be needed to keep the gang from becoming even more like its namesake.

DENNIS A. WILLIAMS with RON LABRECQUE in Los Angeles



Dan Meter, police with the remains of Mrs. Ruven: "Managing in five years what the Italians took 40 years to do"



# RICO THE ENFORCER

## JUSTICE

NEWSWEEK

*J. Roy McDermott & Co., a major builder of oil platforms, paid \$508,615 in bribes to the vice chairman of Tenneco Oil Co. to undertake lucrative construction projects in the Gulf of Mexico. But the cost of doing business jumped unexpectedly last year after the firm pleaded guilty on seven criminal counts. A Federal judge in New Orleans not only fined McDermott \$103,000, but confiscated its \$897,000 in illegal profits from the Tenneco deals.*

*While serving as mayor of Lansing, Ill., for sixteen years, Jack O. McNary shook down real-estate developers and invested his booty in two private businesses. Convicted last year of extortion, McNary was sen-*

pit as underworld hit men. While Justice officials concede the law must be applied cautiously, they see no need to sheath their weapon. "This is a valuable tool," says Attorney General-designate Benjamin Civiletti. "We will not shy away from using it to pursue corrupt enterprises which do not fit the layman's view of organized crime." With about 200 RICO cases already filed, and the government increasing its use of the statute, the American Bar Association has scheduled a special seminar on how to deal with RICO at its convention this week.

RICO is one of the broadest criminal statutes Congress has ever passed. The law first enumerates 24 Federal and eight

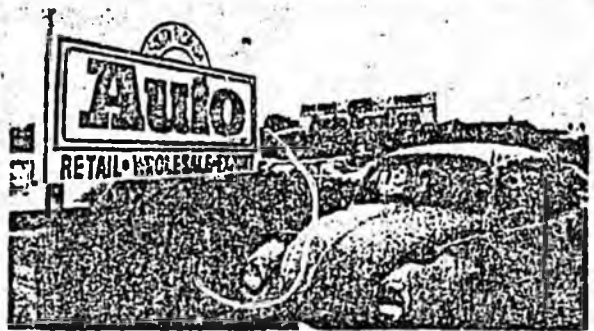
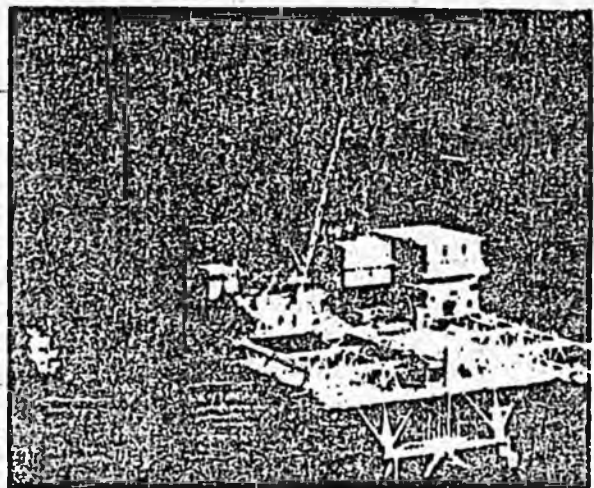
led seven nursing-home owners and three pharmacists to plead guilty and pay fines of \$1 million.

The law also gives prosecutors extraordinary latitude to trace crime back to the otherwise insulated kingpin. "The statute allows a prosecutor to paint a broader picture than could be normally seen by a jury," says Jeremiah T. O'Sullivan, chief of the Organized Crime Strike Force in Boston. For instance, John Christopher was tried in Tampa, Fla., in 1975 for masterminding a ring that kidnapped women and forced them into prostitution. Normally, the scope of the evidence would have been limited to the specific kidnapping; at the RICO trial, however, the judge permitted



Charles Pugh—Atlanta Journal-Constitution

*A new spoils system: The government could not seize a private mansion, but it could take profits from an oil rig, and possibly a used-car lot*



Bob Sherman—Camera 5

*tenced to three years in prison. He will also have to ransom his businesses, which the government now effectively controls.*

These cases share a dubious distinction. The Justice Department prosecuted them—and other button-down crimes—with a law designed specifically to convict Mafia capos. Known as RICO (Racketeer Influenced and Corrupt Organizations), the nine-year-old law allows the government to seize legitimate businesses if they have been used for illegal schemes or as investments for dirty money. Says Chicago attorney Sherman Magidson, "RICO can reach out and castrate people."

The RICO law frightens many lawyers and judges. They worry about language so loosely drawn that it lets the government sweep even small-time white-collar defendants and public officials into the same

state crimes such as murder, extortion or mail fraud; then it states that anyone found to have participated in two of them within a ten-year period has undertaken a pattern of racketeering. If prosecutors can link such patterns to an interstate "enterprise"—loosely defined as virtually any personal association or business—the defendants become subject to imprisonment for up to twenty years, fines of \$25,000 per count and forfeiture. "Taking away businesses from these guys is like taking away tools from a burglar," says New Jersey Federal prosecutor George Wilson.

RICO is an extremely potent weapon for prosecutors. In plea bargaining, when most cases are settled, the potential RICO penalties often lead defendants to make a deal with the government rather than take their chances with a jury. In Chicago, for instance, the fear of forfeiting their businesses

50 witnesses to describe Christopher's criminal behavior over thirteen years.

The government has used RICO in several important prosecutions against reputed mobsters. In Chicago, two alleged organized-crime hit men were sent to prison for 30 years after RICO convictions. And in Boston, after convicting four extortionists, the government seized the contents of five massage parlors—including 5 gallons of massage lotion and a Christmas tree.

**VICTORY:** Much of the controversy about RICO has focused on white-collar and government corruption cases. Federal officials won an important victory last month when the U.S. appeals court in New York upheld a guilty verdict in a complicated RICO hospital-fraud prosecution. Prosecutors established that Karl R. Huber, a Phi Beta Kappa Princeton graduate and Harvard law-school-trained attorney, had

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# MACHINE CANDIDATE

## IDEAS

NEWSWEEK

"First of all," intones the speaker, "let me say that the United States is not a failure. I recognize that it's foolhardy to unilaterally disarm, but..." So begins an upbeat, let's-look-at-the-record foreign-policy speech that could well be the kickoff of the 1980 primaries. The speaker, however, is not Jimmy Carter, Ted Kennedy or even Howard Baker, but a fresh political voice from the Midwest. The name? IBM-370.

The slick-tongued computer-orator is the brainchild of two communications professors who believe that getting elected to

three "dramatic" views of the world, then play to the most widespread of the views. Set in a foreign-policy context, these three attitudes translated into cold-war, neo-isolationist and power-politics mind-sets. On the Panama Canal, for instance, the cold-war view held that the U.S. ought not to surrender the Canal Zone, the neo-isolationist view dictated that the U.S. get out of Panama and the power-politics view supported the negotiation of a new treaty to protect U.S. interests in the zone.

The professors picked twenty such issues to be covered by the speech. They culled

newspapers and magazines for months, jotting down quotes that reflected all three positions on all twenty issues, then transferred the quotes onto 60 index cards. Finally, they went to—where else?—Peoria, Ill., to see how the opinions played. Sixty Peorians were asked to sort the cards in order of preference, from those most reflective of their views to those least reflective. Then the subjects rearranged the cards to show how important each issue was to them.

1984-15H: Cragan and Shields fed the results into the computer and instructed it to write a speech based on the most prevalent opinions, complete with adverbs and adjectives. They pushed a button and out came the hypothetical candidate's carefully considered opinion on how best to handle U.S. foreign policy—for Peorians. "The point," says Cragan, "is that you can take any idiot, parade him around the country for twelve months, and get him elected."

But the ultimate purpose behind this slightly 1984-ish project, say the two professors, is to force politicians out of the business of



Jeff Lowenthal—Newsweek

Cragan and computer: 'My fellow Americans...'

public office is becoming more a matter of manipulating campaign symbols than dealing with substance. To prove their thesis, they set out to program the IBM-370 to write the "perfect" foreign-policy speech—one guaranteed, that is, to appeal to the most and offend the fewest in any given audience. "We figured that if we did the proper market-type research and programmed the computer to write a speech reflecting the findings, the speech would sound up sounding pretty much like the genuine article churned out by a peck of poll-watching speechwriters," says John Cragan of Illinois State University.

**DRAMA:** To begin with, Cragan, 35, and partner Donald Shields, 34, of the University of Missouri-St. Louis, theorized that all a politician need do to get elected is recognize that voters generally subscribe to one of

manipulating symbols and back into the business of governing. To that end, their IBM-370 is about to churn out perfect speeches on energy, foreign policy and domestic policy. "When we publish these speeches in 1980," says Cragan, "we hope it will spark enough controversy for someone to ask the candidates why their speeches sound so much like our computer's. Maybe that will get them to say what they really think for a change."

So far, that message hasn't got through. Instead of coming clean, six political aspirants, including a candidate in a gubernatorial primary and a mayoral contender, have already called on Cragan and Shields for a little help from their computer. All were turned down—and lost their races.

DIANE K. SHAH with RICHARD MANNING in Chicago

elped rescue his father's failing business empire by overcharging hospitals for equipment. Convicted last year on 30 criminal counts, Huber now faces four years in jail and a fine of \$108,000. He does have one choice: he can pay a fine of an additional 100,000 or forfeit his corporate holding company to the government.

RICO charges against public officials have a particularly odd twist: the "enterprise" usually involved is the government. A jury convicted five Macon, Ga., police detectives who took money and "carnal" bribes to overlook prostitution and other illegal activities. The criminal enterprise with which they were connected was the vice squad. Florida state judge Samuel Smith was tried for selling acquittals; his judicial district was named as the enterprise.

**FORFEIT:** Some judges are uncomfortable with this creative use of RICO. In May, S. Judge Ross Sterling in Texas dismissed a federal indictment of five Texans accused of an oil swindle. "RICO was designed to expel racketeers out of business, not to make racketeers out of businessmen," Sterling said. Last week, Atlanta Federal Judge Harold Murphy dismissed part of a RICO indictment against porn king Michael Thevis. It would have forced Thevis to forfeit \$1 million in cash, and jewelry and his \$4 million mansion if convicted. The law does not extend to what a criminal might have done with illicit profits, Murphy ruled.

RICO appears flawed in several ways. One is its broad language, which allows the government to collect a batch of minor offenses and call it general racketeering. "We're a joke that if you have a job and send a few letters, the government is going to confiscate your property," says prominent Washington defense lawyer William Hundert.

The forfeiture provision—not often used—also causes trouble. The statute does not state precisely what happens when funds from racketeering are mixed with legitimate funds to operate a business.

**HEFTAINS:** Nor is it clear how closely tied to property need be to the criminal enterprise before it can be confiscated. In Miami, two alleged chieftains of the "Black Tuna" gang—accused of smuggling 500 tons of marijuana into the U.S.—are arguing that the government has no right to seize a used-business, three houses or a houseboat named in the indictment.

Whatever its weaknesses, RICO gives government an effective threat against sophisticated crime. Justice officials, who must approve RICO prosecutions, insist on studying every case carefully before prosecuting. But they find white-collar crime especially elusive. "The psychology of white-collar business types is that they're not going to be caught, and if they are, they'll find a way around it," says New York lawyer Bruce Ullman. At the least, for white-collar criminals as well as gangsters, RICO appears to be evening up the odds.

PRESS with ELAINE SHANNON in Washington, and LA ELLIS SIMONS in Chicago and bureau reports



CAUTION  
BEING BUILT

ks of holiday travelers won't be enough to get the major airlines on an uptrend.

## ATION

### bleak new year for airline profits

ft. snowfall grounded planes in Den- on Christmas Eve, but elsewhere st airlines reported holiday traffic vy enough to bring moment of er to even the gloomiest executives. don't take much solace out of that," s Randall Malip, senior vice-president marketing at USAir Inc. "It just ans people who are working have a le more money and are still doing the aditional things. I see no change in the sic underlying problems."

Despite lower fuel bills, lower interest tes, and a slowing in labor-cost in- eases, 1982 is likely to be the third raight year of record losses for the 11 rgest airlines, which lost \$447 million operations in 1981. What is more, to- l revenues are expected to drop for the est time in the industry's history.

n insane probability: The outlook for 83 is not encouraging. "As empty as e're flying," says one airline president, here's an insane probability of sharply ecreased capacity." Spurred by lower el prices, the increased availability of, inding slots at large airports, and the ajor airlines' determination to hold arket share against aggressive smaller ompetitors, carriers are expected to ncrease flights by nearly 10% in 1983. By dding more seats to planes, industry apacity, in available seat miles, could be up by 15% or more. Northwest Airlines, Frontier Airlines, United Airlines, and Delta Air Lines will be showing some of the heftiest increases.

Although Trans World Airlines Inc. says it is trying to exercise "capacity restraint," the restructuring of its route system is adding capacity at its St. Louis hub. Other airlines have been making similar moves to strengthen their operations, thus increasing the likelihood of an all-out war as carriers slash fares to bring connecting traffic to their hubs.

Dallas' will become an especially bloody battleground next spring if PSA Inc. launches a proposed new venture in that city with 30 planes leased from failed Braniff International Corp. Industry sources also fear that the death throes of weak carriers could spark a repeat of the havoc caused when Braniff slashed fares systemwide in its final days.

Permanent discounts? With the economy recovering only in fits-and starts, at best, overcapacity is already chronic. All those empty seats, as well as the cash squeeze at weaker airlines, have led to never-ending fare wars. More than 80% of tickets were sold at discounts averaging 53% in October, the latest month for which figures are available. Revenue per passenger mile was 5.7% lower than in October, 1981. "There'll be this kind of pricing so long as any carrier feels the need to look at things on a short-term basis because of its own situation," says Eva Davis Holman, vice-president at Donaldson, Lufkin & Jenrette Inc.

This year's traffic growth—4.7%—in the first 11 months for the major carriers—came almost totally from deeply discounted prices. Travelers are becoming so accustomed to rock-bottom fares," says Julius Maldutis, a vice-president at Salomon Bros., that "we could find the industry establishing itself in a permanent discount structure."

Managements cling to the hope that prices will rise when demand revives, but even the staunchest believers are wavering. Says Morton Ehrlich, senior vice-president for planning at Eastern Air Lines Inc.: "There's something very compelling about very large red bracketed numbers quarter after quarter. I hope I turn out to be right in terms of a little bit of sanity coming back into the business. Unfortunately, logic isn't what brought us to this state."

### Can a racketeering law be applied to brokers?

Six investors in California, Nevada, and Virginia bought large amounts of Levitz Furniture Corp. stock on margin in 1981, allegedly on the recommendation of a Smith Barney, Harris Upham & Co. account executive who claimed he knew the furniture warehouse chain was a takeover target. But no takeover occurred. Levitz stock dropped precipitously, and the investors lost \$2.6 million. Now the investors are about to file a joint complaint in Manhattan federal court against Smith Barney. Their stockholder suit will probably be the largest yet to attempt to wield a relatively old legal weapon—the Racketeering Influenced & Corrupt Organizations Act of 1970 (RICO)—in a new way. Under RICO's treble-damages allowance, the investor group will seek amounts totaling \$65.8 million.

"Investing is not like playing blackjack," says Arthur M. Schwartzstein, a Washington lawyer representing four of the six plaintiffs. "If you feel you've been wronged, you don't have to swallow it. There may be avenues of recourse," including RICO.

Aimed at crime: Courts and lawyers remain divided over RICO, which outlaws the use of income received from a "pattern of racketeering" and was aimed at eradicating organized crime. But, says Peter H. Morrison, former chief of the fraud section of the U.S. attorney's office in Manhattan, the law's "reach extends considerably beyond that." Thus, while violations of securities laws are not usually viewed as racketeering, Congress defined the term to include "any offense involving . . . fraud in the sale of securities." And a pattern is defined as two violations of a number of laws, including securities laws, over 10 years.

To date, no court has upheld a claim against a broker under RICO. Future use of the racketeering statute may depend on the Smith Barney case, which is likely to wend its way to the Supreme Court. Smith Barney refused to comment until a complaint is filed.

Schwartzstein and other lawyers who believe RICO applies in securities fraud were heartened by a recent federal court ruling. It dismissed a claim by Shearson/American Express that Congress never intended the law to overlap with the antifraud provisions of the federal securities acts. Says Schwartzstein: "RICO gives David a little negotiating power with Goliath."



## Life in Hiding

Frank Calimano came home from the Korean War to find his brother a heroin addict and vowed to get revenge from the mobsters who peddled dope. By the mid-'70s he was a successful heating and air-conditioning contractor in New York, where hoodlums are common as

hammers in the construction trade. Calimano volunteered to feed information to local authorities. Eventually, he penetrated the Mafia's highest circles and became pals with the late gangland chief Carlo Gambino. In 1978 Calimano told his story to a Federal grand jury investigating labor racketeering. Then, to protect him and his family, the government placed the Calimanos in its Witness Security Program and sent them off to Houston with fresh identities.

Almost immediately, Calimano ran into trouble. Because he had no credit record, Calimano had difficulty starting a new business. Old friends recognized him on the street. And Federal prosecutors back in New York did not offer any further help. Calimano fell into a depression; last June he was found hanged in a hospital room, an apparent suicide. Says his widow, Vivian: "I don't want anyone to go into this program the way it is now. You can get better protection from the Mafia."

**Born-Again Lives:** Calimano was a victim of what had seemed a good idea. The government believed that it owed something to witnesses who provided information about organized crime but feared retaliation from mobsters. It started its assistance in 1970 with "safe houses." When they proved inadequate, Federal authorities agreed in 1975 to do much more: they would move informants and their families to different communities and help them begin completely new lives. But the execution of the plan has always been flawed. At U.S. Senate hearings this month, a string of "protected witnesses," hidden be-

hind a screen and guarded by Federal marshals, confirmed that their born-again lives have been filled with poorly delivered promises, erratic assistance and, sometimes, tragedy.

