EXPLOITATION OF CHILDREN

HEARING BEFORE THE
SUBCOMMITTEE ON JUVENILE JUSTICE
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
FIRST SESSION
ON
PROBLEMS OF EXPLOITED CHILDREN

NOVEMBER 5, 1981

Serial No. J–97–78

PRINTED FOR THE USE OF THE COMMITTEE ON THE JUDICIARY

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1982
OPENING STATEMENT

Specter, Hon. Arlen, a U.S. Senator from the State of Pennsylvania, chair
man, Subcommittee on Juvenile Justice

CHRONOLOGICAL LIST OF WITNESSES

Rabun, John B., manager, Exploited Child Unit, Jefferson County, Ky., De
partment of Human Services ................................................................. 2, 39

David, Howard A.: 

Testimony ............................................................................................... 92

Prepared statement .................................................................................. 92

Resolution of the American Bar Association, August 1, 1981 ......................... 58

"Child Sexual Exploitation, Background and Legal Analysis," by the 98
American Bar Association, Young Lawyers Division, Washington, D.C. ... 101

Dobie, C. Edward: 

Testimony ............................................................................................... 97

Prepared statement .................................................................................. 97

Prepigraphico, Ronald J.: 

Testimony ............................................................................................... 58

Prepared statement .................................................................................. 63

Rabun, John B.: 

Testimony ............................................................................................... 2, 39

Prepared statement .................................................................................. 2, 39

Ritter, Father Bruce: 

Testimony ............................................................................................... 37

Prepared statement and additional material .................................................. 33

Sullivan, Terry: 

Testimony ............................................................................................... 17

Prepared statement .................................................................................. 23

APPENDIX

Letter from Senator Arlen Specter to Hon. William French Smith, Attorney
General, October 30, 1981, regarding Justice Department's involvement in
the exploitation of children, with a response .................................................. 147

Prepared statement of the Department of Health and Human Services on the
exploitation of children, with covering letter .................................................. 151
EXPLOITATION OF CHILDREN

THURSDAY, NOVEMBER 5, 1981

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON JUVENILE JUSTICE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 6226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senator Specter.

Also present: Bruce A. Cohen, chief counsel; Mary Louise Westmoreland, council.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator Specter. Good morning, ladies and gentlemen. We will come to order and commence this hearing of the Juvenile Justice Subcommittee of the Committee on the Judiciary.

Today we are going to be inquiring into the problems of exploited children, a problem which has grown to epidemic proportions in the United States, with more than 1 million young people running away from home, each year for a variety of reasons. The youngsters run away because of arguments with their parents, disagreements with brothers and sisters, sometimes school problems. When youngsters run away from home they may face a series of potential exploitive situations, which range from sexual exploitation to forced labor to being instrumentalities of crime and which can start the youngster on a life of crime. Runaway and homeless children range in age from the early teens to even younger, and their exploitation is a problem, really, of tremendous significance.

This subcommittee, the Juvenile Justice Subcommittee, has been active in this field in the past in connection with the Office of Juvenile Justice and Delinquency Prevention. Certain legislative initiatives have been forthcoming over the course of the last several years and we will be renewing our efforts today to see if we can gain some additional insights into the problem; some suggestions, perhaps, regarding early detection to spot the potential runaway; to try to bring the forces of families, schools, churches or synagogues to bear; to try to deal with this in some sort of an effective way; and to explore what role the Federal Government can play with seed money and programs, through the Office of Juvenile Justice and Delinquency Prevention for example.

At this time we will move right to the first witness, who is a young man, David. He will be introduced by Mr. John B. Rabun,
Manager of the Exploited Child Unit of the Jefferson County, Ky., Department for Human Services.

David has an especially poignant story to tell us, having had substantial problems of his own. Welcome.

STATEMENT OF JOHN B. RABUN, MANAGER, EXPLOITED CHILD UNIT, JEFFERSON COUNTY, KY., DEPARTMENT OF HUMAN SERVICES

Mr. Rabun. Thank you, Senator. We appreciate being here. I have with me a young man we have worked with for over a year now in Louisville. His name is David. I believe you have before you a waiver form allowing him to be present, signed by himself and his mother, with the juvenile court in Louisville being informed appropriately.

David has just turned 17 years old. He was a victim, as a young child of physical abuse and sexual abuse by his own family and friends of the family at the age of 7. Later he learned he could use sexual acts to survive on the streets. That became an important part of his history.

Senator Specter. Mr. Rabun, could you give us a little bit of background as to the form of sexual abuse David was subjected to at the age of 7?

Mr. Rabun. Yes; it was adult male friends of the family who—

Senator Specter. I think we can deal with the problem only if we understand it, and to the extent you can be subtle and diplomatic, fine. But we have to communicate.

Mr. Rabun. Surely. The sex acts involved fondling and oral sex forms of adult onto the child. Obviously at that point the child did not understand what was going on nor the severity or seriousness of the acts themselves. The physical abuse has to do more with beatings, being thrown up against walls—that type of thing.

Senator Specter. And, Mr. Rabun, over how long a period of time was David subjected to that kind of sexual abuse?

Mr. Rabun. A couple of times, starting at 7 and then maybe 1 year or so later. It would be sporadic incidents arising out of situations, perhaps overzealously in discipline, that type of thing.

David is not gay. I say that up front because he calls himself a hustler. By definition, a hustler is a boy prostitute. Girls use the term "prostitute"; boys use the term "hustler." Most boy hustlers are not gay. David is not.

David, by his own admission, drug-dependent since the age of 12. He will be able to explain to you a progression in the juvenile justice system in his own life from 7 years old, being a dependent child in front of the juvenile justice system, based upon the physical sexual abuse as a child to an 11- to 12-year-old age where he became a status offender, a runaway, un-governable behavior, and then, at the age of 14 or 15, got into the juvenile delinquency area of the juvenile justice system, being involved in drug usage and drug pushing, burglary, some minor forms of robbery, prostitution, and carrying concealed deadly weapons for the purpose of safety.

David has been to an excellent drug treatment program recently and I think because of that and the involvement of the system trying to support him we have a situation where there has been remarkable progress. David is no longer using drugs. He is still and always will be drug dependent. He is off the street. He is due to be released by our juvenile courts about Thanksgiving, but I should say, in all honesty, David is unusual to this extent. One, he is drug dependent, an "addict," if you prefer that word, whereas most child prostitutes are only into drug usage.

And, second, David has a very high IQ. He is very articulate. That is not the norm and that creates a secondary problem, because if you are not bright enough or articulate enough to tell the appropriate authorities what is going on, it exacerbates the problem.

And with that background—

Senator Specter. Thank you, Mr. Rabun. We will make a part of the record a document you have presented to the committee dated November 3, which is signed by David and signed by his mother and witnessed by you, so that you are representing to the committee that you obtained the signatures of David and his mother, explaining to them what the circumstances were, and that to the extent possible the details of David's identity, such as his last name, would be maintained on a confidential basis to the extent the committee can.

This is not something we can guarantee or control in any absolute terms, but we have made every effort by informing the media of the nature of the problem to secure cooperation. I want David to understand that to the maximum extent possible the committee will maintain his identity in confidence.

There is a line in this document which recites that in no case will information given by David be used for prosecution purposes. The document shows that it has been given to the judge and to the public defender. The issue of immunity from prosecution is an incredibly complicated one and for binding effect only a judge can bind the immunity proceeding can give immunity. So I want the record to show that to the extent possible, with all parties having been notified, we are endeavoring to accomplish that purpose. But in the interest of fairness, it should be understood that absolute guarantees are not possible on that, as on the question of anonymity, which we will all work on as best we can, realizing a very important public policy to be served by having this information brought to the attention of the subcommittee and the committee with a view to seeking some sort of corrective action to prevent the recurrence of such problems for others who are youngsters like young David.

[Document referred to follows:]

3
STATEMENT OF DAVID

DAVID. I am 17.

Senator Specter. And where do you live?

DAVID. In Louisville, Ky.

Senator Specter. And are you currently under the jurisdiction of the juvenile authorities in Louisville?

DAVID. Yes, I am in a group home. I am a ward of the county.

Senator Specter. A ward of the county?

DAVID. Yes.

Senator Specter. How long have you been a ward of the county?

DAVID. Since last December, and then I got released in June; no, in May, and then I got put back in in July again.

Senator Specter. You have been a ward of the county since December 1980, released in May, put back in as a ward in June, and you have a current expectation of being released, again, shortly?

DAVID. Yes, sir, around Thanksgiving.

Senator Specter. Before going into the background and history of your situation, starting at the age of 7, Mr. Rabun has testified that you are drug dependent. Would you specify just what that means in terms of your own usage of drugs?

DAVID. To me it means when I start getting high on any kinds of drugs—alcohol, drugs, or anything—I have to have it and I have to have it to keep going. I have to have it to survive and feel good about myself. I have to make it a part of my daily life. It helps me get through the day.

Senator Specter. David, what was your first introduction to the use of drugs?

DAVID. When I ran away, the first time I ever ran away.

Senator Specter. And when was that, that you first ran away?

DAVID. I was 12 years old. And the guy I was staying with, who was a good friend of mine, had a party and I went to a party and I was introduced to alcohol and then marihuana.

Senator Specter. At the age of 12?

DAVID. Yes, sir.

Senator Specter. Marihuana at the age of 12?

DAVID. Yes, sir.

Senator Specter. Any other drugs?

DAVID. Just alcohol and I did some speed, but that was about it. That was a little later when I was 12.

Senator Specter. You were exposed to speed also at the age of 12?

DAVID. Yes, sir.
Senator SPECTER. What caused you to run away from home at the age of 12, David?

DAVID. My mom found out I was smoking cigarettes and my mom and dad had just gotten separated and I was afraid she would tell my dad and my dad used to come down pretty hard on me, punishment-wise, so I got scared and left.

Senator SPECTER. And where did you go?

DAVID. I went to a friend of mine's house, about 20 miles away, and stayed there.

Senator SPECTER. And what happened then?

DAVID. I got homesick the next day and ended up going back home. And my mom patted me on the back and forgave me and that was about it then.

Senator SPECTER. What was your next experience as a runaway, if any?

DAVID. I got caught stealing cigarettes a few weeks after that and I was again afraid my dad would do something, so I left again.

Senator SPECTER. How long did you stay away on that occasion?

DAVID. My dad caught me the next night again, and I ended up going back home then. And then—let me think—about 6 weeks after that, about 2 months after that, I got busted at school dealing drugs, dealing marihuana. This was, I guess, just as I turned 13. And I took off then and I was gone for about 4 or 5 weeks, I guess.

Senator SPECTER. And where did you go?

DAVID. I went back out to the same friend's house where I had stayed in the first place.

Senator SPECTER. Did your parents know where you were on that occasion?

DAVID. No; they had no idea. They had a city detective or something looking for me and finally I ran out of places to stay. He couldn't put me up any longer, so I called them and made a deal that if I didn't have to go to court and I could get back in school I would go back home. We got it arranged and I went back home.

Senator SPECTER. Who did you call, David?

DAVID. I can't think of the man's name. He was—

Senator SPECTER. A juvenile authority?

DAVID. Yes.

Senator SPECTER. And you were 12 years old at the time?

DAVID. I had just turned 13 then. It was around my birthday.

Senator SPECTER. And you made a deal for yourself that you'd go home if you wouldn't be prosecuted?

DAVID. Right. I was scared. I didn't know what would happen to me about being busted at school because I took off before I found out.

Senator SPECTER. What were you busted at school for?

DAVID. I was dealing marihuana.

Senator SPECTER. Excuse me?

DAVID. I was dealing marihuana.

Senator SPECTER. Selling?

DAVID. Yes.

Senator SPECTER. Where did you buy it to have the marihuana to sell?

DAVID. It was the middle school I was going to. I could just go up to the high school and get a bag somewhere along the line. There were a lot of people up there who were dealing. It was not hard to come by.

Senator SPECTER. You bought marihuana from high school students?

DAVID. Yes.

Senator SPECTER. And you sold it to whom?

DAVID. The students. I was in a middle school—sixth, seventh, and eighth grade—and I sold it to the students in my classes, you know, friends of mine around school.

Senator SPECTER. And what was the market for marihuana among sixth, seventh, and eighth graders?

DAVID. $1 a joint.

Senator SPECTER. Excuse me?

DAVID. $1 a joint.

Senator SPECTER. How much profit was there for you selling it at $1 a joint?

DAVID. If I got a bag like what I got I could probably make $15 or $20 profit if I sold it all. If I just rolled it all up I could probably get like 55 or 60 joints out of it, and the bag only cost $35, so whatever I had over that was profit.

Senator SPECTER. The bag cost $35 and you could sell 65 $1 cigarettes of marihuana from that bag?

DAVID. Yes.

Senator SPECTER. And what were the ages of the youngsters whom you were selling the marhuana to?

DAVID. Around my own age, 12, 13, 14 years old.

Senator SPECTER. And you were caught doing that by the school authorities?

DAVID. Yes, sir. I was caught by the security guard.

Senator SPECTER. And that is when you ran away again.

DAVID. Right. He was taking me down to the office and I just took off out the door.

Senator SPECTER. You took off while he was in the process of taking you to the office?

DAVID. Right.

Senator SPECTER. And he couldn't catch you?

DAVID. No.

Senator SPECTER. And then you went to your friend's house again?

DAVID. Right.

Senator SPECTER. And how old was this friend of yours?

DAVID. He was about 6 months older than me, 7 months older than me. He was around my own age.

Senator SPECTER. Was he living by himself or with others?

DAVID. He was living with his folks and they really didn't know what I was doing because they have a really big house and he could just stash me somewhere around the house where they wouldn't find me for the night and I would leave during the daytime.

Senator SPECTER. So you are saying your friend's parents actually did not know you were living there?

DAVID. No; they didn't.
Senator Specter. How long were you gone from your own home on that occasion?

David. About 8 or 9 weeks, I guess.

Senator Specter. What happened next to you?

David. I went back home after all of that was over again, and I got back in school. Well, let me think. We ended up moving again and I took off again to go see my uncle, who lived about 400 miles away, because I just wanted to see him. He used to be like an idol to me. I wanted to be a lot like him.

I took a bus up there and then he sent me back and then a day later I took off again and I thumbed out to California with a girl I had met down at a place for runaways in Louisville.

Senator Specter. You were 15 at the time?

David. Yeah.

Senator Specter. How old was the girl?

David. Sixteen, fifteen.

Senator Specter. Was she a runaway as well?

David. She was getting ready to; yes. No; she was in a shelter home for runaways. She was getting ready to be put in a foster home. Her mom had just died. Her dad lived up in California and there was no way she could get up there to live with him because she hadn’t been up there in such a long time, or that’s what she told me.

Senator Specter. So she left the foster home?

David. Yeah. We left the foster home that night.

Senator Specter. Were you in the foster home with her?

David. No; it’s not really a foster home. What it is is a place where runaways from off the streets can come into to stay, plus they have alternatives to detention places that the courts place there. And since she was placed there like ATD and I just walked in of the street.

Senator Specter. She was placed there by ATD?

David. ATD, right. She was placed there by the authorities.

Senator Specter. What do you mean by that?

David. That means if she messes up or gets in a lot of trouble they can throw her back in the detention center for juveniles. But she was waiting for placement in a foster home while she was there.

Senator Specter. And she ran away from that place?

David. Right.

Senator Specter. And you went with her?

David. Yes, sir.

Senator Specter. Where did the two of you go?

David. A little town called Vernon, Calif., about 40 miles out of Los Angeles.

Senator Specter. And what did you do there?

David. She stayed up there. I got locked up. I ended up getting locked up about 4 days after I was up there and being sent back down here.

Senator Specter. What were you locked up for?

David. We had gotten into an argument and I was throwing a bad fit out in the middle of the street.
DAVID. Yes, sir.
Senator SPECTER. Could you tell us what that was all about?
DAVID. When they were still together—my dad is an alcoholic, and when they were still together he was drinking a whole lot. Him and my mom would get in arguments or him and me would get in an argument and he would just, you know, he might pick me up and throw me a few feet or might—
Senator SPECTER. He might pick you up and throw you a few feet?
DAVID. Well, you know, just like that [indicating]. You know, kind of [indicating].
Senator SPECTER. How old were you when that first occurred?
DAVID. I was 11 when that first occurred, I think. Yes; this was right before they got separated. And he was a big man and I was just really scared he would hurt me one of these days. So I tried to stay away from him as much as possible.
Senator SPECTER. David, there has been a reference made by Mr. Rabun to some experiences you had at the age of 7 and I do not wish to go into those because I can understand that they are problems for you. But without going into any of that, to what extent did that have an influence on your later problems, if it had any influence at all?
DAVID. It really didn't have all that much of an influence on my life. It was something that happened when I was real young and I didn't know what was going on. There was a lot of resentfulness in it that carried through onto what happened in my later years.
Senator SPECTER. You were resentful that that sort of thing had happened to you?
DAVID. After I got older and realized what had happened and what was going on I was real resentful.
Senator SPECTER. Were your parents a party to that in any way?
DAVID. No; they don't know about it whatsoever.
Senator SPECTER. It just happened with some older people and it was an unfortunate experience, but it had nothing to do with your parental guidance or your parental consent?
DAVID. No; they had nothing to do with it whatsoever. It was a babysitter, as a matter of fact, and it was just something that had happened. I don't understand why, but it happened.
Senator SPECTER. Well, that is a hard matter and one of the items of concern would be its later impact. You say there was a spirit of resentfulness on your part. What do you mean by that?
DAVID. I was resentful that someone had taken advantage of me like that and done to me what he did and had me do to him what I did. I'm not like that. I'm not the type of person that gets into things like that and I was really resentful that someone who knew what was going on and knew what they were doing would still go ahead with a little boy and do something like that, especially me. I'm not anybody special, but, you know, it's me.
Senator SPECTER. Do you think that experience has lingered with you to this moment in causing some of your current problems?
DAVID. Not really problems that show but a lot of problems with myself. It bothers me, you know, like personal problems that I deal with within myself.
Senator SPECTER. Such as what, David?
DAVID. Such as resentfulness toward people, my role, you know, my sexual role.
Senator SPECTER. What do you mean by your sexual role?
DAVID. Well, OK, I'm straight. I'm not gay, but with things like that happening and then things that I did in the hustling, it just put something in my mind like well, am I sure I am straight or I'm not sure. And it messes with my mind a whole lot because it conflicts one to the other and then I get mad at myself for this and then I get mad at myself for thinking this, you know, for not knowing and it messes me up sometime mentally—not to a point of mentally.
Senator SPECTER. Not to a point of what?
DAVID. Not to a point of really showing any outward signs of it, but inside it messes me up a whole lot.
Senator SPECTER. When you talked a minute ago about your role as a hustler, what did you mean by that?
DAVID. You mean my role as a hustler? I just mean a lot of times I thought, a lot of people downtown told me well, even if you are a hustler you wouldn't hustle unless you had something in you that attracted you to men or some part that would let you do that because if you were totally straight and not gay at all you wouldn't be down here.
And they planted a seed in my mind like am I really OK or is there something wrong with me. And they get me thinking well, I am down here so where am I at with myself.
Senator SPECTER. David, how would you define what a hustler means?
DAVID. A hustler is a male, a young man who goes out on the streets and sells his body to, most of the times, I would say 9 out of 10 times, older men or men for profit. That's all a hustler is.
Senator SPECTER. And you do that?
DAVID. Yes, sir.
Senator SPECTER. How did you get started doing that?
DAVID. I was in a placement. Well, I had gone to a placement shelter house, a place for runaways I had mentioned earlier, and I was living down there. My mom knew about it. I was trying to get myself straightened out and I was coming in—well, I wasn't putting a whole lot of effort into getting myself straightened out. I was coming in drunk about every day. I would say I was going jobhunting but I would come back drunk. I raised a whole bunch of trouble with a bunch of people in there, you know, starting arguments with people. Well, you know how a drunk acts. And they finally booted me out of there and I had nowhere to go at the time. So I just walked over to a park a few blocks away which I later found out was right on the hustling strip in Louisville.
And I was sitting there and a counselor from the shelter house I just left was sitting there. We started talking. He went and bought some beer. We kept on talking. I really looked up to him and he was telling me how he had hustled and made some really good money.
Senator SPECTER. How old was he?
DAVID. He was in his late 20's or early 30's, I'm not sure exactly.
Senator Specter. When you talked about making some really good money from hustling, what are you talking about by "really good money"?

David. Really good money is probably like $40 or $50 a trick, but that's really good money. He was talking $50 or $60 a trick, but at the time I didn't know whether it was a lie or straight or what.

Senator Specter. Have you made that much money for a trick?

David. I've never made that much money from one.

Senator Specter. What's the most money you've made from a trick, as you put it?

David. About $45.

Senator Specter. And how many tricks can you turn in a night?

David. If it's a good night, two or three, if I'm up to it.

Senator Specter. How old were you when you started hustling?

David. Fifteen.

Senator Specter. When you say 9 times out of 10 it involved selling your body to some older man, what is the other time out of 10?

David. Well, there's a small percentage of couples who go out to pick up hustlers. You know, a male and female, or maybe a woman will go out and pick up a hustler once in a while, but I would say most of them are men going out picking up hustlers.

Senator Specter. But you have been involved in situations where a couple would pick you up as a hustler?

David. I got propositioned once but I never went out with them. That only happened that one time and besides that it's always been men.

Senator Specter. Always been what?

David. Men, always been men.

Senator Specter. What do you believe was the key factor, if you can identify it, in getting you started initially on drugs and alcohol, which later led to this hustling?

David. Could you run that by me again?

Senator Specter. Yes. Going back to the earliest days of the origin of the problem, what got you started on alcohol and drugs, which led you into hustling?

David. I got myself started—well, the friend I mentioned earlier got me started by showing me where it was at. But I got myself started. And I kept into it because it made my happy, it made me feel good about myself. It made me feel like I was somebody and I fit in with somebody.

Senator Specter. If you were to give some advice to another young man who was 12 years old, a young boy who was 12 years old, on how to avoid the terrible things that have happened to you, what would you say to him?

David. Stay home and stay a boy for as long as you can. Do not grow up too quick. Do not try to.

Senator Specter. Do not grow up too quick and do not try to.

Do you have brothers and sisters?

David. I have two younger brothers.

Senator Specter. How old are they?

David. One is 13 and one is 9.

Senator Specter. Do they have any problems similar to the one you described?
And they came to get me and they were just going to take me home, and I took off because I did not want to go home. And I got about two blocks away, they caught me and they pressed a whole bunch of charges on me, which got me thrown into the center and then into the juvenile system.

Senator Specter. What happened to you on your first contact with the juvenile court system? Was it a good experience, a bad experience? How did you feel about it?

David. I was scared at first. But then I found out I was just going to get a pat on the back and sent home again. That is all that happened for a long time.

Senator Specter. If the juvenile court had been tougher on you at that time, do you think it might have discouraged you from later violations of the law?

David. I think if the juvenile court had looked more into my life, more into how I am, then they might have been able to find better ways to help me with my problems besides sticking me back into the same thing and letting it all happen again.

Senator Specter. What do you think the juvenile court system should have done for you?

David. I think they should have looked more into my life and found out what would have been the right program, what would have been right to help me at the time, instead of sending me back out to do it all over again.

Senator Specter. When you say sending you back out, what do you mean, sending you back to your home?

David. Sending me back home again.

Senator Specter. Sending you back to the same environment?

David. Yes.

Senator Specter. Do you have any idea, David, what they might have done differently to have stopped you from this cycle of drugs and hustling?

David. Let me think.

They could have just— they did not even worry about what I thought I needed. They just worried about what to do with me, where to stick me out of the way. If they had just taken more time, I think they need to take more time on each individual case.

And I do not know of any kind of placement the courts have ever seen in my life. There are people out there who are willing to listen if you go to them. And if you look hard enough and you want help badly enough, you can always find it somewhere along the line, friends, family— family mostly of all, I would say. But there is always somebody out there.

Senator Specter. What do you think the juvenile court system is like? What do you think the juvenile court system is like? Are you going back to school?

David. Are you going back to school?

David. Well, I spent 3 years in the ninth grade and I had maybe a half a credit to my name. So I dropped out. I got my GED last January and I am attending a community college in Louisville now.

Senator Specter. Are you going back to school?

David. Stay in school. Senator Specter. Are you going back to school? Senator Specter. What suggestions would you have for other youngsters in your age group, David, as to their relationship with their parents?
Mr. Rabun. Well, David's situation is typical to the extent that he is involved in the juvenile justice system, a system that progressed from a dependency status to a runaway status to a delinquency status, a vicious cycle where what you do feeds into the next act, which feeds into the next act.

And unless there is some intervention by people who care and I suspect at that point at least are trained to know what to do and how to do it, a child like David could wind up either in the system, whether it be the juvenile or the adult criminal system, for the rest of their life, which is expensive to say the least.

One of the things that disturbs me about David's situation is an apparent ease with which people who work in auxiliary positions in the juvenile justice system are thereby enabled to prey on kids. It seems from my view that David had significant contact with people who were acting as agents of the court, albeit maybe third party agents, who really used their position in a way to endanger the welfare of the minor.

Senator Specter. How do you do that?

Mr. Rabun. Well, he spoke to you about the staff member from one of the shelter house facilities who bought beer for him in a park and introduced him to this easy way to make money, and in effect promoted David's involvement in prostitution. He did not profit from it, so there would not be a legal charge in the promoting sense.

Senator Specter. Why do you think he did that?

Mr. Rabun. Probably because it was a way of life for him.

Senator Specter. Why then was he placed in an authoritative position by the system?

Mr. Rabun. Well, I do not think the system deliberately in any way placed David or any other child that would knowingly exploit him. But the point I am trying to make is, we have no enabling legislation, nor very few enabling procedures, that require any sort of screening on people who work with children, who are the most vulnerable in the entire system. And instead, in a rather cavalier fashion we can go about hiring people and placing them in very sensitive positions because they say they like kids.

The whole definition of pedophilia is attraction to kids. That should not be the definition for hiring people to work in children's programs.

I trust those are exceptions to the rule and not the rule. Nonetheless, I do believe as a system we are negligent in a careful screening and a careful understanding of the nature of pedophilia. These adults who prey on children sexually, whether they are boys or girls, we cannot even recognize them when they are in our own programs.

David recognized them after the fact and in effect it was too late. It is sort of the what-if proposition.

Senator Specter. Thank you very much, Mr. Rabun. We will be recalling you in a minute or two.

We very much appreciate your being here, David, for coming forward and sharing your experiences in the hope that others who are young men like you may be able to profit from the mistakes and experiences you have had.

David, I am glad to do it.

Senator Specter. Thank you. I would like to call at this time Mr. Terry Sullivan, former prosecutor for the State of Illinois. Welcome, Mr. Sullivan. Would you state your full name and address for the record, please.

STATEMENT OF TERRY SULLIVAN, FORMER PROSECUTOR FOR THE STATE OF ILLINOIS

Mr. Sullivan. My name is Terry Sullivan, from Chicago, Ill.

Senator Specter. And what are your current activities, Mr. Sullivan?

Mr. Sullivan. I am presently in private practice, after having spent 12 years with the State attorney's office in Cook County.

Senator Specter. And in connection with your work as a prosecuting attorney, were you involved in the prosecution of John Gacy?

Mr. Sullivan. I was, Senator.

Senator Specter. What role did you play?

Mr. Sullivan. In the prosecution of John Gacy, I played the role of an investigator in preparing for trial and in the actual prosecution of the case. I was involved in the direction of the investigation prior to the arrest of Mr. Gacy and his being charged with the murders of 33 young boys.

Senator Specter. Would you tell us what the case involved? Refresh our recollection and state for the record what was involved in that prosecution.

Mr. Sullivan. Well, what was involved was the fact that some 33 young boys' bodies were eventually discovered underneath the house and in the crawl space of John Gacy, and we later recovered four additional bodies attributed to him in a river some 60 miles southwest of the city of Chicago.

Senator Specter. So how many youngsters were involved altogether with Mr. Gacy?

