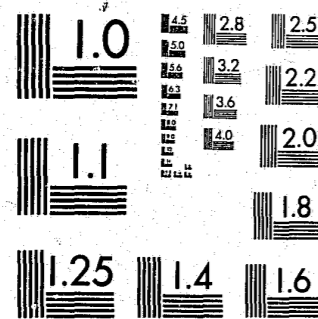


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NATIONAL
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OF JEWISH
WOMEN

Symposium on Status Offenders

Manual For Action

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Edited by Judith F. Weintraub

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SYMPOSIUM ON STATUS OFFENDERS

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NCJRS

MAR 16 1977

ACQUISITIONS

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INTRODUCTION

Volume I of this two-part publication contains the proceedings of the *Symposium on Status Offenders*.

This volume includes a discussion of some of the problems which confront Council Sections and community organizations in their efforts to design and implement action programs and suggested ways of meeting them. Examples of three projects undertaken by NCJW Sections provide actual applications of those suggested activities. The Resource Section and Bibliography list some of the publications and organizations which can be helpful to a Section or community organization in designing and implementing a program for status offenders.

A consensus was reached by the participants at the Symposium on May 17—19, held by the NCJW in Washington, 1976 on these three issues: the need to provide services to all children who request them in their social context of family, school and community; the need to monitor the accessibility and quality of these services and the child's right to them; and the need to reconsider and revise legislation pertaining to children so that children's rights and options are increased and all children may be treated equally under the law. This emphasis on the right of all children to effective services in the community fits into the programs of almost all of those agencies which work with youth. It is equally as important to those working for diversion from the court process as it is for those working for deinstitutionalization of status offenders, or for their complete removal from the jurisdiction of the family court. To make the implementation of any of the above meaningful requires the provision of services, adequate in capacity and quality, to all those who request them. Removing truancy as an act under the jurisdiction of the court does not solve truancy problems.

Diversion, deinstitutionalization and decriminalization all remove status offenders from the traditional tracks of courts, detention and training schools. They do not necessarily involve the substitution of positive alternatives. It is the function of the local action program to provide community based services to youth.

There are many activities which an organization or group can undertake to meet the long-term goal of provision of community based services to youth. Among them are research, community education, advocacy, such as administrative change, legislative action and litigation, provision of services and monitoring. The activities chosen will depend upon the economic and physical resources available—who is going to do the work and how it is to be paid for. They will also depend on the commitment of your particular state to community services and the level of implementation achieved. There are a range of means of carrying out the above activities including meetings and conferences, development of coalitions, media campaigns and lobbying.

INITIAL PLANNING

Is any other organization mounting a coordinated endeavor to establish community based services for youth in your state? If there is, and your group agrees with its goals and the means it is using to achieve them, your group will probably join forces with that organization. If there is not one comprehensive organization, but several which provide services or advocate the rights of youth, then your group will want to go ahead with its own program planning and involve those organizations in its project.

The planning team should be kept small. While there is no magic number, 5—10 people should give a wide enough perspective without making it difficult for each to be heard. The people involved should be chosen with care. You want people (and organizations and agencies) with a known commitment to the ultimate goal. A planning session is not the place to do in-depth proselytizing.

The individuals and organizations must be willing to work and must have resources and services which they can bring to a project. Whatever the planning team eventually chooses—from holding a meeting to forming a coalition—is going to require warm bodies to do the work and money to pay for, at a minimum, duplicating and mailing. Any activity will also require someone who will make sure it is all done: that meeting rooms are reserved, meeting announcements are mailed, letters of inquiry are answered, and all other routine tasks essential to an ongoing operation are carried out. It is invaluable if such a "Secretariat" can be identified in the very beginning. It may be your organization's own office with a staff person

seconded part-time to the project, or the service may come from one of the other members of the original planning committee. It should definitely be kept in mind in choosing the original members.

The involvement of representatives of public agencies at this stage is an often debated question. If there is a member of a public youth service agency or family court who is known to be a strong advocate of the goal your organization is trying to achieve, by all means include that person in the first stages. The insight and counsel of someone who is a part of the system which your organization is trying to change can be invaluable. On the other hand, public agency involvement, while important subsequently, is not crucial at this stage. Remember, you are choosing your planners for the knowledge, resources and leadership ability which they can bring to a new project. Position and affiliation are attributes to be taken into consideration later.

The initial planning committee sets the intermediate goals which will lead to the provision of community based services to status offenders. If the goals chosen would benefit from multi-agency involvement, the group should be expanded to include all those involved with youth: service deliverers, advocacy units, citizen watchdog groups, any organization or agency that wishes to join.

KNOW YOUR STATE

The first item on the agenda of the planning team should be, "What action is necessary in your state to achieve implementation of the long-range goals?" A state which has already made legislative or administrative provision for community based services will require a different approach from a state which is still "treating" all status offenders in traditional settings. Since knowledge of conditions in your state is essential before the planning team can identify its short-term goals, you should either make sure that people with this knowledge are included in the first small group, or the group should adopt as its first project the interviewing of appropriate individuals to obtain such information. The process of meeting with service providers will serve the three-fold purpose of obtaining information, introducing your group, and identifying those individuals and programs which the group will wish to invite to membership.

Perhaps there is a particular issue in juvenile justice which is getting attention in your state just at the time your group is organizing. It may be plans for a new training school, development of a group home, legislative debate over a "sentencing act" for juveniles, discussion of reallocation of funds and identification of priorities brought on by the widespread disorder in public finances. Any popular issue in juvenile justice will be grist for the

mill. A campaign of public and legislative education on the numbers of status offenders in your state's training schools, alternative means of handling them, and the money saved in community over training school care can be mounted around the plans for building a new institution. The same economic arguments can be marshalled in calling for a reorganization of services because of a fiscal crisis. Discussion of mandatory sentencing for violent juveniles can be broadened to exclude status offenders from institutional care and develop community referral for these youths who have not committed any crime, much less violent ones. Assistance can be given to the establishment of a group home through locally active sections of cooperating organizations and agencies to minimize opposition and maximize support for such an undertaking. Such a project would allow the development of citizen involvement through local advisory boards and the utilization of private agency and volunteer programs. Identifying and utilizing a current issue in the community gives your group a ready-made reason for existence. The nature of the issue will determine the activities undertaken and the means developed to carry them out.

However, your state may not have before it a particular issue in juvenile justice this year. The planning team then has to identify its own issues and ways of approaching them.

There are a number of problems which confront the establishment of community services for youth in almost all states. First and foremost is the lack of local services. There may be legislative opposition to establishing such services based on confusion equating status offenders with delinquents and the assumption of a hard-line attitude toward both. Community opposition to any kind of neighborhood service is very common. There is also a broad body of opposition from the traditional purveyors of service, both public and voluntary, within the juvenile justice system who are loath to relinquish any part of their jurisdiction. Revised budgeting may be required with a reallocation of funds and a full utilization of Juvenile Justice and Delinquency Prevention Act monies, which are tied to provision of community based services. It will be necessary to determine which of these or other problems are significant in your state. There are no easy solutions to any of these issues. The following pages describe some of the activities which have been used by community organizations in attempting to overcome similar obstacles.

What can your group do? There are five major activities which can be used to achieve your group's goal. They are as follows:

1. research
2. community education
3. advocacy, including administrative persuasion, legislative action and litigation

4. provision of services
5. monitoring

They can be used alone or in combination, depending on your program's needs and resources.

No matter what project your planning team decides on, it will need to build up a library of material on status offenders, juvenile justice, youth services, recommended standards and goals, and funding sources (see Bibliography and Resource Section). In addition, there are materials pertaining to your group's own state which your group should acquire. All governmental studies are public information but you may have to persevere in order to obtain them. Among the state reports are the annual plan of your State Planning Agency (the funding agency for Juvenile Justice and Delinquency Prevention Act monies), the annual plan for the allocation of Title XX monies, state and local youth service budgets, and any reports compiled by legislative or other state funded committees. Your group should be on the mailing list of the Commission on Children. And, perhaps more importantly, it should have a list of its state legislators with their districts and the committees on which they serve. Have your organization included on the mailing list of the legislative committee on youth, to be notified of any legislative hearings in the juvenile field.

Federal funding may have requirements which can enhance your group's over-all goal (see Resource Section). For instance, the Juvenile Justice and Delinquency Prevention Act which is handled through the Law Enforcement Assistance Administration is a major source of federal funds. A state's acceptance of such funds is contingent on its pledge to deinstitutionalize status offenders. This is obviously important knowledge when marshalling arguments in favor of the development of community based services as well as a possible source of funding for your own projects. Another rather logical financial argument can be made for treating status offenders in the community rather than institutions: the savings can be used to finance those community programs.

Let us assume that your state has no major commitment to community based services but has the usual programs run by the Board of Education, the Bureau of Child Welfare, voluntary agencies, and perhaps a group home or two. The first step in a campaign to establish widespread, high-quality community based services is to find out what is already in existence.

RESEARCH

In formulating its project, the planning team will begin by applying the three basic questions of any action plan, i.e., what is to be accomplished,

what the resources to accomplish it are, and how long will it take. A project can be to determine those community based services presently available to youth, what services are provided, by whom, to whom (including how many served) and in what communities.

If a comprehensive directory of services already exists, by all means verify its completeness and accuracy, but don't compile another one from scratch. If another agency is already working on such a survey, make arrangements to be able to use their results. If it is early enough in their project, and you go about it quite tactfully, you may even be able to have them adapt the scope of their inquiry to include information your group wants which they had not originally included in their project. If there is an agency working on such a project, your group may want them as a member. If there is no comprehensive directory available, your group may want to compile one.

Services should be defined as broadly as possible and should include programs of counseling, remedial education or alternative schooling provided by the Board of Education, health care and mental health programs provided by the appropriate state and local agencies, and any programs for youth of the welfare department or Bureau of Child Welfare. The police, family courts and probation may have services. Those agencies running detention and training schools may also have group homes. Don't overlook religious groups, self-help groups and community out-reach services. The United Way is an excellent vehicle for identifying voluntary child care agencies. Local graduate schools of social work may have developed directories of services.

If yours is like every other community organization, it is probably already vastly overcommitted, as are you personally. In order to accomplish its goals, your project will have to identify and utilize as wide a pool of resources as possible. Schools of social work should not be overlooked. Possibly a class will take your survey as a project, or perhaps several graduate students can work on it as part of their field work. If not, then it may be necessary to find an organization or individual willing to assume the responsibility of such a study and conduct it, either alone or in coordination with others. Any such responsibility should be clearly spelled out and understood by all parties involved. Your group may want to consider hiring a staff person to do the study.

In order to plan most effectively, the group should set a reasonable timetable for achieving the project. This will enable it to allocate resources, evaluate progress and develop second-step programs so that there is a smooth transition from one to another.

A second area of research which your planners may wish to consider concerns the legal provisions for and/or bars to utilization of community based services for status offenders. This would require a survey of the

existing laws and administrative regulations and, probably, suggested modifications to them. Just as graduate social work students are a prime resource for the survey of services, law school students are excellent candidates for this legal project. If the local law school has a special course on juvenile justice or the family court, the professor may be willing to assign some students to do a legal survey with recommendations as a term project. The local child defender agency or legal rights advocacy group may also be willing to have one of their lawyers work on such a project. At a minimum, they are a valuable source of information on the current status of the laws and may have recommendations of their own which can prove helpful.

In drafting new legislation, be sure to take into consideration model laws which have been promulgated by other groups.

ADVOCACY—LOBBYING

The results of the survey of current law and administrative procedures probably show that there are changes which have to be made in your state's laws before it can refer status offenders to community based services. A natural follow-up to the survey is an advocacy campaign. Some nonprofit organizations are reluctant to engage in any kind of 'lobbying' activity for fear that they may lose their tax-exempt status. Organizations should know that there is court precedent which allows them to spend an "insubstantial" amount of their total budget on legislative activity. Generally, insubstantial has come to mean less than 10%. If this is the only area in which your organization is lobbying, it is very unlikely that it will exceed that amount. If the legislative activity exceeds 10% of the organization's total budget, it should seek legal interpretation of what is allowable under recent federal legislation (see Appendix). If the lobbying is being carried out by a coalition of which your organization is a member, the organization's tax-exempt status is not affected.

To find a sponsor for its proposed bill, the group should evaluate the legislature to determine those legislators who appear to be most supportive of its point of view. Public pronouncements are sometimes an indication. The local Civil Liberties Union or perhaps someone from the League of Women Voters can probably be helpful. The Eagleton Institute at Rutgers University, New Brunswick, N.J. publishes analyses of positions of state legislators in every state. It is best if support on the legislative committee, which is going to consider the proposed legislation, can be identified at an early stage. It is also valuable if the prospective sponsor is someone who has some power within the legislature. A sponsor who has not had a piece of

legislation passed in the last three years is not really going to advance your cause.

Once someone has been found who appears sympathetic and has access to the power structure, he should be approached to sponsor the legislation. If he agrees, your group will then want to work closely with him and his staff in drafting the legislation and in developing strategy. You should be aware of sources of support or opposition in the community. Supportive organizations should be invited to join the endeavor. Attempts should be made to neutralize opponents through tailoring of arguments in answer to their objections.

Generally, on any issue there is a small group of legislators steadfastly for, another small group equally hardened against, and a large middle contingent who have not yet made up their minds. Obviously, it is this latter group that you want to expend most energy on. Organizations located in the legislators' home districts can invite them to address open meetings on the subject of the proposed legislation. Small groups of constituents can call on them personally to speak in favor of the bill. You can do this either as an organizational representative or as an individual voter. Most legislators are very sensitive to the views of their constituents. Visits do not have to be made at the state capitol if it is inconvenient. Legislators generally have offices of some sort in their district. Saturday morning "coffee" in the legislator's home are not unknown and have been effective. Always make an appointment in advance and inform the legislator of the purpose of the meeting and who will be attending.

In those states in which committees and legislators have staff, establishing good communications with them may be the key to the passage of your group's bill. Make sure that both Majority and Minority Counsel to the committee which will be considering the legislation are familiar with your organization and its position. The most powerful figures in a legislature are usually the Majority and Minority leaders. They and their staffs should be a prime focus of any lobbying campaign.