The program is unusual enough that other government agencies seem unable to cope with it. One thing a protected witness needs at once is a new social-security card so that he can get a job, but the Social Security Administration has been painfully slow in issuing new numbers or transferring old accounts. Fourteen states refuse to provide new birth certificates; some state officials contend that if a witness committed a fraud after they had given him the new identification, they might be held liable.

The U.S. marshals assigned to help the witnesses are often not properly trained for the job and their efforts can be sadly comic. One marshal booked a witness on an airplane under the name "T. Kennedy" and another gave a witness the alias "John Philip Sousa"—ploys guaranteed to attract unwanted and possibly deadly attention. Marshals have given away the new locations of their charges during casual courtroom conversations or in idle barroom chatter. In one Catch-22 incident,

the marshal service refused to give a witness a copy of his own agreement with the government because it included his old name; another marshal told a veterinarian treating the man's dog that the animal was part of the Federal witness-protection program.

Most of the informants in the program are not innocent bystanders. They tend to be either former hoodlums who fell out of favor with their gangs or convicted felons who decided to trade information for better treatment. The reward that the authorities offer is a chance at a fresh start, at least for the informants' families. "I did not want my children to grow up in that environment, because they would have become a part of organized crime," says Joe Cantalupo, who has testified against his former mob colleagues in Brooklyn. But many of these crooks do not know how to live anywhere except in the underworld; they have few skills to sell in straight society.

Informants still in prison can pose special problems. Security in many Federal jails is poor, and protected witnesses suspect that other inmates often can get access to supposedly secret records disclosing their true identities. Fearful that some other prisoner may have a contract to kill them, they fight to stay in isolation. Several witnesses have sued the government to prevent their transfers into the general prison population. These prisoners are effectively cut off from their families as well: even these visits are considered a security risk and are usually limited.

**Not Easy:** The worst problems, however, occur when the government tries to help law-abiding citizens such as Calimano who have agreed to help the police. Only about 5 per cent of the witnesses fall into this category, but they have the most to lose. It is not easy for a business executive or an accountant to erase his history and start from scratch. Usually, the witness must sacrifice his career, his friends and, for a while at least, a comfortable standard of living. Vivian Calimano's problems continue. Her oldest son cannot establish a line of credit, and she has not received any social-security benefits because her husband's old account has not been transferred to his new number.

Yet no one wants to eliminate the program. "An efficient and effective Federal witness-security program is a vital tool in the fight against organized crime," says Sen. Sam Nunn, whose investigating committee conducted the recent hearings. Some steps have been taken to make the program more efficient. Witnesses now sign a 21-page memorandum of understanding that spells out what they can expect. Prosecutors must brief marshals before handing witnesses into their custody. One hundred and thirty marshals have been trained as "security specialists," and the remainder of the marshal corps is receiving instruction in how to cope with the witnesses' needs. More than 150 major companies now participate in a job pool for protected witnesses. The revamped program seems to be working for some. Still, says Howard Safir, chief of the marshals' protection operation: "Witnesses should only enter when there is no other alternative."

ARIC PRESS with ELAINE SHANNON in Washington



Cantalupo with a friend: A new start for his kids

New York Post

# Bad News for Labor Racketeers . . .



Present efforts to curb corruption among union leaders date back to the 1950s and a committee chaired by Sen. Estes Kefauver (third from right at rear).

**T**HE CHARACTERS change, but it is the same old story, and a disturbingly frequent one. It was recited again a few months ago. A Labor Department official told a Senate committee about the activities of a labor union official—this one a Floridian.

As president of one local, manager of another, president of a district labor council and trustee of a workers' benefit plan, he had access to union workers' funds and embezzled from six labor organizations. Although convicted, he remained in office pending appeals and siphoned off another \$1 million.

Congress now seems determined to close off such opportunities. The vehicle is the Labor-Management Racketeering Act. Already passed unanimously by the Senate, it will be taken up this fall by the House Education and Labor Committee. The bill's sponsor, Sen. Sam Nunn (D-Ga.), says it is a signal to "organized crime and corrupt union leaders that Americans will no longer tolerate" criminal influence and activity in organized labor.

In effect, the bill would amend three existing acts—the Labor-Management Reporting and Disclosure Act, the Labor-Management Relations Act and the Employment Retirement Income Security Act.

A key provision would provide stronger incentives for unions to purge criminal elements from their ranks. For example, it would be a felony instead of a misdemeanor for employers and unions to engage in payoffs or kickbacks and for a union or worker to

fit fund to hire or employ a convicted criminal.

In addition, the bill doubles to 10 years the period during which a criminal is disqualified from employment with such organizations after conviction or imprisonment.

The bill extends the disqualification to all positions with a union or benefit fund by eliminating the current exemption for "clerical" or "custodial" employees. Thus unions could no longer employ otherwise disqualified criminals as highly paid "clerks" or "custodians."

To prevent convicted criminals from continuing to work for unions or trust funds during lengthy appeals, the bill provides that disqualification for conviction begins on "the date of the judgment of the trial court," regardless of whether the judgment is appealed.

The bill would, however, protect the interests of an individual whose conviction is overturned. His salary would be placed in escrow upon his conviction. If the verdict is reversed, the individual is paid the accrued salary; if the verdict is upheld, the funds are restored to the union.

**L**ABOR DEPARTMENT attitudes would be important to the success of such legislation. The department's role in investigating organized crime within unions in years past—specifically, its reluctance in some instances to initiate probes—has been criticized.

The bill therefore amends previous acts by assigning not merely the authority to investigate but also the responsibility.

That provision, says Nunn, is directed at those who, like the union official who testified before the committee, testified that the Department of Labor (in the past) had failed to act against labor racketeering.

And we heard from both federal prosecutors and the FBI that the Department of Labor had taken no role in the [government's] fight against criminal corruption on the New York-New Jersey waterfront."

That fight with the International Longshoremen's Association, dating back to the 1950s, was the genesis of the present bill. At the time the nation was shocked by revelations of massive kickbacks and payoffs to Longshoremen's union leaders uncovered by the Senate crime committee chaired by the late Sen. Estes Kefauver (D-Tenn.). The late Sen. John L. McClellan (D-Ark.) later made a stir as chairman of the Senate Permanent Subcommittee on Investigations when it exposed criminal activities by Teamsters union officials.

**A**CCORDING TO Sen. Don Nickles (R-Okla.), one of the cosponsors of the bill, the fact that corruption has existed within a labor's ranks for so many years is due in part "to the enactment of laws that seem to encourage crime." The fact that a convicted union official has been able to remain in office until appeals are exhausted is one example.

"It is time that we change the course of this country's labor laws—time that the laws reflect the high standards Americans expect of us," Nickles says.

In a letter to Nickles, the Justice Department put its weight behind the bill. It wrote:

"Recent convictions involving labor-management corruption on the waterfront and in other industries have demonstrated the continuing need for strong federal legislation to deter the use of extortion, bribery and payments involving conflicts of interest among the parties to collective bargaining."

According to Sen. Warren B. Rudman (R-N.H.), a former attorney general in his state, "Larceny, sabotage and labor disruption have become so prevalent in some union areas that they are included as part of the cost of doing business."

Labor Secretary Raymond J. Donovan has assured the Senate Labor and



Sen. Sam Nunn (D-Ga.) believes that unions need the help of Congress to rid themselves of corruption.

... and good news for union members is a Senate-passed bill that awaits action in the House.



The Senate antiracketeering bill, says Sen. Don Nickles (R-Okla.), is a long-awaited change in the course of this country's labor laws.

Human Resources Committee that his department would do what was expected of it:

"Our department has an unwavering commitment to protect workers and benefit plan participants. We will use every tool presently available to us to safeguard the integrity of labor organizations and benefit plans ... and we would welcome the additional tools that would be given by the proposed legislation."

The bill would require Donovan's department to investigate abuses, of a criminal, not merely a civil, nature. This section of the bill has been opposed on the ground that it encroaches on the crime-fighting authority of other federal investigative and prosecuting agencies. To allay concerns, the bill says

that nothing in it should be construed as precluding other agencies from conducting their own probes into both civil and criminal violations.

One aspect of the bill that is due for scrutiny by the House is the proposed immediate disqualification of union officers on conviction. Considering that punishment would be meted out before appeals have run their course, the proviso raises "troubling civil liberties issues," says AFL-CIO President Lane Kirkland.

Two other portions of the bill also concern Kirkland. One is a section referring to employer contributions to union-managed trust funds. Kirkland explains that a union official can make an honest error "that has nothing to do with under-the-table employer pay-

ment" and that he fears the section's misapplication.

Kirkland also contends that the 10-year disqualification from office could be too severe. "I can't persuade myself that all cases are alike," he says. He has suggested that trial judges be authorized instead to impose disqualification periods of not more than 10 years at the time of conviction.

**D**ESPITE THESE reservations about the bill, Kirkland has endorsed it. His endorsement, he says, stems from organized labor's recognition that it "simply does not have the resources—the trained manpower, the subpoena, the grand jury, the authority to uncover and punish perjury, the due process trial procedures ... and the effective sanctions to punish the guilty."

Understandably, Kirkland feels the bill puts the spotlight too harshly on union officials. "Unlike bankers, businessmen and politicians, union officers are judged according to their worst examples," he told the senators.

Nunn believes that the bill does not harass organized labor but provides the extra assistance needed for unions "to finally rid themselves" of corrupt officials. "The unions have labored to rid themselves of these people," the senator says, "but in many cases they have been unable to do so alone. I believe the unions need the help of Congress."

—Del Martin



Organized labor does not have "effective sanctions to punish the guilty" on its own, says AFL-CIO President Lane Kirkland.

## A new ploy to fight takeovers

During the non-trading days between last Jan. 20 and Feb. 1, New York investors for Carl Icahn and companies he controls purchased some 1 million shares of Marshall Field & Co. common stock. Together with stock of the Chicago retailer that it already owned, the sudden transactions boosted the Icahn group's holdings to 4.5 million shares, about 15% of total Field stock outstanding.

The company's reaction was predictable. It hired a law firm to fight the threat that Icahn would seek control and possibly liquidate the company to sell off its large real estate holdings.

But the legal claim was novel. Skadden, Arps, Slate, Meagher & Flom, the New York law firm well known for its

### The racketeering charge could deter investors from making hostile tender offers

corporate takeover department, charged Icahn and his group on Field's behalf with "racketeering," although there has never been any suggestion that Icahn or his companies are in any way affiliated with organized crime, the usual target of the racketeering laws.

**Cynical judges.** The legal claim was based on an interpretation of the federal Racketeering Influenced & Corrupt Organizations Act of 1970 (RICO) that has caused considerable comment within corporate legal circles in the past year. Some lawyers believe that the racketeering charge, which causes legitimate businesses considerable embarrassment and may work to deter professional investors from making hostile tender offers, could become more common in the coming months.

RICO outlaws the use of income received from a "pattern of racketeering" to acquire a business. A pattern of racketeering is defined, in turn, as any two violations of a number of different laws, including the securities laws, during a 10-year period.

Citing a consent decree that Icahn had just signed with the Securities & Exchange Commission in connection with his acquisition of Hammermill Paper Co. shares, as well as other Icahn activities that had been drawn into question by federal and state agencies, Field insisted that the allegations, if proved, amounted to a pattern of racketeering.

Although RICO has been the law for 12 years, it has surfaced in civil suits only during the past year or so. The reasons given, by securities lawyers who refuse to be quoted by name, are twofold. One

is that federal judges, especially those on the U.S. District Court in Manhattan that hears a large percentage of the nation's takeover cases, are becoming increasingly cynical about the usual claims made by a target company's lawyers. The judges view many cases as legally unjustified attempts by entrenched management to fight off an acquisition justifiable on business or financial grounds.

The second reason is that in 1977 the Supreme Court threw doubt on the right of a target company to sue for fraud under the securities laws. By law, whoever acquires more than 5% of a company's stock must submit to the SEC in a Schedule 13D a statement of his intentions. Defense lawyers have traditionally alleged that the 13D filing is false or misleading because the acquirer did not disclose his true purposes. But now "the courts are divided over whether a target company has standing to sue," says Martin Lipton, a New York takeover lawyer not connected to the Field case. Under RICO, however, a target company has the explicit right to sue.

In his Schedule 13D, Icahn denied that he and his group had formed any plans to liquidate Field, sell off its assets, merge it with another company, or make any other major change in its corporate structure. The claim was greeted with some skepticism. Since 1975, Icahn had purchased large positions in a number of companies and gained a reputation of seeking control, merger, and sale of assets. Often he ultimately sold the shares back to the companies at a considerable profit.

**Severe sanctions.** On Feb. 8, Field sued Icahn in Manhattan federal court, charging that he had failed to disclose a plan to acquire 35% of the stock, seize control, and engage in "extraordinary corporate transactions." At the same time, Field laid the groundwork for its racketeering charge.

Beyond the publicity value, a racketeering charge can be worrisome because of the severe sanctions open to judges to impose. RICO allows treble damages, attorneys' fees, and an injunction that theoretically could prevent an investor from attempting future takeovers for a period as long as 10 years.

In the Field case, Skadden Arps attor-

neys persuaded District Judge Pierre N. Leval to issue a temporary restraining order while Icahn made further disclosure of his plans, giving Field 10 days to scout up a "white knight" to counter Icahn's acquisition bid. Icahn cured the defects. Judge Leval lifted the restraining order, and Icahn continued to buy, ultimately acquiring some 30% of Field shares. Within three weeks, however, Field arranged through Goldman, Sachs & Co. a merger with BATUS Inc. at \$30 per share. It is expected to be completed this summer.

**Vulnerability.** Litigation between Icahn and Field was dropped on Mar. 30, before Judge Leval could rule on the racketeering charges. Had the suit continued, however, Field's lawyers would likely have pressed for documents from Icahn that might have proved their racketeering claims. Under RICO, it is unnecessary to show a conviction, only that



Lawyers may paint investors as racketeers

the alleged violations of law actually occurred. Most of what was discovered during the two months of litigation was sealed by agreement of the parties, who will not comment publicly on the case.

Some corporate lawyers privately condemn the use of RICO in takeover suits as "sewer tactics," "just a diversionary tactic," and "silly." But many agree that the fear of being labeled a racketeer could influence future takeover strategy. And, says one, "those especially vulnerable are professional investors, like Icahn, with a track record."

Whether RICO charges will catch on remains to be seen, but a few attorneys think that their use in the Field case was an important psychological turning point. Says one well-regarded takeover lawyer: "I don't think the racketeering charge is of any moment, but don't quote me because I may have to use it in a case tomorrow."

Introduced: 2/13/84  
Referred: Judiciary and Finance

1 IN THE HOUSE

BY LISKA

2

HOUSE BILL NO. 626

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the crime of conspiracy."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 11.31 is amended by adding new sections to read:

9       Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime  
10 of conspiracy if, with the intent to promote or facilitate an illegal  
11 activity, the offender agrees with one or more persons to engage in or  
12 cause the performance of that activity and the offender or one of the  
13 persons does an overt act in furtherance of the conspiracy.

14       (b) If an offender commits the crime of conspiracy and knows  
15 that a person with whom the offender conspires to commit a crime has  
16 conspired or will conspire with another person or persons to commit  
17 the same crime, the offender is guilty of conspiring with that other  
18 person or persons to commit that crime, whether or not the offender  
19 knows their identities.

20       (c) In a prosecution under this section, it is not a defense

21             (1) that the defendant belongs to a class of persons who by  
22 definition are legally incapable in an individual capacity of com-  
23 mitting the crime that is the object of the conspiracy; or

24             (2) that a person with whom the defendant conspires could  
25 not be guilty of the crime that is the object of the conspiracy  
26 because of

27                     (A) lack of criminal responsibility or other legal  
28 incapacity or exemption;

29                     (B) unawareness of the criminal nature of the conduct

1 in question or of the criminal purpose of the defendant; or

2 (C) any other factor precluding the culpable mental  
3 state required for the commission of the crime.

4 (d) In a prosecution under this section, it is a defense that,  
5 if the criminal objective were achieved, the defendant would not be  
6 legally accountable under AS 11.16.120(b) for the conduct of the  
7 person with whom the defendant conspired.

8 (e) In a prosecution under this section it is an affirmative  
9 defense that the defendant, under circumstances manifesting a volun-  
10 tary and complete renunciation of the defendant's criminal intent,  
11 gave timely warning to law enforcement authorities or otherwise made  
12 proper effort to prevent the commission of the crime that was the  
13 object of the conspiracy. Renunciation by one conspirator does not  
14 affect the liability of another conspirator who does not join in the  
15 renunciation.

16 (f) The liability of a conspirator for offenses committed in  
17 furtherance of the conspiracy, including a crime that is the object of  
18 the conspiracy, shall be determined under AS 11.16.

19 (g) Conspiracy is a

20 (1) class A felony if the object of the conspiracy is a  
21 crime punishable as an unclassified felony;

22 (2) class B felony if the object of the conspiracy is a  
23 crime punishable as a class A felony;

24 (3) class C felony if the object of the conspiracy is a  
25 crime punishable as a class B or class C felony.

26 (h) In this section "illegal activity" means an offense

27 (1) against the person under AS 11.41, punishable as a  
28 felony;

29 (2) against property under AS 11.46, punishable as a class

1 A or class B felony;

2 (3) against public administration under AS 11.56, punish-  
3 able as a felony;

4 (4) against public order under AS 11.61, punishable as a  
5 felony;

6 (5) involving controlled substances under AS 11.71, punish-  
7 able as an unclassified, class A, or class B felony; or

8 (6) involving alcoholic beverages under AS 04, punishable  
9 as a felony.