Mr. Sullivan. A total of 33 dead boys were involved. Of course, the investigation led us to many others young men he was involved with, and the investigation spanned anywhere from Chicago through Waterloo, Iowa, through various southern points in the Midwest, through Kansas, and finally all the way to Los Angeles.

Senator Specter. What was the total number of youngsters found to have been involved with Gacy?

Mr. Sullivan. Senator, we will never know that exact number. The number we were able to find within that period of about 1 year or 1½ years of investigation totaled somewhere between 50 and 100.

Senator Specter. And what was the conclusion of the prosecution against Gacy?

Mr. Sullivan. Mr. Gacy was found guilty of all 33 murders approximately a year ago and the jury recommended the death penalty. And the Judge, Louis Garippo, sentenced him to death and he is presently awaiting that sentence in the Illinois State Penitentiary.

Senator Specter. Is the case on appeal at the present time?
Mr. SULLIVAN. It is, sir.

Senator SPECTER. And what court is it in?

Mr. SULLIVAN. In Illinois it is a direct appeal to the Illinois Supreme Court on a death sentence.

Senator SPECTER. What were the circumstances, in a general way, leading to the deaths of these 33 young men?

Mr. SULLIVAN. As I have sat here behind David listening to him, I could see that—or certainly hear that. there

the grace of God did in fact live. . ..

preme

end up in their daily lives.. . .

similarities between the people we ran Into, especIally

end up in their daily lives... .

ending as David did, it would be very easy for them to run Into

young boys like that. . .

ru~aways,

victims of John Gacy, from

When they are tossed out on the streets and forced to get some

are unidentified to this day whIch I thInk

Mr. Sullivan, as best you can pIece It together

victims, they ended up drifting to

cooperation with law enforcement. . .

are runaways,

Mr. Sullivan, what was the age span of those who ran away from home?

Mr. Sullivan. The age span from the ones that were identified

Senator SPECTER. Going to how old?

Mr. SULLIVAN. Most of them were in their midteens. They went as high as 23.

Senator SPECTER. And those who were runaways had had argu­ments or disagreements with their parents?

Mr. SULLIVAN. Sure, something that caused them to leave the home to seek something better on the outside world. And what

answered to most of these people, as I think happens to those who

are living out there rightnow, is they crossed that very thin line
going from a victim into what we consider a criminal.

Mr. SULLIVAN. In this specific case, we did not. We were not able to—certainly, the people he preyed upon did not have the chance
to go into something different. But certainly from your experience
and from mine in 12 years of prosecuting other cases, and from
being on the streets during this investigation, we were able to see
that certainly the progression is there.

Mr. SULLIVAN. Certainly into violent crime. The tendency is cer­tainly there, if someone determines he needs more money. We see
it, as an example, of course, as an individual—whether he is a
runaway, an abused or mistreated child—and he then gets into the
criminal area just starting out and hustling, say, then he decides
he needs more money, or he is drifting into the drug scene or he is
now involved in the illicit dealing of drugs.

Many times they will, unfortunately, arm themselves with wea­pons, and while they are high, as a typical example, nowadays they
will go out and rob convenience food stores or something like that,
not knowing how dangerous the gun is and certainly not having
had any experience. That is how we end up with a lot of juvenile

Senator SPECTER. What is that? You are referring to the age span?

Mr. SULLIVAN. What is the age span of those who ran away from home?

Senator SPECTER. What was the age span of those who ran away from home?

Mr. SULLIVAN. The age span from the ones that were identified
was as low as 12 or 13.

Senator SPECTER. What was the age span of those who ran away from home?

Mr. SULLIVAN. The age span from the ones that were identified
was as low as 12 or 13.

Senator SPECTER. Most of them were in their midteens. They went
as high as 23.

Senator SPECTER. And those who were runaways had had argu­ments or disagreements with their parents?

Mr. SULLIVAN. Sure, something that caused them to leave the home to seek something better on the outside world. And what
happened to most of these people, as I think happens to those who
are living out there rightnow, is they crossed that very thin line
going from a victim into what we consider a criminal.

Mr. SULLIVAN. In this specific case, we did not. We were not able to—certainly, the people he preyed upon did not have the chance
to go into something different. But certainly from your experience
and from mine in 12 years of prosecuting other cases, and from
being on the streets during this investigation, we were able to see
that certainly the progression is there.

If in fact they ended up in Chicago, they would then congregate
in a place where most of these people would be.

Senator SPECTER. Most of them were their midteens. They went
as high as 23.

Senator SPECTER. And those who were runaways had had argu­ments or disagreements with their parents?

Mr. SULLIVAN. Sure, something that caused them to leave the home to seek something better on the outside world. And what

answered to most of these people, as I think happens to those who

are living out there rightnow, is they crossed that very thin line
going from a victim into what we consider a criminal.

Senator SPECTER. What experience have you had with any of
these runaways turning to violent crime, robbery, burglary?

Mr. SULLIVAN. In this specific case, we did not. We were not able to—certainly, the people he preyed upon did not have the chance
to go into something different. But certainly from your experience
and from mine in 12 years of prosecuting other cases, and from
being on the streets during this investigation, we were able to see
that certainly the progression is there.

If we start out with a young criminal, the chances are very good
he will become an old criminal.

Senator SPECTER. And into violent crime?

Mr. SULLIVAN. Certainly into violent crime. The tendency is cer­tainly there, if someone determines he needs more money. We see
it, as an example, of course, as an individual—whether he is a
runaway, an abused or mistreated child—and he then gets into the
criminal area just starting out and hustling, say, then he decides
he needs more money, or he is drifting into the drug scene or he is
now involved in the illicit dealing of drugs.

Mr. SULLIVAN. What is that? You are referring to the age span?

Mr. SULLIVAN. The age span from the ones that were identified
was as low as 12 or 13.

Senator SPECTER. Going to how old?

Mr. SULLIVAN. Most of them were in their midteens. They went
as high as 23.

Senator SPECTER. And those who were runaways had had argu­ments or disagreements with their parents?

Mr. SULLIVAN. Sure, something that caused them to leave the home to seek something better on the outside world. And what

answered to most of these people, as I think happens to those who

are living out there rightnow, is they crossed that very thin line
going from a victim into what we consider a criminal.

Mr. SULLIVAN. In this specific case, we did not. We were not able to—certainly, the people he preyed upon did not have the chance
to go into something different. But certainly from your experience
and from mine in 12 years of prosecuting other cases, and from
being on the streets during this investigation, we were able to see
that certainly the progression is there.

If we start out with a young criminal, the chances are very good
he will become an old criminal.

Senator SPECTER. And into violent crime?

Mr. SULLIVAN. Certainly into violent crime. The tendency is cer­tainly there, if someone determines he needs more money. We see
it, as an example, of course, as an individual—whether he is a
runaway, an abused or mistreated child—and he then gets into the
criminal area just starting out and hustling, say, then he decides
he needs more money, or he is drifting into the drug scene or he is
now involved in the illicit dealing of drugs.

Many times they will, unfortunately, arm themselves with wea­pons, and while they are high, as a typical example, nowadays they
will go out and rob convenience food stores or something like that,
not knowing how dangerous the gun is and certainly not having
had any experience. That is how we end up with a lot of juvenile

Senator SPECTER. What was the age span of those who ran away from home?

Mr. SULLIVAN. The age span from the ones that were identified
was as low as 12 or 13.

Senator SPECTER. Going to how old?

Mr. SULLIVAN. Most of them were in their midteens. They went
as high as 23.

Senator SPECTER. And those who were runaways had had argu­ments or disagreements with their parents?

Mr. SULLIVAN. Sure, something that caused them to leave the home to seek something better on the outside world. And what

answered to most of these people, as I think happens to those who

are living out there rightnow, is they crossed that very thin line
going from a victim into what we consider a criminal.

Mr. SULLIVAN. What experience have you had with any of
these runaways turning to violent crime, robbery, burglary?

Mr. SULLIVAN. In this specific case, we did not. We were not able to—certainly, the people he preyed upon did not have the chance
to go into something different. But certainly from your experience
and from mine in 12 years of prosecuting other cases, and from
being on the streets during this investigation, we were able to see
that certainly the progression is there.

If we start out with a young criminal, the chances are very good
he will become an old criminal.

Senator SPECTER. And into violent crime?

Mr. SULLIVAN. Certainly into violent crime. The tendency is cer­tainly there, if someone determines he needs more money. We see
it, as an example, of course, as an individual—whether he is a
runaway, an abused or mistreated child—and he then gets into the
criminal area just starting out and hustling, say, then he decides
he needs more money, or he is drifting into the drug scene or he is
now involved in the illicit dealing of drugs.

Many times they will, unfortunately, arm themselves with wea­pons, and while they are high, as a typical example, nowadays they
will go out and rob convenience food stores or something like that,
not knowing how dangerous the gun is and certainly not having
had any experience. That is how we end up with a lot of juvenile
murders, because they go in and panic and unfortunately kill some­
one.
Mr. SULLIVAN. Mr. Sullivan, based on your experience what
ought the juvenile justice system be doing about the problem of the
runaways?
Mr. SULLIVAN. Well, Senator, I personally feel—and I think that
it is backed up by the people I have spoken with since being invited
here, people all of the way from those who run drug centers to
Father John Smith who runs a place called Maryville in the Chica­
go area, which takes in the worst of the boys who are abandoned or
or go through the court system.

It is a general feeling that the entire juvenile court system, at
least in our area, has become totally ineffective. As David said to
you prior to my testifying, if someone would have taken some time
to decide what was wrong with him, he would not have gotten back
into the criminal justice system. And I think that is the real key:
To be able to find the cause, as opposed to dealing with the effect.

In the criminal justice system, as an adult, unfortunately in my
opinion, we do not deal with what the causes are. I do not think
the system is set up that way and it is a myth to tell the people it
is set up that way.

The only way we can stop these juveniles from becoming adult
criminals is to stop them at the point where they have their first
contact with the system. But when you have a situation, as we now
have at least in Cook County, where police officers will tell me, and
I see it every day, that some kid who get in trouble, they do not
want to take them all the way down to the juvenile justice system
because they know it is overburdened, they know nothing happens,
and they know when they are back on the street dealing with the
juvenile, they know they do not have any control over them be­
cause he is laughing at them because he has walked out of that
system.

Now, that is not to criticize the people in the system, believe me.
The fact is, the juvenile justice system is archaic, it is overbur­
dened. We do not have the people to staff it. We do not have the
caseworkers to give the type of time to someone like David to say,
"OK, this is where we are going to stop you." We do not have the
judges who are able to remember a kid when he comes back the
second time, because there just are so many of them.

It is not the system's fault. It is just the fact that it is overbur­
dened. It is not the people in the system. There are some very good
people in the system.

Mr. SULLIVAN. So what you are saying is you need massive ad­
ditional resources to deal with the children on an individual basis?
Mr. SULLIVAN. If we are going to go after the crime that you saw
during your career as a prosecutor, which I have seen in my past 12
years, if we were going to stop it somewhere, it will not be at the
adult level. It has to be at the juvenile level.

Mr. SULLIVAN. What is the critical age in your opinion, Mr.
SULLIVAN, to deal with a juvenile in an effort to take him out of
the criminal cycle?
Mr. SULLIVAN. I think it is getting younger and younger, as you see,
getting into the situation, at least in the inner cities, that
those who are really the real violent criminals and the gangs are
in their young teens, where of course they end up getting the weap­
ons and for some reason or another they commit many of the vio­
len crimes.

I think you are talking about as low as 12 years old, somewhere
in that general area, somewhere where the system can have an
impact on the individual and hopefully get them out of the system
before they are in there for life.

Mr. SULLIVAN. What advice would you offer to parents to try
to stop their youngsters from becoming runaways and the victims
of people like John Gacy?
Mr. SULLIVAN. The victims of John Gacy came from various dif­
f erent backgrounds. Some of the victims were simply picked up under
the ruse that he was a police
officer. There was no way to help those children. They were taken
and immobilized by him to such an extent that they never had a
chance.

To those who are runaways, the advice you can give parents is
the same as David said to the kids, to the parents. It is hard to tell
a teenager to listen to his parents or try to understand them.

But when you have a situation, as we now have, where there is a
general feeling that the entire juvenile court system, at least in
our area, has become totally ineffective, and the system is not
able to deal with the situation, at least in the inner cities, that
those who are really the real violent criminals and the gangs are

some sort of control over the children still as parents. Just like the
court systems, when the children are allowed to just go away and laugh at the court systems as they do, when they are able to do that with their parents, then the parents have lost complete control, and society is left to deal with whatever happens to the children when they end up leaving the house.

Senator SPECTER. The best estimates have placed runaways in excess of 1 million a year, Mr. Sullivan. How would you characterize the problems of runaways, drug addiction and hustling, based upon the experience you have had?

Mr. SULLIVAN. I spent 3 years in charge of the narcotics courts in Chicago, so I saw kids coming in and out. I spent time in the halfway houses where they are trying to be rehabilitated. I have virtually lived with some of the kids who have gone through some of these things.

I had one fellow that I did not know I was prosecuting at the time, and some years later it turned out that he started to run and is now running what I think is the most successful drug program in the city of Chicago. And he told me point blank that he was able to con everybody, he was able to con the people he stole from, he was able to con his parents, he was able to con the policeman, he was able to con the judges, by starting to cry in court and the rest of it, he said when he ran into me.

And I finally decided I was going to prosecute him or put him in some other sort of program where he could get help. He came back years later and told me that is the only reason he is where he is now, because someone stood up to him.

Senator SPECTER. Someone got a little tough with him.

Mr. SULLIVAN. Exactly. Someplace somewhere you have to demand the respect from the kids. That is why I go back to the courts again. Until we give them the resources for them to be able to handle these children on a one-on-one basis, they will not get the respect. I do not see it at this stage.

Senator SPECTER. Thank you, Mr. Sullivan. We very much appreciate your coming here and sharing your experience and knowledge with us. We are much obliged.

Mr. SULLIVAN. Thank you for the invitation.

[The prepared statement of Mr. Sullivan follows:]
system is that most people expect us to prosecute, defend, judge, institutionalize, protect, and in the end to produce from the criminal a new "man or woman" who has now been transformed into a law-abiding citizen, free from all tendencies toward criminal activity. The real problem with our woefully over-burdened criminal justice system is that it usually receives the criminal after such tendencies have already long taken root. Therefore, the modern day criminal justice system has, in my opinion, had to take the role of protector of the community and, therefore, of necessity deal with the effects of crime. It is, I further believe, a myth perpetrated on our fellow-citizens to allow them to think that this system is prepared to deal with the problem of the causes of crime. I hasten to add that a good juvenile justice system may be the only exception to the general rule.

In reflecting upon the many experiences I have been fortunate enough to have in the criminal justice system, I recall many conversations I have had with many criminals, young and old, male and female, and every ethnic background imaginable. While conceding that my experiences lack any scientific basis, they certainly do contain an error of believability never found in pure facts or figures. I recall many men and women being sentenced to the penitentiary or the county jail after trial, or a plea of guilty. And, in a great majority of those cases, that person would be sentenced without the aid, comfort, or support of his or her parents. It is my distinct conclusion from conversations with those people that had their home environment been different, they wouldn't be going to jail that day. One cannot help but realize, therefore, that whatever brought that individual into the criminal world was caused prior to his entry into the criminal justice system. That system today is nothing more than a stop gap measure; I am firmly convinced that for us to ever begin reducing the tremendous effects of crime in our society today, we must direct our majority of efforts at identifying, preventing, and curing those things that cause people, especially the young, to enter the criminal world.

One thing we know for certain is that the young criminal has a very good chance of becoming an old criminal. That has been borne out time and again as I have studied the criminal history sheets of many defendants. Especially in the area of street crime, a common adult criminal more than likely started his career as a youth. My concern and the challenge to this sub-committee is to identify those causative elements that direct the youth toward crime. Once identified, we can then act in those special areas which hopefully, and I think certainly, will eventually reduce the rampant crime rate.

In my experience I have found that there is unfortunately a very thin line which distinguishes our youthful victims from a young criminals. Many of the criminals I have dealt with have expressed the fact that they left their homes as youths for a variety of reasons. Some were mistreated and beaten, while others were simply abandoned. Still others were sexually abused while some others still sought relief in the outside world from parents who were alcoholics or addicts. At the initial stage these young people are certainly victims, but now alone and naive, they must find a means of survival on the streets of our cities. Helpless, they may find no alternative but to steal or rob, with or without a dangerous weapon. Those youths who chose to use a weapon oftentimes panic and unfortunately end up murdering innocent people. Still others will be led into using their bodies for easy money. Child prostitution and child pornography are flourishing for this very reason. And yet other youngsters will be led into the world of drugs in an effort to alleviate their misery. They likewise have a very good chance of becoming involved in the illicit, criminal activities of drug dealing and stand a good chance themselves of becoming addicted for life. Unfortunately, all of these young people stand a very good chance of becoming adult criminals and most of this element could be completely wiped out if we could find the resources and the responsibilities which would keep that youngster from crossing that line from victim into criminal.

My experiences in the investigation preparation for trial and prosecution of John Wayne Gacy for the murders of thirty-three young boys in the Chicago area brought me into personal contact with the under-ground, big city world of runaways (I hasten to add that not all of these victims were, in fact, runaways). I saw first-hand how young boys who for various reasons left their homes had to survive on the streets of a big city. Living day-to-day in different places and with no visible means of support, some of these young men are forced into the world of " hustling." Using the only way they knew to make a few bucks, the streets are a varietable
playground for those like John Gacy. It is unfortunate that a youngster who ran
away from home would end up tied and bound and, eventually, under the dirt and
lime in Gacy's crawl space. In a very short span of time, some of these young boys
had gone from runaways (victims) to juvenile delinquents and, incredibly enough,
back to victims again. Those victims are prime examples of the terrible
exploitation of our youths who, for one reason or another, end up on the streets of
our cities.

The solutions to the problem do not, for the most part, lie in the proposals for
more laws. Certainly, I favor stricter laws aimed against the exploiter
(pornographer, etc.) of our youths but the main thrust in the direction of solutions
must be aimed at the "victim" level. We must establish programs and places for
abused and mistreated children so that they have an alternative to living on the
streets. Efforts by well-intentioned social agencies are becoming virtually
ineffective due to the overwhelming number of cases they must handle. Likewise,
our juvenile courts have become so inundated of late that youths that enter
that system become mere statistics. Somewhere, soon, someone must have the
initiative to start a pilot project, if only on a smaller scale, where each of the
youths are treated as an individual as soon as they come in contact with the
system. Probation officers who can adequately counsel the young, judges who can
remember the faces of the youngsters, and social agencies with the wherewithall to
care for each child must be set up if, in fact, we are ever to attack the increasing
problem of crime. There is no doubt in my mind that at the present time we are
involved in a losing battle. Someone somewhere sometime must stand up, face the
problem, and attack it head-on.

Senator SPECTER.

Father Ritter, thank you very much for joining us today. You are
the executive director of Covenant House in New York City. We
thank you for being with us. And we would be very pleased to hear
your testimony and suggestions on the problem of the runaway.

STATEMENT OF FATHER BRUCE RITTER, FOUNDER AND
PRESIDENT, COVENANT HOUSE, NEW YORK CITY

Father Ritter. I am delighted to be able to testify before this
committee about the particular work my friends and I do in New
York among the sexually exploited youngsters in the city. We oper­
ate in Times Square a program called under 21. It is a 24-hour
day crisis center where children can come in anytime at all day or
night and get help on a no-questions-asked basis—food, clothing,
shelter, protection from their pimp—

Senator SPECTER. Where is that located, Father Ritter?

Father Ritter. Eighth Avenue and 45th Street. And a much
larger program Tenth Avenue and 41st Street.

Senator SPECTER. Eighth Avenue between 43rd and 44th? You
may have some increase in business.

Father Ritter. I think we might.

About 1,000 kids a month come to our program. Two-thirds of
them are boys. Forty-five percent come from New York State, the
rest from all over the country. Two-thirds have been involved in
prostitution and pornography. Eighty percent of these kids come
from one-parent families with a history of alcoholism, child abuse,
plus. There are very few mysteries about why children run away
from home. Very few children leave a warm, loving, and supportive
family.

As I am sure most people here know, Times Square has become
the center for prostitution and pornography in the United States.
Everyday hundreds and hundreds of boys and girls, young men and
young women, make their living there as prostitutes in the
sex industry is at least a $1 billion a year business. The police have identified hundreds of pimps who work that neighbor­
hood, controlling literally thousands of young people.

And as most people are aware but no one likes to acknowledge,
the sex industry is completely dominated and controlled by orga­
nized crime. In fact, the five New York City crime families make so
much money from the sex industry that they have declared Times
Square to be open territory, meaning all the crime families are
there, they have just divided up the business, you know.

For example, the Gambino and Genovese crime families control
the pornography. Matty the Horse, Matty Ianello, controls the
topless bar industry and runs a string of gay bars and transvestite
places. The Angelo Bruno crime family operates four places in that
area, two of them practically across the street from our center.

There is no doubt that these very evil and greedy men dominate
the industry.
Father Ritter. Why is more not being done by way of law enforcement, Father?

Father Ritter. Organized crime, I think, in our country has become a part of the warp and woof of our society. They are, for all practical purposes, immune. They live and work with impunity. They are, I think, Senator, America's domestic terrorists. It has proven extremely difficult to arrest, prosecute, and convict them. And in my view, it is many ways a protected industry.

Father Ritter. Protected through police corruption?

Father Ritter. Not necessarily corruption.

Father Ritter. How protected?

Father Ritter. I will give you an example. Two of my kids were hustling in Matty the Horse's place. That is a big transvestite hangout on West 44th Street. They were picked up at 2 o'clock in the morning by a john in the place, taken over to Jersey, raped, and slashed pretty badly.

Senator Specter. How old were these youngsters?

Father Ritter. 14 and 15.

Senator Specter. 14 and 15-year-old boys?

Father Ritter. Right. Nothing happened. Show World, which is run by-- . . .

Senator Specter. Was there an effort made to determine who did it, to your knowledge?

Father Ritter. As far as I know, no effort was made. We reported the case to the police, and nothing happened.

By and large, the attitude of the officiadom in New York is if the place is well run and does not cause problems on the street, it will be ignored. Show World, for example, is a 24-hour-a-day sexual supermarket on the corner of Eighth Avenue and 42nd Street. No problems occur there because they have their own security force. The police simply do not bother them.

Father Ritter. But in a situation where young boys are picked up, and raped, attacked, and assaulted, that certainly violates the tenets you just articulated; that is, no trouble.

Father Ritter. It does. Senator. Last September, 6 weeks ago, three of my kids were murdered. One was 14, another 18, another 19. The fact that three children were murdered in New York City never even appeared in the newspapers or on our television screens. These kids died as anonymously as they lived.

Father Ritter. Are you suggesting that there is no interest by law enforcement in those kinds of murders?

Father Ritter. There is interest after the fact, after the fact.

Father Ritter. Were investigations made of those murders, to your knowledge?

Father Ritter. Yes. After the fact.

Father Ritter. What occurred as a result of those investigations, if you know?

Father Ritter. One child is still unidentified. In the second case, the perpetrator has not been found. And in the third case the police think they have a suspect.

Father Ritter. Father, what is your suggestion as to how we cope with this kind of a problem?

Father Ritter. The reality is, Senator, that I believe quite firmly that, God help us, we want a sex industry in this country. We have a sex industry because there are millions and millions of customers, Johns, who have decided that prostitution is a victimless crime, action between someone who wants to buy something and someone who maybe has sold.

And I am quoting now a New York County Family Court Judge, Margaret Taylor, when she dismissed the charges against a 15-year-old prostitute and her 20-year-old customer, and she said, prostitution is nothing more than a mere commercial recreational transaction and legal.

Our mayor said recently that in his view the sex industry had a right to exist. But he added very hastily of course he was "opposed to prostitution," which is like saying, I am going to take a bath, but I really do not want to get wet.

The comptroller of our city recently suggested that New York City spend tax dollars advertising the existence of the sex scene as a tourist attraction.

Senator Specter. Is there, in fact, such city advertising?

Father Ritter. No.

Father Ritter. I take it you think there ought to be a lot tougher attitude by local law enforcement in cracking down on prostitution and other violations?

Father Ritter. Yes, there should. The police will say quite truly they do not have the resources, the manpower, the jail cells. The prosecutors say these cases would clog up the calendar. The judges would say there are no jail cells.

One of the chief judges of the New York criminal court told me recently that in his view he had become a pimp for the city of New York because of the way he felt he was forced to handle these cases of prostitution. He gave them light fines. Those fines were immediately paid by the pimps who sat in the back row of the courtroom, and the girls were put back on the street to make the fine by being prostitutes.

Senator Specter. Was he imposing the maximum fines allowable by law?

Father Ritter. No; the average fine is $25, $40, $50.

Senator Specter. Do you know what the law provides for a fine? Probably $1,000.

Father Ritter. It depends, really, I suppose, on the number of convictions.

Father Ritter. Do you know why the judge did not impose higher fines?

Father Ritter. I asked him why he did that.

Father Ritter. What did he say?

Father Ritter. He looked at me and said, "My hands are tied."

And I said, "Who tied your hands?" And he would not answer.

Senator Specter. Did you mention his name?

Father Ritter. No. This year---

Senator Specter. I would like for you to provide it to me privately, if you would.

Father Ritter. Father Ritter nods affirmatively.

Father Ritter. This year we expect 12,000 to 15,000 children to come into our center. Most of them will have been involved in pros-
titution and pornography. Hundreds of them, literally hundreds, will have been beaten, raped, tortured, and held prisoner. And some of them will be killed. There is not a single public jurisdiction in New York City or New York State that will accept responsibility for a homeless 16- or 17-year-old boy or girl.

I mean these kids face the cruelest possible dilemma for a kid. One of my boys put it for me very directly. He said, "Bruce, I have two choices. I can either go with a john, a customer, and do what he wants"—his actual phrase was "sell my tail"—"or," he said, "I can rip someone off and go to jail." And he said: "I am afraid to go to jail. I wouldn't make it through my first shower. I can't get a job. I have no skills. I have no place to live." What would you suggest that this committee should do about it? It will accept enormous amounts of money at the problem, and nothing will happen. Things will change in this area when the American people decide to change their attitudes. Our kids are the problem. It is we adults who are the problem. We have decided in our society quite clearly that sex is entertainment and that it is OK to pay the entertainers, even when God help us, they are children. And until this attitude gets changed, we are going to witness an ever-increasing number of young people involved in and caught up in a life of prostitution, a street life of unbelievable degradation.

You know, the two favorite television shows in this country are "General Hospital" and "Dallas." The themes of these shows are adultery, forcible rape, homosexuality, greed, lust, cruelty—our two favorite sins. You know, the word on the street is, "Johns prefer chicken," kids. I have had conversations with 18-year-old prostitutes to the effect that: "Bruce, the kids are putting us out of business." There are many things that could be done and should be done. We need stricter, more stringent, more persevering law enforcement. In my view, pimps, for all practical purposes, work with immunity. There is no question in my mind that the law enforcement with regard to pimps is not serious. We do need tougher judges.

But what we have to face is the fact that there are hundreds of thousands of teenagers in our society who have left homes, have walked away from them because they no longer exist. They cannot return there. And we must accept some kind of responsibility to provide care and protection for these children.

In New York, for example, once you blow the candles out on your 16th birthday cake, you can look your parents right in the eye and say: "Goodbye, Mom and Dad, it's been nice, not so nice, but it's all over." You can walk out of your house and they cannot get you back. You can drop out of school; that is legal. But here are some of the things you cannot do: you cannot appeal to the Bureau of Child Welfare, you are too old.

Father Ritter. Would you suggest raising the age?

Father Ritter. No; it is unrealistic, it is simply unrealistic. You cannot appeal to the Division of Youth, you are too old. You cannot get on welfare, you are too young. You cannot get a job, you are too young. You cannot get work, you are too young. You cannot even legally sign into a hotel or motel, you are too young. What you can and do, for all practical purposes is, in order to survive, become a prostitute.

