

Where Have All the Superpredators Gone?

Jon Marc Taylor

For every complex problem, there is a solution which is short, simple, and wrong.

(H.L. Mencken)

Nearly two years ago, in a *St. Louis Post-Dispatch* featured editorial, Ph.D. candidate T. Markus Funk joined the litany of foreboding prognosticators giving admonition of the states' failures in addressing the growing wave of juvenile delinquency.¹ He was echoing what professors James Alan Fox of Northeastern University, James Q. Wilson of UCLA, and John J. DiIulio of Princeton—a prolifically vocal triumvirate of the “lock 'em up and throw away the key” school of criminology—had been advocating since 1994.²

This trio considered the rising teenage crime rates beginning in 1985—along with the maturing of the baby boomlet into their most crime-prone teenage years, which in 2016 will crest at four million more than the post-WWII baby boomers did in the mid-1970s³—as cause for concern of an impending tidal wave of dangerous, violent “superpredators” terrorizing an unprepared nation. Professor Fox went so far as to coin the soap-operatic sound bite, labelling this predicted scourge as the “young and the ruthless.”⁴

Politicians who never miss an opportunity to “fight crime” jumped on the bandwagon passing laws to quash the rampaging youth. “When it comes to crime,” Fox cogently quips, “politicians believe in the three Rs: Retribution, Revenge, and Retaliation, which they think takes them to the fourth—Re-election.”⁵

In a flurry of bills, all the state legislatures passed laws allowing for kids from sixteen to ten—with twenty states setting no minimum ages—to be prosecuted as adults.⁶ Amnesty International recently estimated that 200,000

¹ Funk, T. M. (6-10-97) “Forgive-and-Forget Approach Won’t Halt Juvenile Crime,” *St. Louis Post-Dispatch*.

² Steinberg, J. (1-3-99) “Teenage crime rate down despite prediction,” *New York Times*.

³ Zinn, L. et al. (4-11-94) “Teens: Here Comes the Biggest Wave Yet,” *Business Week*.

⁴ Johnson, K. (10-3-97) “Young and the ruthless never materialized,” *USA Today*.

⁵ Gregory, T. et al. (4-27-98) “It’s 4:00 pm: Do you know where your children are?” *Newsweek*.

⁶ Puente, M. (4-1-98) “Law getting tougher on children,” *USA Today*.

children are prosecuted in adult courts every year, while 7,000 are held in adult jails and 11,000 are serving time in adult and other correctional centres.⁷ Thirty-eight states already house adult-adjudicated juveniles in adult prisons with no special or separate programs.⁸ Currently there are seventy men on death rows for crimes committed as juveniles, with a dozen more since 1976 already having been put to death.⁹

In Washington, as well, Congress tried to hitch their own buggy to the national caravan of childhood punishments. The recently failed *Juvenile Crime Control Act* would have: economically blackmailed states with federal grant money, requiring them to open juvenile records to the public; permitted prosecutors (not judges, as current practice) to determine whether to prosecute thirteen-year-olds accused of serious drug or violent crimes as adults; and allowed states taking federal funds to imprison juveniles with adults—an action that, ironically, the federal largesse presently prohibits.¹⁰ Even more revealing than its particular elements, the bill's sponsor Rep. Bill McCollum referred to violent juvenile offenders as “the most vile human beings on the face of the continent.” His prescription is that they “should be thrown in jail, the key should be thrown away and there should be very little or no effort to rehabilitate them.”¹¹

All in all, it would be difficult to argue that we are not tough on crime, juvenile or adult. The only problem with the Four Horsemen of the Delinquent Apocalypse's remonstrations is that the teenage assault against the ramparts of our civilization never materialized. Looking back on his dire finger-waving, T. Markus should be in a funk. As the “ticking demographic time bomb” was being pontificated upon,¹² stirring a plethora of punitive penal amendments, a funny thing happened on the way to the hoosegow. The felonious flare-up never erupted. In fact, the opposite occurred.

From 1993 to 1997, juvenile arrest rates for murder dropped by nearly half,¹³ and in just the two years between 1994 and 1996, juvenile arrests for

⁷ (11-18-98) “Amnesty rips juvenile justice system,” *L.A. Times*.

⁸ (11-18-98) “Report: More incarcerated teens abused,” *Associated Press*.

