From Dennis-the-Menace to Billy-the-Kid: The Evolving Social Construction of Juvenile

Offenders in the United States From 1899-2007

by

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Dissertation submitted in partial fulfillment of
the requirements for the Doctor of Philosophy in the Department of
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ABSTRACT

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Abstract

Few studies have historically assessed the surges and troughs of public perception regarding juvenile offenders across over a century of legislative and social change. Furthermore, a minority of juvenile crime investigations have holistically examined the interplay between changing demographic conditions (notably, economic stability, racial composition and crime rates) with its accompanying ideological shifts. Through a theoretical emphasis on social constructionism and moral panic theory, this dissertation illuminates the cyclical nature of juvenile justice reform and illustrates that panics regarding juvenile offenders are more closely related to fears regarding the maintenance of power and the insecurity that comes with historical change than with an authentic threat of juvenile crime. Over 9,000 records in *The New York Times*, Congressional record, and Supreme Court decisions were coded and analyzed to reveal three chronological partitions of the social construction of youthful offenders: (1) the 1890s-1930s during which the most destabilizing force to those in positions of power revolved squarely around urbanization, industrialization, and the waves of immigration from Eastern and Southern Europe; (2) the 1930s-1970s during which faith in juvenile offender rehabilitation was replaced with punitive policies stressing deterrence and an increased focus on the "problem" of racial minorities; (3) the 1970s-present which demonstrates the declining discussion of race in print media and legislative debates

even as its effects in sentencing and prosecution grow in strength. This dissertation illuminates the ways in which insecurity and panic breed violence and expounds upon that notion to specify that how the violence manifests itself, whether through punitive policies or interpersonal crime, depends on the resources available and the historically-situated social norms. Over time, however, the explicit racial hostility in rhetoric and policy has been replaced with an evasion the recognition that race undoubtedly affects both juvenile justice policies as well as their implementation. In order to combat the inevitable instability that accompanies historical change, a resurgence of dialogue acknowledging the connection between race and juvenile justice is urged.

Dedication

Blood, sweat and tears are often involved in the process of writing a dissertation but those flashes of discomfort pale in comparison to the immense amounts of appreciation which accompany it as well. To begin with, I would not be where I am now without the guidance and support of my dissertation committee: your patience and continual endorsement of my research—including my first unrealized dissertation!—is unparalleled. Suzanne: the advice, weekly meetings and late-night email responses I received from you have not only brightened my day but also been vital in the maintenance of my sanity. Ken: I am so grateful for having had the opportunity to collaborate with you at the onset of my graduate career and am similarly pleased to have your continued presence on my committee. Ed: your exuberance for life and for historical sociology is delightfully infectious and I have found our sporadic meetings throughout the years to be a source of substantive inspiration and personal joy. Linda: your scholarly expertise has inspired me to be a better academic while your compassionate and forthright demeanor have given me hope when I needed them most. I have loved getting to know you better over the past years and I thank you for your continued encouragement. Last but not least, George: you are a pillar in the criminal justice field and I'm thrilled to have had the opportunity to meet with and learn from you through the Preparing Future Faculty program.

Furthermore, while I would not be at this stage academically without my terrific committee, it is abundantly clear to me that I owe my emotional well-being to the perpetual encouragement and love given to me by family and friends. To my parents, grandparents, siblings, aunts, uncles, cousins, growing extended family, and those who have left along the way: I am blessed to have had your unending patience and support over the past twenty-seven years. To my dear friends, you are my partners in elation on my best days and the glue that holds me together on my worst; I love you more than I could ever adequately express. Though there is not nearly enough time or space to properly thank all of the friends who deserve gratitude, I would be remiss not to explicitly mention the following people: Liz (you are an inspiration and a cheerleading beacon of light at the end of the tunnel), Rebekah (from laughter to tears and everything in between, my friendship with you is incredibly special to me), Becki B. (you straddle the line between faculty and friend beautifully and I am honored to know you), and finally Megan (I have found in you not only a kindred spirit but a bond running so deep that the term friendship does not do it justice. You are like a sister to me.)

In sum, to my academic advisors, committee members, mentors, family and friends, this dissertation is as much yours as it is mine. Thank you all so very much.

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1. Introduction

The social construction of juvenile offenders can be broken down into three distinct time periods: 1890s-1930s, 1930s-1970s, and 1970s-2007. The differentiation between these historical segments corresponds to ideological and political changes in the United States which result in markedly different rhetoric towards youthful offenders. The first era delineating the social construction of juvenile offenders begins in the Progressive era[1] and illustrates the efforts on the part of child-savers to focus on child welfare issues such as child labor and delinquency, ultimately resulting in the establishment of the first rehabilitative juvenile court in 1899. Rhetorically, this first era documents the increasing importance placed on country of origin and religion. Demographic diversity increased as immigrants from Southern and Eastern Europe moved to the United States in response to increased economic opportunities due to advancing urbanization and the industrialization of American cities. Unfortunately, competition for jobs and a desire to "save" children from moral depravity manifested themselves in a transition away from juvenile justice undercurrents emphasizing reformation and rehabilitation to those that were more punitive.

The second era, from the 1930s through the 1970s, explores a new wave of juvenile justice reform as race becomes a more salient indicator with which to demarcate

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[1] Generally speaking, the Progressive Era ranges from 1890-1920 and that is the date range that will be implied for the remainder of this document.

incorrigible youth. A few highly publicized incidents of juvenile crime reinforce

preexisting fears about racial dominance, resulting in increasingly punitive judicial

policies targeted toward Black male youth. Historical events such as the Civil Rights

movement coincided with broadening economic inequality, fewer employment

opportunities for unskilled laborers, and a disillusionment with the United States

government—all factors augmenting feelings of instability and unrest which revealed

themselves both in "get tough" laws and symbolic violence among the upper echelons

and more interpersonal conflict among youth. A series of monumental court cases were

passed through the Supreme Court during this era including the landmark *In re Gault*

which awarded juveniles due process rights which had heretofore been lacking such as

rights of counsel, a fair and impartial hearing, witness cross-examination, advance notice

of charges, and the privilege against self-incrimination (Rosenberg 1980; McCarthy 1981;

Feld 1988). While protecting juveniles from exploitation in the aforementioned arenas,

the laws also served to increase the parity between the justice system for juveniles and

that for adults, thereby laying the groundwork for the disassociation between juvenile

offenders and children.

The third and most contemporary social construction of juvenile offenders

(1970s-present) incorporates the fear of political correctness into dialogues about

juvenile justice such that the previously impassioned and caustic rhetoric representative

of the second era dissolves into implicit verbal and photographic associations between

criminality and marginalized Black youth. Unfortunately, this declining discussion of race is not accompanied by the degeneration of differential policing, judicial policies, or inflammatory media reports which imply the torrent of juvenile crime sweeping the nation, despite the fact that marginalized youth were less involved in crime and delinquency in 2000 than they were in 1980 (Western 2006: 40). The third era also documents a succession of laws affecting juvenile offenders spawned by the preyed-upon fears of increasing juvenile crime such as the alleged gang rape of the jogger in Central Park by Black youth. Indeterminate sentencing was exchanged for mandatory minimum and truth-in-sentencing laws, trying juveniles as adults—including the use of capital punishment on youth as young as fifteen—was not only debated but executed for over a decade, and the vocabulary of "superpredators" infiltrated popular rhetoric even as the man credited for coining the phrase, John J. DiIulio Jr., denounced it as inflammatory and inaccurate (*NYT* February 9, 2001).

　　Grossberg (2002:3) cites John Dewey as declaring that "What the best and wisest parent wants for his own child, that must the community want for all children" (Dewey 1899:3). The foundational question upon which this dissertation rests is how and why that which the community wants for all children can vary so widely across time, place, and perceived levels of criminality. Ultimately, the three eras documenting the evolving social construction of juvenile offenders detail the dovetailing arenas of ideology, politics, and violence—symbolic, rhetorical and interpersonal—as the United States

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chronologically addresses the regulation of childhood and those deserving of being included within the valued category.

In addition to the substantive differentiation that separates the three social construction periods of juvenile offending, there is a visual distinction that presents itself when analyzing the press coverage during the three partitions as exemplified in Table 1, Table 2, and Table 3 below:

Table 1: Number of Media Accounts of Juvenile Offenders/Offending: 1899-1935

Table 2: Number of Media Accounts of Juvenile Offenders/Offending: 1935-1975

Table 3: Number of Media Accounts of Juvenile Offenders/Offending: 1975-2007
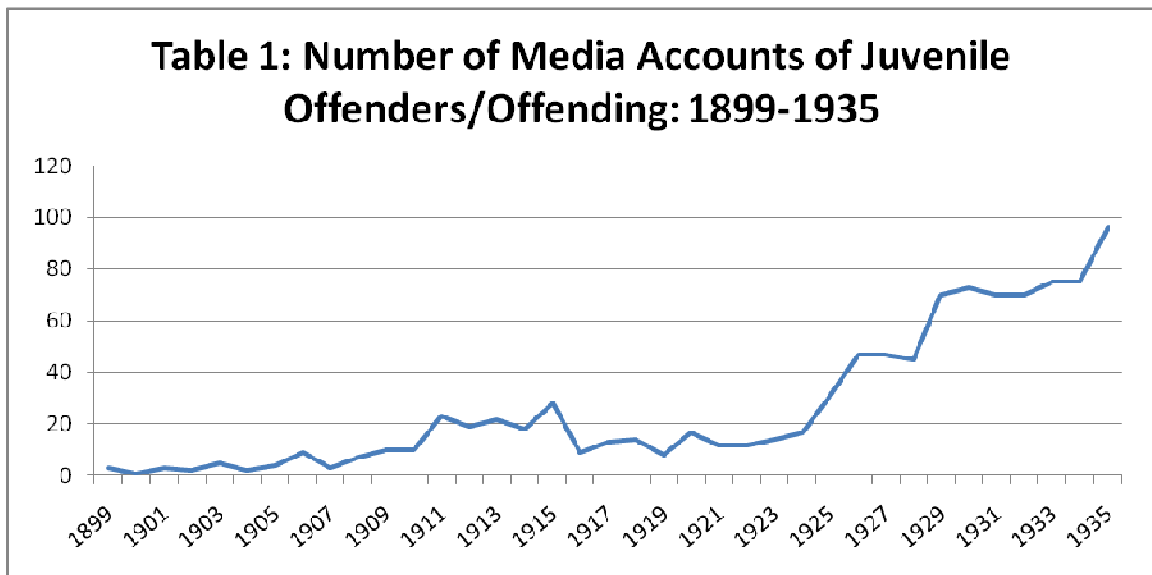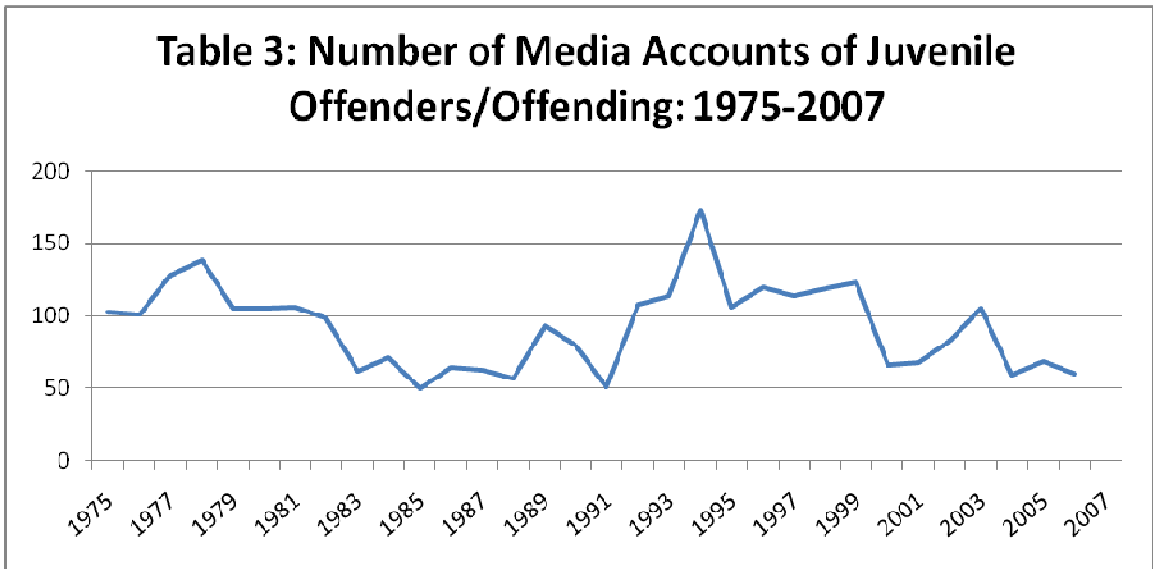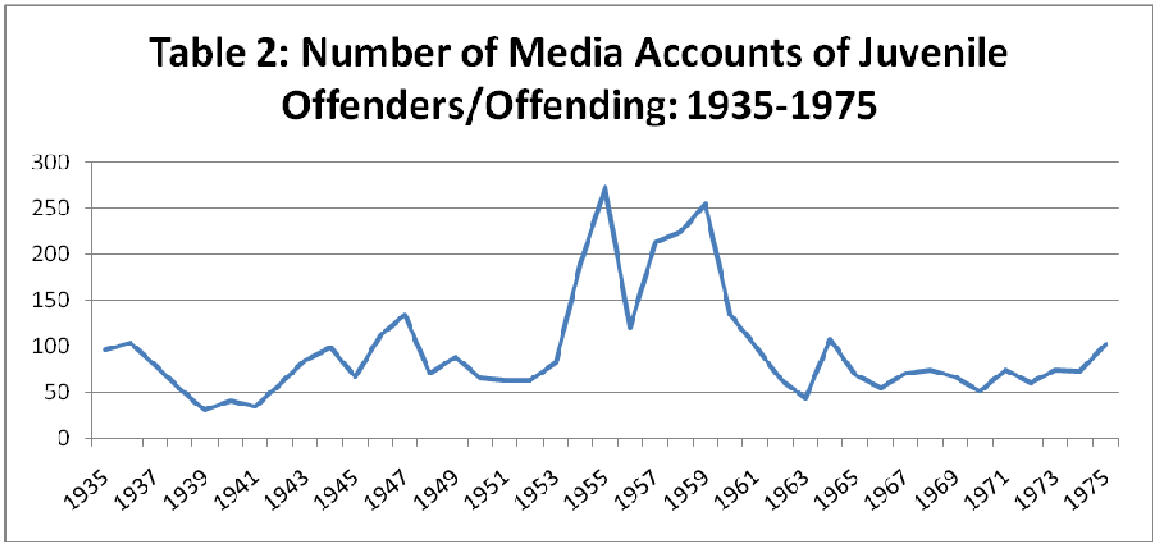
Finally, Table 4 depicts the compiled trend across the one hundred and eight years of media accounts covered within this dissertation, from 1899-2007.

Table 4: Number of Media Accounts of Juvenile Offenders/Offending: 1899-2007
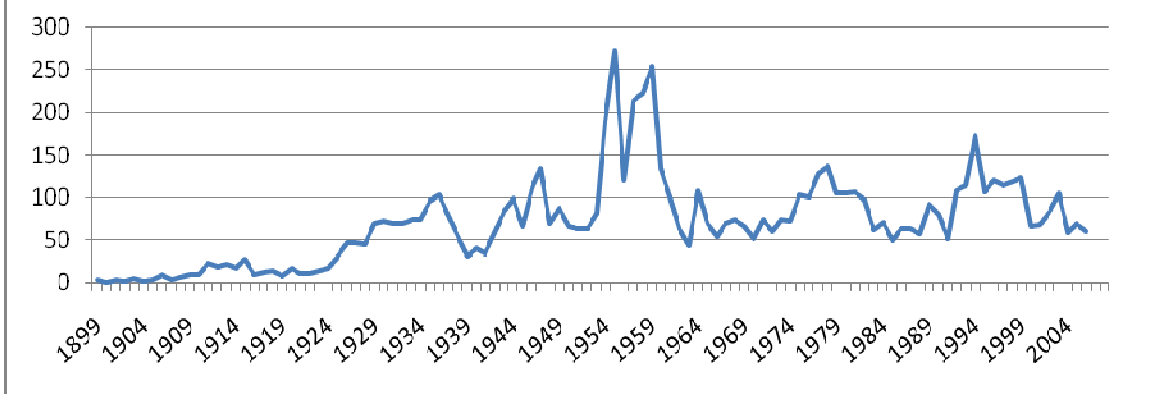
Visually, it is clear that there is a marked break between the years preceding 1935 and those following it. Additionally, the enormous spike in media attention during the 1950s is notable[2] even as it dissipates in the following decade only to rise again in the mid-1970s to create the third and final era.

1.1 Review of the Literature

The first juvenile court erupted at the turn of the twentieth century, amid a backdrop of intense structural change. Mass immigration, industrialization, and increasing urbanization contributed to a burgeoning trepidation among the middle class that the following generation would be marked by a lack of morals and discipline. The

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[2] It has been suggested that this media peak in the 1950s may be due to the advent of youth culture and iconic individuals who contributed to boundary-testing among youth such as Elvis Presley. More research would be needed to conclusively arrive at this explanation since although the ideological effect that Rock 'N Roll had on a generation of youth is indisputable, it is unclear whether the surge in media reporting on juvenile offenders is similarly correlated.

desire to "save" their youth set the stage for the contemporary system of government-led juvenile justice institutions, whose central aim was to combine the State and the Family in order to jointly raise children with the proper care, discipline, and morals fit for a contributing member society (Jenkins 1998). To further illustrate the extent to which the United States government desired to manage youth (delinquent and otherwise) the Cook County Juvenile Court was defined for the public as "An Act for the Treatment and Control of Dependent, Neglected, and Delinquent Children" on July 1, 1899 (Tanenhaus 2002). As evidenced by the breadth of forlorn children included within the Act, the first juvenile court was founded on the belief that delinquent youths were indistinguishable from those who were dependant on the State or neglected by their parents; all were victims and therefore deserved to be rescued by the kind, loving guardianship of the State and the juvenile court (Scott 2002; Van Waters 1926).

The vision of juvenile offenders as vulnerable, blameless, and needy in the Progressive Era stands in stark contrast to their 1990s persona as ruthless "superpredators". In fact, American societies' conception of juvenile offenders has vacillated between a fear *for* children and a fear *of* them. Robert Bremner, a noted historian, elaborates how children can be both society's most precious resource (hence the fear for children's well-being) and possibly its most fearsome destroyer if left to mature into ignorant, immoral, and undisciplined adults (engendering the fear of children) (Bremner 1983; Grossberg 2002). These fluctuations in the perception of

juvenile offenders expertly map onto changes in both the attitudes and the social policies

directed toward delinquent children throughout the twentieth century. Certain historic

periods view juvenile offenders within the context of social, familial, or political failure

whereas others interpret youth as innate examples of wickedness, either interpretation

causing a chain reaction within the media, law, academic discourse, and social policy

surrounding juvenile offenders at large (Jenkins 1998).

Academics across a myriad of disciplines have assessed U.S. society's evolving

criminalization and/or decriminalization of one social problem or another including

drug use (DiChiara and Galliher 1994; Helmer 1975; Himmelstein 1986; Morgan 1978;

Musto 1973), sexual psychopath laws (Jenkins 1998; Sutherland 1950a; Sutherland

1950b), vagrancy laws (Chambliss 1964; Chambliss 1979a; Chambliss 1979b), hate crimes

(Grattet, Jenness and Curry 1998; Jenness and Grattet 1996), and even the perception of

juvenile offenders at one point in time (Feld 1999; Heckel and Shumaker 2001;

Rosenheim 1976; Schlossman 1977; Scott 2002; Singer 1996; Tanenhaus 1997; Teitelbaum

2002). However, few studies, regardless of their focus, have historically assessed the

surges and troughs of public perception across over a century of legislative and social

change. Furthermore, few investigations have holistically examined the interplay

between changing demographic conditions (notably, economic insecurity, racial/ethnic

composition, war, and crime rates) with its accompanying cultural and ideological shifts

such as fear, political climate and attitudes towards others. Public perception of juvenile

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offenders and the legislative changes that accompany it do not occur in a vacuum. By examining the historical precursors to these ideological transformations, we can acquire a comprehensive understanding of why society's view toward juvenile offenders ebbs and flows when it does and hopefully use that information to prevent unnecessarily destructive spikes of punition toward youth in the future.