Then, of course, there are those huge marches on the legislature when busloads of people are brought in from all over the state on a given day to storm the legislative citadel, buttonholing as many people as possible, holding rallies on the capitol steps and indulging in other activities which generally make the participants feel very good, but whose efficacy is seriously questioned by professional lobbyists. To be effective and stand out among all the other busloads of people championing rights of the unborn, the elderly, gays, the welfare community, parochial education, and every conceivable minority within that state, proponents would have to be present in large numbers every week for an extended period of time. There is simply an easier way to do it. A few people, with a coordinated list of lawmakers to see so that they don't cross one another's tracks, who are

well-versed in the arguments in support of their legislation and who have literature which they can leave behind which will include the names of organizations and influential individuals in support of the bill, are much more effective in terms of swaying legislative opinions.

Mailings to all members of the legislature setting out reasoned arguments in favor of certain action should also be used. A supporting brief on the letterhead of a major citizens' organization in the state can have great weight. Letters from individual constituents are always helpful. Please note, however, that form letters are generally recognized as such and considered as one communication rather than many. If there are many organizations taking part in a legislative campaign, there should be some coordination so that there is not a spurt of activity in a very short period and then a long stretch in which nothing happens. Mailings and meetings can be scheduled so that there is one a week, thereby keeping the issue constantly before the legislature, building up in their minds the impression of monolithic support for your cause.

No matter at what other times your group sends out mailings, it is crucial that legislators be contacted immediately prior to any official action which they will be taking. Committee members should receive your group's position the week before their committee will be considering the particular bill. Mailings should go to the entire legislative membership the week the proposed legislation will be coming to a vote. The sponsor of the bill will be able to inform your group of the timing of expected legislative action. There is probably a legislative service in your state which provides such information. The American Friends Service Committee has such a legislative information service in many states. In some states, organizations can rent a box at the capitol in which materials such as the agenda of the legislature and its committees are placed each week.

The above activities are appropriate for support or opposition of any proposed legislation. Before embarking on a lobbying campaign, it is essential that copies of the bills under question be obtained, read and analyzed. Analyses by other organizations can be helpful to your group in reaching a position on a particular piece of legislation, but they should never take the place of your group's reading and analyzing the bills itself. While newspaper reports are invaluable in identifying pending legislation, they are woefully unreliable for a description of the specific content of the bill. There is no substitute for doing your homework.

DEMONSTRATION PROJECT

Once the necessary laws have been passed, and the survey of services has been reviewed to identify gaps, your group may want to consider running a

demonstration project. Such an activity is more involved than those previously discussed in that it will require staff, individuals to provide the service, a place in which to provide it, and money to pay for it all. The first step is to identify the sponsoring agency or agencies. There should be firm, clear agreement, in writing, as to the responsibilities of each. At some point, either at this stage or after funding has been obtained, the Project Director should be identified. There must be one person responsible. Committees cannot run day-by-day operations. The project has to be fully delineated, in a form in which it can be submitted to government and funding agencies for review. A budget for the project has to be drawn up and met. It is possible that the cost of the project can be absorbed in the budgets of the cooperating agencies. If not, your group will have to go to an outside source. Whenever possible, those public and private agencies on which your project will be dependent for referral and cooperation should be involved in the planning of the project so that coordination will exist from the beginning. Hopefully, such involvement will minimize any opposition and jealousy over turf. If the project is dependent on the juvenile court judge, it is essential that he be involved either directly or through his staff.

Planning for the project should include the length of time it will be in existence as well as some mechanism for evaluation. A timetable should be developed for all of the proposed activities, i. e., planning, recruitment of staff and/or volunteers, orientation and training, and program operation. This allows for continual monitoring of progress. The evaluation component should be developed in the planning stages of the project. Well-designed, efficiently implemented projects have resulted in useless statistics because information gathered was not based on possible uses to which it would be put. This is the field of the statistician, and a volunteer from the statistics department of the local university will be invaluable. If your project is one which involves a wealth of statistics, it may also be desirable to obtain loaned computer time from the school.

There are many reasons for building in an evaluation component in a project. When the project is finished, you should be able to say what it did, whether or not it accomplished its goal, and how. This can be a rigorous research project carried on by an outside independent investigator which will demonstrate the success of a given service in meeting a particular problem of juveniles. Or it can be a much simpler in-house study containing statistics of who was serviced, what kind of services they received, follow-up, if any, who was involved in the project and what was subjectively viewed as its results. Feedback should be obtained from clients, staff members, the community, and any public or voluntary agencies involved. Evaluation is also a tool of on-going program modification. It allows for correction of weak spots in the project as they develop.

FUND RAISING

At the beginning of any project in the juvenile justice field, your group should become acquainted with all appropriate governmental sources of funding. Be alert to any federal departmental reorganization which may alter previous funding patterns and policies.

There are many sources of private funding. Most large corporations have corporate donation programs which may give money in areas where there is a company location. Identify all major industrial plants in your community. Branches of large banks and major retailing stores are also good sources. The managing directors of these institutions should be contacted to determine their corporate giving policies.

There are directories of foundations listing private and corporate sources (see Resource Section). Many states have directories of their local foundations. Your local United Way probably knows if one exists for your state and how to obtain a copy. The Foundation Center has regional libraries which contain a wealth of information on how to prepare a proposal and to whom to submit it. If any of your cooperating organizations has a professional fund raiser, a meeting with that person should identify all the resource material needed and possibly yield some helpful tips on the preferences of local foundations and corporations.

The most important part of any fund-raising campaign is identifying the foundations to receive your group's proposal. Directories list areas of interest of individual foundations. All foundations publish annual reports which they will mail on request. Most foundations will not make grants for general operations. They are only interested in specific projects. Mailings should be targeted to the expressed priorities and interests of the given foundation.

PROPOSAL WRITING

The following guidelines to proposal writing will present your group's project in the clearest and most understandable fashion.

1. Know the requirements of the funding agency. Different funding agencies, especially government offices, may have different proposal requirements.
2. Be brief. With few exceptions, all funding sources, public and private, prefer the initial approach to be no more than three pages long, excluding budget supportive materials and covering letter.

3. Be specific. Flowery generalities do not disguise the fact that a proposal is not well thought out. Your presentation should include a description of the sponsoring group including membership, history and relevant activities. The need to be met should be clearly defined together with the importance in meeting that need. Most of the proposal should be devoted to a clear, concise description of the project, including what is to be achieved, how it is to be achieved, how long the project will take, and why your group is the proper one to sponsor such a project. There should also be a brief section on how the project is to be evaluated. Appendices containing additional information such as statistical reports and letters of support (especially from administrators with whom the project would be working, such as the Commissioner of Youth Services or the family court judge) can all be helpful.
4. Prepare a budget. Every proposal must have a budget which itemizes all expected categories of expenditure for the project. Follow the format of any good guide to preparing a budget (see Resource Section).
5. Provide a summary. The cover letter to the proposal should contain a sharply delineated summary of the major points in the proposal. Preferably no more than one page, it should include who you are, what you want to do, why you want to do it, how you expect to carry it through, and how much money you are requesting from this funding source. Funding sources are literally swamped with requests for money. They may not have time to read more than the summary in the initial screening.

MONITORING

One of the serious shortcomings of groups which work for change in social policy is the tendency to lose interest once the official change has been achieved. The excitement of public meetings, press conferences and active lobbying is over, and many organizations and individuals turn away in search of new fields to conquer. They do not realize that the most critical phase of change is just beginning, namely implementation. You are aware of instances in which legislative intent was thwarted by interpretations of administrative rules and regulations. Or where administrative directives were emasculated through resistance of staff. Or where poor cooperation and communication between the executive and judicial branches effectively paralyzed the implementation of a new approach to a problem. The ways in which policy change can be stymied are legion. Without someone actively monitoring a program over a period of time from an impartial viewpoint, your group may find that the battle which it thought it had won

so triumphantly in the halls of the legislature is still being fought years later in the family courts or the institutions.

A prerequisite for a monitoring program is that the sponsor be objective, with no political ax to grind other than the proper implementation of a program. A broad-based citizens' organization will most usually fill such a requirement. In addition, monitoring is an excellent activity for volunteers. With suitable training and supervision, volunteers can combine knowledgeable examination with their fresh perspective, uncolored by previous participation in the system under examination. If the issue is diversion of status offenders, your group may want to consider court monitoring, to document just how many status offenders are coming before the court and how they are being treated. A court monitoring program is also an excellent way of establishing the effectiveness of dealing with discrimination and racism by the various components of the system. A program which goes into the institutions on a regular basis will demonstrate whether your group's attempts at deinstitutionalization of status offenders are being implemented or whether large numbers of those children are still present in the institutions.

Obviously, you do not want to know only what is happening. You also want to find out why, so that you can move to correct the problem. Have implementing rules and regulations been promulgated? Have they been adequately communicated to staff? Have necessary liaisons with other agencies been established? Have alternative programs been developed and implemented?

It may be difficult to cut through the bureaucratic layers and determine precisely who has responsibility for correcting the problem uncovered. Pinpointing administrative responsibility is one of the most difficult tasks any citizens' group faces. Indeed, the problem may be that there is no one who has been given responsibility for the particular area. It may be shared among many offices, or ignored.

ADVOCACY: ADMINISTRATIVE AND LEGAL REMEDIES

Hopefully, correcting most of the bars to successful implementation of policy change can be carried out through meetings with the responsible agency heads. Discussion with the judge or the commissioner responsible for a program may be sufficient to get it on the right track. When dealing with administrators, it is important to understand their problems and limitations. This means not only knowing their individual positions, but also the factors with which they have to contend. There may be problems with budget, with the political philosophy of a higher level of administra-

tion, or serious opposition from power groups such as staff, clients, or the community. It may be necessary to help the administrator to overcome these real problems in order to obtain the support required for the action which your group is advocating.

If it is a matter of implementing legislation, you may want to involve the sponsor of the original bill. You will probably also want to re-involve key organizations who were active in bringing about its passage.

It may be preferable in certain areas to have change accomplished through legislation rather than administrative decision. Beware the administrators who say that they do not need any law; they can remedy the situation administratively. It may be true for those individuals. But when they are replaced, and their successors return to the status quo ante, the fight has to begin all over again. Giving an issue the force of law means that, if necessary, your group can resort to litigation to achieve its implementation.

In addition to having a monitoring program of its own, your group may wish to press for permanent, ongoing monitoring by the government through the establishment of an office of ombudsman. To be effective, such an office must be independent of the agency which it monitors. It must also be provided, by legislation, with a clearly defined series of remedies, ranging from mediation through litigation.

After an exhaustive effort has been made to straighten out the difficulties, there is still one remedy left—the courts. Legal action should be considered very carefully, used only as a last resort, and only if the subject is of sufficient importance to warrant it. The Law Guardians or Civil Liberties Union may be willing to handle the case. There may be a juvenile rights unit in your state which is specifically mandated to handle just this kind of class action. Otherwise be advised: litigation can be very expensive. Before agreeing on such a course of action, affiliates of national organizations should check with their national headquarters on the policy governing that organization's being involved in litigation. If their policy allows it, individual organizations in your group may wish to file amicus curiae briefs on the issue.

PUBLIC EDUCATION

No matter what kind of project your group chooses, it will be necessary to include a component on community education. It is important enough to be a project in itself. The major repressive attitude towards juveniles is arising from the highly articulated public fear of juvenile violence. A truly national phenomenon, there is hardly a community which does not have local newspaper headlines featuring teen-age muggings, lurid murders

committed by juveniles and increasing gang activities. Fed by media reports, public fear has resulted in a call for more repressive measures against all juveniles who come before the courts. One of the first problems your group will probably have to overcome is the confusion between the juvenile delinquent—the youth who has committed an act which would be a crime if committed by an adult—and the status offender. There is a tendency to talk about “bad kids,” and lump both categories together. There is also a widely held opinion that status offenders are really delinquents who either have not been caught yet or who have had their criminal offenses plea bargained down to the lesser category. There are probably strong undertones of class bias, racism and sexism involved. Children of the affluent who are perennial truants will probably be sent to boarding schools and special camps. They will rarely find their way into the juvenile justice system. Those who do find themselves in that system will often come from the lower socio-economic class of the community, which is usually composed of the local ethnic minority. While steps have been taken in recent years to equalize the way in which the system deals with boys and girls, there are still many inconsistencies. Boys are permitted a greater freedom of behavior than girls. Boys are seen as self-responsible earlier than girls and thus not needing supervision for as long a time. People will agree that a boy can go out on his own at 16, while a girl still needs “to be taken care of.” And perhaps the most sensitive bias, and one that rarely if ever surfaces, is the affront to many parents posed by intractable children. Parents tend to relate supportively to other parents. There is a rather deeply rooted feeling that a failure of one is an admission of failure of the class. A redefinition of the behavior of the children and a reformation of the reaction to this behavior also includes a redefinition of the actions of the parents. While these basic feelings may be difficult to change, it may be possible to alter the publicly taken position through the presentation of a carefully reasoned argument built on statistics and annotated facts. The appeal must be to logic. An emotional argument will bring out all of the emotionalism of the opposition.

It is quite common for local groups to oppose the introduction of any kind of residential service in their neighborhood. Schools for the mentally retarded have stood empty while communities blocked their opening in the courts. Any kind of local residence for youth generally meets with hostility from the neighborhood for which it is planned. Even groups which support the concept of community based care will object when their community is chosen as the one in which to locate the service. Governmental agencies are not generally equipped to counter such community resistance. They are outsiders. They have a vested interest in the program. They seldom have anyone experienced in dealing with local groups.

If your state is embarking on a program of establishing community

based services, your group may want to consider a supportive project dealing with local acceptance. Large citizens' groups with local sections are particularly well adapted for this kind of activity. After having established a working relationship with the governmental agency, the group would identify local sections of cooperating agencies in the community to sponsor the program. Meetings of these local groups would be held to explain the nature of the program and gain support from the sections. This original group would then be used as the nucleus of support to which other organizations would be added as they are identified. Block and tenants' associations directly affected may be helpful.

This body can then serve as local sponsor of the new program. Any local opposition will be answered by groups from within the neighborhood, rather than by someone from the state capitol. An excellent technique, both in terms of community acceptance and its subsequent functioning, is to obtain participation of local residents and/or representatives of the initial sponsoring organizations on advisory councils of the governmental agency.

In addition to the basic confusion on definition and powerful underlying biases, there is simple ignorance of the issues involved. Your own organization and the organizations with which you are working may not be clear on precisely what is meant by community services, much less diversion, deinstitutionalization and decriminalization. They may not necessarily see the relationship between the first and the succeeding three. It is vitally important that your group's internal education be well underway before you undertake an outside project. Of course, some of the activities you use for self-education can serve the double purpose of community education as well.

