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Rector Era: An Architect of the Act Finds Trouble at the Office

Posted on 16 October 2009 by youthtoday



John Rector came to OJJDP with unparalleled knowledge about how it was supposed to run, and with a fierce determination to make it run that way.

Rector was one of the key architect's of the Juvenile Justice and Delinquency Prevention Act (JJDP). The agency created by that act was in its infancy when President Jimmy Carter appointed Rector to run

it.

This was bound to be a tumultuous time. OJJDP was still in administrative start-up mode; it was still trying to work out its sensitive new relationship with the states as both a funder of programs and an enforcer of new federal standards for juvenile justice practices; community-based organizations were seeking money for all sorts of new and unproven approaches to combating delinquency; and the lines of authority between OJJDP and higher-ups in the Justice Department were in dispute – especially at the Law Enforcement Assistance Administration (LEAA), where OJJDP was housed.

How He Got the Job

Rector, an attorney, had worked in the civil rights division of the Justice Department before joining the staff of Sen. Birch Bayh (D-Ind.). He served as Bayh's staff director and as chief counsel on the Subcommittee to Investigate Juvenile Delinquency, which Bayh chaired. It was in that latter position that he guided the writing and passage of the JJDPA.

Says Ira Schwatz, who succeeded Rector at OJJDP:

“John did a heroic job as the juvenile justice staff person to Birch Bayh, getting this legislation through and providing support for it. His place in history is assured.”

Rector's work on the act was more than a job; he was outspoken about juvenile justice reform. In November 1976 (the month Carter was elected president), the *Phoenix Gazette* quoted him thusly:

“The juvenile justice system all over the country is in a state of collapse. It's jammed with bodies and understaffed. ... Half the kids in custody ... haven't committed crimes.”

Says Birch Bayh:

“He dedicated his life to this cause.”

As the Carter administration moved in to succeed eight years of Republican control of the White House, OJJDP's first director, Milt Luger, left as part of the standard house-cleaning of presidential appointees. Bayh and others proposed Rector, who sailed through the confirmation process.

Says Schwatz:

“He went in with enormous credibility and good will. And with very, very high expectations.”

Roots of Conflict

Whoever runs OJJDP has several constituencies to deal with, foremost among them state juvenile justice officials the juvenile justice field (including service providers, judges, researchers and advocates); the states; OJJDP staff; Congress; the higher-ups in the Justice Department and at the White House. Rector had conflicts with all of them, revolving primarily around money and authority. What made those relationships combustible were the traits that made Rector a natural to lead OJJDP: his passion for the cause and his comfort with confrontation.

As he was on the cusp of getting the job in 1977, this statement from Rector appeared in the *Congressional Record*:

“When young people confront our juvenile justice system, injustice is a frequent result. The system does not provide the individualized justice promised by reformers at the turn of the century; it does not help the many non-criminal status offenders who fall into its jurisdiction; and it does not protect communities from juvenile crime.”

The statement laments “... the sordid and even brutal manner in which we as a nation indiscriminately respond to children in trouble.”

Rector’s experience in enforcing civil rights statutes and battling over legislation in the back rooms of Congress meant he was accustomed to a fight-like-enemies, drink-like-friends approach to leadership – a style not well-suited to the culture of the federal bureaucracy.

Bayh points out now that while Senate staffers come and go, the federal agencies are full of career staffers who will be working with each other for many years:

“If you’re operating under the authority of a member of the Senate, that’s pretty intoxicating up there. There’s a big difference between working in the Senate and working in town. More diplomacy is required” in the departments.

Rector knew it would be rough:

“I didn’t go into that job with rose-colored glasses. ... I was very familiar with controversy. I thought that would be an advantage. It wasn’t.”

Running the Office

Because Milt Luger had run OJJDP for a short time (less than two years), Rector took over an agency that was still finding its way and had lots of administrative issues to be resolved. In 1978, the House Economic Opportunity Subcommittee held a hearing about OJJDP. Rector testified that the office didn’t have basic systems for tracking grant applications and correspondence from the field, that funding applications were backed up and that the place was generally run as if no one person was in control. For example:

“The office looked like a travel bureau when I arrived. ... They had a staff meeting planned at Lake Tahoe over the Memorial Day weekend.”

“One of the first things I did was place a moratorium on travel. ... There has been a degree of controversy about my attitude on travel.”