1.2 Social Constructionism

I propose that concepts delinquency in general and of juvenile offenders in particular are socially constructed. In other words, they are shaped by ideological, political, social and media influences. Unraveling the process of social construction is critical to understanding the various parties historically blamed for creating juvenile offenders and the corresponding legislative suggestions intended to "control" the offending population. As Goode and Ben-Yehuda (1994) contend, "behavior and individuals are criminalized, that is *made* criminal, by the definitional process" which constructs certain behaviors as "against the law" while sanctioning others as normative (Goode and Ben-Yehuda 1994). Why are juvenile offenders socially constructed as problematic during certain years and not in others? From where does this social problem-ness originate and how does it spread? What lasting ramifications (legislative or otherwise) are left in each era's wake? Viewing the evolving perception of juvenile offenders through a social constructivist lens casts light on the often-ignored prejudices, fears, and historically-situated societal concerns (Ariès, 1962).

As quickly as social problems can be constructed, they can just as rapidly be unraveled. As such, the criminalization of innocents into "chronic offenders" is equally as pertinent to the present discussion as the decriminalization of other youth from "superpredators" into victimized children. Furthermore, which categories of youth are defined as incorrigibly criminogenic is as important to a holistic understanding of social construction as those who are consistently given chances at rehabilitation. Historically, youth of color have been incorporated into the "knowledge base" of society as "deviant" and "pathological" (Dominelli 1988; Rooney 1987; Torkington) as they represent both a minority population and an age-group which is easily dominated by policy and law.

The conception of children varies widely among societies according to fluid dimensions of politics, ideology, and religion (Jenkins 1998). For example, although one stated goal of the first juvenile court in 1899 was to protect youthful offenders from more seasoned adult criminals, children as young as seven years old were routinely imprisoned alongside adults through the first decade of the twentieth century. Moreover, due to the constructionist nature of juvenile offenders, what is regarded as harmless in one era may be regarded as sinful in another. As such, their societal perception is necessarily shaped by compelling arguments of competing interest groups and by the public's readiness to hear and act upon their powers of persuasion. Following a social constructivist framework, my focus will be primarily on the public's

subjective concern for the "problem" of juvenile offenders and secondarily on the objective nature and degree of the juvenile offenses.

1.3 Moral Panic Theory

Examining the social construction of juvenile offenders can be facilitated by contextualizing it within a theoretical framework. While there exists numerous theories to explain criminal behavior, this dissertation examines society's differential response to an individual constructed as "criminal", irrespective of the legalities surrounding a particular behavior. As such, moral panic theory is the most comprehensive schema in which to situate the social construction of juvenile offenders. Furthermore, the illumination of race as an important aspect of social construction combined with an extensive body of literature regarding the moralization of race (Edwards 1995; Harvey 2007; Lamont 2002; Walker and Snarey 2004) corroborates the use of moral panic theory as a tool with which to examine social constructionism within this dissertation.

Stanley Cohen first generated the phrase "moral panic" in his groundbreaking book *Folk Devils and Moral Panics* (Cohen 1972). In order for a phenomena to be worthy of the term, it must meet three criteria, the first being that there must be a person or group of people, identified as deviant, who bear the brunt of the blame for society's evils. The historic demonization of juvenile offenders allows them to fit the profile of the "folk devil" quite nicely. Second, there must be a *disproportionate* amount of concern or fear over an issue compared to a similar threat. Although the term "superpredator"

indicates a great amount of fear and concern, I will subsequently illustrate how the panic surrounding juvenile offenders is more associated with feelings of insecurity and a fear about a loss of power than with the actual threat of juvenile crime. Finally, the third definitional requirement of a moral panic is that it must include large fluctuations of distress across time. The aforementioned discussion of how social constructions vary historically couples with Table 5 to show that the manifestation of hysteria surrounding juvenile offenders fluctuates wildly depending on such intertwined factors as economic stress, racial/ethnic balance, immigration surges, religious ideologies, and a host of social and political dynamics (Cohen 1972; Goode and Ben-Yehuda 1994; Jenkins 1998).

Moral panics are instigated by moral entrepreneurs[3] who consider certain individuals they identify as "willfully engaged" in immoral behavior to be insufficiently punished and therefore, the moral entrepreneurs themselves have an obligation to eradicate such behavior (Becker 1963; DiChiara and Galliher 1994). During a moral panic, accusations and declarations of guilt become irrefutable whereas the same pronouncements would have been discounted at historic moments when a moral panic was not present. During the 1950s, for instance, it was believed that delinquent boys were a public menace to society and this notion was quickly reflected and heightened in all forms of popular media, creating a generalized fear towards adolescent males.

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[3] The term "moral entrepreneur" comes from Becker's 1963 treatise, *Outsiders: Studies in the Sociology of Deviance*. In it, he specifies moral entrepreneurs as the powerful and privileged individuals in a society who are relied upon to create and/or enforce norms and rules.

Because serious offenses by juveniles are ttreated with the utmost gravity, claims-makers turned their attention and subsequent media publicity to the hypothesized precursors of violence, blaming such conventions as comic books and households with working mothers (Jenkins 1998). When ideas surrounding a moral panic become entrenched in the popular discourse, legislative policies are often not far behind.

Laws are proposed and passed, at least to a certain extent, because they reflect the governing class' sentiments, interests, and ideologies (Chambliss 1979b; Goode and Ben-Yehuda 1994; Hagan 1980) and therefore, no examination of a moral panic can be complete without examining the resulting post-panic legislation. The critical legislative points in history which produce novel interpretations of social problems, Chambliss argues, should be given preference over the expansive "mountain of minutia" within everyday law (Chambliss 1979b; Jenness 2004). As such, national changes to the interpretation of the United States Constitution and Supreme Court cases are prioritized within the present work over state-level decisions. Like a revolving door, as official legal actions intensify, so too do the quantity and ferocity of juvenile offenses reported by the popular press and discussed by legislative officials which in turn preys upon society's perception of a widening moral pandemic (Jenkins 1998). Although perhaps too grandiose, Goode and Ben-Yehuda (1994b:170) were not misguided when they concluded that, quite apart from being trivial, the examination of moral panics is "but one key by which we can unlock the mysteries of social life."

1.4 Source: The New York Times

Convincing a society that a particular issue is threatening can be difficult unless it is contextualized in such as way as to make it personal (Jenkins 1998). As an example, school murders were rightly considered a rare occurence until the problem found a face in the photographs of Dylan Klebold, Eric Harris, and their victims at Columbine High School on April 20, 1999. At this point, a generalized fear regarding the safety of the nation's youth in school systems spread, creating new gun control legislation and an era of the "superpredator". National newspapers such as *The New York Times* serve as "an integral part of the ideological apparatus of capitalist societies" and as a primary medium for ideological reproduction and intensification through its widespread distribution[4] (Franzosi 1987:10; Molotoch and Lester 1974). Although it is argued that some events are more "newsworthy" and thus are more likely to be covered by the press than others, the gravity and shock factors associated with juvenile offenders render this potential criticism moot for the current study. A single national newspaper, such as *The New York Times*, is furthermore a reliable indicator of social constructionism as press biases are steady for first-rate newspapers that are published over a long period of time without significant editorial changes, as has been the case for *The New York Times*[5]

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[4] Despite the decreasing number of newspaper subscriptions with the advent of the internet, the accessible online version of newspapers continue to harbor a large readership base, thus legitimating its use an in indicator of public opinion and perception.

[5] Surprisingly, while police sources such as the *Uniform Crime Reports (UCR)* or the *National Crime Survey* (NCS) may document a larger number of criminal events than newspapers, they display a much greater

(Barranco and Wisler 1999; Rucht and Ohlemacher 1992). Moreover, since this

dissertation is examining the social construction of juvenile offenders, the societal

perception of *The New York Times* as a worthy and respected new source whose

readership is consistently among the highest of any American newspaper, lend further

credibility to its use as a bonafide data source in evaluating the coalescence between

popular opinion and fact[6]. Nevertheless, a triangulation of more than one data source

ensures multiple perspectives, and a broader range of coverage than one national

newspaper can provide (Earl et al. 2004; Oliver and Maney 2000)[7].

1.5 Source: Congressional Record and the Supreme Court

If law is society's "barometer of moral and social thinking" (Friedmann 1964:143

as presented in Goode and Ben-Yehuda 1994a:119), then Congressional record and

Constitutional changes made by the Supreme Court are an excellent gauge. The edited

rhetoric of popular media is counterbalanced by the markedly uncensored and

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quantity of biases than press sources (Barranco, José, and Dominique Wisler. 1999. "Validity and Systemacity of Newspaper Data in Event Analysis." *European Sociological Review* 15:301-322, Cohen, Lawrence E., and Kenneth C. Land. 1984. "Discrepancies Between Crime Reports and Crime Surveys." *Criminology* 22:499-530, Levine, James P. 1976. "The Potential for Crime Overreporting in Criminal Victimization Surveys." *Criminology* 14:307-330.).

[6] Slovic, Fischoff and Lichtenstein (1980) concluded that while disease kills fifteen times as many people as accidents in any given year, the high media coverage of deaths by accident led those surveyed to estimate that the rates between those killed by accident and those killed by disease were identical.

[7] It should be noted, however, that choosing *The New York Times* over other nationally-read and widely distributed newspapers such as *The L.A. Times* will necessarily reveal different media accounts and data. That being said, it is the opinion of this author that the readership of *The New York Times* substantiates it as the most ideal newspaper from which to gauge national public opinion and the social construction of juvenile offenders.

bipartisan speech found not only in transcripts of Congressional hearings but also in decisions made by the United States Supreme Court. While some sociologists and criminologists choose to study either the precursors to legal change or its implications, law is more adequately conceived of as an ever-fluid transitional process with both the historic preconditions and its legislative effects studied in concert (Burstein 1985). Having access to over a century of Supreme Court cases and Congressional hearing transcripts allows for a side-by-side historical comparison between popular discourse and its political equivalent.

1.6 Methodology

The social construction of juvenile offenders can be measured by examining (1) the public discourse of an issue in the media, (2) the introduction of legislative bills that criminalize an issue and the people deemed responsible, (3) the delineation of a problem in the public conscience as a pressing issue, and (4) collective action crusades (Goode and Ben-Yehuda 1994a). Each of these measurement indicators are subsequently assessed either explicitly or implicitly in the present study.

To assess the evolving public discourse via media portrayals and legal dialogues surrounding juvenile offenders from 1899 to 2007, I coded and analyzed over 9,000 articles in a well-read national newspaper. Using archived digital copies of *The New York Times*, I sought out articles between the years 1899 and 2007 using the following search terms located anywhere within the text: "juvenile" AND "delinquent" OR

"crime". This search yielded 14,056 articles which I then read through to determine which were relevant to the topic at hand. This categorization process left me with 7,860 articles from *The New York Times* which I then re-read multiple times over, documenting and coding themes as they arose. Once I felt that I had exhausted the social constructions and topics covered in the articles, I began to analyze and organize the articles according to the three distinct time periods which demarcate the substantive chapters of this dissertation.

Capitalizing on the second recommendation to explore legislation surrounding a moral panic, I supplemented media data from *The New York Times* with Congressional hearings transcripts and Supreme Court decisions in order to investigate the supporting and dissenting rhetoric surrounding legislative bills that criminalized or decriminalized juvenile offenders over the past hundred years. The documents were located by using the LexisNexis Congressional search engine to seek all House, Senate, and Committee Reports and/or Documents including the term "juvenile" in the text. This yielded 1,542 documents, and a similar categorization procedure to that used for assessing *The New York Times* rhetoric was used to code and analyze legislative commentaries and decisions[8]. In sum, the number of articles and Congressional documents that were

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[8] Supreme Court decisions which were not discovered through the search but which nonetheless surfaced as relevant in the *New York Times* data were subsequently explored in depth as they came surfaced

discovered totaled 15,617, but upon a deeper exploration, approximately 9,000 of them formed the data for the present study.

The frequency and fervency of the rhetoric presented in *The New York Times*, Congressional record and Supreme Court decisions were used as indicators as to the seriousness of the problem in the public consciousness, addressing the third criterion by which to assess a socially constructed concept. Finally, the moral entrepreneurs who were cited the most frequently were interpreted as proxy collective action crusaders in order to take into account the fourth and final suggested criterion with which to measure the social construction of juvenile offenders.

1.7 Coding and Analysis

Communication is the tool of social construction and as such, hand-coded content analysis using grounded theory was used to analyze of the rhetorical data presented in *The New York Times*, Congressional hearings, and Supreme Court cases[9]. The evolving perception of juvenile offenders was assessed by coding the frequency of, and implicit associations between, words (such as "delinquent" vs. "superpredator" vs. "wayward youth" vs. "chronic offender" vs. "defective"). In addition, the emphasis on some aspects of the offender to the exclusion of others, the specific media titles and

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[9] The Qualitative Discourse Analysis (QDA) software program NVivo 8 was used to supplement the author's hand-coding in order to increase reliability. Unfortunately, due to the pdf quality of articles in the first half of the twentieth century and the magnitude of articles gathered for the current project, NVivo 8 was unable to accurately analyze the discourse historically which is why it was used as a supplementary method as opposed to a primary one.

subtitles, and the composition of the presented information suggestive of blame and causality were similarly scrutinized. In particular, the rhetorical coding of categories followed Franzosi's prescription such that they (1) had "a direct link to one or more of the hypotheses of interest"; (2) were mutually-exclusive, and (3) maintained a distinct likeness to the specific language used by the newspapers, Supreme Court cases or Congressional record (Franzosi 1987).

While not a primary source of data, select photographic images presented in the popular press were likewise analyzed when illustrative of unspoken assumptions that did not reveal themselves through content analysis alone. Finally, the rhetorical categories were chronologically analyzed in order to tease out the political, demographic, structural, and cultural correlates which illuminated not only why moral panics regarding juvenile offenders erupted when they did but also why there were periods of relative indifference.

1.8 Research Questions

Previous comparative-historical research on moral panics have reached varied conclusions regarding *why* there have been such wild fluctuations of interest on behalf of the public. Chambliss offered a Marxist rationale suggesting that the dominating class' desire for "cheap labor" explained the exploitation of serfs and the criminalization of vagrancy laws in the eighteenth century (Chambliss 1964). According to Jenkins (1998), the copious baby-boom generation is highlighted as a powerful instigator in the rise and

fall of interest in sexual psychopath laws while Sutherland (1950a; 1950b) held the media

accountable for nationally publicizing a few select sex crimes. Scholars examining the

criminalization and decriminalization of drug use deduce that population control and

racism encouraged its discrepant policies against Blacks' use of crack cocaine, Mexicans'

use of marijuana, and Chinese's use of opium (Helmer 1975; Himmelstein 1986; Morgan

1978; Musto 1973). What all of these explanations have in common is that the

criminalization or decriminalization of a social problem is interpreted as reaction to a

generalized fear and panic about historical changes that society cannot control, whether

that be the ascending power of a recently subjugated class, the irrefutable dominance of

one large generation, or increasing racial diversity and job competition. In other words,

there is a recurring pattern: when the ruling majority feels insecure and unable to

"control" a change away from the previously accepted and appreciated way of life, there

is a subsequent crackdown, rhetorically and legally, on a population that historically *can*

be managed by formalized social control. In the present case, juvenile offenders

compose the controllable population.

It must be noted, however, that the issues of greatest concern to the power elite[10]

may be both local problems highlighted to displace countervailing ideologies at home as

well as global anxieties such as war. By using a comparative-historical methodology to

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[10] The term "power elite" comes from C. Wright Mills' book *The Power Elite* (1956). He uses the phrase to describe those in institutionalized positions of power within the domains of economic, political, judicial, legislative, and military decision-making (Bell 1958). He also, like the current study, examines the ways in which media reports shape public opinion and are used as a tool among the power elite (Domhoff 2006).

situate the peaks and valleys of interest in and fear of juvenile offenders, I expect to

notice a change in the social construction of juvenile offenders across time.

Additionally, I anticipate that evolving notions of political correctness will alter the

overt rhetorical hostility towards juvenile offenders and will instead yield a symbolic

violence that is more clandestine in nature. Finally, I intend to focus on anxiety and

panic towards juvenile offenders as they relate to tensions and insecurities along lines of

immigration, religion, and race. Phrased in the form of hypotheses, my research

expectations are stated as follows:

> H1: I expect that moral panics regarding juvenile offenders will be highest in
> years which historically create economic and labor insecurity among the power
> elite.

Examining the opposite side of the undulation, I similarly expect moral panics

surrounding juvenile offenders to wane during periods in which the ruling parties are

not "threatened" by shifting notions of racial equality, gender equality, or national

security. Likewise, I expect the rhetoric towards juvenile offenders to be kinder towards

juvenile offenders during years of relative calm and control.

> H2: I expect that the insecurities will manifest themselves in rhetorical and
> legislative violence from those in positions of power.

> H3: Considering the classic image of children as vulnerable and innocent, I
> presume that during years moral panics, juvenile offenders will be stripped of
> their youthful status in the public eye so as to minimize any cognitive dissonance
> between the fear for children and the fear of youthful offenders.

Taking this hypothesis even further, I expect "child offenders" to be oxymoronic in the media for once a child commits an offense, he/she ceases to be a child. In other words, juvenile offenders are socially constructed as "criminals who happen to be young, not children who happen to be criminal" (Regnery 1985:68). Consequently, the labels and adjectives attributed to juvenile offenders will be harsher and more unsympathetic in times of moral panic to adultify[11] the juveniles and induce fear rather than pity in the public.

> H4: I expect that the adultification and demonization of juvenile offenders will be directed toward minority youth at a higher rather than majority White youth.

Moreover, I expect that the explicit demonization of juvenile offenders will become less overt as evolving cultural mores about how to speak about race govern rhetorical political correctness.

In sum, as this dissertation utilizes content analysis, the primary variable being assessed is the rhetoric commentary made by the media and political/legislative officials and the degree to which it is punitive towards juvenile offenders. I expect rhetorical hostility about juvenile offenders to be directed towards minority youth who represent a challenge—ideologically, economically, or otherwise—to the power elite. Finally, I expect punitive rhetoric to be used as a method of garnering support from the public

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[11] I use "adultification" to mean the rhetorical treatment of juvenile offenders as divorced from their childhood through harsh descriptions and a lack of empathy typically reserved for adult offenders. For a more complete exploration of this term and its effects in diverse youth populations, see exemplary work on the topic by both Burton (2007) and Puig (2002).

against the alleged threats (minority youth) who are deemed responsible for the nation's declining morality according to the power elite.

1.9 Conclusion

The evolving juvenile justice system powerfully illustrates the cyclical nature of concerns regarding juvenile offenders. Panics about juvenile offenders are closely related to other fears such as apprehension about racial dynamics, national security, gender balance, and economic stability. Jenkins argues that campaigns intended to safeguard children involve the reaffirmation of some forfeited control which is accomplished by enlarging the definition of childhood to include adolescents (Jenkins 1998). Interestingly, I am making a similar argument about the *lack* of safeguarding of certain children. I stipulate that although the definition of childhood may expand the age range of those labeled non-deviant, when a perceived sense of dominance is threatened, juvenile offenders are no longer considered "children". As such, they cease being those who need to be safeguarded and instead become adultified offenders from whom "real" children and the rest of society seek solace. I propose that the fluidity of childhood will correlate highly with the minority status of the juveniles in question. In other words, I argue that childhood is a flexible category whose range is expanded or minimized according to historical circumstance and perceived dominance. During fearful or uncertain times, increasingly common in contemporary United States society, minority juvenile offenders need not apply.

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2. Us vs. Them: Immigration, Religion and the Juvenile Court: 1890s-1930s

Chapter two begins the substantive chapters of this dissertation by highlighting the demonization of immigrants from Southern and Eastern Europe. It explores how an attack against incoming immigrants, identified as deviant and interpreted as competition for coveted employment, was embraced by the majority through the claim that nothing less than the nation's morality was at stake. Moreover, chapter two situates childhood and children within the historical context of the Progressive Era in the United States. From there, intermediary factors influencing history are discussed including the political agenda promoted by the State ("The Rise and Fall of Father Knickerbocker"), demographic changes resulting from the aforementioned waves of immigration ("Immigration"), and the perceived challenge to the dominant Protestant faith ("Religion") of the time period.