CONFERENCES AND MEETINGS

A conference may be tailored to support a particular project which your organization is sponsoring, such as the creation of group homes throughout the state, or it may be on the subject of community based services and the needs of children. It can be used to give birth to a major campaign, as part of that work, or as an event in and of itself.

The reason for holding a meeting or conference will determine the topics to be covered, organizations to be involved, and follow-up activity. It will also answer the question of who should be invited. A good starting place for such an activity is within your own organization. Unless your organization already has an active juvenile justice program, it would be

time well spent to have speakers appear before section meetings, to discuss the system and its problems. You or others on your committee might want to appear to discuss your planned activities in this area.

Let us assume that you have started your organization's internal education, and that it is well in hand. Your group has now decided to hold a statewide conference on status offenders as the kick-off for a new coalition to work on development and implementation of community based services for youth. Since a statewide conference is a rather large undertaking, and since your group wants cooperative action to grow out of it, it will want to involve as sponsors those organizations which it sees as the bulwark of its new coalition.

All organizations considered should demonstrate a commitment towards the goal which you wish to achieve. Possible candidates are youth service groups such as Y's and the Salvation Army; local juvenile defender; child advocacy and children's rights organizations, including the ACLU; groups such as American Jewish Committee and American Jewish Congress; churches and synagogues; the American Society of Friends; your local chapter of the National Council of Crime and Delinquency; women's coalitions and organizations such as WICS (Women in Community Service), American Association of University Women, and the Junior League; and related youth organizations such as Boys Clubs of America, Boy Scouts, Girl Scouts, etc. Graduate schools of social work should also be considered. In many localities there are councils of social agencies or federations which can be very helpful in identifying youth-serving agencies.

Large citizens' organizations bring with them their own reputations, their membership, which represents an excellent source of attendees, and money and manpower, which can be used to help sponsor the conference, as well as carry out the subsequent work of the coalition.

Responsibilities of sponsors should be clearly spelled out. Sponsors may be required to contribute a certain amount toward the cost of the conference. Individual organizations may take responsibility for items such as printing and mailing of invitations, inviting speakers, printing the program, handling the actual conference arrangements, including rental of space, provision of tape recorders and planning the conference banquet. It is essential that one person, or one small committee, be in charge of coordinating all the arrangements.

There are several approaches which, separately or in combination, can result in funding for the conference. The first has already been mentioned: contributions of cosponsors. A substantial amount will be raised through registration fees. You may be able to get a grant from your JJDPA funding agency. This is an excellent project with which to approach local founda-

tions. Local corporations may be of assistance, both in terms of money and loan of staff, to help in the preparation of the conference.

Topics to be covered can include current activities underway in the state which utilize alternatives to traditional ways of dealing with the problems of youth. A panel on approaches tried elsewhere in the country, and how they have fared, would be valuable. Sessions on the family court, the child welfare agencies and the training schools would help set background. Films are very effective at a conference. They can be scheduled for repeated showings throughout the course of the meeting.

Enough time should be allowed for participation by those attending, both through individual discussion groups as well as the traditional question and answer period at the end of formal presentations. Small discussion groups, working with designated resource people around specific topics, are an excellent device for both involving and educating those in attendance. Topics should represent a broad enough spectrum of interests to appeal to most, if not all, of the conference participants. Alternative forms of education, mental health services, family counseling, group homes as well as sessions on how to identify problems and needs and develop programs to meet them, are all possibilities.

Perhaps the most important ingredient in compiling a list of speakers is balance. The total presentation should be a mix of points of view, backgrounds and presentations. Look first to the sponsoring organizations. Every sponsor should be involved in chairing and being rapporteurs for the panels and discussion groups. In addition, if the sponsors have members who are involved in juvenile justice, particularly in present or past programs, they should be included in the program. State and local juvenile justice planners, public and voluntary service agencies, the family court, police, and community programs are all good sources. Writers and newspaper reporters who have intimate knowledge of the field are possibilities. Perhaps a research group has recently finished a study on problems of youth in your state, or a legislative committee has held hearings and been working on legislation. Bear in mind that you want statewide representation. Viewpoints of the different minority groups in your state should be presented. Give particular attention to nontraditional, grass roots programs which deal with youth. And make sure you do not overlook your own organization. If your group has activities or positions, either locally or nationally, a representative should be on one of the panels to describe them. Using the panelists also as resource people in the related discussion groups makes more effective use of their knowledge and experience, and keeps your list of participants within reasonable limits.

There should be a conference packet for each registrant. In addition to the conference program, policy statements and position papers of the

sponsoring or other interested organizations should be included. A table should be available with materials either for free distribution or sale. Many of the items listed in the Bibliography and Resource Section are suitable.

The last session of the conference should be a recap of what was discussed or agreed upon. There may be recommendations for action which come out of the discussion groups which will be presented to the plenary session for ratification. If one of the goals is to form a coalition, then an announcement should be made of the new coalition with membership forms available and a name and telephone number for further information. Future meetings, legislative activity, model projects, with instructions as to how the registrants and their organizations can participate, can be announced. An essential follow-up to any conference is the publication and dissemination of proceedings.

Since the media play the principal role in public education, they should be involved as much as possible in your conference. A journalist who specializes in juvenile justice and youth services problems may already have been chosen as a speaker. Part of the planning team should be a public relations subcommittee which would have contacted periodicals well in advance of their publication deadlines to arrange for possible coverage. A press release should be prepared detailing the conference, its purpose, the sponsors, the speakers, the audience and any foreseen outcome. The release should go to all the newspapers in the city in which the conference is being held, as well as to all the important papers throughout the state (see Resource Section for directories). A special mailing should go to women's page editors. It should also go to the wire services and the radio news and television stations in the conference city. Telephone calls should be made to local city desks the day of the conference to remind them of the activity at the time when they are making up their daily schedules. Have a press desk at the conference with someone whose responsibility is the care and feeding of the media. This person must be knowledgeable about the entire project and should be able to answer questions and arrange for interviews.

Those of you who have held conferences before are probably painfully aware of the pitfalls that await the unwary. For those of you who haven't, the following checklist may be helpful.

1. Begin planning way in advance. It is better to hold the conference a little later than to skimp seriously on preparation time.
2. Establish a realistic timetable. Determine everything that must be done before the conference—arrange for speakers, print programs, print and mail invitations, process registrations, prepare kits of information (including identifying and obtaining or preparing the material), arrange for

equipment rental such as microphones and tape recorders, rent a hall and prepare for coffee or food service and the conference banquet. Working backwards from the conference, which is day zero, determine how long before the conference each must be started in order to have it completed in time, e.g., programs to printer thirty days in advance of conference date. Once the time of each activity has been fixed in relation to the date of the conference, compute how much time is needed to accomplish everything. If it takes three months, you cannot possibly have your conference sooner than 90 days from when you begin.

3. Assign responsibility for every part of the program. There should be a small coordinating committee which has the responsibility for monitoring all preparations, giving assistance and coordination when needed, and bearing the ultimate responsibility for the operation of the conference. If there is enough money, you may want to hire a professional planner who will handle all the details under the advice and guidance of the sponsors.

4. Get everything in writing. All commitments should be confirmed in writing. Organizational responsibility for conference preparations (including financing) and all speakers should be confirmed in writing. All arrangements with suppliers should have the job to be done, the due date and the price, down in black and white. Writing out agreements can clear up a lot of misunderstandings before they arise.

5. Budget properly. If your coordinating committee has never run such a program before, have someone in your own organization or one of the other sponsors with experience go over the proposed budget before it is submitted for funding. The amount of mistakes that can be made by a novice budget maker are almost without end. Assistance will help to insure that you don't suddenly run out of money the day before the conference is scheduled.

USE OF THE MEDIA

Media can be invaluable and should not be ignored. There are opportunities to reply to station editorials and appear on talk shows that allow your group to express its views. Meeting with news directors and editors will introduce them to your work and your concern. A well-prepared idea for a news story or series may get their support. If there are widely read local columnists, meet with them to focus their interest on your area of concern or on needs of youth. Don't ignore the women's pages. Children and youth fit naturally into their subject area and they are geared towards feature stories. You might have success in developing a weekly series on

governmental agencies with their cooperation. The series could focus on the needs of youth. For example, one article could deal with the Board of Education. Others could address the Bureau of Child Welfare, mental health, family court and the State Youth Division. City editors should routinely receive any mailings such as meeting announcements and newsletters as well as press releases. Appropriate reporters should be put on your project's mailing list. Media familiarity with your organization and program will help immeasurably when your group holds that major event for which it wants press coverage.

When judiciously used and properly prepared for, press conferences can get your message in every major newspaper and on every news show in the state. In order to be covered, a press conference must be called for a valid, newsworthy reason. You might want one to announce the launching of a major, statewide coalition. The announcement of support or opposition to certain legislation or administration proposals by recognized community leaders will also be considered newsworthy by the press. The time of the press conference should take into consideration newspaper and television deadlines. An affair late in the afternoon will be too late for afternoon papers and the early evening news shows. A press release should be mailed out days in advance of your conference and city editors should be called that morning to remind them of your activity. There should be at least one person present whose responsibility it is to answer any questions which the reporters may have and to supply them with any materials which they might request. A press kit should be prepared for distribution to all reporters which will give them details on the organization holding the conference, the individuals involved in it, and the position being expressed. Several quotes should be included in the press release for use in reporters' stories.

There is another one of the media which is rarely addressed: internal newsletters and bulletins of your own and other community organizations. People generally read the information sent out by the organizations to which they belong. Most organizations have some kind of mailing, whether it be a single-paged mimeographed newsletter or an elaborate four-color magazine. Developing an internal news service, whereby feature articles and items of information are routinely sent to the people in charge of their own organization's internal education, is a way of taking advantage of an already existing organizational structure to reach large numbers of people with your message. Your group might want to develop a card file which lists every publication, its sponsoring organization, name of the editor or person responsible, format, frequency of publication, deadline for article submission, type of item included and circulation. Such information will enable pieces to be tailored to individual publications, if so desired.

Another technique of public information is the development of lists of

possible activities around juvenile justice and the needs of youth designed for program coordinators of civic organizations. Tours of institutions are always well attended and form an excellent introduction to many of the problems of the juvenile justice system. Lists of films and slide presentations can be prepared and distributed. A list can be compiled of speakers who could appear at meetings to discuss the needs of youth in your community and ways in which those needs can be met. Such a list should include community people, actually involved in delivering services to children, who can talk about their own projects. Your local juvenile justice planner or youth ombudsman might give an interesting presentation.

COALITIONS

All of the preceding activities can be effectively undertaken by several groups working in coalition. To be considered for initial membership, a group should agree with the basic goals of the coalition, be willing to be an active participant in its program and have financial or in-kind services which it can contribute. Large membership organizations with sections located throughout the state are very desirable. Their membership is a ready-made "public" for your message. They are better able to provide the necessary supportive services which your coalition is going to need until it becomes financially self-supporting. They have an established reputation from which your group can benefit. If they are large and well-organized, they probably also have access to certain power sources which can be most helpful. In addition, programs which provide community services to youth should be involved. They can bring to your work valuable technical information and support.

In recent years there has been increasing pressure to involve the "consumer" in any group working for system change. One of the difficulties lies in defining just who is the "consumer," and who represents him. Participation should be sought from all groups in the community. There should be conscious and continuing out-reach to include as members organizations which represent the state's minority groups. In dealing with needs of juveniles, every attempt should be made to include young people in the coalition.

The question of membership by public officials is a much debated one. Their information about the inside workings of the bureaucracy can be very helpful. At the same time, the U.S. Chamber of Commerce points out in *Modernizing Criminal Justice through Citizen Power* . . . "The absence of public officials on the [coalition] better assures the [coalition's] independence, impartiality and objectivity, which in turn enhances the stature

of subsequent recommendations not only among the general public, but also among legislative bodies and the public officials themselves." Some programs have met this problem by developing several categories of affiliation. Public officials can be accommodated under an "observer" status whereby the benefit of their knowledge can be obtained without having any doubts cast on the independence of the group. A category of "individual members" should be considered to accommodate those people who have a strong interest in the field, come from the community, but may not belong to an organization which belongs to the coalition.

Probably the most important decision to be made is the choice of a chairperson. There are several criteria which can be used to assess a possible leader. That person must have the same view of the purposes and goals of the coalition as the organizing committee and be able to commit the time needed to launch a new organization. The chairperson should have stature in the community. The qualities of leadership must be present: the ability to organize, to follow through, to make one's self understood. The chairperson must be able to bring together as an effective unit different organizations with their own agenda, membership, operating procedures and differing levels of commitment. The chairperson must be able to mediate between the member organizations and meld a variety of ideas into acceptable productive activities in consonance with the coalition's principles. Most importantly, he or she must not impose their own ideas on the coalition. A group with a strong leader, unable to involve the membership in decision-making, has a poor chance of surviving past that person's tenure in office.

Leadership ability is more important, particularly during the formative stage, than technical knowledge. To quote the National Advisory Commission on Criminal Justice Standards and Goals, "If an individual commands respect and is able to produce results by working with people whose involvement is essential to the success of a . . . program, that person is a leader."

The basic needs of a coalition are a mailing address, telephone number, office space, and someone to produce and defray the cost of meeting notices, minutes, and other necessary mailings. Funding for a coalition is a difficult problem. It is best if the basic needs can be met from the membership, either through contributions of money or in-kind services. Large governmental grants are generally for a limited period of time. If there is no real commitment from the membership, the coalition may end when the grant ends. Few organizations are willing, however, to host another group for an indefinite period of time. The pattern seems to be that one organization will provide office space and staff support through the organizing phase of the coalition. After a year or two, the needs of the host

become increasingly pressing and it indicates that it can no longer continue to provide a free home. The search for money to pay for a permanent home, staff and expenses, should begin with the birth of the coalition, and be a continuing activity throughout its life. Projects and goals must be tied to realistic monetary resources. In a coalition, unrealistic expectations are not conducive to success. The initial projects and goals should be those which it can undertake with its own resources and be achieved in the first year of operation. This builds internal group identity and establishes a track record which can be used in approaching funding agencies. Involve representatives of public and private sources of money in the first year's activities. After attending several meetings and receiving mailings, they will know who your organization is and be more receptive when it finally does come knocking at their door.

