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FITTING THE CRIME?

MAY 8, 1997

TRANSCRIPT

From 1985 to 1994, violent crimes committed by juveniles doubled. Today the House considered a measure to crackdown on those youths found guilty of crime. Following [a background report](#) on the debate, the bill's sponsor, Rep. Bill McCollum (R-FL), and Bobby Scott (D-VA) discuss what should be done to address this issue.

MARGARET WARNER: Now, we have further debate on this bill. With us from Capitol Hill are two members of the House Judiciary Committee. The chairman of its crime subcommittee, Bill McCollum of Florida, and Democrat Bobby Scott of Virginia. And welcome, gentlemen.

Congressman McCollum, why did you decide to sponsor this bill? Why is it needed?

REP. BILL McCOLLUM, (R) Florida: Well, I think it's not just a question--the fact is you've heard on the program that there's so many new and increasing and alarming numbers on violent crime among teenagers, but it's something we discovered in six regional hearings around the country over the last two years, and that is that when a youngster today throws a rock through a window or writes and spray paints graffiti on a wall, it's very unusual that a law enforcement officer will even take that youngster in before juvenile court, let alone have a juvenile judge give him a sanction.



Juvenile judges in many of our urban areas see kids for these kind of misdemeanor crimes ten or twelve times before they get any sanctions today, including community serviced, that sort of thing. And the experts told us that, look, if the kids don't know there are going to be consequences and don't receive some punishment for these early delinquent act, is it any wonder that when they get to be a little older and they have a gun in their hand that they pull the trigger without thinking there are going to be consequences. So the reason for this bill is because I think and I think most experts believe that the juvenile justice systems of the whole are broken, not just because we got so many violent juveniles out there we're not incarcerating as we should, because that's a fairly small number, but because the hundreds of other cases, thousands of other cases of these less serious crimes are not being punished and as a consequence--which they used to be--and as a consequence we've got a very bad system. So we decide how do we help provide

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leadership. Most of this is state and local matters. And we put a 1 half billion dollar grant program, an incentive grant program in here to the states that qualify, so they can get more probation officers, more social workers, more judges, and build more detention facilities, and that sort of thing, if they need it, so they can actually start seeing these kids from the very first offense and graduate those sanctions on up. So that's the real essence of the bill.

MARGARET WARNER: All right. And Congressman Scott, you voted against the bill. Why did you do that? You didn't find these arguments convincing, obviously.



REP. BOBBY SCOTT, (D) Virginia: I think there's a consensus on the question of graduated sanctions. Traditionally the judge has the opportunity to either give a warning or jail the juvenile. And there are a lot of things in-between community service and things of that nature that I think can make a difference. But the primary thrust of the bill is it sounds tough. When you treat juveniles as adults, it sounds tough. The unfortunate thing that you saw in your piece, all of the available evidence shows if you treat more juveniles as adults, the violent crime rate will go up. If you have a choice--if you treat them as adults, they'll be warehoused with adults when they're sentenced. If you treat them as juveniles, they'll receive education, counseling, and preparation for when they get out, and the recidivism rate is much less when they--particularly the violent recidivism rate is much less when you treat juveniles as juveniles. But all of the studies show the same thing.

The only exception is those who commit the very heinous crimes and universally in all of the states, they are treated as adults today. So if you open it up to more juveniles being treated as adults, all of the studies show the violent crime rate will go up. Now, if your goal is to reduce crime, this obviously ought not be something that's, that's in your bill, but if your object is to sound tough, then that's--it sounds tough, but it's counterproductive. And that's why I oppose the bill. You have these tough-sounding but counterproductive provisions like treating 13--primarily treating more juveniles as adults. It's been proven to be counterproductive.

MARGARET WARNER: Congressman McCollum, what about that argument, that it could be self-defeating, the argument he just made and that Congressman Kennedy made?

REP. BILL McCOLLUM: I don't agree with that argument. And I think the reason why that argument's fallacious is a couple of things. First of all, juveniles are prohibited from being mixed with adults by this bill and by existing federal law, and the states don't do that. You are not allowed to co-mingle them in the same cell even if they are being sentenced as adults, until they reach 18, then they can be after that. Secondly, most of your really violent young people are the ones who are going to be the worst. They're going to be the recidivists. They're going to be the ones most likely to come back and repeat their crimes. And unfortunately, although about half the states have gone to truth in sentencing laws where they require longer sentences and that is service of the time given, 85 percent rule and that sort of thing, there's still a substantial number of states that simply have a revolving door still. So the bad people get back out and commit more crimes.



I don't think the statistics show at all that kids are more likely to be recidivists because they're locked up for long periods of time. I think the real alarming fact is that you've got today only one out of ten who commit a violent crime that is serving a day in a detention, juvenile detention center, not even one day. And I think that's wrong, that and the fact that you don't have any sanctions from the very beginning to show kids the consequences of this misbehavior, so we wind up with some really horrible results.

MARGARET WARNER: Congressman Scott, address, if you would, that argument about the consequences of

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misbehavior, or there not being any consequences.

