



# Department of Justice

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"KIDS AND CRIME"

KEYNOTE SPEECH

BY

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TO THE

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

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I am delighted and proud to speak tonight to the National Council of Juvenile and Family Court Judges, since I have both worked with you, and also done what I could to help forward your good work. As Governor of Pennsylvania, I often called upon the knowledge and expertise of your National Center for Juvenile Justice, located in my hometown of Pittsburgh. Now as Attorney General, I share your pride in seeing your National College of Juvenile and Family Law finally housed in its own headquarters on this Reno campus -- thanks in part to the Department of Justice challenge grant of \$1.5 million toward its construction.

We have every reason to look to you -- the judges sitting on our juvenile and family courts -- for advice and counsel on the risk-filled prospects for our beleaguered youth. You are charged with one of the most heart-rending choices for America's future: if, and when, a family in crisis must be broken asunder, or if that family can yet be preserved, even in its distress. Tonight, I want to discuss some ramifications of that choice -- how they impact on the American Dream, and raise, or lower, our hopes for a law-abiding society as the heritage we wish to leave our children.

Central to the fulfillment of all our hopes as we enter this new decade is the question of values. Those of us in law enforcement, for example, are quick to point out that our fight to win the war on drugs, to control crime and violence cannot be won only in the courtroom. We must ultimately prevail in the

classroom, in the workplace, in neighborhood community organizations, and, yes, in the family. Why there? Because those are the primary focal points for the nurturing and transmission of our values. And to whom? To the next generation, to our children upon whose sense of right and wrong the quality of life for their own generation will depend, for better, or for worse.

So that as I speak to you tonight about "Kids and Crime," I am really talking about our capacity to transmit the good and dispel the bad in our current value structure. Only a rising tide of our positive values, in short, can reduce our children's vulnerability -- and their propensity -- to crime.

A daunting challenge, as those of us know who have lived through the parenting process, which brought our own children to maturity. But worth every effort, as I am vividly reminded whenever I ponder the strong sense of values which my children appear to be passing along to our four grandchildren.

Let's look at the dimensions of the problem. Unhappily, for too many of America's children today, there is none of that "delight and liberty," which William Wordsworth called "the simple creed of childhood." Instead, that creed is often a blood oath, sworn to gang loyalty and gang violence in the crack alleys

of Los Angeles; or in Detroit, where kids are organizing what criminologist Carl Taylor calls CEOs -- "Covert Entrepreneurial Organizations" for wholesale drug-dealing; or in New York, where the juvenile crime rate is rising sharply. . . inside the second, third, and fourth grade classrooms. Assaults on teachers are up 35 percent -- robbery, almost double -- and the over-all elementary school crime rate, up 25 percent.

Those are children as criminals. But what about children as victims? If some kids become a threat, far more live under threat. And to our horror, that threat often comes from within the home itself. The infanticide of a six-year-old daughter -- at the hands of drug-addicted parents -- we could wish away as aberrant, but must recognize as one more extreme in the evil currency of child abuse.

Hard upon such abuse comes the abandonment of children, and the abduction of children. We keep sad lists today of missing or parentally disregarded children. According to estimates by our Office of Juvenile Justice and Delinquency Prevention in their OJJDP Annual Report on Missing Children, 1989, there are over half a million children, annually, endangered by their own actions, or fallen prey to others.

To close out this cycle of despair, there is the addiction of children. What can be done for the tiny baby, thrashing at birth to shake off the seizures that are its heritage from its own crack-addicted mother?

Sometimes we almost falter in our hopes for future society in light of such statistics, such prospects. In the past, parental debate has centered around Nature versus Nurture. Does the genetic heritage of a child -- Nature -- settle his or her future? Or does care and parenting -- Nurture -- make all the difference? Most of us would hold with a combination of both, leaning more toward Nurture.

But what of a childhood which is beneficially touched by neither? What of a childhood where Nature and Nurture are like two absent parents? One addicted and perverse, the other brutal and uncaring? What do we do when Nature and Nurture are overridden by nihilism? And it is that prospect of children raised in nihilism -- a loss of childhood that any society must find unacceptable -- that I want to raise with you as a growing threat to our American value structure.

