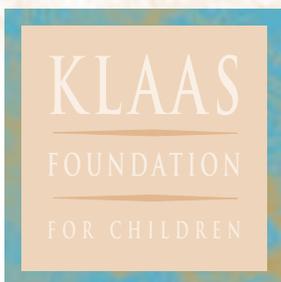


# KLAAS ACTION REVIEW

THE NEWSLETTER OF THE MARC KLAAS FOUNDATION FOR CHILDREN

## A MESSAGE FROM MARC



**F**ive years ago, on October 1, 1993, my daughter Polly's world ended violently and prematurely. Since then, many new laws and new ideas have come into being. It is accurate to say that today's child is safer than yesterday's child. Society, law enforcement, and government have all taken tremendous steps to protect children.

Yet glaring social and legal inconsistencies continue to challenge our best efforts. For example, last year UC Berkeley student David Cash witnessed a sexual assault on seven-year-old Sherrice Iverson in a Nevada casino. Moments later he learned of her death. He chose to do nothing.

Most condemn David Cash for his lack of action. Given the chance to act heroically, he chose cowardice. Although he did not know her, he could have been her savior. Instead, he turned his back. For that he will answer to his own withered soul.

However, neither David Cash nor the University of California, which has been urged to expel him, can be fully blamed in this situation. Why? Because he did not break any law in acting as he did. And that fact is indicative of a much larger issue: the legal abdication of morality and accountability.

It is significant that Berkeley students are doing what the legal system has not—they have made David Cash a social pariah. Whether or not he goes to prison, he will

suffer some punishment at least for the next three years.

We owe Sherrice Iverson a "Good Samaritan" law that protects children from such callous disregard. Texas Representative Nick Lampson has introduced a federal bill, and California and Nevada have both done the same. Future David Cashes must be held accountable for their failure to report such crimes. We may not be able to legislate morality, but we can certainly legislate accountability.

In another example, a new law banning sexually oriented and obscene material from compulsive and repetitive sex offenders at New Jersey's Avenal Adult Diagnostic and Treatment Center has been overturned. A federal district court says that barring these obscene materials violates inmates' right to free speech.

Such a bizarre interpretation of constitutional rights justifiably outrages the public. Avenal's inmates rape our wives and grandmothers, sodomize our sisters and daughters; yet they are being given access to

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# LOCAL TEACHER LIGHTS A CANDLE FOR POLLY

By Joe Klaas and Vivian Menicucci

In December 1993, as Polly Klaas' body was carried from the toxic dump where Richard Alan Davis had left it, an FBI agent knelt and, weeping, placed a potted red poinsettia beside the ditch where she had lain.

That red-leafed Christmas symbol began a tradition of love in Polly's memory that still glows nightly on that spot just south of Cloverdale, California, along Highway 101. One candle flame that flickers there, rain or shine, is lighted each sunset by Steve Connolly, known as "Mr. C" by four generations of Cloverdale students.

## Maintaining the Shrine

This retired Cloverdale music teacher has made a tradition of remembering Polly by lighting a candle at the site where she was found. The spot has become a community memorial, and at dusk each evening, Mr. C picks up any litter left by travelers who paused that day among the

freshly planted memorial trees. There is also a bird bath, a cross, rocks bearing names of many other missing children, a scroll decorating a post, and angel confetti sprinkled by local children.

More candles, dolls, and other offerings of love are left by townspeople and passersby in this garden shrine.

Mr. C lights his candle in the cinder block supporting a makeshift bench, built by Polly's uncle Tony months after her body was removed. It protects the candle's flame in fog, rain, or wind, allowing it to glimmer through every night.