10 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-  
11 TIONS OF ACTIONS. (a) For purposes of applying AS 12.10 governing  
12 limitations of actions, in a prosecution under AS 11.31.120, con-  
13 spiracy is a continuing course of conduct that terminates

14 (1) when the crime that is its object is completed;

15 (2) when the agreement is abandoned by the defendant and by  
16 the person with whom the defendant agreed; or

17 (3) as to an individual defendant, when the defendant  
18 abandons the agreement by advising the person with whom the defendant  
19 agreed of the defendant's abandonment or the defendant informs law  
20 enforcement authorities of the existence of the conspiracy and of the  
21 defendant's participation in it.

22 (b) For purposes of (a)(2) of this section, abandonment of an  
23 agreement is rebuttably presumed if neither the defendant nor anyone  
24 with whom the defendant conspired does an overt act in furtherance of  
25 the conspiracy during the applicable period of limitations.

26 \* Sec. 2. AS 11.31.140 is amended to read:

27 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a  
28 defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100  
29 OR AS 11.31.110] that the crime that is the object of the attempt,

1     conspiracy, or solicitation was actually committed pursuant to the  
2     attempt, conspiracy, or solicitation.

3             (b) A person may not be convicted of more than one crime defined  
4     by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct  
5     designed to commit or culminate in commission of the same crime.

6             (c) A person may not be convicted on the basis of the same  
7     course of conduct of both (1) a crime defined by AS 11.31.100 - 11.-  
8     31.120 [AS 11.31.100 OR AS 11.31.110]; and (2) the crime that is the  
9     object of the attempt, conspiracy, or solicitation.

10            (d) This section does not bar inclusion of multiple counts in a  
11     single indictment or information charging commission of a crime de-  
12     fined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] and  
13     commission of the crime that is the object of the attempt, conspiracy,  
14     or solicitation.

15            (e) If a person conspires to commit more than one crime under  
16     AS 11.31.120, the person commits only one crime of conspiracy if the  
17     multiple crimes are the object of the same agreement.

# COMMITTEE REPORT

## HOUSE

(11)

FURTHER:

5/14/84

Date: 5-24-84

The Committee on FINANCE has had HR 631

"An Act relating to runaway children."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 631 (100)  same title  
 new title
- and recommends do PASS
- AND attaches a "Letter of Intent"  New Fiscal Note  
 Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

### MEMBERS SIGNING DO PASS

Robert P. Adams

Walter Furnace

John Lindauer

Don

MILD H. FRITZ

### MEMBERS HAVING OTHER RECOMMENDATIONS:

J. V. ...

W. B. ...

T. M. ... - Do Not Pass

Paul F. ... (No Rec)

Robert P. Adams  
CHAIRMAN

Offered: 5/14/84  
Referred: Finance

Original sponsor: Liska

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 631 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to runaway children."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 47.10.140(f) is repealed and reenacted to read:

9 (f) It is unlawful for a minor to evade the person having legal  
10 custody of the minor. A peace officer, upon receiving a request to  
11 locate a minor who is evading the person having legal custody of the  
12 minor, shall make all reasonable efforts to locate and detain the  
13 minor and shall either return the minor to the person having legal  
14 custody or, if the minor does not wish to return to the person having  
15 legal custody, take the minor to an office specified by the Department  
16 of Health and Social Services or to a facility or contract agency of  
17 the Department of Health and Social Services in the community. Imme-  
18 diately upon detaining a minor under this subsection, the peace  
19 officer shall advise

20 (1) the minor of the right to social services under AS 47.-  
21 10.142(b); and

22 (2) the person having legal custody of the minor, if the  
23 person's identity is known, of the minor's detention.

24 \* Sec. 2. AS 47.10.142(b) is amended to read:

25 (b) A minor who has left home and is evading the person having  
26 legal custody of the minor [HIM] may obtain the services of the de-  
27 partment. The department shall assess the situation and furnish the  
28 minor with the social services it considers appropriate to protect the  
29 well-being of the minor and to preserve the minor's [HIS] family life

1 if preserving it is considered desirable under the circumstances. If,  
2 after assessing the situation, considering the wishes of the minor,  
3 and furnishing appropriate social services, the department considers  
4 it necessary, the department may take emergency custody of the minor.  
5 If the department determines there is cause to believe that a minor  
6 delivered to it by a peace officer under AS 47.10.140(f) will not  
7 voluntarily accept and participate in social services the department  
8 considers appropriate to furnish, the department shall take emergency  
9 custody of the minor and shall detain the minor until a hearing is  
10 held by the court under (d) of this section.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CS for HB631  
 Title: Relating to runaway children  
 Sponsor: Liska  
 Requestor: \_\_\_\_\_  
 Date of Request: 5/14/84

FISCAL DETAIL

Agency Affected: Health & Social Services  
 Program Category Affected: Social & Economic Assistance for the General Population  
 BRU, Program or Subprogram(s) Affected: Youth Services BRU/ McLaughlin Youth Center  
Fairbanks Youth Facility; Social Services BRU/Direct Service Delivery

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES			292.1	306.7	322.0	338.1
200 TRAVEL			7.0	7.4	7.8	8.2
300 CONTRACTUAL			4.0	4.2	4.4	4.6
400 SUPPLIES			2.8	2.9	3.1	3.3
500 EQUIPMENT			6.4	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	312.3	321.2	337.3	354.2
<b>CAPITAL</b>		1,620.0	-0-	-0-	-0-	-0-
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,620.0	312.3	321.2	337.3	354.2
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME			6	6	6	6
PART-TIME			2	2	2	2
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funding not identified.

ANALYSIS: Attach a separate page for analysis

Prepared By: Frank Haska Phone: 465-3170  
 Division: Health & Youth Services Date: 5/17/84  
 Approved by Commissioner: John De Bary Date: 5/17/84  
 Agency: DHSU

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

## ANALYSIS

### CS FOR HB 631

#### ASSUMPTIONS

Enactment of CSHB 631 would result in an increased level of effort by police agencies to locate runaway youths and a consequent increase in the number of such youths requiring social services. CSHB 631 would also require immediate secure detention of certain youth who were unresponsive to other services.

The primary impact would be in the major urban areas where caseload increases are estimated as follows: Anchorage 75, Fairbanks 40, Ketchikan 45, Kenai 10, and Palmer/Wasilla 10. These estimates are only of the numbers of youth who would require detention after other services had failed. This represents only a small portion of those who would require services. Estimates of reported runaway youth are far greater, for example, it is estimated that there are 1,200 runaways annually in Anchorage alone.

The increased demand for services would require new social workers to provide the labor intensive services required; e.g., crisis intervention, counseling, exploration of alternatives to detention, investigation and preparation of documents and information for court hearings within 48 hours.

An additional five detention beds would be required at McLaughlin Youth Center and Fairbanks Youth Facility to safely house detained youth. Existing facilities are currently operating at double their design capacity and could not safely accommodate additional youth. It would also be inappropriate to detain non-delinquent youth with accused or adjudicated delinquents. Those children requiring detention could not be detained during prior to construction of additional detention beds.

#### PROGRAM SUMMARY

The Personal Services includes Social Worker III, PFT, positions in Fairbanks, Anchorage and Ketchikan. Social Worker III, PPT positions are in Kenai and Wasilla.

Travel is for staff to attend meetings, conferences, courses and for transportation of new hires.

Contractual Services are estimated for additional costs for copier usage, communications, utilities, equipment rental, accident and liability insurance.

Supplies are for general office supplies.

Equipment items necessary for the establishment of new positions include desks, chairs, desk and side and file cabinets.

ANALYSIS

CS FOR HB 631

PAGE 2

COMPUTATIONS

The computations are based on estimated costs for FY 86 plus an additional 5% for each succeeding year. Capital project costs are based on DOT/PF's FY 85 estimate.

ECONOMIC IMPACT

There will be no economic impact.

IMPACT ON LOCAL GOVERNMENTS

Local police agencies would be required to increase their level of effort; however, the fiscal impact of this on local government cannot be estimated.

1.	POSITION TITLE SOCIAL WORKER III				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION FAIRBANKS	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		35,580							
6.	Benefits		10,674							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		46,254					
10.	Travel		02		1,000					
11.	Contractual		03		500					
12.	Commodities		04		400					
13.	Equipment		05		800					
14.	Other									
15.	TOTAL COST				48,954					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Hatch 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

**13** REQUEST FOR  
NEW POSITION

AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
BRU SOCIAL SERVICES  
COMPONENT DIRECT SERVICE DELIVERY

Page 1 of 8  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE SOCIAL WORKER III			RANGE/STEP 16A	ORG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION FAIRBANKS	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary		35,580						
6.	Benefits		10,674						
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01		46,254					
10.	Travel	02		1,000					
11.	Contractual	03		500					
12.	Commodities	04		400					
13.	Equipment	05		800					
14.	Other								
15.	TOTAL COST			48,954					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		48,954					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY 4A KEY NUMBER _____									

**13** REQUEST FOR  
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AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
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COMPONENT DIRECT SERVICE DELIVERY

Page 2 of 8  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE SOCIAL WORKER III				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION ANCHORAGE	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary		30,876								
6.	Benefits		9,262								
7.	Supplemental Benefits										
8.	Fixed Benefits										
9.	TOTAL PERSONAL SERVICES		01		40,138						
10.	Travel		02		1,000						
11.	Contractual		03		500						
12.	Commodities		04		400						
13.	Equipment		05		800						
14.	Other										
15.	TOTAL COST				42,838						
	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts 1002									
17.		G.F. Match 1003									
18.		General Funds 1004			42,838						
19.		I-A Receipts 1005									
20.		Program Receipts 1028									
21.		Other									
FOR B&M USE ONLY											
4A KEY NUMBER _____											

**13** REQUEST FOR  
NEW POSITION

AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
BRU SOCIAL SERVICES  
COMPONENT DIRECT SERVICE DELIVERY

Page 3 of 8  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE SOCIAL WORKER III				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION ANCHORAGE	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		30,876							
6.	Benefits		9,262							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		40,138					
10.	Travel		02		1,000					
11.	Contractual		03		500					
12.	Commodities		04		400					
13.	Equipment		05		800					
14.	Other									
15.	TOTAL COST				42,838					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Hatch 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY 4A KEY NUMBER _____										

**13** REQUEST FOR  
NEW POSITION

AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
BRU SOCIAL SERVICES  
COMPONENT DIRECT SERVICE DELIVERY

Page 4 of 8  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE SOCIAL WORKER III				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION KENAI	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		16,542							
6.	Benefits		3,300							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		19,842					
10.	Travel		02		500					
11.	Contractual		03		500					
12.	Commodities		04		200					
13.	Equipment		05		800					
14.	Other									
15.	TOTAL COST				21,842					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR O&M USE ONLY										
4A KEY NUMBER _____										

**13** REQUEST FOR  
NEW POSITION

AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
BRU SOCIAL SERVICES  
COMPONENT DIRECT SERVICE DELIVERY

Page 5 of 8  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE SOCIAL WORKER III			RANGE/STEP 16A	ORG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION WASILLA	ELECTION DISTRICT	LEC.	
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	16,020							
6.	Benefits	3,200							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	19,220						
10.	Travel	02	500						
11.	Contractual	03	500						
12.	Commodities	04	200						
13.	Equipment	05	800						
14.	Other								
15.	TOTAL COST		21,220						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004	21,220						
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY 4A KEY NUMBER _____									

**13** REQUEST FOR  
NEW POSITION

AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
BRU SOCIAL SERVICES  
COMPONENT DIRECT SERVICE DELIVERY

Page 6 of 8  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE <b>SOCIAL WORKER III</b>				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION KETCHIKAN	ELECTION DISTRICT	LEG.		

3.	CONTINUATION LEVEL	ADDITION		
4.	TYPE OF EXPENDITURE		AMOUNT	
	1	2	3	
	PERSONAL SERVICES			
5.	Salary	30,876		
6.	Benefits	9,262		
7.	Supplemental Benefits			
8.	Fixed Benefits			
9.	TOTAL PERSONAL SERVICES	01	40,138	
10.	Travel	02	1,000	
11.	Contractual	03	500	
12.	Commodities	04	400	
13.	Equipment	05	800	
14.	Other			
15.	TOTAL COST		42,838	

JUSTIFICATION

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	42,838
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY  
4A KEY NUMBER \_\_\_\_\_

**13** REQUEST FOR  
NEW POSITION

AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
BRU SOCIAL SERVICES  
COMPONENT DIRECT SERVICE DELIVERY

Page 7 of 8  
Revised Date \_\_\_\_\_

**FY 85**

1.	POSITION TITLE <b>SOCIAL WORKER III</b>				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION KETCHIKAN	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary		30,876								
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	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts 1002									
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19.		I-A Receipts 1005									
20.		Program Receipts 1028									
21.		Other									
FOR B&M USE ONLY											
4A KEY NUMBER _____											

**13** REQUEST FOR  
NEW POSITION

AGENCY HEALTH AND SOCIAL SERVICES  
SOCIAL AND ECONOMIC ASSISTANCE  
PROGRAM FOR THE GENERAL POPULATION  
BRU SOCIAL SERVICES  
COMPONENT DIRECT SERVICE DELIVERY

Page 8 of 8  
Revised Date \_\_\_\_\_

**FY 85**

TITLE OF INCREMENT		4. CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	COV'S REQ.		
1 Capital Project - Additional Juvenile Facility Beds		100	Personal Services				
		200	Travel				
		300	Contractual Services				
		400	Commodities				
		500	Equipment				
		600	Lands, Buildings, Etc.	810.0			
		700	Grants, Claims, Etc.				
		800	Miscellaneous				
		EXPLAIN WHICH BRU OBJECTIVE IS AFFECTED, AND HOW. 2 Program Objective Affected: To comply with CS for HB 631 if enacted in its present form.  How Objective is Affected: Detention facilities are not currently available for housing youths detained under this legislation.		TOTAL		810.0	
				I-A Transfer (NON-ADD)			
Federal Receipts - Code:							
General Fund				810.0			
Other							
3 BRIEFLY DESCRIBE WHAT THIS INCREMENT PURCHASES.  This legislation would require the planning and design of 5-bed units for detention of youth. Each unit would require a work/monitor station and a common day room in addition to 464 square foot of space each for 5 beds.  Operating costs would begin in FY 86.		5. POSITION INFORMATION	PFT				
			Staff Months				
			FTE				
6. INCREMENT PRIORITY BRU Level: _____ or _____ Agency Level: _____ of _____		7. CHECK ONE OR BOTH					
		<input type="checkbox"/> Currently Existing Service <input checked="" type="checkbox"/> New Service					
8. IMPACT FROM CAPITAL PROJECT (NAME)  Chapter _____ SLA _____ Page/Line _____							

**6 INCREMENT REQUEST**

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Youth Services  
COMPONENT Fairbanks Youth Facility

Page 2 of 2  
Revised Date \_\_\_\_\_

**FY85**

TITLE OF INCREMENT	4. CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	COV'S REQ.	
<b>1</b> Capital Project - Additional Juvenile Facility Beds	100	Personal Services			
	200	Travel			
	300	Contractual Services			
	400	Commodities			
	500	Equipment			
	600	Lands, Buildings, Etc.	810.0		
	700	Grants, Claims, Etc.			
	800	Miscellaneous			
	TOTAL			810.0	
	T-A Transfer (NON-ADD)				
Federal Receipts - Code:					
General Fund			810.0		
Other					
5. POSITION INFORMATION		PFT			
		Staff Months			
		FTE			
<b>2</b> EXPLAIN WHICH BRU OBJECTIVE IS AFFECTED, AND HOW. <b>Program Objective Affected:</b> To comply with CS for HB 631 if enacted in its present form.  <b>How Objective is Affected:</b> Detention facilities are not currently available for housing youths detained under this legislation.					
<b>3</b> BRIEFLY DESCRIBE WHAT THIS INCREMENT PURCHASES.  This legislation would require the planning and design of 5-bed units for detention of youth. Each unit would require a work/monitor station and a common day room in addition to 464 square foot of space each for 5 beds.  Operating costs would begin in FY 86.					
<b>6. INCREMENT PRIORITY</b> BRU Level: _____ or _____ Agency Level: _____ of _____					
<b>7. CHECK ONE OR BOTH</b>  <input type="checkbox"/> Currently Existing Service <input checked="" type="checkbox"/> New Service					
<b>8. IMPACT FROM CAPITAL PROJECT (NAME)</b>  _____ Chapter _____ SLA _____ Page/Line _____					

**6** INCREMENT REQUEST

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
  
BRU Youth Services  
  
COMPONENT McLaughlin Youth Services

**FY85**

Page 1 of 2  
Revised Date \_\_\_\_\_

# Alaska State Legislature

While in Session

## COMMITTEES

Vice Chairman — Judiciary

Vice Chairman — Legislative  
Regulations Review

Resources

Finance Sub Committee on Labor



Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3733

Home - District 15  
Star Route Box 421  
Eagle River, Alaska 99577  
(907) 688-2526

## House of Representatives

John J. Liska

May 15, 1984

### MEMORANDUM

TO: Rep. Al Adams, Chairman - House Finance Committee

FROM: Rep. John J. Liska

SUBJECT: HB 631, "An Act relating to runaway children."

This bill is an attempt to require by law a minor to be accountable to either parents at home or a guardian at a foster home or be placed in an appropriate facility.

Presently, if a minor runs away from home, and he is not breaking any laws, he is free to do as he wishes. The intention behind our bill is - The child does not have the maturity to exist in today's society without becoming a subject of prey for a variety of undesirable types of people. If you will refer to item D, Article number 1 - in your packet, it clearly describes what happens to these run away children.

While it is not the intention to violate the rights of any child, we feel it is the responsibility of either the parents or the State to be in control of the minor because at this stage in their life they are not mature enough to be able to function in society on their own.

The bill states that a peace officer shall make all reasonable efforts to locate a minor who is evading his guardian. Presently the police can, if they want to but they don't have to, try to locate a run away child.

Additionally, it is essential in my opinion that these children not be allowed to remain on the streets, even for a couple of days or long enough to decide at a court hearing whether or not they are to be picked up.

