

colleagues on the Committee, the Senators from Missouri and Alabama. While I do not necessarily agree with every provision of this legislation, I believe overall it makes great improvements over our general framework for handling juvenile crime, and I am therefore pleased to be an original cosponsor of this bill.

This legislation is urgently needed. Over the past decade, the rate of homicide committed by teenagers, ages 14-17, has more than doubled. Crimes of violence committed by juveniles have increased by almost 100 percent. In 1994 alone, the number of violent crimes committed by juveniles increased by almost 10 percent. Drug use among teens—a significant factor in violent crime—is on the rise again, after nearly a decade of steady decreases.

We have reached the point that 35 percent of all violent crime is committed by offenders less than 20 years of age. Today's teenaged criminal is far more likely to be a murderer than was his counterpart 20 years ago.

These trends are expected to continue well into the 21st century. Meanwhile, our current approach to juvenile crime is anachronistic and based on faulty premises. It assumes that we should be following a treatment and rehabilitation model for all juvenile crimes—whether what is involved is petty larceny or murder—and it then tries to leverage Federal dollars that we make available to the States to impose this model on their juvenile justice systems. For instance, the existing Juvenile Justice Act requires that States that receive money under the act look to alternatives to incarceration for all juvenile offenses without regard to the offense committed by the juvenile.

This bill corrects that by substantially revising both the Federal Government's approach to juvenile crimes that fall under its jurisdiction and the terms on which we make Federal dollars available to the States. At the Federal level, S. 10 will permit juveniles 14 years olds or older who are charged with murder, crimes of violence, or serious drug offenses to be prosecuted and sentenced as adults. Federal courts will be required to consider prior offenses in sentencing juveniles, just as they would with adult offenders. Juveniles sentenced to Federal prisons will no longer be automatically released on their 21st birthdays, but will serve their full sentences.

The bill also attacks violent juvenile crime by enhancing penalties relating to the paraphernalia of violence. Federal penalties are increased for these offenses: illegally transferring a handgun to a minor; possession of a firearm during the commission of a felony; and use of body armor during the commission of a felony.

Finally, this bill authorizes new Federal funding for various valuable State juvenile justice programs while relieving them from burdensome, outdated, unnecessary and in some instances

harmful requirements for obtaining funds previously authorized for this purpose. The bill will fund fingerprinting and DNA testing for juvenile offenders, expanded record-keeping, and workable prevention programs. It will also release the States from harmful Federal mandates, permitting greater innovation and flexibility in State juvenile justice systems. While the bill continues to ensure that juvenile and adult offenders are not in actual contact in jail or prison together, it eliminates many other requirements that presently accompany acceptance of Federal juvenile grants such as the obligation to avoid if at all possible incarcerating any young offender including a murderer.

The new conditions on grants established in S. 10 are designed to assure that recipient States' juvenile systems are not based on the notion—unfortunately previously foisted on the States by the Federal courts and the Congress—that all young offenders are eager to be rehabilitated. Rather, they take the realistic view that recipients' juvenile systems should respect the rights of juvenile offenders and the special considerations that may be appropriate for dealing with them in some instances, but that they must principally be designed to protect the public safety and be adequate to do so. Thus, for example, the bill requires that recipient States permit prosecution of juveniles 14 and older as adults in cases of murder, rape, or other crimes of violence.

The juvenile justice reforms in this legislation are long overdue. I urge the Senate to act quickly in passing the Violent And Repeat Offender Act of 1997.●

#### LEGAL SERVICES CORPORATION

● Mr. SARBANES. Mr. President, for over two decades, the Legal Services Corporation, or LSC, has been the embodiment of the words emblazoned in stone above the Supreme Court: "Equal Justice Under Law." In its effort to fulfill this commitment, the Legal Services Corporation has provided critically needed services to millions of poor, elderly, and disabled citizens who otherwise would not have access to the American legal system and the protection it affords the many basic rights we have in this country—protection which so many of us take for granted. The Legal Services Corporation has also proven to be one of the most efficient Federal programs in existence, using only 3 percent of its total funding for administration and management.

Yet in recent years, the Corporation's ability to satisfy its mandate has been imperiled by congressional efforts to limit its activities, both by cutting the Corporation's funding and by restricting the kinds of activities in which its lawyers could engage. Some of these efforts have already succeeded, and I suspect that further initiatives in this vein will emerge in the 105th Congress.

But Mr. President, before we hasten down this path, let us look at what we have already wrought with respect to the ability of our Nation to provide legal services to the needy.

I use as an example the effect of cutbacks in the Legal Services Corporation in my own State of Maryland. Maryland's Legal Aid Bureau receives by far the largest portion of its funding from the Legal Services Corporation, and over the years has done an outstanding job of representing Maryland citizens living in poverty. With the funding received from LSC, the 13 legal aid offices located throughout Maryland provide general legal services to approximately 19,000 families and individuals annually.

