Delinquency and Justice

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JUVENILE delinquency and youth-crime present some of the most pressing problems on the current scene. In the case of older criminals, the recent judicial interpretations of due process regarding interrogations and confessions may sometimes help the guilty go unpunished, for the experienced, hardened offenders tend to be more artful in planning their crimes and less likely to confess once they are caught. But young offenders lack finesse and are, therefore, often arrested “on the scene,” making confessions superfluous, or they freely admit the charges in hopes of gaining leniency. Thus, since every recidivist, each time he commits a crime, may now benefit from a statistically smaller chance of being convicted, it is all the more important to concentrate on improving our efforts at preventing lawbreaking by the young and dealing effectively with first offenders.

The necessary tasks are assigned to a mélange of agencies, both public and private. In their attempts to deal with the situation, they are handicapped not only by various internal shortcomings, but also by the lack of centralized responsibility for each function. In the present fragmented arrangement, it is nearly impossible for any one

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1 H. SHULMAN, JUVENILE DELINQUENCY IN AMERICAN SOCIETY 531 & n.20 (1961).
unit to do its own isolated job properly because the youths who comprise its caseload suffer, both before and after they come to it, from the defects of other agencies\(^2\) and from the tragic flaw that pervades the entire system—the fact that it is not truly systematic. Since we have not yet (1) thought out the philosophy that underlies our attempts to cope with the problem of crime and delinquency or (2) incorporated it into a master plan,\(^3\) the programs themselves evidence our confusion. The administrative failings within each agency are the inevitable consequences of larger deficiencies in the total network.

The young people who become enmeshed in the juvenile justice system observe at first hand its many failings, and are confused by its lack of consistency and coordination. The system fails to convince the young offender that society really cares about him, and is unable to give him a sense of responsibility for his own actions and the psychological strength to behave responsibly.\(^4\)


\(^3\) THE REPORT OF THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE (1967) could provide the basis for such a master plan, but presently lacks both the necessary specificity and legitimation by the proper political authorities. There should be a federal plan, and each state will need its own, with sub-plans for large municipalities, counties, or intra-state metropolitan areas. States should also cooperate with each other and with the federal government.

\(^4\) See W. GLASSER, REALITY THERAPY (1965), a psychiatrist's formulation of a new method of psychotherapy which downgrades the importance of exploring the causes of the patient's condition and stresses the therapist's 1) forming a warm relationship with the patient and 2) gently coercing him to behave responsibly in his present situation, even though he is supposedly mentally "sick."

This article will explore how the system—especially its key institution, the juvenile court—tends to increase rather than lessen illegal behavior, and point out how the young can be guided into law-abiding habits. It will frequently draw examples from New York City and New York State, where about eight percent of the nation's elementary and secondary school age youth reside.\(^5\) But the concepts developed here have a more general validity and a wider application.

Throughout the country most juvenile courts are handicapped by statutory limitation of their jurisdiction to minors. Although New York sought to end this fragmentation by the Family Court Act (which became effective in 1962), the goal has not been accomplished. The problems of an individual family are functionally divided in the different terms of the court. An unwed mother in New York City must go before the Family Offenses Term to obtain an order of protection to make her assaultive man-friend move out of her apartment and stop bothering her. She must then take him before the Filiation Term to prove that he is the father of her child. Both must then appear before still another judge in the Support and Conciliation Term to fix the amount of money he must pay to maintain the child. Since a large percentage of delinquents come from hard-core multiple-problem families, who have been before other parts of the court, this disunity makes matters harder for the judge sitting in Juvenile Term when a child from such a family comes before him for delinquency, neglect, or supervision proceedings. Outside of New

\(^5\) A. KAHN, PLANNING COMMUNITY SERVICES FOR CHILDREN IN TROUBLE (1963).
York City, this problem is partially alleviated, for smaller caseloads and a simpler organization scheme make it possible for one judge to handle, in each family's case, all legal problems over which the court has jurisdiction.