Father Ritter. Father Ritter, what advice would you give to the parents to deal with and try to stop the runaways from their homes, children running away?

Father Ritter. I really do not think the problem should be stated that way. Kids that run away from basically warm, intact families really do not stay away very long. If they stay away for a night or two, they will return home.

Basically, the kids who run away and stay away are children whose families have disintegrated, who really do not want the kids, most of the time.

Father Specter. But there are many children who run away from parents who do not want them to run away.

Father Ritter. That is true. I would estimate, based on our experience, maybe 20 percent of the kids.

Father Specter. All right. Dealing with that 20 percent, at least as a starting point, based on your extensive experience, what advice would you have for parents where the children have shown some inclination to run away? What should the parents do to try to stop them from being runaways?

Father Ritter. OK. Usually, a boy or girl runs away from a good family like this, largely as a result of years and years of recrimination, bitterness, misunderstanding, and lack of communication. And when you come to the crisis point, the flashpoint, when the kid decides to take off, it is very difficult then to recover the relationship.

I would strongly recommend that families who are having serious difficulties with their teenage children, that they immediately involve a trusted, competent, third party. It does not have to be a psychologist or psychiatrist. It could be a close family friend, a relative, a priest, a minister, some counselor, someone in whom both the child and the parent have confidence and trust so they can perhaps begin to work through some of the problems that may force that child to run away.

Father Specter. Father Ritter, what advice would you give to the youngsters?

Father Ritter. Don't stop talking. Don't run. Go to some adult friend, not one of your peers. Go to an adult friend that you trust and try to talk out problems. Usually, help can be found for children from intact families, if the kids know where to find it. We have made it difficult, however, for these kids to get that kind of help.
Departments of Labor, Health and Human Services and related agencies. That started 1 hour ago. We have a quorum there, and there are matters thereto which I must now attend to. So I must interrupt, and I will be back as soon as I can.

[The prepared statement of Father Ritter and additional material follows:]
It may interest you to know that my own introduction to the problem was quite accidental. I am a Franciscan priest who was teaching medieval theology at Manhattan College in 1968. During one of my lectures on the need to become actively involved with the poor, my students challenged me to practice what I preached. With the consent of my superiors, I soon found myself living in New York's East Village which, then as now, is an extremely poor area frequented by drug addicts, illegal aliens and homeless children. It was there that around 2:00AM one snowy winter day, I was awakened by six kids, aged 14 to 17, who asked to spend the night on my living room floor. It turned out that they had just run away from a private child welfare agency, the best advice I received on what to do was not to jump off the Brooklyn Bridge. I was hard pressed to give him an answer that would make sense to him. His situation was not unique by any means.

Later that day, after 24 different telephone calls to public and private child welfare agencies, the best advice I received on how to help these children was to have them arrested. Since it should not be a crime to be homeless and hungry in our country, I decided to care for them myself. In that way was Covenant House born.

Since 1977, when we opened our Under 21 Center in Times Square, over 20,000 youngsters have come to us for help. Our statistics for 1980 show that 43% of these kids were residents of New York State, with the majority coming from any of the other 49 states as well as from U. S. possessions and foreign countries. The vast majority, or 76% of our total population, were between the ages of 16 and 21. Sixty-five percent of them were males, and 71% were Black and Hispanic youngsters. On the average, they have a fifth grade reading level and come from single parent families with a history of alcoholism and child abuse. More than 60% of them have experienced some form of sexual exploitation during their lives on the streets.

Over the years, our work with these youngsters has established a strikingly similar pattern. As I mentioned earlier, the first category are younger children who have run away from home to avoid situations of abuse and neglect, including sexual abuse. The second category, mostly older adolescents, may more properly be termed "throwaways" instead of runaways as they have been forced to leave homes that can no longer sustain them. Finding themselves on the streets, with little marketable skills, these kids are soon recruited, if not openly abducted, by the organized child prostitution and pornography industries which, in New York at least, are estimated to earn close to $1 Billion each year, much of it tax free.

If you could talk to these kids, as I have, you would see a face before you that is prematurely old from malnourishment, beatings and venereal disease. You would sense a spirit that has been broken, bereft of all hope, and terribly isolated. I will never forget one 17 year old boy, who had been working in the streets for four years, who said, "you can give me one good reason why I should not jump off the Brooklyn Bridge." I was hard pressed to give him an answer that would make sense to him. His situation was not unique by any means.

In fact, one of the most difficult obstacles my staff has to face in working with these kids is to give them a genuine feeling of self-value which will motivate them to reconstruct their lives. Streetwise youngsters know, from what they have experienced, that our society is content to accept child prostitution as a so-called "victimless" crime. Without a home and with marginal skills, they know that there are very few jobs open to them. They also know the violence of the streets and that their exploiters will not sit idly by and lose their source of income.

Just this last September, there were three girls, all under the age of 17, who had spent some time with us at Under 21 and were found brutally murdered within five blocks of our Center. One of them has yet to be positively identified by the police. A pimp actually came into our Center one morning and offered us $500 for a 13 year old girl from Maine. A 14 year old boy was chased into the Center one day by his pimp who was carrying a broken bottle. He was trying to kill the boy who had escaped from a motel right down the street where he was held prisoner for six weeks. A 17 year
old girl from Staten Island had a tough time making the $200 a night her pimp required. She would come into our Center for just a few minutes at a time, to get a bite to eat or a shower, before she went back on the street. I met her a few weeks before Christmas, and she was killed just shortly before New Year's. Her body was chopped in a dozen pieces and distributed in various parts of New York and New Jersey, wrapped in Christmas packages.

There are more recent case studies amended to this testimony with still more examples, if you need them.

What we are up against, pure and simple, is the greed of organized crime which capitalizes on the disintegration of the American family by using the children and young adults whom nobody wants to satisfy our society's most depraved sexual desires. If you took a walk down Eighth Avenue and 42nd Street today, you would see the marquee of the Grand Pussycat Theatre, which is the flagship of Mikey Rosefano's national network of porn palaces, all aglow with notices of the movie called "Kid Stuff." You would pass by the newly reopened Paradise Alley, featuring live nudes, right across from our Under 21 Center. Martin Hadas, who owns this establishment and six others, enjoys the good life out in the exclusive suburb of Lawrence, Long Island. Paradise Alley is right next to the Cameo porn theatre, which is right next to the Gobo Hotel, the biggest brothel hotel on the block which rents rooms by the hour.

All of this exists openly for anyone to see despite the presence of the Protection of Children Against Sexual Exploitation Act of 1977, despite the excellent efforts of the Mayor's Midtown Enforcement Project, and despite the outrage of thousands of people who give generously to keep Covenant House there on Eighth Avenue while also demanding of their respective legislators that something be done to stop it.

Why does this exist? Because a small segment of our society wants it. The rest of us deny it, but do not seem able to do anything about it. Perhaps we don't care enough, or maybe we don't know enough.

By these hearings, you have evidenced a concern to take some action, and I am pleased to assist you by offering the following recommendations:

(1) One relatively easy solution will be for this Subcommittee to support the bill already introduced before the Congress by Senator Paula Hawkins from Florida which would create a national clearinghouse for missing children. As we understand it, this bill will allow parents or anyone with potential information on missing and runaway children to enter such data into the national computer system which is already maintained by the FBI. Confidentiality and safeguards against abuse of the system will be assured by allowing only law enforcement officials to have access to this information. This will better equip them in their efforts to find such children and return them to their parents. We at Covenant House return about 60 children each week to parents who are overjoyed to learn that their children are well and will soon be returned to them.

(2) However, the above bill will do little to help those adolescents and young adults who are not wanted by their parents. I can't tell you the number of times I have telephoned parents to inform them that we have their children only to have them tell me that since I have them, then I can keep them. In these cases, we need the resources to help these youngsters establish themselves in independent living situations and, when you examine this further, their most pressing need is for housing.

Last year, we were able to place nearly 2,000 youngsters into entry level jobs or job training programs, but it takes a minimum of 18 months to complete such training. If one with admittedly marginal skills has to worry each day about where he or she will sleep that night, there is not much energy left to be applied to learning a job skill. Some kind of temporary housing or a voucher system for attaining such housing must be made available to these youngsters if we are to really support their efforts to enter the job market.
In addition, the private sector employers who do develop job training programs must be assured that tax incentives will be granted, so that they will expand upon this vitally needed service.

(3) Given the current pressure to balance the Federal budget, I must encourage you to continue your excellent efforts to assure that funding for runaway shelters is not decreased. The National Network of Runaway and Youth Services, which is based here in Washington, can tell you of the actual need to increase the number of shelters that exist for homeless youth, and I urge you to invite Steve Rourke, the Executive Director, to submit his own written testimony in this regard.

We know that community-based diversion programs and other shelter programs further the intent of the Juvenile Justice and Delinquency Prevention Act by providing cost effective alternatives to the incarceration of status offenders. They also prevent thousands of homeless youth from being forced to commit crimes to get the money they need for survival. As a 20 year old runaway from Massachusetts told Barbara Rosen of the Wall Street Journal, in a recent article about Covenant House: "Under 21 stopped me from doing something I don't want to do." In fact, we feel that our presence in Times Square has done more to reduce crime there than any other single factor.

(4) On the matter of child abuse, we are greatly encouraged by the number of bills that are before the Congress which will help local communities address this growing problem. However, we urge that child prostitution and pornography be included in all definitions of child abuse, and that local child protective officials be mandated to investigate cases of youngsters abused, destitute and mistreated on the streets as well as within the home.

(5) On the matter of child pornography, I am appending to this testimony a copy of an "amicus curiae" brief which we currently have pending before the U.S. Supreme Court. This supports the appeal made by Manhattan District Attorney Morgenthau in the matter of New York v. Ferber, the notorious "kiddie porn" case in which the State Court of Appeals found the penal law which banned the sexual performance by a child to be unconstitutional.

I urge this Subcommittee to use the benefit of the most current findings from child psychologists and other experts that we have presented to show the long term damage to victims of child pornography who must live with the knowledge that their body is "available" for anyone willing to pay the price. Additionally, we demonstrate the ineffectiveness of the Federal statute against child pornography in that since its enactment in 1977, only 13 indictments have been obtained under the "distribution" section and only one indictment, and no convictions, under the "production" section of the Act. This Subcommittee must strengthen the Protection of Children Against Sexual Exploitation Act so that a finding of obscenity is not the only recourse that local communities have to protect their children against this vilest form of child abuse.

(6) Finally, I must ask you to direct the FBI to become more involved in uncovering the national networks of prostitution and pornography which are often times controlled by the same organized crime figures who deal in the trafficking of illegal drugs, waterfront corruption and labor sweatshops. The Justice Department must also take a leadership position in encouraging the prosecution and mandatory sentencing of people convicted of these crimes.

In closing, let me again thank you for the invitation to speak to you today. Let me also repeat that we at Covenant House stand ready
Linda, age 17, ran dozens of times from a mother prone to breakshelter and counseling in the girls’ runaway program. Early one morning she was pursued by a street gang and ran into a building and up to the roof. Either falling or jumping again. In May 1981 she gave birth to a baby boy. Linda is currently living in New Jersey with the baby’s father furnished by her psychiatric hospital in New York City. She continues to meet on a monthly basis with a Covenant House social worker in order to develop other options for her. As a result, Hope lived on the streets, support­ed by a series of group home placements. Larry became a chronic agency runaway and came to Under 21 and to ICU in December 1980, requesting shelter and a Job Corps referral. Larry is currently living in counseling through the ICU, and is interested in entering a school or day program.

Arthur, age 20, lived with his natural parents until age nine, when he was in and out of several mental health and education programs between the ages of 15 and 17. He was arrested in March 1981 for stealing. He was referred to a series of placements and discharged after three days for drug use. There she engaged in counseling while attending school. Under the court’s decision. Tom, age 18, grew up in Upper Manhattan. His mother is alcoholic, and father reached the door. When Tom was about four years old. The mother spent time in jail for the crime, and Tom went to live with an uncle. His uncle was very strict and there seemed to be some evidence of abuse, although no complaint was made. It was during this time that Tom began running away. Tom’s probation officer and lawyer recommended that as a condition of probation he live with an uncle. He continued to run, and was placed in a residential treatment center at 13. His mother went to court to have him discharged back to her custody, and he continued to run and started acting out. Tom was in and out of several SBC placements and drug treat­ment programs between the ages of 15 and 17. He was arrested for class B trafficking; and in August 1980 as an accomplice to a robbery. He spent four months in jail and received five years probation. Tom was referred to ICU in February 1981 because his mother threw him out. He was arrested for membership in a gang and was discharged after three months for drug offenses. He was referred to a series of placements and discharged for acting out behavior. In March 1981 he was arrested for possession of marijuana. Tom was placed in a group home and ICU contacted Tom’s probation officer and lawyer recommending that as a condition of probation, Tom be placed at a secure facility offering psychiatric care.

Victor, age 16, is on probation for two charges of robbery in February 1981. Victor ran away to Under 21 after stealing money belonging to his family. He ran because he feared that his father would physically assault him for taking the money. Victor returned to the home, and the entire family is receiving counseling which has relieved much of the tension. Victor will be entering the Job Corps in October 1981 in order to receive his high school diploma and to learn a trade.

Larry, age 19, lived with his mother and maternal grandmother in Brooklyn until age eight. His grandmother took the more active role in his early upbringing. When he was five years old, Larry accident­ally set fire to his bed. His grandmother made him sleep in a bare box spring to teach him a lesson, and seemed more concerned about the apartment than about his grandmother. At the age of eight Larry was hospitalized for a psychiatric illness. For the next six years, Larry was shuffled between an uncle in Queens and an aunt in Unontown, Pa. He was unable to adjust, and began truanting, taking drugs, and getting into trouble. His grandmother put him up for adoption, and he was placed in several foster homes followed by a series of group home placements. Larry became a chronic agency runaway and came to Under 21 and to ICU in December 1980, requesting shelter and a Job Corps referral. Larry is currently living in counseling through the ICU, and is interested in entering a school or day program.
George, age 17, was referred to Under 21 by the Salvation Army. He lived with both parents until he was four, when his parents separated. The children remained in Brooklyn with their mother. George's father was killed in a truck accident when George was 14, which has impacted greatly on his emotional stability. His problems have been compounded by his mother's rejection of his current homosexual lifestyle. Several family meetings were set up for counseling sessions. George's mother did not attend, although she eventually signed papers so that George could be placed in a group home or treatment center.

Patti, age 18, has been in foster care since the age of three. At the age of 14 her foster mother moved to North Carolina, and Patti's mother would not allow her to accompany the foster family. Patti had tried foster care, and lived with a friend in Atlanta for three years. She recently visited her mother, who was forced into prostitution by her aunt's boyfriend. She became frightened and deserted, and went to the Port Authority for help. She was suspected of continuing her involvement in prostitution while at Under 21, and was confronted and counseled around that issue. She attended an on-site school, P.S. 104. Although her attendance was expected of her, she would not attend. Patti is currently in the Job Corps and hopes to receive her GED and training in nursing.

Dana, 13, was raised by her grandparents in Chicago. When she was 11, her mother took her to California, where she began to beat on Dana, for no apparent reason. Dana ran away at age 14, was placed in a group home at age 15, and then at 16 she joined the reserves. She received a discharge for medical reasons in June 1981. Dana came to Under 21 in August 1981 to escape from a pimp who had forced her into prostitution on her arrival in New York City. She was involved in prostitution for three weeks and began working with the pimp again and the Covenant House legal department to try and apprehend her pimp. Because of our location on Times Square, we felt that Dana should be quickly placed outside the city so that she would not have to be constantly reminded of her ordeal. She had no family to live with, and had nowhere to go. We created an environment where she could develop self-sufficiency and receive counseling. Arrangements were made for Dana to reside in Covenant House's female residence until a S/C group home placement could be finalized.

Mary Gretchen Gilroy, executive director of Covenant House, a place near Times Square that tries to help kids who have no home but New York City's streets. Its executive director, the Rev. Bruce Ritter, calls it "an intensive-care unit for dying children.

Father Ritter says: "Three out of five who come to Covenant House have been involved in pornography or prostitution. They seek help because they want to get off the streets for good. Yet few of them know how to survive anywhere else, says Sister Mary Gretchen Gilroy, executive director of Under 21, Covenant House's shelter and crisis center. They don't know where to look for a job or an apartment, she says. Many of them are baffled by the subway system. More often than not, Covenant House ultimately fails to help them. Often, however, it turns their lives around.

RUNNING AWAY

"Jim," a 20-year-old from Massachusetts, had run away from a job transfer he didn't want and from a dying father he had never communicated with. He came to Covenant House about 10 nights in New York at the Port Authority bus terminal, where his luggage and $700 savings were stolen. Unable to find a job, he approached a minister, who sent him to Covenant House. Under 21 stopped me doing something I don't want to do," he says.

Now, having failed to find a job before his self-set deadline, he is going home. His counselors at Under 21 had wanted him to do that from the start. "We send more kids home in a week than most runaway shelters treat," Father Ritter says.

Covenant House estimates that there are 20,000 homeless teens-in New York. Many don't qualify for government aid; many don't know how to apply. At a time when governmental budget cuts threaten even the limited programs available, Covenant House stands as an example of what can be done almost entirely with private funds. It was cited by President Reagan in an Oct. 5 address to the National Alliance of Business.

Those who have sought help at Covenant House over the years have ranged in age from nine to 21, but they are all "my kids" or "our kids" to Father Ritter, a 61-year-old Conventual Franciscan priest. He started helping them 12 years ago by taking 10 of them into his apartment in East Greenwich Village. Today, Under 21 shelters an average of 200 a night.

A young person can come to Under 21 at any hour, be given a bed, toothbrush, toothpaste and soap and be told that breakfast is at 8. No questions asked, no fees charged. Any staff member who turns someone away is "fired on the spot," Father Ritter says. Last year, he says, more than 8,000 of his "kids" went on to a new life or decided to go home again.

But at an interview in his large but sparsely furnished office, Father Ritter doesn't focus on his successes. When he talks of "my kids," he also means his failures—the two he has "lost" for ever one helped—and the countless others who never asked for help. Three of those he had "lost," he says, were found killed last month.

A prime force behind the youths' flight Father Ritter says, "is New York's sex industry," which he calls a billion-dollar industry that the police and politicians are right to attack on. "Our kids aren't the problem; we are the problem," he says.

"We have made it almost fashionable for a child to be a sex object."

More than half the youths are from outside New York. Many are runaways, to whom "Times Square is more exciting than any television show," Father Ritter says. Others never had a real home to run away from. Sister Alicia Damien, director of residential services, tells of a girl who came in "beaten from head to toe" with an extension cord by her mother, who wanted her to work the streets.

Of the past year, 40% of those who have sought help at Covenant House have been 17 or under. "They can't relate consequences to actions yet," Father Ritter says. "Kids can be taught—that it's fine to be a pimp, that it's okay to deal drugs." Many of the homeless turn to prostitution, he says, because it's safer than stealing. They run not only the risk of going to jail. "People wring their hands about Times Square," he says, "but nobody is going to take on organized crime. The laws against public obscenity aren't enforced in this city."
New York's mayor, Edward Koch, replies that when the sex industry violates the law, the city sees to it "that the law is enforced and that those who are in violation are apprehended and, if the courts agree, convicted and sent to prison." He adds, "I believe that examination of my record of enforcing the law with regard to the sex-related industries such as prostitution and obscenity will show it to be a good record."

More boys than girls come to Covenant House, Father Ritter explains, because more boys are working the streets; it is easier for them to work without a pimp. Covenant House also shelters teen-age mothers—19 of them one recent night—and their children. According to Father Ritter, eight out of 10 who seek Covenant House's help come from one-parent households with a history of drug abuse or alcoholism; tests indicate that 70% have a serious physical learning disability. "If you want to see what my kids will become," he says, "just walk down 42nd Street between Seventh and Eighth Avenues. You can't live for months on the street." As soon as a youth comes to Under 21, a file is started. It is updated every eight hours as the staff learns more about his needs and makes plans to meet them. Meeting them can mean everything from medical, vocational, psychological and social counseling to clothing and a Social Security number. It can also involve getting in touch with the city Social Services for Children or with other agencies, such as the state's Central Registry in the case of child abuse.

A PHONE CALL HOME

Within 24 hours, those under 16 are encouraged to phone home but aren't required to disclose their whereabouts. Later, staff members try to talk with the family to determine whether going home might work out. If not, other avenues are explored—other relatives; runaway houses, or group homes, some affiliated with Covenant House; an independent life, jobs, the military.

A resident can leave at any time but can stay indefinitely, just so long as he keeps working toward the goals decided on. (A child under 16 can stay on in any case.) Some 36% leave before a plan to help them is ready. About 30% reject a plan and leave. The rest, about half, go to parents or relatives (25%), to long-term residential programs (20%), or full independence (15%) but roughly one-third of all those eventually end up back on the streets.

There's so many slip back? Some fear their pimps. Some have simply lost faith that the future can be better. "Changes are scary for us," says Joyce Bowman of Covenant House's mother-child program. "Covenant House's mother-child program. Can you imagine it for these kids?"

The average stay at Under 21 is only two weeks, but "There is a licensed New York City public school on the premises. The residential floors have 115 beds in single, double and triple rooms. When the beds run out, kids sleep on floor mats. The three-building facility also includes a licensed clinic, a gymnasium, and a cafeteria and administrative offices.

Many of the residents must be physically protected. Staff members tell numerous stories of pimps threatening to come in shooting if their girls aren't released. The pimp has been charged. The staff tries to keep Covenant House from looking like a detention facility, and that's hard because it used to be a state prison. There are still bars on the windows and gates in the stairwells, contrasting sharply with brightly painted doors and colorful carpeting.

The problems of theft and violence, Father Ritter says, are "less than in the average public high school." How about crimes in the neighborhood? Precinct officers disagree as to how often Covenant House residents may be responsible.

THE FINGER POINTS

Officer Steven Cioppo of the 10th Precinct says, "The finger is going to tend to be pointed at Covenant House." In his opinion, these accusations are "very seldom right. He calls Covenant House "a positive step in getting kids off the street."

But Sister Gilroy says that "we won't let the kids use this place as a home base for crime. She points out that residents' days are fully scheduled—"It's mandatory that they be doing something; they may not simply hang out." A 10 p.m. curfew, she says, is strictly enforced.

After several years of working mostly with city funding and its requirements, Father Ritter decided to work primarily with young people who didn't qualify for city funds. Over 90% of Covenant House's projected $12 million budget next year will be raised privately. Most of the money comes from small individual donors, but there are some big benefactors: The Grace Foundation has donated more than $180,000 since the mid-1970s and Chase Manhattan Bank more than $100,000. Others contribute goods and services, Young & Rubicam, the advertising agency, charges Covenant House for production but not for labor.

Father Ritter himself appeals for money for Covenant House at Masses around the country. Last August, for example, he averaged 10 Masses a weekend and raised $11,000. He plans to step up his fund-raising efforts to help offset impending budget cuts in programs like the National Health Services Corps. While Covenant House gets only 10 percent of its money from government, some of its work, especially the clinic's, greatly, depends on that 10 percent.

Covenant House has 800 full-time staffers. Their annual salaries range from $5,000 for some clerical and maintenance workers to $40,000 for a senior executive. Almost 200 of the 300 work at Under 21, and most of them make about $10,600 a year. Many staff members are professionals—teachers, nurses, counselors, lawyers—who have taken stable pay cuts from their previous jobs.

James Kelly, manager of direct-mail marketing, came to Covenant House from International Telephone & Telegraph Corp. Joyce Bowman came from a personal agency. "I'm making less, but I'm a lot happier," she says. "I can go home from a good day here and feel like I've done something good."

There are also 175 volunteers. And then there is the Covenant Community, a religious group of about 60 persons who reside at a Covenant House annex with Father Ritter for a year and devote their time to prayer and to working with the kids. They receive room, board and $12 a week. Christine Hall used to teach school in Syracuse. Now she lives in the Community and works with younger boys, considered among the most difficult to handle. "It's a common commitment, a common goal," she says. "We're serious about our commitments and about our faith."

Covenant House opened a subsidiary, the Casa Alianza, in Guatemala in July and is considering opening shelters in Toronto and Houston. Each of the latter would be "a clone of New York," Father Ritter says. But the Casa Alianza is designed to meet the longer-term needs of the homeless children of Guatemala, who suffer more from starvation on the streets than from subjection to prostitution or pornography.


FATHER BRUCE RITTER, S.T.M. CONV.

Father Bruce Ritter, a Franciscan priest, is the founder and President of Covenant House, an international child care agency, and of its well-known crisis center, UHCS 21, in Times Square.

Homeless, runaway, and sexually-exploited youth can come to UHCS 21 for help on aound-the-clock, "no-questions-asked" basis. Food, shelter, social, health, legal, educational, and vocational services are offered to more than 12,000 adolescents who come to its door each year.

In July of 1981, Covenant House opened its first overseas mission in Antigua, Guatemala, for the homeless shoeshine boys of that country. Covenant House will also be opening a shelter for youth in Toronto, Canada, in January of 1983, and a second one in Houston, Texas, by June of 1982.

Father Ritter became involved with young runaways and prostitutes while working among the urban poor on Manhattan's Lower East Side in 1966. He had left his position as campus chaplain and professor of Theology at Manhattan College, and moved to a tenement apartment to begin a ministry of "availability" to the people of this desolate ghetto. One night, six young people came to him for shelter. Unable to find assistance for them among the existing social services agencies, he could not bring himself to send them back out on the street. More and more young people began coming to him for the help and shelter they could obtain no where else. Rather unintentionally, Covenant House was born.

A native of Trenton, New Jersey, Father Ritter entered the Franciscan novitiate in 1947 after a stint in the U.S. Navy. In 1956, he was ordained a priest in the Conventual Franciscan order. He was awarded a doctor of divinity in Biblical Theology in Rome in 1958, and taught theology in St. Anthony-on-Hudson, and St. John's University before his transfer to Manhattan College.

Father Ritter is the recipient of numerous awards and citations, among them the National Jefferson Award from the American Institute of Public Service in Washington, D.C., the Service to Youth Award from the New York State Division for Youth, and the International Franciscan Award.

He has also attained national prominence as a result of his media appearances, and testimony before government and community groups.

10/81

THANKSGIVING, 1981

460 West 41st Street, New York, N.Y. 10038
Phone Code (212) 268-4329

47

Covenant house

Hello, my friends,

This is going to be an upbeat Thanksgiving letter. I promise you that. I've got the greatest, heartwarming story to tell you and it's not even about one of my kids. Not exactly anyway.

But, first, I've got to get something off my chest. You see, Paradise Alley just reopened, gaudier, brighter than ever, this time with live nudes. For almost two years, this raunchy blight of a peepshow had been closed by the effective action of the Mayor's Midtown Enforcement Project... run by the capable and caring Carl Wein. But in July, 1981, this alley is right across from UHCS 21. The action on Eighth Avenue heated up right away. The girls are back working. The stinks in front of our chapel. The pigs are all back on the block. From our Covenant Community residence we can see the continuous action on the street below. The buying and selling of bodies, the commercial recreational exchanges called prostitution that is one of the biggest -- and untaxed -- industries in New York.

Martin Hodas lives at 37 Harbor View West out in Lawrence, Long Island, 11559, an exclusive suburb of New York City. A lot of very wealthy people live there. Martin Hodas is the nicest king of New York. He owns Paradise Alley. He lives far from the sleaze and grime and violence and exploitation and death of Eighth Avenue and 42nd Street. But he has a lot of money there. Martin Hodas who lives in exclusive Lawrence, out on Long Island, owns at least six other porno book stores in New York City. What he retails is pornography, adultery, obscenity, fornication, sodomy-masochism, homosexuality and all kinds of things we used to call perdition. He lives at 37 Harbor View West... the very addresses reek of effluence and security and no garbage hanging around. There are certainly no pimps and pushers and prostitutes and Johns hanging out in front of 37 Harbor View West. The neighbors would complain. Property values would go down. Their children would be endangered and corrupted.

