

Tens of thousands of children tried as adults in US

By Jerry White
16 May 1998

Twelve-year-old Nathaniel Abraham is awaiting trial in Pontiac, Michigan, soon to become the youngest child in the state and possibly the country to be tried as an adult for murder. The four-foot, eight-inch boy who psychiatrists say functions at the level of a six-year old could be imprisoned for life if convicted.

As inhumane as Nathaniel's circumstances are, his is not an isolated case. Over the last decade tens of thousands of children under the age of 17 and as young as 10 have faced the terrifying and degrading experience of being processed through America's criminal justice system. Vindictive politicians and prosecutors have proven their credentials for being "tough on crime" by demanding that prepubescent children "do adult time for adult crimes."

Only one-half of one percent of all juveniles in the US are arrested for violent crimes. But the statistically minimal rise in such crimes since the 1980s and cases like Nathaniel's and the recent shootings at schools in Kentucky, Arkansas and Pennsylvania have been distorted to advance a rightwing political agenda. These tragic events have been seized on, not to question what society has done wrong to produce such troubled youth, but to condemn them as unalterable criminals and a new, violent breed of "predators."

This campaign to criminalize youth is a throwback to Victorian England when poor and mentally-disturbed children were dumped in workhouses, terrorized and beaten. More than 100 years ago, the social reformers who championed the setting up of a separate juvenile justice system recognized that children did not have the same physical and mental faculties as adults. They believed that children who had suffered from neglect, poverty and violence were victims themselves and that they required understanding and rehabilitation, not punishment and incarceration.

As part of their abandonment of any social reformist conceptions, both political parties in America have rejected such conceptions and have moved to dismantle the juvenile justice system.

One such measure is the Violent Youth Predator Act of 1997, a bill pushed by Congressional Republicans but whose key provisions enjoy the support of President Clinton. The bill, one version of which has already passed the House of Representatives and is now being discussed in the Senate, would mandate adult prosecution of children as young as 13, encourage states to hold parents criminally responsible for their children's acts, open up juvenile arrest records to the public, and, for the first time, allow children to be housed with adult prisoners.

The bill would also broaden the greatest crime against children: allowing the execution of those who committed crimes when they were as young as 16. Since 1973 160 youth under the age of 18 have been sentenced to death in the US. They have faced the ultimate torture as they have waited years on death row to be executed. Over the last decade number of youth subjected to the government electrocution, gassing and lethal injection has doubled.

The Supreme Court has ruled that the execution of children as young as 16 is not a violation of the Eighth Amendment of the US Constitution, which prohibits "cruel and unusual punishment." Only five other countries--Nigeria, Pakistan, Saudi Arabia, Yemen and Iran--have executed people for crimes they committed as children, and the US has executed more than any other nation.

Nathaniel Abraham is being tried under new laws passed by the Michigan legislature and enacted in January 1997. According to the director of the National Center for Juvenile Justice, by the end of 1996, 49

states had passed similar laws authorizing the prosecution or sentencing as adults of children as young as 14.

For years juvenile judges have had the power to "waive" their cases into criminal courts.

Between 1985 and 1994 the number of cases that juvenile judges sent to adult courts increased by 71%, from 7,200 to 12,300 cases annually. But the new laws mean thousands of more youth will go the same direction.

In 10 states, including Michigan, prosecutors now have the authority to move a juvenile case into criminal court. Most states require that the child be at least 14, but in Michigan and Nebraska there is no minimum age. In 36 states and the District of Columbia, the state legislatures have passed laws to exclude all 17-year olds and in some cases all 16-year-olds from the juvenile courts. Three of these states--Indiana, Vermont and South Dakota--allow 10-year-olds to be prosecuted as adults. In other states the legislatures have passed "three strikes and you're an adult" statutes, automatically sending juveniles with records to the adult criminal justice system.

In the past juvenile judges took information from parents, educators, social workers and others to evaluate an individual child's social history, school, family and peer situation. On that basis they made a judgment based on the "best interest" of the child and the community to order probation, state schooling or community program aimed at rehabilitating a child.

William Hurst, a researcher for the National Center for Juvenile Justice, told the World Socialist Web Site, "Now prosecutors decide entirely based on the crime. They do not take the time to investigate the social history of a child. They just ask 'what did this kid do?' Many of them are driven by political considerations and want to run for offices based on getting tough on crime. They know they are just damning kids, but want to appear tough. They send 13- and 14-year olds away for punishment. If you really want to create a monster then see what happens to child who is locked up in prison for years."

Each year there are more than 750,000 delinquency cases in America. The vast majority of those children in the juvenile and criminal justice systems are victims of poverty. One study of 12- to 18-years olds in Ohio's juvenile prison found that more than 8 out of 10 came

from households with incomes below \$10,000 per year. Thirty percent had mental disorders and 75 percent of the girls and 50 percent of the boys had been sexually assaulted.

It has long been known that a civilized society is judged by the way it treats its children. Capitalist America incarcerates and executes its young, and it is rapidly expanding its spending on the burgeoning prison system while spending on elementary and secondary education is actually declining.

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