I

From the beginnings of our democracy, we have paid special heed to the socialization of children. Ultimately, the so-called "child-saving" movement during the Progressive Era achieved two great social interventions on behalf of our young people. First, child labor laws rescued children from exploitation. Second, the creation of juvenile courts brought children under special and sympathetic jurisdiction.

Ever since, we have fostered an increasingly child-oriented society, under four simple axioms that summarize America's response to children.

One, a child is different from an adult. A child is in a dependent status, and must be under guardianship -- either by a natural parent or relative, or by an adult provided by the state.

But how are some violent children different from adults? Perhaps by being more violent? On one coast, there is the outbreak of rapacious "wilding" in Central Park and Hallowe'en gang attacks on the homeless -- and on the other coast, calculated drive-by shoot-outs between Crips and Bloods over territorial rights to sell drugs. How "dependent" is a child with an Uzi? Studies of such matters are problematic, but Dr.

Marvin E. Wolfgang's studies show that criminal activity now starts at a far younger age, has grown substantially more violent, and is more likely part of a pattern of repeated crime.

Two, the family plays the chief role in rearing a child. This establishes parents' rights over children and assigns responsibility to the family for raising a child to become a law-abiding citizen.

But how can the disintegrating family -- often only a single, female parent -- play its proper role in rearing a child? We are all aware of the entrapment of kids having kids -- too often in a cycle of repeated poverty. You deal with this tragedy daily, and I am impressed with your court experiments in treating family violence and your permanency planning for foster children. But we are still a long way from the familial milieu that helps create a law-abiding citizenry.

Three, society has an abiding interest in how a child is reared and in that child's welfare. This clearly points to the state's right to intervene when a child is mistreated or abandoned, or otherwise at risk.

But how does society redeem its abiding interest in the welfare of children? The past record is not good. As long ago

as 1962, St. Louis blew up its Prewitt-Igoe housing project to eliminate that failure of bricks and mortar to solve social ills. "When you're raised in a place like this," said boxer Leon Spinks of his childhood there, "all you can think of is how to get out." Other such public housing projects still stand, but too often they serve, not as home and hearth, but as redoubts of the inner city drug wars.

Four, punishment for a crime is to be mitigated when committed by a child. Criminal sanctions against children are stayed by both justice and prudence.

But for some of these crimes, what mitigation? And I am speaking not just of reckless endangerment of human life by armed juvenile gangs -- the slaughter of innocent bystanders, cynically called "mushrooms," i.e. somebody who just grew there. There are also the brutal crimes by more fortunate youths -- the hippie murderer who destroys a young girl's already tainted life, or the thrill killers who execute one of their own buddies, down by the river side. We are dealing with real nihilism here, where youth seems no bar to sociopathic behavior.

I do not want to stretch matters beyond forbearance -- or to appear totally unsanguine. But we are facing grave endangerment of America's children -- those who will soon become America --

and we must do all in our power to come to their rescue. I have more thoughts than answers to offer tonight, but I am convinced of one thing. Whatever we attempt to do, it will only succeed through that unique combination of strengths we propound as Americans, and wisely try to exercise as loving parents: the dual strengths of toughness and compassion.

## II

To turn to the tough side of the docket first -- we must hold our juvenile justice system to account in this matter of increasing violence by youthful criminals.

The "child savers," as I mentioned, created the juvenile courts, many since have become your family courts. Such courts nobly pioneered in the rehabilitation of strayed or disturbed youth trapped in intolerable family situations. But I don't think it can be gainsaid that such courts have been exceedingly slow to impart open justice. To a remarkable extent -- on grounds that future lives should not be stamped suspect by youthful mistakes -- you have kept crime a family secret.

That is less and less to be tolerated by American society. A problem adolescence -- even of the most desperate nature -- is no longer seen as mitigation of culpability. Every sympathy

exists for children caught in the drug wars -- especially when exploited, for example, as runners because of their juvenile immunity. Indeed, Congress passed stiff federal penalties in 1988 for drug lords convicted of such ultimate child exploitation.

But the same does not hold true for aggravated violence by under-age criminals. Increasingly, violent youthful offenders are being sent to the adult courts for prosecution to the full extent of the law. This indicates to me that our juvenile justice system itself recognizes that it must find more effective ways to address the offenses of violent young criminals -- especially when they show themselves incorrigible. Serious offenses by criminals with prior records -- whatever the age of the offender -- must be treated seriously. We can argue the minimum age for punishing any criminal activity, except recidivism.