Even functioning at its best, the court can be no better than its auxiliary services and the institutions and agencies it relies on for the disposition of each case. The most important auxiliary service is probation. Family Court probation officers assigned to Juvenile Term perform three major tasks: (1) screening of all cases that may require court action, and handling informally or referring elsewhere those matters that do not require judicial intervention ("Intake"); (2) investigating the cases of children and youths adjudicated as delinquent, neglected, or in need of supervision,\(^6\) to advise the judge on the proper disposition; and (3) supervising those youngsters placed on probation. Typically, probation officers, who must be trained social workers with the M.S.W. degree or its equivalent in experience, are underpaid and vastly overworked. Thus, a judge cannot be sure that the social investigation report handed to him covers all the pertinent facts ascertainable, and his orders placing children on probation are violated in almost every case, for what ensues is not what probation supervision was meant to be. Although lowering probation caseloads does not in itself reduce recidivism,\(^7\) coupling this with increases in the amount and quality of casework presumably would.

One of the major handicaps of the contemporary juvenile court is the lack of a clear conception of its identity and role. There is a sharp discontinuity between what seems to be the juvenile court's underlying theory—that the delinquent child is merely "acting out" his inner psychic conflicts or responding to pressures induced by tensions in his family, peer group, neighborhood, or society as a whole—and the criminal court's sudden imposition (in New York, at the age of 16) of traditional views of legal responsibility. New York's Youthful Offender treatment,\(^8\) and similar provisions in other states, try to attenuate the adult standard for those in late adolescence, but the basic illogicality of the dichotomy remains. The two types of tribunals should be more in harmony with each other. It may well be that both should undergo changes in their operations and underlying philosophy. As part of a coordinated campaign against crime and delinquency, decisions concerning such changes should be made and implemented.

In doing so, policy makers will have to consider not only broad questions of the juvenile court's role in the community and in the legal system, but also two related factors concerning the court's interaction with the youngsters who come before it. First, what role, if any, can or

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\(^6\) The "supervision" category in New York covers those who have not committed crimes but who present severe behavioral problems such as running away, truancy, and "incorrigibility." N.Y. FAMILY CT. ACT § 712 (b).

\(^7\) Lemert, The Juvenile Court—Quest and Realities, in President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime 91, 96 (1967).

\(^8\) N.Y. CODE OF CRIM. PROC. §§ 913-e et seq.
should the court itself take in the re-
habilitative process? Second, what in-
fluence can and should the court itself
have on the respondent's knowledge of
and attitudes toward law and the legal
process? Currently, there is much interest
in the proper role of the defense attorney
in the juvenile court, especially in view
of recent extensions of the right to
counsel, and the National Council of
Juvenile Court Judges is researching the
lawyer's effect on both the court and the
child. The following discussion, how-
ever, will deal mainly with the judge's
role at the hearing.

The child views the court as an em-
bodyment of the community to whose
norms he is expected to conform. At the
very least, like every other unit of the
system, it should try to prevent iatrogenic
disorders:

[1] In a broad spectrum of cases the im-
mediate need . . . and goal are less the
rehabilitation and changing of children
for the better and more the altering of
conditions and practices that render
children worse and more dangerous as
a result of their contacts with the offi-
cial agencies.

Often, the court must take action that is
obviously neither therapeutic nor rehabilite-
tive in order to protect the community's sec-
urity by temporarily incarcerating the child,
"even though the available means may be
unsatisfactory when viewed either from the
standpoint of the community interest or of the
delinquent child." F. ALLEN, supra note 2, at
53.

In re Gault, 387 U.S. 1 (1967).

Lefstein, In re Gault, Juvenile Courts and

F. ALLEN, supra note 2, at 57. One way for
the court to do so is to become—more than
it is now—an agency of last resort, develop-
ing new means of keeping out less serious
cases or adjusting them without a formal ad-
judication, for the label of "delinquent" stig-
matises a youngster and may confirm him
in deviant behavior patterns by inducing a
But it should also seek to engender posi-
tive attitudes, to the extent possible. It
is vitally important that the youngster per-
ceive that law and order is not a one-
way street, that the law will protect and
safeguard him even when he is accused
of violating it. Its standards should be
seen as relatively settled and permanent,
not subject to the caprices of its agents,
i.e., it should be part of "a government
of laws, not men." 13

