

Thanksgiving “as a day when all Americans could feel they belonged to the nation.” Schoolteachers filled their classrooms with pictures of Pilgrims and turkeys, painting a rosy picture of the Pilgrims as the very first immigrants—historical figures with whom any recent arrival could identify.

Only one element was missing from Thanksgiving as it is today—football. Though collegians had played the game on

turkey day since the 1880s (as the upper-class counterpart to Fantastic parades), football did not become a central part of the holiday until the advent of radio broadcasting in the 1920s. This, for Pleck, was the last feather on the old Pilgrim turkey, for it carved out a masculine niche in what had become a feminine domestic festival, cementing Thanksgiving’s place in American life and lore.

Justice for Juveniles

“The Honest Politician’s Guide to Juvenile Justice in the Twenty-First Century” by Barry C. Feld, in *The Annals* (July 1999) of the American Academy of Political and Social Science, 3937 Chestnut St., Philadelphia, Pa. 19104.

In its landmark 1967 ruling, *In re Gault*, the Supreme Court extended to youthful offenders some of the procedural safeguards given adult criminal defendants. In the decades since, contends Feld, a University of Minnesota law professor, the juvenile court has been turned into “a scaled down, second-class criminal court” that provides “neither therapy nor justice.”

The Progressive era “child savers” who brought the juvenile courts into being around the turn of the century aimed to reform rather than punish youthful offenders. Unwittingly, says Feld, the Supreme Court opened the door for judicial, legislative, and administrative changes that have effectively ended that mission.

Juvenile courts now turn over many youthful offenders to other institutions. Many white, female, and middle-class school truants and troublemakers, whose missteps would not have been offenses if committed by adults, have been shifted to private mental health and drug treatment facilities. At the other end of the spectrum, serious youthful offenders, disproportionately black and male, increasingly have been transferred to criminal courts for prosecution as adults. There, Feld observes, violent offenders are given “dramatically more severe sentences” than they would have received as juveniles. Ironically, most of the nonviolent serious offenders “actually get shorter sentences.”

The ordinary delinquents left in the juvenile system, meanwhile, are punished more severely than they would have been in the past, Feld says. The states are moving away

from the traditional therapeutic emphasis in juvenile justice, emphasizing instead responsibility and accountability. Yet at the same time, “most states continue to deny juveniles access to jury trials or other rights guaranteed to adults,” he says. (In any event, Feld avers, juvenile correctional facilities provide virtually no “meaningful rehabilitative programs.”)

Feld welcomes some of the changes. “The juvenile court . . . characterized delinquents as victims rather than perpetrators, and subjected them to an indeterminate quasi-civil commitment process.” Its “treatment ideology” underemphasized “offenders’ duty to exercise self-control.”

But the juvenile court’s underlying concept of combining “social welfare and criminal social control in one agency” remains “fundamentally flawed,” Feld maintains. Why wait for youngsters to commit crimes before giving them better education and health services? Why offer social services to those young criminals who won’t benefit?

Feld’s solution: abolish juvenile courts, putting youths accused of crimes in the regular justice system with special procedural safeguards and formal recognition of youthfulness as a mitigating factor with categorically shorter sentences. Then, once sentences have been imposed and personal responsibility affirmed, place the convicted youths in designated correctional facilities “with resources for self-improvement.” By virtue of their age, he notes, youthful offenders eventually return to society. They ought to be prepared.