*"It just seems like the thing to do. Polly is the center of all that is to be, a symbol of hope for children everywhere."*

## CHILD SAFETY DAY EVENTS— COME JOIN US!

### October 1998

Oct. 2 & 3	Ken Diephilz Ford – Effingham, IL
Oct. 2 & 3	Bison Ford – Great Falls, MT
Oct. 9 & 10	Brien Motors Ford – Everett, WA
Oct. 9 & 10	Epicenter Marketing Solutions – San Jose, CA
Oct. 16 & 17	Toyota of Cleveland – Chattanooga, TN
Oct. 17 & 18	Comcast Cable – Little Rock, AR
Oct. 24	Club Corporation – Dallas, TX
Oct. 24 & 25	Chancellor Marketing – Phoenix, AZ
Oct. 28 & 29	Sunland Park Pontiac – El Paso, TX
Oct. 30 & 31	Eide Pontiac – Grand Forks, ND
Oct. 30 & 31	McClelland Buick Pontiac – La Mesa, CA

### November 1998

Nov. 6 & 7	City of Oakland Park – Oakland Park, FL
Nov. 6 & 7	Johnson Motors – Menomonee, WI
Nov. 6 & 7	Stenger Ford – Dayton, OH
Nov. 11 & 12	Patriot – Killen, TX
Nov. 13 & 14	Hamilton Chevrolet – Grand Island, NE

### December 1998

Dec. 3 & 4	Beardmore – Omaha, NE
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## Bringing Faith and Luck to Others

During the nine heavy weeks of searching for Polly, Mr. C sent her family gold nuggets he had panned himself with the hope that they would bring them luck. The Klaas family believes that it is indeed lucky to know this gentle teacher, who for decades has led his Cloverdale student musicians to national honors. He has a special sympathy for the Klaas family, having lost his wife, Winnie, in April of this year.

They remember how he inspired donations of \$75,000 in 1980 to take the tiny town's 49-piece student band to Austria for Vienna's ninth Annual International Youth and Music Festival.

"He was always a man of honor," a pupil of 40 years ago remembers. "He made us believe in ourselves through hard work."

Faithfully Mr. C continues to light a candle for Polly each night. "It just seems like the thing to do," he says. "Polly is the center of all that is to be, a symbol of hope for children everywhere." ■

## MEMORIAL EVENT HONORS POLLY'S 5TH ANNIVERSARY

**O**n October 1, at 7 p.m., to commemorate the fifth anniversary of Polly Klaas' kidnap and murder, as well as the community's unprecedented response, Petaluma, CA Mayor Patty Hilligos is officiating



*Polly Klaas, for whom the Performing Arts Center was named, loved theater and acting*

over the ribbon-cutting ceremony for the Polly Klaas Center for the Performing Arts, located at 417 Western Ave., Petaluma. Artist Robert Schmalzried, of Pittsburg, PA, will be on hand to unveil a specially created lithograph of Polly. Marc Klaas will present a plaque for the Center's foyer.

When the Center was dedicated by the Petaluma City Council in 1993, no official opening was held due to the community's period of mourning. Now, five years later, "I hope the thousands of Petalumans and others

who turned out to search for Polly will make the event a reunion of their remarkable efforts," Marc Klaas says.

The Center's name recognizes Polly's interest in theater. She had loved acting in Petaluma's Cinnabar Theater. Film star Wynona Ryder, who also learned to act at the Cinnabar, rushed home to help in the search for Polly and offer a \$200,000 reward for her safe return. It was never collected.

Thursday, October 1, will also be proclaimed Polly Klaas Day by Mayor Hilligos, in memory of Polly and all the positive works in the area of child safety that her death helped to initiate. All those, inside California and out, who gave so generously of themselves during the search for Polly are invited to attend this special event. ■

## BILLBOARD MAGAZINE GIVES VIDEO RAVE REVIEW

**T**he KlaasKids Foundation video, *Missing: What to Do if Your Child Disappears*, has received accolades from entertainment industry leader *Billboard* magazine. The review follows:

"This imperative video, which should be required viewing for every parent, provides a step-by-step guide of what to do should the unthinkable happen. The program is configured as a "Jeopardy!"-like quiz show in which the contestants are law enforcement officers, print and broadcast journalists, representatives of local and national children's organizations, and parents of missing or slain children.