13 " 'Going to court' becomes not a sober ac-
counting for one's own behavior before the
community but a horrifying precipitation into
insecurity against which the client learns to
defend himself by manipulation." Studt, The
Client's Image of the Juvenile Court, in JUSTICE
FOR THE CHILD 200, 204 (M. Rosenheim ed.
1962). "In short, law must appear as an
erratic force, responsible to the will of the
individuals in authority, who may inflict its
full penalties or withhold them as an act of
grace . . . . [T]he court does not emphasize
the protection of the law, or the juvenile's stake in
a society governed by law. Indeed, some court
personnel seem to fear that the child's under-
standing of legal requirements would weaken
their personal influence over him." Note,
Juvenile Delinquents: The Police, State Courts,
and Individual Justice, 79 HARV. L. REV. 775,
804 (1966).
Although few authorities would argue against this premise, some state that the court itself cannot really help in treatment. In any event, it would seem that juvenile as well as criminal courts—without sternly lecturing or otherwise psychologically assaulting him—should make sure to impress on each adjudicated delinquent the wrongness of his act, and his own responsibility to control his anti-social behavior. The court should make it clear that though society objects to the behavior, not to the offender himself, and will do what it can for him, the primary obligation is the youngster's. The child should also be told that further illegal actions will not be tolerated, and recidivism will be dealt with by stronger measures. In this way the court can strengthen the child's sense of responsibility while retaining its hallmarks of tempered justice and individualized treatment.

14 See, e.g., Note, supra note 13, at 810; Lemert, supra note 7, at 96; Kahn, Court and Community, in JUSTICE FOR THE CHILD, 217, 220 (M. Rosenheim. 1962). But the court experience can begin and facilitate the actual treatment process by making a powerful impression as a solemn, dramatic event. Since the youngsters and their parents are often unable to understand legalistic language, nonverbal communication should be employed. In British juvenile courtrooms, for example, formality, respect for the parties' dignity, an unhurried pace, and a well-organized order of proceeding are the rule, not the exception. Even the arrangement of the courtroom furniture can be important. Studt, supra note 13, at 206-07. One suggestion that might prove useful is that the judge, when using technical terms, should turn his head toward the reporter (if speaking mainly for the record), clerk, counsel or probation officer, so the parties will realize that they do not have to grope for the meaning. Either before or after doing so, he should (if necessary) explain in more colloquial English, while looking directly at the parties.

15 See supra note 4.

16 The message should be appropriately modified if the child has merely been adjudged in need of supervision. If a delinquency petition is denied for lack of evidence or because the offense is deemed not sufficiently serious, the judge should emphasize that the law guards everyone's rights, and even regulates the court's own ambit of freedom to decide whether or not the child committed the act.

17 For older youths, such treatment will help alleviate the boredom, contempt, and resentment they often feel in a court where they are officially classed with misbehaving small children. Studt, supra note 13, at 209-10.

18 But some say that the court's bureaucratic efforts to placate both the security-minded public and its own professional staff have transformed "individualized treatment" into decision-making on the basis of 1) the quantity and quality of "parental sponsorship," and 2) the amount of "residential availability" (in training schools and other institutions), both considered in the light of the potential danger to the community. D. Matza, DELINQUENCY AND DRIFT 124-25 (1964). Of course, since the general public lacks a clear view of what goes on in this cloistered court, a disproportionate amount of influence is exercised by the petitioners (social agencies, schools, police, and parents), who want drastic action, often of a particular kind, and are angered if they do not "win" the desired relief, "almost as though they were its customers or patrons and the court's primary purpose was to fill their demands." The court "must limit activity to less than its mandate under the law because of overloads on its staff and facilities." Yet, incessant demands for energetic intervention press the court toward use of state power in excess of statutory authority and attenuate the principle of judicial restraint. . . . The risk, of course, is that it may become a captive of elements in the local situation and lose its integrity as a judicial institution." Vinter, The Juvenile Court as an Institution, in TASK FORCE REPORT, supra note 7, at 84, 86-87.
Nearly every child adjudged a delinquent would be able to understand this message, even some of those who are mentally ill. For the latter, the judge would emphasize the treatment the youngster would get to make him happier and help him find the strength to resist illegal impulses. This variant of the standard oral warning would not be resorted to with most delinquents, because the great majority of them do not have serious psychiatric problems. Estimates of the rate of mentally ill youngsters in the delinquent population vary from 5 to 20 percent. The California Youth Authority, after a careful study, has set the proportion at 17 percent.