In contrast to this tradition of effective service, a January 23 article in the Baltimore Sun entitled "Poor Have Trouble Getting Legal Help" demonstrates the current state of legal services in Maryland—a state in no small part due to Congress's recent scaling back of the LSC.

The article notes that over 1 million Marylanders qualify for legal services, but that volunteer lawyers—the source of the majority of legal assistance with the implementation of Government cutbacks—are barely making a dent in the caseload. In fact, Mr. President, Robert Rhudy, executive director of the Maryland Legal Services Corporation, a State-created organization that administers legal assistance programs in the State, estimates that the Maryland Legal Aid Bureau has the ability to address only 20 percent of the matters that come to its attention.

The article also notes that recent studies confirm these estimates, finding that about 80 percent of the State's poor lack access to volunteer lawyers. Mr. President, these developments are shameful, and cannot be tolerated by a society that prides itself on its commitment to constitutional principles of equal protection of the laws and equal access to justice.

Part of the solution certainly lies in encouraging and facilitating volunteerism in our legal communities. Pro bono service is part of a lawyer's ethical obligations. At the same time, we in Congress bear real responsibility for the shortage of legal assistance to the poor. Our efforts to cut back LSC funding in recent years have had a devastating impact on the poor, and have tilted the scales of justice in a way that the creators and founders of LSC would have found to be intolerable.

Mr. President, I ask that the January 23 Baltimore Sun article be printed in today's RECORD. I daresay that many other States have stories similar to those in my State, and I urge my colleagues to investigate their States' situation before once again lining up to do away with a program that should be one of the great prices of our Nation.

The article follows:

[From the Baltimore Sun, Jan. 23, 1997]  
**POOR HAVE TROUBLE GETTING LEGAL HELP—  
 FEW LAWYERS AGREE TO GIVE FREE SERVICE**  
 (By Elaine Tassy)

Poor Marylanders who need legal help are likely to have trouble finding it, and with federal funding cuts at agencies that handle such cases, the problem is worsening.

More than a million Marylanders have income low enough to be eligible for free civil legal services, said Robert J. Rhudy, executive director of Maryland Legal Services Corp. Low-income households often have several legal problems in a year.

But volunteer lawyers are barely making a dent in that need.

"Of those problems that could clearly benefit from legal attention, we believe that we currently have the ability to serve the need of less than 20 percent . . ." said Rhudy, whose organization was created by state legislators to help manage and fund free or reduced-fee services.

Only about 5,000 new cases were handled last year by volunteer lawyers serving in programs that keep statistics, according to Sharon E. Goldsmith, executive director of the People's Pro Bono Action Center Inc.

And, although the number of volunteers is actually greater because some lawyers provide services without being party of any program—by offering advice to community groups, for example—studies have shown that about 80 percent of the state's poor lack access to volunteer lawyers.

"We have clients on waiting lists all the time . . . We've probably got a couple hundred cases sitting here," said Winifred C. Borden, executive director of Maryland Volunteer Lawyers Service, the largest of several Baltimore-based agencies that match volunteer lawyers with cases presented by poor people. Those in need often wait months before a volunteer is found, she added.

The shortage of lawyers willing to do free, or pro bono, work in civil cases—unraveling family, employment, disability, education and housing disputes—has prompted agencies that recruit volunteers to step up their efforts.

"We all recognize there is this tremendous need," said Baltimore County Circuit Judge Dana M. Levitz, who also is seeking new ways to recruit lawyers for such cases.

#### No statistics

No one knows how many lawyers do pro bono work. "We've never been able to come up with a tracking system," said Janet Stidman Eveleth of the Maryland State Bar Association.

Studies have found that in addition to those doing pro bono work independently, about a fourth of Maryland's 20,000 practicing lawyers volunteer through programs such as the Homeless Persons Representation Project, the House of Ruth Domestic Violence Legal Clinic and the Senior Citizen Law Project.

But many experts think the number of volunteer lawyers is still too small.

"I think lawyers like [doing pro-bono work] in principle, and a substantial number of lawyers do it. But at the moment, I think that it's getting harder and harder to find lawyers who are willing to take pro bono cases," said David Luban, professor of legal ethics at the University of Maryland School of Law.

Lawyers have vigorously resisted proposals to require each of them to do 50 hours of pro bono work a year, he said.

No enforceable requirement exists for volunteer legal work. But the rules that govern Maryland lawyers state: "A lawyer should render public interest legal service . . . by providing professional services at no fee or a reduced fee to persons of limited means or to

public service or charitable groups or organizations."

Demand for such services is rising. Congress has scaled back the services the Legal Aid Bureau—a nonprofit organization providing civil legal services to the poor—is permitted to provide and has trimmed its budget in recent years, creating more demand for volunteers to fill the gap.

