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# Building Bridges: A Personal Reflection on Race, Crime, and the Juvenile Justice System

Fay Wilson Hobbs\*

## *Reflections*

This Essay gives me an opportunity to reflect on what I do as a rehabilitation counselor and why I do it. After graduate school, I performed child placement for a private adoption agency, followed by geriatric medical social work at a nursing home. I now work with troubled male teenagers within the Virginia Department of Youth and Family Services.

Working with children in this system is a challenge. The ideals about children reflected in this song have changed:

I believe the children are our future;  
Teach them well and let them lead the way  
Show them all the beauty they possess inside.  
Give them a sense of pride to make it easier,  
Let the children's laughter  
Remind us how we used to be.<sup>1</sup>

Children are indeed the future generation. But are they prepared to lead? Are they shown all the beauty and goodness that they possess inside of them? Do they grow up with a sense of pride and positive self-esteem?

Children enter adolescence at different times and proceed through adolescence at different rates. From an early age, children require guidance

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1. WHITNEY HOUSTON, *The Greatest Love of All*, on WHITNEY HOUSTON (Arista Records 1985) (lyrics by Linda Creed).

in preparing for adulthood. "Adolescence is a critical stage of development during which children remain amenable to intervention efforts designed to enhance their capabilities and achievements."<sup>2</sup> However, there are alarming statistics that show that children are not well prepared to bridge the gap between adolescence and adulthood.<sup>3</sup> Rather than being prepared to meet the challenges of adulthood, these individuals have become a challenge for adults. Rather than growing into responsible adults, these individuals have entered an irresponsible adulthood. Rather than being prepared to confront society's ills, they have become society's ills. These patterns hold particularly true for the African-American male.<sup>4</sup> What happens to children between adolescence and adulthood? What causes them to go astray? This Article will examine these questions, particularly with regard to the African-American male.

### *An Inside Look*

The new state wards arrive on Tuesdays. For some of these young men, this is their first commitment, while others have been in a juvenile institution before. Some will stay for only thirty days; some will be here until their twenty-first birthdays. Some have been committed for their first offenses; others have been committed after several offenses. These young men range from fifteen to eighteen years of age. They come from various socioeconomic backgrounds, educational levels, and ethnic groups. Most of these youths are black males.<sup>5</sup> They come from all across Virginia and have been removed from their homes, families, communities, and schools to "live" with unfamiliar people in unfamiliar territory.<sup>6</sup> They will have new

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2. AMERICAN BAR ASS'N PRESIDENTIAL WORKING GROUP ON THE UNMET LEGAL NEEDS OF CHILDREN AND THEIR FAMILIES, *AMERICA'S CHILDREN AT RISK: A NATIONAL AGENDA FOR LEGAL ACTION* at vi (1993) [hereinafter *CHILDREN AT RISK*].

3. See Jeffrey A. Butts & Melissa Sickmund, *Offenders in Juvenile Court, 1989*, OJJDP UPDATE ON STAT. (U.S. Dep't of Justice/Office of Juvenile Justice & Delinquency Prevention, Washington, D.C.), Nov 1992, at 1, 1-9.

4. See HAKI R. MADHUBUTI, *BLACK MEN: OBSOLETE, SINGLE, DANGEROUS?* at v (1990).

5. See BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, *REPORT TO THE NATION ON CRIME AND JUSTICE* 41 (2d ed. 1988) (describing typical offender as young, black, and male).

6. The Natural Bridge Learning Center is located along the upper part of the James River in rural western Virginia. The Learning Center is situated in the Thomas Jefferson

"house parents" controlling and guiding their movements and behavior. These youths have just been committed to the Virginia Department of Youth and Family Services. Youths committed to the Department are assigned to a Learning Center. Upon arriving at Natural Bridge Learning Center, I, as their counselor, will guide them toward fulfillment of needs identified on their individual service plans.<sup>7</sup> These youths have been removed from their homes and communities for "offenses" that they have committed.<sup>8</sup>

Juvenile offenses are a growing concern.<sup>9</sup> Such acts disrupt families and put a financial burden on taxpayers.<sup>10</sup> Children enter the juvenile justice system in alarming numbers:

In 1989 U.S. juvenile courts handled an estimated 1,189,200 delinquency cases. Person offenses such as homicide, rape, robbery, and assault were involved in 206,300 cases, or 17 percent of delinquency cases. Property offenses such as burglary, larceny-theft, arson, and vandalism were involved in 689,100 cases, or 58 percent. Drug

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National Forest, where the Blue Ridge Mountain Range forms a towering backdrop. The facility is housed in a former Civilian Conservation Corps base camp. Many of the youths come from urban areas.