Of course, such a redirection of emphasis will provoke cries of outrage from those who agree with Dr. Albert Ellis that "No human being should ever be blamed for anything he does." But the best chance for rapid acclimation of an erring youth to the norms of society resides in early imposition of the doctrine of responsibility that will in any case be binding on him later. Even if it is merely a legal fiction, it is vital to the maintenance of our social structure. And for their own good our youth should not unnecessarily be sheltered from it, in order to prevent incidents like that of a boy about 18 or 19, up in adult court for stealing a car. He was found guilty, and the judge said, 'Now, before the court pronounces sentence do you have anything to say?'

The young fellow said . . . 'I've been involved in juvenile court at least half a dozen times on auto theft, but this is the first time I ever learned that it was wrong.'

The central role of the judge in the juvenile court requires him to have a background in the behavioral sciences in addition to his professional education in law. Every state should provide for orientation and in-service training of juvenile court judges, and attempt to remove their selection from the realm of partisan politics. In view of the limited knowledge such a "crash program" of instruction could provide, and since even a judge with previous background in the field obtained from participation in community affairs will of course lack sophistication in casework theory and practice, it has been suggested that the judge's dispositional role should be limited to deciding whether the child is to remain in the community or be committed, the choice of institution and length of stay being left to a government bureau similar to the California Youth Authority. The merits of this idea would be considered in drafting a master plan, as would other proposals for adoption by New York of methods used elsewhere.

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Formation of a master plan would help enlist public support for the State's juvenile court, which is frequently in disfavor because of widespread lack of understanding of its philosophy. One way to improve the court's public relations is to end the unnecessary confidentiality imposed beyond the requirements of the Family Court Act. Frequently, an offense which arouses a whole community is handled in absolute secrecy. Encouraged by the frustrated press, people often assume that the perpetrator is being coddled by the court. Although the names of those involved are usually irrelevant, and in most cases are properly suppressed even after adjudication, the community should be told whether a finding of delinquency has been made, and the disposition of the case. Even the petitioner in a delinquency case who is in the courtroom when the formal decision is announced has no right (if a private person) to find out what, if anything, will happen to the boy who assaulted and robbed him. The prestigious Advisory Council of Judges of the National Council on Crime and Delinquency has agreed that restrictions should be liberalized, and that juvenile courts and news media should cooperate.

Commitment signifies that a particular delinquent is viewed as incapable of adjusting in the community. The many governmental and voluntary institutions are handicapped by lack of space, low quality and quantity of staff, and—in the case of the public institutions—little or no control over their own intake.

Although New York has the second largest program of training schools (i.e., reform schools) in the country—only California's is bigger—the need to accept all whom the courts send their way tends to make New York's training schools a repository for youths with many different types of problems, instead of the more homogeneous groups found in their privately run counterparts. New York's training schools, run by the State Department of Social Welfare, take two-thirds of the delinquents committed in the state. Despite the voluntary institutions' control over their intake, pressures are great for the admission of "adjudicated children," for whose care the institutions are paid by public funds.

The courts are so desperately in need of commitment resources and the system of application-allocation is so lacking in central control that children are not clearly separated in accord with need and then assigned to institutions with the most suitable programs. The objective is placement, and the courts use the best facility available at a given moment.

Control of Delinquency 156 (1967). The court in New York City finds difficulty in recruiting psychiatrists for its clinic (the Bureau of Mental Health Services) partly because it is now a diagnostic facility exclusively, no longer offering an opportunity for the doctors to treat the youngsters. Interview with Dr. Milton J. Blaustein, Acting Director of B.M.H.S., Oct. 16, 1967. Administering therapy at the clinic, though making for a more satisfying environment for professional personnel, might be regarded as an improper activity for a court-attached agency, despite the court's probation officers presumably doing so already in the course of their "authoritative casework."

