Mike McCabe

When 11-year-old Henry Campbell and his parents appeared before Judge Richard Tuthill in a crowded Chicago courtroom on July 3, 1899, the course of juvenile justice in America took a historic turn. Held just two days after the effective date of a landmark Illinois law, the Campbell hearing was the first to be held in the nation’s first juvenile court.

Accused of larceny by his own parents, who, nevertheless, sought an alternative to incarceration for their son, Campbell was eventually sent by Judge Tuthill to live with the boy’s grandmother in New York.

In addition to demonstrating the flexibility afforded to judges under the state’s new Juvenile Court Act, the decision reflected the view of contemporary reformers that rehabilitation, rather than punishment, should be the ultimate goal of juvenile justice.

The unprecedented Illinois law was “based on the idea that children are qualitatively different from adults and that, therefore, the state should respond differently to them,” notes David Tanenhaus, a professor at the University of Nevada, Las Vegas and an expert on the history of juvenile justice.

Under the doctrine of parens patriae, a state is obligated to intervene on behalf of delinquent and neglected children and to act as their guardian or responsible authority when necessary for their protection and guidance.

Consistent with this philosophy, reformers in the Progressive Era believed that the best way to promote the rehabilitation of delinquent youths was to separate them from adult offenders while building a justice system that was better equipped to meet their needs.

Fueled by the efforts of activists such as Jane Addams and Julia Lathrop, the notion of establishing a separate court specifically empowered to handle juvenile cases gradually gained momentum in Illinois as the 19th century drew to a close.

The bill that passed in 1899 (on the last day of the legislative session) gave Illinois’ largest counties the discretionary authority to establish juvenile courts.

Although traditionally recognized as the nation’s — and the world’s — first juvenile-court measure, the law did not actually establish any new courts. Instead, it authorized qualified and existing circuit courts to empower their own judges with the responsibility to hear juvenile cases (meaning cases involving dependent, neglected and delinquent children under the age of 16) in special courtrooms designated for that purpose.

The results of such proceedings were to be recorded in a separate “Juvenile Record,” and the Illinois statute specified that “for convenience,” any such court could be called a “Juvenile Court.”

Though far from perfect — for example, it came without funding and was silent regarding minors’ due-process rights — the Illinois law was soon widely emulated. Within 25 years, all but two states had passed similar measures; by 1945, every state had established separate juvenile courts.

The Illinois pioneers were well aware of the fact that they were blazing an important new trail in juvenile justice, Tanenhaus says. They worked tirelessly, in fact, to circulate the idea to other states. Soon, too, it took root in other countries as well.

“It is the most copied legal innovation in our nation’s history,” Tanenhaus says. Over the years, juvenile courts evolved in the states, with the informal processes used by Tuthill and other judges gradually giving way to a more systematic adjudication of cases.
The U.S. Supreme Court first recognized the due-process rights of minors in the mid-1960s, eventually extending to juveniles many of the same protections long guaranteed to adults (the rights to legal counsel and to adequate notice of charges, for example, and to confront and cross-examine witnesses).

A generation later, in the 1980s, growing concerns about juvenile violence led many states to adopt more-punitive measures for young offenders. As a result, the traditional goal of rehabilitation gave ground to a renewed emphasis on punishment, with most states making it easier for violent juveniles to be tried as adults in criminal courts.

More recently, according to some observers, states have revisited their juvenile-justice strategies in an effort to strike a more appropriate balance among social goals such as public safety and rehabilitation.

And Tanenhaus notes that recent Supreme Court decisions have captured some of the underlying ideals that gave rise to the nation’s first juvenile court.

“We periodically rediscover why we established juvenile courts in the first place, and we’re at a moment like that now,” he says. “The idea that juveniles should be treated differently and separately from adults is now a universal in the modern world.”

That idea, he adds, is the enduring legacy of the Illinois experiment.

First in the Midwest highlights noteworthy “firsts” in state government that occurred in this region. If you have ideas from your state, please contact Mike McCabe.

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