As Governor of Pennsylvania, for example, recognizing studies by Dr. Wolfgang that 20% of apprehended juveniles committed 68% of serious juvenile crimes, I proposed a category of "dangerous juvenile offender" -- those juveniles, age 15 or older, who had faced court at least once after their twelfth birthday, and were charged again with a violent crime. Such dangerous offenders were to bear the burden of proof as to why

their trials should not be shifted to adult court. Hearings for such offenders were to be open to victims and public. And dangerous juvenile offenders were not to be excused from mandatory sentencing or registration and dissemination of photographs, fingerprints, and criminal histories.

### III

At the same time, we must recognize the untenable social entrapment -- those near conditions of nihilism I've discussed -- in which too many of America's children are reared. The National Commission on Children recently found that one out of every five children in this country grows up below the poverty line. A child born in the 80s has a 30 percent chance of finishing high school while still living with both parents -- if he or she is white. If black, the chance is six percent. What chance does such a child have -- given the weakness of the family structure, and often the pervasiveness of the drug culture, under these unhappy conditions -- to become a law-abiding citizen?

This is a larger matter for the entire society -- far larger than I can encompass today -- but I believe I can speak to one point from the perspective of law enforcement. And it goes back to values. A law-abiding citizen is somebody who -- somewhere along the line, through family, or school, or church -- was

taught respect for the law. At an early age, respect for the law must be inculcated as a leading value of this democratic society. It is one of the necessary lessons of childhood.

I know how naive such an espousal of values can sometimes sound to those of you who daily face our troubled youth. But I also know we possess a wealth of values that we too infrequently turn to our advantage. We overlook them when -- if you will -- a little child could lead us right to them.

It is, however, adults, not little children, who must in the end determine the way if true leadership is to prevail. "Suffer the little children to come unto me," says the Good Lord. But He was not only drawing the children to Him, but showing, by His own example, how they must be taught. And I am speaking similarly of adults as role models -- and the values we represent and convey by sympathetic word and exemplifying deed.

So long as the family is intact, the parent is always the pre-eminent role model. But too often, as noted, the family exists within a deteriorating social fabric, and has even abdicated its child-rearing responsibilities altogether. Then others must become role models -- teachers, leaders in our houses of worship, and, increasingly, those who command the largest audience of all among today's youth -- those in the public eye

whose values are communicated to young people through the omnipresence of television.

I am speaking, inevitably, of sports figures, entertainment stars, and, ultimately, those who chart the course of government and other institutions in our society. And here the record is spotty. Too frequently responsibility is avoided, or irresponsibility openly flaunted. How often are the values that parents or others seek to convey cynically undermined --

- \* By entertainers who make light of -- or even glorify -- the use of drugs, or the illegitimacy of their offspring?
- \* By athletes, such as the NFL star who justified his use of cocaine because it was only "in the off season"?
- \* By government officials who preach, but do not practice, the simple virtues of honesty and incorruptibility in the conduct of public office?
- \* By business and financial leaders whose pursuit of greed and avarice trashes the positive values of the honest free marketplace?

Like it or not, these are the models of misrule who often command the headlines and dominate the six o'clock news. They purvey countervalues that can wrongly direct and distort the lives and aspirations of today's children. They are undermining our compassionate guardianship, the combined efforts of Americans seeking to reinforce our traditional values.

It is clear that not just new laws -- nor more regulations, nor further court decisions -- will do the job alone. Only heightened standards of conduct, leading example, and resolute exhortation can forward those founding values which have created this "One Nation, under God, indivisible, with liberty and justice for all." Only then can nihilism -- so often reinforced by negative role models -- be effectively countered.

A whole generation, including those yet unborn, awaits our response. They are the ones who must deal both with the threat and the temptation of crime within their lifetimes -- as victims or perpetrators. And it is up to us, within and without the system, to transmit the values which will govern their own response.

Then, as a society, we will be able to speak again for the true innocence of childhood -- out of which our children learn the better rules for facing the harsher experiences of later

life. . Children must grow up, we all realize, but let them grow up with that inner sense of worth -- which the poet Wordsworth understood so clearly -- that moral wholeness that neither the rough ways of the world

Nor all that is at enmity with joy  
Can utterly abolish or destroy!