The Child-Saving movement during the Progressive Era coincided with the advent of the Children's Court in 1899, both of which were grounded in positivistic theoretical arguments that emphasized a preference for causal determinism of a child's suffering—either at the hands of their parents or the law. The evolution of positivistic theory from a social movement to legislation is elucidated in the second section of this chapter ("Child-Saving" and "The Juvenile Court") (Mintz 2004). The final sections in this chapter outline the criminological theories used to justify the rehabilitation of youthful offenders in the juvenile court ("Positivist Criminology and The Law") and the

encroaching disenchantment with the State's governance ("Disillusionment"),

engendering feelings of mistrust, insecurity, and fear which would serve as the catalyst

for the second and more openly aggressive era of juvenile offending (Ashby 1997;

Cravens 1993; Katz 1986; Zelizer 1985).

2.1 Historical Background for Delinquent Children During the Progressive Era

What is a child? Policy-makers and citizens alike may disagree on how to regulate

children but the overall consensus of how they are defined traditionally revolves around

characteristics such as innocence and vulnerability and needs such as support and

education. Children writ large were rarely presupposed to be liable for their

peccadilloes as their status as "child" protected them from assumptions of accountability

and premeditation reserved for adults offenders (Scott 2002). This presumed virtue,

however, did not mean that youth found guilty of delinquency went unpunished. It

meant instead that their status as children colored both the ways in which they were

penalized and the societal reaction once their sentence had been served. As Platt

(1969:54) notes, "restraint and punishment were only the means and not the goals" of

early juvenile justice.

Juvenile delinquents in the 1890s fell under a reformatory system of justice, bolstered

by the Horatio Alger myth that with determination and hard work, all life obstacles

could be overcome, including poverty, joblessness, and delinquency (Wohl 1966). In

other words, the reformatory plan which preceded the modern retribution-based

juvenile justice system sought to impart both values and skills to lower-class youth which would reinforce the dominant Protestant ideology of the time[1]. Delinquent behavior included various activities that were deemed unsavory for youthful engagement such as begging, truancy, drinking, staying out late at night and the catch-all category of incorrigibility (Platt 1969). These categories focused more on the threat of criminal activity than the activity itself and unfortunately, the juvenile population most often indicted in such behaviors were predominantly those children of lower-class immigrant families. Despite the implausibility of imposing a single ideology of child well-being on diverse youth without the contextual awareness of the roles that poverty and country of origin play on life circumstances, the child-savers' motives remained undeterred (Grossberg 2002). As the numbers of immigrant youth began to swell at the turn of the century, so too did the desire for a more formalized child-saving institution (Cravens 1993). The first juvenile court, created by the Illinois legislature in 1899 was one result of this aspiration.

Originally intended to be markedly different from the adult criminal court, the juvenile court initially distinguished itself by stressing guidance as opposed to punition, privacy of hearings and records as opposed to publicized trials[2], and informal

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[1] Delinquency prohibitions were considered obligatory in order to preserve the nuclear family, women's domesticity, and other institutions valued by the middle class (Hagan 1980).

[2] Rothman (1978) recounts that the privacy of youth records may have been more a fact of fiscal conservatism than due to magnanimous judicial officials. He notes that in 1905, a sociologist named Henry Thurston was thwarted from his attempts to request case history files on the delinquent youth (to determine

personalized proceedings that emphasized home-like physical comfort in the court room

over harsh sterility (Allen 1964; Baker 1910; Platt 1969; Scott 2002). The broad

romanticized understanding of youth contributed to the expanding role of the State in

the juvenile justice process since there was no anticipated conflict of interest between the

delinquent youth and the *parens patriae*[3] government, whose sole occupation was to

guard the welfare of the dependant, neglected, and delinquent children (Schramm 1949;

Scott 2002)[4].   As concerns about the lack of child labor regulations became another cause

around which the child-savers rallied, popular perception was that youth who were

held in juvenile courts under a sheltering and compassionate judge were fortunate,

especially when compared to those toiling under the abominable working conditions in

the factories that were becoming a hallmark of the city's growing industrialization (Van

Waters 1926).

2.2 The Rise and Fall of Father Knickerbocker

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the juvenile court's efficacy) by Cook County commissioners who refused to pay for the necessary expenses
that the task would require.

[3] The Latin translation of *parens patriae* is "parent of the nation" but used to describe the U.S. government
during this time, it indicates the power of the State to protect vulnerable populations, such as children,
using legal measures of intervention.

[4] Tannenhaus (2002) comments that despite the general societal acquiescence regarding the state role in the
juvenile court, the mounting desire by the child=savers and other similarly-oriented citizens to determine
the fate of the delinquent youth ultimately yielded the contemporary hybrid system of juvenile justice which
combines elements of national, state, and privatized social control.

The first social construction of juvenile offenders began within the Progressive Era of United States history. Industrialization offered the prospect of numerous jobs and a better life to both local and non-native people alike, causing a population swell within American cities (Teitelbaum 2002). The burgeoning populace combined with the harsh reality of city life to create tensions and fears which were displaced from their source (rapid change and uncertainty about what the future would bring) to populations that were the controllable and easily identifiable, specifically recent immigrants from Eastern and Southern Europe whose speech, skin color, and religion distinguished them from the previous influx of Western European immigrants a generation prior (Katz 1986). This dissertation illuminates the ways in which insecurity and panic breed violence and expounds upon that notion to specify that how the violence manifests itself, whether through punitive policies and symbolic violence or interpersonal crime, depends on the resources available and the historically-situated social norms. Over the course of history, race and nationality have been used to explain and legitimate violence across classes. In kind, for the ruling elite during the early twentieth century, immigrants (and their accompanying religious differences) were singled out as the biggest threat to their existing dominance and therefore the demographic that was targeted for violent rhetoric and blamed for the moral breakdown of society (Domhoff 2006; Grossberg 2002).

In the frame of social constructionism, the criminalization and decriminalization of any population does not occur because the individuals in question, in this case juvenile

offenders, are objectively a threat to society (Jenkins 1998; Jenness 2004). Laws and the ideology behind them subjectively reinforce what Conrad and Schneider call the "structure of power" (Conrad and Schneider 1992). In other words, policy, legislation, and the rhetoric surrounding the criminalization of youthful offenders are socially constructed by those in positions of power whose opinions are considered factual (Hall et al. 1978). This is then reflected in and disseminated by print media exemplified by *The New York Times (NYT)* and in legal accounts such as transcripts from Congressional hearings and Supreme Court decisions. The presentation of juvenile offenders has evolved from rhetorical imagery connoting innocence and vulnerability to those associated with demonization and fear (Tannenhaus, 2002). Understanding this progression requires investigating the factors implicated in disrupting the power dynamic of those who construct and present history to the public. During the Progressive Era of the United States, the most destabilizing and therefore disruptive forces to those in positions of power and prestige revolved squarely around the developing transformation of urbanization, industrialization, and the waves of immigration that quickly followed.

2.3 Immigration

The rapid and widespread growth of cities drastically altered the infrastructure of the United States from the 1870s through to the first decades of the 1900s (Grossberg 2002). Between the late nineteenth century and World War I, progress toward economic

innovation and changes in manufacturing practices laid the foundation for what would

become the modern metropolis (Hays 1957; Wiebe 1967). The burgeoning cities and the

new industries that blossomed within them created much-needed jobs and advancement

in the realm of comfort and well-being but the accompanying "incessant noises" and

"impure atmosphere" were irrefutable (*NYT* September 11, 1904). In addition, the

Progressive Era in the United States coincided with mass immigration from Eastern and

Southern Europe such that by 1915, almost 15 million immigrants had settled in

America's mushrooming cities. These immigrants were quite dissimilar visually and

culturally to the Anglo-Protestant immigrants who had preceded them and stood in

even starker contrast to their American-born peers in terms of politics, religion and

language. (Higham 1988). Despite the animosity projected toward new transplants, the

"American Dream" was a strong pull and a large number of immigrants relocated to the

United States in the early twentieth century, attempting to integrate as best they could

into American life.

The sheer number of new immigrants, coupled with their noticeable linguistic,

cultural, and religious differences, rendered assimilation both difficult and antagonistic

as American-born men and women felt that their jobs and way of life were threatened

by the encroaching number of "outsiders". Yet while Americans were fearful about

protecting their economic and ideological normalcy, the new immigrants were facing

their own uncertainties. Employer discrimination often led to financial insecurity and

the creation of poverty-stricken ethnic enclaves, which ultimately created the false but enduring association between low socioeconomic status and immigrant status (Feld 1993). As implications were made between country of origin and poverty, similar associations spread regarding poverty and crime, with tacit implications linking the three traits together for decades—immigrant status, poverty and crime.

Journalists who visited the living conditions of those in poverty came away from the experience pitying the children who endured such squalor but their journalistic experiences were the exception rather than the rule. The connection between the effects of poverty and crime can be seen in the following passage which intimates that juvenile delinquency is not only logical but perhaps even justifiable considering the crowded tenements that many immigrant children were forced to live in if their parents were unable to secure adequate employment.

> Thousands of families with three small rooms for each family, tens of thousands with two small rooms, a hundred thousand with one room. And such rooms— better call them boxes. Dining room and bedroom, kitchen and scullery, coal house and drawing room, workshop and wash house, all in one. … What can big lads do in "homes" of this description? Curl up and die, or go out and kick somebody? (*NYT* November 3, 1901)

Unfortunately, the initial sympathy for deplorable living conditions endured by immigrants was ultimately overshadowed by the subsequent conflation with criminality and socioeconomic status which would continue to be presented in print media for over a century. Although more prevalent in contemporary media depictions, there were occasions during the Progressive Era in which the associations between criminality and

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country of origin were implicit, allowing the reader to draw causal inferences. This is

exemplified in the passage below which, although taken from an article entitled "Crime

and Immigration", does not explicitly link the two concepts within the text:

> Where a generation ago the total immigration from Western European countries
> was over 70 per cent and the total immigration from Southeastern and Eastern
> Europe was less than 20 per cent., in 1914 the new arrivals from Northern and
> Western Europe were only 18 per cent and those from Southeastern and Eastern
> Europe amounted to over 75 per cent. (*NYT* December 31, 1924)[5],[6]

Those who empathized with impoverished immigrants felt hopeful that the gap

between native-born and foreign-born youth could be bridged through proper

"Americanization" (Feld 1993). This resulted in a smattering of acculturation and

assimilation agencies, often faith-based and which, while noble in intention, maintained

the already palpable biases against the immigrant population. The linkage between

juvenile delinquency and immigrant youth remained explicit.

> With many of the immigrant boys and girls of a weaker fibre, this
> Americanization process is too swift; the good qualities which their Old World
> training gave them disintegrates before the powers of self-restraint and self-
> reliance are developed. [This] leads straight to the ranks of juvenile delinquency
> (*NYT* June 27, 1915).

The assumption expressed, therefore, is that the traits of "self-restraint and self-

reliance" are definitively "American" and that without them, juvenile crime—by non-

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[5] This passage is quoted by a reader in this *New York Times* article from page 308 of Edward M. East's
Mankind at Crossroads to indicate the "longstanding" link between immigration and rising crime.
[6] Despite the implicit connection between criminality and country of origin, the explicit discussion of
immigrant status remains visible—a trait which differentiates this first social construction of juvenile
offenders with subsequent ones.

Americans—is inevitable. This mentality assumes that criminal offending is both innate (as self-restraint is required to curb its instinct) and occurs primarily in those individuals who take advantage of others because they cannot or choose not to rely on themselves for self-sufficiency. The antagonism felt toward immigrants was enhanced by their media depictions as exploitative and lacking self-control. Nonetheless, a glimmer of hope lay on the horizon for those still trying to assimilate and Americanize the new immigrant population: Protestantism.

2.4 Religion

Similar to previous efforts intended "Americanize" Eastern and Southern European immigrants, attempts to proselytize were often, not surprisingly, met with adamant refusal. The ideological division between the two populations grew wider as differing religious beliefs were added to the laundry list of "problems" associated with immigrant youth and their parents. Moreover, the previous dyad of poverty/immigrant-status/crime became a triangulation of blame between non-Protestant/poor/immigrant-status and juvenile criminality.

At the onset of the panic over immigrant morality, those of the Catholic faith were targeted the most heavily with articles ranging from subjective repulsion:

> Protestant Children Under Catholic Care. The Children's Court Forced to Send Them There. It is a Situation Disgraceful to Protestantism, Deputy Clerk Coulter Declares (*NYT* March 18, 1906).

To purportedly objective accounts relaying the sheer numbers of immigrants and their

ancestry then and now:

> …out of the 16,000 children of Manhattan and the Bronx at present in [juvenile]
> institutions, about 11,000 were Catholic, about 3,000 Protestant and not quite
> 2,000 Hebrew. "I do not say this," said the speaker, "as a criticism of Catholics
> but simply to show that they use this method [of parenting] more than others.
> Then too, of course, as is known, the poorer classes are largely of the Catholic
> faith (*NYT* January 9, 1899).

As the population continued to grow and juvenile institutions were filled, the ability to

segregate youthful offenders according to religion became even more difficult and soon

the rhetoric of discontent was voiced not only by those of the dominant Protestant faith

against Catholics but also by those of the Jewish faith (the least represented in juvenile

institutions according to the passage above) who strongly objected to having *their* youth

in such close contact with the "criminogenic" Protestants. Rabbi Adolph M. Radin

spoke out against this injustice at the Second New York State Conference of Charities

and Correction:

> Jewish children are sent to these institutions and, after a brief period are sent out
> to Christian families. … I wish to protest against this cruelty. They seem to think
> the children will make better citizens if Christian (*NYT* November 21, 1901).

The request for religious segregation of juvenile offenders was temporarily abated once

a "separate but equal" mentality was presented, thus prompting Protestant, Catholic,

and Jewish families to build separate reformatories for their respective delinquent youth[7].

2.5 Child-Saving

It is interesting to note that the attitude projected towards immigrant children seems to have been neatly compartmentalized as distinct from the attitudes projected towards *American* children—the former being delinquent, immoral, and unruly and the latter being defenseless, innocent, and in need of safeguarding (Platt 1977; Zimring 1982). In one of the first descriptions of youthful crime committed in the early 1900s, a juvenile "gang" incident of American-born youth reprinted below exemplifies the evolving view of children and childhood as something to be preserved and protected at the beginning of the twentieth century.

> Three very small and very tearful youngsters, whose fright ill-accorded with their warlike shields, made from the metal tops of trash cans and bags of stones, to be used as weapons, which hung from their arms and shoulders, were led into the Alexander Avenue Station in the Bronx last night by four big policemen (*NYT* August 28, 1911).

The descriptive wording clearly evokes images of these "youngsters" as small, scared, and beleaguered by their recent capture. Moreover, remorse is elicited as the reader is primed to envision these children, pathetically-equipped for "battle", and now

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[7] Considering the landmark case of *Plessy v. Ferguson* which had recently legitimated the notion that separate could be equal, it not surprising that segregation seemed a plausible option for other individuals considered a threat to the ruling majority. Segregation and separation were suggested based both on class ("Would Send Poor to the Suburbs: Dr. Seager of Columbia Tells Sociologists That Would Relieve City's Congestion") and on religious differences ("Ask Jews to Build Own Reformatories") (*NYT* January 27, 1913; *NYT* March 12, 1908; *NYT* August 31, 1908).

under the care of the four strong policemen who thankfully intervened just in time to rescue the children from themselves. The child-saving movement was ignited by this imagery and evolved out of the structural, economic, and demographic changes in the society that manifested itself in passionate debates and legislation aimed at protecting the innocence of the nation's (American) youth (Rosenheim et al. 2002). In other words, the early twentieth century was characterized by an overwhelming fear *for* children and the laws and policies of the Progressive Era would soon reflect just that.

The White House Conference on the Care of Dependent Children convened in 1909 to raise public consciousness against forces that were considered a threat to child welfare. Although concern about compulsory education, infant mortality, and the "restricted play" of city children were hotly debated, of central legislative importance was the growing concern with child labor, specifically its lack of regulation. Abuses of power, deplorable conditions within the factories, and the pitiful life of a child laborer were frequently cited to expose the gravity of the problem. In the following excerpt from an article entitled "Plea for Tiny Workers", the speaker implores Congress to increase the age of employment by asking his peers to put themselves in the shoes of a vulnerable child laborer:

> "Think of your own children, under ten years of age, waiting at 4 o'clock in the morning for the early newspapers," cried Dr. Felix Adler to the Senate Judiciary Committee at the hearing on the Child Labor bills today… "What kind of school is that for children?" he continued (*NYT* March 5, 1903).

The appeals made by Dr. Adler and other child welfare activists of the time were ultimately successful and a series of bills and laws were passed which altered both the age at which children could begin working[8] and specified acceptable conditions under which youth could more safely labor. The founding of the United States Children's Bureau in 1912 further solidified the increasing role of the government in child welfare regulation. When this regulation was coupled with the growing power of the Juvenile Courts, it advanced the power of government-led social control tactics and evolved the image of childhood from a "little adult" of the nineteenth century to a vulnerable ingénue of the twentieth century (Brown 2002; Feld 1993; Thompson and Mac Austin 2003; Tiffin 1982; Wiebe 1967; Zelizer 1985).

2.6 The Children's Court

Although created in 1899, juvenile courts simply continued the process begun a few decades earlier to legally distinguish between the social control of children and that of adults (Platt 1977; Rothman 1971; Ryerson 1978). By the 1920s, the Progressive Era's trust of State power had facilitated the spread of the juvenile court from large cities to small ones and from the suburbs to rural communities, with each subsequent court operating under the premise of rehabilitation instead of retribution (Tannenhaus 2002). The period of time from the conception of the juvenile court in 1899 to its firm

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[8] A child labor bill in the House of Representatives declared that children under fourteen years old were prohibited from working (*NYT* April 13, 1912).

establishment as an institution of juvenile justice in the 1920s was one of transition and

can be seen in the disparity between the theory behind the laws and their practical

enforcement. Legally, a child of eight could suffer capital punishment since under the

written laws, children between the ages of seven and fourteen could either be judged

fully responsible for their actions or criminally incapable depending on the discretion of

the individual judge hearing the case (Feld 1993; Fox 1970). In practice, however, the

public stood firmly behind the values of the Child-Saving movement and therefore in

opposition to the possibility of holding a tender child culpable for their offenses. This

was no more evident as in the public outcry after Paul Geidel, a seventeen-year-old

youth, was arrested for murdering William Jackson in the Hotel Iroquois in 1911:

> [This incident] has caused many people to ask, "What can they do with him?
> They can't really send a boy of seventeen to the electric chair, can they?" (*NYT*
> August 6, 1911)

Paul Geidel's life was spared by the courts and, in an effort to engender public support,

images of the State as being willing and able to deliver kind and compassionate justice

flooded the print media.

The tacit acceptance of increasing state intervention in the juvenile courts

centered on the concept of *parens patriae*. This philosophy proposed that it was the

government's duty to aid the powerless members of society, in this case, children. The

unspoken assumption with *parens patriae*, however, was that biological parents were

generally incapable of rearing their children without government help and were

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therefore subject to judgment and scrutiny if any doubt was raised regarding their parenting ability. In order to avoid the potential power imbalance insinuated in child-rearing between parents and State authority, news and legal rhetoric focused on images of the government's benevolence and rescue.

> Babies, Get Ready; This is Your Week. Father Knickerbocker is Coming Around to See How You Look and Are Cared For. He Wants You to Be Strong. And He'll Show Mothers and Fathers How to Help You Grow Up to Be Fine Big Citizens (*NYT* June 21, 1914).

It should come as no surprise considering the disparities present earlier that non-native parents were criticized far more frequently than American-born parents, with immigrant mothers bearing the brunt of the blame for inadequate parenting and it's supposed corollary with juvenile crime (Teitelbaum 2002). Immigrant mothers were chastised for not imparting a more "worthy character" to their children and typically caricatured as both inattentive and powerless. The following two excerpts illustrate these two biases, respectively:

> The children who most easily fall victims to the "Fagin," Justice Mayer says, are those of recent immigrants, whose struggle for existence is hard and who seem to give but little attention to their boys and girls (*NYT* November 7, 1903).

> Traces Crime to Rift in Homes of Aliens. Social Worker Says Foreign-Born Mothers Are Losing Control Over Their Americanized Children (*NYT* May 12, 1926).

The first passage makes a literary reference to the character of Fagin in Charles Dickens' 1839 *Oliver Twist*, presumably illustrating an adult who takes advantage of naïve young children and manipulates or bribes them into becoming criminals. Justice Mayer

acknowledges the arduous life of an immigrant mother in one breath, while in the next

implying that not looking after one's children is more so the product of immigrant

mothers not caring enough about their children to prioritize them than it is the result of

a grueling existence spent trying to put food on the table or make ends meet. The

second passage, written thirteen years after the first, further belittles the parenting of

foreign-born mothers by portraying them as wholly unable to manage even their own

children.