It's perfectly OK, though, for Martin Hodas to live there. I wonder if his neighbors go to his parties or stay there for a while? Martin Hodas is a pornographer. Webster's New Collegiate Dictionary, 1957 edition, defines pornographer this way: "someone who enters the pornography business as an occupation." Can his wife know Martin Hodas is a pimp? Do his kids know their father is in such a dirty business? I wonder how he answers always to cite the example of Jesus Christ... "cannot there some who do know what they are doing and don't care? Men who act out of greed, a lust for money, exploiting the darker side of our nature? If, after all, nobody really knows what he is doing or choosing to do, for evil or good? Does the reality of freedom and choice and accountability float out the window? There is no good, no evil, no right and wrong, no innocence and virtue. There are only differing degrees of ignorance, ignorance might get a lot of people into heaven. Does it keep everybody out of hell? In nobody there, because nobody on earth knew enough about the evil he committed to merit punishment? Does Martin Hodas know what he is doing? Can you forgive a sinner before he repents of his sin? Should we? Must we? Is the answer always to cite the example of Jesus... "Forgive them, Father. They don't know what they're doing"... these unfortones and troubling words whispered by Christ before he died in agony, extending pardon to the men who tortured and killed him?

Are there some who do know what they are doing and don't care? Can't run out of greed, a lust for money, exploiting the darker side of our nature? If, after all, nobody really knows what he is doing or choosing to do, for evil or good? Does the reality of freedom and choice and accountability float out the window? There is no good, no evil, no right and wrong, no innocence and virtue. There are only differing degrees of ignorance, ignorance might get a lot of people into heaven. Does it keep everybody out of hell? In nobody there, because nobody on earth knew enough about the evil he committed to merit punishment? Does Martin Hodas know what he is doing? Christ said a list of troubling things. Paradoxes. Scary things. Like "judg not, lest thou be judged." He unhesitatingly forgave Mary Magdalene because she was sorry for her sin. Christ forgave the sinner and said, "Go, sin no more." Maybe we could help Martin Hodas at 37 Harbor View West become un ignorant. Maybe if you dropped him a line -- don't rant and rave and pointed out what a rotten, evil, corrupting business he runs, he might just listen. You know where he lives, I think. (His phone number is unlisted... Naturally.)

Now for the great heartwarming story.

(more)
About 48 weekends a year I'm on the road, preaching in a different parish each week, preaching at all the Masses, telling people how great my kids are and asking their help, I invoiced you for $500 last that way. I enjoy doing it, but it's, quite frankly, a pretty brutal way to spend every weekend -- like for 10 years. Especially when you have to face a 4 hour drive back to New York after your 10th sermon. No hearts and flowers please, and I'm not looking for sympathy (not very much anyway) I really do enjoy it. Honest. But sometimes you can get too much of a good thing ... 

Two years ago, I preached in this great parish in Connecticut, it was a blistering hot Sunday, I had just finished my eighth sermon and was cutting back across the parking lot to the rectory for a quick cup of coffee before dropping myself into the pulpit again. It was really hot, I noticed this young standing in the middle of the parking lot. As I got closer I noticed how beautiful she was. And, then, even closer, the tears in her eyes, she was obviously waiting for me. I stopped, "Hi," I said. "I'm Father Bruce." My name is Sabrina," she said. "Do you have a minute?" "Sure," I said. We stood in the blazing sun. She didn't cry but the tears flowed faster. "I'm a senior in high school," she said, "and I'm three months pregnant. I'm not going to marry my boyfriend -- we're too young and I don't think it's really love. My parents don't know."

"Do you love your parents?" I said. "Are they good to you? Do they love you?" "Yes," she said, "I love them very much and they love me." "Tell them," I said. "Tell them how much you love them and how much they mean to you. Talk to them. They won't turn away, not now when you really need them." The girl suddenly smiled and said; quite, briefly, I'm thinking of an abortion. What can I do?"

"They will help you. Don't have the abortion. You can never bring the child back to life. Honest. But sometimes you can get too much of a good thing ...

Last week about three in the morning he came over again carrying a milk bottle filled with money. He said to me, "I have this little flower shop, and I'm making it just fine.

I have this little flower shop, and I'm making it just fine, but other memories crowded in and startled and then buried it.

Last year, almost exactly two years to the week, I returned to that same parish. Another blistering hot day and I was cutting back across the parking lot ... She was the same girl, she looked so fresh and so happy and so listening and I noticed her in the blazing sun, and she had the most beautiful kid in the world in a stroller.

My parents were superb," she said. "They took me and my baby in. They wanted to, my Father set me up in business -- I have this little flower shop, and I'm making it just fine, it's the most beautiful little kid in the world and it's so happy."

My parents were superb," she said. "They took me and my baby in. They wanted to, my Father set me up in business -- I have this little flower shop, and I'm making it just fine, it's the most beautiful little kid in the world and it's so happy."

The memory of that beautiful child stayed with me quite a while, but other memories crowded in and startled and then buried it.

"Do you love your parents?" I said. "Are they good to you? Do they love you?"

"Yes," she said, "I love them very much and they love me." "Tell them," I said. "Tell them how much you love them and how much they mean to you. Talk to them. They won't turn away, not now when you really need them." The girl suddenly smiled and said, quite briefly, I'm thinking of an abortion. What can I do?"

"They will help you. Don't have the abortion. You can never bring the child back to life. Honest. But sometimes you can get too much of a good thing ..."
In the jargon of the street he's known as rough trade and he plies his wares, himself, up and down the Minnesota Strip. He is fifteen and looks 18 and he's seen the elephant.

We faced each other across my desk casually, relaxedly while I carefully arranged my face and my eyes and my mind, so that nothing I said or did or thought or felt for the next hour was spontaneous or unconsidered. He offhandedly, with the practical skill that needed no explanation, probed for my weaknesses, inspecting my jugular with the galilean eye of the corrupted young, slow waves of depravity and innocence washed in shadows of darkness and light across his face.

He used the shreds of his innocence with a kind of detached hapless artlessness to evoke my sympathies. By turns he was cynical and calloused, winsome and desperate--for knowing moments at a time, vulnerable. He drifted in and out of reach, in and out of touch, constantly probing, watching for the moment of advantage.

The Minnesota Strip is the slimy underbelly of Manhattan, a 15-block stretch of Eighth Avenue porn parlors, strip joints, pizzerias, cheap bars, flashing hotels and thousands of drifters, hookers, and their pimps. It parallels Times Square and intersects that block on 42nd Street where a couple dozen third-rate movie houses crowd together in gray brilliance. At night, the crowds of castoffs and nomads and derelicts mingle with the crowds of affluent theater-goers from the high rent districts and suburbs. A lot of kids go there and make their living there. Like the boy across my desk.

You don't say very much to kids like that. It's always much more a thing of vibes and perceptions and boundaries. The trick is to offer what he needs at the moment and that rarely is a lot of God talk. It's enough if he knows why you do it. This kid's needs were simple enough: a place to live, some safety, some food. What complicated the essentially simple immediacy of it all was our "no strings" thing. He wanted to pay for it. That's what he always had to do. That's how the game is played.

We play the same game with God all the time. We don't like his "no strings" love for us either, particularly if the "us" includes a depraved innocent, a vomit-splattered derelict or girl with a stable of children whom he rents by the hour. We try desperately to climb up out of the us by being good, by being better, by deserving more. We demand that God loves us because we are good, and we are good to make God love us. We have to pay for it. That's the way we've always played the game. And to know that God loves us not because we are good but to make us so is sometimes unbearable.

Because as he loves us, so we have to love us, all of us.

And so I try to love the kid across my desk in a way he really can't understand at all. But grace does, and God working in a depraved and empty and terrified heart does and maybe, just maybe, the innocence will return to that face and he will take his eyes off my jugular and stop pushing his toe into my foot under the desk. Maybe that child who was never a child will become a child. Maybe.

He is yours and mine. Like it or not, he is part of us. Thanks for your own "no strings" love = your help.

Peace!

F. 

Covenant house
460 West 41st Street, New York, N.Y. 10036
Area Code (212) 354-4323
The following pages (51-56) contain material protected by the Copyright Act of 1976 (17 U.S.C.): A haven in city's hell Sunday Record, by Ellen O'Brien
A Message From
Bruce Ritter

The children my friends and I
work with are prematurely
ill, prematurely old, prematurely
sick, prematurely troubled.
prematurely alone.

We do all we can to give them a
bit of warmth. help and hope.

I have seen many of them slip away
from us because we did not have
the means to reach out in time
to stop their suffering.

I have seen others
happily reunited with their
families. going to college or
setting themselves up in
independent living.

The demands they make on us
are at times extraordinary.
unreasonable. How they survive
in the streets --- those who do
--- remains an unfathomable
mystery to me. They can be
exasperating beyond belief.

Yet
they are good kids. They deserve
better. an alternative to a
degrading existence which will
otherwise destroy them.

We offer them a place in which they
can begin again. In a part of
New York City which is no place
for a child. we have carved out
a place called Covenant House
where there
is

---

COVENANT

"I bound myself by oath,
I made a covenant with you...
and you became mine."

Ezekiel 16:8

*We try to live honorably and truthfully, in trust
and love. accepting responsibility for ourselves
and others. We treat the children as we must be
trated. We expand them, as far as they see, in
the according to this covenant.

*We remind our children that they are or can
become capable of the virtues leading to
responsible and loving relationships with others.
Lying. stealing and exploiting one another. Cruelty.
Vulgar and selfishness destroy the covenant
between us. They are shown by word and action
that they can love others as we love them and
as they very much want and need to be loved.

We invite you to join us in this work by
making a covenant with us.

Covenant House

1050 3rd Ave, New York, N.Y. 10022
Area Code (212) 628-4000

---
have not only consultation. Let me just vote on the Incietver immediately. We will have to begin at 1:45 p.m., the same day.

The staff has precedence over all. But in my opinion one that our certainties. We.

In the record as talked about the extent of the violation, and I will again. Thank you for another.

In Kentucky, Ron Pregliasco. I am the Vice Chairman of the task force, and I will run the unit in Jefferson County. It is a vehicle for human services, and our attorneys coordinate some efforts in the criminal justice area. We would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 2nd, 1980, in Louisville, with the National Council on Crime and Delinquency and the Justice Department, and our office would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.
child some other way, they are free to do so, but they cannot use information we gain in our interviews against the child, if for no other reason than the McKeever, Kent, Gault, and Winship decisions that guarantee children certain rights under the U.S. Constitution. We feel we must protect that. This is one of our ways of doing that.

We have had in the last 16 months 750 referrals, of which 526 were opened as children's cases. As Ron said, different children, 43 percent, were established through the probable-cause level, and police cases have gone forth. Another 34 percent we developed to a decision that guarantees children certain rights under the law enforcement agencies until recently, including ours in Louisville and Jefferson County, did not understand that. The language is written in such a way that unless you are trying to find it you will not find it. That bill, I think, certainly attends to that as a serious issue.

Under the FBI's regulations it can be done. But the law enforcement agencies until recently, including ours in Louisville and Jefferson County, did not understand that. The language is written in such a way that unless you are trying to find it you will not find it. That bill, I think, certainly attends to that as a serious issue. If you don't know the child is out there you obviously cannot find him.

The second thing I would recommend would be the sponsoring, perhaps through the U.S. attorney's office in every jurisdiction, some forum of a task force, work group, whatever you might want to call it, an oversight committee that would at least put some official imprimatur on units such as ours—different social service agencies, law enforcement agencies, prosecutorial agencies, juvenile court judges, and others—getting together to discuss on a frequent basis that type of problem and how it can be attended.

If that doesn't happen there simply will continue to occur the situations Father Ritter speaks to. It is my belief that Father Ritter is accurate to the degree that it's my experience that law enforcement and social services alike are extremely inattentive to these kinds of kids.
Mr. RABUN. It is worth saying, Senator, that this request for a network nationwide was requested out of some Federal granting agencies as much as a year and a half ago.

Senator SPECTER. Is that symposium next year in Louisville?

Mr. RABUN. No. It is at the end of this month. And it is through the leadership of yourself and some of your colleagues that we are beginning now to get the ear of some national figures who can lend some credence to the seriousness of these kids' plight.

Senator SPECTER. Well, I would very much like to be with you, but the schedule is just impossible. Thank you very much.

Mr. RABUN. Thank you.

Mr. PREGLIASCO. Thank you.

[The prepared statement of Messrs. Allen, Pregliasco, and Rabun follows:]

PREPARED STATEMENT OF ERNEST E. ALLEN, RONALD J. PREGLIASCO, AND JOHN B. RABUN, JR.

Mr. Chairman and members of the Committee, I am Ernest E. Allen, Chairman of the Jefferson County Task Force on Child Pornography and Prostitution. Accompanying me today are Ronald J. Pregliasco, Vice Chairman of the Task Force and John B. Rabun, Jr., who is Manager of the Exploited Child Unit, Jefferson County Department for Human Services. We are very pleased and honored to have the opportunity to appear before you today and to discuss what we consider to be a problem which is rapidly reaching epidemic proportions in the United States, the exploitation and victimization of children.

The Task Force on Child Prostitution and Pornography was established by Jefferson County Judge/Executive Mitch McConnell in March 28, 1980 in the wake of the increasing incidence of criminal victimization of children nationally, particularly through sexual exploitation. It was a time of outrage over child murders such as those in Chicago and Houston and over the "discovery" of child murders and tragedies nationally. Judge McConnell created the Task Force with a clear mandate to examine our local setting and determine whether or not there were present those conditions which breed child tragedies. We also visited other cities in which child tragedies had occurred, we reviewed the national literature, and we indeed did conclude that a virtual epidemic was occurring in America.

Let us cite just a few examples:

1. In his book "Murder USA", John Godwin identifies the development of a "multiple-murder" syndrome, warning that the second half of the 20th Century could be called America's Age of the Mass Murder. He examines America's history of mass murder since the turn of the century and finds that there were only seven such incidences in our first fifty years (seven or more victims). However since 1950, and in Mr. Godwin's book he only counts through 1976, there have been 16, 10 of which occurred between 1970 and 1976. It is shocking to note that most of our recent mass murders involved child victims.

In addition if we add to the list since 1976, we have several more multi-victim child tragedies, not the least of which is Atlanta. Further,
the list does not include the September 1981 tragedy on our northern border in which nine children were murdered in Vancouver, British Columbia. (3) National estimates are that over 30,000 children each year disappear from their homes, not counting habitual runaways and parental abductions. A majority of these children never return, many are murdered. (4) Our national runaway count continues to grow, with estimates now reaching well over 1 million children each year. (4) Kenneth Woods, Director of the National Coalition for Children’s Justice has indicated that more than 4,000 children are murdered each year in the United States, but that many of these go unreported. The 1979 Uniform Crime Reports listed 2,771 homicides involving children. The 1979 Uniform Crime Reports listed 2,771 homicides involving children.

There has been for at least the last decade in America a litany of tragedies, a litany of names which have been burned into our collective memories: John Dacy, Dean Corll and others. It seemed to us in Jefferson County, however, that somehow most of America was missing the point. In each case there was national consternation and alarm, coupled with talk about “sick minds” and “sick society”. In the recent Atlanta tragedies there were even discussions about the “decay of Atlanta” and the breakdown of one of America’s fastest growing and most progressive cities of the 1960s and 1970s. It is painfully apparent that there is nothing particularly unique or aberrant about Atlanta, or Chicago, or Houston. Through our efforts as a Task Force and a community, we are now convinced that there is indeed a national epidemic of child tragedies, and that absent immediate and decisive national action, and strong and coordinated involvement by many units of government and many agencies, the tragedies of Atlanta, Chicago, and Houston will be repeated.

In his announcement of the creation of the Task Force, Judge McConnell stated: “In recent years, America has begun to address the phenomenon of runaway children and the tremendous mobility of young people. We must also address the vulnerability of these young people and the ease with which they become the victims of criminal intent. We are serving notice today that we will make every effort to ensure that John Gacy tragedies don’t happen here, and that those who would exploit our young people for profit will be identified and swiftly prosecuted.” We are very pleased with an opportunity to discuss with you what we did, what the results have been, and to make some recommendations to you regarding Congressional action and federal involvement.

Task Force Report

The Jefferson County Task Force on Child Prostitution and Pornography has been a unique, intergovernmental and across the system effort, involving the Jefferson County Department for Human Services, the Jefferson County Police Department, the Louisville Division of Police, the Commonwealth’s Attorney for Jefferson County, the Jefferson County Attorney, the Federal Bureau of Investigation, the Kentuckly State Police, the United States Postal Office/Postal Inspection Service, the University of Louisville, the Jefferson County Office of Intergovernmental Affairs, the Louisville/Jefferson County Criminal Justice Commission, in addition to many other agencies and organizations across the community which have become involved because of their concern about treatment needs, community protection, etc.

This cooperative approach began with the conviction that modern youth were particularly vulnerable. Larger numbers of juveniles run away from home each year, they are becoming more mobile, they spend more time on the streets, becoming “street kids” earlier, and are increasingly forced to survive on the streets. This “child liberation” which is a product of societal change and evolution generally, has a devastating by-product, which is the increased vulnerability of young people to various kinds of exploitation and made them more likely targets for adult exploiters and violent criminals.

Increasing openness regarding homosexual activity has created in our community and in most communities a market for young, male “street hustlers”, serving the needs of cruising homosexuals purely for economic reasons. This “chicken hawk” phenomenon occurring across America lends itself dramatically to the John Gacy.

The Task Force identified as a contributing cause to child tragedies the poor communication and information sharing between the various agencies of the criminal and juvenile justice systems. We demand upon law enforcement are many and are increasing. Resource limitations make it virtually
impossible to investigate every missing person report or runaway. Therefore, vic-timized or exploited children are in many cases simply not identified. Further, the presence of a 12 or 13 year old boy or girl, or indeed even younger, in the same area at 1:00 a.m. every morning may not even be considered particularly unique.

Child tragedies are made possible because there are holes or gaps in the system. Law enforcement and social services within the same community may not even be aware of each others existence, let alone share information, work together and fill the gaps. Between communities the information sharing is even worse. How many known child exploiters move from one community to another in virtual anonymity and security?

We have even identified in Jefferson County evidence of the recruitment of young girls out of group homes and runaway shelters for prostitution purposes. Clearly new and different informational networks were necessary, and a willingness of various professionals to rethink their roles as they relate to kids was mandatory.

Fortunately, the agencies participating in the Task Force saw these needs. Information sharing, interagency and intergovernmental cooperation, and role redefinition have been outstanding. Similarly, we believe that the impact upon the problem has been enormous. Let us cite some highlights of Task Force work to date:

(1) Public Awareness - The Task Force viewed as an immediate need the sensitizing of the public to this shadowy problem involving "hidden victims". An intensive pubic awareness/public education campaign was launched with over two thousand posters distributed across the community and indeed around the state. Distribution was accomplished through city and county neighborhood organizations, as well as personal distribution accomplished by members of the Task Force and employees of Task Force agencies.

24 Hour Information Line - A 24 hour number was established (502-588-2199), which is housed and manned in the office of the city/county Criminal Justice Commission by the Jefferson County Department for Human Services, Exploited Child Unit. Since its inception 99 calls have been received which were subject to investigation and follow up, roughly half of which have resulted in fact finding efforts.

(2) Exploited Child Unit - In July of 1980, the Exploited Child Unit was established as an arm of the county Department for Human Services, but housed in the Criminal Justice Commission office in order that it might work closely and in tandem with law enforcement agencies. The ECU, which is managed by John Rabun, an investigative social worker, with long background in child prostitution and child exploitation case investigations, exists to detect and investigate cases of youth in Jefferson County who are at risk of being, or actually are endangered by adults in prostitution/pornography and to assist the appropriate law enforcement agency in its criminal investigations of such adult sexual exploitation of children.

The Exploited Child Unit now includes three investigative social workers, and has played a major role in training and coordination community wide. Meetings with school system counselors, pupil personnel officials, various community groups and organizations, have broadened the scope and impact of the Task Force effort.

(3) The Police/Social Work Team - Perhaps the cornerstone of the entire effort is the development of a team including the ECU social workers, city police youth officers, and county police intelligence officers. The Police/Social Work Team works out of a neutral setting, the Criminal Justice Commission, and works diligently to close those previously discussed "system gaps". We have found that it is possible to preserve the professional integrity of each while generating a level of cooperation and teamwork which truly protect kids.

Tremendous credit must go to Lt. John Aubrey, former Youth Bureau Commander of the Louisville Division of Police, Lt. Gerald Beavers, present Youth Bureau Commander of the Louisville Division of Police, Captain James Black, Commander of Jefferson County Police Intelligence, and those officers who have been assigned to the unit, Det. Bob Hain, Louisville Division of Police, Det. Gary Ridgley, JCPD Intelligence, Det. Rich Gillman, JCPD, Det. Bill Lotito, JCPD, and Det. Mike Shearper, JCPD. Their cooperation, and their willingness to work with social services has produced dramatic results. Further, law enforcement at all levels has gained impressive
new skills in child interrogation and investigation. We have learned that "kid cases" are indeed different, and that they cannot be treated as if the child is a small statured adult.

Further, as you will note when we present some prosecutorial highlights, we have had excellent cooperation from other law enforcement agencies as well. Several cases have involved inter-state issues, in which the Federal Bureau of Investigation, through its offices in Louisville and in Southern Indiana, has been very helpful and effective. The Kentucky State Police has been involved and has been sensitive to the transportation of children for purposes of exploitation interstate, and we have worked closely with the United States Postal Inspection Service regarding child pornography and its involvement with the mails.

(4) Information/Intelligence - The Task Force/ECU effort has resulted in dramatic increases in information referrals and attention given to child victimization problems. By illustration since the establishment of the ECU, and the implementation of the Police/Social Work Team, the number of case referrals has doubled each month. In sixteen months, the ECU report shows

750 Informational Leads Received
526 Children's Cases Opened (70% of total)
175 ECU Cases Closed (23% of total cases opened)
176 Not Proven but receiving continuing monitoring (3% of ECU cases closed)
158 Substantiated by ECU and referred to appropriate law enforcement agency (48% of ECU cases closed)
16 ECU Cases Open (3% of total)
124 Purely Intelligence/Information Leads (20% of total)

Of the 750 informational leads, 110 (28%) came from law enforcement agencies; 510 (21%) came from other DHS programs; 59 (8%) came from the Information Line; 175 (52%) were developed by the ECU; and 32 (11%) came from other agencies throughout the region.

(5) Case Prosecutions - As a result of the cooperative law enforcement effort, aggressive social work, and a close liaison with prosecution, particularly the Jefferson County Commonwealth's Attorney David L. Armstrong and his Assistant Dan Pregliasco, we have made a strong start in identifying and prosecuting child exploiters. To date highlights are as follows:

(A) In 1980, two men living in Kentucky were prosecuted in U.S. District Court in Southern Indiana following their arrest on behalf of two children living in Kentucky. One girl was a 13 year old runaway for five days and the other was a 14 year old who had been missing from a foster home in Frankfort, KY for two years. Both girls had been transported from Kentucky to Indiana to work as prostitutes at various truck stops. With the cooperation of the Southern Indiana office of the FBI, the men were charged and convicted. The U.S. District Court sentenced each man for 5 years on guilty plea. Subsequently, the Jefferson Circuit Court in Kentucky sentenced each man to an additional five years on various sex offenses involved with the case.

(B) In 1980, one man and one woman were prosecuted in U.S. District Court for the Western District of Kentucky following their arrest on behalf of one child who had been a runaway for only a few hours from a juvenile home in N.Y. New York State. This 14 year old girl was brought to Louisville, taught/trained to be a bar girl and prostitute, and placed by the couple at a night club where prostitution flourished. The U.S. District Court sentenced both the man and the woman to terms of five years each after the jury found the guilty. In this case the law enforcement effort involved strong cooperation between various agencies, including the Louisville office of the FBI.

(C) After a six month investigation in 1981, a local clergymen was arrested and indicted on multiple sex crimes charges involving child prostitution and pornography for a period of time. He was apprehended in mid New York State. This 14 year old girl was brought to Louisville, taught/trained to be a bar girl and prostitute, and placed by the couple at a night club where prostitution flourished. The U.S. District Court sentenced each man for 5 years on guilty plea.

(D) In 1981, after a five month investigation involving 215 boys in Kentucky and Southern Indiana, a local businessman was arrested and indicted by the Clark County, Indiana Circuit Court on multiple sex crimes charges involving child prostitution and pornography. The charges include allegations that the defendant took various boys with him to Missouri, Florida, Ohio, Washington D.C. and Mexico. Trial is set for early 1982.

(E) In late 1980, after a four month investigation involving four young girls and numerous women, a housewife was arrested, indicted and convicted on charges of sexual abuse of minors as a parent, promoting
the prostitution of minors, and unlawful transaction with minors in District Court in Jefferson County, KY. This mother had promoted her own child into prostitution in Louisville and Fort Knox, KY. She was sentenced to two one-year terms on these Class A Misdemeanors. It is significant to note in this case that she had been promoting prostitution for at least 10 years, and that felony charges could have been utilized if in earlier cases convictions had been obtained and the record made. However, this had not occurred.

This emphasizes the importance of building criminal records in these kinds of cases, even with misdemeanors.

In 1981, after a three-month investigation involving eleven young boys and a number of other men, a local man was arrested, indicted, and convicted of numerous counts of sex crimes with minors and child pornography. The Kentucky Circuit Court in Jefferson County sentenced him to fifteen years in prison.

There have been a number of other cases of importance. Currently, a number of major investigations are under way involving the use of many young girls in five states by one pimp who uses truck stops on the interstate highway system and large brothels in major urban centers for placement of these girls into prostitution.

Research/Information Gathering - One of the priority concerns of the Task Force has been identifying the "hidden victims", learning about the system of child exploitation, and developing a data base for further system progress and efforts. Among the information gathering techniques have been specialized action projects conducted in conjunction with the Louisville Police Fifth District and the Jefferson County Police Intelligence Unit. Through these efforts a team of individuals from Task Force agencies in cooperation with the Fifth District police identified suspected "street hustlers", made informational stops on "johns", and assessed the nature, scope, and methods of operation of girl/boy prostitution and pornography.

We are particularly enthused about the work of the Task Force Research Consortium. Headed by Professor Ron Holmes of the School of Justice Administration at the University of Louisville, Criminal Justice Commission Director of Research Mike Bewley, and Professor J. Kerry Rice of the Kent School of Social Work at the University of Louisville, the Consortium has begun an impressive data development process. To date, through the interviews of 190 children by the E.C.U., Task Force research efforts have indicated the following set of indicators for other law enforcement and social service personnel in the Louisville area to use in interviewing children to detect and identify client victims of prostitution/pornography.

Girls/boys who are exploited as prostitutes may be expected to be of normal intelligence, 11-16 years of age, from a blue collar background, with a high degree of racial prejudice in the family. Eighty percent will be from a single parent family with the mother divorced and dating/remarried and working. 94% indicate drug usage with 34% demonstrating drug dependency (daily use). 90% are runaways and only 14% indicate a close/"warm" family setting. 53% indicate a hostile/rejecting/"throw-away" relationship by parents. 37% become involved in some form of child pornography. The age of first sexual intercourse for these children was 12 with the greatest frequency between 10 and 13 (lowest was 6). Only 2% ever used shelter house facilities for runaways (national norm suggests 5%). Various interview schedules indicated up of 30% had been the victims of child physical abuse by parents, and up to 50% had been the victims of child sexual abuse by parents (data taken from local and national research). The vast majority of girl prostitutes have a pimp/business agent/boy friend, whereas most of the boy prostitutes and "self-employed" runaways seeking to survive on the streets seem to operate relatively independently.

At the close of this testimony we have attached a more complete discussion with numbers of our research effort so far. We anticipate a continuing effort to build information and a data base which should be of significant value in future planning and programming.