I refer to item D, Article number 2, the longer they are on the streets the more likely they will become involved in situations that will have a life long effect on them. We feel they are incapable of protecting themselves from this involvement and therefore it is the states responsibility to protect them.

Memo - HB 631  
May 15, 1984  
Page two

In your packet you will find the following for your information:

A. Copy of CSHB 631.

B. Articles regarding runaway children.

1. From USA Today March 1979, Life in America, "The Adolescent Runaway: A national Problem"
2. Newsweel. Oct. 18, 1982, Life/Style, "A Nation of Runaway Kids"
3. "A second look at the National Program for Runaway and Homeless Youth." By Caroline Croft and Mary Jolly.
4. Runaways: Jusisdiction, Dynamics, and Treatment.  
By Oliver J. Morgan,
5. Additional publication in Rep. Liska's office regarding runaways:
  - a. Doing It - A collection of articles on issues concerned with programs for runaway youth.
  - b. Runaway Youth - from what to where, U.S. Dept. of Health and Social Services.

JJL/tm

Offered: 5/14/84  
Referred: Finance

Original sponsor: Liska

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 631 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to runaway children."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 47.10.140(f) is repealed and reenacted to read:

9 (f) It is unlawful for a minor to evade the person having legal  
10 custody of the minor. A peace officer, upon receiving a request to  
11 locate a minor who is evading the person having legal custody of the  
12 minor, shall make all reasonable efforts to locate and detain the  
13 minor and shall either return the minor to the person having legal  
14 custody or, if the minor does not wish to return to the person having  
15 legal custody, take the minor to an office specified by the Department  
16 of Health and Social Services or to a facility or contract agency of  
17 the Department of Health and Social Services in the community. Imme-  
18 diately upon detaining a minor under this subsection, the peace  
19 officer shall advise

20 (1) the minor of the right to social services under AS 47.-  
21 10.142(b); and

22 (2) the person having legal custody of the minor, if the  
23 person's identity is known, of the minor's detention.

24 \* Sec. 2. AS 47.10.142(b) is amended to read:

25 (b) A minor who has left home and is evading the person having  
26 legal custody of the minor [HIM] may obtain the services of the de-  
27 partment. The department shall assess the situation and furnish the  
28 minor with the social services it considers appropriate to protect the  
29 well-being of the minor and to preserve the minor's [HIS] family life

1 if preserving it is considered desirable under the circumstances. If,  
2 after assessing the situation, considering the wishes of the minor,  
3 and furnishing appropriate social services, the department considers  
4 it necessary, the department may take emergency custody of the minor.  
5 If the department determines there is cause to believe that a minor  
6 delivered to it by a peace officer under AS 47.10.140(f) will not  
7 voluntarily accept and participate in social services the department  
8 considers appropriate to furnish, the department shall take emergency  
9 custody of the minor and shall detain the minor until a hearing is  
10 held by the court under (d) of this section.

# MEMORANDUM

State of Alaska <sup>JAN 11 1984</sup>

TO: Jay Hogan, Associate Director  
Division of Budget Review  
Office of Management and Budget  
Office of the Governor

DATE: January 6, 1984

FILE NO:

TELEPHONE NO: 465-4322

✓ FROM: Jos Mapranath, Director  
Division of Administrative Services  
Department of Public Safety

SUBJECT: Criminally Exploited  
Children

We have reviewed the materials submitted on criminally exploited children in Alaska and wish to express our support for the formation of a special law enforcement unit in Anchorage to deal with this serious problem. The unit would be a joint State and local cooperative effort similar to the successful Anchorage Metro Drug Unit. The cost is estimated at \$375.0 for FY 85 and would include one Anchorage P.D. Sergeant, one Anchorage Police Officer, one Anchorage clerical position, and one State Trooper Sergeant.

While we recognize the seriousness of criminal exploitation of children and that this is a growing problem, it is not feasible at this time for either the Anchorage Police Department or the Division of Alaska State Troopers to divert limited existing resources to form the proposed special unit. We would, however, be pleased to participate in such an effort if funding is provided. Therefore, I urge your support of an appropriation in the amount of \$375.0 to fund a special investigative unit on criminally exploited children.

Further details are available upon request. Your consideration of the requested appropriation to deal with this problem is appreciated.

cc: Commissioner Robert J. Sundberg  
Commissioner Roger Endell  
Peter B. McDowell, OMB  
Brian Porter, Chief, APD  
Colonel Michael C. Kolivosky, AST  
Marroyce Hall, AK Juvenile Crime Commission  
Sandra Borbridge, Spec. Assistant to the Governor  
Allen Blume, Spec. Staff Assistant to the Governor

TO: Mrs Hall

FROM:

LAW ENFORCEMENT OFFICER KNOWLEDGABLE IN THE FIELD  
OF CHILD EXPLOITATION. OFFICERS NAME DELETED AS A  
POLICY OF THE ANCHORAGE POLICE DEPARTMENT

DATE: October 20, 1981

SUBJECT: Criminal Activities of Juveniles in Anchorage

The purpose of this brief letter is to state my opinion of the status of current criminal activity involving juveniles in the Anchorage area. As you know I have been a police officer for the past five plus years in the Anchorage area and have worked for two different periods as a counselor at McLaughlin Youth Center. What I am stating here is strictly my opinion and does not represent in any way the viewpoint of my employer, the Anchorage Police Department.

During recent years Anchorage, as well as other communities within the State of Alaska, has experienced a tremendous increase in the level and depth of juvenile criminal activity. I believe that this is in part due to the tremendous growth that this community and this State have experienced in recent years and also because of the ineffectiveness of the criminal justice system to deal with the problem. My opinion of the current status of this activity has developed because of my involvement with juveniles in the community and as a result of my involvement in numerous investigations dealing with some of these problems.

What has developed in this community, as is characteristic of other communities in other States, is a network of criminal activity of which juveniles play a substantial part. This has developed to the extent that many of our young persons so exposed actually are a part of a sub-culture existing in the same space but at different times within the mainstream of our society. This subculture has a set of values and morals that are substantially different than those of the mainbody of our society and paramount within this set of values is the belief that youth equates to victimization. When a young person in our community is, for a variety and combination of reasons, forced out of the home environment and onto the "streets" (so to speak), he is subjected to an elaborate system of victimization on the part of adults within the community who, in essence, use youth to their advantage in the perpetuation of their criminal activities and personal desires.

A young person finding himself/herself within this position is necessarily forced to first, survive. In order to do this, the youth must engage in activities which an adult can support. These activities extend from theft to drug usage/sales and prostitution. Adults involved in these activities will promote the involvement of juveniles to the advantage of the adult while at the same time providing for the juvenile, as a minimum, the basic needs of food, clothing and shelter needed by the juvenile to survive. Juveniles within this community are extensively involved in theft, drugs and prostitution and these activities are promoted and supported by adults within the community. The extent of the

problem is largely unseen, even by many persons within the criminal justice system who deal with these juveniles daily as a part of their jobs, because the juvenile does not often talk about depth of involvement to anyone, other than his/her peer group and in some cases, not even to them. The system tends to look at each individual act by itself, failing to realize that there is a much greater problem, individually and collectively, lurking below the surface of the individual act.

As an example of what I have previously stated, I would estimate that about 50% of all the boys admitted to McLaughlin Youth Center have had some contact with adults of a homosexual nature. I would further estimate that in excess of 25% of these have had what could be termed deep involvement with more than one adult. Often, this kind of activity, develops in relation to other types of activity including the adult using the juvenile for drug sales and to provide merchandise for fencing operations of small and large scale. It is not surprising then, that when the juvenile so involved is picked up for a property crime or drug related offense, the depth of his involvement is never revealed to those professionals within the system that later deal with him.

Any juvenile who, for whatever reasons, spends more than a short amount of time living away from a home and on the "streets" will become involved to a greater or lesser degree in the kind of activity I have just described. Since the adult(s) involved use the juvenile for their purposes, the normal role of adult guidance in the maturing process is severely distorted which in turn perpetuates the problem as the juvenile grows older and changes from being the victim to the user. Over a period of time of involvement in these kinds of activities the youth gradually begins to believe that the only thing that will change his being used to another's advantage is age and that when that age is attained the role can be reversed.

It is virtually impossible for a young person to survive away from home without becoming involved in these kinds of activities because of the inability of a young person to legitimately obtain the basic necessities of food, clothing and shelter necessary for survival. It is further, virtually impossible, for that young person to steal enough through burglary, robbery or theft to attain these necessities. As such, the young person in that position, must turn to other more profitable activities. These activities involve drugs and prostitution. The problem is further compounded, in most cases, because of the emotional problems that the youth is experiencing as the result of his necessity to leave the home or to replace the home needs with persons met outside the home and his resultant turn towards drug usage. Drugs are expensive and not within the reach of the average young person through legitimate earnings. Adults desiring use of juveniles for sexual purposes are well aware of the juvenile's problems and will frequently provide, either the basic needs of survival, or drugs or both in return for sexual favors. In many cases, the juvenile can provide sexual favors for a much higher than could be obtained through other types of criminal activity. Adults desiring these kind of favors are very perceptive in being able to identify those juveniles that are in a position to which they would be susceptible to such propositions.

All this exists on a large scale in the Anchorage area. The extent of this existence increases steadily because of the inability of the Criminal Justice System and the community to control it. I would estimate that the extent of the

problem in Anchorage is proportionately greater than it is in other comparable communities in the United States, again for a variety of reasons. It is common knowledge that large scale fencing operations exist within the Anchorage area as is evidenced by the very small percentage of stolen property that is recovered and the relatively high frequency of recovery of stolen property from Alaska in other states. The extent of drug sales operations and drug useage amongst juveniles in the Anchorage area, again, is particularly high to the extent that it is virtually impossible for any young person not to be exposed to drugs, and not just marijuana, beginning in junior high school. The extent of juvenile prostitution activities, particularly as it involves males, is also extremely high in the Anchorage area to the degree that virtually all juveniles living out of the home are exposed and many still living at home are exposed.

There exists, in Anchorage, houses where juveniles on the run can find temporary shelter. These houses are provided either directly or indirectly by an adult. Unfortunately, there are strings attached to the use of the house by the juvenile. There have been commercial pornography operations involving sexual involvement of juveniles in the most perverted kinds of sexual activity operating in the Anchorage area. These operations have been directed by organizations from without the State of Alaska. There have been commercial prostitution operations within the Anchorage area in which juveniles were the merchandise and in which the fees paid were extremely high. There have been large scale drug operations in which juveniles, many of them going to school and living at home, were involved as the primary pushers. There have been large scale fencing operations in the Anchorage area in which merchandise stolen by juveniles was fenced by adults to create huge profits.

The depth of this whole problem is really seen when one realizes what becomes of the juvenile that is involved in these kinds of activities. All young persons growing up need adult guidance and emotional support in order that a moral and value system can develop. If the child receives, for this need, guidance and "emotional support" from persons that only wish to use him, it is understandable how we are developing a subculture of increasing size within the mainstream of our primary culture, in which the value system is as foreign as one would be from a far Eastern country. The use of youth for personal gain is as foreign to the basis of our culture as is the crime of murder and yet we are allowing this to exist, and to in fact grow, within the Anchorage area to a massive degree. Much of this problem is a criminal problem and must be solved through enforcement means. To this end we are sorely lacking.

# The Adolescent Runaway:

## A NATIONAL PROBLEM

*"No one seems willing to accept clear responsibility for the thousands of children over 15 who stand outside the jurisdiction of family courts, criminal courts, and, in large part, the child welfare system."*

by Bruce Ritter, O.F.M.

OVER a decade ago, I became involved, almost against my will, with one of the major problems of any large metropolitan area when 10 runaway children, from the ages of 14-17, sought my help, asking to sleep on the floor of my apartment in the East Village of New York City. I was exercising at that time a ministry of service to the poor. These particular 10 children had been sexually abused by some junkies in the neighborhood, had been burned out of the abandoned building in which they were living, and, before that, had been forced to make a pornographic movie in order to pay for their room and board.

Because I could not find any place for them in the child welfare system, I kept them—they simply moved into my apartment. So many hundreds of homeless young people began knocking on my door that I and my friends were forced to begin a new child care agency. Since that time, over 10 years ago, Covenant House has sheltered

*Father Bruce Ritter is the Executive Director of Covenant House and Under Twenty-One, a child care agency in New York City that specializes in caring for runaway and homeless children and urban nomads.*

many thousands of runaway and self-emancipated kids, returning many to their homes and keeping many for long-term care. Hundreds upon hundreds were victims of child abuse.

Many people are unaware of the enormous dimensions of the problem of runaways and homeless children in our society—or what can happen to them. Over 1,000,000 juveniles run away every year in this country. According to a New York City Police estimate, there are at least 20,000 runaways under 16 in New York City at any one time. If you add to that number the many thousands of self-emancipated youngsters between the ages of 16-18 and even the greater number between 19 and 21, the numbers of children on the streets are staggering.

These numbers are not just pulled out of a rhetorical hat. In the first year after the Covenant House crisis center, Under Twenty-One, was opened (April 1, 1977), well over 4,000 children have sought our help; over 500 of them were 15 and under; another 900 were between 16 and 17; and over 1,500 between 18 and 20. Covenant House expects to serve about 3,000 walk-in children under 18 at its Eighth Avenue center this year who should not be on the streets, but for whom no effective programs exist. As a result, these children are frequently subjected to the

grossest kind of abuse. About 7,000 children under the age of 21 had come to Under Twenty-One for help during 1978.

### A question of responsibility

The very complex issues raised by these thousands of homeless young people cross a dozen different jurisdictions—states' rights, parents' rights, children's rights, family and criminal court questions, the nature of the child care system, etc. The thinking and practice regarding the rights of juveniles has been evolving so quickly over the past 10 years that legislators have had great difficulty keeping up with the changing status of juveniles in our country. The ambiguity and confusion and differences in statutes between one state and another and within the same state make it almost impossible on occasion to resolve the legal status of a runaway or homeless child. Until recently, the problem of runaways was always considered essentially a police matter. The juveniles were to be found and returned home. Yet, an overburdened New York City police force can not begin to cope with the huge numbers (there is a seven man unit assigned for that purpose) and the police do not have any jurisdiction over children 16 and older.

The problem is especially acute for those 16 and over since the law simultaneously permits a child of 16 to emancipate himself and then effectively disenfranchises that child. For the most part, a child can not get the medical help he or she needs, can not easily qualify for public assistance, can not enter into contracts, and can not find a decent job. Children are free to wander the streets, panhandling, exploiting, and being exploited. No one seems willing, either to accept clear responsibility for the thousands of children over 15 who stand outside the jurisdiction of family courts, criminal courts, and, in large part, the child welfare system. Neither Special Services for Children, the Division for Youth, or the Department of Social Services will admit to immediate jurisdiction and responsibility for a 16-year-old boy or girl wandering up and down 42nd Street. Since it is manifestly not in the best interest of the child or the general public to permit this to happen, some jurisdiction must take the clear responsibility. We operate on a principle, seemingly, of *caveat puer*: let the child beware. Covenant House can document an almost endless series of children over 15 for whom it can find no one to accept responsibility—no court, no family, no part of the child welfare system. The tangle of conflicting jurisdictions, of vague and ambiguous laws, a severe fiscal crisis, and the fact that most of these kids are black and Spanish make it easy to let them fall through the cracks. Many thousands of them become willing or unwilling victims of the \$1,500,000,000 sex industry that feeds on children in the Times Square area. They have few options. Cold, hungry, homeless, desperate for affection, they fall easy prey to the sex merchants who know all too well how to exploit them. These children find it almost impossible to get help. Until Covenant House, with the help of the Roman Catholic Archdiocese, opened its Under Twenty-One crisis center on April 1, 1977, there were absolutely no services for these thousands of children in the Times Square area. Covenant House is always understaffed, underfinanced, and overwhelmed by the numbers of children coming to us at all hours of the day and night.

During the first year that Under Twenty-One was open, over 4,000 children came to us for help and over 60% of these had some contact, major or minor, with prostitution and pornography. The list of horror stories are endless.

\*The program is financed 25% by New York State, eight per cent by the New York City Board, and 67% by private contributions.

● A 14 year old boy chased into our center by his pimp, a man of 40, who had a broken bottle. The man wanted to kill the boy, who had escaped after being held prisoner for six weeks in a Times Square hotel.

● A pimp who offered us \$500 for a young girl in our center.

● A 16 year old call boy with a contract on him. All he wanted to do was escape. He had made the mistake of ripping off one of his johns.

● A 14-year-old girl, held prisoner, raped, and forced into prostitution, her hair dyed and with a false I.D. saying she was 18, who had gotten a job in an Eighth Avenue strip joint.

They are not bad kids and it is wrong to think that they are. They are good kids whose only crime is, for the most part, to be cold, hungry, and homeless, with no skills, no resources, cut off from jobs or the possibility of getting medical help or public assistance. Since they have nothing to sell, except themselves, they are easily victimized and abused by the so-called victimless crime of prostitution.

There are many hundreds of juveniles caught up in a vicious, degrading life style that kills many of them. They are caught in a kind of quicksand and can not easily escape. Hundreds will come—have already come—to Under Twenty-One this year. Under Twenty-One stays open 24 hours a day and offers a kid no questions when he or she asks for help: food, shelter, protection from their pimp and exploiters, a chance to go home again if that is possible, a chance to get a job, to go to school—to begin to think that they might live. Many times I have heard a kid say: "Bruce, I'm not going to make it; I'm going to die out there; the street is going to kill me." A 17-year-old boy said to me recently: "Bruce, can you give me one reason why I shouldn't jump off the Brooklyn Bridge?" It was hard for me to answer.

## What can be done

Why do we permit it? Why and how can such a wholesale abuse and neglect of children happen in our society? We seem both unable and unwilling to do anything about it.