26 N.Y. FAMILY CT. ACT §§ 166 & 741 (b).

27 A. KAHN, supra note 5, at 428.
While placement authorities may want a facility offering treatment, the treatment is a secondary consideration under the pressure to find a bed.\(^2\)

As a result, children may end up in training schools when they really need mental institutions, or vice versa. Because of the paucity of social services and treatment facilities in the community, many children are committed to training schools unnecessarily. Surveys show that "most superintendents state that from 5 to 20 percent of the children in their training schools should not be there."\(^2\)

Also, there is no comprehensive program of "halfway houses"—local institutions in which the residents live while working or studying in the community. They are recommended for both adults and youths discharged from a "total institution" such as a mental hospital, narcotics sanitarium, training school, reformatory, or prison.

Characteristically, the relatively few such places are hopelessly inadequate to deal with the huge number of released institution inmates, most of whom thus go right back into the community, without reacclimation or provision for emotional or financial support.

Millions of dollars go into the same large, ineffective institutions year after year without a thought to developments in other countries . . . like the 'halfway house'. . . . Desperately poor countries like Egypt and India wouldn't dream of letting a child who has been imprisoned return to his former life without first spending a certain amount of time in one of these homes, a kind of decompression chamber which gradually prepares him for the pressures of normal life.\(^3\)

A valuable chance to socialize the young offender just before he returns to the street is thus lost, and he is deprived of the opportunity to learn in a sheltered environment how to adjust his way of life to society's norms. But even if the juvenile justice system functioned properly, it could not do the job alone.

The public must be involved, because a law-abiding way of life cannot be foisted on the young by distant professionals. A child learns civilized behavior in large part by observing his parents and other adults. He also learns from the contemporaries with whom he associated (the "peer group"), but groups of children and youths completely without adult guidance and supervision very often become distinctly anti-social in their actions. Thus, it is the task of every concerned citizen to aid in the socialization of youth.

To co-exist peacefully with others in a crowded world, one must obey certain fundamental rules designed mainly to protect people's bodily integrity and property, and the public peace. A most effective urban socialization mechanism has been described by Jane Jacobs, who links it to her theories of city planning:

The people of cities who have other jobs and duties, and who lack, too, the training needed, cannot volunteer as teachers or registered nurses or librarians

\(^2\) Id. at 431
\(^2\) Id. at 434.

\(^3\) R. Tunley, supra note 19, at 5-6.
or museum guards or social workers. But at least they can, and on lively diversified sidewalks they do, supervise the incidental play of children and assimilate the children into city society. They do it in the course of carrying on their other pursuits . . . . In real life, only from the ordinary adults of the city sidewalks do children learn—if they learn it at all—the first fundamental of successful city life: People must take a modicum of public responsibility for each other even if they have no ties to each other. This is a lesson nobody learns by being told. It is learned from the experience of having other people without ties of kinship or close friendship or formal responsibility to you take a modicum of public responsibility for you.31

But many juvenile behavior problems will not yield to such tactics, not necessarily because they have a pathological basis, but because they are organized on a large scale (like auto theft) or are not constantly manifested openly on the streets. For example, the children of most communities, both large and small, engage in widespread vandalism and petty extortion every Halloween. But no town need stand back in terror as the children take over, not even for one night. Many localities have ended the Halloween nightmare and now use the evening as a device to teach children the virtue of charity. The usual beneficiary is the United Nations International Children's Emergency Fund. The community simply wages a coordinated campaign to change the behavior of its youngsters. They are told that instead of “trick or treating” merely for candy, they will solicit (without threatening anyone) money for children less fortunate than they. The schools, churches, mass media, and civic organizations combine to get this message across to everyone. The Chamber of Commerce may help by sponsoring a soap sculpture contest on the windows of cooperating downtown stores. The Mayor and police wish everyone a pleasant evening and warn that troublemakers who refuse to obey the new ground rules will be dealt with severely. And everyone benefits—UNICEF, merchants, homeowners, and the children themselves, who are unknowingly acquiring habits basic to a happy and secure existence for themselves and others.

It is not enough, however, for the large aggregations of society to work together for the furtherance of a particular project. For really effective object lessons, and also to make such intergroup cooperation possible, individuals must participate and volunteer their services. The government can help here by helping to organize those volunteers for programs not under the aegis of a private agency. An example is Nassau County's Office of Mobilization for Democracy, which is able to “tap a wealth of citizen talent” by making use of the special skills of residents.32

One way to use volunteers in conjunction with professionals would be the establishment of neighborhood information centers patterned after the Citizens Advice Bureaus in England, which serve


as referral centers for any situations where giving some simple advice or answering a few questions is not enough. They handle every conceivable problem.\(^\text{33}\)

It has been said that today's cities are the last frontier of democracy, because they are the only governmental unit left small and simple enough for people to comprehend.\(^\text{34}\) If teenagers were included in these programs, on a large scale, the socialization process would be greatly enhanced.