However, despite the flagrant attacks against new immigrants living within the

United States and the initial glimmers of judicial inequity towards their children, the

theoretical aims of child protection and the theoretical compassionate that personified

governmental guardianship were difficult to disparage. Moreover, the public was

consistently inundated with verbal images and rhetoric describing the utopian

conditions of the juvenile court such that even if certain parents felt unjustly blamed for

their child's delinquency, they were led to believe that their child becoming a ward of

the Strate would all be for the best if they ended up in the loving arms of the United

States juvenile justice system. The following passage from a 1917 article in *The New York

Times* details the safety, luxury, privacy and respect that hypothetically awaited every

child who came into contact with the Children's Court.

> …the waiting room where the child, safe from the cruel scrutiny of the lingerers
> that infest courtrooms, stays till his case is called; the restroom for mothers,
> invalids and the youngest children, the detention rooms with their books and
> games, their classes, their lessons in sewing and embroidery. … Most new cases

are heard in the main room privately. The Justice wears his gown. The room itself has a majestic dignity. The child is made to feel that he breathes the air of authority, of justice (*NYT* August 12, 1917).

The foundational ideology of the juvenile court's "rehabilitative ideal" highlighted the well-being of young offenders by creating not only a safe haven within the courtroom but also a father figure in the presiding judges. Idealized as men who were stern, yet compassionate, and understanding, yet never to be misled, the descriptions of the judges who presided over the juvenile court during the Progressive era often seemed to have more in common with superheroes than with fallible human beings.

…he shall have wise farsightedness as applied to youth, be able to see at a glance what may be made out of a boy or girl, and be able to inspire those who have gone wrong with the determination to make good men and women out of themselves (*NYT* August 24, 1902).

In spite of, or perhaps because of, the characterization of these fantastical juvenile court judges in the press, the surfacing disparity in judicial sanctions applied to immigrant versus non-immigrant youthful offenders were often ignored or disparaged. How could "The Greatest Life Saving Station in the World", supervised by extraordinary judges, and founded on rehabilitative ideals always acting under the best interests of the child, be flawed (*NYT* August 22, 1915)? The insecurity and fear from rapid changes in urbanization and industrialization were mediated by images and rhetoric touting security of justice for all.   As such, both powerful individuals guiding the "structure of power" and those held within it could relax knowing that the sick and

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delinquent youth were being treated and cared for by the munificent government and their associated partners within the juvenile court systems.

2.7 Positivist Criminology and the Law

The sense of calm and trust engendered by the early juvenile courts was further facilitated by the budding field of criminology, and more specifically, the determinism of positivist criminology (Platt 1977). The defense of reason and science—often administered by the aforementioned benevolent State—applied to law-abiding and delinquent citizens alike (Sutton 1988). As medical analogies of deviance spread, theories of crime followed suit promoting the surgical removal of any and all criminogenic agents including adenoids, molars, and other "diseased" parts of the nervous system (*NYT* June 25, 1914; *NYT* February 1, 1910). This "Holy Crusade" was reinforced through ominously vague headlines such as the following:

> The Surgeon's Knife as a Check to Crime: Interesting Experiments Being Made with Boys and Girls of Evil Tendencies (*NYT* August 12, 1906).

The operations and medical solutions suggested and performed on "atypical children" were ultimately unsuccessful at "curing" criminality but the medical ideology persisted and found a beneficial corollary in the individualized treatment plans adopted for juvenile offenders (Feld 1993). By prioritizing the offender's well-being over the offense (presumably society's well-being), medicalization and positivist criminology espoused the desire to "make the punishment fit the criminal, not the crime" (*NYT* September 1, 1912). A particularly explicit opinion piece that ran in *The New York Times*

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in 1925 illustrates the general preference in defense *for* children as opposed to defense *from* them:

> A youth who steals may yet commit murder; but why not give him the benefit of the doubt and wait until he does? Why not protect him? Society is strong and needs no protection. One can't be too tender with the young, the promising (*NYT* October 24, 1925).

The fact that the juvenile court's rulings were compassionate, personalized, and informed by science permitted a relatively unquestioned increase in the State's discretional social control policies. Rhetorical blame in the newspapers could then be coupled with legal practices which further disadvantaged the same targeted populations charged with creating the problems of juvenile crime. In 1929, for instance, the courts instilled a "penalty on poverty" in which judicial discretion was used to ascertain "the financial condition" of a youthful offender's parents in order to charge them accordingly (*NYT* February 18, 1929). In practice, immigrant families were fined far more frequently than American-born parents (Grossberg 2002). This and other examples of judicial discretion which occurred at the end of the 1920s would serve as the catalyst for the next perception of juvenile offenders[9]. In the coming decades, the previous certainty and faith in the benevolent State that citizens had relied upon to shield them from rapid changes in the arenas of industrialization, urbanization and immigration slowly

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[9] The amount of Congressional record and Supreme Court cases devoted to juvenile offenders during this era are noticeably more logistical in nature owing to the newness of the juvenile justice system. As such, the legal data available for this time period is less prominent than it is in future chapters, where its relevance is discussed in greater depth and detail.

corroded. Soon, the previously infallible government would be viewed under a lens of skepticism and mistrust.

2.8 Disillusionment

As increased discretion in social control policies revealed itself, so too did the illegitimacy and corruption of public authority. The Wickersham Report of 1929, conceived of by President Herbert Hoover and named after former Attorney General George Wickersham, critically examined the failure of prohibition with a thorough investigation of law enforcement agencies. In doing so, the Wickersham Report blatantly exposed that which had previously been speculation, namely the brutality, bribery and discrimination by race and immigration status among the police and other supposed protectors of the public. Since the police were painted within the media as fallible at best and corrupt at worst, it became increasingly difficult for the public to trust any government-supported institutions, including the juvenile court system. Nevertheless, the public's habitual turn to the State when in need of criminal protection ultimately prevailed and subsequently resulted in a clamoring for stronger legislation against both delinquents and would-be delinquents.

The emergence of laws, policies, and regulations designed to protect society from youthful offenders (in contrast to those protecting youthful offenders from society) surfaced within the fields of both science and law (Feld 1993). Fingerprinting technology advanced, making it possible for offenders of all ages to be identified and

catalogued indefinitely for their crimes (*NYT* November 25, 1926). Senator Caleb H.

Baumes enacted the "Baumes Laws" based on the criminological theory of deterrence

which included longer sentences for offenders, harsher parole stipulations (including the

denial of parole if firearms were used by the offender in the crime), and automatic life

imprisonment for anyone convicted of more than three offenses, regardless of the

circumstances under which they might have been committed. Although tailored to

adult offenders, the underlying sentiment of deterrence and "hard time for hard crime"

permeated the judicial system for adults and juveniles alike.   Baumes Laws were in full

force by 1927 in New York and had spread to 23 other states by 1930.

The mounting formalized severity undergirding judicial policies and the

exposure of the criminal justice system's blemishes were not the only changes preceding

a new era of juvenile offenders. Waves of immigration from Eastern and Southern

Europe may have ebbed but internal Black migration in the late 1920s gave rise to the

"Harlem Renaissance", stimulating incredible cultural and intellectual gains among

African Americans, the advances of whom were unfortunately quickly overshadowed

by their perceived "threat" as demographic increases in minority concentrations among

U.S. cities blossomed. The same fears and insecurities fostered by rising Eastern and

Southern-European immigration during the Progressive Era would resurface in the

1930s and throughout the following decades as the scapegoats for youthful offender's

transgressions switched from those who differed in country of origin to those who differed by race.

2.9 A New Era: The Second Social Construction of Juvenile Offenders

The Progressive Era found consolation to the destabilization of urban change in a government who promised to watch over and rear the nation's children as their own. Violence and hostility towards new immigrants and those who did not espouse the dominant Protestant religion were expressed in words more so than actions or law and as a result, the compassion and rehabilitative ideals which gave rise to the juvenile courts were able to persist throughout the first decades on the twentieth century. Media examples of crime discussed youth more likely to be brought into court for peccadilloes such as "rowdyism" and setting fire to waste paper baskets than for causing serious harm to others (*NYT* April 29, 1912; *NYT* January 19, 1922). Similarly, portrayals of youthful misdeeds were written to elicit sentiments of pity and tenderness, as illustrated in the account below:

> Boys Stole to Get Sister's Xmas Gift: Ritz Brothers Knew Chances of Santa Claus Visiting Tenement Homes Were Remote. So They Rifled a Showcase. Each Caught Stealing Doll—Justice Hoyt May See That Santa Doesn't Overlook Them, After All (*NYT* December 13, 1914).

With the "threat" of immigration mediated by a fatherly state, and historical events like World War I muted by geographical distance and news-delays, the desire for punitive

responses to crime was allayed and most American juvenile offenders were free to be children first and foremost.

Beginning in the mid-1920s, the protection offered and promised by the government was no longer credible as the Wickersham Report revealed rampant corruption and biases in State agencies. Furthermore, the crash of the stock market ushering in the Great Depression was just around the corner and fears regarding Black migration and changing gender roles would prove difficult to assuage in promises by a government who could not even protect its citizens from economic debilitation. Faith in offender rehabilitation would be replaced with punitive policies stressing deterrence and protecting society from the offender. Likewise, the advocation of second chances for the youthful offender would be supplanted with a focus on retribution for the offense. A public opinion piece on the infamous juvenile offenders Leopold and Loeb[10] expresses a stark contrast between this emerging punitive stance towards juvenile offenders in the mid-1920s and the previous mentality of forgiveness and rehabilitation represented in the previous passage:

> If those two boys are not hanged, I will be through with Chicago. I'll move to California, where I can raise my boys in safety (*NYT* June 4, 1924).

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[10] Nathan Freudenthal Leopold Jr. and Richard Albert Loeb, both nineteen-year-old youths, were sentenced to life imprisonment for killing fourteen-year-old Bobby Franks in 1924. While this example indicates the evolving punitive attitude toward juvenile offenders, I have not discussed the case itself in more length as its infamy and media coverage is more the exception than the rule during this time period (June 24, 1924; July 27, 1924).

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In the second era depicting a new social construction of juvenile offenders, fears and insecurities will expand without the perceived safety net of a benevolent government present during the Progressive Era to moderate anxieties. The Depression, the Civil Rights movement, *Brown v. Board of Education*, World War II, the Vietnam War, and a growing feminist movement all coalesce to capitalize on the fear of losing dominance among the power elite and thus manifest themselves in legislative and rhetorical violence against the populations which can be dominated and controlled to increase their sense of power. Unfortunately, minority juvenile offenders are an easy target owing to their marginal status both in terms of race as well as age. The following period between the 1930s and the 1970s will consequently be marked by an amplification of punitive policies, castigatory rhetoric, and a burgeoning focus on race as racial dynamics undergo intense change and evolution over the next four decades.

3. "One Big Cheese Wheel": 1930s-1970s

Chapter Three traces the evolution away from discussions of "otherness" based on country of origin and religion to one based on race. The first section entitled "One Big Cheese Wheel" reveals the racialized rhetoric beginning in the 1930s and exemplified in the Scottsboro Case. The disillusionment started in the previous era is carried over and exacerbated in this second one, thereby aggravating preexisting fears about racial violence ("Political Disenchantment and Moral Panic") and legitimating a transition from a reformative model juvenile justice emphasizing the possibility of rehabilitation to a more punitive one stressing restitution both in theory and in law ("Changing Views of Childhood and The Criminalization of The Youthful Offender" and "Juvenile Justice Law and The United States Supreme Court"). The castigatory and racialized policies toward juveniles from legislative officials is matched with an increasing amount of juvenile crime as minority youths respond to their own economic insecurities and discriminatory policies through interpersonal violence in "Voices of Youth." The mounting "get tough" penology in the last social construction of juvenile offenders is foreshadowed in the final section within this chapter, "Changing Times: Differential Punition and Law-and-Order Justice."

3.1 The Color Line Continues

In 1931, nine Black youths were accused of raping Victoria Price, a young White female, inside of a gondola car in Decatur, Alabama. The Scottsboro Case, as it came to

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be called, spanned six years and altered not only the lives of the youth charged with the crime but also the ways in which juvenile offenders, and specifically Black juvenile offenders, were socially constructed and presented to the public over the following four decades. Beginning with the jail which housed the nine youths during the trial, a jail condemned two years prior as "unfit" for White men, and adding to this differential treatment a series of acerbic remarks towards the Jewish lawyer representing the youth, it became readily apparent that the trial was assessing far more than the alleged crime. The state of United States' relations to racially and religiously disparate "others" was personified in the courtroom and disseminated in the popular press. Religious hostility carried over from the previous era and a new overtly racially-charged dialogue created a public spectacle toward which photographers flocked and for which coveted "cards of admittance" were issued to spectators. The following excerpts are representative of the impassioned rhetoric surrounding the trial and those participating within it.

> "Show them," [Mr. Brodsky, lawyer representing Victoria Price] shouted, "show them that Jew money from New York can't buy Alabama justice!" (*NYT* April 16, 1933)

> When a nigger has expert witnesses, we have the right to ask who is paying for them (*NYT* April 16, 1933).

Setting aside the highly emotional component of the trial, official testimony from doctors asserted not only that one of the defendants charged with the crime had long suffered from a venereal disease which would have made sitting, let alone rape, severely painful, but also that upon examination of the girl, no evidence of sexual activity was

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present. Moreover, improper procedure was publicly noted to such an extent that the

U.S. Supreme Court would intervene years later to re-examine the legitimacy of the

juvenile judicial process in its entirety. Nevertheless, these potentially-exonerating

pieces of information were ultimately overlooked when eight of the nine youth, two of

whom were under thirteen years old, were condemned to death by the electric chair,

cheers from the crowd erupted in victory[1]. Six years later, in July of 1937, four of the

eight youths were exonerated while the other four had their sentences commuted from

death by the electric chair to a seventy-five year prison term[2] (*NYT* July 25, 1937). No

jubilation met the exonerated defendants and the damaging ramifications from such a

public and heated trial would endure long after the termination of their sentences.

Differential treatment according to race would mushroom beyond the juvenile

courtroom into the economy, voting polls, and other sectors of citizenship, eventually

developing into an explosive demand for equal rights in the form of the Civil Rights

Movement.

3.2 Racial Salience

Prior to the Scottsboro trial, fear and insecurity among the power elite revolved

around new immigrants to the United States from Southern and Eastern Europe who

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[1] The similarities between this trial and that of the youth convicted for the rape of the Central Park jogger in the early 1990s are stark.

[2] Although not an issue of public interest during this era, it is important to note that a seventy-five year prison sentence for youth who were twenty years old at the time that their sentence was commuted from life imprisonment, is effectively the equivalent of life imprisonment.

were deemed a threat to employment and Protestant dominance. Commentary such as the following public opinion piece highlights the transition from innuendo regarding moral questionability and appropriate child-rearing practices of the Progressive Era to aggressive blame and explicit prejudice which would dominate this second era of social construction for juvenile offenders:

> Of course, inferior, low-grade immigrants generally flock together in crowded districts, giving rise to "delinquency areas" where delinquency is not in the air but in the quality of the inhabitants… Since the problem of mental defectives is one of immigrant percentage, why should the United States continue to admit immigrants who lower the standards of education any more than the schools should undergo to educate chimpanzees? (*NYT* April 22, 1934)[3]

The caustic rhetoric continued throughout the 1930s while the demographic group toward which it was aimed expanded from those differing on country of origin to the "Negro problem", an intolerance bolstered by the emergent biological heredity argument for juvenile delinquency (*NYT* June 16, 1934; *NYT* February 27, 1938).[4] As Black youth became more vocal about their grievances in the early 1950s and 1960s including their constant descriptions in the popular media as menacing "Negro gangs of loafers and hoodlums", geographic euphemisms equating Harlem with criminal Black

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[3] While this level of blatant prejudice is undoubtedly appalling in contemporary society, it is the thesis of this dissertation that the covert racism which will emerge in the following era is effectively more damaging and sinister at the same time that it appears verbally more benevolent.

[4] The biological heredity argument for juvenile delinquency persisted despite documentation from scientists and sociologists such as Clifford Shaw at the Institute for Juvenile Research whose research discounted racial, biological, and national origin as a valid predictor of delinquency. (December 27, 1936)

youth infiltrated the popular press as an attempt to disguise the explicit racial tones that were expressed elsewhere (*NYT* June 23, 1944).

Unfortunately, instead of eliminating racial epithets or reducing the geographic radius of implied youthful criminality, this city-based euphemism was simply added to the list of criminal causes for minority youth. In effect, this rhetorical device instead had the effect of equating Black youth with criminality, whether the youths were from Harlem or not, and irrespective of in-group or out-group status. Reverend James H. Robinson called upon his entirely Black congregation, blaming juvenile delinquency among Harlemites on a lack of effort and desire, noting that "[juvenile delinquents] must first have *the will* to get well[5]" (*NYT* January 19, 1948).   His Horatio Alger statement capitalized on the dominant medical terminology surrounding delinquency at the time and adopted a "bootstrap" ideology insinuating that if Black youth tried hard enough, it was in their power to avoid delinquency. The punitive rhetoric increased to a fevered pitch as racial tension augmented in the years surrounding the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, so much so in fact that Jenkins (1198:95) noted the standardization of the phrase "assault by a Negro" in journalism during this era. The uncertainty and fear felt by White men and women manifested itself in a violent and fear-based rhetoric represented by the quotation below. The passage is taken from a local housewife after police were called to break up a protest

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[5] Emphasis is added by author

of white men and women carrying signs bearing swastikas and stickers reading

"America for whites! Africa for blacks!":

> We don't want them, we don't want to live with them. I think they're Savages.
> We don't want them to come in and make our neighborhoods all black (*NYT*
> August 4, 1963).

Her statement explicitly denotes the panic and fear of displacement if Black men and

women were to move into a neighborhood. Therefore, in an effort to maintain

geographic (and ideological) stability, the preferred solution intimated in the quotation

above is to transfer Blacks out of the neighborhood and the country before they have a

chance to assimilate[6]. This fear was transferred to youth, spreading beyond

discriminatory rhetoric of Blacks to include various other minority youth populations as

well.

As migration from Puerto Rico increased in the late 1950s and the disappearance

of industrial jobs became evident, Puerto Rican youth were similarly interpreted as

dangerous and criminal to the point that bold statements equating a Puerto Rican block

known as "El Barrio" with "the cauldron for all evils" became a theme within the media

during the late 1950s and 1960s (*NYT* July 3, 1959; *NYT* January 5, 1969).[7] Roth (2009)

notes that employment insecurity was accompanied during these decades with yet

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[6] This is in stark contrast to the desire to assimilate and Americanize new immigrants during the Progressive
Era.

[7] Asian immigration in the late 1960s was also referenced along with juvenile offenders ("Chinatown has
new wave of immigrants and delinquency") although the tone and frequency with which these associations
were referenced paled in comparison to those linking "Negro" and Puerto Rican youth with crime (June 28,
1967).

another wave of political disenchantment, thereby creating a climate where the villainization of Puerto Ricans and Blacks was not only tolerated but also advanced by those in positions of power. Kings County Judge Samuel Leibowitz was perhaps the most vocal moral entrepreneur speaking openly about his contempt for the Puerto Rican and "Negro" population. He was criticized on occasion for using faulty statistics to imply that the percentage of juvenile delinquents in the Puerto Rican population was greater than their actual percentage within the entire city (*NYT* October 2, 1959; *NYT* October 19, 1959). But despite the awareness that he was perpetuating fallacies, the judicial reverence stemming from his position was prioritized over the occasional rebuke from the public, thus permitting the fear and stigma surrounding Blacks and Puerto Ricans which perpetuated explicit intolerance to continue.

3.3 Political Disenchantment and Moral Panic

The governmental disenchantment serving as the catalyst for the present social construction of juvenile offenders grew out of the public's disapproval over governmental corruption and bias. Headlines reading "Public Trust Gone" connote the overwhelming dissatisfaction and mistrust of the government as an honorable entity in the mid 1930s and paints a far different image of the State than the iconic Father Knickerbocker heralded a few decades prior. A more specific critique of the government is illustrated in the following passage entitled "Congress Blamed for Our Present Troubles," in which the government is held responsible not only for bribery and

corruption but also for mishandling prohibition and disrespecting the sanctity of human

privacy.