There is much that can and must be done. It would be easy and unfair to attack the police for inadequate enforcement of existing laws. The police in New York City quite clearly have limited ability to achieve effective enforcement. At the same time, however, it is quite clear that the crime of child prostitution and abuse is not a priority of our police. Neither is it a priority for our district attorneys and the Attorney General, nor the judges of our

criminal courts, who could exercise a little more fortitude in handing out sentences, nor for our politicians, who only seem to discover the problem of child abuse and prostitution around election time.

Prostitution and this loathesome child abuse are big business and are obviously protected. What other reason could explain the apparent immunity with which this blatant, sick, savage destruction of children is carried on in our society?

We not only need more effective enforcement and more vigorous prosecution of the criminals that buy and sell children and more effective community action, we also need programs to help the thousands of juveniles on the streets that turn to prostitution simply in order to survive.

As I recently stated:

Last night, 65 children came in off the street looking for a bed. Because we were able to provide one for them, they did not sleep on the street or in someone else's bed. We are almost without funds, our resources and staff strained to the utmost. With the cold weather coming on, we estimate that as many as 80 or 100 kids a night will come to us for help. We are committed to not sending a child away without a bed. I did it once, and I can't do it again. As long as I live I can never forget the faces of two kids that knocked on my door very late one night. One of them said, "Are you Bruce?" and I said I was, and he said, "Do you take kids in?" and I said, "Yes" and he said, "Can we stay with you?" I said, "No, because we have no room" and he began to cry and he said, "Where can I go and what can I do?" I said, "You can go back into the street and look sad. And he stopped crying and looked at me and said, "I can do that." He did. They both went back into the street. One boy was 15, the other was 14.

Our records can document hundreds of cases of child abuse and maltreatment, drawn at random from our files. Based on our experience at Under Twenty-One, we can distinguish three broad categories of gross child abuse: abuse within a family setting, abuse on the street, and abuse by bureaucracy.

## Abuse within a family setting

In these cases, children came to Under 21 because of abuse by parents or guardians and because they did not have any other recourse. Typically, this is the tragic plight of thousands of runaway children who every year flee dangerous and punitive situations at home. This type of child abuse is certainly the best known and considerable public attention has already been focused on it. The following are typical examples:

le and crime for survival. The rules are simple—seduce or be seduced, intimidate or be intimidated, exploit or be exploited. The very child welfare system itself, because of the barriers it places in the way of care for these children, must accept its full measure of responsibility for the gross abuse and maltreatment that thousands of homeless, vulnerable children are subjected to each year. Instead of opening new facilities and designing new programs for these troubled young people, a precipitous deinstitutionalization, a wholesale closing of public shelters, and the demise of several major voluntary agencies through fiscal neglect have reduced the number of beds available to these youngsters by hundreds. Other agencies face immediate bankruptcy because of inadequate funding by the city and state.

One of the few bright notes in this unrelievedly gloomy picture is the hope held out by New York Gov. Hugh Carey for new programs that would serve young people caught up into street life and prostitution. In 1977-78 fiscal year, in addition to two small programs for runaways partially financed by the Federal government through the Department of Health, Education, and Welfare's Office of Youth Development, the Division for Youth helped fund the only shelter for runaway girls in New York State. The need for new facilities and new programs that can meet the needs of these forgotten youngsters is critically urgent. The need for greater openness on the part of Special Services for Children and other state agencies serving children is equally urgent. In my view, New York City and the state have been grossly derelict in assuming and fulfilling their mandated responsibility to provide care for these thousands of homeless and abused children.

In particular, the public officials who cynically and callously refuse to fulfill their responsibilities to protect these children once they have been abused deserve condemnation. District attorneys and judges and prosecutors who seem to worry more about the welfare of the pimps than the children should be forced to exercise their offices with the welfare of the victims, not the perpetrators, in mind. To give you just one ugly example of this kind of official child abuse, on Dec. 30, 1977, a pimp with a long record of prior arrests was arrested in a New York City hotel. A nude 15 year-old girl was found in bed in his room. The girl testified that he had attempted to induce her to engage in prostitution. He was charged with endangering the welfare of a minor and promoting prostitution. The district attorney permitted him to plead guilty to disorderly conduct and he was given a

\$100 fine with 15 days to pay. I pose the question: Who is really guilty of child abuse here?

### Abuse by bureaucracy

The following are examples of children who were thrust into potential or real danger of abuse by an overburdened bureaucracy, by systems that have ceased to function effectively within Special Services for Children, by what appears to be an almost official policy of foot-dragging and resistance with regard to the certification of children for care. It often seems to our staff at Covenant House that the primary issue faced by SSC is how much is it going to cost, not how much does a particular child need the care it has a right to obtain.

● Loretta, age 13, was admitted into the child care system following abuse/neglect findings against her mother. Her father is deceased. Loretta came to our attention when she fled an out-of-state institution and came to Under 21 seeking our help. SSC seemed to have failed to recognize this 13-year-old's situation as requiring emergency attention for placement. For two weeks, placement was sought. Finally, Loretta was picked up by a transit patrolman in the Port Authority Bus Terminal and taken to SSC.

● Mark, age 17, was a multiple physically handicapped youngster, who came to Under 21 seeking help in living on his own. Mark reported that his mother hid his prosthesis as punishment and his siblings fought with him. The family refused to sign for voluntary placement after the home situation was not found to be abusive nor neglectful. After intervention by our social work staff, his parents agreed to placement. Again through our intervention, an SSC diagnostic center agreed to take him. In the interim, the child was placed at a temporary shelter. Resolution was only obtained through the Under 21 involvement in securing voluntary placement, since Mark *would not* return home.

● Michelle, age 12, ran away from her home in upstate New York. Michelle's parents gave her up at birth and she moved into an unofficial adoptive home. Efforts to place Michelle were stalemated when neither New York City, SSC, nor its upstate equivalent accepted responsibility for this youngster. For two weeks, Michelle hovered around the Times Square area. Eventually, she was offered an upstate institutional setting by the Newburgh agency, but Michelle left on her own for the streets.

● Helen, age 15, came to Under 21 with a long history of institutional place-

ments following abuse findings made against her alcoholic mother when she was two years old. Helen, a chronic runaway for three years, was known to 12 different child care settings. SSC told the Under 21 staff that it was futile and pointless to place this youngster, given her history. After an additional three days, SSC revealed that planning responsibility belonged with a large child care institution. Helen was subsequently transferred to a diagnostic center.

● Pauline, age 14, first came to Under 21 when she came seeking shelter. She was having problems getting along at home and felt she was pregnant. Under 21 held a family meeting to attempt reconciliation and this failed. Pauline was taken home by her father from the hospital against her will, without her seeing a doctor. We reported this to Central Registry. Pauline's aunt and cousin were interviewed by the worker, but her father was not seen (according to SSC). She remained at home, as no abuse was found. The following month, Pauline came to Under 21 and was subsequently taken to the Spofford Juvenile Home by police on the basis of a warrant filed by her family. (She chose Spofford rather than returning home.)

● Louis, age 13, came to Under 21 as a runaway from home. The idea of placement had been in consideration for almost a year between family and social worker from the Harlem Center for Child Study. Louis was a truant (having not attended school the entire term) and uncontrollable at home. Contact with mother revealed a willingness—in fact, a desire—for placement. A letter of application was written, typed, and hand-delivered to SSC within two days of case assignment. The application unit would not accept telephone referral. When the letter was misplaced by SSC, the application unit again refused to take the information over the telephone. Only after pressure did they do so.

Special Services for Children is, unfortunately, a typical example of bureaucratic abuse. SSC is not staffed by ogres and children haters. The staff, to my personal knowledge, is almost universally humane and caring, but an antiquated, financially limited administration has established priorities other than those of children. We should not have to fight to get a child into care.

The problem of adolescent runaways is not, of course, limited to New York City. The problem exists throughout the nation and immediate, effective steps must be taken to combat it and to protect these children from abuse. Programs such as we have established at Covenant House can go a long way towards alleviating this problem.

● Pat, age 18, was beaten continually by her mentally disturbed mother. When she ran away to a friend's apartment her mother cruised the neighborhood, looking for Pat and threatening to kill her. Pat's friend decided to move to Alabama and Pat came to Under 21 for help.

● Michael, age 17, left home because he was unable to deal with his father, who comes home drunk and verbally abuses him. Michael's parents are divorced and his mother does not have room for him in the small apartment she shares with his sister and her new boyfriend.

● Albert, age 16, ran away from home to get away from his mother. She is an alcoholic and on drugs. Albert states that his mother beats him badly. He has run away many times before, but his mother always sweet-talks him into coming home, then beats him again, sometimes with wires.

● Gail, age 14, had been in three foster homes before coming to Under 21. She ran away from her own home because her mother was alcoholic and abusive and her father was a former prisoner who was jailed for killing his first wife. Gail expressed fears for her physical safety and was difficult to reassure.

● Willie, age 15, came to Under 21 from the streets. He is the only boy in a family of three children. Willie has scars from previous abuse which he states to have been inflicted by his parents. He has old scars on his head and extensive scars on the inside elbow were sustained when his father broke his arm. Willie also states that his mother beats him with sticks.

● Chris, age 10, was referred by a priest in Brooklyn, who discovered him on the streets, terrified, and carrying recent body welts and bruises. Chris reported that he had been beaten every day by both parents and did not initially want us to contact them.

● Tony, age 10, from New York City, says some ladies on the street referred him to us for help. Tony said he had left home two days prior, but did not want to return home because of beatings. Tony showed us scars on his head and legs.

● Wanda, age 15, came in off the streets. It was difficult for Wanda to express her history of pain and abuse. Through our Spanish-speaking staff, Wanda revealed a life of being shuttled around between mother and father, both abusive parents, and her grandmother, who had shown her only kindness. Wanda told us how her mother tried to hang her from a shower curtain rod. Life with her father was equally miserable and he beat her excessively. She could bear it no longer when she fled to Under 21.

## Abuse on the streets

Here, we are speaking of children cruelly and viciously exploited by pimps and street violence. There are hundreds of such cases in our files, of which these are typical:

● Dennis, age 13, came to New York from Yonkers, terrified of the neighborhood gangs that beat him up continually. Thin and undernourished, he had spent a month on the streets before he was brought to Under 21 by a Catholic Worker.

● Kevin, age 16, left an unstable home in Florida to travel. In Houston, he fell in love with Marie, who turned out to be a transvestite. He followed "her" to New York, where he planned to work the streets in order to pay for Marie's sex-change operation. He was brought to Under 21 by a passerby.

● Patty, age 18, ran away to New York when she was 15, where she was quickly picked up by a pimp. She was brought to Under 21 by the police one night, half-stoned, tattoos barely covering the needle tracks on her arms.

● Linda, age 17, left home in Michigan several days before her mother's remarriage. Although truant from school for several years, she had visions of a glamorous job and large salary in the big city. Linda immediately connected with one pimp, then a second. She prostituted for three days before discovering Under 21.

● Simon, age 16, was placed in foster care when his alcoholic mother severely beat his younger sister. Simon often ran away to live with a gay group in Greenwich Village. He recently spent several months as a \$50-an-hour call-boy for a major New York City call boy service. Simon came to Under 21 because he had been placed briefly at Covenant House.

● Star, age 17, left home at 12 to live with her sister in the Bronx. Star first turned tricks to supply her sister with drugs and was later picked up by a pimp. She had been working the streets for three years before a friend brought her to Under 21.

● Julio, age 15, lived with his mother in New Jersey until she died of cancer four years ago. He then went to live with his older sister, but she continually berated him. Julio met a pimp, "Short Eyes," very soon after his arrival in New York and went to live with his other boys in a Times Square Hotel. A friend on the street directed him to Under 21.

● Vicky, age 16, lived with her alcoholic mother on Long Island until she was 12 or 13. She ran away many times and her mother placed her in the care of the county. Vicky came to Under 21 pregnant, with gonorrhea and

pneumonia. She had supported herself by pretending to be a prostitute and mugging her customers before they realized she didn't intend to have sex.

● Charles, age 16, lived at home until 15, when his mother placed him in the child care system of New Jersey. He ran away after several months, was picked up by a pimp, and sent to work hustling and nude dancing in a gay bar. Charles learned of Under 21 from a friend.

● Cindy, age 16, and Beth, age 15, ran away from Virginia and were approached by pimps before they left the Port Authority Bus Terminal. The police saw them walking down Eighth Avenue with their pimps and brought them to Under 21.

● Donna, age 16, has been in New Jersey foster homes since the age of three. At 13, she had a baby, which is also in foster care. Donna ran away from the last home because her foster father made advances toward her. She came to New York and experimented with prostitution before finding Under 21.

● Colleen, age 16, is a very anxious and depressed young girl, who began running away in the 10th grade when she also began drinking and smoking marijuana. Since then, she has run away eight times from home, foster homes, and other residences. Colleen came to New York and flirted with prostitution for two weeks before being directed to Under 21. On her first night in the Center, Colleen attempted to solicit business for the other girls in the house from passersby on the streets.

● Steve, age 16, ran away from his strict, Italian parents in Rhode Island and quickly became part of the gay street scene. When brought to Under 21 by a friend, he was dancing in a gay bar and living with the "captain" of the dancers. Steve was willing to consider returning home because he had just been mugged.

Most of these children are either runaway or self-emancipated youths denied the protection of the law, for whom no services exist and to whom existing services are denied by a juvenile welfare system that is mandated to care for them. Young people by the thousands, especially the non-persons between 16 and 18, are refused services by administrative fiat. Denied admission to child care agencies because they are not reimbursable, refused certification by Special Services for Children and the Division for Youth that would make them eligible for care, unable to obtain medical help or public assistance, thousands of these self-emancipated-by parental neglect youngsters are disenfranchised and denied the care they have a right to expect. They are forced to turn to street

# A Nation of Runaway Kids

Louis T's homelife has long been meaner than many a street: bounced among a drug-addict mother, an indifferent father and a savage stepmother who repeatedly bit the 15-year-old boy and tried to choke him to death. Nevertheless, Louis is a most reluctant runaway. His macho mask crumples as he sits in a cheerful Houston shelter—somewhat incongruously called Family Connection—and speaks softly of those he still loves. "I didn't want to leave her, but she said to get out and don't come back," he quavers, near tears whenever he mentions the mother who finally pushed him aside. Then, as other teen-agers return within earshot, Louis recoups his cool. "I learned the hard way," he says. "Ain't nobody going to do nothing for me but myself."

A new generation of American youngsters is on the run—often at a desperate pace. They resemble less their romantic predecessors, from Huck Finn to the flower children, than refugees fleeing the wreckage of their families. Many are more truly castaways than runaways, forced from their homes by neglect, abuse or abandonment. "These kids are running from something, not to something," says Russell Frank, director of The Runaway Place, a Boston shelter. As many as 50 percent may be fleeing physical abuse, including sexual assaults. A growing number are economic refugees, evicted by jobless parents who can no longer support them. "This is one of the first times we've seen people voluntarily bringing their kids in," says Carol Frank of the Child Welfare League. "It's a dust-bowl kind of thing."

Others, without being told to leave home, may be driven out by violent arguments, drinking bouts, and other recession-related strains in the family. "A 14-year-old can't understand fully that his father may be depressed over losing his job," says Washington social worker Robbie Callaway. "As economic conditions get tougher, more and more kids are going to be out on the street."

**'Meat Rack':** The thoroughfares they travel include the likes of the infamous Minnesota strip located near Times Square—so named for the many blond nymphets from out of town who sell themselves there—and the "meat rack" on Hollywood's Santa Monica Boulevard where boy hookers are on display. Too young to work legally, a significant number support themselves by stealing, drug-dealing or peddling sex. Like apprentice derelicts, they huddle in abandoned buildings, on

park benches or in the warm breeze from subway gratings. Many runaway kids display a pathetic ingenuity; fearful of pimps and muggers as well as policemen, one Philadelphia youth buried himself to his chin every night in a playground sandbox. But for most of the young nomads, there may be no place to hide: some 50,000 runaways simply disappeared last year.

There's no telling where they went, since



Marion Huiz

Way station: Seeking aid at New York bus terminal

the United States does not keep computerized track of missing children as it does missing cars. By the most conservative estimates, however, each year more than 1 million kids between 10 and 17 leave home. Until 1974 the government's main helping hand was an arrest for juvenile delinquency. Then Congress—disturbed by reports of deaths and maltreatment in jails, reform schools and other institutions—passed the Runaway and Homeless Youth Act, to establish federally funded telephone hot lines and temporary teen-age shelters. But the 166 shelters—with their hopeful names like Haleyon House or Stepping Stone—serve only 45,000 kids in a year, roughly 5 percent of the runaway population, for a maximum stay of between two weeks and 30 days—and proposed Federal budget cutbacks threaten to cramp the space still more.

Fortunately for their survival odds, most runaways are relatively timid. According to juvenile-welfare experts, mostly no further than a relative or friend, and 90 percent return home within 48 hours. The remainder, however, seem singularly ill equipped for even a temporary life on the loose. A recent report from the U.S. Department of Health and Human Services, based on shelter admissions, indicates the average runaway is 15. That's a drop of one year from the 1976 average—and kids as young as nine are now turning up with alarming regularity. Most of the kids are white (70 percent) and female (56.7 percent, although the gap is closing). Forty percent are school dropouts, many of whom can barely read and have minimal self-esteem. They are scarcely a cadre of hardened criminals; HHS estimates that 60 percent have never been in any kind of trouble with juvenile authorities before they run.

**'Flirters':** Left to their own devices, kids develop a defensive subculture. Turf is scrupulously observed; around Boston, male prostitutes are expected to work near the bus terminal, while females work the notorious Combat Zone. Hardcore street kids are supposed to congregate on Boston Common, while the tenderfoot dropouts—"flirters," in local lingo—hang out in Harvard Square. Some runaways try to re-create the communality of the '60s crash pad, when one makes some money, many will rent a room together, splitting the windfall on wine, dope and food. In one northeast suburb of Philadelphia, teen transients even built their own haven in the woods with lumber stolen from construction sites, complete with escape tunnels. Survival lessons are willingly shared, to score a free restaurant meal with a minimum of fuss (a gambit sometimes known as "chew and screw"), leave the waitress a tip before you walk out without paying the check.