Regarding adult exploiters, the sample is far less and the conclusions drawn are less objectively based. However, to date there is reason to believe that adult pederasts in the Louisville area tend to be white males, 40-50 years old, living in relatively upper income type homes, who are or have been married, generally tend to have from 2 to 4 children, and are making in excess of $35,000 per year. They tend to be college educated and most are professional persons.
There are other areas of activity which are receiving strong attention such as legislation with the Kentucky General Assembly's 1982 Session beginning in January. In addition a statewide social service information/referral network is now organized and functioning.

In summary the progress made has been considerable in more fully detecting and identifying child victims and adult sources of child prostitution and pornography. The ECU orientation and training of various social services and school staffs is increasing the numbers of referrals and accordingly, the number of serious law enforcement cases being investigated and prosecuted is on the increase.

The Task Force believes that in future months the activities undertaken will have even greater impact.

What have we learned?

In the twenty months of the Task Force operations, we have come a long way, particularly in understanding the complexity and magnitude of the child victimization problem. Certainly, we have made major strides in beginning to control the problem and to make less likely that child tragedies of the magnitude of Atlanta will happen in Louisville and Jefferson County. However, as important has been our growing knowledge and understanding of the problem.

(1) We have learned that the criminal and juvenile justice systems can and will work together. In the beginning we were warned about the turf disputes, the unwillingness of police to share information with social workers and work with social workers, and vice versa, and about the inability of different political jurisdictions to work as a team focused upon a particular problem.

Through incredible good faith and a willingness to participate as a team to solve a problem, we have overcome the concerns. The police departments actually assigned their personnel to the police/social work team, where they worked in tandem with all of the other parties to the Task Force in a neutral setting. Police and Social Workers make runs together, interview children together, and within the limits of law and professional ethics, share information and join in actions for the best interests of the child.

These actions often entail that a police officer will act in ways in which he would not ordinarily act if he were operating as an individual. It has also taken social workers slightly beyond the realm of traditional social work. However, the nature of the problem and the vulnerability of the children, requires atypical approaches and innovative techniques.

(2) The focus of the unit is that the child is victim. All of our efforts have been oriented toward protecting children. However, it is frequently apparent that many of the “street kids” are not innocent, vulnerable victims, but rather are perpetrators in their own right. We have discovered major overlaps with other criminal activity, and in fact, have found that in many cases it is difficult to precisely identify which of the parties is exploiter and which is exploited.

Certainly, it is apparent that there are dramatic intelligence benefits to enforcement and prosecutorial agencies from working these cases. While it must be a constant source of concern that units such as ours not “pimp” kids in a different way, we have increasingly become aware that many of the street kids know everything about what is happening on the streets, intelligence which can be of major benefit to law enforcement.

Another question has been “do exploited children graduate to more sophisticated criminality?” Detective Lloyd H. Martin, of the Sexually Exploited Child Unit of the Los Angeles Police Department said “When a child has been coerced or seduced into giving his only true possession - his body - he loses his self respect and his morality. If he doesn’t care about himself, how can he care about somebody else? Such a child could be destroyed psychologically and may never be a productive member of our society.”

Sgt. Martin has also observed that “...the sexually exploited child of today has a good possibility of becoming the hardcore criminal of tomorrow.”

In testimony before the California Legislature, Dr. A. Nicholas Smith, Director of the Sex Offender Program at the Connecticut Correctional Institution observed that “more than half the child molesters I have worked with as adults attempted or committed their first sexual offenses by the age of 16” and that “the majority of child molesters were themselves sexually abused as children”.

Further, research around the United States, specifically including
Kentucky and Connecticut seem to demonstrate that the vast majority of violent sex offenders (rapists, sex murderers, etc.) and child molesters have themselves been the victims as children of child physical abuse and/or sexual abuse.

It has been the premise of the Task Force and the ECU that if we are to curb this cycle of violence, social work/police teams and task forces must aggressively seek to find child victims early and vigorously prosecute the adult offenders. The prevention of violent sex crimes to children as well as adults largely tied to the detection and exposure of these offending adults to ensure public accountability.

(3) We have discovered that while there is a certain spontaneity about the involvement of street kids and runaways in prostitution; i.e. when you are hungry and need to survive on the streets, the options may be few, there is also ample evidence of networks and organization in child prostitution and pornography. Task Force cases continually produce child prostitutes who know each other, who tend to service overlapping client lists, adults who may make referrals to each other, as well as exchange photographs and information.

An apparent product of this "networking," and the type of adult who tends to fragment the areas in which child sex flourishes (i.e. professional, prominent, affluent, with family, etc.) is the growth of extortion as a spin-off. This further demonstrates the potential for child victimization, murder and other violence.

(4) We have discovered that treatment and follow up for identified child prostitutes/exploited children generally is very difficult. While there are many excellent models nationally of community based treatment centers and shelters, unfortunately the data is not ample on success stories. In this community our priority has been identification of the adult exploiters along with the protection of the child. Ultimately the child must be prepared to cope with the environment from which he or she escaped and to avoid the environment in which he or she was exploited.

The national reduction of resources for social services and local assistance at this particular time complicates the follow up. Government must increasingly enlist private sector assistance and involvement.

(5) Finally, we have discovered that a chief cause of child tragedies is the inability of government to recognize a problem and to respond.

Our contacts with units of government from coast to coast to coast dramatically make three points:

(A) Governmental awareness of problems or potential problems is minimal.
(B) Governmental coordination and information sharing is virtually non-existent.
(C) Federal involvement, assistance and coordination is similarly for all intents and purposes non-existent.

Recommendations

We endorse with enthusiasm the efforts by Senator Hawkins and you to provide a federal role in the tracking of missing persons and runaways. We recommend the establishment of a national intelligence network for the exchange of information on the exploitation and victimization of juveniles. It is no longer acceptable that the John Gacy should serve time in one state, move to another state and victimize others without law enforcement agencies being fully aware and alerted.

We recommend the targeting of some modest amount of your already limited federal assistance for creative research and limited program money which could be used for establishing special units, mobile forces, etc.

We recommend the undertaking of an extensive program of public education and perhaps the establishment of a national 800 type "Hot Line" information regarding the exploitation of youth.

We have recommended to various national agencies for almost two years the convening of a national symposium on the victimization of juveniles which would bring together representatives of law enforcement, social services, research/academia, media and government for the purposes of examining the problem and developing a cooperative national strategy for protecting kids. I am delighted to report to you that such a symposium will in fact occur, thanks to the sponsorship of the U.S. Department of Justice/Community Relations Service, the National Conference of Christians and Jews, the National Coalition on Children's Justice, the Alpha Phi Alpha Fraternity, Inc., and the Louisville/Jefferson County Criminal Justice Commission. Attendees will include Dr. George Gallup, Jr., who is presently performing a national survey of citizen attitudes on child
victimization, Kenneth Wooden, author of Weeping in the Nighttime of Others, leading law enforcement officials involved in the field, social services and research professionals, concerned community leaders, parents of victimized children, including Julie Patz of New York, Camille Bell of Atlanta, John Walsh of Hollywood, Florida, and Rosemary Kohm of Santa Claus, Indiana, and many others. We encourage you to join with us in this effort, and hope that you can come to Louisville, November 29 - December 2 for the symposium, which will be entitled "Child Tragedies: A National Symposium on Exploited and Victimized Children".

Finally, and pertaining to the issue of federal role, jurisdiction and involvement, we recommend that the Congress and the President take a hard and long look at expanding federal role and jurisdiction in child victim cases. Specifically, the recent report of the Attorney General's Task Force on Violent Crime recommended that United States Attorneys play a coordinative role in convening local and regional justice system officials to discuss areas of concern and to facilitate cooperative efforts. What more appropriate area for U.S. Attorney attention than child victimizations?

We have witnessed in the past a reluctance on the part of federal officials and agencies to even get involved in child cases. We have proven in this community that the FBI can and will play a strong and significant role, and in the face of tragedy in Atlanta, there was apparently a similar effort. However, there must be national attention and national commitment to this area, and in our judgment a mandate from the leadership of the federal government.

On March 17, 1981 I wrote to the Vice President of the United States to commend him for his efforts regarding the missing and murdered children in Atlanta. I indicated that "your visible and active role has been nationally reassuring and has provided the sort of leadership and symbolism which offers great hope, not only for the present tragedy but for improved inter-governmental relations in many other areas."

However, I added that "I urge you to view your present leadership role on the issue of victimized kids as just a beginning...I urge you to take quick and decisive action to truly address the national implications of Atlanta. Your administration can make the protection of kids a national priority and can make the recent carnage in American cities less likely."

Without a concerted, coordinated national effort, the continuing and inevitable victimization of kids will grow to epidemic proportions. We, in Jefferson County, are proud of the start which we have made. However, much more needs to be done. Perhaps, in the wake of Atlanta and Chicago and Houston and Vancouver and "Everywhere USA", we can be moved to action.

Mr. Chairman and members of the Subcommittee, we urge you to make the protection of kids a national priority.

Background for Research

Approximately six years ago, probation officers of the Jefferson County (Louisville, KY) Department for Human Services became aware of their teenage clients both female and male being actively recruited into prostitution. At that time, these probation officers had gathered factual data on some fifty-eight teenagers. That data provided a profile which included:

1. Most of the juveniles were identified as endangered runaways.
2. Most of these teenagers were 12-16 years of age.
3. The majority were white girls from blue collar, single parent families.
4. Most of these children had come from backgrounds of child and sexual abuse.
5. Most of the juveniles sold drugs while they were involved in prostitution.
6. Some of the teenagers were involved in pornography.

From this profile, the probation officers convinced the staff of the Louisville-Jefferson County Criminal Justice Commission that a potential teenage prostitution problem existed in the community. Therefore, the LJCJC decided to further develop a profile of the victimized children.
To accomplish this task, the research director of the Criminal Justice Commission with the aid of the probation officers and a social work professor from the University of Louisville developed an open-ended interview schedule. The schedule was administered to thirty-two children who were expected to be involved in prostitution and/or pornography. The following data were collected:

<table>
<thead>
<tr>
<th></th>
<th>#</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of females interviewed</td>
<td>27</td>
<td>84</td>
</tr>
<tr>
<td>Number of males interviewed</td>
<td>5</td>
<td>16</td>
</tr>
</tbody>
</table>
| TOTAL                     | 32 | 100%
| Number of black females  | 13 | 48  |
| Number of white females   | 14 | 52  |
| TOTAL                     | 27 | 100%|
| Number of white males    | 3  | 60  |
| Number of black males    | 2  | 40  |
| TOTAL                     | 5  | 100%|

Median age of black female: 16
Youngest age of black female: 14
Median age of white female: 16
Youngest age of white female: 13
Median age of white male: 16
Youngest age of white male: 15
Median age of black male: 16

| Percentage indicated physical abuse by parents (white female) | 64% |
| Percentage indicated drug usage by child (black female) | 89% |
| Percentage indicated drug usage by child (white female) | 90% |
| Median age of first sex encounter (black female): | 13 |
| Youngest age of first sex encounter (black female): | 0 |
| Median age of first sex encounter (white female): | 13 |
| Youngest age of first sex encounter (white female): | 0 |
| Percent runaway at least once (black female): | 95% |
| Percent runaway at least once (white female): | 90% |
| Percent runaway at least once (white male): | 90% |
| Percent runaway at least once (black male): | 100% |

Although the findings were very interesting, they were not deemed to be conclusive. The researchers knew they needed a larger sample. The basic problem with obtaining a larger sample was a problem of identification. The thirty-two children interviewed were identified through the efforts of the Exploited Child Unit which began in late 1979 consisted a team of social workers and police officers from the Louisville Division of Police and the Jefferson County Police Department. The Exploited Child Unit (ECU) was the only group with the expertise to identify potential victimized children.

That problem was eased somewhat with the formation of the Jefferson County Task Force on Child Prostitution and Pornography. This membership of the Task Force included representatives from every agency in Jefferson County that services the juvenile justice system plus federal agencies like the Federal Bureau of Investigation and the Customs Postal Service. The Task Force was a truly unique, intergovernmental effort to assess and attack the increasing problem of the sexual victimization of children.

The research effort was aided because many referrals were now coming to the ECU as a result of the efforts of the Task Force. Because of the increased number of referrals which could be interviewed, the research effort turned to the subject of this article.
The Instrument

Because of a possible larger sample, a new closed-end interview schedule was developed. It was believed the old interview format could not be easily standardized and administered to a larger sample.

The sample itself consisted of two components: one being a group of children not known to be involved in prostitution and/or pornography and a second group of victimized children. The sample size altogether was one-hundred and ninety children. The children were interviewed in the ECU office and in Jefferson County's Department for Human Service's Group Homes. Most of the children interviewed in the Group Homes were children known to be involved in prostitution and pornography. Likewise those interviewed at the ECU were known to be involved in the problem. The interviews were conducted in the Group Homes by a trained staff member. The interviews at the Group Homes were administered mostly when a child first entered the home. The ECU interviews were conducted by the two social worker members of the Task Force team.

Before a presentation of the results, a few caveats should be examined. The primary problem with this current research effort was a definitional problem. Because the research clients were juveniles involved in the juvenile system, these children have a very distinct culture. Therefore, certain questions on the interview schedule did not take into account these cultural differences. For example, the children had great problems with answering the parental marital status question, since many of the children interviewed actually live with someone other than their natural parents and have for a long time. The answer obtained may then be suspect.

A second problem is a common problem with interviews like the following. That problem is the unknown accuracy of the answers obtained. These streetwise children are very likely to tell a social worker "what they think they want to hear". However, for the most part the answers received were accurate.

The Results

As mentioned, the sample consisted of comparison groups. One group of children known to be involved in prostitution and the other not involved in prostitution. The results were provided:

<table>
<thead>
<tr>
<th>SPSS program:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>n=190</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>males</td>
<td>105</td>
</tr>
<tr>
<td>females</td>
<td>85</td>
</tr>
<tr>
<td>TOTAL</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Runaways</td>
<td>149</td>
</tr>
<tr>
<td>Non-runaways</td>
<td>41</td>
</tr>
<tr>
<td>TOTAL</td>
<td>190</td>
</tr>
</tbody>
</table>

Admitting Prostitution

<table>
<thead>
<tr>
<th>n=63</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>24</td>
</tr>
<tr>
<td>Female</td>
<td>39</td>
</tr>
<tr>
<td>TOTAL</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Parents Marital Status</td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>9</td>
</tr>
<tr>
<td>Separated</td>
<td>1</td>
</tr>
<tr>
<td>Divorced</td>
<td>20</td>
</tr>
<tr>
<td>Remarried</td>
<td>5</td>
</tr>
<tr>
<td>Widowed</td>
<td>10</td>
</tr>
<tr>
<td>Never-married</td>
<td>8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>63</td>
</tr>
</tbody>
</table>
### Child's Relationship to Parents

<table>
<thead>
<tr>
<th></th>
<th>Close</th>
<th>Aloof</th>
<th>Hostile</th>
<th>Rejecting</th>
<th>No answer</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18</td>
<td>29</td>
<td>99</td>
<td>71</td>
<td>1</td>
<td>63</td>
</tr>
</tbody>
</table>

### Child's Family Setting

<table>
<thead>
<tr>
<th></th>
<th>Close</th>
<th>Turmoil</th>
<th>Physically</th>
<th>Laissez Faire</th>
<th>No Answer</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11</td>
<td>20</td>
<td>7</td>
<td>25</td>
<td>1</td>
<td>63</td>
</tr>
</tbody>
</table>

### Existence of Discipline in Child's Home

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>33</td>
<td>30</td>
<td>63</td>
</tr>
</tbody>
</table>

### Is Discipline Consistent

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25</td>
<td>5</td>
<td>30</td>
</tr>
</tbody>
</table>

### Primary Form of Discipline

<table>
<thead>
<tr>
<th></th>
<th>Physical</th>
<th>Non-physical</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8</td>
<td>13</td>
<td>21</td>
</tr>
</tbody>
</table>

### Child's Relationship With Brothers and Sisters

<table>
<thead>
<tr>
<th></th>
<th>Close</th>
<th>Aloof</th>
<th>Hostile</th>
<th>Rejecting</th>
<th>No answer</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>19</td>
<td>23</td>
<td>6</td>
<td>10</td>
<td>1</td>
<td>53</td>
</tr>
</tbody>
</table>

### Child's Sexual Contact with Relatives

<table>
<thead>
<tr>
<th></th>
<th>Father</th>
<th>Father Surrogate</th>
<th>Stepmother</th>
<th>Brother</th>
<th>Sister</th>
<th>Aunt</th>
<th>Grandfather</th>
<th>Grandmother</th>
<th>Adult Friend</th>
<th>No Answer</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>53</td>
</tr>
</tbody>
</table>

### Drugs Used

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>59</td>
<td>4</td>
<td>63</td>
</tr>
</tbody>
</table>

---

<table>
<thead>
<tr>
<th></th>
<th>%</th>
<th>%</th>
<th>%</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Close</td>
<td>30</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Aloof</td>
<td>37</td>
<td>13</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Hostile</td>
<td>10</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Rejecting</td>
<td></td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>No Answer</td>
<td></td>
<td></td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Kind of Drug</td>
<td>Frequency of Drug Usage</td>
<td>Age of First Drug Use</td>
<td>Age of First Sexual Encounter</td>
<td>Amounts Charged for Prostitution</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------</td>
<td>-----------------------</td>
<td>-------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Speed</td>
<td>33 31 32 30</td>
<td>0 2 3 1</td>
<td>0 0 0 0</td>
<td>5 3 3 2</td>
</tr>
<tr>
<td>Grass</td>
<td>22 35 67 45</td>
<td>2 0 0 0</td>
<td>2 0 0 0</td>
<td>5 4 3 3</td>
</tr>
<tr>
<td>Downer</td>
<td>3 5 2 2</td>
<td>1 2 3 4</td>
<td>3 1 2 0</td>
<td>2 2 2 2</td>
</tr>
<tr>
<td>LSD</td>
<td>1 2 5 4</td>
<td>0 3 3 1</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>Coke</td>
<td>1 2 2 0</td>
<td>0 0 1 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>Sniffing</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>55 100%</td>
<td>103 100%</td>
<td>59 100%</td>
<td>60 100%</td>
</tr>
<tr>
<td>Frequency of Drug Usage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daily</td>
<td>18 29 23 16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekly</td>
<td>34 34 46 34</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than monthly</td>
<td>3 5 19 15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly</td>
<td>4 6 15 13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>59 100%</td>
<td>103 100%</td>
<td>59 100%</td>
<td>60 100%</td>
</tr>
<tr>
<td>Age of First Drug Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 yr.</td>
<td>0 -- 1 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 yr.</td>
<td>1 2 3 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 yr.</td>
<td>0 -- 3 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 yr.</td>
<td>9 14 7 8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 yr.</td>
<td>9 14 10 18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 yr.</td>
<td>18 30 23 17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 yr.</td>
<td>14 22 22 15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 yr.</td>
<td>4 6 19 9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 yr.</td>
<td>3 5 13 9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 yr.</td>
<td>1 2 3 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 yr.</td>
<td>0 0 0 0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>59 100%</td>
<td>103 100%</td>
<td>59 100%</td>
<td>60 100%</td>
</tr>
<tr>
<td>Age of First Sexual Encounter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 yr.</td>
<td>0 -- 1 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 yr.</td>
<td>1 1 3 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 yr.</td>
<td>0 -- 4 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 yr.</td>
<td>1 1 4 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 yr.</td>
<td>0 -- 3 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 yr.</td>
<td>6 10 2 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 yr.</td>
<td>10 16 5 6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 yr.</td>
<td>17 27 20 16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 yr.</td>
<td>13 19 26 21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 yr.</td>
<td>8 13 26 21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 yr.</td>
<td>2 3 12 9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 yr.</td>
<td>3 3 1 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>60 100%</td>
<td>130 100%</td>
<td>60 100%</td>
<td>60 100%</td>
</tr>
<tr>
<td>Amounts Charged for Prostitution</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ 5</td>
<td>3 3 3 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>12 17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>13 21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>18 29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>2 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>1 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>1 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>1 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>1 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>60 100%</td>
<td>130 100%</td>
<td>60 100%</td>
<td>60 100%</td>
</tr>
</tbody>
</table>
Runaway

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>54</td>
<td>14</td>
<td>68</td>
</tr>
<tr>
<td>No</td>
<td>8</td>
<td>33</td>
<td>41</td>
</tr>
<tr>
<td>TOTAL</td>
<td>62</td>
<td>47</td>
<td>109</td>
</tr>
</tbody>
</table>

Sex Orientation

<table>
<thead>
<tr>
<th>Sex Orientation</th>
<th>Heterosexual</th>
<th>Homosexual</th>
<th>Bi-sexual</th>
<th>Transsexual</th>
<th>No Answer</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heterosexual</td>
<td>45</td>
<td>63</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>120</td>
</tr>
<tr>
<td>Homosexual</td>
<td>73</td>
<td>125</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>202</td>
</tr>
<tr>
<td>Bi-sexual</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>Transsexual</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>No Answer</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td>58</td>
<td>100%</td>
<td>127</td>
<td>100%</td>
<td>100%</td>
<td>109</td>
</tr>
</tbody>
</table>

Admitting Pornography

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>No Answer</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>39</td>
<td>61</td>
<td>122</td>
</tr>
<tr>
<td></td>
<td></td>
<td>122</td>
<td>100%</td>
</tr>
</tbody>
</table>

Discussion

Using the SPSS program, the variables involved were analyzed. There were some relationships that did appear. For example, there seemed to be a relationship between the child's relationship to parents and prostitution. The chi-square test of significance was x² = 49.9 with five degrees of freedom. It appears that a conclusion could be made that a juvenile prostitute's family would be less close than a non-prostitute.

Senator SPECTER. Mr. C. Edward Dobbs, chairperson of the young lawyers division, ABA, and Mr. Howard Davidson, director, National Legal Resource Center for Child Advocacy and Protection of the ABA, you gentlemen are welcome. Thank you for waiting, both young lawyers from the American Bar Association. It's nice to have you here.

Why are you two fellows not out earning a big fee this afternoon instead of being here?

STATEMENT OF C. EDWARD DOBBS, CHAIRPERSON, YOUNG LAWYERS DIVISION, AMERICAN BAR ASSOCIATION

Mr. Dobbs. We are making no money today, but it's worth the trip to come up here from Atlanta.

Mr. Chairman, the American Bar Association appreciates this opportunity to be here with you today. I know you are in a hurry. Mr. Davidson has the substantive comments, but I would like to give a little bit of a brief overview of what the ABA is doing in this area. It will take all of 30 seconds.

The young lawyers division has 150,000 members throughout the country. We represent more than 51 percent of the entire ABA.

Senators SPECTER. Am I still listed on your rolls?

Mr. Dobbs. We could arrange it, but probably not. Senator, just from general inspection, unless—I would assume you are over 36. We have 240 State and local young lawyer's groups throughout the country, which would include, for example, the Philadelphia Bar Association, which is very active.

Senator SPECTER. I was in the young lawyers section until very recently.

Mr. Dobbs. I've got another year and then I'm out. But as a matter of fact, as a result of one of the members of the Philadelphia Bar Association, an individual named Steve Waxman, we established our National Legal Resource Center for Child Advocacy, of which Mr. Davidson is the head and which is located here with five full-time staff attorneys.

One of the things we are excited about, and Mr. Davidson will go into, is our ability to take a project such as his, which is about a $700,000 project, and implement it for lawyers and social workers on a nationwide basis, which we successfully have done over the last 2 years in about 20 different areas throughout the country.

And with that I will turn it over to Mr. Davidson to tell you more about the specifics.

Senator SPECTER. Mr. Davidson, welcome.

STATEMENT OF HOWARD A. DAVIDSON, DIRECTOR, NATIONAL LEGAL RESOURCE CENTER FOR CHILD ADVOCACY AND PROTECTION, AMERICAN BAR ASSOCIATION

Mr. Davidson. Thank you, Senator. Let me preface my remarks by telling you a bit about my background. Prior to coming to the ABA, I worked for about 5 years at a legal services program where I represent children full time.

Senator SPECTER. Where are you located.

Mr. Davidson. I was located in Boston at that time. Our project the National Legal Resource Center for Child Advocacy and Protec-
We have had a child sexual abuse project for the last year and one itself. To adopt official policy relating to child abuse and neglect which I half that has been looking at room, and I am also relating my experiences relative to the Children's Bureau, a number of private foundations, and the ABA out with a special book on that topic, entitled "Child Sexual Abuse and the Law.

We have also been involved in all legal aspects of child abuse and neglect for about 3 years now, and have also moved the ABA to adopt official policy relating to child abuse and neglect which I would like to briefly mention.

First of all, the house of delegates, which is the official policymaking body of the ABA, speaking for the membership of the association, has passed unanimously a resolution calling for greater Federal involvement in the area of child protection, in particular an extension of the Child Abuse Prevention and Treatment Act—Public Law 90-247—and passage of the Adoption Assistance and Child Welfare Act—Public Law 96-272.

We also have a separate resolution which calls upon individual attorneys and State and local bar associations to become more actively involved in the protection of children. This is not an area, as you can imagine, that many bar groups and, quite frankly, many attorneys, have traditionally been involved in. We think that is unfortunate.

Obviously you can tell from my background that I have become invested in this field and, as Mr. Dobbs has indicated, we have had a great deal of success through ABA the young lawyer's division getting State and local bars to take up the challenge of doing something for children.

Let me briefly summarize my remarks by stating, first of all, that the American Bar Association has approached the whole issue of juvenile justice in a very comprehensive manner. You may be aware that there is a 20-volume series of Juvenile Justice Standards that were developed and approved by the ABA and were the result of an 8-year project supported by the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention and a number of foundations.

There are, however, no officially approved volumes on child abuse, runaways, or child exploitation. But it is important to know that the association's standards do discuss the need of the juvenile justice system to respond to the problems of children such as those we have been talking about today.

Specifically, in the dispositions volume of the ABA juvenile justice standards there is a very cogent statement of the need for juveniles to be given access to all services necessary for their normal growth and development.

Senator Specter. What does that mean?

Mr. Stockman defines the entitlements to be provided under the Juvenile Justice and Delinquency Prevention Act—Public Law 92-272—by the Youth Development Bureau, and the National Center on Child Abuse and Neglect, which is really the only Federal agency that focuses on victims of exploitation, has in the past been able to award only two demonstration grants in the area of child pornography or child prostitution, both $50,000 grants—a real drop in the bucket.

So, if there were researchers present today, people involved in this field, that would be one thing they would want to stress. But clearly there is also a need for demonstration activities. There is not one demonstration project related to child pornography or child prostitution that has been funded.
Senator SPECTER. Are you talking about a demonstration project which is designed to meet the problem— is that what you are talking about?

Mr. DAVIDSON. Yes. I will give you an example, the kind of program Mr. Rabun is working on, the exported child unit program in Louisville. They are not getting money directly through any Federal demonstration project funds. Federal agencies are going to be paying a lot of attention now to the perpetrators, to the offenders, whether they are juveniles or adults, but what about the victims of crime who are children?

About 10 months ago I wrote to the Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention, and I suggested that more attention should be given to the problems of victimized children by that office. I cited to him 42 U.S.C. 5601, which states the finding of Congress that the juvenile court foster care and child protective programs were inadequate to meet the needs of abused and neglected children who may become delinquents.

If we take seriously the intention of Congress to do something about those predelinquent children, then we should examine the way this agency is doing more in this area and is concentrating on the children who may later become violent if not provided adequate services and treatment. I call upon that agency to reexamine some of its priorities to try more effectively to serve this group.

I briefly mentioned interagency cooperation. There are two interagency task forces that I think need to pay more attention to this problem. There is a Federal Advisory Board on Child Abuse and Neglect as well as a Coordinating Council on Juvenile Justice, and both of those organizations, if asked to by the Congress, could take a closer look at the problem of child exploitation.

Now, I know you are interested in what can be done to help the States and localities better handle this problem. First of all, we believe there is a lot of room for improvement of the laws in this area. I made available to your staff for your consideration, and also for inclusion in the record, a recent publication of ours on this subject called "Child Sexual Exploitation: Background and Legal Analysis," in which we analyze State as well as Federal statutes in this area and point out some of the problems with the laws.