It cannot be overly stressed that the coalition which chooses as its first project a task totally funded from the outside, which does not directly involve a majority of the membership, is writing its ultimate epitaph. Money is not glue. It is not sufficient to hold together an organization which has no other purpose. Similarly, a coalition which forms around a project which can only be carried on with outside funding faces the real eventuality that if the funding does not materialize, the coalition will disintegrate or go through a painful period of scrambling to find a reason to justify its continued existence.

In order to maintain the involvement of the membership, general meetings should be held as often as necessary. Member involvement can also be maintained through regular informational mailings and subcommittee activities. By their very nature, coalitions depend for their success on the activity and participation of their members. An organization can take part in the work of the coalition through active attendance at committee meetings. It can also further the goals of the coalition by distributing coalition materials to its own members, taking positions in support of coalition policy, holding meetings on issues of interest, and other similar ways. A conscious attempt should be made to involve every member in the program of the organization, according to their desires and capabilities.

No matter what the size of the coalition, accomplishment of its goals will require a subcommittee task force structure. These may be standing or ad hoc committees or a combination of both. Their function is to identify and study specific issues and make recommendations for action to the coalition's board or steering committee. This may include reviewing or proposing legislation, doing required research or developing future programs. Subcommittees are created as needed to fulfill the goals of the coalition.

Since the continuance of a poorly functioning subcommittee has a

strongly negative effect on the involvement of members, the work of all committees should be monitored by the steering committee. If a subcommittee is not functioning properly, the reason for the dysfunction must be identified and dealt with. If the fault lies with the chair and cannot be rectified, he or she should be replaced. If there is no real need for the subcommittee, or if its mandate is beyond the resources of the group, then it should be disbanded. A few, well-functioning committees are much more conducive to the health of the coalition than an elaborate organizational structure which exists only on paper.

While the steering committee may recommend courses of action to the general membership and implement its decisions, the establishment of goals and objectives must be a function of the coalition as a whole. In order to protect the individual integrity of the member organizations, all policy statements should be ratified by the membership. A minimum of a two-thirds vote should be required for a position to be used by the coalition. Only those organizations which are in agreement with a given position will have their names used. (This is one reason why organizational names should not appear on letterheads.) Small coalitions may even wish to require unanimity on all public statements. A coalition may lose a few opportunities to speak by following such a course, but when it does speak, it will be with much greater strength. A statement of such principles at the very beginning of a coalition may allay fears of prospective members. Nonprofit organizations should be alerted that participation in a coalition which carries on legislative activities will not jeopardize their own tax-exempt status. Such procedural safeguards should be one of the first items of business on the agenda of the organizations forming the coalition. There should be clearly understood agreement on use of the organizational name, financial responsibility, decision-making procedures, and arrangements for membership, elections and annual meetings. Such agreement does not have to be in the form of formal bylaws which can be postponed until the organization is sufficiently developed to require them. Instead, the above operating procedures can be ratified at the first membership meeting and distributed to existing and prospective members.

COMMUNICATION

Internal

Internal communication among member organizations can take several forms. The circulation of meeting notices and agenda keeps members superficially informed of the activities of the coalition. Distributing minutes of committee meetings to all members of the particular committee

will keep them abreast of these activities. The subcommittee should report to the steering committee and full membership regularly.

A very useful communications device is the dissemination of materials of member organizations. A monthly calendar can be of interest and use to members. It can list meetings, forums, governmental hearings, TV and radio shows—in short anything of interest in the particular field. As part of the calendar, or in a separate mailing, current publications, books and articles of interest can be identified.

External

A coalition has several ways in which it can make its presence and views known to the outside community:

- Testify before legislative hearings on policy and on specific legislation;
- Hold press conferences and mail press releases on issues of immediate concern;
- Publish reports based on research it has carried out;
- Present citizen editorials on television and radio which can be easily arranged through public affairs departments of the stations;
- Issue a newsletter containing activities of the steering and subcommittees and items of interest. A newsletter serves many purposes. Mailed to the membership, it keeps them informed of the activities of the coalition. Mailed to public officials, legislators, funding sources, the media and potential members, it serves to inform the public at large of the existence and positions of the organization. If at all possible, such a newsletter should be developed in the first year. Note that the purpose of a newsletter is to convey information about the coalition's activities. It should not be a substitute for program objectives.

EVALUATION

The most difficult part of any program is its evaluation. Often neglected, it is of primary importance. It not only tests the validity of your original idea, but it pinpoints weak spots which may have been hindering the work of your group. According to the National Advisory Commission on Criminal Justice Standards and Goals, "Without feedback, citizen programs can flounder without anyone realizing it." Evaluation is not an outside exercise totally divorced from the coalition's activities or a test which it passes or fails. It is an ongoing part of the program itself, and its main purpose is to improve the working of the coalition. The following criteria can be used to assess the functioning of a group.

1. Number of Meetings Held

This includes meetings of the full coalition, steering committee (these two may be the same for a small coalition) and subcommittees. The frequency of meetings will depend on the needs of the coalition's program. They should be held as often as necessary to accomplish the tasks. The important point is to set what is the appropriate frequency of meetings for your own group and then see how the actual performance measures up.

2. Attendance

It is the pattern of attendance over a period of time that is important rather than attendance at any one meeting, or an average attendance figure which is meaningless. A constantly decreasing attendance over the period being studied is a danger signal that something is very wrong with the working of the committee. However, a committee which starts out large and then goes through a period of declining attendance until it reaches a stable plateau may just have experienced a very normal shakedown period. It may have lost those who did not have the time or found that the committee's activities were not really to their interest. If this is the case, look at who has been attending—if the same core people are in faithful attendance every meeting, working on the affairs of the committee, it is probably okay. If, however, there are different names on the attendance sheet every meeting, the committee has a problem and you had better look further. If there is a bulge of attendance at one meeting, read the next section.

3. Committee Procedures Including Agenda

A good agenda is a valuable tool, not only for shaping a meeting, but for informing and attracting members. All committee meetings should have some form of agenda which is circulated beforehand. For small groups, this may be done through informal telephone calls by the chairperson to all the committee members. If there was an unusual bulge in attendance at one meeting, check the agenda for that meeting and see what went on that was different from all the others. An outside speaker? Discussion on a current and pressing topic? Even perhaps a luncheon? The topics on the agenda can be measured against the goals that the committee is supposed to be pursuing. Agenda can be compared against minutes to see if it was adhered to.

Another checkpoint can be the amount of participation of the members in the work and decision-making of the group. Busy people

with other primary concerns will attend meetings only if 1) they are going to learn something of interest, or 2) they are going to participate in the accomplishment of a goal which they think is important. The minutes of meetings may give an idea of the degree of participation.

4. *Goals*

This is the most crucial point: what action was taken on the goals and priorities set by the committee during the course of the year? There could be several reasons for the failure to obtain a goal. There could have been unforeseen obstacles over which the group had no control. It may have been the wrong goal for the group—either too low a priority or beyond the resources of the committee. The committee could have targeted so many things as priorities that it was spread too thin. Or it could have been an appropriate and interesting task within the capacity of the group but unobtainable due to inefficient leadership. If the latter, steps obviously have to be taken quickly, or there is grave danger of seeing that committee fail, with its accompanying negative effect on the coalition as a whole.

5. *Communication*

Comparison should be made between actual mailings and what was planned at the beginning of the year. How many mailings have gone to the membership? Has monthly contact been maintained? Has the coalition's mailing list grown during the year? Through its own additions? Through requests of others to receive your information? Analyzing these new names by affiliation—public official, legislator, community member—may provide an indication of where the materials are perceived as most useful.

The above criteria are not a test. They are questions that can be used to help recognize areas which may need improvement. If the answers to most of the above questions are negative, and there is no *realistic* hope of correcting the problems in the immediate future, then the best course of action for the coalition to take is to disband. The longer a seriously malfunctioning organization stays in existence, the more disillusioned the members will become, and the harder it will be to involve those organizations at some future time. After all of the preceding questions have been answered, there are two remaining. Does the reason for forming the coalition still exist? Is there a group of concerned people willing to work to achieve its goal? If the answers to these two are yes, you have a live, viable coalition. The rest will just make its life—and yours—a little easier.

EXAMPLES OF ACTION MODELS

This section represents three different approaches utilizing the guidelines suggested in our text.

MODEL I—This model demonstrates Ohio's NCJW's plan for a statewide network as the follow-up to the National Symposium on Status Offenders.

OHIO NETWORK FOR JUVENILE STATUS OFFENDERS

Prior to the National Symposium, Elaine Jacoby, Ohio's State Public Affairs Chairwoman, formed a committee comprised of approximately ten Cleveland Section members. The goal of forming this group was to develop plans for implementation and statewide action following the conference. The NCJW Committee invited 15 individuals, representing those organizations which had attended the Symposium and which had supported the consensus, to form a steering committee. It is important to note that this effort was built upon a previous conference involving some of these organizations including NCJW, for the purpose of educating the public about the status offender.

This steering committee then enlisted the assistance of 17 organizations and agencies, out of 21 contacted, which were interested in coalescing around alternative plans for incarceration, court procedure, deinstitutionalization of status offenders, and the need to educate the public about the accessibility, quality and expansion of alternative community services.

First, the group decided to develop plans for northeast Ohio to be used as a model for the Ohio Network. Ohio will be divided into six regions. The rationale for this structure was to have a mixture of large metropolitan areas as well as smaller regions.

Northeast Ohio will begin a community needs assessment survey covering nine counties. A survey questionnaire was developed by the steering committee, with the assistance of a local university, to be used to determine the needs of communities and how they are handling their status offenders. The group will work with state planning agencies and other organizations that have already compiled community resources. The other six regions will also conduct a needs assessment survey of existing community resources with the help of their regional coalitions.

The purposes of the total Ohio Network are:

To provide a forum for governmental bodies, service organizations and agencies, both public and private, to review the present state of needs and services to youth and families and identify needed service expansion and development.

This would be done with special attention given to developing appropriate community services for youngsters exhibiting the type of behavior which may bring them to the attention of the court as "unruly children."

This would be implemented by:

- 1) Needs assessment
 - A. Review of state involvement and present reform activity around the state.
 - B. Exploration of appropriate services relative to need.
 - a) Existing programs
 - b) Capacity of existing programs
 - c) Alternative program models existing locally and elsewhere
 - d) Resources for supporting alternatives
- 2) Development of Alternatives
- 3) Implementation
- 4) Evaluation

After all the regions have completed their survey, a statewide meeting will be held to present an Ohio profile of existing services for status offenders. Gaps in Ohio's service delivery system then will be identified and recommendations for improving services will be cited. In addition, there will be legislative proposals involving service delivery systems for

juveniles that will require statewide effort to insure passage and which the Ohio Network will address.

MODEL II—This model illustrates neighborhood coordinating efforts in a large urban area bringing together diverse community agencies, both public and private, to serve youth.

LOWER EAST SIDE FAMILY UNION

BACKGROUND AND NEED

By Ken Schuman, Director
Lower East Side Family Union

In 1971 the Citizens Committee for Children published "A Dream Deferred," which documented the failures of the child welfare system and recommended a shift in focus from placement orientation to direct work with vulnerable families at a neighborhood level.

The following year, spurred by the Citizens Committee report and out of concern for the welfare of families with children who could not be reached through traditional methods, eight Lower East Side agencies joined to begin planning for the Lower East Side Family Union.

Early on, the planners of the Family Union found that most of the families from which foster children were drawn on the Lower East Side were known to local agencies. The problem was not a complete absence of assistance but rather a management problem: the failure to provide help in an effective and consistent manner, including a failure to stay with families to insure that services were integrated around family need. Often hard-pressed, marginal families were expected to somehow relate the conflicting goals of diverse social workers representing different agencies unable to coordinate their own efforts. The absence of any agency willing and able to coordinate, monitor and focus the area's fragmented services on the needs of vulnerable families is one of the major factors leading to the development of the Lower East Side Family Union.

DISTINGUISHING CHARACTERISTICS

The Lower East Side Family Union (LESFU) has four distinguishing characteristics which, when seen as a constellation, provide a unique approach to the reduction of family dysfunction.

1. *Integration of Services by Contract*

Based on planning with the family and service providers, LESFU develops Family Service Contracts. (LESFU now has over sixty such contracts.) These contracts entail responsibilities by provider agencies and the family in carrying out the plan. LESFU monitors the contract (which is signed by each party) to assure that all parties are fulfilling their responsibilities.

To provide maximum integration of services and the clout to monitor and enforce Family Service Contracts, LESFU has been creating a neighborhood services network based on Inter-agency Contracts. The contracting agencies surrender some of their autonomy to LESFU by giving the Family Union the authority to monitor mutually agreed upon services to high risk families. The Inter-agency Contract also commits the agency not to terminate or modify services to the family without the agreement of the Family Union.

This is a vitally new way of integrating services around the needs of families without creating a serious backlash from established agencies. We have been adding agencies to the network at the rate of nearly one per month. We now have twelve contract agencies included in the network. The momentum is building in this area of our work, and the Lower East Side services network, with the Family Union in a central advocacy planning and monitoring role, is becoming a reality.

2. *An Ecological Approach to Social Work Practice*

Ecology views people as existing within a set of social and environmental systems. The ecological approach to assisting families forsakes classical clinical casework intervention and puts the social worker employed by the Family Union in the role of organizer of the efforts of diverse agencies and individuals interested in assisting particular families. The family is fully involved in all aspects of planning and execution of the plan. Because of reliance on this method, the community base of the Family Union is particularly significant, and most of the staff of the Family Union is drawn from the community. Exceptions are the team leaders (MSWs), since it is not possible to find enough qualified professionals who are community residents. The team leaders are, however, each ethnically identifiable with the primary population in their service areas.

3. *Practical helps to reduce family stress*

Recognizing that all too often the state is willing to make a substantial investment in families only after placement is effected, the Family Union tries to reduce pressures on the family that lead to the family breakup. Through both full-time and as-needed homemakers and housekeepers, the Family Union can provide child care and homemaking help in the client's home whenever required, including (during emergencies) overnight and on weekends.

When temporary placement is necessary, it is sometimes desirable to place children in the neighborhood to sustain parental responsibilities. Toward this end, LESFU has located homes in the neighborhood for short-term, temporary placement of children. In addition, a modest client assistance fund is available for nonrecurring, emergency situations which can only be dealt with by financial assistance.

4. *Empowerment of families to enable them to be effective social advocates for their children.*

In all of the work of the Family Union, there is recognition that professionals must involve parents in planning, making clear to them their rights and the rights of their children, and train them where necessary in the responsibilities of parenthood. The Family Union thus becomes not only a way of helping individual families but a vehicle for impacting on social policy.