7. Service plans are compiled with information from parents, courts, aftercare counselors, probation officers, schools, and the Reception and Diagnostic Center in Richmond, Virginia. Rehabilitation counselors use therapeutic methods, including individual and group counseling, to assist in meeting service-plan goals.

8. The Office of Juvenile Justice and Delinquency Prevention classifies juvenile offenses into two categories:

A delinquency offense occurs when a juvenile commits an act for which an adult could be prosecuted in criminal court (e.g., burglary, robbery, motor vehicle theft, and assault). Status offenses are acts for which an adult would not be prosecuted (e.g., possession of alcohol, truancy, and running away from home).

Butts & Sickmund, *supra* note 3, at 2.

9. The American Bar Association's Presidential Working Group on the Unmet Legal Needs of Children and Their Families recently issued a report documenting the growing problems of youth in the juvenile justice system. See CHILDREN AT RISK, *supra* note 2. Judge A. Leon Higginbotham, Jr., the chair of the working group, noted in his introduction that "more than 65,000 of this nation's children are already in correctional facilities, and tens of thousands more encounter the legal system for reasons that include divorce, abuse, neglect, a perceived need for supervision, or delinquency." *Id.* at viii.

10. "It costs about \$30,000 a year to imprison a youngster, and \$123,000 to keep a child in foster care to age 18—more than it costs to attend a first-class boarding school, private college or to support a slot in the Job Corps." *Id.* at vi.

offenses were involved in 77,300 cases, or 7 percent of the juvenile court caseload. The most frequent charge was larceny-theft, the most serious offense charged in 308,400 cases.<sup>11</sup>

Such statistics indicate that children are not being taught—or are not learning—the qualities that would prepare them for the challenges of adulthood. Yet, responsibility is being placed upon them as if they were "miniature adults." Children entering Learning Centers confront numerous problems that cut across racial, socioeconomic, religious, and cultural lines. Youths committed to state care face the challenges of drug and alcohol abuse, physical and sexual abuse, teen pregnancy, lack of occupational skills and education, low self-esteem, and exposure to violent crime.<sup>12</sup> These problems are more prevalent among African-American males. According to one author,

A young Black man, according to the U.S. Census Bureau, has a 1-in-21 chance of being murdered as compared to a 1-in-333 chance for a white man of the same age. One out of two Black young people lives in poverty. The Black male prison population is over 50%, whereas [the total black male] population in the country is around 13%.<sup>13</sup>

In addition, blacks have to cope with what another author refers to as the "dozen demons" (1) inability to fit in, (2) exclusion from the club, (3) low expectations, (4) shattered hopes, (5) faint praise, (6) presumption of failure, (7) coping fatigue, (8) pigeonholing, (9) identity troubles, (10) self-censorship and silence, (11) mendacity, and (12) guilt by association.<sup>14</sup>

### *Historical Perspective*

Adults often forget that children are not miniature adults. The juvenile justice reform movement, which had its roots in sixteenth-century Europe, attempted to change the public perception of children from one of miniature adults to one of persons whose moral and cognitive capacities were not yet

11. Butts & Sickmund, *supra* note 3, at 2-3.

12. For youths in Learning Centers, teenage pregnancy is a critical issue. They view fathering children as "proof of their manhood" and as giving them a sense of "belonging." For example, some of these young black men have fathered more than one child before their eighteenth birthdays. One youth in particular wanted a "home leave" in order to be with his girlfriend during the birth of their second child.