We have done a similar analysis of child sexual abuse laws which has been very helpful to legislators at the State level. And we hope this new publication will be helpful as well. We are particularly interested in helping legislators adequately respond to the needs of maltreated and exploited children. There are a number of ways this can be done.

Let me give you one example. Many children who are abused or neglected come through the court system without an independent advocate. The State and local child protective agency is supposed to be providing protection and services, but they have the interests of the family as a whole, and not merely that child, to be concerned with.

We are supporting the provision of a guardian ad litem or a special court-appointed representative for all children who go through the court system. That is something that is easily achievable. It can be accomplished with fairly little money and there are a number of child advocacy groups in this country which would be pleased to re-

spond in this manner to the needs of these children in the court process.

Is it fair for a 14-year-old or a 13-year-old exploited child to go through the court system without that kind of an advocate? In Louisville, those children are lucky to have a program like the one Mr. Rabun is associated with. In other cities, children don’t have that.

Senator SPECTER. Mr. Davidson, would you summarize whatever else it is you want to call to my attention at this moment, because I must adjourn shortly.

Mr. DAVIDSON. I appreciate that. Let me just close by saying we support any action that your subcommittee, the full committee and the Congress can take to protect children. We think that Senate bill 1701 is one step in that direction.

We are acutely aware of the problem of locating missing children. We have a special project on parental kidnapping focusing on that problem, and we hear from parents and their attorneys frequently concerning this issue.

We hope that you will take advantage of the opportunity to have further hearings on this matter, to ask the Justico Department and FBI to appear before you, and for them to discuss compliance with the Protection of Children Against Sexual Exploitation Act of 1977—Public Law 95-225—which was in intent an excellent law.

We understand there has been very little prosecution under the Federal act and I urge you to also hear from some State and county prosecutors, as well as others, in connection with criminal prosecution against those who exploit children.

Unfortunately I believe that we have not made as much progress in this area as the Congress hoped back in 1977 when hearings were held on this subject by both the House and the Senate.

Senator SPECTER. Mr. Davidson, thank you very much, and Mr. Dobbs, thank you very much.

How long have you been practicing law, Mr. Dobbs?

Mr. DOBBS. Seven years.

Senator SPECTER. In Atlanta? Which is your law school?

Mr. DOBBS. Vanderbilt.

Senator SPECTER. In Atlanta? Which is your law school?

Mr. DOBBS. Vanderbilt.

Senator SPECTER. How about you, Mr. Davidson?

Mr. DAVIDSON. I have been practicing since 1976, and I attended Boston College Law School.

[The prepared statements of Messrs. Dobbs and Davidson and additional material follow:]

CONTINUED

1 OF 2
PREPARED STATEMENT OF C. EDWARD DOBBS AND HOWARD A. DAVIDSON

Mr. Chairman and Members of the Subcommittee:

The American Bar Association appreciates the opportunity
to present its views on the subject of exploitation ofchildren. I am C. Edward Dobbs, Chairperson of the Association's Young Lawyers Division. The Division, with more than 140,000 number attorneys drawn from all fields of practice,provides assistance to over 230 state and local Young Lawyer
groups throughout the country; it is the largest single mem­bership entity within the ABA, representing more than 51% of
the total Association membership.

The Division emphasizes the need for lawyers to be in­
volved in public service work, and the legal protection of
children is but one of many areas where coordinated efforts
have been made by the Division to address major national issues
and problems. On a state and local level, a number of bar
association Young Lawyer programs have been concerned for many
years with child maltreatment and juvenile justice.

With me today is Howard Davidson, Director of our Division's
National Legal Resource Center for Child Advocacy and Protection.
Mr. Davidson will discuss his concerns relative to the subject
of exploitation of children at the conclusion of my brief
remarks.

The Resource Center, located in Washington, D.C., has a
staff of five full-time attorneys involved in a variety of
efforts related to the legal aspects of child welfare. A
project on child abuse and neglect has for three years
worked closely with the National Center on Child Abuse and
Neglect of the U.S. Department of Health and Human Services
as well as hundreds of lawyers and child welfare professionals
throughout the nation. A "Planning for Children in Foster
Care Project" has been at the forefront of actions to help
improve the legal and judicial system's response to children
removed from their homes. Finally, a "Child Custody Project"
focuses on legal and judicial education concerning the federal
Parental Kidnapping Act, the Uniform Child Custody Jurisdic­
tion Act, and other aspects of interstate and international
child custody disputes.

Mr. Davidson will now present his portion of this state­
ment, in which he will summarize the American Bar Association's
position on the legal protection of children and his own views
on the subject of child exploitation.

* * *

I am Howard Davidson, Director of the National Legal
Resource Center for Child Advocacy and Protection. The
Resource Center was established in October, 1978 pursuant to
a grant from the National Center on Child Abuse and Neglect.
This support has since been supplemented with funds from the
U.S. Children's Bureau and a number of private foundations.
The Resource Center is guided in its work by a distinguished
national advisory board, as well as by the Young Lawyers
Division and the ABA Public Services Group. Prior to coming
to the Resource Center, I worked for over five years as a
lawyer representing children, through the juvenile programs
of Greater Boston Legal Services. My experiences
involved the representation of a number of children considered
to be "exploited."

My remarks today are based on my experiences as a child
advocate, the research I have conducted relative to the legal
aspects of child pornography and prostitution, the products
of our special "Child Sexual Abuse Project," including the
book, Child Sexual Abuse and the Law, our intensive work in
the general area of child abuse and neglect, and most impor­tantly, official ABA policy on the subject of the protection
of children.

Prior to my arrival at the ABA, the Association's House
of Delegates, in February, 1978, adopted a general resolution
supporting federal, state, and local efforts to combat family
violence and protect its victims. The victims of such violence
are, of course, frequently children, and many who flee their homes for their own safety or are "throwaways," unwanted by their parents, become highly vulnerable targets of adult exploiters. Although this 1978 resolution spoke in general terms of domestic assaults, a more specific resolution relating to children was approved by the ABA's House of Delegates in August, 1980.

It urged increased government efforts related to child abuse and neglect, extension of the Child Abuse Prevention and Treatment Act, and passage of the Federal Child Welfare Act as part of a comprehensive plan to assure adequate national attention to and funding for the legal protection of children. Finally, this past August, the ABA's House of Delegates approved unanimously a resolution calling for attorneys and local bar organizations to become more active in helping improve the handling of cases related to child protection. A copy of this last resolution is appended to this statement.

As you may know, the American Bar Association also approved in 1980 a set of twenty volumes of Juvenile Justice Standards. Although standards on child abuse, runaways, and child exploitation were not among them, the twenty volumes represent a major review of juvenile law and a set of criteria and procedures for structuring the administration of juvenile justice. Specifically, I would like to make reference to the Dispositions volume, which states that "juveniles adjudicated delinquent should have access to all services necessary for their normal growth and development" (§4.1). Since many exploited children live on the streets of America's cities and are forced to commit delinquent acts by their exploiters, this "right to services" provision becomes central to their protection. Too often in my career as a juvenile defense advocate, judges were told that welfare or youth services agencies had "nothing to offer" the 15 year-old prostitute to keep her from selling her body.
training and treatment related to sexual assault or "incest." Only two small research grants and no demonstration projects related to the sexual use of children for commercial purposes were funded under that Act. Although the Child Abuse Prevention and Treatment Act has been reauthorized in Title VI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), there is no longer any special authorization for sexual abuse or exploitation programs.

The National Center on Child Abuse and Neglect, which administers the Act's programs, is the only federal agency which focuses expertise and funding on the victims of child maltreatment. However, its budget constraints force it to deal almost exclusively with intra-family abuse and neglect. Given proper resources, I believe that this agency has the potential to help us learn much more about the problems of exploited children. I urge you to provide additional and specific funding for this agency in order to address the needs of this group of children.

State child protective laws are also in need of improvement in this area. Although state statutes dealing with some forms of child abuse and neglect have increased dramatically in the past decade, statutes related to sexual exploitation have simply not kept up with this pace. Laws regarding mandatory reporting responsibilities, the required responses of child protective service agencies, and child abuse program authorizations need to be re-examined to see how they can better serve child victims of commercial sexual exploitation.

Indeed, only nine states include "sexual exploitation" within the definition of abuse and neglect under their mandatory reporting laws. Only about half of the states have specific offenses related to child prostitution, including severe penalties for causing or abetting the prostitution of a minor. Even fewer states have specific criminal sanctions against parents who permit their children to become involved in prostitution.

The Association hopes that this hearing will help to focus new attention both within the federal government and the states on the exploitation of children. We support new laws which will protect minors from participation in the production of pornography as well as prostitution. We also strongly urge that they be drafted, so as to assure appropriate assistance to children who have been victimized by such activities. Finally, we believe, as a deterrent to such activities, that federal and state law enforcement officials should more aggressively utilize the stringent criminal child sexual exploitation statutes which have been enacted throughout the country since 1977.

Without these efforts, more hearings like the one today in the state legislatures, and the special earmarking of funds to combat the incidence and effects of sexual exploitation, I regret to say that this subject is never likely to be adequately addressed by the states. For this is a highly controversial topic, and one which people are generally uncomfortable dealing with.

Much of the information that we have gathered on this subject to date is contained in a new Resource Center monograph, entitled, Child Sexual Exploitation - Background and Legal Analysis, copies of which are being made available to the Subcommittee today.

We want to thank the Chairman, the Subcommittee, and the Subcommittee staff for permitting us to express these views. The Association, the Young Lawyers Division, and our Resource Center will continue to explore the legal ramifications of this subject, and we stand ready to assist the Subcommittee in actions which will help provide new protections to these highly vulnerable children.
BE IT RESOLVED, that the American Bar Association encourages individual attorneys and state and local bar organizations to work more actively to improve the handling of cases involving abused and neglected children as well as children in foster care. Specifically, attorneys should form appropriate committees and groups within the bar to help develop better state legislation, court rules, and administrative regulations related to all stages of these proceedings; should participate in multidisciplinary teams and other community activities in which they can interact with members of other concerned professional groups; and should work to assure quality legal representation for children, parents and child welfare agencies.

The recent passage of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) highlights the need to improve state law concerning intervention on behalf of abused and neglected children. Supported by the American Bar Association in an August, 1980 resolution of its House of Delegates, the Act includes a comprehensive package of systemic reforms designed to prevent the unnecessary and unnecessarily prolonged placement of children in foster care. The reforms required by the Act should not only improve the handling of dependency and neglect cases by child welfare agencies, but also juvenile court and administrative proceedings.

State legislative changes are required because many state statutes still incorporate previous federal requirements and do not include the reforms required by the Act. Further, more than technical compliance with the new changes is needed. Because the Act incorporates broad system reforms, and because many of its requirements are flexible, a thorough review of relevant state law is required to assure a cohesive incorporation of the spirit of the reforms required by the Act. Active involvement of the bar in the process of legislative reform is therefore needed to assure that new state legislation embodies the reforms included in the Act, establishes sufficient procedural protection for children and parents, and establishes an appropriate role for attorneys and the courts in implementing the reforms.

The American Bar Association has demonstrated continuing commitment in this area through its support of the National Legal Resource Center for Child Advocacy and Protection, a program of the Young Lawyers Division which has as its primary focus the improvement of the legal process related to these proceedings.

1Neglect and dependency proceedings include child abuse and neglect cases and other juvenile court (and ancillary) actions related to these cases, including termination of parental rights.
2Institute of Judicial Administration/American Bar Association, Joint Commission on Juvenile Justice Standards, Standards Relating to Counsel for Private Parties (1980), §2.3(b).
4The Act was responsive to a variety of studies critical of the previous federal role in the foster care system.
This resolution is prompted by two recent developments related to child neglect and dependency cases: the United States Supreme Court decision in Lassiter v. Department of Social Services, U.S. (Decided June 1, 1981) and the enactment of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

In the Lassiter case, the Supreme Court held that the Constitution does not always require the appointment of counsel for indigent parents in every judicial proceeding to terminate parental rights, but that courts must decide on a case by case basis whether appointed counsel is constitutionally required.

The American Bar Association has concluded that the profound interests of all parties in the outcome of neglect and dependency proceedings and the possibility of error in these cases requires that the result may be children left unnecessarily separated from their families, unnecessarily spending their childhood without benefit of a stable home, or unnecessarily losing all contact with their natural parents.

The legal profession can help assure that parties are represented in these cases by supporting legislation that effect the state level. Such legislation should provide for a level of compensation for representation which is commensurate with both the difficulty and time involved. At present, there are many states in which statutory changes in these areas are needed. In addition, attorneys can work at the state and local level to establish better education, training, and standards for practice to assure that counsel are adequately prepared for an area of legal work which is extremely complex and subtle.

Many states and communities have child protection teams, councils, or organizations in which social workers, physicians, and mental health professionals participate in individual case planning and child welfare system improvement. It is important for attorneys to be involved with these groups in order to assure that the entire protective service process is informed by legal judgment, increasing the chances that "good preventive law" and ethical practices in the area of child protection will occur. Further, the educational efforts of the bar in this area can be enhanced by collaboration with other professionals involved with these matters.

This report was submitted to the ABA House of Delegates along with the resolution of the copyright owner.

U.S. Department of Justice
National Institute of Justice
This document has been reproduced exactly as received from the person or organization originating it. Errors of fact or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by American Bar Association

U.S. Dept. of Health & Human Services
National Criminal Justice Reference Service (NCJRS)

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

National Legal Resource Center
for Child Advocacy and Protection

American Bar Association
1800 M Street, NW, 5-200
Washington, 20036

(202) 331-2250

Resource Center Staff

Pamela Hall
Assistant Director
Child Custody Project

Carrie Coleman
Administrative Assistant

Maria Dunne
Secretary

Molly McManus
Secretary

Advisors Board Members

Dwight A. Mounds, Chairperson
ABA Young Lawyer Division

Andrew Billingsley
Mercer State University

Bruce A. Kaufman, Chairperson
American University, School of Law

Donald C. Brox
National Association of Counsel for Children

Marcia A. Lawless
ACLU Children's Rights Project

Elizabeth C. Cole
Child Welfare League of America

Martha F. McMillan
ABA Young Lawyer Division

Robert P. Ditton
Georgetown University Law Center

Harriett W. Parks
National Council of Juvenile and Family Court Judges

Peter W. Farwell
Edna McConnell Clark Foundation

Albert J. Pielert
Tate University, Child Study Center

Frederick C. Green
Children's Hospital National Medical Center

Michael E. Wald
Starran Law School

Swedlow N. Ratts
ABA Family Law Section

Norman Lefstein
ABA Criminal Justice Section

U.S. Court of Appeals for the D.C. Circuit

Administrative Support
Katharine McG. Sullivan, Director
ABA Division of Public Service Activities

This publication was made possible by Grant No. 90-CF-8098 from the National Center on Child Abuse and Neglect, Children's Bureau, Administration for Children and Families, Office of Human Development Services, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. The contents should not be construed as official policy of the American Bar Association, the National Center on Child Abuse and Neglect or any other agency of the Federal Government.

NOTE: This publication may be reproduced without permission as long as the authors and publishers are duly credited.
This monograph is one of a series of publications developed by the National Legal Resource Center for Child Advocacy and Protection as part of its Child Sexual Abuse Project. The Resource Center, a project of the American Bar Association’s Young Lawyers Division, has received funding from the National Center on Child Abuse and Neglect to produce materials on the legal, statutory, and programmatic aspects of child sexual abuse. These materials have included Child Sexual Abuse: Legal Issues and Approaches, an introductory guide to these complex issues; Child Sexual Abuse and the Law, a comprehensive book containing an analysis of state criminal child sex offense and incest statutes, other related laws, and legal issues related to proof of sexual abuse; and the forthcoming Innovations in the Prosecution of Child Sexual Abuse, a report on innovative approaches in the legal system’s handling of these cases.

I would like to express appreciation to several people without whom this monograph, The Need for Effective Child Sexual Exploitation Law, would not have been possible. First, for the initial research and first draft of this publication, I want to thank Daniel Nash, a student at the University of California – Hastings School of Law and Summer, 1981 intern at the Resource Center. Dan was also the author of a condensed version of this monograph, entitled “Legal Issues Related to Child Pornography,” which appeared in the Summer, 1981 issue of the Resource Center’s newsletter, Legal Response: Child Advocacy and Protection.

Second, I would like to thank Resource Center Intern Mary Startzman and research assistant Jane Hammitt for their help in further research and writing, as well as preparation of the charts and bibliography. I also appreciate the assistance of Ann Wolbert Burgess, Kee MacFarlane, and Robert Horowitz who reviewed drafts of this monograph. Finally, I want to express deep gratitude to Attorney Josephine Bulkley, the director of the Resource Center’s Child Abuse Project, for her patient and helpful review of this manuscript. The success of this project is really due to Jo’s hard work, careful scholarship, and sensitivity to the issues concerning sexually abused children.

As with all Resource Center publications, we welcome your comments which will assist us in making appropriate revisions for future printings of this monograph.

Howard A. Davidson, Esq.
Director,
National Legal Resource Center for Child Advocacy and Protection, American Bar Association
I. INTRODUCTION

The past five years have seen increased public and professional concern about an insidious form of child abuse—the exploitation of children for sexual stimulation and comedy. Minutes, additionally, congressional hearings on the subject, culminating in new federal legislation, have given the problem national attention.

Children are being sexually exploited throughout the country in a variety of ways. Most commonly, they are used as prostitutes or models for the production of pornographic photographs and films. This is distinguishable from another serious and related problem—sexual abuse of children by parents and guardians. Sexual exploitation usually involves a commercial element: children selling themselves or being sold as prostitutes or models. Sexual abuse, on the other hand, is generally perpetrated by an adult the child knows, and is generally understood to have no commercial element. While the two problems are interrelated (i.e., parents who sexually abuse their children may also exploit them commercially), this discussion will be concerned only with sexual exploitation.

Child pornography, also known as "kid porn," is generally defined as films, photographs, magazines, books, and motion pictures which depict children in sexually explicit acts, both heterosexual and homosexual. Production, distribution and sale of child pornography is a secretive business, making a determination of its full extent extremely difficult. Estimates of the number of children involved vary, but one thing is clear: a significant number of children are being sexually exploited throughout the country.

The availability of child pornography is a good indicator of its nature and scope. A relatively obscure and unusual product as late as the 1960's, child pornography has become highly organized industries that operate on a nationwide scale. In 1977, there were at least 260 different monthly magazines published in the United States, with different names as "Torrid Tots," "Night Boys," "Love Boys," and "Children Love." Congress has concluded that child pornography and child prostitution have become highly organized industries that operate on a nationwide scale. It has been estimated that these enterprises may gross a half-billion to a billion dollars annually, with each deflowered child generating considerable income. For example, the Rene Guyon Society in California purports to have 5,000 members who claim to have each deflowered a "child under eight." Their motto is "sex by eight or it is too late." In May, 1977, the first meeting of the Integrations, Pedophile Information Exchange was held in Wales. It advocates a change in the laws to permit sex between adults and "consenting" children, although such permission is a legal impossibility since children are not capable of consenting.

Child pornography is a lucrative business; the costs of sexually exploiting children are minimal and the profits enormous. A magazine that retails for $7.50 to $12.50 per copy can be produced for as little as 35 to 50 cents. Similarly, a cheap home movie camera can be used to produce films that sell thousands of copies for $75 to $250 each. These prices are considerably higher than for similar materials featuring adult pornography.

A. Child Pornography and Child Prostitution

Several authorities have found a close relationship between child pornography and child prostitution. Frequently, a person hiring a child prostitute will also film their activities. These films are then reproduced and sold to distributors.

There have also been cases where child pornography and prostitution operations have been organized into "sex rings." For example, a Tennessee minister who operated a home for wayward boys encouraged the boys to engage in orgies. He then filmed them with hidden cameras and sold the films. Also, he arranged for "pimpesses" to come to the home and have sex with the boys.

However, child pornography is generally a "cottage industry," with production occurring surreptitiously in private homes and motel rooms. Consequently, combating the problem and protecting the children can be very difficult.

B. Profile of People Who Sexually Exploit Children

The rapid growth of child pornography reveals a demand for the material by people who are stimulated by sexual activity with children. They are known as "pedophiles"—people who are predisposed to sexually use children or who turn to them as a result of conflicts or problems in their adult relationships. Some have organised and become vocal about what they believe is their right to sexual fulfillment. For example, the Rene Guyon Society in California purports to have 5,000 members who claim to have each deflowered a "child under eight." Their motto is "sex by eight or it is too late." In May, 1977, the first meeting of the Integrations, Pedophile Information Exchange was held in Wales. It advocates a change in the laws to permit sex between adults and "consenting" children, although such permission is a legal impossibility since children are not capable of consenting.

Child pornography is a lucrative business; the costs of sexually exploiting children are minimal and the profits enormous. A magazine that retails for $7.50 to $12.50 per copy can be produced for as little as 35 to 50 cents. Similarly, a cheap home movie camera can be used to produce films that sell thousands of copies for $75 to $250 each. These prices are considerably higher than for similar materials featuring adult pornography.

A. Child Pornography and Child Prostitution

Several authorities have found a close relationship between child pornography and child prostitution. Frequently, a person hiring a child prostitute will also film their activities. These films are then reproduced and sold to distributors.

There have also been cases where child pornography and prostitution operations have been organized into "sex rings." For example, a Tennessee minister who operated a home for wayward boys encouraged the boys to engage in orgies. He then filmed them with hidden cameras and sold the films. Also, he arranged for "pimpesses" to come to the home and have sex with the boys.

However, child pornography is generally a "cottage industry," with production occurring surreptitiously in private homes and motel rooms. Consequently, combating the problem and protecting the children can be very difficult.

B. Profile of People Who Sexually Exploit Children

The rapid growth of child pornography reveals a demand for the material by people who are stimulated by sexual activity with children. They are known as "pedophiles"—people who are predisposed to sexually use children or who turn to them as a result of conflicts or problems in their adult relationships. Some have organised and become vocal about what they believe is their right to sexual fulfillment. For example, the Rene Guyon Society in California purports to have 5,000 members who claim to have each deflowered a "child under eight." Their motto is "sex by eight or it is too late." In May, 1977, the first meeting of the Integrations, Pedophile Information Exchange was held in Wales. It advocates a change in the laws to permit sex between adults and "consenting" children, although such permission is a legal impossibility since children are not capable of consenting.
The pedophile's sexual access to children is gained by either pressuring the child into sexual activity through enticement, encouragement, or instruction, or by forcing such activity through threat, intimidation, or physical duress. However, pedophiles usually seek to control children rather than injure them.

The research of Dr. Nicholas Groth, Ann Walbert Burgess, and their colleagues forms an essential basis for understanding the phenomenon of pedophilia. Reports on their observations and clinical experiences have helped separate myths from realities concerning those adults who sexually victimize children. They have found that pedophiles are not "dirty old men" but are rather at the younger end of the age spectrum. Many may commit their first pedophile offenses while in their teens. Generally, they are neither retarded nor psychotic.

Surprisingly, pedophiles frequently have adult outlets for sexual gratification. Many are married, and many have ongoing sexual relationships with adults at the same time that they are carrying on sexual activity with children. It is also commonly believed that child sex offenders are often violent and that children are usually physically injured by the offenders. This is rarely the case. Few incidents of sexual abuse are marked by excessive force or brutality. Nor do most offenders become increasingly violent over time. Indeed, most offenses involve activity in which there is no physical contact (e.g., indecent exposure) or which stops short of penetration.

Although it is commonly believed that children are at greater risk of sexual victimization from homosexual adults than from heterosexuals, this is not true. Dr. Groth's research not only found females victimized almost twice as often as male children, but where child sex offenders had a predominately sexual orientation toward adults, they largely led exclusively heterosexual lives. Another myth is that pedophiles are often alcohol or drug-addicted. Not only is this from false but their sexual behavior is likely to be highly responsive, often to the point of compulsion, rather than the product of a temporary lapse of judgment while in a state of intoxication.

C. Profile of the Exploited Child

Child pornographers have little difficulty recruiting young targets. Typically, the victims are runaways who come to the city with little or no money. A recent U.S. Senate Committee report estimates that between 750,000 to one million children run away from home each year. Adult exploiters pick them up at bus stations, hamburger stands and street corners and offer them money, gifts or drugs for sexual favors.

D. The Need for Effective Child Sexual Exploitation Laws

In the past four years, Congress and the state legislatures have played a crucial role in the fight against the rapidly growing problem of child pornography and child prostitution. Prior to 1977 there were few laws, either federal or state, addressing the sexual exploitation of children. Today, virtually all states and the federal government have enacted laws which specifically deal with the problem.

However, not all exploited children are runaways. Many seem to live normal lives with their families. Frequently, they are children who have been abused at home or come from broken homes or live with parents who simply don't care about their activities. The Senate Committee Report suggested the following characteristics as typical of a sexually exploited boy:

- Between the ages of 8 and 17
- An under achiever in school or at home
- Usually without previous homosexual experience
- Came from a home where the parents were absent either physically or psychologically
- Had no strong moral or religious obligations
- Usually had no record of previous delinquency
- Suffered from poor sociological development

Often the parents are unaware of what their children are doing, but there have been cases where parents have sold their own children for sexual purposes.

The effects of sexual exploitation on children are devastating. Many children suffer physical harm as a result of the premature and inappropriate sexual demands placed on them. Perhaps more serious is the disruption of emotional development. Although the psychological problems experienced by children who are sexually exploited have not been extensively studied, there is ample evidence that such involvement is harmful. One recent study suggested that children who are used to produce pornography suffer harmful effects similar to those experienced by incest victims. Often, these children grow up to lead a life of drugs and prostitution. More tragically, children who are sexually abused are more likely to abuse their own children.

In summary, it is essential for child exploitation laws to be effective. These laws must be strengthened to provide adequate protection for children at risk.
The flurry of legislative activity resulted from a belief that the existing laws used to prosecute child exploiters did not adequately protect children from these activities. On the federal level, the general obscenity statutes prohibited the mailing, importation and interstate transportation of obscene materials. While these statutes cover all forms of legally "obscene" pornography, they do not differentiate between material depicting adults and material depicting children. Furthermore, they do not specifically prohibit the production of child pornography. Also, it was generally the practice of the federal authorities to investigate only large manufacturers and distributors. Combined with the fact that much of the business of child pornography was conducted through interstate commerce and the mails, Congress determined that specific legislation was needed.

Several types of state statutes have indirectly addressed child sexual exploitation prior to enactment of the new legislation. These include: 1) sex offense statutes; 2) child abuse laws; 3) contributing to the delinquency of a minor laws; 4) child labor laws; and 5) obscenity statutes. However, even though these laws address the problem in one form or another, many state legislators found them to be inadequate for reasons discussed below.

1. Sex offense statutes

All states have sex offense statutes which prohibit certain sexual acts such as incest, sexual intercourse and other forms of sexual contact between adults and minors. These laws have several limitations in their application to child sexual exploitation. First, while they may outlaw the actual production of child pornography, they do not apply to its distribution and sale. Second, sex offense statutes generally do not address situations where a child is forced to pose alone or is depicted with other children; they apply only when the child is abused by an adult. Finally, these laws present problems of proof; usually, the abused children are difficult to identify and locate. In the event that they are found, the victimized children are often too young, frightened or emotionally attached to the perpetrator.

2. Child abuse laws

Child abuse laws may also be used in response to child sexual exploitation, but they also have certain limitations. Most child abuse laws cover only parents, legal guardians, or persons in loco parentis. Considering that many children are exploited by strangers, these laws are clearly inadequate, exploited by strangers, these laws are clearly inadequate, exploited by strangers, these laws are clearly inadequate, exploited by strangers, these laws are clearly inadequate, exploited by strangers, these laws are clearly inadequate, exploited by strangers. Also, these statutes focus on the "fitness" of the child's parents and the responsibility of the state to intervene on behalf of the child allegedly receiving inadequate parental care. They are not designed to deter all categories of child pornography. Moreover, while child abuse laws may in some cases apply to the production of child pornography (i.e., if a parent uses or permits his or her child to be used for the purpose of producing child pornography), they do not specifically cover its distribution and sale.

