

High court to decide protocol after sex predators' terms end

By Frank J. Murray
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The Supreme Court agreed yesterday to decide whether states must prove that violent sexual predators are unable to control their behavior in order to lock them up after finishing their prison sentences.

The sexual predator case, which the justices will hear in the term that begins Oct. 1, was brought by Kansas, which pioneered preventive incarceration of sexual predators.

The state now argues it need only show that a sex offender with a serious mental health problem is dangerous to justify post-sentence detention, for life if necessary.

In a separate appeal that created an exception to the Miranda decision, the court decided 5-4 to reinstate the conviction and death sentence of a Texas man who confessed to double murder under police questioning without his lawyer present.

The court ruled the appointed lawyer represented Raymond L. Cobb solely on a burglary charge, therefore police could freely question Cobb without the lawyer about the 1993 disappearance of Margaret Owings and her 16-month-old daughter, Kori Rae, since Cobb was not in custody for murder.

The sexual predator case stems from a July ruling by the Kansas high court that said the U.S. Supreme Court's 1997 opinion allowed the state to confine only dangerous sexual predators who cannot control their impulses.

Sex offender Michael T. Crane was convicted of exposing himself to a tanning salon attendant and of aggravated sexual battery in an attack on a video store clerk.

Kansas argues that it need not prove that the prisoner cannot control his impulses because the U.S. Supreme Court had only required a "personality disorder that makes it difficult, if not impossible, for the person to control his dangerous behavior."

In the Texas Miranda case, the opinion reversing the Texas Court of Criminal Appeals, the Supreme Court found the historic right of a person in custody to have a lawyer during questioning is "offense-specific."

The justices said it would cramp police too much to require a lawyer on one charge to be present for questioning on related is-

sues.

Chief Justice William H. Rehnquist wrote for the court, joined by Justices Sandra Day O'Connor, Anthony M. Kennedy, Antonin Scalia and Clarence Thomas.

"At the time he confessed to Odessa police, [Cobb] had been indicted for burglary of the Owings residence, but he had not been charged in the murders of Margaret and Kori Rae. . . . Accordingly, the Sixth Amendment right to counsel did not bar police from interrogating respondent regarding the murders, and respondent's confession was therefore admissible," the chief justice wrote.

"In my view, this unnecessarily technical definition undermines Sixth Amendment protections while doing nothing to further effective law enforcement," Justice Stephen J. Breyer wrote for the dissenters, who also included Justices John Paul Stevens, David H. Souter and Ruth Bader Ginsburg.

Cobb, a neighbor of the Owings family, was a suspect in the disappearance since he confessed to burglarizing their house in rural Walker County, Texas, two days after Christmas in 1993. He denied any involvement and was bailed out on the burglary charge.

While on bond and living in Odessa, his father told police Cobb confessed to the killings. Under questioning, Cobb repeated his confession to police and led them to where he buried the bodies.

In other business yesterday, the court:

- Allowed continued federal Medicare and Medicaid payments for Christian Science nursing care by rejecting without comment an appeal saying federal payments to church-run health centers violate the Constitution. The appeal was brought by Children's Health Care Is a Legal Duty Inc., which opposes Christian Science restrictions on using drugs and other medical care.

- Refused to hear an appeal by federal death-row inmate David P. Hammer, who waived all appeals from his sentence for killing Lewisburg penitentiary cellmate Andrew Marti and now says he should have at least one level of appeal. Oklahoma City bomber Timothy McVeigh renounced all but his automatic appeal and is scheduled to die May 16.

NATION

Teens sexually active but lack sexual health education

ASSOCIATED PRESS

Adolescents around the world, no matter what their culture, are sexually active before age 20 — even if their parents are reluctant to admit it, a new study says.

And the age at which sexual activity begins is decreasing as overall health improves, according to the report released Sunday by Population Action International.

The nonprofit family planning advocacy group said that by 2000, a billion teen-agers will be facing sexual challenges and desires.

While some 700 million teen-agers around the world are struggling with increasingly complex questions about sex, the report said most are not getting the help

they need to find answers.

"The school systems in most countries . . . have largely failed to meet the sexual health education needs of youth and children," said the Population Action report, "Youth at Risk."

The report said recent societal changes — including the spread of AIDS, changing laws on abortion and a worldwide trend to delay marriage — are affecting sexuality.

Around the world, adults are reluctant to admit that their children are having sexual intercourse, but studies in several countries show that most adolescents, no matter what their culture, are sexually active before age 20, the report

said.

Adolescents are less likely to use contraceptives than adults, particularly in developing countries, and many young people have little knowledge of reproductive physiology, the report found.

Approaches to sex are often affected by culture, but social forces are changing attitudes, the report said, citing the impact of urbanization, changing family structures and mass media.

"Government support for adolescent programs has been constrained by societal discomfort in acknowledging adolescent sexual activity and by the misconception that access to sexuality education or contraception promotes sexual

activity among youth," the report said.

It cited World Health Organization studies in several countries to show that children with a good sex education are more likely to delay their first intercourse.

The best approach, the report concluded, is to encourage a delay in sexual activity while providing birth-control counseling and contraceptives.

But the report said that most family planning programs do little to reach adolescents, and that laws and practices often restrict youngsters' access to contraception and abortion services.

Even marriage does not resolve all the problems of teen-age sex.

In South Asia, for example, where marriages occur early, complications in pregnancy and childbirth are greater for adolescent mothers. Unsafe abortions are also a major cause of adolescent mothers' deaths, the report said.

Early childbearing, with or without marriage, often limits educational and employment opportunities for young women and contributes to rapid population growth, the report said.

WHO estimates that one in 20 teen-agers worldwide acquires a sexually transmitted disease each year. In the United States, the risk is one in eight.