13. MADHUBUTI, *supra* note 4, at v

14. ELLIS COSE, *THE RAGE OF A PRIVILEGED CLASS* 56-68 (1993).

fully developed.<sup>15</sup> By the start of the twentieth century, the distinction between behavior defined as criminal for everyone—adults *and* children—and behavior seen as merely "inappropriate for children" was not believed to be necessary.<sup>16</sup> Juvenile offenses were not considered "crimes," but were merely evidence of delinquency.<sup>17</sup> These errors and omissions were not to be held against the juvenile offender in later life.<sup>18</sup> The aim was not to punish, but to guide these youths toward a responsible and productive adulthood.<sup>19</sup> From the 1930s through the 1960s, many theorists believed that delinquency was an understandable response to a host of extrafamilial factors such as poverty, discrimination, inequality, and the demoralization that followed.<sup>20</sup>

Children's perspectives of the world are often in black and white, and they react to the world according to their perspectives. In other words, children are naive. All children across racial, economic, and cultural lines have similar experiences in childhood. For example, they play childhood games, mow neighbors' lawns for spending money, enjoy comic books, exchange baseball cards, attend church, and go to the movies every chance they get. Yet, somewhere on the bridge between adolescence and adulthood, something inside some children changes—their laughter ceases, their naiveté fades, and their hearts harden.<sup>21</sup> I see it on the faces of my new recruits.

Society is wrestling with problems concerning these young males. Society has treated these young men like it has treated the economy: If there was no immediate return on society's investment, society stopped investing. We have stopped investing, but we have not stopped paying the price for the societal ills caused by children.

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15. NATIONAL CTR. FOR JUVENILE JUSTICE, U.S. DEP'T OF JUSTICE, *DESKTOP GUIDE TO GOOD JUVENILE PROBATION PRACTICE* 7 (1993).

16. *Id.* at 8.

17. *Id.*

18. *Id.*

19. *Id.*

20. *Id.* at 9.

21. Nathan McCall, *Dispatches from a Dying Generation*, WASH. POST, Jan. 13, 1991, at C1, C4.

*Boys to Men*

I believe that two factors negatively affect young men on their way to adulthood. First, the foundations that help promote and foster growth and responsibility have disappeared. Second, the expectations that society places on young men are too high and often unrealistic. These problems particularly affect African-American males.

By custom and law after slavery, black families were not given the opportunity to perform or to provide the necessities of life.<sup>22</sup> Blacks were denied the economic ability to support their families, secure suitable shelter, or educate their children.<sup>23</sup> Yet, it is the family unit upon which society pins its hope for the nurture, care, and development of the next generation.<sup>24</sup> The one institution without which society cannot survive is the family, yet society consistently fails to recognize or reinforce the efforts made by black males.<sup>25</sup> Black males have not had the advantages of their white counterparts.<sup>26</sup>

From an early age, black males have to build their lives around being devalued.<sup>27</sup> They are faced with the challenges of reality and perception and the idea of trying to reconcile the two. Fate, according to one black journalist, is "linked partly to how we perceive our choices in life."<sup>28</sup> While their possibilities may be abundant, black youths perceive their choices as severely limited.<sup>29</sup> These perceptions are powerfully reinforced by what black youths see in their families: Although their parents have

22. Steven H. Hobbs, *Gender and Racial Stereotypes, Family Law and the Black Family: Harpo's Blues*, 4 INT'L REV COMP PUB. POL'Y 35, 37 (1992).

23. *Id.*

24. Steven H. Hobbs, *We Are Family: Changing Times, Changing Ideologies and Changing Law*, 14 CAP U. L. REV 511, 512 (1985).

25. Cf. MADHUBUTI, *supra* note 4, at 28 (asserting that blacks have never received recognition for contributing to nation's wealth).

26. See *id.* at 61 (noting that black men are virtually powerless, landless, and moneyless in nation that measures success in those terms); see also Gary D. Sandefur, *Blacks, Hispanics, American Indians, and Poverty—and What Worked*, in QUIET RIOTS: RACE AND POVERTY IN THE UNITED STATES 46, 48 (Fred R. