

safeguards. Basic rights available to adults were denied to him. He was sentenced by the juvenile court to 6 years in his State's Youth Industrial School, with no right to appeal the decision. Fortunately, his parents didn't give up. They filed a writ of habeas corpus for his release.

Gerald's case eventually reached the Supreme Court, which held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution. These rights included the right to advance notice of the charges, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses. Eventually, the charges against Gerald were dropped, and his case changed the juvenile justice system forever.

In fact, the development of the juvenile justice system was long in coming. Before the 20th century, children as young as 7 years of age could be tried as criminals, and if found guilty, could be sentenced to prison or even to death. The first juvenile court was established just over a century ago in Chicago as a result of the efforts of reformers who were appalled by the denial of rights to young offenders. By 1925, the majority of States had separate courts for juveniles in a system guided by the doctrine of *parens patriae*, which gave each State the authority to act as a parent for children in need of guidance and protection. Under the doctrine, States were able to provide treatment and rehabilitation or safe conditions of confinement for troubled youth, and the Gault decision guaranteed that juvenile offenders would have basic legal rights.

In the years that followed, numerous improvements have been made to the juvenile justice system. In recent years, however, there has been an alarming escalation in the willingness of States to treat children as adults. Nearly 100,000 children today are incarcerated in juvenile facilities, and they may well be the most vulnerable and defenseless group in our criminal justice system. They are routinely sent to adult prisons where they face significant dangers. Juveniles in adult facilities are five times more likely than those in juvenile facilities to report being sexually assaulted. Even more disturbing, the suicide rate of children in adult prisons is over seven times higher than those in juvenile facilities. Their plight is shameful and unacceptable. Clearly, these children deserve better.

Gerald Gault went on to have a long career in the United States Army, rising to the rank of sergeant. He has become a deeply devoted family man and will celebrate his 35th wedding anniversary 5 days after the 40th anniversary of the Supreme Court decision in his case. Who knows what would have happened to Gerald if he had not been given his due process rights and had been locked away instead in a deten-

tion center? The anniversary of the Gault decision is a time for all of us to remember that the juvenile justice system is there to protect the rights of the Nation's children, and this resolution enables us to renew our commitment to building on the legacy of that historic decision.

With this resolution, the Senate acknowledges the need for the Nation to recommit to the goals and purposes of this landmark decision to finally achieve the goals set forth in the Gault decision. I am pleased that the resolution has the support of so many organizations and individuals across the country, including the National Juvenile Defender Center, Harvard Law School, the Child Welfare League, the ACLU, the Council of Juvenile Correctional Administrators, the Center for Children's Law and Policy, the National Immigration Project of the National Lawyers Guild in Boston, the Children's Law Center of Massachusetts and so many other distinguished individuals fighting for a better justice system for all children in the United States.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if given.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 194

Whereas, on May 15, 1967, the Supreme Court recognized in *In re Gault*, et al., 387 U.S. 1 (1967) that all children accused of delinquent acts and facing a proceeding in which their freedom may be curtailed have a right to counsel in the proceedings against them;

Whereas the Supreme Court held that proceedings against juveniles must meet the essential requirements of the due process clause of the 14th amendment to the Constitution;

Whereas the Gault decision recognized that the constitutional protections of due process extend to juveniles the right to fundamental procedural safeguards in juvenile courts, including the right to advance notice of the charges against them, the right to counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses; and

Whereas, 40 years after the Gault decision, some children appear in court with no legal counsel at all: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the 40th anniversary of the decision in *In re Gault*, et al., 387 U.S. 1 (1967);

(2) encourages all people of the United States to recognize and honor the 40th anniversary of the Gault decision;

(3) supports strategies to improve the juvenile justice system that appreciate the unique nature of childhood and adolescence; and

(4) pledges to acknowledge and address the modern day disparities that remain for children after the Gault decision.

#### IRAQ FUNDING

Mr. REID. Mr. President, it is my understanding, prior to my doing the closing—and I don't know if the distinguished Republican leader has anything today—it is my understanding that the Senator from Virginia wanted to make a statement. Does the Senator from Kentucky have anything to say?

Mr. McCONNELL. No, Mr. President, I don't have anything to add.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I may engage our respected leaders in a colloquy regarding the passage last night of the House supplemental. I am speaking for, I think, a number of Senators on both sides of the aisle, who have some thoughts with regard to how we proceed on the funding issue. I personally—speaking for myself—believe we should have no bifurcation of the funding and that it should all be acted upon at one time. I am very anxious that the tentative schedule of the leadership is before Memorial Day. That is most important.