"Every answer given is correct, and vital information that previously has been unavailable or difficult to obtain comes fast and furious at viewers. A booklet outlining key safety tips and a plan of action is included if parents miss anything. Created under the direction of the parents of Polly Klaas, who was abducted from her California home and murdered, the mission of this tape is to empower parents to take preventative steps as well as move quickly and effectively should a child disappear. It succeeds brilliantly."

This 27-minute production utilizes the expertise of the FBI, National Center for Missing and Exploited Children, and many other child safety experts. If you wish to purchase a copy of *Missing... What to do if Your Child Disappears*, call the Video Learning Library at (800) 383-8811. The video can also be pre-viewed on the KlaasKids website at <http://www.klaaskids.org>. ■

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# “NO SECOND CHANCES” BILL TARGETS DANGEROUS PREDATORS

By Rep. Matt Salmon, Arizona

**M**ore than 14,000 murders, rapes, and sexual assaults on children are committed each year by individuals who have been released into our neighborhoods after serving a prison sentence for rape, murder, or child molestation. Tragically, every one of these crimes is preventable. These perpetrators were behind bars, convicted of heinous crimes, yet were released to prey on the population again. This is unconscionable, indefensible, and must stop.

## Leaving Jail to Commit More Crimes

Among the crimes committed by released recidivists (repeat offenders) were these senseless tragedies:

- In September, Arthur Bomar will go on trial in Pennsylvania for the rape and murder of George Mason University’s star athlete, Aimee Willard. Bomar had been paroled in 1990 from a Nevada prison, following an eleven-year stint in prison for murder. Even in prison he

had a record of violence. Bomar is also being investigated for involvement in other homicides that followed his release.

- Laurence Singleton raped and physically mutilated Mary Vincent in California. She showed extraordinary courage and perseverance by surviving the attack and working for his conviction. Yet because of weaknesses in California’s laws at the time (some of which have been corrected), he was later released, and he murdered a mother of three in Florida. Singleton was recently sentenced to death in Florida.

*Currently, states are helpless to prevent many crimes that occur because other states with weaker laws allow released criminals to return to the streets.*

- Robert Simon killed his girlfriend for refusing to engage in sexual relations with his motorcycle gang. For this crime, Simon spent 12 years in a Pennsylvania prison. Just weeks after he was paroled, he killed a New Jersey police officer, Ippolito “Lee” Gonzales. The judge who had sentenced Simon in Pennsylvania on his first murder conviction had written to the state parole board that

Simon “should never see the light of day in Pennsylvania or any other place in the free world.” Simon is now on death row.

- Reginald McFadden killed an elderly woman in Philadelphia by binding her face with tape and suffocating her. After 25 years in prison he was paroled. Three weeks after his parole, McFadden went on a crime spree in New York. He murdered one person, murdered and raped another, and raped, assaulted, and held hostage a third. The survivor of the one-man crime wave, Ms. Jeremy Brown, offered courageous testimony that helped to convince jurors to convict McFadden.



Arizona Representative  
Matt Salmon

## Minimal Time Served for Rape and Molestation

Sentences for these crimes, particularly sex crimes against women and children, are incredibly weak. According to a Department of Justice study of prisoners released from state prisons in 1993 (the latest figures available), the average *actual time served* by men after conviction for rape is just four years, nine months. Moreover, fully 13% of convicted rapists receive *no* jail time. It should not surprise us, then, that more than 134,000 convicted child molesters and other sex offenders are currently living in our neighborhoods across America.

Fortunately, there are efforts to address this troubling state of affairs. Following the tragic death of nine-year-old Megan Kanka, who was killed by a released convicted child molester, Congress and state legislatures have recognized the rights of families to be aware of child molesters in their midst. Through Megan’s Law and its policies of sex offender registration and community notification, citizens have been empowered to take measures to protect themselves. Now we should build on Megan’s Law by keeping these dangerous criminals out of our neighborhood entirely.