Time seems to be the greatest divider, determining which runaways can be salvaged. "If a kid has lived in the street for a month or so, it becomes very hard to reach him," says Father Bruce Ritter, founder of New York City's Covenant House for runaway youths. "If it's been six months, we've almost lost him, and if it's a year, he's gone. The poison works very, very quickly." In many cases, it takes only two days; beyond the 48-hour mark, one in 10 teen-agers is likely to become a prostitute. Incoming nails are quickly spoiled at such entry points as New York's Port Authority Bus Terminal by pimps or their scouts, sometimes called catchers. Blue-scanned Marcia R., 13, remembers that she was barely off the bus from Ohio before a "man in one of those hats" approached her. He was headed off by a man and woman, two self-professed "good Samari-

# Do you know someone with ALS? (Lou Gehrig's disease)

if you do, then you know how devastating ALS can be. But, you may not know that throughout the country, friends and relatives of ALS patients are doing something about ALS by setting up Local Chapters of the National ALS Foundation.

Local Chapters are resource centers—places where ALS patients and their families can find out what services are available. They can get together for rap sessions, to share and ease the burden of ALS, and to find out that they are not alone.

Local Chapters can generate public awareness—raise money for the all important research—and bring us one step closer to finding a cure for ALS.

To learn how you can help set up a Local Chapter and to be part of a growing, nationwide organization that's doing something about ALS, contact the National ALS Foundation, 185 Madison Avenue, New York, NY 10016, or call (212) 679-4016.

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## LIFE/STYLE



*Buck home: Darcy Reeves (front) with mother and sister*

tans" who offered to take her to their house. The Port Authority police were also converging on her and won the contest; she was soon on a plane headed home. "You soon find out that all those 'good people' who want to 'help you' want something in return," says a Philadelphia 16-year-old who was not so lucky—and is now pregnant by her newfound "friend."

**Pimps:** Hustlers operate in a netherworld all their own. In Hollywood, for instance, there's a wage scale of sorts. Attractive new arrivals can earn top dollar (\$250 or so, on up) from the homosexual "chicken hawks" who cruise Santa Monica Boulevard in search of young boys. "Everyone knows the regulars, so when they see a new face, they have to try you," explains one young denizen. "After they get to know you, though, you have to do more and more to earn your money." Times can be even tougher for girls, who usually have pimps to support, and staying straight is often well-nigh impossible. L.A. police detective Larry Broadhurst still shudders over one young victim from two years ago. "She was a real good-looking blond girl," he recalls. "A pimp approached her to work for him, and she refused. Told him she didn't want to have anything to do with his business." The pimp didn't give up; he followed her and pounded on her motel door. "When she opened it, this guy just stuck a knife right through her head."

Authorities are trying to provide more effective refuge. In Boston, the vans from Bridge Over Troubled Waters roll right up to the kids on the streets, offering dentists,

doctors and drug therapy. At many shelters the rules are stricter than those at the homes the kids have left at Houston's Family Connection, residents must rise at 8:30 a.m., cook all their own meals, clean their rooms and request permission to stay out after 5:30. Generally, the shelters' goal is to identify family problems, begin counseling and return the runaways—except to parents who abuse them. The success rate runs anywhere from 50 to 70 percent. "We desperately need more places like this," says Sandra Reeves of Houston, whose 15-year-old daughter, Darcy, has run away three times, only to be reunited through family counseling. "Please tell mothers and fathers that their children can come home."

To help those children who resolutely won't—or can't—go home again, states and municipalities have also been changing their juvenile laws. At least a dozen states now allow courts to "emancipate" minors, so that they may hold jobs and

apartments on their own; in Connecticut, a 16-year-old can effectively "divorce" abusive parents and be treated as an adult. Some law enforcement officials are less than enthusiastic about the liberalization trend, claiming they're now unable to step in and aid troubled runaways. But some frustrated parents are saying "good riddance" to incorrigible adolescents. Toughlove, the Pennsylvania-based parents organization, suggests families lock the doors behind difficult runaways until they promise to change—while providing them with a list of other Toughlovers who will act as caretakers. In several states, wit-end parents can also ask the courts to designate perennial troublemakers "persons in need of supervision"; they can then be picked up for running away, and a judge can impose psychiatric care or other treatment.

**Rebels:** To be sure, not every vagabond child can be classified as either innocent or incorrigible. Some classic rebels without cause still take off from pure pique or boredom. Beth, 16, showed up at a shelter in Prince Georges County, Md., claiming she had been maltreated by her mother; the "abuse" turned out to be a failure to provide designer jeans. But many experts say such cases represent a declining minority. "There is the child who is just too big for his britches," concedes Alice O'Shea, chief of the child-advocate unit in Philadelphia's Office of the Public Defender. "But they are the minority." Experts say only 10 percent of runaways qualify as "spoiled brats."

Authorities worry that strained juvenile

Sherwood Anderson  
John Ashbery  
Saul Bellow  
Elizabeth Bishop  
Harl Crane  
T. S. Eliot  
Ralph Ellison  
Ralph Waldo Emerson  
William Faulkner  
Ford Madox Ford  
William Gass  
Ernest Hemingway  
H. D.  
Erica Jong  
James Joyce

Jack Kerouac  
Maxine Hong Kingston  
Maxine Kumin  
D. H. Lawrence  
Marianne Moore  
Anais Nin  
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facilities won't be able to handle an influx of teenagers who jump, or are pushed out on their own. Financing for shelters is precarious, although Congress authorized more than \$20 million, the administration proposed only \$6.6 million in the current budget. Several senators managed to boost the figure to \$18 million. Even that amount would provide less than \$18 per runaway—and the budget battle must be fought again when the current funding expires Dec. 15. "The private sector cannot and will not pick this program up," says Rep. Pat Williams of Montana. "This is a bedpan program, the kind that no one wants to get involved in, and that is why the Feds got into it in the first place."

**Ultimate Rejection:** Yet even if sufficient money could be found to put counselors on every street corner, more fundamental questions would remain. One's own home is, after all, supposed to be the place where they have to take you in, no matter what; being forced to leave it can be the ultimate rejection. Sister Dolores Gartanotti of New York's Noah's Ark shelter decries "the Kleenex mentality" that brings most young charges to her door. "We live in a society where we use things and just throw them away," she says. "I swear, a lot of people have this attitude toward kids." And so the throwaway children pile up, from New York to California, to be exploited and brutalized. Sooner or later, those who cast them off must realize that children are not so neatly disposable. The longer they remain on the streets, the less chance they can ever be reclaimed—and the more they will cost everyone.

LYNN LANGWAY with RENE MICHAEL in New York, MARY FORD in Washington, DIANNE H. McDONALD in Philadelphia, BARBARA BURGOWER in Houston and RICK RUIZ in Los Angeles

Lookout: Father Ritter in Times Square



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## A Second Look at the National Program for Runaway and Homeless Youth

By Caroline J. Croft and Mary K. Jolly

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### Introduction

Before legislative action by Congress and the President in 1974, it had been estimated that more than a million youth a year left their homes without parental permission — a finding later corroborated by *The National Statistical Survey of Runaway Youth*, completed in 1976 by the Department of Health, Education and Welfare (HEW) under a Congressional mandate.<sup>1</sup> The 1976 study revealed that as many as 1.3 million juveniles ran from their own or foster homes each year, with 773,000 of these juveniles remaining at large overnight. This was creating a substantial law enforcement problem for the inundated communities and significantly endangering the runaway youth on the streets who were exposed to criminal, physical, sexual and drug abuse and exploitation. The tragedy in Houston which cost the lives of 28 children, all reported missing from home, aggravated the problem and heightened the concern of federal, state and local government leaders as well as private sector youth advocacy agencies.

In response to the growth and pervasiveness of the runaway problem, the Runaway Youth Act was signed into law by President Gerald R. Ford. Also known as Title III of the larger Juvenile Justice and Delinquency Prevention Act of 1974, the Runaway Youth

Act enabled HEW to establish a national program for the care of runaway youth. That law authorized the HEW secretary to award grants-in-aid to eligible agencies seeking to establish or to continue operating shelters for runaway youth.

This article details the salient aspects of the National Runaway Youth Program from its inception to the present. In addition to identifying the prominent features of the program from an historical perspective, it reports on an evaluation of the program performed by an independent contractor, a demographic profile of runaway and homeless youth and the future directions for the program. In addition, a new publication, entitled *The Legal Status of Adolescents*, is summarized at the end of this article.

### Runaway Youth Program: Historical Notes

Congress, in passing the initial Runaway Youth Act, placed the responsibility for locating, detaining and returning runaway youth outside overburdened police and juvenile justice agencies. Congress also defined the problem as one of an interstate nature and concluded that federal intervention was needed as well as a more reliable reporting system for runaway (not until 1977) youth and a more effective temporary shelter care system outside the law enforcement structure.

In addition to the funding of shelter facilities for runaway youth, the Runaway Youth Act provided funds for counseling and after-care services, for the provision of technical assistance to grantees, for the conduct of a National Statistical Survey of Runaway Youth in the nation and for the yearly submission of an annual report to Congress by the secretary of HEW on the status and accomplishments of the shelters (funded under the provisions of Section 315 of the Act). Other provisions included the setting of a maximum authorization level of \$10 million per year for the 1974, 1975 and 1976 fiscal years.<sup>2</sup>

In providing grants, Congress stipulated that priority consideration be given those applicants which could demonstrate each of the following factors: grant requests of less than \$100,000, documentation of a successful experience in serving runaway youth and applicants with program budgets smaller than \$150,000.

Congress delineated four goals in the initial law which remain unchanged and upon which the Department of Health and Human Services (HHS) has based its administration of the national program. These Congressional objectives for funded runaway programs, Section 315 of the Act, are set forth as follows:

- (1) their effectiveness in alleviating the problems of runaway youth;
- (2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;
- (3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and
- (4) their effectiveness in helping youth decide upon a future course of action.

In October 1977 the 95th Congress reauthorized the Runaway Youth Act, adding states and coordinated networks of runaway service providers to the list of eligible agencies. The 1977 legislation also expanded the service population for funded programs to homeless youth and provided for support of short-term training to Title III grantees. Congress raised the authorization level for

each of the three years of the extended life of the Act from \$10 million to \$25 million.

In November 1980 the 96th Congress enacted P.L. 96-509, the Juvenile Justice Amendments of 1980, which President Carter signed into law on Dec. 8, 1980.<sup>3</sup> Title III of this legislation retitled the Runaway and Homeless Youth Act, reauthorized the runaway and homeless youth program administered by HHS for an additional four years, retained the annual authorization level at \$25 million and mandated that HHS alter its formula for distribution of appropriated funds for the support of programs for runaway and homeless youth on the statutory basis of the number of youth under 18 years of age in each state jurisdiction.

The program received \$11 million for each fiscal year 1981 and 1982. The Administration has allocated only \$6.6 million for fiscal year 1983, which begins Oct. 1, 1982. However, it is likely that Congress will not approve the budget by that date, and that the program will operate with \$11 million under a Continuing Resolution.

The 1980 Amendments, along with a revised formula for allocation of funds and new approaches with regard to the consolidation of social services administered by HHS, will impact the future nature and development of the National Program for Runaway and Homeless Youth. In its reauthorization decision in November 1980, the Congress expressed unanimous bipartisan support for continuation of the program until 1984. Major problems, issues and needs remain, however, which are identified and discussed below. A more detailed review and analysis of these issues is available in HHS' Annual Report to the Congress for Fiscal Year 1980.<sup>4</sup>

#### Program Evaluation — Major Findings

In August 1979, HHS undertook the task of evaluating the National Program and published results of this assessment by an outside contractor.<sup>5</sup> The evaluation has provided the basis for requesting the President and Congress for reauthorization of the program in the spring of 1979 and, as already reported, Congress and the President then extended HHS' authority for continuation of the pro-

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## A Second Look at the National Program for Runaway and Homeless Youth

gram, with several amendments, in the fall of 1980.

In the official report to HHS the *National Evaluation of the Runaway Youth Program* contained the major findings below:

- The National Runaway Youth Program has successfully operationalized the goals of the Runaway Youth Act cited above;
- In addition to addressing the legislative goals, the projects funded under the RYA have developed a number of additional goals;
- The projects funded under the RYA are extremely diverse both in terms of their structures and their client populations;
- A growing "professionalism" was found among the projects funded under the RYA;
- The most serious service limitations with the National Runaway Youth Program are the provisions of follow-up or aftercare services mandated in the Act;
- The National Runaway Youth Program is serving a widely diversified client population;
- The National Runaway Youth Program is achieving substantial positive client impact levels;
- In general projects funded under the RYA achieve similar success with a wide variety of clients;
- The National Evaluation found that a positive relationship exists between goals operationalization and positive client impact;
- The projects funded under the RYA are expanding their fiscal capabilities by generating new funding sources and developing volunteer programs;
- A variety of service, client and fiscal concerns are giving way to emerging new service models within the area of runaway youth services.

The evaluation was most encouraging to HHS, the National Council of Juvenile and Family Court Judges, Congress and many other organizations which support the National Program. However, a great disservice would be done if readers of this article conclude that this major social problem has been reduced in scope and an acceptable solution found. Another section of this article identifies major needs, concerns and issues which

must be understood and addressed if a full decade of federal intervention with regard to runaway and homeless youth is to achieve success. Not all funded programs have succeeded. Some have closed because of financial, management or program shortcomings. Since several areas of the nation are underserved, the 96th Congress included in the reauthorized legislation a provision for distribution of appropriated funds on the basis of a state's youth population under the age of 18. This will generate a definite impact on the funding process. Unless larger appropriations are forthcoming, some programs will receive less than \$10,000 in grant funds from HHS for a year's program support.

### *Extent to Which National Program for Runaway and Homeless Youth has Reduced Involvement of Youth in Law Enforcement and Juvenile Court Systems*

While the reduction of the involvement of runaway youth in police-juvenile court processes are not a primary objective of the Runaway Youth Act, HHS found that one of the positive byproducts reported by many of the HHS-funded Title III programs has been a pronounced reduction in the number of runaway youth involved directly in community law enforcement and court processes. Not only has the number of youth handled by the police been substantially reduced in some communities, but the number of these youth who appear in court and undergo adjudication has decreased. The most successful programs are those in which police, court and runaway staff work together in a cooperative and coordinated way. Rather than taking a boy or girl into a detention facility they are taken instead to a runaway shelter by the local police. If the runaway programs did not exist the traditional pattern would be followed which would involve the issuance of a warrant and appearance in court for a series of jurisdictional, adjudicatory and dispositional procedures. An increasing number of runaway and homeless youth are being referred by the police and court officials to the runaway centers. In a few cases the centers have not won the confidence of police and court agencies, and have had difficulty devel-

Caroline J. Croft and Mary K. Jolly

oping the type of program and services which merit community support and respect. HHS is most sensitive to allegations that federally funded shelter-type programs are below standard. In its monitoring of the programs HHS stressed sanitation and other regulations which apply at either state or federal levels. A few programs have been closed and federal support withdrawn as a result of failure to operate on the basis of acceptable fiscal, licensing and regulatory practices.

#### Program Growth and Development Since 1974

Since the first 66 runaway houses were funded by HEW in 1975, the program has grown to 160 programs funded in 48 states, the District of Columbia, Guam and Puerto Rico. A National Switchboard, located in Chicago, has proved to be a vital element in the National Program. Congress recognized this importance by amending the legislation in 1980 to specifically authorize funding of a National Toll-Free Communications System. The number of youth served in HHS-funded programs approximated 43,000 a year as of 1980. In addition more than 200,000 calls were made to the National Switchboard in 1980 by runaway and homeless youth, parents and relatives.<sup>6</sup>

A new, four-year funding cycle was conducted in 1981 under the reauthorized legislation and HHS expected the demand for grant funds to be higher than the previous appropriation of \$11 million. Many worthy programs cannot be funded by HHS because of the severe limit on funds. Some geographic areas are underserved, thus creating concern at a time when federal grant funds are dwindling. One of the most encouraging developments since the passage of the Act in 1974 has been the success enjoyed by many of the Title III programs in securing financial support from local public and private sources. Modest successes have been achieved with the organization in some of the states of coordinated networks of runaway service providers, authorized by the 96th Congress in its 1977 amendments to the Runaway Youth Act. These networks or coalitions have improved the intra and interstate need for speedy com-

munications regarding the immediate care of runaway and homeless youth. They have led in some cases to more effective coordination of effort and expansion of services without additional expense, as agencies have pooled their limited resources.

Programs have actively sought non-federal financial support from a variety of sources. Their success in diversifying their funding base while reducing dependence on federal funds has had a stabilizing and strengthening effect.

#### A National Profile of Runaway Youth

A summary profile of runaway youth derived from the client forms submitted to the Youth Development Bureau by the programs funded under the Runaway Youth Act revealed that the types of youth who received services were diversified as to age, sex, ethnicity, school status, family-type problem and related case characteristics.<sup>7</sup> One major finding since the passage of the initial Runaway Youth Act in 1974 which the profile presents is that 45.2 percent of the youth in the national distribution were runaways in the legal-administrative definition of the term, 19.3 percent were youth involved in non-runaway crises, 15.5 percent were cases where youth and parents had mutually agreed to separate and the remaining cases were in the potential runaway or other categories. Females made up 59.7 percent of the population served, 40.6 percent were boys. The age range was from 4 to 20 years of age with the critical range 10-18 years. Eighty percent of the youth served were in this 10-18 age range with modal age being 16 years. As to racial-ethnic distributions, 74 percent of the youth served were white, 15.5 percent were black, not of Hispanic origin; 6 percent were Hispanic; with the remainder American Indian, Asian or unknown. Youth living with the parents or legal guardian before the runaway episode made up 82.4 percent of the population served; 4.1 percent were living in foster homes; the remainder with relatives, friends or unknown. In terms of school status before the runaway episode, 60.1 percent were attending school; 17.3 percent were drop outs; 10.5 percent were listed as truant; while the

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remainder were shown as expelled, suspended or graduated. A final but important segment of the profile disclosed the reasons for seeking services by runaway youth. Eighteen percent of the runaway youth reported that their parents were too strict; 9.6 percent reported that truancy was the cause for seeking services; 9.8 percent felt that their parents had neglected them emotionally; 7.9 percent stated that they had been pushed out of their homes by the parent; 7.7 percent felt that the runaway was preceded by an inability to communicate with the parents. Among the remaining causes were peer problems, parental conflicts, bad school grades and youth emotional problems.

