

In re Gault (1967)

Juvenile offenders in the United States have not always been treated differently than adults. When the first juvenile court was established in 1899, it operated under the philosophy of *parens patriae* — “the State as parent.” Authorities believed that it was the state’s obligation to both protect the public’s interest and to act as a guardian of the interests of the children involved. Because the goal of juvenile courts was for rehabilitation rather than punishment, juveniles had no due process rights.

In 1964, an Arizona sheriff took 15-year-old Gerald Gault into custody after a woman complained that he had made an obscene phone call. Gault was on probation when he was arrested. The sheriff left no notice for Gerald’s parents, who had to figure out on their own where Gerald went. At the hearing the following day, nothing that was said was recorded, no witnesses were sworn in and the woman who accused Gerald wasn’t present. After several days in police custody, Gerald was released only to appear at another hearing a few days later. Again, there were no records kept and the complainant wasn’t there. At both hearings, Gerald testified about what happened. The judge committed Gerald as a juvenile delinquent to the State Industrial School until he was 21 years old.

Gault’s parents filed a petition for a writ of habeas corpus contending that the juvenile proceedings were unconstitutional. No appeal of this decision was allowed under Arizona law.

The Gaults’ next step was to petition the Supreme Court of the United States. Gerald’s attorneys argued Gerald had been deprived of his liberty without due process of law and that the Constitution guarantees due process for both juveniles and adults.

The Supreme Court agreed. The Court was clear stating that neither the Fourteenth Amendment nor the Bill of Rights is for adults alone and found that juveniles who are subject to delinquency hearings were entitled to notice of the specific charges against them, a right to legal counsel, the privilege against self-incrimination, and the right to confront and cross-examine witnesses.

Find current examples of how the U.S. justice system handles juvenile offenders in the news.

Next installment: Supreme Court Case, Goss v. Lopez (1975)



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