TEAM TASKS

The services of the project are provided through three service teams. Each team includes a team leader (MSW), five social work associates, three homemakers, three housekeepers and a clerk-typist. The ethnic composition of the teams reflect the multiethnic composition of the area served. Tasks are:

1. *Case Finding*—Seeking out deeply troubled families on the Lower East Side. This is done by all members of the team through referrals from existing agencies, self-referrals, and canvassing neighborhoods. Through these methods the Family Union was able to provide services to nearly four hundred families over the past year.

2. *Case Assessment*—An assessment is made jointly by the team leader, the social work associate, and the client, of the client's needs for service. This occurs at LESFU offices, the client's home or other field locations. Through the assessment process a work agreement is formulated between worker and client identifying and setting priorities for areas of work. Goal Attainment Scales are then mutually determined by the worker and client. The Goal Attainment Scale specifies concretely the expected outcome of the work as well as what would be "better than expected," "best expected," "less than expected" and "poorest expected" outcomes. This is a Management By Objective tool that can be useful for clarification, motivation and self-evaluation.

There is supervision of the time required to complete each of these steps. The chief consultant, a professor at Columbia University School of Social Work, helps work through assessment and planning problems.

3. *Service Planning*—Using input by both the client and the worker, a preliminary plan is developed by the social work associate and team leader for meeting the family's needs. Agencies which can supply the necessary services are contracted by the social work associates. A case conference is arranged when appropriate by the social work associate including workers from the agencies, LESFU staff and the client. A specific plan is agreed upon, put in writing and, where feasible, given agency approval and signed by agency staff.

4. *On-going Case Management (Monitoring)*—LESFU staff take responsibility for monitoring the service plan and reconvening the parties periodically to discuss progress made and new developments. Agencies agree not to significantly modify or terminate their service commitment without approval by LESFU. The executive director of LESFU develops agency contracts with provider agencies in the area which sanction these arrangements and place the full authority and responsibility of each agency behind the service commitment to the client.

5. *Direct Service*—Where feasible LESFU staff provide urgently needed services directly where no other resource for this service is available. Homemakers and housekeepers, for example, are used for immediate relief of stress. Recording and reporting on each case is done regularly by all members of the team.

CITY INVOLVEMENT

The nature of the project and its viability stand as a model for the traditionally chaotic services delivery system within New York City, particularly as it relates to deeply troubled families.

It is our goal for LESFU to provide the basis for a neighborhood-based, preventive-oriented child welfare program administered by the public sector. The twelve workers from Special Services for Children (SSC) assigned to LESFU in January are now (1976) in place and fully operational.

In addition, the city has agreed to a number of other areas of cooperation. The Family Union has worked out an arrangement with Special Services for Children whereby they will refer to the Family Union all families in LESFU's area of operations on the Lower East Side that might be saved through preventive work. SSC also agreed to place Lower East Side children in homes on the Lower East Side when this would be in the best interests of the child. Moreover, SSC will permit the Family Union to continue to work with the natural parents on placements made under the

city license in the Lower East Side. Finally, SSC agreed to assign all its Lower East Side placement work to one of its 24 Manhattan field units. This unit will, therefore, become thoroughly familiar with the neighborhood and its resources, and the Family Union will always be working with the same field staff.

The fact that the city's participation in these innovative arrangements has been secured during the worst crisis in the city's history bodes well, we believe, for our efforts to move the city toward a neighborhood-based preventive-oriented delivery system focused on troubled families.

MODEL III—This example cites a coalition in a medium-sized community highlighting some of the issues involved in working with community groups.

THE TUCSON COALITION

By Marian Cerf, Chairwoman

The Coalition for Community Treatment of Children came into existence in the spring of 1973, a direct outgrowth of Council's concern with juvenile justice. At that time I interviewed our then recently appointed juvenile judge, John P. Collins and discovered that he propounded a new policy for treating juveniles in Tucson—that of diverting them from the court system and retaining them in the community. Since this was in line with Council's philosophy, I offered our assistance. Judge Collins explained that he needed local support to carry out his theories. Approaching the Tucson Ecumenical Council (TEC) composed of fifty-five churches then currently involved in prison reform, I suggested that we jointly form a citizen's group to support the judge. The coalition formed quickly—civic, church, women's groups plus interested individuals. The structure was—and has remained—extremely loose. No directors, no bylaws, no fund raising. Our few expenses for postage and mailing were first underwritten by the TEC and later by the Metropolitan Youth Council—an umbrella organization for child care agencies. Meetings continue to be held monthly at a local bank. The "members" fluctuate from year to year with changing but steady attendance of 20-40 each meeting. The coalition is open to all without charge—there are no requirements or restrictions. Council continues to be represented at all times and provides the leadership. What are our aims and accomplishments?

The coalition was originally formed to support Judge Collins' philosophy of community treatment. At that time he needed county officials to vote needed changes in funds to raise juvenile probation officers' salaries as well as to make physical improvements in the court center, also used for juvenile detention. With the numerical strength of its membership, the coalition was able to lobby successfully for these changes. Its legislative activity will be increasingly important as the coalition tries to legislate deinstitutionalization of status offenders.

The coalition also serves as a meeting place for a number of child care agencies who previously never had the opportunity to exchange information and prevent duplication. It is presently sponsoring a seminar on residential treatment for a number of group homes in Tucson that want to come together to improve communication and services.

Informing the general community on the subject of status offenders has been an ongoing task. The coalition has sponsored and co-sponsored public forums and has also briefed legislators. It has been interviewed by both press and television. It writes letters to the editor on issues. The coalition has been hoping to secure funds for a good documentary film on status offenders which can be used on TV and for educational purposes.

One of the main interests of the coalition is to assure quality of care in the many residential treatment centers which have sprung up during the past few years. At the request of Judge Collins, the coalition prepared a set of standards for group homes dealing with those areas not covered by health and fire regulations. It did this in conjunction with group home directors, probation officers and other agencies such as the Department of Economic Security (welfare). The standards have now been used for two years and are the basis of evaluations performed at regular intervals by a special committee set up by the court. Three teams visit each home. One interviews staff, another children and the third administration. They then meet to prepare a total evaluation and a set of recommendations for improvement in care and treatment. The coalition now hopes to widen the circle of facilities being evaluated so that others are monitored in addition to those used as referrals by the court.

Realizing that the school dropout of today can easily become the delinquent of tomorrow, the coalition has devoted several meetings to exploring this question with school authorities. The subcommittee working on this question felt that one area where help was needed was in legal rights for children both in and out of the school system. The coalition is now hoping to secure funding for the Legal Aid Society to set up a special service for children. Present planning also includes information and training for school counselors in the area of children's rights.

Because legislative change is so important, we were eager to establish

a counterpart in Phoenix, the state capital. A Council woman was the catalyst in setting up a "Justice for Children Coalition." We cooperate closely with this group. The Phoenix Coalition has already testified at hearings on bills relating to juvenile justice and intends to devote most of its efforts to the status offender. To this end they held a citywide conference November 19 on "Status Offenders—Directions or Change."

Tucson recently became the first of five cities chosen to be pilot projects for an LEAA grant received by the National Assembly. Local affiliates of the assembly members have formed a collaboration to attain greater community awareness and cooperation in assisting status offenders. The existence of our coalition was a prime factor in choosing Tucson for the initial grant and we sit on the steering committee of the collaboration.

It has been jointly decided that the coalition will take responsibility to work for legislative change.

Another by-product of the coalition has been the appointment of its chairwoman to the Governor's Advisory Board on Juvenile Justice, established in accordance with the JJDP Act of 1974.

RESOURCE SECTION

The following categories are included in this section:

- I. Organizations with publications, position papers and other available materials.
- II. Federal Funding
- III. Legislative Activity
- IV. Fund Raising
- V. Media

Most of the directories listed can be found in the reference collection of any fair-sized public library. Other organizations in your group may already subscribe to the periodicals described. Many of the publishing agencies will send one free issue for your inspection. Whenever possible, become acquainted with the material before ordering.

I. ORGANIZATIONS

The following organizations issue publications, position papers and other materials on needs of youth and the juvenile justice system.

1. NATIONAL COUNCIL OF JEWISH WOMEN 15 East 26 Street, New York, N.Y. 10010

Materials available on children and youth, community services, legislative action, and citizen education. Limited number of *Justice for Children* available. \$2.25 per copy. Provides technical assistance to NCJW Sections.

2. **THE AMERICAN NATIONAL RED CROSS—YOUTH SERVICE PROGRAMS**
18th Avenue & E Street, N.W., Washington, D.C. 20006
Information on youth programs operated by local chapters.
3. **AMERICAN PUBLIC WELFARE ASSOCIATION, INC.**
1155 16th Street, N.W., Room 201, Washington, D.C. 20036
Publishes *Public Welfare Journal* and policy papers.
4. **ASSOCIATION OF JUNIOR LEAGUES, INC.**
825 Third Avenue, New York, N.Y. 10022
Materials available upon request.
5. **CHILDREN'S DEFENSE FUND**
24 Thorndike Street, Cambridge, Mass. 02141
Serves as advocates in areas of school discipline, special education, health services for children, juvenile justice, and social services for families and children.
Publications available: *Children Out of School in America*, *School Suspensions: Are They Helping Children?* and *Doctors and Dollars Are Not Enough*. \$4.00 per single copy from 1520 New Hampshire Avenue, N.W., Washington, D.C. 20036.
6. **AMERICAN BAR ASSOCIATION—FEMALE OFFENDER RESOURCE CENTER**
18 M Street, N.W., Washington, D.C. 20036
Includes information on juveniles. Publication available (free of charge): *Female Offenders: Problems and Programs*.
7. **FORTUNE SOCIETY**
29 East 22 Street, New York, N.Y. 10010
Provides counseling, job training, job placement and one-to-one tutoring to ex-offenders. Publishes the *Fortune News* monthly. Yearly subscription rate: \$5.00.
8. **INSTITUTE OF JUDICIAL ADMINISTRATION—AMERICAN BAR ASSOCIATION (IJA-ABA)**
Juvenile Justice Standards Project
80 Fifth Avenue, 15th Floor, New York, N.Y. 10011
Twenty-three volumes of standards and commentary covering all aspects of juvenile court procedures and rights and responsibilities of children. Those wishing to purchase individual volumes on a specific matter or complete sets should contact Ballinger Publishing Co., 17 Dunster St., Cambridge, Mass. 02138. For further information contact Dave Gilman at above address.

9. **NATIONAL ASSESSMENT OF JUVENILE CORRECTIONS**
Publications: *Under Lock and Key: Juveniles in Jails and Detention*, by Rosemary C. Sarri. *Time Out: A National Study of Juvenile Correctional Programs*, edited by Robert D. Vintner, 1976. *Research Design Statement*, by Rosemary C. Sarri and Robert D. Vintner, 1972. All available free of charge from the School of Social Work, University of Michigan, Ann Arbor, Mich. 48109.
Diversion from the Juvenile Justice System, by Donald R. Cressy and Robert A. McDermott, 1973. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Stock No. 2700-00241. \$.85.
Juvenile Corrections in the States: Residential Programs and Deinstitutionalization, by Robert D. Vintner, George Downs and John Hall, 1975. Available from the Book Department, Institute of Continuing Legal Education, Hutchins Hall, Ann Arbor, Mich. 48109. \$1.75 per copy.
10. **NATIONAL ASSOCIATION OF COUNTIES RESEARCH FOUNDATION—Criminal Justice Program**
1735 New York Avenue, N.W., Washington, D.C. 20006
Maintains list of exemplary county programs. Publication: *Juvenile Delinquency: A Basic Manual for County Officials*, edited by Aurora Gallagher.
11. **NATIONAL COUNCIL OF JUVENILE COURT JUDGES**
P.O. Box 8978, Reno, Nevada 89507
Juvenile justice audiotape cassettes, including programs on run-aways, the child advocate, delinquency prevention and the schools, available from P.O. Box 8000, University of Nevada, Reno, Nev. 89507. NCJCJ Textbook Series includes volumes on *Legal Rights of Children and the Non-Delinquent Child in Juvenile Court: A Digest of Case Law*. List available on request.
12. **NATIONAL COUNCIL ON CRIME AND DELINQUENCY**
Continental Plaza, 411 Hackensack Avenue, Hackensack, N.J. 07601.
Wide range of publications and position papers available, including *Children as Victims of Institutionalization*; *Children's Rights and Jurisdiction over Status Offenders Should Be Removed from the Juvenile Court*.

13. NATIONAL COUNCIL FOR HOMEMAKER—HOME HEALTH AIDE SERVICE, INC.
67 Irving Place, New York, N.Y. 10003
Information and policy statements on home care, including standards and a directory of approved services.
14. NATIONAL COUNCIL OF YMCA'S
291 Broadway, New York, N.Y. 10007
Policy statement on juvenile justice, diversion and prevention.
15. NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
P.O. Box 24036, South West Post Office, Washington, D.C. 20024
Distributes descriptions of recent publications and research studies in criminal justice, including juvenile justice and community programs. Some available free of charge. Provides brochures on exemplary projects such as *Family Crisis Counseling: An Alternative to Juvenile Court*.
16. NATIONAL YOUTH ALTERNATIVES PROJECT
1830 Connecticut Avenue, N.W., Washington, D.C. 20009
Publishes *Youth Alternatives*, a monthly newsletter with articles on funding, policy developments, conferences and materials available. Yearly subscription rate: \$10.00. Other publications available, including *National Directory of Runaway Centers*. \$4.00.

II. FEDERAL FUNDING

The Juvenile Justice and Delinquency Prevention Act. A 28-page guide to the act and how to influence its implementation on the state and regional levels. Published by National Youth Alternatives Project, Room 502, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. \$2.00.

Title XX Exchange. Explores the actual implementation of Title XX at the state level, with special attention to problems and roles which voluntary agencies are encountering. Published monthly by the Communications Service Center, United Way of America, 801 North Fairfax Street, Alexandria, Va. 22314. Yearly subscription rate: \$14.00.