⁹ Jones, C. (4-13-98) “Old enough to pay the ultimate penalty,” *USA Today*. (1-28-99) “Condemned killer loses bid for clemency,” *Associated Press*.

¹⁰ Wickham, D. (2-10-98) “Avoid jailing juveniles with hardened adults,” *USA Today*.

¹¹ (9-97) “A Matter of Fact,” *Prison Legal News*, p. 9.

¹² Zuckerman, M. (4-1-98) “Scary kids around the corner,” *U.S. News & World Report*.

¹³ (11-20-98) “Arresting of youths for crimes of violence fall, Reno says,” *Associated Press*.

all violent crimes decreased by almost twenty percent.¹⁴ The whole time these crime rates were declining, teenage populations were steadily increasing.¹⁵ Moreover, according to the Office of Juvenile Justice and Delinquency Prevention, only one-half of one percent of youths between ages ten to seventeen were arrested for violent crimes.¹⁶ As William Schulz, executive director of Amnesty International observes, “the image that we now have of huge numbers of murderous juveniles who need to be taught a harsh lesson by society is a myth.”¹⁷

Attempting to explain the early decline in juvenile crime rates in November 1995, DiIulio called the dip “the lull before the crime storm.” Two months later, writing for the Council on Crime in America (an organization of prosecutors and law enforcement experts), the Princeton professor warned of the delinquent time bomb set to detonate in a few years. If this modified forecast had been correct, comments Franklin Zimrig, a professor of law at the University of California at Berkeley, “we should have our umbrellas open right now” in 1999.¹⁸ Instead we have been slathering on sunscreen, heading to the beach under increasingly peaceful, clearing skies.

Yet the terrible costs to our children and eventually ourselves by the needlessly harsh lessons we are handing down can never be fully tolled. Nationally, two-thirds of juveniles waived to adult courts were non-violent offenders. Juvenile drug offenders were waived to adult court at one-third greater rates than were violent offenders, while the rate at which youth drug offences were shifted to adult courts doubled between 1992 and 1998.¹⁹ More specifically, by example, since Ohio permitted teens as young as fourteen to be charged as adults in 1995, the number of juveniles so tried has increased seventy percent in just two years.²⁰

And what result are we achieving by this excessive punitiveness? Youth in adult facilities are five times as likely to be raped, twice as likely to be beaten by staff, and horrifyingly eight times as likely to commit suicide as adult prisoners in the same institutions.²¹ The physical and psychological

¹⁴ Puente, M. (4-1-98) “Law getting tougher on children,” *USA Today*.

¹⁵ Zinn, L. et al. (4-11-94) “Teens: Here Comes the Biggest Wave Yet,” *Business Week*.

¹⁶ Peterson, K. (9-29-98) “Public Clamors: Get-tough at a tender age,” *USA Today*.

¹⁷ (11-18-98) “Amnesty rips juvenile justice system,” *L.A. Times*.

¹⁸ Steinberg, J. (1-3-99) “Teenage crime rate down despite prediction,” *New York Times*.

¹⁹ Snively, K. (Summer, 1996) “States Catch Waiver Trend,” *The Drug Policy Letter*.

²⁰ (9-97) “A Matter of Fact,” *Prison Legal News*, p. 9.

²¹ (11-18-98) “Report: More incarcerated teens abused,” *Associated Press*.

trauma incurred by youth in adult prisons is so endemic that the Children's Defense Fund scornfully retitled Congress's proposed Juvenile Crime bill as the "Child Rape Opportunity and Criminal Mentoring Act."²² Not surprisingly, in separate studies the National Institute of Justice, and the National Council on Criminal Delinquency, found that juveniles processed through the adult system were thirty percent more likely to recidivate, committing more crimes than like youthful offenders held in the juvenile system.²³

"Simply put," comments Vincent Schiraldi, the director of the Center on Juvenile and Criminal Justice, "adult institutions are a nightmare."²⁴

* * * * *

Some may contend that it has been the very actions of the state's "cracking down" on wayward youth that has nipped the perennial weed of crime in the maleficent bud. Fox's colleague at Northeastern, Jack Levin, makes this very argument claiming the doomsaying criminologists deserve credit for raising the plague flag in containing the contamination.²⁵ There are a few problems, however, with this assumption.