> Under the Hoover administration not even the persons of American citizens
> were inviolable or sacred. Men and women were manhandles and searched
> without a warrant. … Prohibition appointments became the "blue chips" of party
> patronage. Influence, protection and graft paid high political dividends (*NYT*
> December 29, 1935).[8]

The scrutiny directed towards the government in general evolved into a critique of the

criminal justice system specifically with widespread agreement regarding the degree to

which the courts were failing youth by offering quick solutions that did not truly

address the underlying issues. A public prosecutor compared the attempts of juvenile

justice authorities to respond to delinquents with an analogy to gardening when he

suggested: "Let's water the plant—not just tie on the flowers" (*NYT* May 3, 1940).

By the 1960s, the reality of the Vietnam War coupled with mounting racial

tensions resulted in violence that once again raised doubts regarding ability of law

enforcement to truly protect American citizens as much as they claimed (Roth 2009). As

a result, the *New York Times* began to prey upon the public's fears with panic-inducing

media accounts of "juvenile assassins" and a presentation of frightful crime statistics

portrayed in the representative samples below (*NYT* May 6, 1937; *NYT* February 28,

1975).

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[8] It is worth noting that the outrage over manhandling "even the persons of American citizens" implies that this behavior may have been more acceptable for immigrants whose country of origin was not the United States.

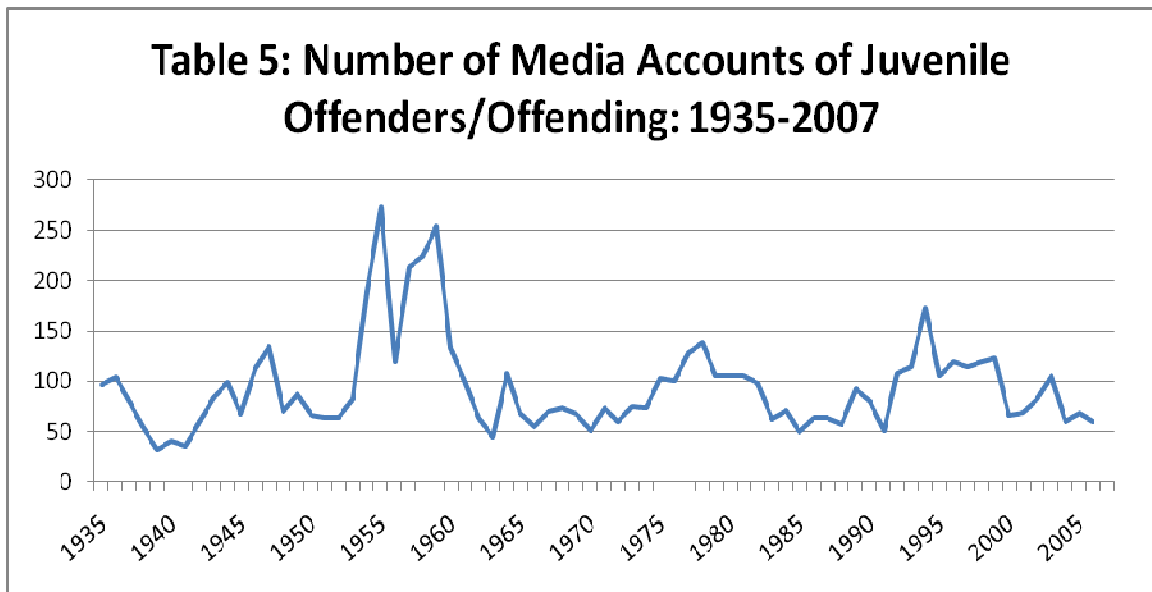President Warns of [Mounting] Juvenile Crime (*NYT* December 12, 1945).

The world in the streets is a distorted and dangerous world which parents cannot make or unmake (*NYT* May 19, 1950).
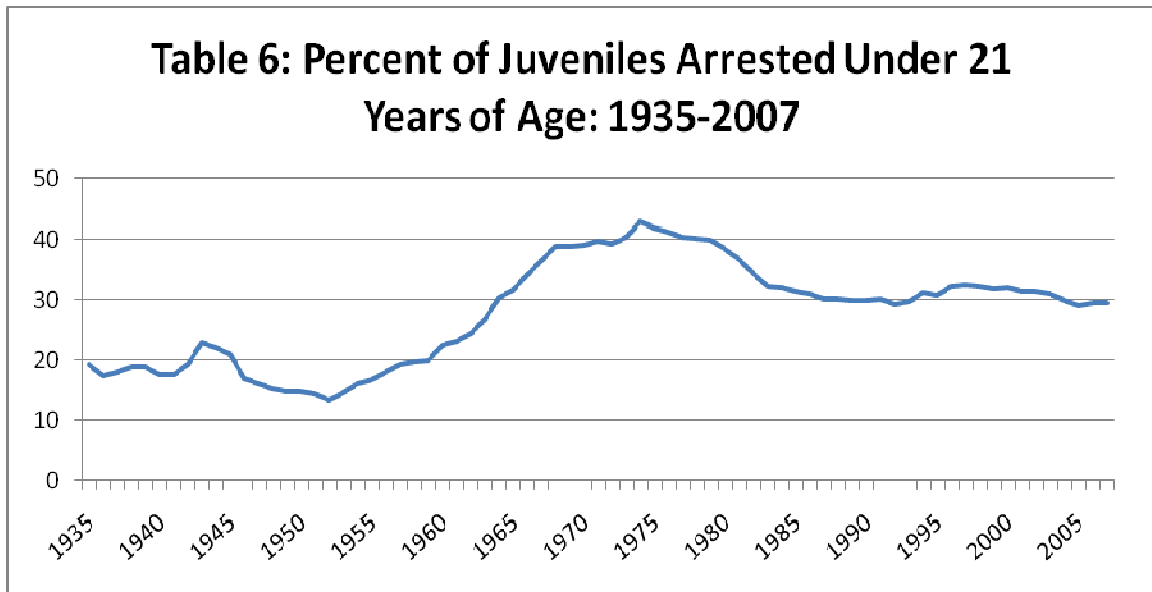
More unprovoked, unpremeditated acts of brutality are being committed by juveniles than ever before [Senator Thomas C. Hennings Jr., Missouri Democrat at the Senate Juvenile Delinquency Subcommittee] (*NYT* June 5, 1960).

We are now in the Consciousness III stage of urban delinquency. Its philosophy is money, its geography is anywhere, its enemy is—you. For the teen-aged rat packs, the city is one big cheese wheel (*NYT* November 28, 1971).

Despite the overwhelming fear-mongering tactics utilized by the popular press from the 1940s through the early 1970s, there existed also a smattering of counterexamples citing the declining juvenile arrest rate, the decreasing predominance of youth gangs, and the fact that the vast majority of juveniles were law-abiding citizens (*NYT* March 28, 1947; *NYT* May 12, 1950; *NYT* June 23, 1957). Nevertheless, the sheer spike in the number of articles [Table 6] that erupted in the late 1940s and 1950s combined with the contemporary fear of Communism and the "Evil Within" resulting in a moral panic towards youthful offenders and widespread paranoia blaming juvenile delinquency on everything from the War(s), improper parenting, television, comic books, and even the use of pinball machines (*NYT* June 25, 1951; *NYT* December 27, 1942; *NYT* September 17, 1943; *NYT* August 20, 1940; *NYT* August 19, 1948; *NYT* May 16, 1955). This marked increase in media coverage is even more poignant when set alongside Table 7 which illustrates the arrest rates for youth under the age of 21 years

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during the same time period. Correlationally, there seems to be a lag effect between the

spike in media reporting and the consequential arrests of juveniles, an observation

which would lend credibility to the link between media reporting, public fear, and

legislative consequence for youth.

Table 5: Number of Media Accounts of Juvenile Offenders/Offending: 1935-2007

Table 6: Percent of Juveniles Arrested Under 21 Years of Age: 1935-2007

As mentioned previously, the visual spike in the number of 1950s media reports illustrated in Table 5 is overwhelming. Even taking into consideration the conspicuous dip in popular press articles that occurs in 1956, the trend is still striking. So much so that this Table serves as an excellent indicator of both public interest and the wild fluctatuations that can occur within it, two of the definitional components that Goode and Ben-Yehuda describe in operationalizing a moral panic (Goode and Ben-Yehuda 1994a). Furthermore, comparing Table 5 and Table 6, side-by-side, it appears visually that there exists a decade long lag effect between the spike in media coverage of juvenile crime during the 1950s—at which point juvenile arrests was steady if not declining—and a surge in juvenile arrests in the 1960s.

In speaking about the public and legislative hysteria surrounding comic books in the late 1940s and 1950s, Psychologist Dr. Averill succinctly summarized the perception

of juvenile offenders during this time period at a meeting for the American Association for the Advancement of Science by noting that:

> [Comic book writers] assume their readers to be little monsters with "the brain of a child, the sexual drive of a satyr, and the spiritual delicacy of a gorilla" (*NYT* December 28, 1949).

While Dr. Averill is referring to comic book readers, his assessment of juvenile crudeness can easily be transferred to juvenile delinquents as well, irrespective of whether or not they read comic books. The 1940s and the decades that follow illustrate an mounting severity in the public perception of children which would later directly affect legislative perception of young offenders in the form of juvenile justice laws and policies.

3.4 Changing View of Childhood and The Criminalization of Youthful Offenders

Nationwide labor shortages during times of war often necessitate an expansion of the demographic and/or age groups permitted to work in order to continue economic functionality. While society bristled at the reluctance with which women desired to make their new employment opportunities temporary during World War II, the Presidential decree mandating that youth between the ages of fourteen and eighteen years enter agriculture or war industry was warmly embraced as a permanent solution (*NYT* April 8, 1947; *NYT* October 18, 1942). The desire to lower the working age of children not only altered the advancement of hard-won child labor laws in the previous era but also opposed the Progressive assumption of childhood as a precious commodity

to be guarded and prolonged. Augustin G. Rudd, Chairman of the New York Chapter

of Sons of the American Evolution rallied his peers at an Education Committee meeting

by criticizing the archaic ideals of childhood during the Progressive Era:

> Time-tested principles of education and training…were scraped for theories that
> were unsound and often fantastic. They include ideas that…the child must be
> happy; that a child's innate goodness renders discipline unnecessary; that he
> should have unlimited self-expression… These are fallacies which have always
> failed because they violate the laws of human nature and common sense (*NYT*
> August 23, 1957).

If childhood is protected and valued only until its exploitation proves advantageous, the

adultification of children and youthful offenders can only be forthcoming.

Protection *of* children shifted to protection *from* them as the ideology that

children were cognizant and mature beings who "knew better" than to be delinquent

infiltrated the reigning medicalization paradigm stressing malady (*NYT* August 15,

1944). Verbal discourse among reporters and juvenile court judges spoke about youthful

offenders as both separate from and antagonistic to the public. Judge Goldstein

sentenced a 16-year old youth to twenty-five years to life in prison and during his

explanation:

> …absolved *society* from responsibility in the failure of the defendant to
> rehabilitate himself (*NYT* May 28, 1946).[9]

In other words, juvenile delinquency was no longer a medical condition which society

was obligated to treat. Instead, it was a matter of willpower and biological determinism

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[9] Emphasis added by author

lending credence to the mantra that "the bad ones would have been bad anyway" (*NYT* March 2, 1944)[10].

As the years progressed, the castigatory attitude towards young offenders augmented to the point that torrents of media disparaging "soft justice", "unwarranted leniency", and the most menacing critique of all, "coddling" flooded newspapers, courtrooms, and Congressional debates (*NYT* April 3, 1958; *NYT* March 17, 1952; *NYT* March 25, 1942; *NYT* September 5, 1959). The centrality of this dispute in the public eye put immense pressure on government officials to increase the severity with which they dealt with juvenile offenders in order to maintain favor with their constituents (Feld 1993). As one juvenile courtroom official remarked: "the public needs protection from the likes of you and they are going to get it" (*NYT* May 10, 1955).

The charge to "get tough" on juvenile offenders in the mid-1950s focused on three primary concerns: more physical punishment, more imprisonment, and less tolerance for "namby pamby" and "starry-eyed" notions that delinquent youths could be reformed (*NYT* September 5, 1959; *NYT* September 30, 1957). Physical punishment was visible in the call for hickory stick beatings of school children as well as the renewed enforcement of nightstick laws which permitted policemen to use their billy clubs on juvenile delinquents whenever they felt it necessary or useful to do so (*NYT* September

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[10] This sentiment is also reflected in popular media including Mervyn LeRoy's popular 1956 film "The Bad Seed" and William Golding's award-winning book "The Lord of the Flies" in 1954.

5, 1955; *NYT* October 16, 1959).[11] Despite the general mistrust of the justice system

during this era, there was nonetheless a continuous belief that the answer to juvenile

delinquency lay in a stronger police presence as is indicated by the sampling of

headlines below from the late 1950s:

> Kennedy Insists on More Police (*NYT* July 2, 1956).

> Desire for a "cop in every school" (*NYT* October 20, 1957).

> More Police Still Needed (*NYT* May 27, 1958).

> We Need More Police (*NYT* June 24, 1958).

Although certain critics of the emergent punitive policies were vocal about their

desire to protect the innocence of youth in word and deed[12], longer and more prison-

oriented juvenile sentences became the norm rather than the exception, inciting Judge

Samuel S. Leibowitz to sentence a 16-year-old youth to the electric chair after the jury

refused to make a recommendation of mercy (*NYT* June 7, 1955). Prior to the 1950s,

juvenile justice law was mediated by the assumption that informal proceedings in court

were acceptable since young offenders were not hardened to the same extent as were

adult criminals. During the second half of the twentieth century, however, the slow

adultification of juvenile offenders in the form of increasingly severe rhetoric divorcing

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[11] Nightstick laws later evolved into Daystick Laws, meaning that openly beating youth during the day was permitted at the policeman's discretion (December 13, 1959).

[12] One public opinion piece suggested that juveniles be permitted to make amends for their delinquent acts through volunteer work and a formal apology, while another noted the terminology of "delinquent" evoked an unnecessary stigma which consequently fed the public's desire for punition and humiliation (October 19, 1938; June 17, 1949).

juvenile offenders from childhood could no longer be denied. As such, the Supreme

Court began to hear cases regarding rights previously considered only relevant for adult

offenders, namely legal representation, the right to a jury of one's peers, the right to

confront witnesses, criminal responsibility, and the provision of judicial safeguards. If

youthful offenders were to be punished similarly to adults, juvenile justice advocates felt

that they ought to be protected like them as well.

3.5 Juvenile Justice Law and the United States Supreme Court

The drastic increase in media coverage (see Table 5) during the 1950s and 1960s

gave the impression that juvenile crime was mounting at a rapid pace, despite Table 6

which implied otherwise. Moreover, the fear-inducing quality of the rhetoric reinforced

the escalating hysteria that the country was in the midst of a tidal wave of juvenile

crime. Pleas for a greater police presence were supplemented with the desire for more

punition, both within the family unit as well as among law enforcement agencies and

juvenile courts. As a result, Congress and the Supreme Court were under enormous

pressure to "do something" to respond to the well-publicized desire for protection and

security from "snarling wolfpacks" of "young thugs" (Jenkins 1998; *NYT* December 30,

1960; *NYT* May 18, 1940). The Senate Special Subcommittee to Investigate Juvenile

Delinquency was established in 1953 pushing a "war" on delinquency and instigating

sweeping juvenile justice reforms that would extend for decades (*NYT* February 27,

1958; *NYT* April 26, 1959).

The watershed moment for the Supreme Court resulted from a seemingly benign

altercation in Arizona in 1964. A 15-year-old youth named Gerald Gault repeatedly

telephoned his neighbor one afternoon making lewd suggestive comments. The

neighbor reported the incident and Gault was promptly arrested. However, Gault's

family was never notified of his arrest, his due process protections were overlooked,

customary trial proceeding requirements were abandoned and the judge sentenced

Gault to six years at an industrial reform school before the family knew what had

happened and could object. When *In re Gault*, 387 U.S. 1 (1967) made its way to the

United Supreme Court, it severely highlighted the chasm between verbal intent and

lived reality for youthful offenders. Not only were juveniles shuffled through the court

system and punished without regard to their possibility for rehabilitation but they were

even denied legal protections that were afforded to adults. In other words, they had the

worst of both worlds: adult criminalization without adult procedural safeguards (Feld

1984).

The Supreme Court ruled that juveniles could no longer be denied protections

based on their youth or on the previously-held social construction of delinquents as

mentally-impaired "patients" (Jenkins 1998: 111). They were therefore entitled to basic

rights of counsel, a fair and impartial hearing, witness cross-examination, advance notice

of charges, and the privilege against self-incrimination (Rosenberg 1980; McCarthy 1981;

Feld 1988). *In re Gault* was only the first in a series of Supreme Court decisions which

applied adult standards of protection to juvenile court proceedings. Among the other

landmark cases were *In re Winshop*, 397 U.S. 358 (1970) which removed civil standard's

of proof "beyond a reasonable doubt" in lieu of those specifications required for

criminal law and *Breed v. Jones*, 421 U.S. 519 (1975) which obstructed the possibility of

double jeopardy for juveniles (Feld 1993). While objectively increasing the legal

recourse for youthful offenders[13], these cases standardized an adult criminal process for

juvenile delinquents, effectively solidifying their adultification and eliminating the

notion that childhood was a distinct and precious life stage that ought to be similarly

protected for juvenile offenders[14], [15](Feld 1993).

At the same time that procedural safeguards were being increased for juveniles

to increase their parity with the trials of adult offenders, the constitutional right to a jury

trial for youthful offenders was denied at the Supreme Court by a 6-3 vote in *McKiever v.*

Pennsylvania, 403 U.S. 528 (1971) (*NYT* February 24, 1968; *NYT* June 21, 1971). The

rationale offered by the justices hovered on the belief that a jury was unnecessary

considering that juvenile courts were theoretically run by benevolent judges who

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[13] Juvenile justice researchers note that despite the advent of these procedural safeguards being written into law, the fact remains that half of juvenile offenders opt to deny their constitutional rights to counsel. Whether this is due to ignorance regarding their rights or an informed decision based on other research indicating that a lawyer is frequently an "aggravating factor" resulting in harsher sentencing, is still up for debate (Bortner 1982; Stapleton and Teitelbaum 1972; Feld 1993).

[14] 1967 was also the year that computerized police files slowly began replacing over 180,000 index cards previously used to track youthful offenders, thus increasing the surveillance and ease at which a juvenile's record could follow him/her into perpetuity (March 29, 1967).

[15] Scott (2002) remarks that the policies resulting from *In re Gault* incorrectly dichotomize the life course into that of a child or an adult, thereby missing entirely the intermediary stage of adolescence.

invariably had the best interests of the child in mind when sentencing. Paradoxically, this represents the same compartmentalization between juvenile justice idealism and fact that originally brought *In re Gault* to the attention of the courts four years prior. In reality, Ainsworth (1991) observes that juvenile court justices may be imprudent and less judicious in their sentencing of youthful offenders once they have formed an opinion regarding the accuracy of the police and probation officers offering testimony on their behalf. In other words, sentencing may be more dependent on the rapport between law enforcement officials and judges than on the facts surrounding a juvenile's alleged crime. This proved to be especially dangerous in the 1950s considering that police felt a similar pressure to respond to increased media coverage exploiting the public's safety fears and consequently began arresting greater numbers of juveniles who appeared to be "crime-prone", including minor offenders who previously would have been ignored. A policeman at a hearing for a gang-related homicide sums up the sentiments of the police towards youthful offenders during this time:

> It is no secret that the average gang member and hoodlum hates the cops. And the feeling is reciprocated (*NYT* December 7, 1950).

The end result was juvenile prison overcrowding and the gradual intensification of anger among adults toward youth and among youth towards the justice system (*NYT* February 1, 1969).

3.6 Voices of Youth

The rise of political conservatism during the 1960s illustrates an attempt to maintain dominance during a decade when intense ideological changes were sweeping the nation. Media accounts flourished highlighting a growing criminalization of individuals, with the measures directed towards juvenile offenders being of particular interest. However, while angry Whites poured out their frustrations in the form of antagonistic and often racially-biased media, rhetoric, governmental policy, law, and symbolic violence, frustrations and resentment were similarly being experienced by juveniles (Roth 2009).