3. Contributing to the Delinquency of a Minor laws

Statutes which make it an offense to "contribute towards the delinquency of a minor" may also be used to prosecute exploiters of children. However, they may only be applied to persons who use children for prostitution or for the production of pornography. They can not be used to prosecute distributors and sellers of child pornography who have no direct contact with the exploited children. Perhaps more importantly, they usually provide weak criminal sanctions.

4. Child labor laws

In an attempt to curb child pornography, child labor laws have been amended in several jurisdictions. These amended statutes are diverse; they target different aspects of the problem and impose varying degrees of punishment. Because no one statute deals comprehensively with all facets of child pornography, their ability to combat the problem is severely hampered. For example, California Labor Code § 1102.5 imposes a recordkeeping requirement for persons engaged in activities related to the sale and production of child pornography. Its scope is therefore limited to retailers and distributors of the finished product, and it does not pertain to those persons in direct contact with the exploited minor. Conversely, Idaho Code § 44-1306 is a general proscription against all theatrical employment of children which is dangerous to their life and limb or which is for "any obscene, indecent or immoral purpose." However, it does not apply to those who produce, produce, or distribute a finished printed or filmed product. Failure to comply with both statutes is only a misdemeanor. A further example of a state child labor law aimed at eradicating child pornography is Massachusetts Gen. Laws Ann. ch. 144 § 30A, which makes it a felony to employ or hire a minor to pose nude or to participate in sexual conduct for purposes of visual productions. Massachusetts, like Idaho, focuses upon the person who actually employs the child.

The federal child labor law, 29 U.S.C. § 219, is a general proscription against any oppressive child labor, which could be construed to include minors employed for pornographic purposes. It also is limited, however, by the fact that its provisions only pertain to producers, manufacturers, dealers and employers, and not to those persons who enlist the services of the minor outside of an employment relationship.
A. Federal

Legislation has changed with the advent of the new laws. The traditional obscenity laws have generally failed to differentiate between pornography and fell within the purview of these laws, they still have several weaknesses. First, obscenity statutes have generally failed to differentiate between pornography involving adults and material depicting children, although this has changed with the advent of the new laws. The traditional obscenity laws have never underscored a concern for this particularly offensive form of pornography. Second, the obscenity laws apply only to material which is determined to be legally obscene. More importantly, these laws are aimed at the finished product and not at the actual harm done to the child in the process of production. The production of pornography can be harmful to the child without the finished product being considered legally "obscene."

II. NEW LEGISLATION

A. Federal Statutes

Serious legislative attention to the problem began in 1978 when Congress enacted the Protection of Children Against Sexual Exploitation Act (Public Law 95-225, 18 U.S.C. §2251-53). This law, the result of extensive hearings in both the House and Senate, extended the federal government's authority to prosecute both the producers and distributors of child pornography. In addition, the law prohibited the transportation of children across state lines for the purpose of sexual exploitation.

Signed into law by President Carter in February, 1978, 18 U.S.C. §2251 now provides punishment for persons who use, employ or persuade minors (defined as any person under 16) to become involved in the production of visual or print material which depicts sexually explicit conduct, if the producer knows or has reason to know that the material will be transported in interstate or foreign commerce, or mailed. Punishment is specifically provided for parents, legal guardians, or other persons having custody or control of minors who knowingly permit a minor to participate in the production of such material. Distributors of the material are also covered, as Section 2252 prohibits the shipping or receiving, for the purpose of distribution, of "obscene" child pornography through interstate or foreign commerce or the mails. Finally, the new law amends the Mann Act (18 U.S.C. §2423) to extend protection to males who are transported across state lines for the purpose of prostitution and additionally prohibits the causing of a minor to engage in sexual conduct for commercial exploitation of females for use in prostitution.

5. Obscenity statutes

Obscenity statutes proscribe the production and distribution of visual and printed material which is legally obscene. While most child pornography is generally considered obscene and falls within the purview of these laws, they still have several weaknesses. First, obscenity statutes have generally failed to differentiate between pornography involving adults and material depicting children, although this has changed with the advent of the new laws. The traditional obscenity laws have never underscored a concern for this particularly offensive form of pornography. Second, the obscenity laws apply only to material which is determined to be legally obscene. More importantly, these laws are aimed at the finished product and not at the actual harm done to the child in the process of production. The production of pornography can be harmful to the child without the finished product being considered legally "obscene."

The sanctions provided by the new law are stiff. Both production and distribution carry penalties of imprisonment up to ten years and fines up to $10,000. In addition, the maximum penalties are increased to 15 years imprisonment and $25,000 for subsequent offenses.

Drafting Public Law 95-225 proved to be a difficult task. Sexual exploitation of children presents legislators both on the federal and state levels with two distinct but interrelated problems: 1) the use of children in the production of pornography; and 2) the distribution and sale of the material. While the most disturbing part of the problem is the actual use of the children, it is obvious that the industry could not flourish without the various distributors and retailers, who are said to retain as much as 70% of the profits. Given that producers can rarely be found or identified, Congress believed that effective legislation must prohibit both the production and sale of child pornography, and is accordingly included separate provisions making each aspect illegal.

Child pornography, like child abuse, is generally a state concern. However, based on the Federal government's constitutional power to legislate under both the commerce and the postal power clauses, Congress was able to exert significant control over trafficking and production of child pornography. Furthermore, given the gravity of the problem and the lack of resources to combat it on the local level, it is apparent that the legislative reform movement in this area arose primarily from a desire on the part of the local law enforcement officials to obtain federal assistance and the resources of federal law enforcement agencies. As the legislative history of the new federal law states:

"We perceived a need to not supplant or discourage state and local response to those practices, but to respond in the areas where the states turned to the federal government for assistance."

B. State Laws

The states have responded, and with a fervor equal to that of the federal government. Prior to 1977, only two states had laws which prohibited the use of children in obscene materials or performances.36 Today, 48 states have enacted statutes which specifically deal with the problem.

State legislative approaches to the problem vary, but generally address both the production and distribution of child pornography materials. One common approach has been to amend the existing obscenity statutes by including penalties for both the use of children in the production of obscene materials, and for its distribution or sale.40
A few states have dealt innovatively with this problem. For example, Idaho has included provisions in its child labor laws which prohibit the employment of children in productions which depict sexual conduct.42 Other states have amended their child abuse laws to include provisions which prohibit using or permitting a child to perform in a sexually explicit act.43 Some have even gone beyond the traditional notion that child abuse laws apply only to the parents or guardians of a child. For example, Hawaii describes the distribution of child pornography as "promoting child abuse."44

Most commonly, however, the states have followed the lead of the federal government and have created separate offenses within their criminal codes which specifically outlaw child sexual exploitation.45 These laws are similar to the obscenity laws, but many omit the requirement that the material be obscene. Instead, they prohibit using or permitting children to be filmed or photographed in specifically defined sexual acts. Additionally, they generally prohibit the distribution and sale of such materials.

The vast majority of these new criminal offenses are felonies.46 Prison terms vary, but are set around ten years in most states and range from one year to life imprisonment in others. Fines also vary, the most common being about $1,000, but ranging from $1,000 to $50,000. A few states consider the crime a misdemeanor and provide penalties of less than one year and $1,000.

III. THE "OBSCENITY" ISSUE

The Supreme Court has long held that obscenity does not enjoy protection under the First Amendment's freedom of speech and expression provisions.47 Consequently, there is little question that the state may criminally prosecute the producers and distributors of obscene child pornography. But what about materials which do not meet the legal definition of obscenity?48 Can they be regulated?

In answering this question many legislators have distinguished producers from distributors. With respect to the latter, Congress and many state legislative bodies have opted for an obscenity requirement.49 This reaction follows the reasoning of the United States Justice Department to a proposed amendment of the original federal act which would have eliminated obscenity conditions. The Department commented that a motion picture like "The Exorcist," which contains a scene where a minor simulates masturbation but which, in the form of a whole, "is clearly not obscene," could no longer be distributed even though the scene is merely a small part of the film. The letter continued, "[t]his would be a clear statement of public policy by the Congress which would undoubtedly create severe problems for the courts, particularly in situations where the offensive material is a small part of what is otherwise a socially acceptable product."

In short, unbridled regulation on distribution was viewed as constitutionally suspect, since it would affect non-obscene, socially permitted materials. Producers, however, have fared differently.50 The federal statute and most state laws do not contain an obscenity requirement for restricting the production of child pornography. Unlike distribution, the production provisions address the actual making of the illegal material. This activity gives way to a constitutional bypass of the obscenity issue. Production involves elements of conduct. Admittedly, First Amendment protections encompass a wide array of activities (e.g., strikes); however, when traditional speech is entwined with elements of non-speech, the scope of this protection may diminish if the state has a substantial interest in regulating the non-speech or conduct elements. As the United States Supreme Court has stated:

"We cannot accept the view that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea."

With respect to the production of materials depicting children in sexually explicit conduct, the state, under its parens patriae duties to protect the health and morals of its minor citizens, can, akin to its child abuse and neglect jurisdiction, regulate such production regardless of the legal obscenity requirement.

Although the Supreme Court has never ruled on this issue, it is analogous to the facts raised in Prince v. Massachusetts, 321 U.S. 158 (1946). There, the Supreme Court sustained the conviction of a nine-year old girl's guardian, a member of the Jehovah Witnesses, for violating the state's child labor law by permitting the girl to sell the sect's religious tracts on the streets of Boston. Although the guardian argued that the conviction violated her First Amendment freedom of religion guarantee, the state's interest in protecting the minor, as identified in the child labor law, prevailed.

The states are divided in their treatment of the obscenity issue. Almost half have distribution clauses which follow Congress' lead and require that material which depicts children in sexual conduct be legally obscene. Fewer require that obscenity standards also apply to producers. The states omit any mention of obscenity for either class of offender.

This last grouping, statutes where no obscenity requirement exists in the conduct clauses, also apply to producers. In the case of a minor simulates masturbation but which, in the form of a whole, "is clearly not obscene," could no longer be distributed even though the scene is merely a small part of the film. The letter continued, "[t]his would be a clear statement of public policy by the Congress which would undoubtedly create severe problems for the courts, particularly in situations where the offensive material is a small part of what is otherwise a socially acceptable product."
enforcement of the law.\textsuperscript{53} This is particularly true of those who look upon these laws as a form of child abuse legislation, placing the emphasis upon the protection of children and not the suppression of obscene materials.\textsuperscript{54}

The suppression of "obscene" materials is not the only permissible exception to the First Amendment; other infringements on protected expression have been allowed. Most important for our concern is the case of Sinskey v. New York, 390 U.S. 629 (1968), where the Supreme Court upheld a statute banning the distribution of "girlia magazines" to children, even though access to the magazines by adults could not be prohibited, as the magazines were not legally obscene. Whether the Court will create a new exception to the First Amendment by allowing a prohibition against the distribution of nonobscene materials depicting children remains to be seen. The few existing lower court decisions thus far have refused to recognize such an exception.

A. 

In Graham v. Hill, 444 F. Supp. 594 (W.D. Tex. 1978), the appellant challenged the constitutionality of Texas Penal Code Section 263.15, which made it a felony for a person commercially to possess, exhibit, distribute or sell any motion picture or photograph showing a person younger than 17 observing or engaging in sexual conduct. In striking down the statute, the Federal District Court noted that the Texas law failed to require the material proscribed to be obscene, and concluded that:

the statute clearly is overbroad, and, that its deterrent effects on protected conduct is both real and substantial, especially considering the severe sanctions for violation of the statute.\textsuperscript{15}

Thus it appears the Court was more concerned with the precision and clarity with which the statute was drafted, rather than taking an absolute stance that such statutes must require that the proscribed material be obscene.

B. People v. Ferber

People v. Ferber, 52 N.Y. 2d 674 (1981), is a more recent and controversial case than Graham. It presents a troublesome set of facts and illustrates the difficulty encountered by prosecutors in litigating these cases.

The appellant, the owner of a Manhattan bookstore, sold two films to an undercover police officer. Both films showed naked boys, some as young as eight years old, engaged in solo and mutual masturbation. The appellant was indicted for 1)

Promoting an Obscene Sexual Performance by a Child (N.Y. Penal Law §263.10); 2) Promoting a Sexual Performance by a Child (§263.15). The jury, after viewing both films, acquitted the appellant of the obscenity charges, but found him guilty of Promoting a Sexual Performance by a Child. On appeal, the N.Y. Court of Appeals held that Section 263.15 violated the First Amendment and dismissed the indictment. The Court stated:

We merely hold that those who present plays, films and books portraying adolescents cannot be singled out for punishment simply because they deal with adolescent sex in a realistic but nonobscene manner.\textsuperscript{57}

This decision may not, however, have settled the issue, as it is currently being appealed to the U. S. Supreme Court (Petition for Writ of Certiorari No. 81-58). But the case does illustrate the difficulty of using obscenity laws to prevent exploitation of children. The Miller standard of obscenity with its requirement that proscribed material be judged by "contemporary community standards, taken as a whole," allows for a variety of interpretations. However, it does not seem to allow a legal prohibition of sexually explicit material based merely on whether a child is actually being harmed in its production.

In an amicus curiae brief filed with the U.S. Supreme Court in this case, Covenant House, a New York City private program which operates a children's crisis shelter in the Times Square area of Manhattan, has raised several important additional arguments for the validation of Section 263.15. It suggests that the First Amendment guarantees of free expression do not protect the non-consensual invasion of children's privacy through public display of their engagement in sexual activities. It further states that the promotion of such activities, through distribution of child pornography, is part of a course of conduct illegal from its inception and thus subject to criminal penalties.

IV. ANALYSIS OF STATE CRIMINAL STATUTES

The criminal offense of child sexual exploitation involves several issues requiring detailed analysis. Most important are: 1) the class of offenders covered by the statute; 2) the description of proscribed sexual conduct; and 3) the type of performances and visual materials prohibited. In addition, many statutes have varying definitions of the age of minority and special provisions to aid prosecutors in gathering evidence, while other states have a requirement that the child sexual exploitation must be for "commercial gain."
A. Class of Offenders

Generally, the various state statutes impose criminal liability on any or all of four different categories of offenders. Drawing from the description of offenders provided under the new federal law, they include:

1) Producers - any person who employs or uses any minor to engage in, or assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

2) Coercers - any person who persuades, induces, entices, or coerces any minor to engage in, or assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

3) Distributors - any person who sells, loans, gives, distributes, transports or receives material with knowledge that it depicts minors engaged in sexually explicit conduct.

4) Parents - any parent, legal guardian or person having custody or control of a minor who knowingly permits such minor to engage in, or assists any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print material depicting such conduct.

All of the sexual exploitation laws impose criminal liability on producers. Coercing a child to participate in the production of material depicting sexually explicit conduct has been outlawed in a majority of states. A significant number of state laws specifically include parents as possible offenders, although many other states describe offenders in a more general sense as "any person who knowingly permits (sexual exploitation of a child)," which could be construed to include parents. Finally, a majority of states follow the federal law in specifically imposing criminal culpability on the distributors of child pornography.

Currently, eleven states have comprehensive laws which specifically cover all four classes of offenders. Combined with the states that include people who "permit" children to be sexually exploited, almost half of the state child sexual exploitation laws can be considered comprehensive in terms of offenders.

It is important to stress that while all child sexual exploitation laws prohibit production of child pornography, not all ban its distribution. As previously noted, child sexual exploitation cannot be successfully combated unless both the production and distribution of child pornography is prohibited. Accordingly, it has been urged that these states amend their statutes to include distributors as a class of offenders.

B. Prohibited Sexual Conduct

All child sexual exploitation statutes prohibit the depiction of children engaged in certain forms of sexually explicit conduct. The majority of state laws actually provide a definition of the illegal "sexual conduct." An example of a detailed definition can be found in Section 2253 of the new federal law, which defines "sexually explicit conduct" as actual or simulated:

A) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex;
B) bestiality;
C) masturbation;
D) sadomasochistic abuse (for the purpose of sexual stimulation); or
E) lewd exhibition of the genitals or pubic area of any person.

Many of the states have defined sexual conduct similarly to the federal statute. In fact, a number of states have adopted definitions which are virtually identical. Others include variations such as "erotic fondling" and "passive sexual involvement." The depiction of a naked child is prohibited in several states; however, there is usually a requirement that the nudity be depicted for the purpose of sexual gratification or stimulation of any person who might view such depiction.
A further constitutional limitation in drafting sexual exploitation statutes is the requirement that the language used in defining the proscribed sexual conduct is not vague or overbroad. This problem is more evident where a state seeks to outlaw the distribution of child pornography without requiring that it be obscene. The United States Supreme Court has held as a general rule that a criminal statute which would reach both protected expression and obscenity is void on its face for overbreadth. See e.g., Erznoznik v. City of Jacksonville, 390 U.S. 593 (1968). Therefore, a statute which prohibits the depictions of children engaged in any sexual conduct without requiring that the conduct be obscene, or specifically defining exactly what conduct is prohibited, may be struck down as overbroad. For example, a few states have drafted the term 'sexual conduct' in such a way that the statute could be construed to include two children hugging or kissing each other, activity obviously not intended to be the proscribed sexual conduct should be done with care and specificity, focusing on conduct which is harmful to the child. 68

C. Type of Production Prohibited

Statutes which regulate child pornography must describe the type of production prohibited. Most laws prohibit the production of any "visual or print medium" which depicts children in prohibited sexual conduct. Visual or print medium as defined by the federal law means "any film, photograph, negative, slide, book, magazine, or other visual or print medium." 69

Children can also be sexually exploited by their use in live performances. Consequently, a majority of states also prohibit the production of live performances which depict children in prohibited sexual conduct. Visual or print medium as defined by the federal law means "any film, photograph, negative, slide, book, magazine, or other visual or print medium." 69

Children can also be sexually exploited by their use in live performances. Consequently, a majority of states also prohibit the production of live performances which depict children in prohibited sexual conduct. Visual or print medium as defined by the federal law means "any film, photograph, negative, slide, book, magazine, or other visual or print medium." 69

Children can also be sexually exploited by their use in live performances. Consequently, a majority of states also prohibit the production of live performances which depict children in prohibited sexual conduct. Visual or print medium as defined by the federal law means "any film, photograph, negative, slide, book, magazine, or other visual or print medium." 69

D. Victim's Age

Child pornography statutes generally prohibit the exploitation of children below the age of majority, but the upper age limit ranges from 16 to 18. 72 Twenty one states only protect minors under 16, 73 four states protect those under 17, 74 and 22 states set the age at 18 years. 75 In addition, a few states define a child as one who "appears prepubescent." 76 This latter category, while helpful to prosecutors in overcoming their burden of proof, appears vague and may be unconstitutionally broad.

E. Evidentiary Problems

Prosecutors face several evidentiary obstacles in child sexual exploitation cases. Among them is the prosecutor's burden of proving that the child was actually a minor at the time of the offense. This is particularly difficult in child pornography cases because the identity and location of the child depicted are usually unknown. To overcome this obstacle, the use of expert testimony to establish the child's age has been allowed in some states. 77 Also, several states permit the jury to make a subjective judgment regarding the age of the child without the aid of expert testimony. 78 Others have established a rebuttable presumption that a child appearing in pornography is under the age of majority. 79

Several states have included other provisions within their new laws which assist prosecutors in gathering evidence. The California statute, for example, has a provision which requires adult bookstore to keep detailed records of all transactions from wholesalers and distributors of sexual material involving children. 80 Failure to keep these records is a misdemeanor. Louisiana has a provision stating that possession of three or more items of child pornography is prima facie evidence of intent to sell or distribute. 81

V. CHILD PROSTITUTION LAWS

Virtually all of the new child sexual exploitation laws focus solely on pornography. Yet, as already noted, the use of children for sexual purposes is not limited to pornography; children are also commonly exploited by their use in prostitution. In fact, many children engage in prostitution before becoming involved in pornography. Thus, child prostitution, while often a forerunner, may be a more serious problem than child pornography.

More than half of the states have separate offenses for child prostitution under their general prostitution statutes. 82 Under these laws, it is usually illegal to cause or abet the prostitution of a minor. 83 Some states specifically provide punishment for parents and guardians who permit their child to engage in prostitution, 84 while others prohibit the solicitation of a minor for this purpose. 85 As stated earlier, the federal law specifically outlaws the transportation of any minor in interstate or foreign commerce for the purpose of prostitution. 86 Encouraging child prostitution is generally a higher degree offense than for adult prostitution, with correspondingly greater penalties, and it is often included within the same provision as the offense of inducing the prostitution of any person by use of force. 87
Some child prostitution laws appear to be out of date. A few outlaw the prostitution of only female minors. This is similar to the situation found by Congress before it amended the Mann Act (18 U.S.C. §2422) to include males as well as females. As previously noted, the prostitution of boys is often just as or more common than female prostitution. Accordingly, these statutes should be amended to prohibit the encouragement of the prostitution of any minor.

It is important to note that while virtually all states have specific offenses relating to child prostitution, only about half of the states have specific offenses relating to child pornography. Even fewer states have criminal sanctions against permitting children to become involved in prostitution. A few outlaw the prostitution of only female minors. This is similar to the situation found by Congress before it amended the Mann Act (18 U.S.C. §2422) to include males as well as females. As previously noted, the prostitution of boys is often just as or more common than female prostitution. Accordingly, these statutes should be amended to prohibit the encouragement of the prostitution of any minor.

Few child sexual exploitation laws address the problems experienced by the victimized child. All states have child abuse and neglect laws which require people who come into contact with children (e.g., teachers, doctors, social workers, police officers, etc.) to report suspected child abuse to the appropriate child welfare agency or police department. However, these laws do not adequately protect victims of sexual exploitation.

Under the reporting laws, each state defines abuse and neglect, setting out the type of abuse which must be reported. Often sexual abuse is included within these definitions, but sexual abuse generally connotes only actual sexual contact between the child and the parent, guardian, or person responsible for the child. "Sexual abuse," as defined (if at all) in state laws, usually does not include photographing or filming children engaged in sexually explicit behavior. To fill this gap, states have been encouraged to include sexual exploitation (clearly defined) as a type of abuse which must be reported. Proposed rules issued by the U.S. Department of Health and Human Services on May 17, 1980 suggested that for states to be eligible for funds under the Child Abuse Prevention and Treatment Act, the statutory definition of child abuse in their mandatory reporting law would have to include sexual exploitation. These proposed rules defined sexual exploitation as:

- allowing, permitting, or encouraging a child to engage in prostitution, as defined by State law, by a person responsible for the child’s welfare; and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depiction of a child for commercial purposes as those acts are defined by State law, by a person responsible for the child’s welfare.

This proposed regulation was intended to implement changes in the original federal Child Abuse Prevention and Treatment Act made necessary by 1978 amendments to the Act. Neither the original language of the Act nor the current regulations governing state grants under the Act include any reference to sexual exploitation. Indeed, the original regulations define child abuse merely in terms of "harm" or "threatened harm" to children and state that it is not necessary for states to adopt any particular definition of child abuse.

The 1978 amendments to the Act added "or exploitation" after the words "sexual abuse" in the definitional section. They also included a new authorization for special state grants related to sexual abuse. Interestingly, "sexual abuse" was here specifically defined to include, in addition to rape, molestation and incest:

- the obscene or pornographic photographing, filming, or depiction of children for commercial purposes as those acts are defined by State law, by a person responsible for the child’s welfare; and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by State law, by a person responsible for the child’s welfare.

The 1978 amendments to the Act added "or exploitation" after the words "sexual abuse" in the definitional section. They also included a new authorization for special state grants related to sexual abuse. Interestingly, "sexual abuse" was here specifically defined to include, in addition to rape, molestation and incest:

- the obscene or pornographic photographing, filming, or depiction of children for commercial purposes as those acts are defined by State law, by a person responsible for the child’s welfare; and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by State law, by a person responsible for the child’s welfare.

In fact, neither the May 27, 1980 proposed regulations nor any other new regulations were ever approved. Although the Act has been re-authorized by the present Congress, there is no longer a special authorization for sexual abuse programs and projects. However, the Reagan Administration may issue new child abuse regulations which make reference to sexual exploitation of children. Therefore, it is possible that there will be further federal encouragement for states to include "sexual exploitation" in their child abuse laws.

It has been recommended by Dr. Densen-Gerber that state child abuse laws be amended to include sexual exploitation. However, to date, only nine states have included "sexual abuse" as defined by State law in their child abuse reporting laws. These proposed rules define sexual exploitation as:

- allowing, permitting, or encouraging a child to engage in prostitution, as defined by State law, by a person responsible for the child’s welfare; and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by State law, by a person responsible for the child’s welfare.

One possible amendment to child abuse reporting laws is to require the reporting of suspected abuse when any person, not
just a parent or guardian, is suspected of exploiting a child. Many children are exploited by non-family members or even total strangers, but could still use help from child protective agencies. However, a caveat must be added here. Under the current child abuse reporting procedures, the reporting of suspected abuse is an initiation that the parent is at fault. While the involvement of a child in sexual exploitation may be an indication that something is amiss in the home and should be investigated, it may not necessarily mean that the parent is at fault or even aware of their child's activities. This should be kept in mind during any child welfare investigation of this nature.

A family faced with this serious problem needs support, not accusations and further disruption.

In the event that the child is identified and located in a sexual exploitation case, the criminal justice system should be sensitive to difficulties encountered by the child witness. The use of an exploited child as a witness in a sexual exploitation case can cause severe emotional problems for that child. He or she may be forced to relive the experience all over again, and endure the guilt and pressure imposed by a court proceeding. To prevent this, innovative techniques developed to protect sexual abuse and incest victims should be used in sexual exploitation cases as well. The system, in its zeal to prosecute the criminal, must not forget the purpose of these laws—to protect children. [For a detailed discussion of sensitive intervention techniques to protect child witnesses in such cases, see J. Bulkley and H. Davidson, Child Sexual Abuse: Legal Issues and Approaches, National Legal Resource Center for Child Advocacy and Protection, ABA (1981).]

The new sexual exploitation laws also fail to provide for treatment of the victimized child. Programs which provide counseling and other services to treat the serious emotional, psychological and physical harm suffered by these children should be established. Federal funds have been available for these programs under the Child Abuse Prevention and Treatment Act and the Runaway Youth Act (42 U.S.C. §§5106, 5107). It seems critical that the states recognize the importance of these programs and continue to provide support for their improvement.

A number of excellent programs have been developed during the past few years which provide linkages between the criminal justice system and treatment-related programs for victims and offenders in intra-family child sexual abuse cases. [See, J. Bulkley, Innovations in the Prosecution of Child Sexual Abuse, National Legal Resource Center for Child Advocacy and Protection, American Bar Association (1981).] However, programs are just beginning to emerge which focus on the treatment of child victims of sexual exploitation who are identified by law enforcement agencies.

One of these is the D.H.S. Exploited Child Unit in Louisville, Kentucky, which was established as a model of cooperation between child protective agencies and the justice system. The Task Force on Juvenile Prostitution and Child Pornography was organized by the Jefferson County Public Defender's Office in July, 1980, as an arm of the county's Department of Human Services. It is, however, housed in the county's Criminal Law enforcement agencies. The Task Force consists of representatives from the human services agency, state and local law enforcement agencies, the District Attorney's Office, and the county and Commonwealth's Attorney's Office.

Following a massive public information campaign, the Task Force established a 24-hour hotline for reporting matters concerning child sexual exploitation, organized a statewide social service information/referral network and researched a special Police-Social Work Team to handle these cases. Child-victims of sexual exploitation are referred to the Exploited Child Unit which acts as a case coordinator when cases are being brought before the juvenile court. A goal of the unit is to both assure effective prosecution of these cases and to obtain appropriate services for the child-victim. The unit also provides communications liaison between local child protective agencies and the justice system, while assuring that his/her custodians or the court, and establishes a long-term safe haven for disabled children from both actual exploitation and its effects.