First, juvenile crime rates began declining before most of the legal changes became effective. The rates dropped sooner and even faster than the most optimistic draconian advocates could have divined. And as we have seen, the harshness of the penalties indiscriminately sweep up tens of thousands, contributing more to perpetuating the anti-social mindset than rehabilitating the errant kids punished as adults.

Secondly, the waning of juvenile violence has more to do with changes outside of the legal system than anything else. A study released by the Justice Department concluded that the most significant reason for the decline in homicide rates was the dissipation of the crack epidemic. Another study of 142 cities found that the "emergence and proliferation of crack cocaine is responsible, at least in part, for the increase in violent crime," especially robberies in the 1980s.²⁶

²² Wickham, D. (2-10-98) "Avoid jailing juveniles with hardened adults," *USA Today*.

²³ Puente, M. (4-1-98) "Law getting tougher on children," *USA Today*. Butterfeld, K. (10-27-97) "Drop in Homicide Rate Linked to Crack's Decline," *New York Times*.

²⁴ Peterson, K. (9-29-98) "Public Clamors: Get-tough at a tender age," *USA Today*.

²⁵ Johnson, K. (10-3-97) "Young and ruthless never materialized," *USA Today*.

²⁶ Harden, B. (10-23-97) "Boston's Approach to Juvenile Crime Encircles Youths, Reduces Slayings," *Washington Post*.

Alfred Blumstein, a criminologist at Carnegie Mellon University, observed the connection between the marketing of crack and juvenile violence was especially strong.²⁷ “You had a lot of kids recruited to sell it,” he said, “they armed themselves, and then their friends got guns, too, to protect themselves,” setting off a bloody arms race on the streets. Professor Rosenfeld, of the University of Missouri, also adds that the pharmacological effects of a short intense high crashing to paranoia created a volatile, urgent demand. He comments that combined with legions of armed youthful sellers, buyers and bystanders, “this generates lots of competition and greater levels of violence.”²⁸

Since peaking in 1988, overall crack cocaine use has declined by more than seventy percent,²⁹ while general drug abuse has increased slightly. Complementing this change, concerted community efforts combining focused social and employment services, church activism, and community policing strategies have had a massive impact on preventing teen delinquency. For example, Boston’s model Ten-Point Coalition—which contributed to the lowering of juvenile homicides in that city to a single one in the past three years—has been highly successful in achieving across-the-board reductions in offending.³⁰ All the while, Massachusetts maintains the second-lowest juvenile incarceration rate in the country.³¹

So much for the clarion call for secure cells in the quest for safe communities.

* * * * *

Two years ago, Marcus Funk warned us that “today’s optimism about declining crime rates may soon fade.”³² Last month, James Wilson admitted

²⁷ Stewart, R. (Summer, 1996) “Alfred Blumstein: Youth, Guns and the Drug Trade,” *The Drug Policy Letter*.

²⁸ Harden, B. (10-23-97) “Boston’s Approach to Juvenile Crime Encircles Youths, Reduces Slayings,” *Washington Post*.

²⁹ *Ibid.*

³⁰ Fields, G. (10-25-96) “Boston hasn’t had a juvenile homicide in ’96,” *USA Today*.

³¹ Harden, B. (10-23-97) “Boston’s Approach to Juvenile Crime Encircles Youths, Reduces Slayings,” *Washington Post*.

³² Funk, T. M. (6-10-97) “Forgive-and-Forget Approach Won’t Halt Juvenile Crime,” *St. Louis Post-Dispatch*.

that “so far, it clearly hasn’t happened. Self-deprecatingly, he continued, “this is a good indication of what little all of us know about criminology.”³³ What we do know is that politically popular efforts calling for more prisons and pushing more people into them for longer periods of time is an end game that eventually punishes us all. As an adult, the loss of freedom is a terrible thing. As a child, the loss of innocence is a tragedy. What we should remember when reading the pronouncements of overly-assured soothsayers such as Fox, Wilson, DiIulio, and Funk is that statistics are not destiny.

Jon Marc Taylor is a member of the editorial board of the *JPP* and a regular contributor. He is currently incarcerated in Missouri, as prisoner #503273. He can be contacted at 1115 East Pence Road, Cameron, Missouri 64429, U.S.A.

³³ Steinberg, J. (1-3-99) “Teenage crime rate down despite predication,” *New York Times*.