(Cont. on page 5)

### New “No Second Chances” Bill Introduced

To encourage states to keep sex offenders and murderers in prison where they belong, I recently introduced the “No Second Chances for Murderers, Rapists, or Child Molesters Act” (HR4258). The legislation would enact a simple process: If a state releases a murderer, rapist, or child molester and that criminal goes on to commit one of those crimes in another state, the state that released the criminal will compensate the second state and the victim of the later crime. Specifically, the Attorney General, using federal law enforcement funds, would transfer the second state’s cost of apprehension, prosecution, and incarceration of the criminal from the state that released the criminal to the second state. Half of the amounts transferred would be deposited in the state’s crime victims’ fund, and half would be deposited in the state account that collects federal law enforcement funds. Additionally, the proposal provides \$100,000 to the victims of the subsequent attack.

The bill has quickly won the support of the leading victim’s rights and law enforcement groups in America, including the KlaasKids Foundation, the Fraternal Order of Police, and Childhelp USA. Marc Klaas also joined victims from seven states to unveil the bill on Capitol Hill. Fifty members of Congress have cosponsored the bill, and a hearing on it was held in September in the House Judiciary Committee.

Currently, states are helpless to prevent many crimes that occur because other states, with weaker laws, allow their released criminals to return to the streets to commit more crimes. This bill alerts states that they will assume a financial risk when they release the most violent predators back into society.

We know that one sure-fire way to prevent crime is to keep criminals in jail. The investments in prisons during the 1980s may be the most important factor in the declining crime rate Americans have experienced during much of the 1990s. We spend about \$102.00 per person annually—27 cents a day—on federal, state, and local correction facilities, less than we spend on cable television. What is a couple of additional cents compared to a life taken too early, the permanent damage to a woman raped or a child molested?

The most important function of government is to protect the public safety. It is immoral for criminals convicted of the most serious crimes, and already behind bars, ever to be given a second chance to prey upon the innocent. The enactment of the No Second Chances measure would help government meet its fundamental obligation to every man, woman and child in America. ■

## VICTIMS PRESENT RIVETING TESTIMONY TO CONGRESS

**O**n September 17, Chairman Bill McCollum of the House Judiciary Committee’s Crime Subcommittee broke from the closed session regarding the President’s troubles to hold a powerful hearing on repeat criminals who strike again upon release from prison. Joined by witnesses from across the country, Arizona Congressman Matt Salmon made an eloquent case for his bipartisan, F.O.P.-endorsed “No Second Chances Act,” H.R. 4258, also known as “Aimee’s Law.”

“There are crimes so heinous that we must draw a line in the sand,” Salmon said. “We must say to criminals, ‘Commit one of these crimes and you’re finished. You don’t get a second chance.’”

The witness testimony was insightful and chilling. Marc Klaas decried the “lack of accountability” by states who release dangerous felons. Mary Vincent, a survivor of rape and mutilation, testified that her “life had been on hold for 20 years” while she lived in fear of her attacker “finishing the job.” Her attorney, Mark Edwards, said the No Second Chances Act will finally “level the playing field” between innocent Americans and violent criminals. Jeremy Brown, a rape survivor attacked by a released Pennsylvania killer, wondered why her attacker was considered a “model prisoner” before his release.

Louis Gonzalez of New Jersey, whose brother, Officer Ippolito “Lee” Gonzalez, was murdered by convicted murderer Robert “Mudman” Simon just weeks after Pennsylvania released him, said about his family, “We don’t get any second chances.”

And Trina Easterling of Louisiana, whose eleven-year-old daughter, Lorin, was abducted, raped, and murdered this past April, said, “There’s not a mom out there” who would oppose the No Second Chances Act. Overcome with grief, she asked Rep. Salmon to read her statement.