### Future Directions for National Program

With the change in administrations in Washington, a number of scenarios developed with regard to youth services administered by federal executive branch agencies. No definitive reorganization of these services has been announced but the various transition teams created by President Reagan have reviewed a wide range of human service programs. In his budget message to Congress, the secretary of HHS proposed the consolidation into one block grant of 12 social service programs, including runaway and homeless youth. The secretary also supported continued support for the National Program for Runaway and Homeless Youth Act at the \$10 million level for fiscal year 1982.

In its future planning for the National Program the Youth Development Bureau has established the following goals:

1. consolidation of the gains made to date by the runaway and homeless youth centers in further improving their services. This includes creating more effective systems of case and class advocacy for runaway and homeless youth; and the development of networks and coalitions for maximum coordination of effort at federal, state and local-private sector levels.
2. administration of the reauthorized Runaway and Homeless Youth Act until 1984 on the basis of Congressional and HHS goals. Regional and state jurisdiction will play a more prominent role in the process of administering the program.

3. development of a national policy for youth development. In this connection the Bureau is playing an active role in the planning of national, state-local and private sector conferences, seminars and workshops which deal with runaway and homeless youth.
4. the bureau will concentrate in the years ahead on the further diversification of services provided by the centers for runaway and homeless youth. Emphasis on family factors and processes, and the development of a more effective national system of aftercare services for runaway and homeless youth, will be integral parts of this endeavor.
5. the Bureau will continue to actively support the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention under the chairmanship of the attorney general. It will intensify its efforts to achieve more effective interagency and intragency collaboration at the federal level in areas such as substance abuse, youth employment, adolescent abuse and teen pregnancy. It will seek more active working relationships with federal agencies such as the departments of Justice, Labor and Education in the efforts being made to maximize federal resources available for youth programs.
6. within the funds available the Bureau will continue to fund service demonstration projects in the areas of adolescent health, family dysfunction, pregnancy, youth employment and substance abuse. It will continue to conduct studies of youth needs within HHS and will endeavor to develop a more comprehensive approach to the delivery of services to vulnerable youth and their families.
7. in its technical assistance and training initiatives for Title III grantees the Bureau will stress the development, at the program level, of maximum capability for service delivery, the accessing of non-federal funding sources and the further managerial improvements in the operation of these centers. An annual Youth Service Institute was planned in 1981 for selected Title III and federal agency staff with the

emphasis on skills building and problem-solving training.

8. the Bureau will continue to fund a National Toll-Free Communication System to serve runaway and homeless youth and their families. Some expansion of this system is planned with one objective being a more efficient operation and wider geographic coverage of the nation.
9. a primary objective for the 1980s is the continuation of the effort to further develop positive roles for youth at all levels of the program. A specific publication titled *Youth as a Resource* was made available in the summer of 1981.

#### The Legal Status of Adolescents<sup>8</sup>

In late 1980 HHS published a 500-page compendium and discussion of the laws and court decisions affecting minors titled *The Legal Status of Adolescents*. It is an updated and expansion of a 1975 publication *The Legal Status of Runaway Youth*, which members of the National Council of Juvenile Court Judges and a wide range of juvenile justice and youth-serving agencies and officials found extremely useful.

This document contains summary tables of laws affecting minors in each state with regard to emancipation, employment, hitchhiking, medical consent, truancy and other legal considerations which are important to juvenile and family courts, attorneys, youth agency officials, parents and guardians as well as the runaway and homeless youth themselves. *The Legal Status of Adolescents* was prepared for HHS under a contract with the Scientific Analysis Corp. of San Francisco and the Regional Institute of Social Welfare, Athens, Ga. This report clearly shows that the legal rights of juveniles are defined differently in different states and that the recognized capabilities of youth to make important legal decisions also varies considerably from state to state.

Until recently, the report notes, the law treated childhood as "an homogenous state," making no distinction between the capacities of younger and older children. According to the report, progress with respect to the rights of young people has frequently come through

the courts. The authors point to a series of court decisions in the past 10 years that have affirmed the Constitutional rights of children and carved out areas in which they can make decisions on their own. Among the Supreme Court cases cited are *In re Gault*, *Carey v. Population Services Int'l* and *Bellotti v. Baird* which concern, respectively, due process protection for juveniles in court proceedings, availability of contraceptives to minors and the right of a minor to have an abortion without her parents' consent.

In expanding children's rights, the report says state legislatures have often responded to court decisions or to mandates in federal legislation, such as the requirement in the child abuse and neglect law that an abused or neglected child be assigned a *guardian ad litem* to represent his interests in court.

Legislatures, the report says, have been slow in some areas to initiate changes to reflect "the progressively developing capacity of minors." In some states, changes have occurred largely in areas of high public health concern — venereal disease, pregnancy, drug abuse — areas in which the report says "the community benefits from having the child free to seek help on his own.

"As a society, we pay lip service to the idea that children are growing up faster than ever," the report says, but state legislatures and the federal government "have been reluctant to match that observation with statutory changes.

"A more worthwhile world for adolescents," the report concludes, "means more equity for them as a group vis a vis other age groups and at the same time more special recognition of their needs as a group facing the challenge of leaving childhood and becoming adults."

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(Former Counsel, Senate Committee of the Judiciary, subcommittee on the Constitution)

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**Notes**

<sup>1</sup>Opinion Research Corp., *Comprehensive National Statistical Survey* (Washington, D.C.: U.S. Department of Health, Education and Welfare, 1976).

<sup>2</sup>*The Runaway Youth Act*, Title III, P.L. 93-415 (Washington, D.C.: U.S. Department of Health, Education and Welfare).

<sup>3</sup>*Juvenile Justice Amendments of 1980*, Title III-Runaway and Homeless Youth Act, P.L. 96-509 (Washington, D.C.: U.S. Department of Health and Human Services).

<sup>4</sup>*Fiscal Year 1980-Annual Report to Congress-Runaway Youth* (Washington, D.C.: U.S. Department of Health and Human Services).

<sup>5</sup>*Executive Summary*, National Evaluation of the Runaway Youth Act (Washington, D.C.: U.S. Department of Health and Human Services, 1979).

<sup>6</sup>*Annual Report to Congress*.

<sup>7</sup>*Ibid.*

<sup>8</sup>*The Legal Status of Adolescents* (Washington, D.C.: Office of the Secretary, U.S. Department of Health and Human Services, 1979).

## RUNAWAYS: JURISDICTION, DYNAMICS, AND TREATMENT

Oliver J. Morgan  
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*New research indicates more clearly than ever that running away from home is indeed a family affair. Understood as such, the implications for society's jurisdictional response and for effective treatment planning are deep and far-reaching. The "status offender" legal jurisdiction over runaways needs to be changed and new alternatives for dealing with runaways and their families developed. The planning and implementation of these alternatives need to be informed with the perspectives of a family therapeutic approach sensitive to the intergenerational forces of loyalty, legacy, and trust operating within families.*

Despite a significant amount of clinical and media attention to the runaway phenomenon over the last twenty or so years, there is still a great deal of confusion and many misconceptions about youthful runaways—their characteristics, behaviors, attitudes, motivations, needs, and the circumstances contributing to exercising the option of running away. An emerging consensus, however, centers on three interlocking areas in which runaways differ markedly from non-runaways: family relationships, school interactions, and peer involvements (Brennan, Huizinga, and Elliott, 1978; "California Runaways," 1975). Particularly in the area of family research new light is being shed on the relational dynamics responsible for the runaway reaction. In the areas of societal understanding and response, as well as in family therapy, this growing consensus, and the research on which it is based, has profound implications.

The issue of response and treatment regarding the runaway problem is, however, much more complicated than it at first appears. Runaways, as juveniles, come under the jurisdiction of the juvenile justice system via their status as "ungovernables" or "persons (children, juveniles) in need of supervision." Such jurisdictional authority, based as it is on many of our cultural misconceptions regarding the runaway phenomenon, inappropriately complicates the problem and prohibits a satisfactory and fully effective societal response to the overall problems of families in conflict.

In short, as a society, we neither understand the runaway phenomenon very well, nor do we deal with it effectively. In fact, it appears that much of our intervention into the areas of runaways and their families—intervention primarily through legal and jurisdictional methods—actually exacerbates the problems and furthers family dysfunction.

This paper attempts to study and critique the legal, jurisdictional forces impinging on runaways and their families. In this task, I am guided by the recommendations of the Juvenile Justice Standards Project (JJSP), a joint endeavor of the Institute of Judicial Administration and the American Bar Association (1977). Some observations will be offered for a more adequate response grounded in a family treatment perspective.

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## NONCRIMINAL MISBEHAVIOR AND RUNAWAYS

The JJSP is an attempt to define and formulate national standards to "cover every aspect of the laws regulating children in their contact with social institutions" ("Summary and Analysis," 1977, p. 1). One of the Project's most challenging and incisive volumes, *Standards Relating to Noncriminal Misbehavior*, focuses especially on runaway youth and their families, a special population presently included within juvenile court jurisdiction.

The statutes conferring official jurisdiction over noncriminal misbehavior "are couched in terms of the child's condition rather than in terms of the commission of specific acts" (*Noncriminal*, 1977, p. 2), hence the terms "(juvenile-) status offenses" and "persons in need of supervision." Typically, this jurisdiction is exercised with wide latitude over a variety of behavior and allows for "coercive intervention in cases of juvenile misbehavior that would not be criminal if committed by an adult" (*Noncriminal*, 1977, p. 2). "Juvenile and family courts in most states have jurisdiction over youths who have committed offenses (staying out late, disobeying parents, running away, truancy) illegal only for persons under a specified age, usually sixteen" ("Ungovernability: The Unjustifiable Jurisdiction," 1974, p. 1383). It has been estimated that forty to fifty percent of all incarcerated youth in this country are charged with such noncriminal misbehavior ("Ungovernability," 1974).

The reasoning and assumptions which underpin this jurisdictional authority are important to understand. They are: (1) Parents are reasonable persons seeking proper ends; (2) Youthful independence is dangerous and the social good requires judicial power to backstop parental command; (3) The juvenile justice system can identify, as "proto-criminal" or "pre-delinquent" noncriminal misbehavior that is predictive of future criminality; and (4) Jurisdictional intervention will effectively remedy family-based problems and deter further offense, especially since such intervention is aimed at "rehabilitation" rather than "punishment" ("California Runaways," 1975; "Noncriminal," 1977). This jurisdictional authority and need for special treatment for children is "predicated upon the existence of a 'competence differential' between adults and youths" ("Ungovernability," 1974, p. 1384). Children "are presumed to be incomplete beings who are not fully competent" and are seen as "dependent and in need of direct, intimate and continuous care" (Goldstein, Freud, and Solnit, 1973, p. 3; "California Runaways," 1975). This is both our social custom and the force of our law.

While recognizing the needs and rights of children for nurturance, care and adequate supervision, the Project's recommendations regarding noncriminal misbehavior view official court jurisdiction over such behavior as inappropriate and regards the statutes involved as infirm in several major respects.

First, the Project believes that ungovernability cases are particularly ill-suited for and unbenefited by legal analysis and judicial procedure. "The law is simply inept as a corrective of the kinds of family dysfunction that these cases most frequently involve. . . . Using legal compulsion to restore (or provide) parent-child understanding and tolerance and to build up mechanisms for conflict resolution within the family unit is akin to doing surgery with a spade" ("Noncriminal," 1977, p. 11).

Second, by allowing formal official intervention in unruly child cases, this jurisdiction undermines the fabric of family life. This violates one of the major governing principles of the Project and of a growing body of consensus in legal circles: Family autonomy, or family integrity (Goldstein et al., 1973, 1979). "These standards focus on relationships between the child and the parents and between the child and third parties, against a background which includes a notion, expressed by a variety of courts in a variety of contexts, of 'family privacy' or 'family autonomy'" ("Summary and Analysis," 1977, p. 25; "Rights of Minors," 1977).

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This kind of judicial intrusion into the domestic sphere isolates and polarizes parents and children, scapegoats and labels the child (and often the parents as well), may greatly reduce the effectiveness or availability of help from other community services, and retards the development of necessary resources (for example, control and conflict resolution mechanisms, reserves of mutual trust, the possibility of open dialogic give-and-take) within the family itself. The integrity of the family and of its relational processes is more often than not harmed by official intrusion into family life.

It is interesting to note with regard to the family and the law that the ungovernability jurisdiction itself is being subverted in practice, (1) because "the court processes as ungovernable some youths who are in fact either 'neglected' or 'delinquent' in statutory terms" and who should be dealt with under these rubrics ("Ungovernability," 1974, pp. 1392-94); (2) court intervention frequently "allows itself to be used by angry parents to punish their children" ("Ungovernability," 1974, pp. 1395); and (3) the jurisdiction "often fails to carry out its purpose: discerning and meeting the 'needs' of a youth who is in conflict" with the family. "A general survey of ungovernability processing reveals that the court's assessments are frequently inaccurate, its dispositions usually provide little effective treatment, and the long term effects on a youth and his family are often negative" ("Ungovernability," 1974, pp. 1385-86, 1397).

Third, the juvenile court's jurisdiction over status offenses "may actually retard the range of services available to the unruly child and the family and their chances of getting effective help" ("Noncriminal," 1977, p. 12). Youth and their families associated with court jurisdiction are often shunned by voluntary community agencies. More importantly, the jurisdiction of the juvenile justice system over these cases and its responsibility for programs to meet the needs of these families may actually hinder local communities, schools and voluntary groups from developing mechanisms and resources for handling family problems. "So long as the juvenile court must take and deal with the problems, they needn't; no matter that the judicial system is not the place for solution" ("Noncriminal," 1977, p. 12).

Fourth, it seems to be the case that the very existence and the actual practice of the status offense jurisdiction "further racial, sexual, and economic discrimination, particularly in urban centers" ("Noncriminal," 1977, pp. 12-13). And fifth, in many states accriminal but ungovernable children are treated in essentially the same way as youthful violators of criminal law in the dispositions of their cases, and in terms of due process are denied basic rights because of the standard "preponderance of evidence," of wider ranges of admissible evidence at their hearings, and of the vagueness and overly broad scope of language sufficient for declarations of ungovernability ("California Runaways," 1975; "Ungovernability," 1974).

For these reasons, then, the Standards Project recommends the elimination of juvenile court jurisdiction over status offenses, and advocates the development of crisis-oriented and longer term services for youth and their families which are locally based, accessible and voluntary ("Noncriminal," 1977). These recommendations are in line with the "clear legislative intent" of the Juvenile Justice and Delinquency Prevention Act of 1974 and of Title III contained therein, The Runaway Youth Act. Limited intervention ("coercive exposure") is permitted by the standards in certain specific circumstances and under select provisions, but only with the proviso that "the least detrimental alternative consonant with the youth's needs should always be employed" ("Noncriminal," 1977, p. 15). This general standard—the least detrimental alternative—is in agreement with that proposed by Goldstein, Freud and Solnit (1973) and in a comprehensive article on "California Runaways" (1975):

It is the position of these standards that the dejudicialization of status offenses and reliance on voluntarily based services will make those services more appropriate to the

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needs of the youth and his or her family. . . . Removal of the status offense jurisdiction will, it is submitted, encourage more people to get more effective help; stimulate the creation and extension of a wider range of voluntary services than is presently available; end the corrosive effects of treating noncriminal youth as though they had committed crimes; and free up a substantial part of the resources of the juvenile justice system to deal with the cases of delinquency and of abused and neglected children that belong to it ("Noncriminal," 1977, p. 15).

### STANDARDS FOR RUNAWAYS

"It is clearly the intent of the Congress that the immediate needs of runaway youth, who have violated no criminal law should be dealt with 'in a manner which is outside the law enforcement structure and the juvenile justice system'" ("Noncriminal," 1977, p. 52). The JJSP's recommended standards for runaway juveniles attempt to codify this intent. Clearly, running away in America is a very complex and diverse problem as well as a highly volatile and emotional issue. However, it is the judgment of this writer that the Project's recommendations go a long way toward helping the situation from a statutory point of view.

Juvenile court control over runaway youth is "almost invariably imposed by reliance upon the ungovernability and status offense statutes" ("Noncriminal," 1977, p. 46). The Project's standards, recognizing the "congressional intent that runaway youth should not be subjected to juvenile court jurisdiction and treated within the juvenile justice system," and understanding that running away can often be "the most rational, mature, and adaptive response to an intolerable situation" ("Noncriminal," 1977, p. 48), posits instead of jurisdictional intervention a number of locally-controlled runaway alternatives. According to the standards, runaway houses should be fostered which are temporary, nonsecure facilities with staff having the responsibility for parental notification, for child-parent counselling, and for provision of alternative placement, should that be deemed necessary ("Noncriminal," 1977). If parents refuse to allow the child to return home, residential placement should be arranged in family or small group settings with the possibility and encouragement for ongoing contact between juvenile and family, and with continued provision of necessary services "to the end that the juvenile may be reunited with the family as soon as practicable" ("Noncriminal," 1977, pp. 55-60).