Milton G. Rector, executive director of the National Council on Crime and Delinquency (no relation to John Rector), told the House subcommittee that the office and its efforts to implement the act were in such bad shape that anyone who tried to fix things was going to anger a lot of people:

“The task can be likened to that of a conscientious landlord who suddenly possesses an apartment building in complete disrepair.”

What's more, Rector told the subcommittee that OJJDP had been so neglected by the Justice Department – by not filling many staff positions, not giving the employees sufficient work space and supplies, trying to wipe out the agency's funding in its annual budget proposals and not caring about enforcement of the JJDPA – that he inherited a cast of beaten-down employees. Among the them were *Law Enforcement Assistance Administration (LEAA)* veterans who were assigned to the new agency but who, in Rector's eyes, were indifferent to its mission:

“The majority of the staff people in our office are hardworking individuals ... who have been subjected during this several-year period under the former administration [of President Gerald Ford] to anything but support. The morale is very low.”

He said the staff was losing its ambition to continue “fighting the good fight ... because of the way the Juvenile Justice Office has been treated by the former administrators of the LEAA, by the former attorney general, and by the former administration.”

Rector went on a tear to make the office work as he believed the JJDPA intended. He established various procedures for paper flow and communications and set up rules on such matters as staff travel. He closely supervised his employees' work, pushed them to work harder and didn't hesitate to override their decisions. Maybe they weren't cut out for the work; maybe Rector was too unyielding.

In 1978, the local of the American Federation of State, County and Municipal Employees union issued to the subcommittee a 15-point petition of complaints about Rector. It accused him, among other things, of:

“Intimidating his staff. ... questioning the smallest decisions. ... depressing the morale.”

Gordon Raley, a legislative associate on the Committee on Education and Labor (of which the House subcommittee was a part), noted that in one year, OJJDP had lost about 20 workers, or about one-third of its staff. Rector told the subcommittee that the turnover rate was not unusual for the Justice Department, and made it clear he didn't mind losing some of the people:

“We are all pleased that the folks found more attractive alternatives.”

Rector's no-nonsense management approach stood out at LEAA. He recalled for the subcommittee a meeting of LEAA managers in which some worried that employees might “react negatively” to an administrative decision they were considering. Rector said something along the lines of:

“Listen, folks, if you are going to check your spine at the front door every morning, don't bitch about the day-to-day problems.

“That is the kind of thing I have been saying. It doesn't make me popular. I didn't go there to be popular.”

Resistance in the Field

Outside the office, in courts, detention facilities and state government offices, Rector says he found that not everyone supported the reforms mandated by the law:

“The resistance to change was incredible.”

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The act called for gradual implementation of various provisions, such as getting status offenders out of detention. But a 1978 report by the U.S. General Accounting Office, Removing Status Offenders from Secure Facilities: Federal Leadership and Guidance are Needed, found pockets of resistance among state officials and juvenile justice practitioners. This was particularly true for locking up status offenders:

“One reason why status offenders are still being incarcerated could be that officials feel it to be necessary; many whom we interviewed, such as juvenile court officials, law enforcement officials, and others associated with the juvenile justice system, held this view. ...

“Some juvenile court judges also believe that correctional facilities are appropriate places in which to put some status offenders.”

Rector saw juvenile court judges as among the biggest violators of the JJDP. Said GAO:

“In his [Rector’s] opinion, some judges have been avoiding due process of law procedures for status offenders. He feels that the Federal deinstitutionalization mandate conflicts with the status quo in juvenile justice and results in opposition from the judges.”

Among the findings by the GAO:

- “Although states participating in the act have agreed to comply with the deinstitutionalization requirements, most states have laws allowing status offenders to be placed in detention or correctional facilities under certain circumstances. Most of the juvenile justice officials interviewed believed such incarcerations to be justified.”
- “Not enough alternative services for status offenders have been developed, and uncertainty exists among state and federal officials concerning appropriate dispositions.”
- “Few states have established comprehensive systems to monitor jails, detention facilities and correctional institutions although such systems are required of participating states by the act,” and no states monitored “all types of facilities required by the act.”
- The states were not collecting nearly enough data and most of their monitoring reports missed many requirements of the federal guidelines. “Their admissions were major in most cases.”
- At some detention facilities, “officials had refused to allow state representatives to come in and develop need information themselves” to monitor those facilities.

