

April 2016

## Delinquency and Federal Law

James H. Bobo

Follow this and additional works at: <http://scholarship.law.stjohns.edu/tcl>



Part of the [Catholic Studies Commons](#)

---

### Recommended Citation

James H. Bobo (2016) "Delinquency and Federal Law," *The Catholic Lawyer*: Vol. 3: No. 3, Article 3.  
Available at: <http://scholarship.law.stjohns.edu/tcl/vol3/iss3/3>

This Article is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized administrator of St. John's Law Scholarship Repository. For more information, please contact [cerjanm@stjohns.edu](mailto:cerjanm@stjohns.edu).

# DELINQUENCY AND FEDERAL LAW

JAMES H. BOBO\*

## The National Problem

TWO YEARS AFTER the end of World War II, in 1948, there were less than 300,000 juveniles appearing before the courts. By 1952 this number had increased to 385,000, and in 1953 to 435,000. In 1954, 475,000 children between the ages of 10 and 17, committed delinquent acts serious enough to bring them before a court, and in 1955 this figure had risen to 500,000.

In this seven-year period juvenile court cases increased 70 percent, although there was only a 16 percent increase in the number of children who were of juvenile court age. In non-urban areas the increase was even more marked. These areas showed an average 78 percent increase in delinquency cases.

The trend has continued upward and the figures for 1956 show that approximately 530,000 juveniles appeared before the courts in that year.

The Bureau of the Census predicts that by 1965 the United States will have 50 percent more boys and girls in the 10 to 17 year age group than in 1955. If the nation's delinquency rate continues its upward trend at the same rate it has during the years 1948 through 1955, over 1 million children will appear before the courts in 1965.

The majority of the boys and girls who come before juvenile courts for delinquent behavior are between 15 and 17 years of age. Court records show that of the number of children brought before a court, approximately 35 percent had been there before on one or more occasions. Boys outnumbered girls by a ratio of 5 to 1 in committing delinquent acts. Boys are referred most often for running away or committing malicious mischief and girls for being ungovernable, for running away, or for having committed a sexual offense. The 16 year old age group committed more crimes

---

\* General Counsel, U. S. Senate Subcommittee to Investigate Juvenile Delinquency, since 1954. B. S., Memphis State College (1948); LL.B., Vanderbilt University (1951).

against property than any other age group, either adult or juvenile.

The Federal Bureau of Investigation figures for 1956 show that of those persons under 18 arrested in 1956, 40.1 percent were



JAMES H. BOBO

not yet 15 years of age. Youths under 18 made up 11.3 percent of the arrests in reporting cities but the serious nature of the participation of youths in crime is more clearly observed by an examination of selected categories.

For major crimes as a group, 45.8 percent of the arrests in 1956 were of youths under 18. Over 3,000 of the young people were arrested for criminal homicides, rapes and aggravated assaults. Though this presents a very serious picture, it is not so large statistically since these arrests for crimes against the person amount to only 9.5 percent of all such arrests. The criminal activity of youths in major crimes is concentrated in the property crimes of robbery, burglary, auto theft, and other larcenies where they represent 52.3 percent of the persons arrested in 1956 in the reporting cities.

In the property crime classes, youths under 18 represented 24.7 percent of those arrested for robbery, 53.9 percent of those arrested for burglary, 50.4 percent of those arrested for larceny, and 66.4 percent of those arrested for auto theft.

### Government Action

Senate Resolution 89 which was adopted by the Senate on June 1, 1953, provided

that the Committee on the Judiciary, or any authorized subcommittee thereof, was authorized and directed to conduct a full and complete study of juvenile delinquency in the United States. It stipulated that such an investigation give special attention to (1) determining the extent and character of juvenile delinquency in the United States and its causes and contributing factors, (2) the adequacy of existing Federal laws dealing with youthful offenders, (3) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal Courts, and (4) the extent to which juveniles were violating Federal laws relating to the sale or use of narcotics.

### Organization and Staffing

On August 4, 1953, the chairman of the Committee on the Judiciary appointed a subcommittee to carry out the terms of the resolution. Senator Robert C. Hendrickson of New Jersey was appointed chairman and served the subcommittee in that capacity until December 13, 1954, when he resigned in order to devote himself to the many details involved in concluding his term of office in the Senate. On January 7, 1955, Senator Estes Kefauver of Tennessee was appointed as chairman of the subcommittee, and named to the membership were Senator Thomas C. Hennings, Jr., Senator Price Daniel, Senator William Langer and Senator Alexander Wiley.

In its efforts to recruit a suitable staff for the complex task facing it, the personnel selected included persons with a wide variety of backgrounds. The majority were or had been connected with juvenile delinquency work in one or another of its many phases. Thus, the staff included personnel with backgrounds in law, social work, sociology, criminology, social research, and

education. These staff members had available to them experts in other related fields such as psychology and psychiatry whose knowledge was based upon experience in research or operational activities in the field of delinquency.