Poverty, unemployment, an unequal burden of fighting in the Vietnam War[16], and continued discrimination despite the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 bred an environment of resentment and interpersonal violence among minority youth (Roth 2009). For example, a half-hour Republican documentary film in 1964 entitled "Moral Decay" explicitly and implicitly discussed President Johnson's task of presiding over a society replete with crisis and moral pandemonium among teenagers specifically:

> …chaos isn't black or white, North or South—it just happens…and they pour their gripes into fists and rocks (*NYT* October 21, 1964).

Despite the avowal, the visual aspect of the documentary showed youthful rioters and delinquents, the grand majority of whom were "Negros". This public

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[16] Roth (2009) comments that the distribution of fighters sent to Vietnam were predominantly the "young and the poor", thus leading to increased dissatisfaction and distrust of the United States government and eventually leading Dr. Martin Luther King Jr. to rally against this injustice.

portrayal of black youth combined with the police crackdown on those they felt were "crime-prone" to mean that the vast majority of juveniles populating the increasingly overcrowded prisons, rightly or wrongly, were Black[17]. Furthermore, if the policemen who arrested the youth strongly effected the determination of guilt or innocence, as Ainsworth (1991) implies, and if having a lawyer, when financial circumstances permitted, was perhaps to the detriment of a juvenile (Feld 1993), it is plausible that many Black teenagers were prosecuted and undeservedly imprisoned as scapegoats for the broader societal fears of the time.

A lack of the "right" skin color and social capital necessary to avoid prosecution created a profound sense of injustice among minority youth in the 1960s. However, the resources available to Black youth were quite different from those available to the White moral entrepreneurs in positions of power and as such, their anger and insecurity manifested in physical interpersonal violence as opposed to legislative and rhetorical hostility (Roth 2009). Furthermore, the rising youth culture was marked by a level of boundary testing unprecedented in earlier generations and was visible in the prevalence of sexual experimentation, drug use, political protests, and overt hostility towards the government and law enforcement officials (Jenkins 1998).

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[17] This racial inference is indicative of the third social construction of juvenile offenders which I demarcate as beginning in the 1970s. As this was displayed in 1964, it may represent the informal beginnings of the third era, even if this subtle rhetoric is not fully present until the 1970s.

The predominant viewpoint represented in the media was one of fearful

incredulity as highlighted in the following selection:

> …not only is the number of delinquents steadily increasing but so is the violence of their acts. They are striking out to punish an adult world that they already hate (*NYT* May 19, 1954).[18]

This level of alarm is surprising considering that the underlying problems felt in the

upper echelons of adult society were remarkably similar to those felt by other classes

and ages. The joblessness resulting from a depressed economy affected those in

manufacturing, mining, and farming sectors as much as they did those in banking and

management, resulting in financial and housing insecurity for many semiskilled and

unskilled workers, a designation that routinely fell to minority men. As Roth (2009)

persuasively argues:

> These deep-seated changes made it hard for many young men in the industrialized world to achieve a satisfactory place in their societies. It is not surprising that those who lived in economically depressed neighborhoods turned to violence (Roth 2009: 453).

Research relating unemployment and crime consistently illustrates that a stable job can

function as an effective catalyst in criminal desistance (Pager 2003; Sampson and Laub

1993; Uggen 2000). Unbearable economic insecurity may be one of the reasons behind

examples of violence by youth over seemingly trivial amounts of money, as was the case

when five teens were convicted of homicide after murdering a 63-year old man over

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[18] It is important to note that according to Table 6, delinquency was relatively stagnant in 1954.

sixty cents (*NYT* March 28, 1969). Western (2006) cites Phillipe Bourgois' commentary

on the corollaries associated with a lack of legitimate employment opportunities for

marginalized youth:

> "…the insult of working for entry-level wages amidst extraordinary opulence is especially painful [and drives young men] deeper into the confines of their segregated neighborhood and the underground economy" (Bourgois 1989).

Young Black males without a college education descended rapidly into chronic

unemployment and poverty, two factors routinely associated with higher levels of

incarceration (Western 2006: 56)[19].

Likewise, the racial tensions which beget discriminatory policing and the belated

adaption of civil rights law into practice turned streets into battlegrounds on which

Black youth attempted to reclaim the civil rights and respect that they had been

promised. The examples of juvenile violence cited below exemplify manifestations of

interpersonal violence committed by juveniles during the 1960s.

> Youths fight back…against unjust criminalization (*NYT* February 1, 1960).

> Outbreaks of violence…as a result of demonstrations by Negro students against segregated lunch counters (*NYT* February 28, 1960).

> Civil Rights Leaders Declare That Roots of Subway Violence Lie in Denial of Opportunity (*NYT* June 2, 1964).

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[19] Löic Wacquant's (2000) analysis of the "prison hyper-ghetto" during the first seven decades of the twentieth century offers a vision of young Black males alternating their time between the prison and the Black enclaves which constitute the ghetto. He concludes that these two racialized institutions contributes to the collective stigmatization of economically disadvantaged Black youth.

In short, the societal tensions and change leading to the new punitive correctional

ideology, the adultification of juvenile offenders in the court system, and the

proliferation of media accounts capitalizing on public fears through violent rhetoric are

the same stressors which propelled youth toward physical violence in their

neighborhoods.

3.7 Changing Times: Differential Punition and Law-and-Order Justice

The growth in both crime and media reports in the 1960s engendered great

insecurity and a sense of vulnerability among the affluent power elite. Western (2006:

53) adds that volatility resulting from civil rights protests and declining White privilege

precipitated the "economic demoralization" of under-skilled Black males, which would

make the population an ideal target for the forthcoming punitive judicial policies of the

1970s and 1980s. Urban violence fueled the rising Republican politics that responded to

their constituents' growing fear about civil rights victories such as Black voting rights,

desegregation, and media reports of rising crime (Ruth and Reitz 2003; Garland 2000).

In this second social construction of juvenile offenders, conservative politicians and

judges promoted a law-and-order response to juvenile crime, which explicitly marked

Black juvenile youth (Western 2006). Anti-crime campaigns highlighted Black youth's

explosive nature while divorcing criminality from issues of chronic disadvantage and

differential opportunities (Quinney 1974; Spitzer 1975; Western 2006). In this way, the

ideological transition of the juvenile justice system from rehabilitation and reformation

to incapacitation and deterrence was quickly adopted with criminal justice laws rapidly

following their conceptual precursors.

Indeterminate sentencing which awarded a parole board discretion in the

determination of how much time an offender would serve before being released was in

alignment with the personalized care ideology that shaped the juvenile justice court

during the Progressive Era. In theory, individual treatment plans could be tailored to

each specific offender. Unfortunately, permitting parole hearing boards the control of

releasing offenders back into society before their full sentence was served created an

outcry from the conservative right who felt that dangerous felons were being liberated

back into society only to reoffend. The parole board's discretion similarly outraged the

liberal left who were outraged that certain offenders could ostensibly be incarcerated

indefinitely if they appeared incorrigible to a few select individuals on the parole board

(DiChiara and Galliher 1994; Western 2006). By the mid 1960s, indeterminate sentencing

was eliminated in favor of mandatory minimum terms and truth-in-sentencing

directives which maximized transparency and accountability while increasing the term

duration and severity of juvenile sentences. Furthermore, the modification of laws

requiring juveniles to serve the majority of their sentence did nothing to decrease the

differential ramifications of the judicial system for economically and socially

disadvantaged Black juveniles. Nor did they reduce the fears of the White upper and

middle classes who promoted increasingly punitive rhetoric and law in an effort to assuage their residual fears of juvenile crime by Black male youth (Western 2006).

Restoring trust in the government was the platform on which President Carter ran in 1976. He was elected by those who wished to see an end to political corruption and a revitalization of the political center[20]. Moreover, his efforts regarding urban development and the appointment of Black cabinet members served as a beacon of hope for minorities, specifically Black youth, who saw his election as an inspiring step towards increasing not only their civil rights but also their human rights (Roth 2009). The increasing visual representation of Black men in positions of authority within Carter's administration also contributed to the declining social acceptability of racial epithets and the heightened awareness of race which would result in a declining admittance of race as a factor in the next era.

The introduction of issues such as AIDS, child molestation, and conflict with the Middle East created a fierce desire to protect non-delinquent youth and resulted in legislation such as Megan's Law and a series of gun-control legislation which reflected this desire to preserve and protect childhood. On the other hand, the burgeoning adultification of juvenile offenders in the eyes of the law divorced these youth from childhood and led to rhetoric of "superpredators" coupled with the intense media

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[20] While the Voting Rights Act passed in 1965, technically outlawing racial inequality at the polls, it took almost a decade for the intimidation efforts and covert discrimination to cease to the point where the national rulings were reflected both in the spirit as well as the letter of the law.

coverage of a few horrific incidents of juvenile crime such as the Columbine shootings

and the gang-rape of the female jogger, Trisha Meili, in Central Park. This significantly

contributed to the publicly-supported desire for trying juveniles as adults and the

applicability of the death penalty for juvenile crimes which the Supreme Court would

ultimately honor for over a decade. The rhetorical change from explicit racialized

hostility to one of implicit policy bias would facilitate the following contemporary era of

juvenile offenders in which the differential application of juvenile sentencing according

to race would only appear to be more civil.

4. Speak No Evil:1970s-2007

Chapter Four documents the simultaneous increase in differential juvenile justice laws with a decrease in the discussion of race. "A Time of Great Change" and "Sex, Guns, No Rock 'N Roll" examine the large historic changes facing the United States in the decades leading up to the twenty-first century. The lived implementation of Civil Rights laws, an increasing fear of AIDS and juvenile sexual molestation, and a series of well-reported instances of school shootings resulted not only in laws intending to protect youth by restricting access to guns by juveniles but also those prosecuting them by labeling certain juveniles with the enduring stigma of "superpredators". Unfortunately, the youth who were labeled and charged as superpredators were disproportionately Black males ("Getting Tough With (Certain) Superpredators") which solidified the moral panic about youth crime that had been building in the prior decades. A succession of Supreme Court Cases in the previous era paved the way for public acceptance of harsher youth sentencing ("Good bye Father Knickerbocker: Trying Juveniles as Adults") up to and including capital punishment ("One Step Further: Juveniles, Race, and The Death Penalty"). Evading an explicit dialogue about the differential effects of juvenile justice policy according to race does not erase its effects and instead results in an insidious undercurrent of discrimination which is even more difficult to combat than in the previous eras marked by inflammatory rhetoric. The implications of this new underground racism implicit in juvenile justice policies and

rhetoric are further developed in the final section of this chapter, "Lasting Ramifications From the Age of Superpredators".

4.1 A Time of Great Change

Two political crusades demarcated the transitional decade of the 1970s and both had lasting effects for juveniles: the war on crime and the war on drugs. In responding to both, legislative officials favored incapacitation and deterrence methods of punition as if to equate getting tough on juvenile offenders with getting tough on crime. The punitive explosion which blasted into full force during the 1980s can be attributed to an event which happened two decades prior: the unsuccessful presidential run of Barry Goldwater in 1964 (Beckett 1997; Gest 2000; Western 2006). Goldwater built his criminal justice platform for the Republican party by repeatedly drawing attention to the threat of crime which, despite statistics evidence to the contrary, he identified as "the growing menace in our country"(Niemi, Muller and Smith 1989)[1]. He specifically implicated the civil rights protests by Blacks as a large source of this "threat to human freedom" which contributed to the mushrooming apprehension among Whites regarding racial violence by Black males (Edsall and Edsall 1991; Manza and Brooks 1999; Western 2006).

Compounding the political and racial division of criminal culpability was the burgeoning economic inequality in the late 1970s and early 1980s. Like the previous era,

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[1] It is worth noting that although the number of juvenile arrests did seem to be climbing in 1964, the correlation with arrests and criminality is debatable (Cohen and Land 1984; Land et al. 1990)

the lack of viable job options for young urban unskilled males continued, further

increasing the risk of imprisonment for those juveniles and easing the implementation of

punitive policies against marginalized youth all without ever mentioning the role of race

or socioeconomic status (Western 2006). Public protection was used to justify changes in

the juvenile penile code such as lowering the age of judicial transfer to adult prisons and

blended sentencing which epitomized "adult time for adult crime" by extending the

time of a juvenile's sentence beyond the age of adulthood and thereby following the

youth into adult prison after his/her twenty-first birthday (Scott 2002). The following

chapter explores this rise in punition against juvenile offenders as it relates to long-

standing fears about crime, and crime from Black youth specifically, all the while subtly

eliminating discussions of race, economic status and White privilege from the

conversation.

4.2 Sex, Guns, No Rock 'N Roll

The moral conservatism which ushered in the third and most contemporary

social construction of juvenile offenders grew out of the backlash to liberalization in the

1960s and manifested itself in a series of laws intended to protect the morality of the

United States. The previous decades' visible homosexuality, drug use and sexual

freedom was rejected in favor of toughening crime laws and the sentiment that children

needed to be sheltered and protected from dangerous people with supposedly impure

morals (Jenkins 1998). The preponderance of media stories developing themes of child

exploitation and abuse highlighted the vulnerability of youth. While physical abuses and medical scares such as the Tylenol poisoning panic in 1982 were covered, of primary concern within the press, were incidents regarding the sexual mistreatment of children.

Prostitution rings for girls were reported in the late 1970s which later evolved into reports of incest by acquaintances, government and criminal justice officials, as well as family members (*NYT* July 17, 1983). The Spofford Center, a juvenile facility for delinquent youth, was frequently in the press during the late 1970s due to procedural violations but the rape of a 15-year-old boy by two other boys of the same age was especially abhorrent when details surfaced that the security guard on duty knew what was happening and instead of intervening, "locked the door for privacy" (*NYT* February 23, 1978). The frequent depictions of lost innocence among the nation's children fueled a sense of panic. Not only could familiar faces not be counted on for protection when it was needed the most, but they also were frequently the veritable perpetrators or silent accomplices of juvenile sexual molestation (*NYT* September 13, 1981). The issue of rape and incest especially resonated with women's groups, resulting in vehement public opinion pieces and the creation of rape task forces within the National Organization of Women (NOW) and Women Against Rape (Jenkins 1998:126).

Regarding homosexuality, the prevailing sentiment was one of fear and insecurity which was reflected at the legislative level when a sexual rights bill which would have included sexuality among the human rights protected from discrimination

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was blocked for the seventh time in 1971. As HIV and AIDS became hot topics in the 1980s and 1990s, a "tide of violence against homosexuals" erupted (*NYT* June 11, 1991). Anti-gay rhetoric, and hate crimes against youth created an environment similar to that which reigned during the Progressive Era's Child-Saving movement where the plight of youth was hotly debated and improper parenting was identified as the culprit (*NYT* May 8 1983; *NYT* February 12, 1993; *NYT* August 22, 1993). However, unlike the explicit parental blame for juvenile offenses which reigned in the early twentieth century, the spotlight preceding the twenty-first century shone on the shock of the offenses rather than on those deemed responsible, thus allowing the reading public to make inferences, through suggestion and photos, between the crime and the (minority) perpetrator.

The discrepancies in both media coverage and the depiction of juvenile offenses was most apparent during the coverage of crimes committed by juveniles against other juveniles. The most nationally prevalent incidents occurred in the late 1990s when a series of school shootings gained public attention. Most notable in the press were the massacre at Columbine High School in 1999 in which twelve students were shot in Littleton, CO and a month later when Thomas Solomon gunned down six fellow high school students in Conyers, GA. The incidents, coupled with various other school shootings around the same time period intensified the fear about protecting the nation's children. As previously, women led the charge for child protection but instead of

creating privatized organizations against rape, they approached government officials in

a plea for protective gun laws and policies. Elected officials felt the pressure to respond

to their constituents as a Senator remarks in the following quotation:

> "Women, primarily, are tugging at my sleeve in a courteous way and saying,
> "Senator, I'm so worried about [gun control], isn't there something we can do?"
> (*NYT* May 23, 1999)

Their request was corroborated with an inundation of news stories implying the

increasing presence of dangerous juvenile offenders in school systems across the United

States, including affirmations that guns were replacing toys as entertainment for

children (*NYT* August 3, 1996). The comments from reporters below highlight the

disconnect between the fact that the number of high school students carrying guns to

school declined 25 percent in the 1990s and the simultaneous fear that the public

harbored regarding violent juveniles:

> But actual violence and real bombs have been rare… We have to react to every
> little thing now because we can't separate the real from the imagined (*NYT* April
> 30, 1999).

> But these facts will probably not stop parents and children from believing that
> America is experiencing a plague of youth violence. …It is no wonder that
> Americans remain fearful and confused about youth violence: the hot rhetoric of
> politicians and ceaseless coverage are enough to convince anyone that the
> problem is getting worse (*NYT* August 13, 1999).

> Before Littleton, less than 1 percent of the schools across the country have
> experienced a violent death on campus in the last seven years. … [Since
> Littleton], [s]chools everywhere are in a panic mode… These are serious
> stressful times (*NYT* April 30, 1999).

This differentiation between belief and fact once again support the notion that the fear surrounding juvenile offenders was socially constructed as a moral panic according to the definition specified by Goode and Ben-Yehuda (1994a). It becomes immediately apparent through the remarks above that fears about crime are far more influential that crime statistics in determining moral panic and its consequential legislation corollaries.

One of the first pieces of legislation to result from the female-led (and mother-led, more specifically) plea for protecting innocent youth from violence was a series of gun-control measures. Fierce debate ensued between Democrats who opposed gun-control out of concern that it would toughen penalties for juvenile offenders and Republicans who wanted to punish juvenile offenders but were hesitant to make gun ownership more difficult for their constituents (*NYT* June 12, 1999; *NYT* June 19, 1999). Nevertheless, the Senate ultimately passed a juvenile crime bill, with Al Gore casting the tie-breaking vote, in favor of restricting access to guns for juveniles through more background checks, a longer waiting period, and safety-locks for automatic guns (*NYT* May 21, 1999; *NYT* May 22, 1999). The bill was met with general support although there were some public opinion outliers following the passage which inquired whether restricting access to guns was liable to be as effective as the lawmakers suggested:

> Frustration, alienation and anger have always been natural aspects of adolescence. … Tightening gun control and increasing punishment for offenders, while important, are not enough to prevent troubled schoolchildren from committing violence (*NYT* May 25, 1999).

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The gun control measures enacted during the late 1990s necessarily affected juvenile offenders committing such crimes but they arose out of a concern to safeguard youth rather than a desire to punish them. During the same time period that public fear for children created legislation protecting youth, a contradictory wave of public panic against children was evolving that would yield a very different political response than one of protection.

4.3 Getting Tough with (Certain) Superpredators

> Intellectuals do not want to be caught saying uncomplimentary things…but wicked people exist. … Lock 'em up (*NYT* March 9, 1975).

> Jailing is the only option for certain youth (*NYT* November 5, 1979).

As the comments above suggest, there were two developing categories of youth: those who could be deterred with preventative measures such as gun control and those whose inherently evil necessitated incarceration as the only viable option to protect society. In other words, the latter third of the twentieth century can be identified by the presence, real or imagined, of "young predators", marked by characteristics such as repeat offending, vicious crimes, and most importantly, an utter lack of remorse for their violent actions (*NYT* March 13, 1996; Jenkins 1998). But who are the children most likely to be cold superpredators? Unlike the explicit focus on country of origin and religious affiliation in the first era, and the unequivocal concentration on race in the second, this third era places blame in a far more insidious manner, opting instead for subtle

associations and unspoken assumptions about race instead of overt prejudice as in the following examples:

Helping Children Deal with Legal System (*NYT* January 4, 1982).

When Boredom Turns to Murder: Youths' Vicious Attack Echoes a Neighborhood's Despair (*NYT* August 15, 1995).

The text is rather benign and even compassionate at face value but once the associated photo images are examined in the following Figures 1 and 2, it becomes evident that the precise children who need help dealing with the legal system or who should be watched so as to make sure that they do not turn to murder out of boredom are not any children, they are Black children.

Figure 1: "Helping Children Deal With Legal System" (*NYT* January 4, 1982)

Sixteen-year-old Law-
rence Gates, shown at age
10, is accused of burning a
homeless man alive. His
grandmother Jannie
Gates, with her grandchil-
dren, Mercedes Gates, left,
and Samantha Gates,
doubts the police account.

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See full page image or
microfilm.

When Boredom Turns to Murder

Youths' Vicious Attack Echoes a Neighborhood's Despair

Figure 2: "When Boredom Turns to Murder: Youths' Vicious Attack Echoes a Neighborhood's Despair" (*NYT* August 15, 1995).