The standards also mandate that "a broad spectrum of services should be provided which are reasonably designed to assist a juvenile in conflict with his or her family to resolve their conflicts" ("Noncriminal," 1977, p. 52). These services should be both of a crisis-intervention and continuing-service nature; they should be locally controlled, readily accessible within the community, and responsive to the needs of juveniles, family and community ("Noncriminal," 1977). Specific alternatives mentioned by the standards include alternative residential placements, psychiatric, legal, educational and other continuing services, publicized crisis switchboards and walk-in service centers.

Experience indicates a significant amount of success where such community-based alternatives and/or diversion programs from the court system have been attempted. Santa Clara County's Pre-Delinquent Diversion Program ("Noncriminal," 1977), the Alameda County Family Crisis Intervention Unit, and the Marin County Children's Treatment Center ("California Runaways," 1975) are notable examples of very diverse kinds of programs which seem to be working well. In short, the JJSP's basic thrust—unhooking runaways and unruly children in general from the juvenile justice system and mandating local alternatives for family resolution of noncriminal family problems of youth—is a significant and promising step forward.

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## FAMILY TREATMENT RECOMMENDATIONS

In legal, statutory terms the recommendations of the Standards Project regarding noncriminal misbehavior and the runaway phenomenon are a welcome addition to a growing consensus of opinion regarding the rights and needs of minors and their families. As such, this writer heartily endorses them. However, in the area of social policy and planning I find them sketchy at best. This reflects the confused state of research and understanding regarding the phenomenon of running away. While the dejudicialization of running away is seen as a wise and prudent response, questions still arise concerning what the alternatives will be and how we will protect the safety and rights of all involved, while at the same time providing effective help. These questions are, at present, difficult to answer. Nevertheless, family therapists and those involved in learning about family dynamics and treatment can and should have a prominent place in the development of social policy alternatives.

Thanks to the work of Stierlin (1973, 1974) and others (Brennan et al., 1978) we are continuing to learn more about runaways, and the family relational dynamics which often precipitate the running reaction. Our enhanced knowledge in these areas will go a long way toward helping to guide planning into constructive and effective channels of treatment.

As a family therapist, the question not infrequently arises of how to work with families who have "running away" as an identified problem without polarizing or labelling family members and in a way which enhances important family resources. Several observations are made here to address this question and to offer some guidelines for the development of more effective treatment alternatives. While there are a number of different styles and kinds of runaways, new research highlights some noteworthy facts. These are documented and discussed by Brennan et al. (1978).

The first and most obvious thing to note about the runaway phenomenon is that there is no commonly accepted definition of running away in the literature. Further research and program development will need to standardize a definition which will guide further work. For our purposes, two criteria are used: "These are youth gone from home without parental permission for more than eight hours and/or gone from home with the specific intent of running away" (Brennan et al., 1978, p. 87). Of all the runaway episodes studied by Brennan et al., a large percentage of the youth stayed within their general city or community area, and the most prevalent destination was a relative's or friend's house. Most runaway episodes were brief, a great majority of the runners returning home within a week with about fifty percent returning within three days. A majority of runaways were found to be either first-time runners or very occasional runners with only a minority classified as "multiple runaways." This lends credence to a conclusion of the research that a majority (that is, two out of three) of episodes are not well planned, but are in fact reflective of spontaneous, impulsive behavior.

Perhaps most important from the dynamic or treatment points of view are some other empirical conclusions (Brennan et al., 1978). A large majority of runaways are reasonably well-protected and have safe accommodations at night, and serious sexual or violent victimization while on runaway seems to occur in less than three percent of all cases. This may help to explain why present runaway houses seem to serve only about five percent of the running population, most of whom are the multiple episode, habitual, serious runaways. While the child usually returns home on his/her own in about forty percent of cases, parents are by far the most successful in finding those who do not. Amazingly, in about forty percent of the cases studied some kind of help seems to have been sought before running, either from family doctors, local clergy, school counselors, or the like (Brennan et al., 1978). And, once the child has returned, there is

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minimal use or provision of aftercare or follow-up services either for the runner or the family as a whole.

This sampling of the newest research on runaways adds substantial support to the Standards Project's recommendations for locally maintained, easily accessible, voluntarily activated and responsive runaway alternatives, operating before, during and after runaway episodes. Such alternatives and the people involved with them, however, will need to be sensitive and competent in the area of family relational dynamics.

The "runaway reaction" is a clear signal that the critical family relational atmosphere of trustworthiness and trustability, of mutual and reciprocal give-and-take, of a balance of fairness in the relations among family members has broken down. Running away from home is a stark indicator that the normal bonding forces among family members have become attenuated and that the child is alienated from the family trust matrix (Brennan et al., 1978). In the opinion of this writer, only a treatment oriented toward rebuilding trust and renegotiating a balance in the give-and-take among members of the family through courageous movement toward family resources can effectively address the deep-flowing relational dynamics of these families over the long term. If running away is an epiphenomenon of powerful relational issues in the family, then a family oriented treatment attuned to the ebb and flow of familial loyalty and trust is the best way to meet the real issues of runaway families.

The notion of transactional modes which indicate deep family loyalty dynamics and intergenerational legacies, developed by Stierlin (1973), is helpful in understanding the runaway reaction as a truly family affair. These family modes are posited by Stierlin as explanatory principles for the different kinds of runaway events. "In the intergenerational interplay, the transactional modes operate as the covert organizing transactional background to the more overt and specific child-parent interactions" (Stierlin, 1973, p. 58). The Binding Mode is an interactional style between parents and children which operates to keep the latter tied into the parental orbit. Where this mode holds sway children do not run away, or only run abortively. The Expelling Mode is a style of enduring neglect and rejection of children. It is a centrifugal force that pushes children into premature separation. Under its influence children tend to run away casually and repeatedly. Where the Delegating Mode predominates, binding and expelling forces blend such that the delegated child, although sent out, remains tied to the sender. The delegate has a mission to fulfill for the sender, and thus when and how the running episode occurs depends largely on the mission(s) the delegate is expected to fulfill. Here we find most runaways who for some time manage to survive in the runaway culture, but eventually return home.

Stierlin's theoretical and explanatory work in the area of runaway family modes leads naturally into family treatment and program development along the lines of contextual family therapy (Boszormenyi-Nagy and Spark, 1973). This form of family therapy has been most attentive to relational and intergenerational loyalty issues and to family resources for building trust and trustworthiness, elements central to the family transactional modes involved in the runaway phenomenon. Family therapists and researchers trained to sensitivity in these areas can and do have much to offer in the public debate over effective treatment for runaways and their families.

### SUMMARY AND CONCLUSIONS

Our investigation into present social and legal responses to running away has been guided by a deep conviction about the principle of family integrity and about the efficacy of family treatment. Following these convictions, our study has presented three main theses. First, present methods of intervention into the problem of running away are most

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harmful than helpful, and new modes of help need to be developed which are locally controlled, voluntarily activated, community based, and readily accessible. Second, the present social and legal structures for dealing with runaways and their families are inappropriate and inadequate, and runaway behavior should be divorced from the status offense jurisdiction. Third, a contextual family therapy approach is likely to be a critical and effective method for comprehending and treating the runaway phenomenon, and for devising alternative societal responses to children and families in conflict.

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1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 631 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to runaway children."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 47.10.140(f) is repealed and reenacted to read:

9 (f) It is unlawful for a minor to evade the person having legal  
10 custody of the minor. A peace officer, upon receiving a request to  
11 locate a minor who is evading the person having legal custody of the  
12 minor, shall make all reasonable efforts to locate and detain the  
13 minor and shall either return the minor to the person having legal  
14 custody or, if the minor does not wish to return to the person having  
15 legal custody, take the minor to an office specified by the Department  
16 of Health and Social Services or to a facility or contract agency of  
17 the Department of Health and Social Services in the community. Imme-  
18 diately upon detaining a minor under this subsection, the peace  
19 officer shall advise

20 (1) the minor of the right to social services under AS 47.-  
21 10.142(b); and

22 (2) the person having legal custody of the minor, if the  
23 person's identity is known, of the minor's detention.

24 \* Sec. 2. AS 47.10.142(b) is amended to read:

25 (b) A minor who has left home and is evading the person having  
26 legal custody of the minor [HIM] may obtain the services of the de-  
27 partment. The department shall assess the situation and furnish the  
28 minor with the social services it considers appropriate to protect the  
29 well-being of the minor and to preserve the minor's [HIS] family life

1 if preserving it is considered desirable under the circumstances. If,  
2 after assessing the situation, considering the wishes of the minor,  
3 and furnishing appropriate social services, the department considers  
4 it necessary, the department may take emergency custody of the minor.  
5 If the department determines there is cause to believe that a minor  
6 delivered to it by a peace officer under AS 47.10.140(f) will not  
7 voluntarily accept and participate in social services the department  
8 considers appropriate to furnish, the department shall take emergency  
9 custody of the minor and shall detain the minor until a hearing is  
10 held by the court under (d) of this section.

Introduced: 2/13/84  
Referred: Health, Education and  
Social Services, Judiciary and  
Finance

1 IN THE HOUSE

BY LISKA

2 HOUSE BILL NO. 631

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to runaway children."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 47.10.080 is amended by adding a new subsection to  
9 read:

10 (1) Notwithstanding any other provisions of this section, a  
11 minor who is habitually absent from the home or foster home to which  
12 the minor has been released by court order, without the consent of the  
13 minor's parent, guardian, or other legal custodian, is a ward of the  
14 state and shall be ordered committed by the court to the custody of  
15 the department for placement in an appropriate juvenile institution.

16 \* Sec. 2. AS 47.10.084(c) is amended to read:

17 (c) When there has been transfer of legal custody or appointment  
18 of a guardian and parental rights have not been terminated by court  
19 decree, the parents shall have residual rights and responsibilities.  
20 These residual rights and responsibilities of the parent include, but  
21 are not limited to, the right and responsibility of reasonable visita-  
22 tion, consent to adoption, consent to marriage, consent to military  
23 enlistment, consent to major medical treatment except in cases of  
24 emergency or cases falling under AS 09.65.100, and the responsibility  
25 for support, except if by court order any residual right and responsi-  
26 bility has been delegated to a guardian under (b) of this section.  
27 However, a parent has no responsibility for support of a minor child  
28 who refuses to voluntarily reside with the parent and whose legal  
29 custody has been transferred from the parent by court decree, unless

1       custody of the child has been transferred from the parent because of  
2       abandonment, abuse, or neglect of the child by the parent.

3       \* Sec. 3. AS 47.10.140(f) is repealed and reenacted to read:

4               (f) A peace officer, upon receiving a report that a minor is  
5       evading the person having legal custody of the minor, shall make  
6       reasonable efforts to locate and detain the minor for the sole purpose  
7       of either returning the minor to the person having legal custody or,  
8       if the minor prefers, taking the minor to an office specified by the  
9       Department of Health and Social Services or to a facility or contract  
10      agency of the Department of Health and Social Services in the com-  
11      munity. Immediately upon detaining a minor under this subsection, the  
12      peace officer shall advise

13                   (1) the minor of the right to social services under AS 47.-  
14      10.142(b); and

15                   (2) the person having legal custody of the minor, if the  
16      person's identity is known, of the minor's detention.

COMMITTEE REPORT  
SENATE

FURTHER:

2/24/84

Date 3/7/84

Mr. President

The Committee on FINANCE considered CSHB 635(Fin)

special appropriations to state agencies for development projects and for payment grants to municipalities and unincorporated communities for development grants; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 635(Finance)
- new title
- same title and recommends ind. rec.
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

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MEMBERS HAVING  
OTHER RECOMMENDATIONS

[Signature]

[Signature]

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[Signature]

Chairman

Chairman recommendation

Levy  
~~2/27/84~~  
3/6

Original sponsor: Finance Committee

Funding Information

General Fund	<del>\$28,789,400</del>	102,628,900
Other Funds	-0-	
	<del>\$28,789,400</del>	102,628,900

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 635 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act making special appropriations to state agen-  
7 cies for development projects and for payment as  
8 grants to municipalities and unincorporated communi-  
9 ties for development grants; and providing for an  
10 effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 \* Section 1. The appropriations made by sec. 2 of this Act are for  
13 capital projects or are otherwise not one-year appropriations and do not  
14 lapse under AS 37.25.010.

15 (Section 2 of this Act follows beginning on page 2.)

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1 \* SEC. 2 THE FOLLOWING APPROPRIATION ITEMS ARE FOR  
 2 CAPITAL PROJECTS AND GRANTS FROM THE GENERAL FUND TO THE  
 3 AGENCIES NAMED AND FOR THE PURPOSES EXPRESSED. (ED#\_\_)  
 4 MEANS THAT THE CAPITAL PROJECT IS LOCATED SOMEWHERE  
 5 WITHIN THAT HOUSE OF REPRESENTATIVES ELECTION DISTRICT.  
 6 THIS GEOGRAPHIC REFERENCE HAS BEEN INSERTED BY STAFF AND  
 7 IS FOR INFORMATION PURPOSES ONLY.';

	ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	APPROPRIATION OTHER FUNDS
10	*****	*****		
11	***** DEPARTMENT OF ADMINISTRATION	*****		
12	*****	*****		
13	DEVELOPMENT			
14	ALASKA PUBLIC BROADCASTING COMMISSION			
15			96,000	96,000
16	*****	*****		
17	***** DEPARTMENT OF EDUCATION	*****		
18	*****	*****		
19	EDUCATION			
20	LIBRARIES & MUSEUMS			
21			60,000	60,000
	CIRCLE DISTRICT HISTORICAL MUSEUM COMPLETION (ED 19-21)			



1 DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT (CONT.)					1
2		ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	FUND SOURCES OTHER FUNDS
3					3
4	SUSITNA HYDROELECTRIC PROJECT (ED 92)		32,000,000	32,000,000	4
5	*****		*****		5
6	***** DEPARTMENT OF NATURAL RESOURCES		*****		6
7	*****		*****		7
8	DEVELOPMENT				8
9	DIVISION OF AGRICULTURE				9
10	BISON DRIFT BARRIER (ED 17)		182,000	182,000	10
11	STATE PARKS				11
12	CREAMER'S REFUGE & DAIRY BUILDING RENOVATION (ED 19-21)		150,000	150,000	12
13	SAND POINT-HISTORIC PRESERVATION/RENOVATION (ED 26)		200,000	200,000	13
14	STATE FAIRS				14
15	KENAI PENINSULA STATE FAIR ASSOCIATION BUILDING (ED 5)		750,000	750,000	15
16	ALASKA STATE FAIR (ED 16)		100,000	100,000	16
17	TANANA VALLEY FAIR FACILITIES/UTILITIES (ED 19-21)		41,000	41,000	17
18	TANANA VALLEY FAIR AGRICULTURE MUSEUM (ED 19-21)		100,000	100,000	18
19	*****		*****		19
20	***** DEPARTMENT OF PUBLIC SAFETY		*****		20
21	*****		*****		21
22	DEVELOPMENT				22
23	WOMEN IN CRISIS-COUNSELING AND ASSISTANCE				23
24	BUILDING RETROFIT (ED 19-21)		60,000	60,000	24

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	ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	FUND SOURCES OTHER FUNDS
	*****	*****		
	***** DEPARTMENT OF TRANSPORTATION/PUBLIC FACILITIES	*****		
	*****	*****		
TRANSPORTATION				
ANCHORAGE				
KNIK ARM CROSSING NORTH & SOUTH APPROACHES (ED 92)		5,000,000	5,000,000	
	*****	*****		
	***** DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS	*****		
	*****	*****		
DEVELOPMENT				
GRANTS TO NAMED RECIPIENTS (AS 37.05.316)				
ANGOON COMMUNITY ASSOCIATION-FERRY TERMINAL/COLD STORAGE WASTE WATER FACILITY (ED 2)		30,000	30,000	
BIDARKI CORPORATION-CORDOVA YOUTH SERVICES BUILDING RENOVATION (ED 2)		40,000	40,000	
HAINES SENIOR CITIZENS, INCORPORATED: HAINES SENIOR CENTER ADDITION (ED 2)		34,000	34,000	
IKLUAT, INCORPORATED-VISITORS CENTER (ED 7-15)		450,000	450,000	
ENEP'UT CHILDREN'S CENTER-PROPERTY PURCHASE (ED 19-21)		85,000	85,000	

		ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS
1					
2					
3	*****		*****		
4	***** DEPARTMENT OF CORRECTIONS		*****		
5	*****		*****		
6	ADMINISTRATION OF JUSTICE				
7	OFFENDER CONFINEMENT REFORMATION & SUPERVISION				
8	PURCHASE OF THE BUCHNER BUILDING IN WHITTIER FOR USE AS A CORRECTIONAL FACILITY (ED 6)		7,500,000	7,500,000	
9	*****		*****		
10	***** GRANTS TO MUNICIPALITIES (AS 37.05.315)		*****		
11	*****		*****		
12	DEVELOPMENT				
13	ED 2 INSIDE PASSAGE-CORDOVA				
14	ANGOON-HEALTH CLINIC (ED 2)		80,000	80,000	
15	CRAIG-EMERGENCY FACILITIES (ED 2)		165,000	165,000	
16	KAKE-PUBLIC SAFETY PROJECTS (ED 2)		162,000	162,000	
17	KASAAN-MUNICIPAL PROJECTS (ED 2)		25,000	25,000	
18	KLAWOCK-HEADSTART EQUIPMENT/YOUTH CENTER (ED 2)		40,000	40,000	
19	KAKE-HYDRO-POWERED WATER PUMPS/WATER SUPPLY (ED 2)		196,000	196,000	
20	KAKE-SANITARY LANDFILL MAINTENANCE EQUIPMENT (ED 2)		100,000	100,000	
21	SKAGWAY-PUBLIC SAFETY GRANTS (ED 2)		30,000	30,000	
22	THORNE BAY-MUNICIPAL PROJECTS (ED 2)		36,000	36,000	
23	YAKUTAT-PUBLIC SAFETY GRANTS (ED 2)		33,000	33,000	
24	ED 4 JUNEAU				
25	JUNEAU-CENTENNIAL HALL COMPLETION (ED 4)		300,000	300,000	