III. LEGISLATIVE ACTIVITY

1. National Affairs Department, National Council of Jewish Women, Inc.
15 East 26th Street
New York, N.Y. 10010
Washington Office: NCJW, Dupont Circle Bldg., Suite 924, 1346 Connecticut Ave., N.W. Washington, D.C. 20036
Publishers *Washington Newsletter*, 8-10 issues per year citing important relevant legislative activity. Yearly subscription rate: \$5.00
2. The Board of Church and Society of the United Methodist Church, 100 Maryland Avenue, N.E., Washington, D.C. 20002.
Publishers *Register Citizen Opinion*, describing effective ways to communicate views and target mailings. Includes suggested bibliography. Washington oriented but valuable for any level of legislative activity. Single copy: \$.25.
3. League of Women Voters
1730 M. Street, N.W.
Washington, D.C. 20036
Material and information available upon request.
4. Common Cause
2100 M Street, N.W.
Washington, D.C. 20037
Publishes two newsletters: *In Common*, a quarterly publication giving indepth background information on prominent legislative issues, and *Front Line* (6 copies per year), listing legislative action to be taken and updating action already taken on issues. Publications available to members only. Membership fee: \$15.00 annually

IV. FUND RAISING

1. *The Foundation Directory, Edition 5*. Published by The Foundation Center. Includes descriptions of 2,533 foundations which either had assets of \$1 million or more or made grants of \$500,000 or more annually. Edition 6 should be available in the latter half of 1977. *Foundation Directory Supplements* list names, arranged by states, of nearly 26,000 foundations, most of which are small local

foundations with assets under \$1 million. The *Directory* is available in most public libraries or it can be ordered from Columbia University Press, 136 South Broadway, Irvington, N.Y. 10533. \$30.00.

2. *How To Get Money For: Youth, the Elderly, The Handicapped, Women, and Civil Liberties.*
Listing of corporations, state and local government agencies, nonprofit organizations, trade and professional associations, and religious organizations which make grants. Organized geographically by subject area. Available in Foundation Center libraries or from Human Resources Network, 2010 Chancellor Street, Philadelphia, Pa. 19103 \$7.95.
3. *Grantsmanship Center News*, published bimonthly by The Grantsmanship Center, 1015 West Olympic Boulevard, Los Angeles, California 90015. Yearly subscription rate: \$15.00. Low cost reprints available on topics such as *Researching Foundations, Community Foundations, How to Obtain Funding from Local Governments*, and others. Publishes probably the most widely distributed and used guide, *Program Planning and Proposal Writing*.
4. *Foundation News*. Includes the Foundation Grants Index, a listing of currently recorded foundation grants of \$5,000 or more arranged geographically and indexed by recipient and subject. Also contains articles of interest. Published bimonthly by the Council on Foundations, Inc., 888 Seventh Avenue, New York, N.Y. 10019. Yearly subscription rate: \$20.
5. *Stalking the Large Green Giant: A Fund Raising Manual for Youth Service Agencies, 2nd Edition* by Ingrid Utech. Includes information on where to look for funds and how to influence administrative and legislative funding decisions. Published by National Youth Alternatives Project, Room 502, 1346 Connecticut Avenue N.W., Washington, D.C. 20036. \$5.00 plus postage charge.
6. *Foundation Center Public Reference Collections*
All contain at a minimum, standard reference works including *The Foundation Director, The Foundation Grants Index* and *Foundation News*, foundation annual reports on film, and information and publications on foundations.

NATIONAL COLLECTIONS

The Foundation Center
888 Seventh Avenue
New York, N.Y. 10019
The Foundation Center
1001 Connecticut Ave. N.W.
Washington, D.C. 20036
Donors' Forum
208 South La Salle Street
Chicago, Ill. 60604

REGIONAL COLLECTIONS

State names in italics following the name and address of the regional collection indicate that the information returns for these states are held in this location.

ALABAMA
Birmingham Public Library
2020 Seventh Avenue, North
Birmingham 35203
Alabama

ARKANSAS
Little Rock Public Library
Reference Department
700 Louisiana Street
Little Rock 72201
Arkansas

CALIFORNIA
University Research Library
Reference Department
University of California
Los Angeles 90024
Alaska, Arizona, California, Colorado, Hawaii, Nevada, Utah

San Francisco Public Library
Business Branch
530 Kearny Street
San Francisco 94108
Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming

COLORADO
Denver Public Library
Sociology Division
1357 Broadway
Denver 80203
Colorado

CONNECTICUT
Hartford Public Library
Reference Department
500 Main Street
Hartford 06103
Connecticut, Massachusetts, Rhode Island

FLORIDA
Jacksonville Public Library
Business, Science and Industry
Department
122 North Ocean Street
Jacksonville 32202
Florida

Miami-Dade Public Library
Florida Collection
1 Biscayne Boulevard
Miami 33132
Florida

GEORGIA
Atlanta Public Library
126 Carnegie Way, N.W.
Atlanta 30303
Alabama, Florida, Georgia, Kentucky, Mississippi, North

*Carolina, South Carolina,
Tennessee, Virginia*

HAWAII

Thomas Hale Hamilton Library
Humanities and Social
Sciences Reference
2550 The Mall
Honolulu 96822
*California, Hawaii, Oregon,
Washington*

IOWA

Des Moines Public Library
100 Locust Street
Des Moines 50309
Iowa

KANSAS

Topeka Public Library
Adult Services Department
1515 West 10th Street
Topeka 66604
Kansas

KENTUCKY

Louisville Free Public Library
Fourth and York Streets
Louisville 40203
Kentucky

LOUISIANA

New Orleans Public Library
Business and Science Division
219 Loyola Avenue
New Orleans 70140
Louisiana

MAINE

Center for Research and
Advanced Study
University of Maine at
Portland-Gorham
246 Deering Avenue
Portland 04102
Maine

MARYLAND

Enoch Pratt Free Library
Social Science and History
Department
400 Cathedral Street
Baltimore 21201
Maryland

MASSACHUSETTS

Associated Foundation of
Greater Boston
1 Boston Place, Suite 948
Boston 02108
*Connecticut, Maine,
Massachusetts, New
Hampshire, Rhode Island,
Vermont*

Boston Public Library

Copley Square
Boston 02117
Massachusetts

MICHIGAN

Henry Ford Centennial
Library
15301 Michigan Avenue
Dearborn 48126
Michigan

Grand Rapids Public Library

Sociology and Education
Department
Library Plaza
Grand Rapids 49502
Michigan

MINNESOTA

Minneapolis Public Library
Sociology Department
300 Nicollet Mall
Minneapolis 55401
*Iowa, Minnesota, North
Dakota, South Dakota*

MISSISSIPPI

Jackson Metropolitan Library
301 North State Street
Jackson 39201
Mississippi

MISSOURI

Kansas City Public Library
311 East 12th Street
Kansas City 64106
Kansas, Missouri
The Danforth Foundation
Library
222 South Central Avenue
St. Louis 63105
*Iowa, Kansas, Missouri,
Nebraska*

NEBRASKA

Omaha Public Library
1823 Harney Street
Omaha 68102
Nebraska

NEW HAMPSHIRE

The New Hampshire
Charitable Fund
1 South Street
Concord 03301
New Hampshire

NEW JERSEY

New Jersey State Library
Reference Section
185 West State Street
Trenton 08625
New Jersey

NEW YORK

New York State Library
State Education Department
Education Building
Albany 12224
New York

Buffalo and Erie County Public
Library

Lafayette Square
Buffalo 14203
New York

Levittown Public Library

Reference Department
1 Bluegrass Lane
Levittown 11756
New York

Rochester Public Library
Business and Social Sciences

Division
115 South Avenue
Rochester 14604
New York

NORTH CAROLINA

William R. Perkins Library
Duke University
Durham 27706
North Carolina

OHIO

The Cleveland Foundation
Library
700 National City Bank
Building
Cleveland 44114
*Michigan, Ohio,
Pennsylvania, West Virginia*

OKLAHOMA

Oklahoma City Community
Foundation
1300 North Broadway
Oklahoma City 73103
Oklahoma

OREGON

Library Association of Portland
Education and Psychology
Department
801 S.W. 10th Avenue
Portland 97205

*Alaska, California, Hawaii,
Oregon, Washington*

PENNSYLVANIA
The Free Library of
Philadelphia
Logan Square
Philadelphia 19103
*Delaware, New Jersey,
Pennsylvania*

Hillman Library
University of Pittsburgh
Pittsburgh 15213
Pennsylvania

RHODE ISLAND
Providence Public Library
Reference Department
150 Empire Street
Providence 02903
Rhode Island

SOUTH CAROLINA
South Carolina State Library
Reader Services Department
1500 Senate Street
Columbia 29211
South Carolina

TENNESSEE
Memphis Public Library
1850 Peabody Avenue
Memphis 38104
Tennessee

TEXAS
The Hogg Foundation for
Mental Health
The University of Texas
Austin 78712
*Arkansas, Louisiana, New
Mexico, Oklahoma, Texas*
Dallas Public Library
History and Social Sciences
Division

1954 Commerce Street
Dallas 75201
Texas

UTAH
Salt Lake City Public Library
Information and Adult Services
209 East 5th Street
Salt Lake City 84111
Utah

VERMONT
State of Vermont Department
of Libraries
Reference Services Unit
111 State Street
Montpelier 05602
New Hampshire, Vermont

VIRGINIA
Richmond Public Library
Business, Science &
Technology Department
101 East Franklin Street
Richmond 23219
Virginia

WASHINGTON
Seattle Public Library
1000 Fourth Avenue
Seattle 98104
Washington

WEST VIRGINIA
Kanawha County Public
Library
123 Capitol Street
Charleston 25301
West Virginia

WISCONSIN
Marquette University
Memorial Library
1415 West Wisconsin Avenue
Milwaukee 53233
Illinois, Indiana, Iowa,

*Michigan, Minnesota, Ohio,
Wisconsin*

WYOMING
Laramie County Community
College Library
1400 East College Drive
Cheyenne 82001
Wyoming

V. MEDIA

Editor and Publisher Yearbook. Contains listings arranged by state of all daily newspapers in U.S. as well as all weekly newspapers, syndicates, feature services and wire service bureaus. Published by Editor and Publisher, 850 Third Avenue, New York, N.Y. 10022. \$25.00.

Working Press of the Nation. Includes volumes on radio and television stations listed by geographical area. Published by National Research Bureau, 424 North 3rd Street, Burlington, Iowa 52601. Approximately \$30 per volume.

Selected References Relating to Juvenile Status Offenses

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APPENDIX

The following guidelines are excerpted from the Policies and Procedures of the National Council of Jewish Women (1975). While they are specifically one organization's requirements, they are indicative of the types of policies that local affiliates of other national organizations may follow. Therefore, in establishing procedures for cooperative efforts, coalition leaders should be sensitive to and attempt to accommodate, their member organizations' prescribed practices.

AFFILIATIONS AND COOPERATION WITH OTHER ORGANIZATIONS

1. On the National Level (See National Bylaws: Article XVI)
 - a. The National Council of Jewish Women, Inc. may affiliate with any national or international organization whose program is not in conflict with that of the National Council of Jewish Women, Inc.
 - b. All matters involving endorsement of, or affiliation or cooperation with, other groups shall be brought to the Board of Directors for decision, after consultation with the President.
 - c. When a national or international affiliation is anticipated which would involve a change in program or a large budgetary requirement, the matter shall be referred to the Board.
 - d. When a national or international organization with which the National Council of Jewish Women, Inc. is affiliated passes resolutions in direct opposition to the program and policy of the National Council of Jewish Women, Inc., the National Council of Jewish Women, Inc. shall register its opposition and ask that this opposition be included in public statements or representations.

2. On the District Level

Districts may affiliate or cooperate with other groups, subject to the approval of the National Council of Jewish Women, Inc.

3. On the Section Level

- a. No Section or Unit may affiliate as a Section or Unit with any other state or national organization, except with the approval of the National Council of Jewish Women, Inc.
- b. Sections or Units may cooperate on individual projects of other national organizations provided such projects have the endorsement of the National Council of Jewish Women, Inc.
- c. Sections or Units may cooperate with local projects or movements, or affiliate with other local organizations, with the approval of the National Council of Jewish Women, Inc.
- d. The following should be reviewed before affiliation with coalitions: bylaws; letterhead; financial responsibility; techniques for action; procedures for publicity and advertising; procedures for clearance with affiliate organizations of the coalition's stands or positions; clearly defined rules on use of NCJW name only with written consent, and termination date, subject to extension.
- e. No Section or Unit shall form functioning committees of other existing local, state, national or international organizations without the approval of the National Council of Jewish Women, Inc. Sections and Units shall bear in mind the policies adopted by the National Council of Jewish Women, Inc. concerning the spending of Council funds for such organizations (see Financial Policies).
- f. When a Section or Unit of the National Council of Jewish Women, Inc. is affiliated with an organization which takes a stand against a principle or policy endorsed by the National Council of Jewish Women, Inc., it should register its opposition and insist that this opposition be included in public statements or representations.
- g. When a Section or Unit of the National Council of Jewish Women, Inc. belongs to another organization which consistently takes action contrary to the principles, programs or policies of the National Council of Jewish Women, Inc., it must disaffiliate itself from that organization.

4. On the State Level

- a. The State Public Affairs Committee may be the only statewide official body of the National Council of Jewish Women, Inc. and as such may affiliate or cooperate with other groups, subject to the approval of the National Council of Jewish Women, Inc.

- b. Those Policies and Procedures delineated for affiliation or cooperation on the Section level (see Policies and Procedures: 3) shall also apply on the State level.

5. Criteria for Participation in Amicus Curiae Briefs—National, Section, State

- a. The National Council of Jewish Women, Inc. has a position on the issue.
- b. The case is one involving a principle under the United States Constitution.
- c. The parties and other Amici Curiae are organizations with which NCJW wishes to be associated, and NCJW will have the right to examine, to comment on, and to withdraw from, the brief before it is submitted to the court.
- d. NCJW shall engage independent counsel, experienced in the field of constitutional law, to review the issue and the brief, and provide the expert legal judgment needed in joining in a suit on a constitutional issue. Such counsel should be conversant with both constitutional law and Council's policies.
- e. The financial responsibility for joining in the brief must be carefully delineated, agreed upon in advance, and limited in amount. In national cases NCJW shall bear the costs from its national budget; in state cases, the State Public Affairs Committee must be prepared to assume the financial obligations.
- f. Upon reaching a decision to participate as an Amicus Curiae under our Policies and Procedures, there should be immediate notification to National Board members, District Presidents and Board members, and Section Presidents. This notification would contain:
 - (1) The position reached;
 - (2) How the decision was reached;
 - (3) The previously established National Resolution and position on which it is based;
 - (4) A summary of background information on the issue and the case.