At a press conference this morning in Arizona, Attorney General Grant Woods and victim rights advocate Fred Goldman also endorsed the bill and urged its prompt passage. ■

**For more information on Aimee’s Law, call Rep. Salmon’s office at (202) 225-2635, or visit [www.house.gov/salmon/crime.htm](http://www.house.gov/salmon/crime.htm) on the World Wide Web.**

# COMMUNITY NOTIFICATION: DOES IT VIOLATE HUMAN RIGHTS?

By Marc Klaas

**A**s community notification of sex offenders is enacted around the country under the 1996 Megan's Law, some critics have begun to call it a violation of sex offenders' human rights. This is because of two recent suicides: In December 1997, convicted sex offender Thomas Varnum shot himself in Sea Cove, Maine. In July 1998, convicted sex offender Michael Patton hung himself in Santa Rosa, California. Both deaths occurred after local law enforcement had notified their neighbors of their criminal pasts.

But are these deaths really to be blamed on a bad law? A fundamental principle of every civilized society is that adults do not have sex with

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*Only just over two-thirds of convicted rape defendants receive a prison sentence at all...about 45% of state prisoners committed their crime while on probation or parole.*

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children. Megan's Law was passed to prevent new crimes committed by two types of sexual predators: psychopaths and pedophiles. Psychopathic behavior is based on instant self-gratification without consideration for the consequences, while pedophiles are internally driven to have sex with prepubescent children.

Decades of research in state

hospitals have failed to produce either a cure or a successful form of treatment for either disorder, and psychopaths and pedophiles have the highest rate of recidivism in the criminal community. In September, California was forced by a legal technicality to release nearly 100 sex offenders back into society. Within a day, the first man released had raped a woman at his motel.

Community notification is based on the presumption that it will assist law enforcement in investigations, establish legal grounds to hold known offenders, deter sex offenders from committing new offenses, and offer citizens information they can use to protect children from victimization. All 50 states have sex offender registries and a federal registry should be available by July 1999, according to the FBI. Forty-nine states, except New Mexico, currently offer some form of community notification.

While the death of a human being is always a sad affair and gives us cause for reflection, Varnum and Patton were not innocent victims of the law—they were victims of their own guilt, shame, and self-loathing. Each had proven himself a danger to the community by not one but many sexual assaults upon children. The consideration given these individuals by their defenders is disturbing in view of the lack of empathy shown for their victims.

## The Arguments Regarding Megan's Law

The final use and interpretation of Megan's Law is still being determined in many states. Several

arguments against it have received considerable press coverage recently, and I would like to discuss each of these in turn.

*Retroactive application/double jeopardy:* Because psychopaths and pedophiles cannot so far be rehabilitated, many community notification provisions apply to offenders who committed their crimes prior to enactment of the law. Constitutional challenges claim that this brands the offender who has served his prison sentence with a "scarlet letter," further punishing him for a debt already paid to society.

Although courts have not yet definitively ruled on this issue, disallowing retroactive application would render community notification ineffective. Instead of 69,000 offenders subject to notification, California, for example, would only be able to apply the law to about 6,000 offenders. Is the child molester living next door who rapes a child the day before enactment of the statute any less dangerous as the one who raped the day after? Connecticut, Maine, and Maryland must think so, for they do not apply the law retroactively.

*A false sense of security:* Startling statistics support the argument that community notification creates a false sense of security. The National Committee to Prevent Child Abuse confirmed 200,000 cases of child sex abuse in 1992. Many experts believe that the actual abuse rate is close to 1.4 million per year, as sexual crimes tend to go unreported and because many offenders plea-bargain to non-

(Cont. on page 7)

sexual offenses. In one study of 561 sex offenders, it was found that pedophiles committed an average of 281.7 acts with an average of 150.2 underage partners. That equals 84,262 separate victims.

On a given day, about 234,000 sex offenders are under the care, custody, or control of corrections agencies. About 60% (140,000) of these are under conditional supervision in the community. Since 1980, violent sexual assault other than rape increased by an annual average of nearly 15%: faster than any other violent crime category. Victims younger than 12 account for 15% of those raped, and another 29% of rape victims are between 12 and 17.