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Furthermore, even when the media acknowledged race, it was under the guise of concern and goodwill as represented in the announcement below:

Black Doctors Urged to Note Violent Signs (*NYT* July 21, 1986).

There is a notable absence of an equivalent call for White doctors to watch for violent tendencies or even for doctors at large, irrespective of race, to err on the side of caution when examining youth, thereby insinuating that Black children are those who are the most prone to violence. In other words, Black juveniles are the elusive "superpredators".[2]

Perhaps the most high-profile case documenting the remorseless young predators that were purportedly sweeping the nation was an incident in 1989 when Trisha Meili, a young female jogger in Central Park, was beaten and raped in a "most brutal and vicious attack" (*NYT* April 22, 1989; *NYT* June 9, 1989). Fourteen Black youth were initially charged with the assault and gang rape and five youth were eventually convicted and sent to prison, despite the fact that a DNA expert testified that the semen found in the victim was not traceable to any of the youths charged (*NYT* September 7, 2002).

Furthermore, the suspects claimed that they had been pressured to confess and repudiated their confessions prior to sentencing. However, Justice Thomas B. Galligan,

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[2] There is an accompanying discussion regarding the criminality of young "illegal aliens" from Mexico and Cuba during this time period, although their stories are far less prevalent and more likely to focus on the illegality of border crossing than on the juveniles themselves (*NYT* March 27, 1977; *NYT* December 4, 1986; *NYT* November 22, 1987; *NYT* October 20, 1995; *NYT* December 31, 1998).

presiding judge over the 1990 trials, rejected the repudiations and ruled the initial

incriminating confessions admissible to the jury, essentially blocking any possibility of a

verdict of not-guilty from the jury (*NYT* September 7, 2002). In fact, when the actual

offender came forth in 2002, thirteen years later, to admit that he was the sole individual

responsible for the rape of Trisha Meili, records were made public illustrating that it was

precisely the youths' lack of regret and defiant proclamation of innocence that cost them

an opportunity to reduce their prison sentence (*NYT* September 12, 1990; *NYT*

September 28, 2002; *NYT* October 16, 2002). The five youth were Black, charged with a

horrific crime, and displayed no repentance for their actions. In other words, they were

the epitome of superpredators and regardless of their innocence or guilt, they were

sentenced according to societal fear of who they appeared to be. A comment, despite

being made over a decade later, represents the prevailing belief during this era of

juvenile offending that it was better to incarcerate the innocent than allow the possibility

of crime in the future:

> "The crime-probability ages are 15- to 24-year-olds," [Mr. Forbes] said, "and if
> you take the persons off the streets for that period then the statistics go
> enormously away…" (*NYT* May 11, 2005).

As such, despite the research supporting that most youthful behavior is "adolescence-

limited" the unspoken assumption was that incarcerating crime-prone youth, already

discussed as having a large racial component, would keep society safer than allowing

them the opportunity to commit a crime (Moffitt 1993: 995)[3].

Government officials realized that harsh responses to juvenile crime were

popular and began to capitalize on them for political advancement:

Schumer and D'Amato Try to Out-Tough Each Other on Crime (*NYT* September 25, 1998).

Bush's Law and Order Adds Up to Tough and Popular (*NYT* August 18, 1999).

Unfortunately, in the process of promoting a "Get Tough" agenda, legal abuses occurred

which not only discredited the criminal justice system yet again, but also unnecessarily

victimized many youth in the process of punishing based on fear rather than on fact.

One such youth that put in relief the legal liberties that can be taken during times

of societal panic is Lee Boyd Malvo, otherwise known as the "Beltway Sniper". Malvo,

seventeen years old, was part of a two-man sniper team with John Allen Muhammad,

forty-one years old, that jointly took the lives of ten people and "terrorized" the citizens

of Maryland, Virginia, and Washington in 2003. However, in a desire to get tough on

Malvo, prosecutors ignored typical jury selection protocol and instead resorted to

stacking the deck in favor of giving Malvo the death penalty as a juvenile (*NYT* October

21, 2003). For instance, when determining the jury that would decide Malvo's sentence,

prospective jurors were asking "Do any of you have a moral, religious or philosophical

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[3] Moffitt (1993) further explains that only a small portion of youths are at risk for criminal careers which persist throughout the life course.

objection to the death penalty when the defendant was a juvenile at the time the crime was committed?" and when juror's responded in the affirmative, they were excused (*NYT* November 12, 2003). Eventually, Malvo was given life without parole after close to nine hours of deliberation regarding whether or not to give him the death penalty. Once again, Malvo's lack of sorrow was cited as the rationale behind sentencing him to a life behind bars (*NYT* November 25, 2003; *NYT* December 24, 2003). Although race is rarely specified in the many documents discussing the trial and the sentence, Malvo's photo is often present, showing the mug shots of a Black teenager who apparently show no remorse, the linchpins in the presumed profile of a juvenile superpredator.

4.4 Goodbye Father Knickerbocker: Trying Juveniles as Adults

The common-law foundations of juvenile justice at the turn of the century differentiated youthful offenders from their adult counterparts not on the basis of a formalized decree but rather on the discretion of each presumingly benevolent, judge. Children under seven were just that: children. Those between the ages of seven and fourteen were typically not held responsible for their actions although they could be if the judge felt that they knowingly intended malice. Finally, youth from fourteen to twenty-one years of age were allowed to be punished although from as early as the 1820s, public and judicial opinion is present suggesting the concern and doubt toward actually punishing youth as if they were adults (Feld 1993; Rosenheim et al. 2002; Tannenhaus 2002; *NYT* September 10, 2000).

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Apprehension, however, did not stop all 50 states from passing laws not only allowing youth to be tried as adults but also progressively making it easier to do so, with the Juvenile Crime Control Act of 1997 awarding block grants totaling $1.5 billion to states that permitted 15-year-olds charged with violent crimes to be sentenced as adults (*NYT* May 22, 1997; *NYT* February 3, 2000; *NYT* September 10, 2000). States and politicians seized on the opportunity to access the funds and display that they were tough on juvenile crime, as illustrated in instances such as Oregon's sentencing of 15-year-old Kip Kinkel to 111 years without the possibility of parole, and Connecticut permitting juveniles as young as 14-years-old to be tried and sentenced as adults (*NYT* January 14, 2000; *NYT* November 19, 2006). As one reporter noted:

> …members of Congress tend to vote for anti-crime measures…if they believe that the programs are politically popular (*NYT* April 16, 1997).

During the late 1980s and 1990s, trying juveniles as adults was undeniably well-liked by the general public.

As with any popular sentiment, there always exists outliers of dissenting opinion. Those standing in opposition to trying juveniles as adults drew upon a medicalization and science paradigm, not unlike that used by juvenile justice reformers during the Progressive era. Arguments from medical professionals and academics alike surfaced in the popular press discussing the continual development of the human brain beyond adolescence into adulthood as justification that "in no instance does a juvenile belong in adult prisons" (*NYT* May 23, 2001; *NYT* December 23, 2003). The effects of

stress were additionally used to differentiate the chasm between levels of maturity in

adults and youth as a doctor points out in the following excerpt from an article entitled

"Too Immature for the Death Penalty?":

> Teenagers can act like adults "when everything is perfect," a neurosurgeon said.
> "But you add a little bit of stress, and that can break down." …in the midst of
> committing a burglary [teens] are not going to act like adults (*NYT* October 17,
> 2004).

In addition to biological processes of brain development, cases of youth

manipulation were cited as evidence of juveniles' lack of sophistication in matters of the

law. For example, prosecutors cajoled two boys, ages 7 and 8, into confessing to the

sexual assault and abuse of an 11-year-old boy over a McDonald's Happy Meal (*NYT*

September 10, 2000). In addition, suspicions were raised regarding confessions by

juveniles whose primary language was not English, especially when a poll of native

English-speaking youth found that most children recognized "the right to remain silent"

as meaning "don't make noise" (*NYT* September 10, 2000; *NYT* June 16, 2001)[4].

In spite of the fact that many credited experts felt juveniles were incompetent to

stand trial as adults, youth in the 1990s and 2000s were overwhelmingly interpreted in

the eyes of the public and the courts as "indistinguishable from adult criminals, ...just as

capable of forming criminal intent, just as morally responsible, [and] just as autonomous

in their actions" (*NYT* March 3, 2003; *NYT* September 10, 2000). Two case examples in

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[4] In reality, the "right to remain silent" protects the accused from self-incrimination if he/she chooses not to
answer questions asked of him/her during interrogation.

the United States' trying of youth as adults, both involving Black boys, exemplify the reality for juvenile delinquents at the turn of the twenty-first century. The first instance examines Nathanial, an 11-year old boy from Detroit, Michigan, who walked out of a convenience store one evening and accidentally shot an 18-year-old stranger in the head, killing him with a single bullet. Psychologists testified that Nathanial was both mentally as well as emotionally impaired with an IQ of a 6-year old at his trial. Nonetheless, the media rallied for life imprisonment. Nathanial was convicted at the age of fourteen and served seven years until he was released in 2007 on the eve of his twenty-first birthday, making him the youngest child ever charged with murder in the state of Michigan and one of the youngest ever to be charged in the United States (*NYT* October 31, 1999; *NYT* November 17, 1999; *NYT* January 14, 2000; *NYT* January 24, 2007).

Lionel Tate was similarly convicted at the age of fourteen though his crime was committed not at the age of eleven, but at that of twelve. He was the youngest child to be sentenced to life imprisonment without the possibility of parole for murdering a 6-year-old female playmate (*NYT* March 10, 2001). What makes the case especially disturbing is that even the prosecution against Tate felt denying the option of parole to a youth in seventh grade was too harsh (*NYT* January 5, 2003) considering hi age. Nevertheless, the sentence of life imprisonment without the possibility of parole was handed down. The following passage highlights the poignancy of Lionel's life, two years into serving his life sentence:

Today, Lionel drifts between the world of a 15-year-old who likes basketball and wants new gym shoes and the world of a murderer who is monitored by armed guards and lives in a cell (*NYT* January 5, 2003).[5]

Pleas from those insisting that "their crimes don't make them adults" were drowned out by the political majority of conservatives who warned about the "face of evil" on youth and were further backed by influential and outspoken moral entrepreneurs within the power elite as evidenced in the following statements, the first of which was made by Senator Bob Dole (*NYT* February 13, 1994; *NYT* August 19, 1994;):

> Unlike the liberals, I do not think society is to blame for crime—I think criminals are to blame for crime (spoken by Senator Bob Dole and reported in *The New York Times* on May 12, 1996).

> It comes to a point where the age of the offender is not really meaningful when you're talking about such a violent act…(*NYT* July 20, 2001).

By 1997, all 50 states had policies permitting and facilitating juveniles to be tried as adults (*NYT* July 21, 1997).

4.5 One Step Further: Juveniles, Race, and the Death Penalty

In 1944 and at fourteen years of age, George Junius Stinney Jr. became the youngest person legally executed in the United States in the twentieth century (*NYT*

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[5] Tate's sentence was eventually overturned in 2004 after a court of appeals determined that his low mental competency was not properly assessed prior to his trial. The commutation of his personal sentence, however, did not reverse the growing adultification of juvenile offenders in large, specifically Black male youth, who were sentenced to "adult crime for adult time" at very young ages.

March 6, 2005).[6] He was Black. A decade later in 1954, every single one of the six

adolescents who were executed on Death Row in the United States were not only Black,

but were all involved in crimes against White victims—despite the fact that the

preponderance of crime victims in the United States are Black (*NYT* August 22, 2000).

As if the racialized dividing line among juveniles receiving capital punishment was not

visible enough, the Supreme Court ruled in *McCleskey v. Kemp* that racial disparities in

capital punishment was not in fact a violation of the United States Constitution, 481 U.S.

297 (1987) unless it could be proven to be intentional and premeditated.

The execution of juveniles in the 1980s and 1990s, of whom the majority were

consistently Black, was accepted to such a degree that the pair of rulings in 1989

sanctioning the execution of 16-year-olds and the mentally ill (*Stanford v. Kentucky*, 492

U.S. 361 (1989) and *Penry v. Lynaugh*, 492 U.S. 302 (1989), respectively) were met with

acquiescent headlines reading: "Court Says Young and Retarded Can be Executed"

(June 27, 1989)[7]. The Supreme Court saw several opportunities in the following decade

to reverse the initial ruling although in each instance, the Court either could not reach a

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[6] A sixteen-year-old youth named Thomas Granger was hanged in Plymouth county in 1647 for bestiality, but the death by electrocution of George Junius Sinney Jr. in 1944 marked the first time that an adolescent so young was executed after the seventeenth century (*NYT*August 22, 2000; *NYT* March 6, 2005).
[7] Prior to 1989, the Supreme Court ruled in *Thompson v. Oklahoma* 487 U.S. 815 (1988) that the execution of youth below fifteen years of age was protected by the Eighth Amendment barring "cruel and unusual punishment" although legal experts were divided regarding whether or that that implied a ban on their execution (August 22, 2000; October 14m 2004; March 6, 2005).

consensus or refused to vote (*NYT* August 14, 2001; *NYT* October 21, 2003)[8]. The silence

from the legislative bodies governing the capital punishment of youth was deafening.

Senior program coordinator Mr. Kelly representing the Arkansas Advocates for

Children and Families made a perceptive remark regarding the generalized sentiment

regarding juvenile justice punishments after 13-year-old Michael Johnson and 11-year-

old Andrew Golden were found guilty of the Jonesboro schoolyard shootings which had

taken the lives of five children: "There was talk about frying these kids, and anyone else

like them" (*NYT* May 10, 1999).

The early 2000s ushered in not only the advent of the twenty-first century, but

also the encroaching hand of globalization via technology as the internet and the world

wide web root itself in American history. One result of this information superhighway

was that acts and policies traditionally seen and felt solely by those residing within the

United States could now be researched and critiqued by millions of people in many

different countries. As such, when the Supreme Court ruled in 2002 that the Eighth

Amendment necessarily protected the mentally retarded from the death penalty in

Atkins v. Virginia, 536 U.S. 304 (2002), other nations took notice that a paired ruling for

youth did not accompany it as it had in 1989 when the execution of both juveniles and

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[8] Supreme Court Justices Antonin Scalia, David H. Souter and Clarence Thomas all abstained from a vote to halt the execution of a juvenile in Texas because they had professional relationships with the son of the victim, Federal Judge J. Michael Luttig. The resulting 3-3 verdict did not equate to a majority rule and the accused, 17-year-old Napoleon Beazley, was put to death by lethal injection (August 14, 2001). A vote to challenge the execution of youth under eighteen years of age was refused in 2003 without further explanation (October 21, 2003).

the mentally retarded had initially been sanctioned. Public opinion pieces from at home

and abroad flooded the news press:

> Executing juvenile offenders is "a relic of the past and is inconsistent with evolving standards of decency in a civilized society," wrote Justice Stevens (*NYT* October 24, 2002).

> Dozens of Nations Weigh In On Death Penalty Case (*NYT* July 20, 2004).

> On the same day in 1989 that the court upheld the death penalty for juvenile offenders, it ruled that the mentally retarded could be executed. But in 2002 the court reversed itself, concluding that national standards of decency had evolved away from permitting the execution of the mentally retarded. The court should reach the same conclusion now for juvenile offenders (*NYT* October 13, 2004).

> Since 1990,…only seven countries outside of the United States have executed people for crimes they committed as juveniles, and all seven—Iran, Pakistan, Saudi Arabia, Yemen, Nigeria, China and Congo—have disavowed the practice (*NYT* March 2, 2005).

Although the first three passages reflects public opinion, the final quotation in

the series represents the consequences of it in the 2005 Supreme Court Decision of *Roper*

v. Simmons, 543 U.S. 551 (2005) to bar the execution of defendants whose crimes were

committed when they were younger than eighteen years of age (*NYT* March 2, 2005;

NYT March 6, 2005). The public chastisement and international rebuke of the United

States for their judicial policy on juvenile executions created an environment which the

Supreme Court could no longer ignore and on March 5, 2005, the death penalty was

ruled "cruel and unusual punishment" for juveniles, with Justice Kennedy of the

Majority opinion citing the same risk-factors academics, scientists, and the general

public noted decades earlier: youth's underdeveloped brain maturity, greater

susceptibility to peer pressure and negative influence, diminished culpability, and
intermediate stage between childhood and adulthood (*NYT* March 2, 2005).

4.6 Lasting Ramifications From the Age of Superpredators

> "If I knew then when I know now, I would have shouted for prevention of
> crimes"… Instead, five years ago [John J. Dilulio Jr.] created a whole theory
> around the notion that "a new generation of street criminals is upon us—the
> youngest, biggest, and baddest generation any society has ever known" (*NYT*
> February 9, 2001).

Mr. Dilulio's realization about the power of rhetoric and labeling for juvenile
justice came as the United States was entering the new millennium. In fact, Mr. Dilulio
was not alone in this shift in consciousness. Despite the declining fashionability of the
term "superpredator" at the dawn of the twenty-first century, evidence recognizing that
"youthful killers" were not now and in fact rarely had ever been "over-running the
nation" was legitimated by politicians and promulgated by the mass media (April 7,
1999). As Gary Soloman, Director of Legal Support at the Juvenile Rights Division of the
Legal Aid Society notes in a rather heated critique:

> Rather than acknowledge that violent crime will continue to exist no matter what
> we do, some politicians would rather seize upon the latest tragedy and pretend
> that each new episode constitutes clear proof that we are not meting out
> sufficient punishment (*NYT* October 1, 2000).

While laying the burden of agency and blame purely at the feet of politicians may be
misplaced considering the larger historical forces at play at any given time, Soloman's
remark on the impact that one or two vivid examples can have on punitive policies is
duly noted.

Unfortunately, the admittance that conflating factors such as poverty and race are often intermingled with criminality cannot undo the decades during which the panic for children took precedence over the panic about them, or as one succinct headline read: "Fear of Crime Trumps the Fear of Lost Youth" (*NYT* November 21, 1999). Crimes such as the alleged gang rape of the Central Park jogger, Trisha Meili in 1989, a handful of horrifying school shootings in the mid-1990s, and the shocking murder of a 6-year-old girl by 12-year-old Lionel Tate became galvanized in the public's mind as indisputable proof bolstering a budding panic about the nation's safety—both physical as well as moral.

The marked racial fears and undertones, often unspoken, in law and prosecution meant that a desire to preserve order occasionally took precedence over proper procedure and that Black youth such as those originally convicted for raping Trisha Meili were unjustly punished for a crime that they did not commit. Despite their eventual acquittal after the true rapist confessed, the mark of a criminal record, as asserted by Devah Pager (2003) endures far beyond the point when they leave the prison. Being found "not guilty" is very different from being "innocent" or even "exonerated" in the eyes of all except perhaps the narrow gaze within legal terminology (*NYT* July 15, 2001). Reputation, the odds of being charged again, and even the opportunity for an education are just three factors likely to alter a juvenile's life beyond the court room as one student found out first hand:

Students Sue School System, Claiming Denial of Education. The student known as Exhibit D had attended high school in Brooklyn until he was arrested and sent to a detention center a year and a half ago. After he was discharged, he said, he tried to go back to school but was turned away from one after another because of his record (*NYT* December 21, 2004).

In the preceding chapter the largely racialized rhetoric presented in the second social construction of juvenile offenders is replaced in the third era with a construction that neglects any mention of race, thereby creating a more insidious form of discrimination, which although more sanitized is hardly less impactful (Bonilla-Silva 2006). After decades of increasing punition and the Supreme Court ruling of *McCleskey v. Kemp* 481 U.S. 297 (1987) effectively authorizing racial biases in sentencing juveniles with capital punishment, it is not difficult to draw the subsequent conclusion reached by a reporter in 2002:

It is becoming ever more obvious that whether or not you get the death penalty depends a great deal more on who you are than what you did (*NYT* May 13, 2002).

Fears of losing ethnic and ideological dominance galvanized "old-stock Americans", thereby creating juvenile justice policies which, though visibly divided along racial lines, was increasingly difficult to prove without any explicit discussion of race in the popular press or legislative debates (Jenkins 1998).

5. Punition, Childhood, and the Declining Discussion of Race

Prior to this study, minimal research had historically examined the social construction of juvenile offenders in the United States holistically with law and popular news press. By thoroughly examining both media depictions of juvenile offenders in *The New York Times* and critical legislative moments in U.S. history, I have contributed to the sociological and criminological literature in this respect. Moreover, by noting the intersections of rhetoric with historical circumstance, I have illustrated the ways in which the social construction of juvenile offenders is a fluid conception based more on insecurity and fear than on the presence of an actual threat. The three demarcations of social construction presented in this dissertation highlight the distinguishing characteristics of immigration, race, and a new implicit racism, respectively.

