

In re Gault (1967)

Name: _____

An Unfair Detention

In 1964, an Arizona sheriff took 15-year-old Gerald Gault into custody after a woman complained Gerald and another boy made an indecent phone call. The sheriff left no notice for Gerald's parents, who had to figure out on their own where Gerald went. At the station, the deputy told Gerald's mom there would be a hearing the next day. They kept Gerald in custody overnight. At the hearing, nobody wrote anything down or recorded what was said. Witnesses were not sworn in, and the woman who complained about the phone call wasn't there. The judge said he would think about what to do, and they kept Gerald in custody for two or three more days.

A few days later, Gerald's mom got a note that there would be another hearing. Again, nobody made any record of what happened, and the woman wasn't there. At both hearings, Gerald testified about what happened. At the end of second hearing, the judge found Gerald to be delinquent and said he must stay in juvenile detention until he turned 21.



Most states have juvenile justice systems that follow special rules for kids who break the law. The idea is to help kids make better choices the next time instead of just punishing them.

ISSUE

Is it constitutional to take a child's liberty without following due process?

DECISION

No. Both children and adults have a right to due process under the 14th Amendment.

The Argument

The 14th Amendment to the U.S. Constitution says that no state can "deprive any person of life, liberty, or property without due process of law." Due process refers to the procedures that are followed when someone is convicted of a crime. Gerald's lawyers argued that the State of Arizona had deprived him of his liberty without due process of law—meaning, without following procedures that are fair. They argued that the Constitution guarantees due process to both juveniles and adults.

The Decision

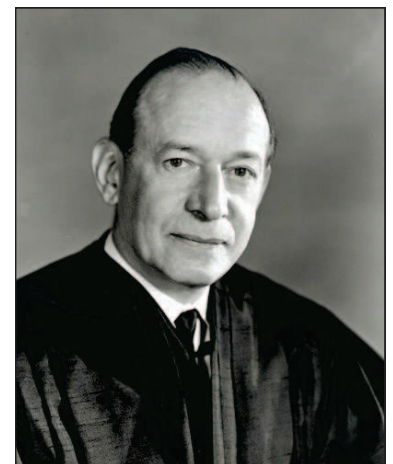
The Supreme Court agreed. Here are the due process procedures the Court said Arizona must give to juveniles as well as adults:

Notice of Charges. Both Gerald and his parents should have received written notice of the charges against him. That notice should have been delivered far enough in advance to allow time to prepare a defense.

Right to Counsel. Gerald and his parents should have been told that they had a right to a lawyer, and that one would be appointed for them if they could not afford one.

Right to Remain Silent. The Court said Gerald did not have to testify against himself. His confession could not be used against him unless it was obtained properly.

Right to Confrontation. Without a valid confession, only testimony from witnesses who had been sworn in could be used against Gerald, and he had a constitutional right to confront the witnesses against him.



Supreme Court Justice Abe Fortas wrote the court's opinion.



So What?

When kids get in trouble, should they be treated differently from adults? Most states say yes. The Court's decision did not mean that states can't make special rules for juveniles who break the law and treat juvenile offenders differently from adults. But it does mean that they can't deny kids basic protections of the Constitution.