

*John - This is a good outline - as should
be a part of staff meeting + discuss + clarify
MEMORANDUM
are going on this*

TO: Senator Bayh (Jay and L. A. 's)
FROM: JOHN
DATE: January 16, 1975
RE: Juvenile Delinquency issues and activities for 1975

MAR 14 1975

The following discussion is based on the premise that we will hold between 17 - 20 days of hearings during 1975 (see last page), which is typical for a non-election year.

A. DRUGS

1. Opium Control.

At the earliest possible date (tentatively March 4 and 5) we are planning to explore a number of issues relative to the control and use of opium including the following: The background and impact of the Turkish poppy ban and its rescission; the nature of domestic opium control and what Justice and HEW have done (not done) to assure adequate opium is available for medical needs (morphine, codeine); a discussion of recent Justice proposals to permit the importation of poppy straw; consideration of synthetic alternatives and possible domestic cultivation of poppies with low abuse potential; assessment of alleged shortage of opium for medical purposes and other relevant concerns.

These issues are ripe for discussion (e. g. White House has special task force on these issues; AMA National Conference on same in late February or early March); they are squarely within our jurisdiction and of special interest to the media, particularly because they will juxtapose the 1970-1971 Nixon rhetoric of poppy bans and proposals for synthetic alternatives with the 1975 reality of possible life-threatening codeine shortage; and increasing numbers of heroin addicts now dependent on Mexican heroin which accounts for 70% of the heroin seized last year.

These hearings could provide the foundation for remedial legislative action and will guarantee that we have an input to policy questions of national and international significance.

*Does this help in the other
on the drug abuse side?*

2. Drugs in Juvenile Institutions (or "pawns in a pill game").

The focus of this investigation will be the use of drugs as control or disciplinary devices in institutions for youth including the mental health, retardation and juvenile justice areas.

This undertaking couples our work in the area of improper or illegal uses of controlled drugs with that of our concern about the quality of care provided young people, although our focus need not be solely juveniles.

To date we have developed substantial information on abusive prescription habits, use in non-indicated circumstances, distribution of prescription drugs (usually Thorazine^(R)) by nonmedical personnel and a host of zombie horror stories about drugged juveniles. In fact, this is an issue that is frequently involved in juvenile litigation as it was in the landmark Indiana case Nelson v. Heyne. These issues dovetail with our own earlier work on amphetamines and Ritalin^(R) with so-called hyperactive children and it would be natural to again (today it is even more timely) dramatize this particular aspect of the problem.

The project will develop information on the production and marketing of particular behavioral control drugs and assess the purchasing and distribution procedures and practices of a variety of institutions and programs throughout the country.

Problems revealed by this investigation would be amenable to either administrative or legislative action. The project itself, however, could have a salutary impact on the practices of some institutions.

3. Controlled Substances Act oversight.

Last year we announced our series on this topic and we only were able to complete the pharmacy aspect. We should press on with hearings on at a minimum two other groups - the physicians and law enforcement representatives. Whether or not more days could be allocated to this endeavor, by next fall we could have ready for introduction a major B² drug bill.

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DONE

Handwritten notes:
as far about a
Drug bill or the other
not re-arranged?
yes

✓ 4. The International Psychotropic Bill.

This bill will be reintroduced as will the Administration's version. Pursuant to last year's agreement we will report a B² bill with Hruska's support. I would expect that the Subcommittee would be ready to act on the bill by the end of April and that possibly it would be on the Floor by mid-summer.

Opposition to the measure is minimal. We have PMA's support as well as many others. Additionally, Paul Rogers is serious about moving the bill in the House and thus passage is possible in the first session.

5. Pharmacy Crime Bill.

Our hearings on this matter have been completed and after introduction of the B² version of the bill to make robbery of pharmacies for purposes of obtaining controlled drugs a federal crime we could move the measure to the Judiciary Committee. Last year the Administration opposed the bill, but their opposition is on the wane. We would have a respectable shot at passage this session.

anything more we add in this?