Maybe it would just take time to bring everyone around. But OJJDP was led by a man who wanted action now. Schwartz, who ran OJJDP from 1979 to 1981, notes that Rector was a fan of the approach that juvenile justice reformer Jerry Miller took in Massachusetts, where as commissioner of Youth Services he shut the state training schools in favor of community-based programs:

“He was more of a Jerry Miller type. This was at the time not long after Miller closed down the institutions in Massachusetts. John was very much in support of that, which was the right thing. But it’s a question of how you do it.”

Rector’s way was to force the states to comply, or withhold their OJJDP formula funds, as the act allowed. His highest profile battle was with California, in a conflict that continued with the next

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administrator, Schwartz, who says:

"They were very slow on getting status offenders out of secure facilities. The clock was ticking; that was one of conditions to get funding."

Rep. Augustus Hawkins (D-Calif.) raised the issue with Rector in House subcommittee hearing, noting that California stood to lose "some \$6 million in federal funds, which we obviously cannot afford to lose."

Hawkins issued a veiled threat for Rector to ease up on California, or Congress would change the act:

"I do have a suggestion for a legislative change. ... What can you contribute to a resolution of this problem without, let's say, resorting to a legislative change?"

The California dilemma illustrates the tough spot that the OJJDP administrator was in as he tried to compel states to comply with the act. He told Hawkins:

"We were getting plenty of heat from other states who felt that if we didn't carry through" on declaring California in violation of the act, "it would be like we were taking a dive to accommodate California."

He described a compromise that kept some OJJDP funds going to California for vital services while the two sides worked to resolve the conflict.

In his mind, there should have been something of a buffer between Rector and the states in these conflicts in the form of the State Planning Agencies (SPAs), which were set up to monitor juvenile justice policy and practice in each state. Rector wanted the SPAs to enforce mandates of the act in their states; the SPAs said their role was advisory only.

GAO found that the act left some room for some uncertainty over just how much authority the SPAs had over state juvenile justice agencies and facilities. But by and large, GAO sided with Rector:

"The State planning agency has or will have authority to implement the plan's provisions, including deinstitutionalization." But in some states, SPA officials "saw their role as one of planning and advising, not implementing specific requirements."

The subcommittee report is filled with written testimony from state and local officials complaining that Rector bullied them to comply with or enforce the act, rather than working with them over time to institute change. But several juvenile justice advocates praised him for his willingness to take on state officials. One of them was William E. Rittenberg, chief counsel for Advocates for Juvenile Justice:

"Mr. Rector is being criticized for simply trying to implement the act. ... Any bureaucrat who seeks change is going to be attacked."

Resistance at LEAA

Rector saw a common culprit behind the problems in the OJJDP office and out in the field: LEAA, which he now says took on the act's mission half-heartedly.

"They'd be totally hostile to the new law. They didn't want to have anything to do with this."

Rector and his higher-ups at LEAA conflicted over matters great and small: from hiring staff and attending managers' meetings to awarding funds and enforcing the act. After a few months on the job, he told the Senate Judiciary Committee that LEAA was engaging in "administrative sabotage at the highest levels."

One sore point: LEAA did not try to compel the states to provide services to status offenders outside of institutions, as the act required. LEAA officials told GAO that:

"LEAA was not in a position to require this approach in the states. They view their role as one of encouraging states" to establish alternatives.

GAO said LEAA had more authority than it was using, and that where it lacked clear authority, it should cajole or help the states more:

"The LEAA has done little to fully explore the problems that states are having in meeting the act's requirements ... or to help the states overcome them."

[Pete Velde and Henry Dogin, who ran LEAA in the early years of OJJDP, said they do not recall enough about OJJDP to talk about it. Tom Madden, the general counsel at LEAA during much of that time, did not return calls.]

Justice Department superiors sided with the LEAA staffers. In a letter responding to the GAO report, Assistant U.S. Attorney General Kevin Rooney basically told everyone to get real: turning around the way governments treat juveniles and the thinking behind that treatment would take years, and required patience for political and fiscal sensitivities. Rooney said the report's recommendations that the attorney general make the LEAA crack down on states:

"... do not convey a significant understanding of the range of political, legal, legislative, institutional, and attitudinal difficulties at the state and local level."

Giving out Money

Having too much money can be a problem. Getting funds out the door is one of OJJDP's primary duties and failing to do that quickly enough has caused trouble. During its first few years, OJJDP was notoriously slow in awarding funds, causing critics to question the reason for its existence. Rector told the House subcommittee:

"Our office started FY 1978 with in excess of \$150 million available," which was close to everything the agency had available for grants since 1975. He called this an "obvious sign of a failing program."

