

States of the Union

JUVENILE JUSTICE

BY RICHARD J. MARGOLIS

“**W**E BEG delinquents for our life,” commented Robert Lowell in his poem about Central Park. “Behind each bush, perhaps a knife....” The couplet neatly sums up the dilemma of someone out for an evening stroll in the city’s manicured woods: He doesn’t know whether he’ll be amused or mugged.

But Lowell, who could see both sides of a scary situation, penned two additional lines:

*each landscaped crag, each flowering shrub,
hides a policeman with a club.*

Where is the danger here and who is the criminal? The club and the knife seem equally intimidating.

In a poetry book I wrote long ago for and about inner-city children (*Looking for a Place*, 1969) I tried to take into account the same parallel streams of adrenaline. One of the poems, quoted here in its entirety, was called “Bananas”:

*The man at the store,
he’s scared I’ll steal
his bananas
if he just blinks.
Me,
I’m scared too.*

On re-reading these poems—there

are some 40 in all—I have been surprised at how many deal with children’s crimes. One is a confession: “The Things I’ve Done.” (“The things I’ve thought/and not been caught,/who will believe me?”) Another is a justification of sorts:

*They caught me once
when I was small,
the time I stole
a Magic Marker.
I wanted it
to write my name
in purple flames
upon a certain wall.
“What is your name?”
“What is your name?”
the angry clerk kept asking.

I wouldn’t say.*

Not surprisingly, the poems seem more reportorial than lyric. I collected much of the material by interviewing children in Harlem and on the Lower East Side of New York. In many instances I would return to the scene with a draft in hand, checking with my source for accuracy of feeling. We would sit on a stoop or on a playground bench and go over the manuscript. The source’s word was final.

The results, I hoped, would be journalistically useful. They told of children

headed for big trouble, kids for whom deviance was really a comfortable way of mainstreaming. In retrospect it seems all too likely that some of the children I interviewed eventually learned how to wield knives and lurk behind bushes. I know that two died of drug overdoses. Perhaps quite a few others ended up in prison.

Now a writing assignment concerning the idiosyncrasies of juvenile justice has introduced me anew to scores of such children—with one important difference: Most of the youths I have recently met are locked up for their sins.

Some, it is true, have committed substantial crimes, including assault and battery, armed robbery, even manslaughter and rape. But many have been guilty of far pettier mistakes, ranging from shoplifting to joy-riding in a stolen auto. I think of these mild miscreants as Magic Marker children: They searched for their identities illegally.

Many of the errors that deliver children into the hands of the state turn out not to be crimes in any but a Dickensian sense. In quite a few states it remains legal to lock up children for such routine misconduct as truancy, disobedience or running away from home.

Typically, a child’s difficulties with the system begin with a minor delinquency, allowing the courts to commit major delinquencies of their own. Society’s club can be more lethal than the child’s penknife.

In Maryland I was told the story of a 16-year-old girl—call her Maria—who for more than two years has been caught in the toils of state-administered justice, all because she stole \$84 from her aunt. Forty dollars were instantly recovered, but apparently her aunt pressed charges anyway. Maria was not incarcerated at first. She was put on probation and sentenced to 75 hours of community service. That’s when her troubles started to pile up.

A social worker’s report noted that Maria “performed her service hours erratically.... She arrived late and left early on occasion.” Nonetheless, in time she “completed the required community service hours.” A subsequent report, moreover, stated that “her behavior improved at home.” (Maria was living

HELP

friends who will appreciate it to discover THE NEW LEADER . by sending them a sample copy with your compliments

THE NEW LEADER
275 Seventh Avenue
New York, N.Y. 10001

Please send a sample copy of THE NEW LEADER to the following with my compliments.

Name _____

Address _____

City _____

State _____ Zip Code _____

Name _____

Address _____

City _____

State _____ Zip Code _____

Name _____

Address _____

City _____

State _____ Zip Code _____

Name _____

Address _____

City _____

State _____ Zip Code _____

Name _____

Address _____

City _____

State _____ Zip Code _____

Your Name _____

Address _____

City _____

State _____ Zip Code _____

with her grandparents. Her parents had vanished.)

In a more sensible world that would have been that—no further official intervention in Maria's life. But in the world of juvenile justice misery tends to escalate. The courts don't like to let go. Thus it was that at the probation violation hearing held because of Maria's initial poor performance the social worker recommended the girl be sent to the Montrose Training School (read reformatory) because she had technically violated her probation. The judge agreed.

From Montrose Maria was shunted to another reformatory, the Hickey School, where a double fence stands 15-feet high and is topped with razor wire. She is there to this day. Last December Maria asked that she be allowed to go home for the Christmas weekend. It was not an extraordinary request: Many Hickey and Montrose inmates are routinely granted such holiday privileges. But Maria was not. A judge ruled that she could not be trusted to return to prison.

AT A JUVENILE detention center in Massachusetts I met a 12-year-old boy who had been caught stealing a bicycle from his stepfather's next-door neighbor. The boy had been in detention 37 days, while a Public Defender and officials of the court argued about his case. He had no previous record of arrests.

Even so, Massachusetts is light-years ahead of most other states in its treatment of juvenile lawbreakers. Thanks to an administrative iconoclast named Jerome Miller, who headed the Department of Youth Services (DYS) in the early '70s, the system has been "deinstitutionalized"—that is, all the big juvenile training schools have been mercifully shut down.

Small residential groups, with lots of kindly supervision, are now standard fare in Massachusetts for kids whose crimes and misdemeanors would elsewhere have landed them in reformatories. The bicycle thief's place of detention, for instance, was actually a spacious house in Middleton, Massachusetts, where about 25 children are looked after by as many counselors and thera-

pists. No bars guard the windows and no locks secure the doors. Yet the Middleton Center has not had a single runaway child in 38 months.

Miller was not popular in the DYS bureaucracy. At first, he told me in a recent interview, "I tried to make the training schools more humane—less brutality, fewer restrictions—but the staffs there fought any changes."

They did their creative best to embarrass Miller. The incidence of training school escapes, for instance, rose dramatically. Miller recalls that on a visit to the Lyman School he found a map prominently displayed on the gameroom wall. Drawn by staff members, it advertised several likely prison escape routes.

In the end, says Miller, "I decided that incrementalism wasn't always the best approach." One morning in 1972 he announced he was closing all the training schools. "It was as simple as that," he says. "The unions objected but the Governor supported me and so did the press." Massachusetts has never looked back.

There are some who say that Miller started "a quiet revolution" in the way society treats its young delinquents. Utah soon followed Massachusetts in deinstitutionalizing its reformatories. Later, Miller went to Pennsylvania and then to Illinois, hoping in both states to dismantle the old systems.

But the climate had changed. "Crime on the streets" had become a vote-getting issue; people wanted tough treatment of muggers and purse-snatchers. Despite Miller's best efforts, most of the old training schools in Illinois and Pennsylvania remain going concerns.

Now Miller runs a small consulting firm—the National Center on Institutions and Alternatives—in Alexandria, Virginia, where he continues to work for deinstitutionalization. He estimates that 90 per cent of the half-million children we lock up each year could either be sent home or placed in group residences, at no added risk to public safety.

The state of Maryland, as it happens, is among those taking Miller's advice. It plans to shut down Montrose and Hickey in 1988. With a little luck this year, Maria will be home for Christmas.