I hope some of us could address the Senate and the leadership regarding the subject of benchmarks. I read with great interest that the President is openminded on the question of benchmarks. I believe it is important that, in September, General Petraeus is going to give us a report, together with the U.S. Ambassador, and presumably the Secretaries of State and Defense will join in that very important report to the Congress—indeed, to the whole country—with regard to the status of things in Iraq in September. I do believe there is such a rapidly unfolding situation over there—we don't know from day to day how to anticipate certain things. Earlier this morning, General Nixon reported that he didn't have sufficient forces, U.S. forces and presumably Iraqi forces, to perform his mission in Diyala Province.

I am hopeful, speaking for myself, that we can put in some language tied to benchmarks by which the President, before we go out on the August recess, would report to the Nation and to the Congress on his judgment as to whether there is progress on the benchmarks and whether he feels that in the July timeframe some change in strategy must be brought about in order to achieve the goals of the original strategy laid down on January 10 of this year.

My language would not have any obstruction to the flow of funds, but it would simply keep the Nation and the Congress fully informed of his judgment, together with his senior advisers, at that critical time before we go out on the August recess. I believe we have a responsibility, first and foremost, to the men and women in the Armed Forces, their families, and to the country for the Congress to watch this situation very closely and not defer until the September timeframe the concentrated judgment that would

be brought to bear on the receiving of the report in September.

To what extent can you advise us as to the process that might be followed in order to expeditiously get to the conference but at the same time either the conferees be informed of the views of others or we have some mechanism by which to address the issue?

Mr. REID. Mr. President, there are many issues—in fact, most issues that come before this body deal with monetary things, policy issues, which do not deal with the lives of our men and women in uniform. This issue does. I cannot speak for my Republican counterpart, Senator MCCONNELL, but I can say without any question that I believe he and I are arm-locked in the recognition of how serious this is and how we have to do the very best the Senate can do. We are going to try to do that.

This is a time when we have to work on a nonpartisan basis—not bipartisan but a nonpartisan basis—to get a matter to the House of Representatives so we can do a conference. At this stage, I have to say to my friend from Virginia, who is so knowledgeable about things military, we don't know how we are going to do that yet. That is a fair statement. Everything is on the table. But how we take things off the table and put certain things back on the table, I don't know at this stage. I don't think my friend from Kentucky does, either, but we are open for suggestions and comments. It is not an easy situation. The House of Representatives is a different body than we are. The majority party there can do what they want to do. We cannot do that. This is the Senate, which is divided, as we speak, 50 to 49. So we have to work together.

I say to my friend that I understand his involvement in this. He has worked

over the years very well with the Democrats. I look forward to that continuing during the supplemental appropriations bill. Speaking for me, I don't know how we are going to get there, but we are going to try. We have no choice. Failure is not an option.

Mr. WARNER. I thank the majority leader.

Mr. MCCONNELL. Mr. President, nobody has done more for his country, for the defense of this country, and for the Armed Forces of this country than the distinguished Senator from Virginia. We thank him for his ongoing advice about how to deal with this most difficult problem.

The majority leader and I are in exactly the same place. I believe the Senator from Virginia is as well. It is our great desire to get to conference and get a bill signed before Memorial Day. Exactly as the majority leader indicated, how we get from here to there is a matter under serious discussion between the two of us and with our members. So we will be working to get the job completed at the earliest possible opportunity.

Mr. REID. Mr. President, I only add that I have been as critical of the President as anybody in the Senate. But I have to say that, in the last week or two, his spokesperson, his Chief of Staff, speaking with the authority of the President, has been available to Senator MCCONNELL and me anytime I have asked. I appreciate that. If we are going to get this done, the President has to be part of the solution.

#### ORDERS FOR MONDAY, MAY 14, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand

adjourned until 2 p.m., Monday, May 14; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees; that at 3 p.m., the Senate begin consideration of H.R. 1495, as provided for under a previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation, submission of statements, and adding cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 2 P.M., MONDAY, MAY 14, 2007

Mr. REID. Mr. President, it is my understanding there is no further business to come before the Senate today. That being the case, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:08 p.m., adjourned until Monday, May 14, 2007, at 2 p.m.