

Kids are kids—until they commit crimes

By Marjie Lundstrom,

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1 A week from now, a judge in Florida will decide how old Lionel Tate really is.

2 Never mind that he is indisputably 14—12 at the time of "the incident." Is he a boy? Or a man?

3 It is a vexing question these days for the under-18 crowd, the group we routinely write off as "only kids." It's why they can't smoke, or drink, or go to R movies without our OK. It's why they don't vote. It's why they have curfews. It's why we fret over their Internet access and fuss about driving privileges.

4 Hey, they're only kids.

5 That is, until they foul up. Until they commit crimes. And the bigger the crime, the more eager we are to call them adults.

6 It's a glaring inconsistency that's getting more glaring by the hour as children as young as 12 and 13 are being charged as adults in America's courts.

7 A California appeals court recently stuck its nose into the quandary of when to charge young offenders as adults, returning that power to judges, not prosecutors.

8 Meanwhile, in Texas, a lawmaker has had it. You want to throw the adult book at kids? Fine, says Democratic state Rep. Ron Wilson of Houston.

9 Lower the voting age to 14.

10 And really, in light of things, how wacky is that? Today we are witness to criminal defendants—facing life sentences without parole—who cannot shave, still play with fire trucks and love to act out scenes from television or video games.

11 •On March 9, Lionel Tate—who was 12 when he savagely beat to death a 6-year-old girl—will likely learn if he must spend life in prison after his lawyer unsuccessfully tried to put pro wrestling on trial. Now 14 and convicted as an adult of first-degree murder, Tate supposedly was imitating his World Wrestling Federation heroes when he pummeled his playmate, less than a third his size.

12 •Last month in Sacramento, a 15-year-old Yuba City youth who reportedly claimed he was mimicking a TV program about little girls who rob a bank was

given a 26-years-to-life prison term. Tried as an adult, Thomas A. Preciado was 14 when he stabbed to death a minimart clerk.

13 •In April, Court TV will air live daily coverage of the trial of Nathaniel Brazill, now 14, charged as an adult with first-degree murder. Brazill was 13 and already in trouble for throwing water balloons when he returned to his Lake Worth, Fla., middle school and shot to death an English teacher, who would not let him say good-bye to two girls on the final day of classes.

14 This is not to say that the boys' crimes were not heinous, or that they should go unpunished. No one's talking about coddling here. But the zeal to corral wildly troubled, ever-younger kids and ram them through the adult system belies everything the juvenile justice system is all about: that kids are different. Their reasoning is not fully developed.

15 They are not adults.

16 "We've created this image that teenagers are something to be feared," said Dan Macallair of the Center on Juvenile and Criminal Justice in San Francisco.

17 This warped vision of America's youth was given an unfortunate boost with the recent arrest of two seemingly "good kids" in the brutal slayings of two Dartmouth College professors. Before they were even arrested, prosecutors had charged the teenagers, 16 and 17, as adults.

18 Trouble is, statistics don't bear out the hysteria. While politicians and prosecutors press for hard-line stands against youthful offenders—nearly every state has moved to make it easier to charge kids as adults—juvenile crime is way down.

19 The nation's juvenile arrest rate for murder fell 68 percent from 1993 to 1999, hitting its lowest level since 1966, according to the Justice Department. The juvenile arrest rate for violent crime overall fell 36 percent from 1994 to 1999.

20 Macallair believes the excitable media have perpetuated and fueled the youth-violence scare of the 1980's. In fact, California voters were so persuaded by tough-on-crime rhetoric they passed Proposition 21 last March, shifting the power from judges to prosecutors in deciding which juveniles to charge as adults in certain crimes.

21 Sensibly, the 4th District Court of Appeals in San Diego disagreed, finding that the provision violated the separation-of-powers principle. The San Diego district attorney has vowed to appeal.

22 But the fact remains, politics and demagoguery do not make good public policy. Research suggests that adolescents squeezed through the adult system are more likely to come out as violent career criminals than similar kids handled on the juvenile side.

23 More lives, lost.

24 So what, then, to do about Lionel Tate—a kid who apparently still doesn't understand that "pile-driving" fellow inmates is not a good thing?

25 In another week, he will find out who tucks him in at night. And where.