Rector took several steps in an effort to speed the process, most of which involved him making the funding decisions. Says Schwartz:

"He thought he knew where the money ought to go and gave it to people he thought should get it."

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For instance, while the LEAA had awarded its special emphasis (or discretionary) grants with advice and approval from the SPAs, Rector said that bogged down the process. He started awarding grants directly to local groups. Rector told the House subcommittee:

"This is a major controversy about the way the program has been run in the last three years. We are taking a quite different approach in that we are not channeling in any exclusive fashion, at least, monies through the State Planning Agencies."

While OJJDP had focused its funding on large, national initiatives, Rector said applications from local and regional projects, including those run by nonprofits, had been "openly discouraged," in violation of the act's intentions. Rector told the House subcommittee:

"We have been bending over backwards to be open and allow access to the program by the very kinds of groups that work with young people intimately and who basically have been getting short shrift from the office over the past three years."

He also favored funding unsolicited proposals. Looking back, Rector says this enabled OJJDP to more quickly get money to innovative projects:

"We were really looking for change-oriented people. ... We had a strong advocacy flavor."

Every one of these moves made someone angry.

Grantees who didn't get money felt that Rector was awarding funds to groups that he favored politically or philosophically - the same accusations that would dog two future administrators, Al Regnery and J. Robert Flores. Says Schwartz:

"A lot of good people were not allowed fair access or even an opportunity to compete. Even though some of the grants went to relatively good organizations, it didn't matter. It was a highly discretionary, idiosyncratic process."

Funding unsolicited bids can create a risk of backlash for any agency, and that process was subject to a particularly scathing attack by Rep. Shirley Chisholm (D-N.Y.) in a speech to the Annual Youth Workers' Conference at Georgetown University in 1978:

"I have been told that the administrator ... has been funding a number of unsolicited proposals. This circumvention of federal guidelines for allocating funds apparently serves the purpose of rewarding favored groups."

What set Chisholm off, however, was that OJJDP had yet to fund a project - an unsolicited proposal her district that Rector had promised to support. She accused Rector of "bureaucratic doubletalk and hypocrisy." This so angered Rector that when he sat down to discuss his tenure 30 years later, he brought up the incident on his own and laid into Chisholm for being hypocritical.

Members of Congress have always tried to get OJJDP to fund projects back home, although the ex and intensity of those efforts have varied over the years and are by no means confined to this age Rector's day, calls came regularly from Capitol Hill; he says some of the most angry involved his decisions to stop funding certain programs:

"The people we were dealing with were used to getting their way. 'What do you mean you

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cut off the money? I'm going call somebody in LEAA and your ass is grass.' I'd say, 'Call whoever you want to call.' ”

The End

On top of all this, juvenile crime was drawing a significant amount of attention in Washington, which can be both a blessing and a curse for OJJDP. A wave of publicity about juvenile crime brought the agency under increased scrutiny from the public and elected officials, who demanded to know what it was doing about the problem and offered myriad solutions of their own. (Something similar would happen during the wave of school shootings in the 1990s.)

Rector told the House subcommittee:

“The overloaded juvenile justice system is under fire for not stemming the tide of youthful criminal violence. We are, however, often and understandably blinded by the lurid publicity given a relative small handful of violent juveniles.”

Rep. Ike Andrews (D-N.C.) told Rector about the calls and letters lawmakers were getting:

“Many people are saying to the Congress, ‘You are not doing enough. Do something about it.’ ”

No matter how tough the administrator is, the constant battles eventually make one wonder why they should stay in the job. In future years, Al Regnery would get repeatedly battered by Congress, and Robert Sweet would have power struggles with his supervisors in Justice. Rector says that at some point in late 1978: “I told my wife I didn’t know if I could take it much longer.”

By then, Justice Department officials were talking about removing him. In the days before a late 1978 meeting between Bayh and Attorney General Griffin Bell, a Justice official wrote a memo to Bell urging him to talk with Bayh about “seeking a replacement for Mr. Rector.”

“Foremost” among them was “his inability to deal effectively with federal officials, as well as state and local officials. He has also had significant difficulties in managing the program effectively.

“The sooner we are able to resolve John’s status the better off we will be.”

In the spring of 1979, Rector resigned, by request.

Bayh is sympathetic, noting recently that whoever ran OJJDP during that period was going to have a hard time, with the office still in start-up mode and with so many constituencies battling the administrator over money and authority.

“This wasn’t the easiest position to be in.”

To see more documents from the Rector era, including speeches, click [here](#).

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