The National Council of Jewish Women, Inc. shall endorse no commercial projects. Acceptance of advertising or commercial contributions by the National Council of Jewish Women, Inc. does not imply or constitute an endorsement of the product.

The official lists of the National Council of Jewish Women, Inc. may be released only to such organizations and for such purposes as shall meet with the approval of the President and the Executive Director.

Any question with respect to the interpretation of the Bylaws and Policies and Procedures of the National Council of Jewish Women, Inc. shall be submitted to the National Office for determination by the National President after such consultation as she may deem appropriate.

INTERPRETATION OF THE TAX REFORM ACT OF 1976

The interpretation of the expanded scope of permissible lobbying activity under The Tax Reform Act of 1976* was prepared by Stanley S. Weithorn.** This piece was prepared for members of the National Voluntary Health and Social Welfare Organizations, Inc.

BACKGROUND OF LOBBYING PROVISION AND EVENTS LEADING TO ITS AMENDMENT

Since its enactment in 1934, there had been no statutory change in the limitation (in I.R.C. Sec. 501(c)(3)) imposed upon every organization seeking to establish or maintain qualification for tax-exempt status as educational, charitable, religious and the like that "no substantial part of the activities of [the organization] is carrying on propaganda, or otherwise attempting, to influence legislation". This limitation also operates as a precondition to each such organization's qualification to receive charitable contributions that are deductible for income, estate, or gift tax purposes. I.R.C. Sections 170(c), 2055(a), 2106(a), 2522(a), and 2522(b).¹

*The material contained in this special memorandum is being adapted into a format for publication as an article, authored by Stanley S. Weithorn, in a current legal periodical. The copyright holder of that article is Stanley S. Weithorn.

** Mr. Weithorn, legal counsel to the National Assembly, has prepared this special memorandum without charge, as a personal contribution to the National Assembly and its membership.

¹ More stringent rules, which operate to impose an excise tax on even the "insubstantial" legislative activities of private foundations, appear in I.R.C. Sec. 4945.

As above stated, the language of the lobbying provision first was enacted in 1934. From that time until 1976, neither Treasury regulations nor court decisions (see, e.g., *Christian Echoes National Ministry, Inc. v. United States*, 470 F.2d 849 (10th Cir. 1972)) gave enough detailed meaning to that language (e.g., terms such as "substantial part" and "activities") to permit most charitable organizations to make reliable judgments as to the lines of demarcation between what was statutorily permissible and what was not.² Further, the vagueness of the statutory standards undoubtedly tended to encourage subjective and selective enforcement.

Except in the case of private foundations (as noted above), the only sanctions which had been available with respect to an organization that exceeded the limits on permissible lobbying were loss of exempt status under I.R.C. Sec. 501(c)(3) and loss of qualification to receive deductible charitable contributions. Because such sanctions could not easily be compensated for, many I.R.C. Sec. 501(c)(3) organizations have met this problem by not lobbying at all, even when their charitable purposes cried out for such action.

By 1976 Act Section 1307 (which originally passed the House as H.R. 13500—sponsored by Rep. Barber Conable (R.-N.Y.)—rather than as a part of H.R. 10612—the Tax Reform Act of 1976), Congress effected a substantial change in the operation of the above described statutory prescription against excessive lobbying.³ In summary, the Code amendment is designed to set relatively specific expenditure limits to replace the uncertain standards of prior law, to provide a more rational relationship between the sanctions and the violations of standards, and to make it more practical for the Service to enforce the law properly. However, the new rules replace pre-1976 Act law only as to charitable organizations which elect to come under the standards of the amendment. Further, the new rules do not apply to churches and organizations affiliated with churches, nor do they apply to private foundations; present law is to continue to apply to these organizations. As an interim penalty the amendment provides for a tax of 25 percent of the amount by which lobbying expenditures exceed

² While the difficulties of compliance with the legislative activities limitation have been manifold, perhaps the greatest dilemma has existed in relation to ascertainment of the method by which "substantial" activities are determined, that is, whether such activities are a function of time worked, funds expended, results achieved or some other single criterion or series of criteria.

³ It is made clear, in House Report Number 94-1210, 94th Congress, 2d Sess., 7. (1976), that this statutory change does not affect either the requirement that an organization must be operated "exclusively" for charitable purposes or the prohibition against participation in political election campaigns.

the permissible level. Revocation of exemption is reserved for those cases where the excess is unreasonably high over a period of time.⁴

COMMENT: The provision which finally was enacted, although considered less than satisfactory by many of those with a sophisticated understanding of this area of the law, does represent a major step forward in a struggle that dates back to 1967, when a special task force of the American Bar Association's Section of Taxation drafted a model bill to afford to charities the same lobbying privileges granted to businesses by the 1962 enactment of I.R.C. Sec. 162(e) (which enactment had overturned the results of the Supreme Court's 1959 decision in *Cammerano v. United States*, 358 U.S. 498). The struggle, that started in earnest in 1971 and endured much covert opposition from the Nixon Administration as it progressed, required the acceptance of many compromise provisions by the charitable sector coalition seeking to change the law, which provisions both "watered down" and seriously complicated what had started out to be both a liberalization and a simplification of prior law. Nevertheless, for many organizations, this new law will operate as a "relief" provision. The ambivalence expressed in this "comment" is fairly typical. For example, in a report "reluctantly" supporting the enactment of H.R. 13500 (while it was pending) the Section of Taxation of the New York Bar Association, after a statement that "influencing legislative action through voluntary group activity is at the core of our constitutional government . . .", explained that its reluctance stems from the facts (1) that the H.R. 13500 would add to the Code long and very complicated provisions written in a manner so specific as normally to be appropriate for regulations, not statutes, and (2) this regulation of social policy probably should not be approached as a matter of tax policy at all.

LIMITATIONS IMPOSED ON LOBBYING UNDER NEW ELECTIVE RULE

Dollar Limitations on Lobbying. The technique utilized in 1976 Act Section 1307 is to permit most (but not all) so-called publicly supported

⁴ In a related but nontax area, legislation designed to reform existing lobbying registration and reporting requirements did not receive final congressional approval. The Senate had passed a strong measure (S. 2477), although it was modified from earlier versions. Thereafter, the House had passed a milder version (H.R. 15), but in the closing moments of the 94th Congress, attempts by Senator Ribicoff (D.-Conn.) to bring the House-approved version quickly to the Senate floor failed when Senator Tower (R.-Texas) objected to a unanimous consent request. However, the proposals are expected to be reintroduced in the 95th Congress.

charitable organizations to elect to replace the present "substantial part of activities" test with a limit defined in terms of actual expenditures for influencing legislation. The basic permitted level of such expenditures ("lobbying nontaxable amount") for each year, formulated in terms of declining percentages, is 20 percent of the first \$500,000 of the organization's "exempt purpose expenditures" for the year, plus 15 percent of the second \$500,000, plus 10 percent of the third \$500,000, plus 5 percent of any additional expenditures. However, in no event may this permitted level exceed \$1,000,000 for any one year. I.R.C. Sec. 4911(c)(2). Due to the sliding scale and the ceiling, it is clear that larger organizations are allowed to engage in relatively less lobbying (without penalty) than are smaller organizations.

As part of those overall levels, a separate limitation is placed on so-called "grass roots lobbying"—that is, attempts to influence the general public on legislative matters. This "grass roots nontaxable amount" is one-fourth of the "lobbying nontaxable amount". I.R.C. Sec. 4911(c)(4). Unfortunately, most lobbying, other than direct contacts with a legislative body, most contacts with the executive branch and certain contacts with "bona fide members", probably is properly classifiable as "grass roots lobbying".

For purposes of further clarification, set forth below is a slightly modified version of a limitations schedule included in a Senate Finance Committee Press Release dated June 4, 1976:

If annual "exempt purpose expenditures" are -	Expenditures to influence legislation may be made up to -	Which expenditures may include amounts for grass roots lobbying up to -
No more than	No more than	No more than
\$ 500,000	\$ 100,000	\$ 25,000
1,000,000	175,000	43,750
1,500,000	225,000	56,250
5,000,000	400,000	100,000
10,000,000	650,000	162,500
15,000,000	900,000	225,000
Over 17,000,000	1,000,000 Max.	250,000 Max.

On an annual basis, a qualified organization may elect to be subject to *either* or *both* of these limitations or may not elect at all (in which case, what is referred to as "prior law" will continue to apply). I.R.C. Sec. 501(h).

SANCTIONS IMPOSED ON ORGANIZATIONS THAT ENGAGE IN EXCESSIVE LOBBYING.

An electing organization that exceeds either the general limitation or the grass roots limitation in a taxable year is subject to an excise tax equal to 25 percent of its excess lobbying expenditures. I.R.C. Sec. 4911(a). If, for any taxable year, the organization's expenditures exceed both the lobbying nontaxable amount and the grass roots nontaxable amount, then the 25 percent tax is imposed on whichever one of these excesses is the greater. I.R.C. Sec. 4911(b).⁵

Furthermore, if an electing organization's lobbying expenditures normally (that is, on the average over a four-year period) exceed 150 percent of the limitations described above, the organization will lose its exempt status under I.R.C. Sec. 501(c)(3). I.R.C. Sec. 501(h)(1), (2). In this regard, an organization's lobbying expenditures "normally" exceed 150 percent of the permitted amount if (1) the sum of its lobbying expenditures (or grass roots expenditures) for the four years immediately preceding the current year is greater than (2) 150 percent of the sum of the "lobbying nontaxable amounts" (or "grass roots nontaxable amounts") for those same four years.

Further comment is provided in H. Rep. No. 94-1210, 94th Congress, 2d Sess., 9(1976), accompanying H.R. 13500 as follows:

These sanctions are to operate automatically. That is, if an organization exceeds the permitted lobbying amounts, then it is subject to the excise tax and may also be subject to the loss of exempt status. Imposition of these sanctions (or, in the case of loss of exemption, the effective date of the sanction) is not to depend on the exercise of discretion by the Internal Revenue Service. However, imposition of these sanctions on the organization is not intended to preclude the Service from continuing its present practice of generally disallowing deductions of contributions to an organization only where the contributions are made on or after the date that the Service announces the organization is no longer exempt.

⁵ This excise tax, like the excise taxes imposed with respect to private foundations, is nondeductible.

Scope of "Influencing Legislation"
(i.e., "Lobbying") Definition

Basic Definition of "Influencing Legislation". Under the new law, the term "influencing legislation" is defined as:

any attempt to influence any legislation through an attempt to affect the opinions of the general public or any segment thereof ["grass roots lobbying"—I.R.C. Sec. 4911 (d)(1)(A)], and

any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of the legislation ["direct lobbying"—I.R.C. Sec. 4911 (d)(1)(B)].

Exclusions Under Definition of "Influencing" Legislation. However, the term "influencing legislation" excludes three categories completely and two categories partially. The complete exclusions cover:

[1] making available the result of nonpartisan analysis, study, or research [I.R.C. Sec. 4911 (d)(2)(A)];

[2] providing of technical advice or assistance (where such advice would otherwise constitute the influencing legislation) to a government body or to a committee or other subdivision thereof in response to a written request by such body or subdivision, as the case may be [I.R.C. Sec. 4911 (d)(2)(B)];

[3] appears before, or communications to, any legislative body with respect to a possible decision of that body which might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to the organization [I.R.C. Sec. 4911 (d)(2)(C)].

The first partial exclusion covers:

communications between the organization and its bona fide members with respect to legislation or proposed legislation of direct interest to the organization and such members . . . [I.R.C. Sec. 4911 (d)(2)(D)] [but *not* excluding any communication between the organization and any bona fide member thereof which directly encourages such member to

influence legislation ("direct lobbying") or directly encourage such member to urge nonmembers to influence legislation ("grass roots lobbying")—I.R.C. Sec. 4911 (d)(3)].

As to how this exclusion probably will be applied, assume that an organization sends a letter to its members in which it describes pending bills and notes their strengths and weaknesses. The costs of preparation and mailing of that letter could not be charged as lobbying expenditures. However, if that organization publishes a magazine containing a "Legislative Alert" column in which it suggests that members write to their representative either in support of or in opposition to certain pending bills, then the organization would be charged with the costs attributable to that column, based on a *pro rata* share of the costs of preparation and mailing of the entire publication.

A rather specific interpretation of one aspect of the above-stated rule is provided in S. Rep. No. 94-938 (Part 2), 94th Cong., 2d Sess., 81 n.4(1976):

An allocable portion of the cost of a publication which is designed primarily for members and which includes some material directly encouraging the members to engage in direct lobbying is to be treated as an expenditure for direct lobbying. However, the fact that some copies of the publication are distributed to libraries and other bona fide subscribers will not cause any portion of those expenditures to be treated as expenditures for grass roots lobbying. On the other hand, if more than 15 percent of the copies of the publications are distributed to nonmembers (including libraries), the portion of the cost of the publication allocable to the lobbying material is to be allocated between the activities relating to members and the activities relating to nonmembers (grass roots lobbying) in proportion to the distribution of the publication.

Because of the potential significance of this "membership" exemption, it is important to be aware of the following statements in H. Rep. No. 94-1210, 94th Cong., 2d Sess., 10 (1976), in respect of H.R. 13500:

In general, to be a "bona fide member," a person must have more than a nominal connection with the organization. The person should have affirmatively expressed a desire to be a member. In addition, the person, must, in the usual case, also fall in one of the following classes:

- (1) pay dues of more than a nominal amount;
- (2) make a contribution of more than a nominal amount of time to the organization; or
- (3) be one of a limited number of "Honorary" or "Life" members chosen for a valid reason.

It is not intended that these rules be exclusive, and an organization with membership rules that do not fall within any of these categories may still be able to treat its members as "bona fide members" if it can demonstrate to the Internal Revenue Service that there was a good reason for its membership requirements not meeting these standards and that such membership requirements do not serve as a subterfuge for grass roots lobbying activities.

The second partial exclusion covers:

any communication with a government official or employee, other than—

- (i) a communication with a member of a legislative body (where such communication would otherwise constitute the influencing of legislation), or
- (ii) a communication the principal purpose of which is to influence legislation [I.R.C. Sec. 4911 (d)(2)(F)].

This exclusion protects all communications with the *executive branch* except where the principal purpose is to influence legislation.

Other Definitional Provisions. For purposes of this provision, the term "legislation" is defined to include "action with respect to Acts, bills, resolutions, or similar items by the Congress, any State legislature, any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure". I.R.C. Sec. 4911 (c)(2). The term "action" (as used in the preceding definition of "legislation") is "limited to the introduction, amendment, enactment, defeat, or repeal of Acts, bills, resolutions, or similar items". I.R.C. Sec. 4911 (e)(3).