Most of us don't know, however, that only just over two-thirds of convicted rape defendants receive a prison sentence at all. A 1991 survey showed that about 45% of state prisoners committed their crime while out on probation or parole. Any parent who believes that their children are safe because a Megan's Law registrant is not listed in their neighborhood is gravely mistaken.

*Violation of privacy rights:* The courts have routinely dismissed challenges based on privacy. In the majority of cases, the offender's record is public information to begin with, having been adjudicated in public court and reported on in the media. Furthermore, since public notification is considered regulatory rather than punitive in nature, public safety is considered paramount to offenders' rights to privacy.

*Vigilantes:* There have been some cases of minor vigilante behavior taking place since the enactment of Megan's Law. Contrary to many newspaper reports, however, the Washington State Institute for Public Policy in a recent study found that

the public had harassed just 3.5% of sex offenders subject to notification laws. The majority of the provocations were in the form of verbal threats or warnings, though in one instance an offender's house was burned.

Although not nearly as widespread as critics would have us believe, a growing concern for the safety of offenders does threaten the future of Megan's Law. For this reason, many states, including California and New York, clearly state that it is a felony to use information compiled from sex offender registries to extract vigilante justice or otherwise victimize released offenders.

### The Value of Megan's Law

The goal of Megan's Law is public safety. It addresses three concerns many Americans have regarding the criminal justice system: that it serves the wrong people; that politicians are unaware or not concerned with the safety of citizens; and that people feel powerless to do anything about it. Megan's Law uses criminal justice information to inform the public about possible dangers—it is a legislative response to public pressure that provides parents with a means of protecting their children from known predators.

But to be truly beneficial, community notification must be accomplished in such a way that the public understands how best to use the information. The use of public forums or town meetings to disseminate information offers law enforcement an opportunity to educate the public on the positive crime prevention aspects. Otherwise, if we abuse Megan's Law, we may lose it. ■

## A MESSAGE FROM MARC

(Cont. from page 1)

materials that feed their cravings. This equates to giving an arsonist matches and kerosene to wile away the time. These criminals already receive free medical treatment and psychological counseling, though their victims may spend years recovering from the trauma of their sexual violation, usually on their own dime, always on their own time. What is wrong with this picture?

This law needs to change. Furthermore, we need to provide for victim restitution. All inmate assets, including television sets, other assorted electronic gadgetry, dirty books, pictures, and videos should be auctioned by the state with proceeds going to the victims. This approach bypasses the free speech argument and still achieves the same goal.

In the long term, however, our priorities should be directed toward our children by way of increased educational spending, mentoring, and latchkey programs. Perhaps then we will be able to save the current generation of children from becoming the next generation of "repetitive and compulsive" sex offenders.

It is too late for little Polly, but it is not too late for today's child. In Polly's name and the names of the other innocent children sacrificed to raise the curve on child safety, we must persevere. There is a lifetime of work ahead of us. ■

# JOIN THE FOUNDATION AND HELP FIGHT CRIME!

To join the KlaasKids Foundation, please fill out this form and return it to the address below. Your tax-deductible membership costs just \$15.00 per year, and includes a subscription to the quarterly *Klaas Action Review*, with news and information, practical tips, events, and more.

Members may also receive:

- Information on starting a National Community Empowerment program.
- Safety information for your children.
- Information about how to support legislation against crime in your state.
- Other: \_\_\_\_\_

As a personal gift, you will also receive the Children's Identification Packet and a beautiful "Polly, We Love You" pin, in memory of our inspiration, Polly Klaas.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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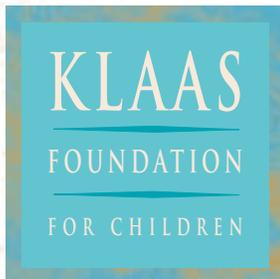
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*Be sure to check out our Website at <http://www.klaaskids.org/index.htm> for regular updates and information on child safety. Give us your feedback!*



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