#### NO FREE TIME

Some lawyers say they are held back by a lack of free time, conflicts of interest and difficulty in finding cases that match their expertise. Others say they will help but don't follow through.

For example, Borden said, from July 1995 to June 1996, 2,017 lawyers signed up to volunteer and 788 took cases.

The number of volunteers expressing interest also has decreased in recent years. A statewide survey found that in 1989, almost 1,700 cases new cases were handled by volunteers working with structured programs. The number jumped to almost 6,000 by 1993 but dropped to 5,253 in 1995, the most recent statistics available, said Goldsmith.

People with thorny, time-consuming domestic matters such as child-custody disputes are the most likely to request volunteers. But many lawyers shy away from such cases.

Criminal-defense lawyer Leonard H. Shapiro, who often handles drunken-driving cases, said volunteering appeals to him, but only in cases in which he has expertise.

"I don't want to engage in an area of the law where I don't think I'm qualified," he said. "I wouldn't want to put the client in jeopardy while I experimented."

#### SPECIALTIES LINKED

Volunteer agencies are working to link lawyers with programs or cases that reflect their specialties.

Goldsmith tries to match tax lawyers, for example, with economic development projects such as Habitat for Humanity's in Sandtown-Winchester, where residents need help in acquiring loans and property.

Levitz, after seeing dozens of poor defendants appear before him without lawyers, asked the Judicial Ethics Committee whether judges could recruit volunteers by writing letters of inquiry, placing ads in legal newspapers or talking to lawyers at bar association meetings.

Two years ago, the committee, most of whose nine members are judges, prohibited such actions. But it reversed its stance in October, saying judges could seek volunteer lawyers in those ways.

#### IDEA STUDIED

At a recent meeting of Baltimore County judges, Levitz presented the idea of seeking volunteers; a three-judge panel is studying the idea.

Some lawyers balk at volunteering, but others embrace it.

Daniel V. Schmitt is one of the latter. He handles general business and commercial litigation cases at a four-person firm in Towson, and provides 60 hours of free legal help annually to special education students in Baltimore and Harford counties.

Using referrals from the Maryland Disability Law Center, he helps students get into appropriate schools and classes, and helps find computers equipped for people who cannot type with their hands.

"I believe that pro bono is a professional and moral obligation," said Schmitt, 38. "As a professional, I feel you need to hold yourself to a higher standard, and a higher standard would include giving back to the community." •

VERMONT CHIEF JUSTICE  
 JEFFREY L. AMESTOY

• Mr. LEAHY. Mr. President, Vermonters are rightfully proud of their new chief justice of the Vermont supreme court, Jeffrey L. Amestoy.

Chief Justice Amestoy—a Republican who left behind a distinguished tenure as Vermont's attorney general when he accepted the nomination to Vermont's highest judicial post by Gov. Howard Dean, a Democrat—was administered the oath of office by Governor Dean on January 31 in Montpelier.

I was one of many who were present as Chief Justice Amestoy delivered the traditional inaugural address in the chamber of the Vermont House of Representatives. It was more than a speech to be heard. It was also a speech to be felt. He offered an illuminating, uplifting, heartfelt, and deeply personal tapestry that deservedly will long be remembered.

Governor Dean has said, "The most important things in a judge are integrity, compassion, and hard work." All who know Jeffrey Amestoy and all who heard him speak on that wintry Vermont afternoon know how abundantly those qualities are present in our new chief justice.

I join all Vermonters in offering congratulations to Chief Justice Amestoy, to Jeff's wife, Susan Lonergan Amestoy, to their three daughters, Katie, Christina, and Nancy, and to Jeff's mother, Diana Wood Amestoy. All were on hand for the stirring ceremony in Montpelier.

Mr. JEFFORDS. Mr. President, I join Senator LEAHY today in paying tribute to Vermont's new chief justice, Jeffrey L. Amestoy. Jeff is a good friend and a great Vermonter, and I know he will serve in his new post with distinction and honor.

Jeff Amestoy and I have shared many life experiences. We were both raised in Rutland, VT. He served as an assistant attorney general under my stewardship as Vermont's attorney general in the early 1970's. And now, over 20 years later, he is serving in the position that my father, Olin Jeffords, once held: chief justice of the Vermont supreme court.

As someone who has known Jeff for over 25 years, I can attest to his judicial knowledge, his keen sense of Vermont values, his modest demeanor and his dedication to the people of Vermont.

I was fortunate to be able to attend the swearing-in ceremony for Jeff last Friday in Montpelier. It was a wonderful event, one that I will never forget. Jeff's comments were from the heart and I am pleased to join Senator LEAHY in offering them today as part of the RECORD.

Mr. LEAHY. Mr. President, on behalf of Senator JEFFORDS and myself, I commend to the attention of our colleagues Chief Justice Jeffrey Amestoy's inauguration address before the Vermont House of Representatives on January 31, 1997, and submit the