Notwithstanding the obscenity controversy, child sexual exploitation laws appear to be working. Child pornography, which only a few years ago was readily available in most large cities, is increasingly difficult to obtain. As home computers become more widespread, law enforcement agencies are now meeting the challenge of combating child abuse and protecting their children. This child sexual exploitation law appears to be working.
FOOTNOTES


6. An excellent collection of articles on child pornography may be found in L. Schultz, The Sexual Victimization of Youth, Section V. "The Child Sex Industry" (1985). See also, Appendix (Bibliography).

7. It was estimated that between January, 1976 and June, 1977 as many as 100,000 children were subjected to sexual exploitation nationwide. Child Pornography: Outrage Starts to Stir Some Action, U.S. News, June 13, 1977, p.48; Lloyd Martin of the Los Angeles Police Department has estimated that 30,000 children are sexually exploited each year in the Los Angeles area alone. Sexual Exploitation of Children: House Judiciary Hearings, 57 (testimony of Lloyd Martin).


11. Senate Report, supra, note 8, at 43.


13. Senate Report, supra, note 8, at 44.


FOOTNOTES (cont’d.)

18. Id.
20. Id. at 141-164.
22. Id. at 46.
25. Id.
27. See, Appendix (Chart on Child Sexual Exploitation Laws)
31. Senate Report, supra, note 8, at 43.
32. See, Child Sexual Abuse and the Law, supra, note 5, at 31.
33. See, Child's Garden of Perversity, supra, note 2, at 55.
34. Senate Report, supra, note 8, at 47.
35. Id. at 46.
39. See, Appendix (Chart on Child Sexual Exploitation Laws).
45. See, Appendix (Chart on Child Sexual Exploitation Laws).
47. Over the years, courts have struggled with framing a legal definition of pornography. The most recent definition put forth by the Supreme Court is found in Miller v. California, 413 U.S. 15 (1973). Under the Miller standard, a work is obscene if (a) the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; (b) the work
depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and (c) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

48. 18 U.S.C. §2252; See, also, Appendix (Chart on Child Sexual Exploitation Laws).

49. Protection of Children, supra, note 4, at 77.

50. 18 U.S.C. §§2251; See, also, Appendix (Chart on Child Sexual Exploitation Laws).


52. See, Appendix (Chart on Child Sexual Exploitation Laws).


56. Id. at 592.


58. 18 U.S.C. §§2251, 2252.

59. See, Appendix (Chart on Child Sexual Exploitation Laws).

60. Id.

61. Id.

62. Id.

63. Id.

64. Ark., Cal., Conn., Ill., Me., N.J., N.Y., N.H., Tex., W.Va., Wis.

65. See, e.g., Protection of Children, supra note 4, at 333.


68. See, Protection of Children, supra note 4 at 321.

69. 18 U.S.C. §2253.


71. 18 U.S.C. §2253.

72. See, Appendix (Chart on Child Sexual Exploitation Laws).


74. Ala., La., Mo., Tex.


76. Colo., Ill., Neb.
FOOTNOTES (cont’d.)


78. See, e.g., Ala. Code 7-233(b) [Supp. 1980]; N.Y. Penal Law §263.28 (1980).


86. 18 U.S.C. §2423.


89. 45 Fed. Reg. 3576, §1340.2.


92. P.L. 93-247, Sec. 3; 45 C.F.R. §§1340.1 -2; 1340.3-3(b).

93. P.L. 95-266, Sec. 5(b)(1).

94. Id., Sec. 5(b)(3)(A).


96. Child Prostitution, supra, note 17, at 80.


<table>
<thead>
<tr>
<th>Element</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Producer</td>
<td>A person who, alone or in concert with another, engages in or promotes an activity which is engaged in or promoted by a minor for the purpose of receiving financial gain.</td>
</tr>
<tr>
<td>Distributor</td>
<td>A person who, alone or in concert with another, engages in or promotes an activity which is engaged in or promoted by a minor for the purpose of receiving financial gain.</td>
</tr>
<tr>
<td>Reporting Law</td>
<td>A law that specifically requires reporting of &quot;sexual exploitation&quot; or &quot;exploitation&quot;.</td>
</tr>
</tbody>
</table>

**Chart**

<table>
<thead>
<tr>
<th>Element</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Producer</td>
<td>A person who, alone or in concert with another, engages in or promotes an activity which is engaged in or promoted by a minor for the purpose of receiving financial gain.</td>
</tr>
<tr>
<td>Distributor</td>
<td>A person who, alone or in concert with another, engages in or promotes an activity which is engaged in or promoted by a minor for the purpose of receiving financial gain.</td>
</tr>
<tr>
<td>Reporting Law</td>
<td>A law that specifically requires reporting of &quot;sexual exploitation&quot; or &quot;exploitation&quot;.</td>
</tr>
<tr>
<td>STATE</td>
<td>AGE OF VICTIM (16-13)</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Alabama</td>
<td>17&lt;br&gt;21&lt;br&gt;25&lt;br&gt;30&lt;br&gt;35&lt;br&gt;(After 1980)</td>
</tr>
<tr>
<td>Alaska</td>
<td>18&lt;br&gt;21&lt;br&gt;25&lt;br&gt;30&lt;br&gt;35&lt;br&gt;(After 1980)</td>
</tr>
<tr>
<td>Arizona</td>
<td>16&lt;br&gt;18&lt;br&gt;21&lt;br&gt;25&lt;br&gt;30&lt;br&gt;35&lt;br&gt;40&lt;br&gt;(After 1980)</td>
</tr>
<tr>
<td>California</td>
<td>18&lt;br&gt;21&lt;br&gt;25&lt;br&gt;30&lt;br&gt;35&lt;br&gt;40&lt;br&gt;(After 1980)</td>
</tr>
<tr>
<td>Colorado</td>
<td>18&lt;br&gt;21&lt;br&gt;25&lt;br&gt;30&lt;br&gt;35&lt;br&gt;40&lt;br&gt;45&lt;br&gt;(After 1980)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>18&lt;br&gt;21&lt;br&gt;25&lt;br&gt;30&lt;br&gt;35&lt;br&gt;40&lt;br&gt;45&lt;br&gt;50&lt;br&gt;(After 1980)</td>
</tr>
<tr>
<td>Delaware</td>
<td>18&lt;br&gt;21&lt;br&gt;25&lt;br&gt;30&lt;br&gt;35&lt;br&gt;40&lt;br&gt;45&lt;br&gt;50&lt;br&gt;(After 1980)</td>
</tr>
<tr>
<td>STATE OF ORIGIN</td>
<td>AGE OF MINORITY</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>New Mexico</td>
<td>19 yr.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>19 yr.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>19 yr.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>19 yr.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>19 yr.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Offence</td>
<td>Age of Victim (Code 1911)</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Child</td>
<td>12 yrs, 5 yrs, 5 yrs, 5 yrs</td>
</tr>
<tr>
<td>penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>4 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td>12 yrs, 5 yrs, 10 yrs</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>STATE/LOCATION</td>
<td>AGE OF MINORITY (State Law)</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>STATE</td>
<td>AGE OF MINORITY</td>
</tr>
<tr>
<td>-------</td>
<td>----------------</td>
</tr>
<tr>
<td>Nevada</td>
<td>14+ (minors)</td>
</tr>
<tr>
<td>New York</td>
<td>14+ (minors)</td>
</tr>
<tr>
<td>New Jersey</td>
<td>14+</td>
</tr>
<tr>
<td>New Mexico</td>
<td>14+</td>
</tr>
<tr>
<td>North Dakota</td>
<td>14+</td>
</tr>
</tbody>
</table>

Note: The table above represents the Child Sexual Exploitation Laws in various states. The columns include the state name, age of minority, class of offenses, criminal requirement, and penalties. The penalties include fines and imprisonment durations, with specific amounts and time periods listed. Each state has its own regulations and enforcement measures regarding the exploitation of children for sexual purposes.
CHILD SEXUAL EXPLOITATION LAWS

<table>
<thead>
<tr>
<th>STATE DEPARTMENT</th>
<th>AGE OF MINORITY (Days Old)</th>
<th>PROSECUTOR</th>
<th>DEFENDER</th>
<th>DISTRIBUTOR</th>
<th>PARENT</th>
<th>MINORITY REQUIREMENT</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Dakota</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$1,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$2,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>21</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$3,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$4,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$5,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$6,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$7,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$8,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$9,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$10,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$11,000</td>
</tr>
<tr>
<td>Washington</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$12,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$13,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$14,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$15,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$16,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$17,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$18,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$19,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$20,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$21,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$22,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$23,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$24,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$25,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$26,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$27,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$28,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$29,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$30,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$31,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$32,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$33,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$34,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$35,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$36,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$37,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$38,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$39,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$40,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$41,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$42,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$43,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$44,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$45,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$46,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$47,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$48,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$49,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$50,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$51,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$52,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$53,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$54,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$55,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$56,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$57,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$58,000</td>
</tr>
<tr>
<td>Utah</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$59,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>&quot;match&quot;</td>
<td>$60,000</td>
</tr>
<tr>
<td>STATE/Province</td>
<td>AGE OF OFFENDER</td>
<td>CLASS OF OFFENDERS</td>
<td>MINIMUM</td>
<td>MAXIMUM</td>
<td>REPORTING LAWS</td>
<td>PENALTIES</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>--------------------</td>
<td>---------</td>
<td>---------</td>
<td>---------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>South Carolina</td>
<td>16</td>
<td>Male</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>Yes</td>
<td>Yes</td>
<td>Non-Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parent</td>
<td>Yes</td>
<td>Yes</td>
<td>Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>South Dakota</td>
<td>16</td>
<td>Male</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>Yes</td>
<td>Yes</td>
<td>Non-Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parent</td>
<td>Yes</td>
<td>Yes</td>
<td>Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$5,000</td>
<td></td>
</tr>
<tr>
<td>Tennessee</td>
<td>16</td>
<td>Male</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>Yes</td>
<td>Yes</td>
<td>Non-Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parent</td>
<td>Yes</td>
<td>Yes</td>
<td>Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>16</td>
<td>Male</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>Yes</td>
<td>Yes</td>
<td>Non-Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parent</td>
<td>Yes</td>
<td>Yes</td>
<td>Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>16</td>
<td>Male</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>Yes</td>
<td>Yes</td>
<td>Non-Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parent</td>
<td>Yes</td>
<td>Yes</td>
<td>Mandatory</td>
<td>5 yr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>STATE</td>
<td>AGE OF MINOR (JANUARY)</td>
<td>PREMATURE</td>
<td>ENCOURAGE</td>
<td>INDUCE</td>
<td>PUNISH</td>
<td>REPORT LAW</td>
<td>MINIMUM</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------</td>
<td>-----------</td>
<td>-----------</td>
<td>--------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Virginia</td>
<td>18</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(1916)</td>
<td>1 yr.</td>
</tr>
<tr>
<td>New York</td>
<td>18</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(1858)</td>
<td>1 yr.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>18</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(1850)</td>
<td>1 yr.</td>
</tr>
<tr>
<td>Wyoming</td>
<td>18</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(1895)</td>
<td>1 yr.</td>
</tr>
<tr>
<td>Maryland</td>
<td>18</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>(1827)</td>
<td>1 yr.</td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY

CHILD PORNOGRAPHY AND PROSTITUTION


Page Two


Senator Specter. The work you men are doing is certainly important. I appreciate your coming today, especially all the way from Atlanta. I am sorry we do not have more time. I can assure you Mr. Cohen and the staff have given very close attention to the materials you have provided and I have given some attention and shall give more. And we are in motion on this problem, so thank you very much.

[Whereupon, at 2:30 p.m., the subcommittee adjourned, to reconvene upon the call of the Chair.]
Honorable William French Smith
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Smith:

The Subcommittee on Juvenile Justice is holding hearings beginning next week on the exploitation of children. We are interested in your Department's involvement in this area since the enactment of P.L. 95-225, which amended chapters 110 and 117 of the United States Code. Specifically, I request that you provide for our consideration the number of investigations, cases and convictions obtained under 18 U.S.C. sections 2251-53, and 2423 since their amendment in February 1978.

We would greatly appreciate receiving your Department's written response in advance of our first hearing on Thursday, November 5, 1981, if at all possible.

Sincerely,

[signature]

Arlen Specter

October 30, 1981
Honorable Arlen Specter, Chairman
Subcommittee on Juvenile Justice
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your letter to the Attorney General dated October 30, 1981, requesting information concerning enforcement of Public Law 95-225.

Seventeen defendants have been indicted under 18 U.S.C. 2251-2253. Ten defendants were convicted under these statutory provisions. Two defendants were convicted under other pre-existing obscenity statutes. No defendants were acquitted. As of the present date, cases involving four defendants are pending.

The above figures do not reflect the full extent of the Department's enforcement program in the child pornography area. The Department initiated a program of priority emphasis in this area in May of 1977 before Public Law 95-225 was enacted. Since that time, forty-three defendants have been indicted under all available statutes including 18 U.S.C. 2251-2253. Thirty-four defendants have been convicted, no defendants acquitted, and cases involving eight defendants are pending as of the present date. The use of 18 U.S.C. 1461-1465 has been mandated in a number of child pornography cases because 18 U.S.C. 2251-2253 is limited to production and distribution for commercial purposes, and many of the distributors of this material are involved in consensual exchange of material, which is violative of the pre-existing obscenity statutes, rather than commercial distribution.

1/ One defendant committed suicide before trial.

2/ Some of the cases brought under 18 U.S.C. 2251-2253 included charges under 18 U.S.C. 1463, 1465 or 1465 a as well.

Data concerning prosecutions under 18 U.S.C. 2423 is obtained from monthly reports by United States Attorneys to the Department. However, this data is reported by the United States Attorneys only by reference to the principal statute involved in the case. Therefore, the following data concerning prosecutions under 18 U.S.C. 2423 is limited to only those cases where 18 U.S.C. 2423 was the sole or principal violation. With this limitation in mind, we can report that during fiscal years 1978 through 1980, charges were filed against fourteen defendants under 18 U.S.C. 2423, eight defendants were convicted, one defendant was acquitted and charges against one defendant were dismissed. As explained above, there may have been additional charges filed and dispositions obtained under 18 U.S.C. 2423 which were reported by United States Attorneys under other statutes and which, therefore, have not been picked up in our statistical reporting system. Data for fiscal year 1981 is not yet available but should be available in the near future if the Subcommittee desires to have it.

The Federal Bureau of Investigation has investigative jurisdiction of violations of 18 U.S.C. 2423, and the Bureau shares investigative jurisdiction with the Postal Service for violations of 18 U.S.C. 2251-2253. The Bureau is presently compiling information concerning investigations in response to your inquiry, and this information will be forwarded as soon as it is available. You may wish to contact the Postal Service with regard to child pornography investigations that have been conducted by that agency.

I trust this satisfies your inquiry.

Sincerely,

Robert A. McConnell
Assistant Attorney General
The Honorable Arlen Specter
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

Secretary Schweiker has asked me to thank you for your letter requesting a written statement to be included in the hearing record for the hearings held by your Subcommittee on the exploitation of children on November 5.

Enclosed is a statement describing the Department's programs, projects, and studies dealing with juvenile prostitution, abuse and sexual exploitation of children.

Please let me know if our office can be of further assistance.

Sincerely,

[Signature]
Assistant Secretary for Legislation

Enclosure
Responsibility for programs within the Department of Health and Human Services (DHHS) addressing the sexual exploitation of children is located within the Administration for Children, Youth and Families (ACYF), Office of Human Development Services. Two units within ACYF have lead roles: the Youth Development Bureau, which administers the program authorized by the Runaway and Homeless Youth Act and also conducts related research authorized by Title IV-B of the Social Security Act, and the National Center on Child Abuse and Neglect, within the Children's Bureau, which administers the program authorized by the Child Abuse Prevention and Treatment Act.

In response to the Subcommittee's request, this statement addresses the studies, demonstration projects and programs and related activities concerned with juvenile prostitution, abuse and sexual exploitation of children, both boys and girls, that are conducted by these two units of ACYF.

**CURRENT PROGRAMS ADMINISTERED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT AND RELATED RESEARCH**

The Runaway and Homeless Youth Act does not contain any specific references to juvenile prostitution, sexual abuse or sexual exploitation of children or adolescents. However, these issues are directly related to running away or homelessness, because abuse or the fear of being abused frequently is a reason that young people leave home, and, once away from home, many of these youth turn to prostitution as a means of survival.

**Runaway Shelters**

The Runaway and Homeless Youth Act (Title III of the Juvenile Justice Amendments of 1980) authorizes the provision of grants to States, localities, nonprofit private agencies and coordinated networks of agencies for the development and/or strengthening of community-based programs of service which provide temporary shelter, counseling and aftercare services to homeless youth and their families in a manner which is outside the law enforcement structure and the juvenile justice system. In addition to this core set of services, the shelters provide a broad range of other types of assistance, e.g., medical services, transportation, assistance in locating alternative living arrangements, recreation and tutoring. These services are offered either directly by the shelter programs or through referrals to more comprehensively address the needs of the young people whom they serve.

During the competitive funding cycle conducted in Fiscal Year 1981, 169 shelters received funding under the Act. These shelters are located in all 50 States as well as the District of Columbia and Puerto Rico. Approximately 45,000 young people received ongoing services from the shelters in
Fiscal Year 1981, either on a residential or on a nonresidential basis. An additional 133,000 youth received assistance either over the telephone or on a drop-in basis.

Research
The Youth Development Bureau (YDB) is currently completing a two-year research initiative, entitled "Adolescent Male Prostitution: A Study of Sexual Exploitation, Etiological Factors, and Runaway Behavior." The study has been conducted by Urban and Rural Systems Associates of San Francisco, California. The purpose of this research has been to develop an in-depth demographic and descriptive knowledge base on adolescent prostitution, with a special focus on juvenile males, and to determine the relatedness of this phenomenon to youth involvement in pornography and to runaway behavior. The overall goal of this research has been to identify the special needs of these youth (both males and females) and to use these data in identifying and developing realistic and viable social service strategies (including prevention) for addressing the needs and problems of these youth. The major products of this study will include: (1) an annotated bibliography on adolescent prostitution (both male and female); (2) a report on adolescent males involved in prostitution, which includes descriptive demographic and behavioral information on juvenile male "hustlers" based developed to serve them. These differences include reasons for entering prostitution, age of entry, sexual preference, lifestyles, reasons for prostituting and self-image.

5. Despite their differences, there are important similarities between adolescent male and female prostitutes, including socioeconomic backgrounds (many are middle class youth), race and ethnicity (primarily white), single-parent or non-intact nuclear families, education and employment histories (both characterized by negative experiences and poor achievement), and extensive runaway histories or involvement with law enforcement agencies.

6. Juveniles involved in prostitution have a wide range of needs which are dependent upon their backgrounds and the circumstances which characterize their involvement in prostitution. Such needs include survival and independent living skills, legal advocacy, health care, crisis intervention, drug and/or alcohol dependency, treatment, employment training and placement, sexuality counseling and mental health services. Many of these youth have been physically or sexually abused.

7. There appears to be little relationship between juvenile male prostitution and other forms of
sexual exploitation, including child pornography.  

8. Although every metropolitan area probably has youth involved in prostitution, few communities have coordinated efforts to address this problem. Law enforcement intervention has typically not been successful in deterring individual prostitution or reducing the incidence of this phenomenon.  

9. A comprehensive, multiservice approach is considered to be the most effective approach to working with juvenile prostitutes. Such approaches should include coalitions of community agencies (runaway shelters, mental health, health and other service agencies), community education, extensive outreach, and the provision of services specific to the needs of these youth.  

Demonstration  
In 1978, YDB awarded one of seven demonstration grants under the Youth Demonstration Grants Program to The Bridge for Runaway Youth, located in Minneapolis, Minnesota to implement and test social service approaches targeted at adolescent females involved in prostitution and to provide alternatives in lifestyles to these youth. The overall objectives and activities of this two-year demonstration project included: (1) the establishment of a safe shelter program for these youth (and their children); and (2) the improvement and expansion of community services to youth currently involved or vulnerable to involvement in prostitution through increased interagency coordination, the development of community training models and the development of information resources for other agencies working with similar youth.  

In summary, the outcomes of this demonstration project included the following:  

1. The New Bridge successfully implemented a wide range of social and support services, including: 48-hour emergency crisis services with food, shelter, clean clothing and medical care, if needed; a three-month in-house program, providing individual and family counseling, educational and vocational training and medical and dental care; and outreach and follow-up services designed to support the young women in their independent living or return to their families as well as in pursuing realistic vocational, educational, social and recreational alternatives that discourage a return to prostitution.  

2. During the first ten months of operation, 35 young women were served by The New Bridge. The majority
were white (69 percent), were aged 16 or 17 and were residents of the Minneapolis-St. Paul area (73 percent). On the average, they had been involved in prostitution for slightly over two years.

3. A main concern of the staff during the residential period was the provision of physical security against abuse from pimps. The demonstration project was successful in establishing a safe shelter for the adolescent female clients (and their children).

4. The development of a specialized program of prevention and intervention services for juvenile females involved in prostitution can be successfully implemented within a larger program of services to runaway and homeless youth.

5. Former prostitutes appear to be essential service providers with such a program, as they not only give it credibility in the eyes of potential clients, but also understand the specific needs and service requirements of the target population.

6. Flexibility is required in working with adolescent prostitutes, not only in terms of such activities as the scheduling of appointments, but also the willingness to accept the fact that young people may, for a time, return to prostitution and then come back for services.

WORK OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

The 1978 amendments to the Child Abuse Prevention and Treatment Act, contained in Public Law 95-266, expanded the definition of child abuse and neglect to include "sexual abuse or exploitation." [Section 3] "Sexual abuse" is further defined in the amended Act to include "the obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby. . ." [Section 5 (b)(3)(A)] Because the basic definition in the Act circumscribes child abuse and neglect to include only harm or threatened harm by a person who is responsible for the child's health or welfare, the National Center's programmatic involvement with child sexual abuse has principally focused on its intrafamilial and child protective aspects.

The following brief descriptions of research, demonstration and service improvement projects, technical assistance to the States on legislative changes, publications and Federal coordination provide the overview of the National Center's work in this area, as requested by the Subcommittee.
Research Projects

The National Center has supported four research projects over the past two years. Two projects deal with the use of children in pornography. Their purpose is to generate new knowledge and understanding about the problem of child pornography and to contribute to the development of remedial programs and provide insights into new approaches to preventing and reducing the problem and its consequences. These projects are being conducted by researchers at Boston University and the Washington School of Psychiatry, and each has received $100,000 over a two year project period. Final reports are due in September 1982.

The other two research projects focus on intrafamily child sexual abuse. One seeks information about the nature and dynamics of sexual abuse of young boys by family members. It is being conducted by the Child and Family Services of Knox County, Tennessee, and has received grants totalling $100,000 over a two year project period. The other is now completing analysis of data gathered from a large sample population of adult women who were sexually molested as children. It is being conducted by the Wright Institute of Berkeley, California, and has received grant support amounting to $85,000.

Demonstrations and Service Improvement Projects

Beginning in 1980, the National Center supported two-year demonstration projects to test ways of preventing child sexual abuse and molestation through the education of school-age children. The specific objectives of this demonstration program are: (1) to design and implement education programs for school-age children which are aimed at helping to prevent or reduce the occurrence of child sexual abuse by increasing awareness of the problem and its consequences; (2) within the context of specific program models, to develop and test methods of imparting information to children concerning sexual abuse and assault, as well as techniques for dealing with and avoiding sexually abusive situations and information on where to get help; (3) to develop education/prevention program models which can be adapted to reach children of all ages and which can be tested on diverse populations such as inner city, rural, minority and handicapped; (4) to demonstrate ways of gaining the acceptance and cooperation of school systems and/or other organizations with access to large numbers of children in implementing and institutionalizing education prevention programs of this type; (5) to develop and test materials, curricula and other teaching aids which can be used to replicate these demonstration efforts; and (6) to work closely with local child...
protection agencies, law enforcement agencies and available sexual abuse treatment programs to insure that the local investigation and treatment resources are sufficient to meet the needs created by any case finding which occurs during the course of the education/prevention programs.

Six projects, located in North Carolina, Indiana, New York, Massachusetts, Washington and Minnesota, have been carrying out this demonstration program, with funding of $50,000 each year. One project has also carried lead responsibility for technical assistance and evaluation and has received an additional $50,000 for those purposes. The projects are due to terminate in September, 1982.

Five demonstration projects have been funded for three year periods for purposes of designing and carrying out interdisciplinary training on child sexual abuse intervention and treatment. These five projects meet the legislative mandate that a minimum of three such centers be established to provide treatment and professional training on the subject. The five projects are located in Washington (state), California, Illinois, Tennessee and Pennsylvania and are designed to recruit trainees so as to provide access to their training programs from all parts of the country. Funding ranges between $200,000 and $400,000 per year for each project.

Though the principal focus of these projects is intrafamily child sexual abuse, they also address issues of treatment and intervention for sexually exploited children.

In addition to the demonstration programs, the National Center has supported since 1980 fourteen service improvement projects. Six of these projects, receiving $80,000 each year, are improving intervention and treatment capacities by instituting interagency teams, composed at a minimum of representatives from child protective services, law enforcement and judicial/legal agencies within their communities. The other eight, receiving $50,000 each year, have developed specialized child sexual abuse intervention and treatment units with public child protective service/social service agencies responsible for receiving and acting upon reports of child abuse and neglect. These projects are located in Louisiana, South Carolina, Texas, Michigan, California, North Carolina, Wisconsin, Kansas, Florida, Arizona, Maryland, Oregon, and Washington, D.C.

Technical Assistance to States on Legislative Changes

During Fiscal Year 1981, the National Center provided intensive technical assistance to State social services agencies on analysis and amendment of State child protection legislation to effect inclusion of sexual exploitation as a reportable form of child abuse and neglect requiring child.
protective, as well as law enforcement, intervention. Meetings were held with State officials in all ten Federal regions to determine those States for which legislative changes would be necessary in order to cover sexual exploitation in child reporting legislation, those States needing only Attorney-General opinions and those which already covered sexual exploitation in their child abuse and neglect reporting laws. It was found that virtually no States had legislation covering the child protective needs of sexually exploited children. Even in cases where criminal law did address sexual exploitation, legislation was found to be inadequate to cover such situations as juvenile male prostitution. Often children in the age range from 14 to 18 were not protected by the States' criminal law, in contrast to protection of children up to 18 under the child abuse and neglect reporting laws of virtually all States. Continuing technical assistance has been available to the States from the National Center's staff, Regional Office staff and expert personnel of the National Legal Resource Center for Child Advocacy and Protection, sponsored by the American Bar Association and funded by a grant from ACYF.

Publications
The National Center has addressed the issue of sexual abuse and exploitation of children by publishing two documents for broad dissemination to the field. They are Child Sexual Abuse: Incest, Assault, and Sexual Exploitation (1979, revised 1981) and Sexual Abuse of Children: Selected Readings (1981). The National Center is in the process of completing a curriculum on intervention and treatment of child sexual abuse, which focuses principally on intrafamily child sexual abuse issues. In addition, periodic newsletters of Regional Child Abuse and Neglect Resource Centers and the National Legal Resource Center for Child Advocacy and Protection, funded by ACYF, have carried articles on child sexual abuse, the use of children in pornography and juvenile prostitution, in efforts to increase professional awareness of these problems.

Federal Coordination
The National Center is mandated to provide coordination of Federal programs related to the prevention and treatment of child abuse and neglect. Since 1978, the child protective issues related to the sexual exploitation of children have been included in that coordination mandate. Currently, the National Center is working closely with the Center for Communicable Disease Control in efforts to insure that children who have contracted venereal diseases receive child protective as well as medical attention. The National Center's specialist on child sexual abuse issues is participating in November with the Center in a workshop for public health professionals to increase their awareness of the child protective ramifications of childhood venereal disease. In addition, the National Center has consulted on an ad hoc basis with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice to coordinate efforts related to sexual assault against children.