REP. BOBBY SCOTT: Well, first of all, let's put to rest the idea that we're not tough on our--on crime. We're behind the incarceration rate of any nation on earth. The average country locks up about 100 per 100,000, some, Japan, Great Britain, about 50 per 100,000. The United States leads the world already at 500 or 600 per 100,000. I've got cities in my jurisdiction 1500 per 100,000. We've got some areas that have more of our young people--of our young males in jails and in prisons than in college. We've got some states already spending more for prisons than they do for higher education. So we're locking up a lot of people. The fact is if we want to reduce crime, let's keep that rate as it is. So if you're going to put another 500 million dollars a year into the problem, it will be a drop in the bucket building prisons. It won't make any difference at all if you try to spend that money in prisons, what states are already doing, it won't make a difference. But if you put that money into prevention, it can actually make a difference. A lot of programs--we had a hearing ironically yesterday showing that programs had a significant impact on the--in the Washington area and in other states with very little money if its put where it can do some good, but just building prisons when we're already locking up more than anywhere else on earth, it just won't do--

REP. BILL McCOLLUM: We're not just building prisons. I think that's the point, Bobby, and prevention, I agree with you on, is apples and oranges. We think there will be another bill, and we plan to have one out on prevention that you're talking about. What we've got, though, are 15 year olds and above in the state systems, and that's the age we encourage the states to treat them as adults, and actually that's discretionary. We simply want the states to say and before they get the money in this bill that they're going to allow or permit at their discretion prosecutors to try as adults 15 years and older kids who commit serious violent crimes, and they're limited to murders and aggravated felonies, that sort of thing, very serious stuff, and in the federal government already today, without any--the current law says 13- and 14- and 15-year-olds who commit certain serious violent crimes can be tried as adults. It's still the discretion. We don't change that with the prosecuting attorney general.



What we do is add a couple of opportune crimes that make sense, that today a youngster who is on federal property commits a murder with a gun, they can be tried at 13-years-old as an adult. That same youngster commits a rape at knife point on federal property they can't, so we tried to change those laws so that all violent crimes that you would think of today as violent crimes can be if the prosecutors and attorney general wants it to be tried in the federal system in a uniform fashion as adults. That's all we did.



REP. BOBBY SCOTT: The fact is we're not trying juveniles in federal court. The fact is--the juveniles are just a handful, but the juveniles being tried as adults today, of that group, the majority of them are being tried as adults for non-violent offenses, so if we're already down that far on the list of offenses, you can't possibly imagine a rape at knife point in any state in the union where they're not being tried as adults--

REP. BILL McCOLLUM: Well, they couldn't be tried as adults in the federal system--in addition to that, we're looking at the opportunity for prosecutors that the Justice Department wants to be able to do--prosecutors at the federal level to get at these gangs in the cities and help the states and local governments spread these people out and incarcerate these youngsters who are committing violent crimes to--

MARGARET WARNER: Rep. Scott, let me just ask you, why do you think so many of your fellow Democrats actually voted for this bill? I think there were more than 70.

REP. BOBBY SCOTT: I can't answer someone else's vote. I can answer mine. The fact is that all of the studies show that if you try more juveniles as adults, the violent crime rate will go up. People may not like those studies; they may say well, this is not accurate, or this, but there are no studies on the other side. All of the studies show that the violent crime rate will go up because there's--if you treat a juvenile as an adult, in most states they get

locked up with adults. In Virginia, if you're 17 years of age, and you're tried as adult, you will go to the adult facility.



REP. BILL McCOLLUM: Federal law prohibits that if they take federal money today, Bobby, and it'll prohibit it even more if this bill goes into effect--

REP. BOBBY SCOTT: Virginia today if you're sentenced at 17, 16 as an adult, you will go to an adult facility.

REP. BILL McCOLLUM: They won't qualify for any of this money.

REP. BOBBY SCOTT: And--

MARGARET WARNER: You're saying--

REP. BOBBY SCOTT: We can debate on that point. I hope that that's true.

REP. BILL McCOLLUM: It's true. We had an amendment to help make it true; I agreed with it.

REP. BOBBY SCOTT: And the bill as it came out of committee because of your cooperation was a whole lot better than some of the other ideas that were floating around, you were very cooperative on that point. But the states--if you are sentenced as an adult in most states you will go into the adult facility.

MARGARET WARNER: Very briefly. Congressman McCollum, starting with you, what do you think of the prospects in the Senate for a very similar bill?

REP. BILL McCOLLUM: I think they're very good. Sen. Sessions, who chairs the subcommittee is already working with us on this. He used to be an attorney general in Alabama, and in fact, was our leader in one of six regional meetings we had around the country last year on that, so I think they're very good.

MARGARET WARNER: And Congressman Scott, what do you think?



REP. BOBBY SCOTT: I would hope the Senate would look at the actual facts in the study and determine to try more 13-year-olds and juveniles as adults will increase crime; it's counterproductive. We need to put the money where it'll make some difference, and if we've got people 10 years from now in the high crime rate, we need--

MARGARET WARNER: All right.

REP. BILL McCOLLUM: The big difference--

MARGARET WARNER: We're going to have to leave it there, both of you. Thank you very much.

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