6. Drugs and Athletes.

Our report on the Subcommittee investigation could be completed in 4 to 6 weeks. We are certain to get a respectable amount of coverage. The bulk of the report would be a narrative of the Subcommittee's findings based on our hearings questionnaires, etc., but it would also contain a refinement of last year's interim recommendations.

→ to discuss findings -

7. Pot.

The Javits decriminalization bill will again be pending for the Subcommittee as will (if our intelligence is accurate) a Hart bill providing civil sanctions, perhaps up to \$100 like the Oregon approach, but eliminating criminal sanctions for simple possession of less than one ounce.

The thrust for decriminalization is growing steadily. I have been assured that last year's pressure-free year will contrast sharply with the coming year's heat on this issue.

*hard decision when the
land*

In the past, I have recommended hearings on this topic and would prefer that we so proceed. In any case, we will have to develop a more sophisticated series of explanations on the topic. Although, I must admit that 2 1/2 years of obfuscation has suitably equipped us for the task.

8. Trafficking Penalties.

The Administration is likely to reintroduce their bill, but we have no intelligence as to how vigorously they will push it. We could introduce the Bayh-Talmadge pusher measure or/and conduct hearings on the impact of mandatory drug penalties such as the New York statute. I recommend a wait-and-see position on this item.

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9. Tracer and Identification Bills.

We have introduced both bills in the 92d and 93d. They will be incorporated in our major B² drug bill, but there is still some mileage in reintroduction. In fact, 3M has developed the technology to place inert tracers in bulk prescription drugs.

B. DELINQUENCY

1. School Violence and Vandalism.

The questionnaires have provided a wealth of information for what should be one of our major projects this year. The recent Gallup polls rate this area consistently near the top in public interest and concern. We plan to have an interim report of our findings ready by April. (In April or May ABC will air a documentary and if handled properly B² and J.D. could be the focal point of the program.) Next we should proceed with a series of hearings starting with high profile stuff revealing the dramatic aspects of the problems - nature, extent, costs, trends, etc... and proceed with subsequent days on topics including: Truancy (pushouts, dropouts, gangs, et al), vandalism, violent crime, student/teacher/parent rights, productive approaches (state/local/private) to deal with such problems and a host of others.

The final report, similar in form and flavor to the Barb Report so as to maximize interest and coverage, will be a thorough statement of the problems and will include recommendations for all affected parties and for federal legislation. The Safe School Act introduced by Cranston and Gurney in 1973 was far too enforcement oriented, but provides a good starting point. Any bill, of course, would amend one of the several statutes within our jurisdiction.

2. Oversight of juvenile justice (LEAA) and runaway (HEW) programs - ; Younger Americans Act.

We are carefully monitoring the implementation of these two S. 821 programs and plan to expand the nomination hearing of the Assistant Administrator for Juvenile Justice with an oversight hearing to discuss the progress to date (or lack thereof) as well as FY'76 budgetary matters.

what's this?
At least one additional day will be necessary prior to June 30, for consideration of whether the mandate of the Office of Youth Development (HEW) should be expanded to areas other than runaway youth.

This oversight task is related to an idea some of our friends have to develop a "Younger Americans Act" analogous to the current Older Americans Act. This proposal is in its formative stage, but it's possible that by amending the expiring HEW authority we could substantially broaden our jurisdiction. Of course, Mondale will carefully watch how we proceed in this regard. In any case, an early record statement and press release as to our intentions would help to prevent someone else from running with this idea.

you're already on this, plan...

3. Female Delinquency.

This area is ripe for exposure. We have already developed a lot of material and nationally there is considerable interest. I think that this topic could be effectively handled in a Subcommittee report.

4. "Chicken Business".

The abuse of young boys (age 6-12) for homosexual purposes or so-called "chicken business" is an area ripe for expose. Thousands of youths, many of them runaways, are marketed for such purposes. This topic could be explored in a one day hearing followed by a report or vice versa. We have some good information, but must do more.