Youngsters who are contributing in some concrete way to civic improvement, even if there is no direct connection between their project and law enforcement, are developing self-images that link their personalities to the social structure, and aspirations that connect their personal fulfillment with an orderly society.

As part of our effort to socialize our youth properly, we should mount a frontal attack on public apathy toward reporting instances of crime and delinquency. We need to refine our methods of judicial administration so that complainants and witnesses are not forced to keep spending day after day in court, while their cases are repeatedly delayed. To cope with harassment and intimidation of witnesses, stringent legislation should be enacted as a deterrent. Young and old alike should be exposed to efforts at persuasion designed to curb the tendency to treat the police as if they were just members of the 'other team'.

Besides object lessons taught through community action, children and adolescents also need formal instruction in their legal obligations. The schools are a primary instrument of socialization. It is their duty to give their pupils a basic knowledge of those laws of special relevance to the young. Suitable pamphlets have been put out by the National Council on Crime and Delinquency,\(^\text{35}\) the Nassau County Police Department,\(^\text{36}\) and private sources.\(^\text{37}\) Guest speakers who work in law enforcement should be invited to assemblies. Representatives of the police, prosecutor, courts, probation, and correctional system would be helpful, if they and the teachers could demonstrate the subject's great relevance to the students' own everyday lives. There are psychological obstacles to be overcome. Young people often tend to see law-abiding behavior as "square" and somehow effete. They also tend to de-

\^\text{33}\) Margaret Mead, letter to the editor, N.Y. Times, June 23, 1964, at 32, col. 5.
\^\text{34}\) Hamburgh, \textit{Asphalt Jungles}, 11 \textit{Adult Leadership}, Nov. 1962, at 5.
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Develop group loyalties that confuse reporting a serious offender who menaces community security, with "squealing" on a classmate who has violated some piddling school regulation. The schools must try to remove these irrational barriers to good citizenship.

Another effective means of socialization that could be used by the school is giving non-academic children a chance to receive pre-vocational training at an early age and then discontinue full-time schooling at the age of, say, fourteen. There is much authority (including successful experiences in countries like Denmark, France, Germany, and Austria) to support the view that one of the most effective delinquency preventives is work—not meaningless tasks imposed to kill time, but actual apprenticeship or other training in a money-making skill of the youngster's choice that he can use eventually to support himself. One fringe benefit of such programs is that the grades of the participants in classes they attend part-time will often rise, partly because they see the relevance of the school curriculum to the needs of the job. Such a reform would require changes in statutes regarding child labor and compulsory school attendance. The cooperation of management and organized labor would have to be enlisted, not only to smooth over opposition, but to find the fields with the greatest employment opportunities and help get the youngsters into them.

In those cases where the laws cannot be changed, the schools could continue to hold morning sessions and let the pupils in this category work in the afternoons, for vocational course-credit. This differs from the traditional vocational high school in that these students start their work experience earlier, get their training on the job rather than in the classroom, and go into fields requiring less skill than those taught in the full-time classroom vocational program.

One seeming objection to this idea is that relegating these youths to relatively menial jobs is "undemocratic" and "un-American." Actually, though, the only alternative is to confine the boys to a classroom where they learn nothing and disrupt the studies of those who do have capacity. These jobs are chosen by the youngsters themselves, without adult pressure, and give them status, some badly-needed money, and offer a secure future. Enforced idleness was cited by the majority of young institutionalized offenders in one survey, when they were asked about the primary cause of their lawbreaking.