### **Activities of the Subcommittee**

Against a background of seriously increasing national juvenile delinquency the subcommittee set to work probing into the separate problems of this "greatest of all social problems facing the Nation."

Our first investigation was into the relationship between youth employment and juvenile delinquency. We wanted to learn how much connection there was between the inability of some teen-agers to find suitable employment and the growth in juvenile misconduct.

Special attention was given to the problem of the "dropout" student, the child who leaves school at an early age and is not able to obtain a job. This child often drifts from job to job, then to no job, and, in too many cases, sets a foot on the road to delinquency.

We discovered that a proper counseling service provided either by his school or by the United States Employment Service might have kept him in school, or if he was determined to leave, found him a job compatible with his personality and ability.

We were disturbed to learn that many children fail to have their best potentialities developed because their school did not have a proper counseling and guidance program.

As a result of the hearings, information on the situation was disseminated throughout the country and programs for meeting the need of the student and in keeping with restricted school budgets were highlighted.

Through proper cooperation and planning between the school and the United States Employment Service, existing facilities can be utilized more effectively than in the past.

An Interim Report on Youth Employment and Juvenile Delinquency was issued setting forth the findings and recommendations for corrective action.

The impact of the mass media on youth was the second area studied by the subcommittee.

The first topic within this area to receive consideration was the crime and horror comic book. As a result of the subcommittee's studies, the industry appointed its own code administrator and began serious efforts to clean out the books adjudged to have a bad influence on young people.

Television was the second topic for consideration in our mass media study. At our hearings we heard from the leaders in the television industry, their critics, and those who have conducted scholarly surveys of the mass media.

The industry, brought face to face with the problem of its influence on juvenile conduct, is already making efforts to improve its programs so that a more beneficial diet will be present to the child turning to television for entertainment.

We asked the television broadcasters to adhere more closely to their own code. We pointed out to them that many violations of their code were occurring which could have detrimental effects on children. We then asked those not belonging to the radio and television code to join so that a united front could be presented for better programming. We were also especially interested in having those who produce films for television come under some sort of industry regulation. At present a code is being

established to cover this group of film producers.

In Los Angeles we heard from those engaged in motion picture production. This study was, in reality, an extension of our television study, for the basic principles applying to television also apply to motion pictures.

We also wanted to take a closer look at the Hollywood advertising code, which seems to have been administered far too laxly in the last few years. The predominance of crime, horror, violence, and sex portrayed in film advertisements not only transgresses upon good taste but also constitutes a genuinely harmful influence on young people.

Both the motion picture producers and advertisers have finely worded codes, but too often these codes were being violated. When they were violated so were the minds and sensibilities of our children.

The predominance of brutality in both movies and television was making our Nation's youth insensitive to human suffering. They were becoming so accustomed to an overwhelming amount of crimes and violence that death and pain were becoming meaningless.

In studying the mass media, we started from the very proper premise that our society frowns on censorship. We believed that American industry can so regulate itself by voluntary codes that government control in this field would never be necessary.

As a result of these hearings and bringing the harmful influences to the attention of these industries a new look was taken at their codes and the enforcement of them and much to the credit of both industries a splendid job has been done in both media in correcting any deficiencies.

One of the most shocking of our investigations revealed the extent to which pornography was reaching even our very young children, and the terrible influence such filth was having on their conduct.

After holding hearings in New York City, it was estimated that the traffic in erotic photographs, playing cards, phonograph records, movies, slides, illustrated books and pamphlets, totaled \$300 million to \$400 million a year.

Following hearings in Los Angeles, however, it was felt that the original estimate was far too low. There are indications that the real traffic in pornography may run higher than half a billion dollars annually.

From testimony received by the subcommittee it is known that this pornography is reaching the hands of children in large quantities. In many instances, children are using their lunch and allowance money to pay for this filth.

These materials portray abnormal sexual behavior as normal. They are sold to children by adults. Psychiatrists told the subcommittee that much of the pornography was deliberately geared to the young and sexually inquisitive mind.

The perversion of individuals who produce this material was brought home with startling emphasis when it was learned that they no longer rely solely upon adults to participate in the scenes involving sex which they record on motion-picture film and still photographs. Teen-agers are being enticed into participating as well, led on, in many cases, by unscrupulous adults exploiting their innocence. In one extreme case children as young as 4 had participated in abnormal sexual conduct before the camera. This happened within a few miles of the Senate Chamber.

A list was compiled of pornographers

unearthed during the hearings and sent to police chiefs throughout the country. As a result, raids were staged in several cities. For example, in Houston and Minneapolis large collections of pornographic materials were seized. In both cases, local police chiefs had followed through on specific leads furnished them by subcommittee investigators. Testimony by these particular pornographers implicated witnesses who used the Fifth Amendment before the subcommittee in New York.

As a result of these hearings Public Law 95 was passed by the Congress, curbing the interstate transportation of pornographic materials by private conveyance.

Other recommendations on this subject were contained in the Interim Report on Pornography issued by the subcommittee.