IMPOSITION OF EXCISE TAX

As indicated above, the determination of whether an electing organization is subject to the I.R.C. Sec. 4911 excise tax is to be made by comparing the amount of the lobbying expenditures with the amount of the organization's "exempt purpose expenditures" for the taxable year. The term "exempt purpose expenditures" means the total of the amounts paid or incurred by the organization for exempt religious, charitable, educational, etc., purposes. I.R.C. Sec. 4911(e)(1)(A).⁶

The term "exempt purpose expenditure" includes administrative expenses paid or incurred with respect to any charitable, etc., purpose and amounts paid or incurred for the purpose of influencing legislation, whether or not for exempt purposes. I.R.C. Sec. 4911 (e)(1)(B)(i), (ii). Exempt purpose expenditures do not include amounts paid or incurred to or for a separate fund-raising unit of an organization (or an affiliated organization's fund-raising unit), or amounts paid or incurred to or for any other organization, if those amounts are paid or incurred primarily for fundraising. I.R.C. Sec. 4911 (e)(1)(C)(i), (ii).

Finally, in computing tax exempt purpose expenditures, amounts properly chargeable to capital account are to be capitalized; however, when the capital item is depreciable, then a reasonable allowance for depreciation, computed on a straight-line basis, is to be treated as an exempt purpose expenditure. I.R.C. Sec. 4911 (e)(4).

RESTRICTIONS IMPOSED ON AFFILIATED ORGANIZATIONS

In order to forestall the creation of numerous organizations to avoid the effects of the decreasing percentages test used to compute the lobbying and grass roots nontaxable amounts, or efforts to avoid the \$1,000,000 limitation on lobbying expenditures, the statute provides a method of aggregating the expenditures of related organizations. I.R.C. Sec. 4911 (f)(1).

Summary of Affiliation Rule. If two or more organizations are members of an affiliated group, and at least one organization in that group has elected for the taxable year in accordance with I.R.C. Sec. 501(h), then the

⁶ The seemingly unambiguous language of the statute apparently permits the inclusion of monies expended under government contracts containing specific prohibitions against lobbying within the total of an organization's "exempt purpose expenditures".

calculations of lobbying expenditures and exempt purpose expenditures are to be made by taking into account the expenditures of the entire group. I.R.C. Sec. 4911 (f)(1)(A). If such expenditures exceed the permitted limits, each of the electing organizations must pay the tax on its proportionate share of the group's excess lobbying expenditures (or, under certain circumstances, lose exempt status as an I.R.C. Sec. 501(c)(3) organization), the nonelecting members of the group remain under pre-existing law with regard to their expenditures and other activities. I.R.C. Sec. 4911 (f)(1)(B),(C). Thus, it is clear that each electing organization would be subject to tax or to loss of its tax exemption even if it had not exceeded the permitted limits that would have prevailed if it had been treated as a separate organization. Conversely, even where an organization is treated as a separate entity would have exceeded the permitted limits no tax would be imposed and exemption would not be lost if the entire affiliated group did not in the aggregate exceed the permitted limits.

Determination of What Constitutes "Affiliation". Generally, two organizations are considered to be affiliated if (1) "the governing instrument of one such organization requires it to be bound by decisions of the other organization on legislative issues", or (2) "the governing board of one such organization includes . . . [enough voting representatives (including governing members, officers and/or salaried executive staff) of the other organization] to cause or prevent action on legislative issues by the first such organization". I.R.C. Sec. 4911 (f)(2).

In view of the Senate Finance Committee (S. Rep. No. 94-938 (Part 2), 94th Cong., 2d Sess., 82, n.5 (1976):

There is affiliation if either of the two conditions is satisfied, that is, if there is either control through the operation of the governing instrument or voting control through "interlocking directorates." In general, any degree of control by operation of governing instruments is enough to satisfy this affiliation test. The existence of the power is sufficient, whether or not the "controlling" organization is exercising the power.

Because of the scope of the limitations imposed by the chartering arrangements of many national organizations, it is possible that the affiliation issue created by I.R.C. Sec. 4911(f) could be extended beyond its intended bounds to create impossible problems because there is no financial control exercised by the national organization over its affiliates. This potential problem can be solved by a combination of Treasury Department understanding in the drafting of regulations and corrective amendments

made to chartering guidelines by national organizations so as to preclude the possibility that inappropriate inferences may be drawn by auditing Internal Revenue Service agents with respect to decision making on legislative issues.

Examples of the affiliation issue include the following:

(1) Where organizations are affiliated, as described above, in a chain or similar fashion, all organizations in the chain are to be treated as one group of affiliated organizations. Thus, for instance, if organization Y is bound by the decisions of organization X on legislative issues and organization Z is bound by the decisions of organization Y on such issues, then X, Y, and Z are all members of one affiliated group of organizations.

(2) If a group of autonomous organizations control another organization but no one organization in the controlling group can, by itself, control the actions of the potentially controlled organization, the organizations are not treated as an affiliated group by reason of the "interlocking directorates" rule.

This statute provides a special rule to apply in certain limited control situations where the affiliation in the group exists solely because of the control provisions of governing instruments (i.e., there are no interlocking directorates) and where those control provisions operate only with respect to national legislation. I.R.C. Sec. 4911 (f)(4).

Some assistance may be provided in the vital area by the language of H. Rep. No. 94-1210, 94th Cong., 2d Sess., 13 (1976), in respect of H.R. 13500, as follows:

Because the question of whether an affiliated group exists may be critical in determining whether an organization has violated the standards under the bill, . . . [it is] intend[ed] that the Internal Revenue Service make provision for issuing opinion letters at the request of electing organizations to determine whether those organizations are members of affiliated groups and to determine which other organizations are members of such groups. Of course, if conditions change, then the conclusion stated in any such opinion letter would change. However, a willingness by the Service to rule on such questions would go far to further reduce the uncertainty that at present prevails in this part of the law.

DENIAL OF DEDUCTIONS FOR CERTAIN "OUT-OF-POCKET" EXPENDITURES

Under I.R.C. Sec. 170, a deduction ordinarily is available for certain out-of-pocket expenditures incurred by a person on behalf of a charitable organization. However, an exception has been created to disallow the deduction of out-of-pocket expenditures on behalf of a charitable organization if the expenditure is made for the purpose of influencing legislation and if the organization is eligible to elect the expenditures test provided for by the statute. I.R.C. Sec. 170 (f)(6).

Obviously, for purposes of the expenditures test, it is necessary to have relevant expenditures appear in the books and records of the organizations. However, an expenditures test could be evaded quite easily, if lobbying could be conducted on behalf of the organization by individuals making out-of-pocket contributions that are deductible.⁷ Thus, I.R.C. Sec. 170 (f)(6) has been added to the statute to deal with this problem.

RESTRICTION ON CONVERSION TO I.R.C. SEC. 501(c)(4) STATUS

Under prior law, an organization which lost its exempt status under I.R.C. Sec. 501(c)(3) nevertheless generally could remain exempt from income taxation (although ineligible to receive deductible charitable contributions) as a "social welfare" organization under I.R.C. Sec. 501(c)(4). Reg. Sec. 1.501(c)(3)-1(c)(3)(v). The availability of continued exempt status under such circumstances permitted some organizations to build up endowments out of deductible contributions while classified as charitable organizations and then to use the tax-favored funds to support substantial lobbying activities while classified as an I.R.C. Sec. 501(c)(4) social welfare organization.

On this question, the Senate Finance Committee, in S. Rep. No. 94-938 (Part 2), 94th Cong., 2d Sess., 83n.7 (1976), stated that:

State law would in the usual case require the funds originally dedicated to charitable purposes to remain so dedicated, even though the organization may have lost its

⁷ Although Reg. Sec. 1.170A-1(h)(6) provides that "No deduction shall be allowed under section 170 for expenditures for lobbying purposes, promotion or defeat of legislation, etc.", it is not clear that this provision of the regulations has been applied to disallow deductions for such expenditures under prior law.

Internal Revenue Code charitable status. However, it is not clear whether State law would prevent such an organization from carrying on substantial lobbying activities.

In order to prevent such a transfer of charitable endowment, the statute was amended to provide that an organization which is eligible to elect under this lobbying alternative (even if it does not, in fact, make the election) cannot become a social welfare organization exempt under I.R.C. Sec. 501(c)(4) if it has lost its status as a charity because of excessive lobbying. I.R.C. Sec. 504(a). Further, I.R.C. Sec. 504(b) affords the Treasury Department the authority to prescribe regulations to prevent avoidance of this rule (for example, by direct or indirect transfers of all or part of the assets of an organization to an organization controlled by the same person or persons who control the transferor organization).

This rule does not apply to churches or other categories of organizations which are *ineligible* to make a lobbying election under the statute. Further, the I.R.C. Sec. 504(c) rule forbidding an organization that loses its charitable, etc., status to become a tax-exempt social welfare organization applies only if the loss of charitable, etc., status is because of excessive lobbying. As under prior law, an organization that loses its exemption due to excessive lobbying ultimately could reestablish its status as a charitable organization but such an organization no longer could establish exempt status under I.R.C. Sec. 501(c)(4).

Finally, this rule applies only in the case of organizations that have lost their charitable, etc., status as a result of activities occurring after October 4, 1976.

DISCLOSURE REQUIREMENTS IMPOSED ON "ELECTING" ORGANIZATIONS

In order to permit the public to obtain information as to lobbying expenditures by organizations that have elected to be governed, for any year, by the revised lobbying provisions, a new I.R.C. Sec. 6033 (b)(8) has been enacted specifically to require that any organization which has elected under these rules must disclose on its information return (Form 990) the amount of its lobbying expenditures (total and grass roots), together with the amount that it could have spent for these purposes without being subject to the excise tax on excess lobbying expenditures. If an electing organization is a member of an affiliated group, then it must provide this information with respect to the entire group, as well as with respect to itself. Obviously, organizations making the election will find it necessary to

adopt rigid and often complex recordkeeping procedures. Further, the Service is required to notify the appropriate State officer of the mailing of a notice of deficiency with respect to any tax imposed on excess lobbying expenditures.

As a practical matter, probably the only reason for an eligible organization not to elect is that the election appears to carry with it increased disclosure and record keeping obligations.

ORGANIZATIONS ELIGIBLE TO MAKE LOBBYING ELECTION

Essentially, the election to utilize the revised lobbying expenditure guidelines, which is made on an annual basis, is limited to publicly supported charities (I.R.C. Sec. 170 (h)(4), with a number of exceptions, as follows:

(1) As a result of concerns expressed by several churches and in response to their specific request, this provision does not permit a church or a convention or association of churches (or an integrated auxiliary or a member of an affiliated group which includes a church, etc.), to elect coverage hereunder. I.R.C. Sec. 501(h)(5).⁸

(2) Organizations which are public charities because they are supporting organizations (under I.R.C. Sec. 509(a)(3)) with respect to certain types of social welfare organizations (I.R.C. Sec. 501(c)(4)), labor unions, etc. (I.R.C. Sec. 501(c)(5)), or trade associations (I.R.C. Sec. 501(c)(6)) are ineligible to make this election. I.R.C. Sec. 170 (h)(4)(F).

(3) Since private foundations already are subject to excise taxes on activities involving influencing legislation under section 4945, they are ineligible to make this election. I.R.C. Sec. 170 (h)(4).

Any organization which does not or cannot elect for the taxable year (and, in that respect, it is anticipated that an election form soon will be

⁸ At the further request of the churches, the following language was included in S. Rep. No. 94-938 (Part 2), 94th Cong., 2d Sess., 84 (1976):

Effect of court decision. The Committee is aware of the recent tax litigation involving Christian Echoes National Ministry, Inc.

"In the course of their opinions, the various courts which rendered decisions in this litigation stated conclusions regarding a number of legal issues or issues of mixed law and fact.

The committee has proceeded on this provision without evaluating that litigation. So that unwarranted inferences may not be drawn from the adoption of this amendment, the committee states that its actions are not to be regarded in any way as an approval or disapproval of the decision of the Court of Appeals for the Tenth Circuit, in *Christian Echoes National Ministry, Inc. v. U.S.*, 170 F.2d 848 (1972), or of the reasoning in any of the opinions leading to that decision."

made up and distributed by the Service) at least is assured of the fact that (for whatever it is worth) nothing in the new law "shall be construed to affect the interpretation of the phrase 'no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation' under subsection (c)(3)". I.R.C. Sec. 170 (h)(7).

REVOCABILITY OF LOBBYING ELECTION

An election by an organization to have its legislative activities measured by the new expenditures test is effective for all taxable years of the organization which end after the date the election is made and which begin before the date the election is revoked by the organization. Thus, an organization can, at any time before the end of the taxable year, elect the new rules for that taxable year. Once such an election is made, however, it can be revoked only prospectively—that is, it cannot be revoked for a taxable year after that year has begun. I.R.C. Sec. 170 (h)(7). Consequently, an organization best protects itself by deferring its annual "election" decision until late in its taxable year, by which time it should have a reasonably good idea as to whether making the election would be to its advantage.

STATUTORY PROVISIONS AMENDED TO EFFECT REVISED RULES

The change in the law has been reflected in the phraseology of I.R.C. Sec. 501(c)(3), with the phrase which has read "no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation" now having been expanded by inclusion at the end thereof: "(except as otherwise provided in subsection (h))." Comparable changes have been made in I.R.C. Sections 170 (c) (2) (D), 2055 (a) (2) and (3), 2106 (a) (2) (A) (ii) and (iii), 2522 (a) (2), and 2522(b) (2).

EFFECTIVE DATES OF REVISED RULES

In order to allow sufficient time for the Treasury Department to promulgate the necessary regulations which both interpret the new statute and provide for the making of elections under the new rules (including the preparation of a special election form) the amendments, with certain limited exceptions, become effective only for taxable years beginning after December 31, 1976. However, the rule which provides that an I.R.C. Sec. 501 (c) (3) organization that loses its charitable, etc., status because of

excess lobbying cannot thereafter be exempt under I.R.C. Sec. 501 (c) (4) applies to activities occurring after October 4, 1976. The amendments conforming the estate tax charitable deduction provisions apply to the estates of decedents dying after December 31, 1976, and the amendments conforming the gift tax charitable deduction requirements apply to gifts in calendar years beginning after December 31, 1976.

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