C. JUVENILE LAW

I would like us to issue an annual report on the state of juvenile law. Additionally, each year we would hold one or more hearings on this topic. For this year I recommend the following:

1. Confidentiality of Juvenile Records.

The abuse of such records - by schools, credit houses, employers, law enforcement agencies, military, etc., is an important and timely topic for hearings and possible legislative action. The entire juvenile justice system is predicated on confidentiality and any breach of this protection destroys the efficacy of the system. In addition, the violation of privacy aspect of such an inquiry underscores its worth.

2. Model Bill of Rights for Children.

The entire area of children's rights including, a model bill of rights for children would provide a multitude of topics for hearings. There has been no Congressional discussion of these issues other than several proposals presented during our S. 821 hearings.

3. Federal Youth Corrections Act.

Motivated by concern that too many youths (18-22) committing serious and multiple crimes were receiving improper sentences, Beall and Thurmond introduced measures to narrow the class of persons for whom the Act's more lenient sentencing provisions would be available. These measures were referred to us.

In a related development the US Supreme Court rejected, last summer, a line of cases (D. C.) which required Federal judges to explain all FYCA denials in detail. It was thought by some that judges were improperly circumventing Congressional intent by giving only lip service to the Act.

Hearings could be conducted on this topic with an eye to amending the Act by narrowing the class of persons sentenceable under its provisions and by requiring written detail explanations of denials. Thus, we could combine the justifiable law and order concern, that dangerous criminals are being released prematurely, with the equally justifiable concern that youths with appropriate track records be given more lenient sentences.

4. Uniform Juvenile Justice Act.

In conjunction with our oversight of S. 821 and the Institute's responsibility to promulgate federal, state and local juvenile justice standards, we could develop a bill, predicated on such standards, which would - through LEAA incentives - make it an attractive proposition for states to develop such standards, many of which are the law of the land. Such a project would dove-tail with the ABA's project on juvenile standards which will be published this year. (I am on their Drafting Committee) One key provision in such a measure would be a prohibition on the jailing of juveniles with adults.

D. GUNS

Interest - new committees for control (many old and familiar faces), T. V. documentaries, feature articles, etc. etc. - in gun control abounds. The House is likely to be active in the area this year and, of course, the Hart, EMK and Stevenson bills will be introduced. Inouye may propose a prohibitive excise tax on handguns under a certain value. (Such a bill would be referred to Finance.)

I cannot presently see any mileage in reintroducing S. 2507 if we are not going to pursue the matter. If others would like us to conduct hearings this, of course, is possible, but I would recommend the "wait for the House to act" approach we have used for the past two years.

Another option would be to hold general oversight hearings on the 1968 Gun Control Act. In this regard we could explore such topics as the illicit traffic and diversion of guns - gun running - , or/and the recently announced Treasury Department initiative to use the '68 Act in full force against organized and violent crime.

*Don't know
thought on the merit.*

Agenda - let discuss

- 8 -

We could introduce our bill to provide mandatory penalties for criminals who use or carry guns during the commission of crimes, threatening to person or property. Additionally, we could make these priority cases on the Federal dockets.

I recommend that we hold at least one day of hearings on the increasing use of "dum-dum" or hollow point bullets by law enforcement agents. It is arguable that use of these mankillers, outlawed by the Geneva Convention, may amount to a denial of due process. In any case, the recent proliferation - arguably overkill - is a timely topic for which there will be considerable interest and coverage.

CONCLUSION

I think we can have a very productive year. Several of the topics, but particularly the violence and vandalism one, are especially suitable for field hearings. I believe that we can get substantial mileage by resorting to the report route for topics which otherwise would be put on the back burner for want of hearing dates and staff.

The following breakdown for hearing days by topic reflects our priorities. Whatever the final topics, we should alternate them so that we maximize total input and coverage.

Opium	2 days
Violence/Vandalism	4-6 "
Drugs/Institutions	2-3 "
J. D. Oversight	2 "
CSA Oversight	2 "
Juvenile Records	2 "
Model Bill of Rights	1 day
FYCA	1 "
Dum-Dum	1 "
TOTAL	<hr/> 17 - 20 days