But such meaningful career preparation is rare in the United States, not only in the public schools but also in the state training schools and reform schools where there is a widespread reluctance to prepare the inmate for a truly satisfying job upon his release. Institutional authorities often say that they provide training in good "work habits," like honesty, punctuality, and friendliness to co-workers. But to a European or an Oriental, such words sound like mere sophistry. In their prac-

40 Id. at 190-91.
tical way, foreigners believe in getting a child going on his lifework as soon as possible. They feel it gives him something to cling to.\(^{41}\)

The youths, too, realize that the system is wasting their time and they are again confronted with the gap between image and reality. They are told that society expects them to work at an honest trade, but find themselves denied the necessary training. This engenders tremendous frustration, especially for already troubled young people. In their minds these failures of officialdom are failures of the entire system of law and order, to which they are expected to conform. They see the law as demanding much while it gives them nothing. Thus they come to develop even more negative attitudes toward the law than they previously had. Formal efforts to reverse these feelings will often face great opposition from the other elements in the community, even though the young people respond well. An example is the continuing controversy aroused by the activities of Mobilization for Youth, the experimental social action agency on New York City's Lower East Side. MFY was established in 1962 to apply the theory expounded in *Delinquency and Opportunity*, a book by Dr. Richard Cloward and Dr. Lloyd Ohlin, published in 1960. The authors, both professors at the Columbia University School of Social Work, said that much delinquency could be halted if society changed the "opportunity structure" perceived by ghetto youth. If the latter see themselves as hopelessly isolated from middle class amenities and economic success, said the authors, they will develop their own subcultures with value schemes different from, or often diametrically opposed to conventional morality. MFY sought to substitute a legitimate opportunity structure for the illegitimate ones perceived by the slum youngsters. In addition to counseling and job training, MFY provides clerical and legal assistance to community groups involved in rent strikes, school protests and boycotts, and other agitation.\(^{42}\) Although this is necessary if these people are to become involved in the democratic process and advance in socioeconomic status, certain elements of the community are bound to be offended.

MFY's attempts at changing opportunity structures are part of what Kahn has called the intermediate level of delinquency prevention in which the local community seeks "to interpose itself between the general social environment and the family or individual."\(^{43}\) The intermediate level also includes "educational, character-building, religious and recreational programs."\(^{44}\) Ultimate prevention emphasizes society's defects and embraces a wide variety of efforts aimed at improving the general environment. The problems here arise from vast social, cultural, and economic dislocations that, in turn, stem from urbanization, industrialization, and the march of civilization. . . . The issues far transcend the delinquency problem . . . only . . . [and] relate basically to desirable social change and the kind of community, nation, and

\(^{41}\) Id. at 216.


\(^{43}\) A. Kahn, *supra* note 5, at 62.

\(^{44}\) Id.
world in which we want to live.\textsuperscript{45}

Immediate prevention is concerned mostly with rendering various forms of welfare assistance and support to those families particularly vulnerable to stress, disorganization, and other disadvantages.\textsuperscript{46} This category could include the individualized methods of what Kahn calls "case control," which mainly consist of "rehabilitation" of individual deviants. But these methods will not take the place of a re-ordering of the social structure if that is what is needed. Actually, both are necessary:

[m]ild adolescent misbehavior should be distinguished from the deadly and endemic forms of delinquency characteristic of given sectors of the child and adolescent populations which are likely to yield only to massive social and cultural change at the level of ultimate prevention. And both must be isolated from those other constituent parts of the overall delinquency problem that may yield nicely to . . . various case-control techniques, including social service, remedial training, and psychotherapy. . . . If a community fails to break down its delinquency problem into its component parts, it will fail to realize, and hence to use, the variety of intervention methods actually necessary to meet its problem.\textsuperscript{47}

Thus, major governmental programs like the War on Poverty may be the only solution to some kinds of delinquency. But although it may well be a serious error to believe "that rehabilitation and other forms of case control can effectively reduce the heroin addiction, group violence, and other deadly forms of delinquency found among lower-class, urban American Negroes," it is also true that "individualized treatment has not failed. . . . The fact is that systematic, comprehensive rehabilitation based in validated knowledge has not yet been tried."\textsuperscript{48} No part of the varied arsenal of anti-delinquency weapons has been fully developed. In the years to come, lawyers must join with professionals from other fields to help resolve this problem.

\textsuperscript{46} Id. at 179.
\textsuperscript{47} Id. at 180.
\textsuperscript{48} Id. at 179.
\textsuperscript{49} A. KAHN, supra note 5, at 525 (emphasis in original).