5.1 The Evolving Social Construction of Juvenile Offenders

My research questions posed within the first chapter set out to address the ways in which fear and insecurity rhetorically manifest themselves in the domain of juvenile justice across time and place in the United States. The social constructionist content areas of specific interest revolved around the boundaries of childhood and adulthood, how each category was operationalized, and how the determinants of deviance among youth varied according to country of origin, race, and historical circumstances. The media and legislative examples in the preceding pages document the hypothesized truncation of childhood for juvenile delinquents which is even more apparent for Black

youthful offenders[1]. Finally, the power of media and legislative rhetoric was analyzed

to illustrate that the deviance accorded to juvenile offenders, and the moral panic that

resulted, is defined not so much by the objective behavior but rather by the subjective

reaction that the action, and the individual youth performing it, engenders in the

public's social construction (DiChiara and Galliher 1994).

The ebb, flow, and mutation of moral panics across time and place depend on the

complex synergy between historical circumstances and the power elite living during that

time period. Changes in racial composition, economic stability, political trust, and

religious ideologies often create anxiety and insecurity in the transition to a new

"normal". Moreover, the need for a sense of security is a very basic one that, if lacking,

can create a sense of dissonance and tension whose outlet is violence either in the form

of policy, rhetoric, law, or interpersonal strife (Jenkins 1998).

In Chapter Two, urbanization and industrialization ushered in a wave of

immigrants from Eastern and Southern Europe whose arrival overlapped with the

increasing power of the State in matters of child-rearing. Child-saving and concern for

the moral integrity of the younger generation resulted in significant child labor laws, the

first Juvenile Court, and a Progressive ideology focusing on the inherent rehabilitation

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[1] Again, the demarcated differential treatment of Black juvenile offenders found within this dissertation may be partly due to the reliance on *The New York Times* as my primary source of media data. As such, performing a similar analysis using a different national newspaper such as *The L.A. Times* may have demonized a different youthful demographic. Future research would do well to explore this possible discrepancy.

potential of juvenile offenders under the medicalized rhetoric of Social Darwinism. As

Burman (1994: 13) notes:

> The fusion of "mental" and the "moral" was crucial, "to the extent that the object
> of political anxiety and scientific intervention became the "feeble-minded", who
> came to signify physical, moral, mental and political disintegration"(as cited in
> Coppock 1997:148).

While this "medico-legal" discourse divorced juvenile criminality from inherent

wickedness by creating a framework of sickness/delinquency vs. health/normative

behavior, it also permitted the moral entrepreneurs of the time to selectively target those

deemed most "ill" under the pretense that they were protecting the moral health of

society (Scraton 1997: 172). Unfortunately, the moral entrepreneurs were primarily

White middle-class men in positions of governmental authority and as such, the

populations who were designated as most at-risk for vice and sin were "others" who

were interpreted as a threat to their authority, namely the recent immigrants and their

children. Differences in language, religion, work ethics, class, and poor parenting skills

were routinely specified as reasons necessitating government intervention in child-

rearing in order to prevent and curb juvenile delinquency.

The Progressive Era demonstrates a period in United States history when the

benevolence of the State is not only presented in political speeches and campaigns but

also firmly grounded in public opinion and the popular press. Images of kindly judges

who have only the best interests of children in mind permitted the slow expansion of

governmental power in the arena of juvenile justice. Over time, however, the fallibility

of the justice system began to show through reports denoting police corruption, brutality, and discriminatory justice against immigrant youth insinuating and overtly affirming that the children who fell under the protection of the compassionate juvenile court were innocent, promising, and typically American children of Protestant faith. The unruly and delinquent children credited with the moral dissolution of the nation were the offspring of immigrant children who therefore required a firmer hand if the disease of juvenile crime was to be quarantined from the rest of the population.

Chapter Three reveals the progression from a subtly explicit rhetoric aimed toward immigrant youth to an overtly aggressive and race-based discourse toward youth of color, with the preponderance of hostility focused on Black adolescent males. Pivotal examples of juvenile crime such as the Scottsboro Case were pounced upon by the media and depicted as a representative example of the "Negro Problem." This was further facilitated as a positivist framing of juvenile crime was replaced with arguments espousing biological heredity and a lack of willpower to change (*NYT* June 16, 1934; *NYT* February 27, 1938; *NYT* January 19, 1948). Punitive policies increased in tandem with political disenchantment and civil unrest in the wake of large-scale changes in ideology, race and gender relations, and political trust.

The second social construction of juvenile offenders delineated in Chapter Three begins in the 1930s and extends until the early 1970s, thereby encompassing Wars, Civil Rights, feminism, sexual freedom, narcotic experimentation, fears about the spread of

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Communism from abroad, and a host of other forces which were in opposition to the conservative values and standardized governmental regulation which had preceded them in the Progressive era. As before, societal flux and tensions created an environment of insecurity for the power elite which manifested itself in a surge of media reports emphasizing juvenile crime. This consequently supported a series of "get tough" laws and policies criminalizing youthful offenders. Specifically, police were given greater presence and authority to subdue crime-prone juveniles using whatever methods they felt were needed and juvenile courts began charging youths with longer and more severe sentences, up to and including the death penalty. Two accounts contrast the punitive evolution from the first era to the second. In the first, occurring in 1911, the realization that 17-year-old Paul Geidel was being recommended for the death penalty elicited public admonishment and an onslaught of opinion pieces which ran in *The New York Times* inquiring "What can they do with him? They can't really send a boy of seventeen to the electric chair, can they?" (*NYT* August 6, 1911). Four decades later, Judge Samuel S. Leibowitz sentenced a 16-year-old to the electric chair after the jury refuses to recommend a more merciful ruling (*NYT* June 7, 1955). Both examples discuss the sentencing of a juvenile to death for a crime, yet in the former, the public's response is one of incredulity and in the latter, indignation.

The proliferation of punition, however, is also met with the establishment of procedural safeguards to protect youthful offenders after a blatant disregard for due

process laws came to light in the Supreme Court case *In re Gault*, 387 U.S. 1 (1967).

Additional intervention by the Supreme Court in subsequent cases such as *In re Winshop*,

397 U.S. 358 (1970) and *Breed v. Jones*, 421 U.S. 519 (1975) combined to give youth the

same legal protection afforded to adults in matters of cross-examination, self-

incrimination, reasonable doubt, double jeopardy, and the rights of counsel.

Unfortunately, this parity with the adult criminal justice system further blurred the lines

between juvenile offenders and adults, which would effectively serve as justification for

the gradual intensification of punitive laws and policies in the third social construction

of juvenile offenders.

Before delineating the final era, however, it is important to note that the third

chapter not only examines the ways in which insecurities manifest themselves in law

from a to-down approach among the power elite but also the ways in which these same

destabilizing factors (economic uncertainty, unemployment, racial discrimination)

simultaneously manifest themselves in interpersonal violence among juveniles. Harsh

policing, prosecution, and media rhetoric targeted Black youth specifically and resulted

in a series of criminal offenses by youth, creating a self-fulfilling prophecy in the eyes of

the popular press that Black adolescents were effectively the "snarling wolfpack" that

they had been describing (*NYT* December 30, 1960).

The terminology of "superpredators" is elucidated in Chapter Four which is

marked by a distinct rhetorical shift. Explicit discussions of race and criminality

transition to media and judicial coverage in which race is verbally ignored all the while

maintaining a conspicuous presence in photographic imagery, differential media

coverage, and an increasing division between the representation of minority youth in

the general population and their corresponding ratio in prisons and on Death Row.

Additionally, the rally for an increase in punition against juvenile offenders is heralded

by the public in unprecedented numbers owing in part to series of events such as

intensified media coverage of a select few horrific juvenile crimes such as the school

shootings at Columbine and the alleged gang-rape of Trisha Meili, a female jogger in

Central Park. Moreover, advances in technology made news more immediately

accessible while increasing globalization disclosed American judicial decisions to an

international community.

Ironically, the same forces which exploited select instances of juvenile crime and

paved the way for harsher sentencing policies toward juvenile offenders also created an

international admonition against the United States' use of capital punishment against

youth. This national and international outcry ultimately led to the reversal of *Stanford v.*

Kentucky, 492 U.S. 361 (1989) which had previously legitimated the execution of

juveniles. *Stanford v. Kentucky* was replaced with *Roper v. Simmons*, 543 U.S. 551 (2005),

using the Eighth Amendment justification of "cruel and unusual" punishment and the

scientific justification of brain immaturity as grounds prohibiting capital punishment

against those under eighteen years of age[2]. Differential sentencing of youthful offenders

based on race was rarely mentioned, however, irrespective of the following figures

which were presented in the popular press at the turn of the twenty-first century:

> For those young people charged with a violent crime who have not been in
> juvenile prison previously, black teenagers are nine times more likely than
> whites to be sentenced to juvenile prison. For those charged with drug offenses,
> black youth are 48 times more likely than whites to be sentenced to juvenile
> prisons. …blacks under the age of 18 make up 15 percent of their age
> group…and 58 percent of all juveniles confined in adult prisons (*NYT* April 26,
> 2000).

> Once transferred to the adult system, young African-American offenders were
> 184 times more likely to be jailed than were young white offenders. … In Texas,
> for example, one study found that minorities made up half of the state's youth
> population but 80 percent of its juveniles in correctional institutions and 100
> percent of the juveniles held in adult jails (*NYT* February 3, 2000).

However, statistics only gain a foothold in society to the extent that they conform

to previously held expectations and minimize dissonance and in an era when the label of

being a "racist" is political and social suicide, discussions which clearly involve race are

quickly divorced from the concept. Despite the disproportionate prevalence of Black

youth in the juvenile justice system, the blatant lack of discussion pertaining to race in

media stories of juvenile offenders and the resulting legal decisions which affect them is

perhaps the most defining characteristic of the contemporary social construction of

juvenile offenders (*NYT* May 13, 2002).

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[2] The dissenting voice of Justice Antonin Scalia writes that the decision was too heavily based on
international opinion after majority decision leader Justice Anthony M. Kennedy wrote that "the opinion of
the world community, while not controlling our outcome, does provide respected and significant
confirmation for our own conclusions" (March 2 2005; March 3, 2005).

5.2 The Role of Discourse in Moral Panics and Law

The extent to which individuals fear crime is more strongly correlated with the prevalence and severity of media reports about criminal acts than it is with the crime rates and the likelihood of victimization. As Goode and Ben-Yehuda (1994a:97) report, "An especially horrifying murder may electrify the public and convince millions that a social problem of a certain type exists and needs to be rectified." As an example, a Florida representative noted at a debate during the war on drugs that:

> Right now, you could put an amendment through to hang, draw, and quarter [drug dealers]. That's what happens when you get an emotional issue like this. (Claude Pepper as reported by Peter Kerr in *The New York Times* on November 17, 1986).

While the media's portrayal of juvenile crime is highly influential in creating and reinforcing a specific social construction of juvenile offenders, the distillation, selection, and presentation of the news to the public is not determined by individual journalists (Cohen and Young 1973; Davis and Bourhill 1997). Rather, the influx of information is shaped by an assumed series of news constraints set forth by official experts and spokespeople who comprise the power elite of a society (Coleman et al. 1990; David and Bourhill 1997; Hall et al. 1978). As Alfred Blumstein, a professor of criminology at Carnegie Mellon University comments:

> The media do not have the time, inclination, or skill to really dig deeply into reports of research or claims made my political leaders. … It merely transmits them, and transmits them in a way to make headlines or soundbites on TV (*NYT* July 6, 1997).

As such, common themes are generally repeated, in this case regarding the fear-

worthiness of juvenile offenders, less to intentionally incite public panic than to serve as

a mirror reflecting the prevailing ideology of the dominant classes. Regardless, the high

selling-point of juvenile crime stories mean that media covering the moral breakdown

implicated in juvenile offenses often serve to exacerbate existing alarm or amplify latent

panic in the general public as illustrated in the following excerpt discussing debate

surrounding the death penalty for juveniles:

> Age can shape every aspect of a capital case. Crimes committed by teenagers are
> often particularly brutal, attracting great publicity and fierce prosecutions.
> Adolescents are more likely to confess and are not adept at navigating the
> juvenile justice system. … "They're talking about letting him grow a five o'clock
> shadow and then trying him in Alabama or Louisiana," said Victor L. Streib, a
> law professor at Ohio Northern University… (*NYT* January 4, 2005).

The fear of juvenile offenders, Coppock (1997) argues, can be expanded to

represent the larger anxiety over childhood, with the ensuing panic indicating a desire

to reassert control over youth. Throughout the preceding chapters, I extend this logic

further and present data suggesting that youthful offenders in general, and minority

youth specifically, function as surrogates for larger societal insecurities stemming from

historical factors which may or may not at all be related to juvenile crime. However, the

visible instances of crime committed by juveniles and circulated by the media generate

the notion that there is an objective problem which can then be attacked and thwarted

by public policy and law (Davis and Bourhill 1997; Golding and Middleton 1979). As

Jenkins (1998: 237) contends: "Given concrete form, [moral panics] can be met by means

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that legislatures understand, namely passing ever more stringent laws and beginning a demagogic bidding war to impose the harshest penalties for the behavior." The "justice solution", therefore, exists more out of convenience and a desire to maintain some semblance of control than due to any inherent desire of the United States to become more punitive (Jenkins 1998). Moreover, by examining the evolution of juvenile justice laws across time and holistically situating them within their historic context, it is possible to see, as Burstein (1985:193) notes that "law itself is neither an end nor a beginning, but rather an intermediate stage in the political process" (see also DiChiara and Galliher 1994).

5.3 Closing Thoughts and Recommendations

At the first White House Conference on the Care of Dependent Children in 1909, President Theodore Roosevelt addressed all youth held in institutions by saying:

> Each of these children represents either a potential addition to the productive capacity and the enlightened citizenship of the Nation, or, if allowed to suffer from neglect, a potential addition to the destructive forces of the community (Bremner 1983: 88).

Historical research on children across the past hundred years reveals not only three distinct societal views towards child welfare but also society's shifting conception of civic responsibility towards those youth involved in the juvenile justice system (Grossberg 2002). Judicial policies for youthful offenders have moved from explicitly incriminating those differing on country of origin and religion as occurred during the first social construction of juvenile offenders, to a very racialized and heated rhetoric

accompanied by more punitive judicial policies during the second era, and finally to the

contemporary era marked by an evasion of any distinctions of race or class while

simultaneously being supplemented with juvenile policies that are increasingly severe,

especially towards youth of color. How does the implicit targeted criminalization of

minority youth occur? Research delineates the process according to three different

levels of authority within the power elite: political legislators, criminal law enforcement,

and judicial sentencing.

To begin with, those with political clout perceive marginal youth as threatening,

either economically, religiously, ideologically, or otherwise. This creates a sense of

insecurity and the desire to reaffirm control which is done through the passage criminal

laws intended to affect the menacing youth in question (Dubber 2001)[3]. Once the law

has been passed, the police who enforce criminal law may then differentially arrest

minority youth due to numerous polarizing factors which include social distance,

socioeconomic status, and fear (Chambliss 2000; Wilson 1968). Western (2006:55)

concludes that the panic with which police tend to view Blacks and Hispanics can result

in more suspicion of innocuous activities which therefore lead to a higher arrest rate.

Finally, while perhaps unintentional, judges within the juvenile justice system may treat

socially disadvantaged and minority youth harsher than their majority counterparts. If

not deliberate, this may be due to a conception that these youth are less likely to be

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[3] Western (2006:54) remarks that this step is a response to the *threat* of crime rather than to crime itself.

successfully reformed and therefore sentencing them to longer and more severe sentences in an effort to protect society (Kluegel 1990; Steffensmeier et al. 1998; Albonetti 1991). Unfortunately, even if endorsed with the intention to preserve and protect, when laws are passed, enforced, and sentenced differentially against minority youth, in this case Black male youth, the most disadvantaged become even more so. Moreover, with virtually all adult offenders having a history of juvenile delinquency, the negative consequences rebound to effect the power elite in the form of increased crime rates over time (Western 2006).

The attitude society takes towards juvenile crime and the youthful offenders implicated within them not only serve as an important gauge of contemporary ideology toward youth but also as an indicator of the judicial and social policies which will guide the future generations (Davis and Bourhill 1997; Goldson 1997; Kennedy 1995; Stainton-Rogers and Stainton-Rogers 1992). Unfortunately, the juvenile populations who are marginalized according to race, gender, or socioeconomic status often become the scapegoats whose actions and behaviors are disproportionately scrutinized and whose voices are routinely ignored in favor of those who are not thus marginalized (Scraton 1997). The aspects of juvenile offenders and offenses which are incorporated into public and legislative discussions, therefore, become just critical as those which are conspicuously omitted.

In fact, in his influential book on criminal punition, *Discipline and Punish,* Foucault (1977) argues that social control and regulation are granted their efficacy in part due to those aspects of law and power which are imperceptible to those under its control. Placing blame on elusive factors such as "national morality" and avoiding discussions of race in the juvenile justice system, whether intentional or otherwise, detaches the end result of crime from the structural and neocolonial roots which precipitate it. Moreover, not acknowledging the interplay between insecurities generated through changing historical events and the individual-level manifestations of legislative and interpersonal violence which inevitably result, can lead to misappropriated aggression, with the future of youth held in the crossfire.

In order to combat the inevitable instability that accompanies historical change, it is necessary to begin by creating a safe space in which to reopen lines of communication about race. The hostile rhetoric towards new immigrants in the Progressive Era and the antagonistic racial epithets of the 1950s, 1960s, and 1970s are not idyllic although they are preferable to the insidious silence which currently characterizes media and legal dialogues about youthful offenders and juvenile crime. Considering the influential role that the power elite have in shaping the debates about the criminalization and decriminalization of youth, political leaders are urged to lead by example in discussing the ways in which race affects all aspects of the juvenile justice process. There is a distinct possibility that conclusions about discriminatory policing and sentencing will

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surface which may engender feelings of hostility on the part of affected juveniles. However, it is impossible to ameliorate discriminatory practices when the prejudicial attitudes behind them are undeclared. In response to the results presented within this dissertation, it is the recommendation of this author that shelter be offered for those moral entrepreneurs within the power elite who introduce the marked effects of race back into popular discourse about juvenile justice.

Adults and youth alike across all racial, economic and gender divisions, have an intrinsic desire to feel respected and protected and when either need is threatened, violence results in the form of punitive policies, heated rhetoric, interpersonal crime, or a combination of all three (Roth 2009). History has repeatedly illustrated the lasting ramifications that can result when these needs remain unmet but realizing the interconnectedness between the past and the present can inform and thereby protect future generations of America's youth. As an article states in 1998, "youth *was* fearsome because it *was* revolutionary" (*NYT* February 14, 1998)[4]. This dissertation asserts that the panic surrounding minority youth ought not to be relegated to the past tense as it continues to be a salient factor in media, law, and society's social construction of juvenile offenders.

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[4] Emphasis added by author.

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Biography

Ashley Lauren Taylor was born on August 10, 1982 in Chicago, IL. In May 2004, she graduated Summa Cum Laude from Trinity University with a Bachelor's degree in both Sociology and French. She received a Master's degree in Sociology from Duke University in December of 2006 with her preliminary examinations in the domains of Social Psychology and Crime and Incarceration. She has presented papers at professional conferences including the Midwest Political Science Association, the Southern Sociological Society, and the International Sociological Association. She is currently a member of the American Sociological Association (ASA), Southern Sociological Society (SSS), the American Society of Criminology (ASC), Sociologists for Women in Society (SWS) and Sociologists Without Borders/Sociólogos Sin Fronteras (SSF). She is a co-author of the 2007 article in *Social Indicators Research* entitled "Measuring Trends in Child Well-Being: An Evidence-Based Approach" and has subsequently conducted research in diverse academic domains including sociology, criminology, pedagogy, research ethics, nanotechnology, and political process. Ashley's extensive teaching repertoire include courses in Introduction to Sociology, Social Psychology, Causes of Crime, Social Problems, Human Development, and her service as a Graduate Writing Tutor at Duke's Writing Studio. Outside of academia, Ashley finds pleasure in her volunteer work with at-risk youth, previously incarcerated men and currently incarcerated female inmates.