Education and school programs, the public's first line of defense against delinquency, were the subject of hearings held in Nashville, Tennessee. Many of the Nation's most prominent educators testified on the role of the school in meeting the problem of delinquency.

Investigation had indicated that the educational program of the Nation is a major area of concern. The fact that the number of children involved will have doubled by 1960 places tremendous burdens upon every school district to expand facilities and programs.

Community hearings had demonstrated that the public school is the one community agency that possessed both the authority and relationship with children and parents to initiate an effective delinquency prevention program, prior to the time children come to the attention of the police and court. The youths who become delinquent in alarming numbers between the ages of 15 and 17 had demonstrated problems of

adjustment when they were 6 to 11 years old. To prevent delinquency these problem children must be reached early, at the beginning of their school career.

Qualified teachers must be provided to work with smaller class groups in the lower grades, so that children can be properly inducted into a wholesome group experience. Each school district must have professional services to work with children and their families, not only in the school but in the home and community. Help must be given to families where training and emotional climate fail to prepare the child to make a satisfying social adjustment in educational groups. Special remedial programs must be developed for children whose inability to comprehend creates an adjustment problem.

Educational authorities testified that even if such services could be made available, there would be a residual group of boys and girls that could not be successfully helped in a home setting. These children would profit by a 24 hour program in a boarding school or group living situation. This type of school would operate without punitive stigma and group-living experiences would be geared to practical educational experience.

The findings of the subcommittee on the role of education in juvenile delinquency and its recommendations are set forth in an interim report.

At the hearings in Nashville were also heard leaders from most of the religious organizations in the Nation.

In conjunction with the hearings on education, a hearing was held which stressed the role of the church in combating delinquency. This hearing was so designed that each major denomination in the Nation could present its program for study by

other denominations and gain from the testimony of others. Many sound and constructive programs of enlisting youth in religious activities as a method of combating delinquency have been included in the subcommittee's report on religion. No legislation will result from this hearing, but the subcommittee provided through the hearing, and in the subsequent report, a wide dissemination of information that will prove of great value to the religious leaders of the Nation.

Hearings were held in Chicago, Illinois, and Miami, Florida, to explore the nationwide traffic in selling babies for profit across State lines. We found that approximately 25,000 babies are placed each year outside of legitimate adoption placement agencies, of which thousands are sold by doctors, lawyers, midwives, and other individuals to couples desiring children, without any investigation as to the suitability of parents or child. This traffic is largely interstate to escape the restrictions of State laws dealing with intrastate adoptions. Legislation was introduced by Senator Kefauver designed to curb this traffic. This bill passed the Senate just before Congress recessed and did not come before the House. It was re-introduced early in the present session of Congress.

The subcommittee also held hearings to determine the possibility of using surplus military installations for Boys Town type projects; and a community hearing was held in the city of St. Louis, Missouri, at the request of numerous persons there because of a dramatic increase in juvenile misconduct there.

The Juvenile Delinquency Subcommittee now has pending in the Senate some 15 legislative bills designed to fill the gap in existing federal programs to assist the

states and local communities in their fight against the "nation's greatest social problem." This legislation together with increased awareness and constructive action on the part of all levels of government should materially affect the present trend in delinquency statistics.

### **Methods of Investigation**

Methods of investigation utilized were varied according to subject matter. In broad terms, three types of investigations were conducted — community investigations, investigations of special problems, and investigations into relevant federal programs.

In advance of each community hearing, an investigating or fact-finding team was sent into the community. The aim of the team was to determine the extent, causes, character, and contributing factors with respect to juvenile delinquency and to arrange for the presentation of these data in a logical and forceful manner at the hearing. Team members contacted and worked with community officials and agencies. They also made firsthand observations in the community.

It should be emphasized that the staff did not conduct surveys of community programs in the fields of mental health, recreation, social welfare, and education. They did, however, through the aid of local persons secure a general picture of the adequacy of existing treatment and preventive measures relating to juvenile delinquency.

Investigations of both special problems and the various federal programs concerned with juvenile delinquency involved the collection and analysis of materials from throughout the United States. These were collected by use of questionnaires and through field investigations and obser-

vations conducted by various members of the staff.

### **Conclusion**

The complex problem of juvenile crime in this country is not the subject for quick, piecemeal examination. Our findings are being added to the literature available on the problem and a growing number of students of juvenile delinquency are turning to the reports of the subcommittee as the only centralized source of information on the problem.

We would not do justice to either our assignment or the Congress unless our

studies were conducted in a sound, scholarly fashion. The subcommittee's approach to its work justifies our findings taking their rightful place beside the other important literature in a field of deep concern to all Americans.

The fight against juvenile delinquency is vital in safeguarding our nation's greatest resource — the young people who will take over its responsibilities and determine its future. Once we know the causes of juvenile delinquency, we can prescribe some of the remedies, as we have already suggested federal remedies to alleviate some of the more outward symptoms of this national disease.

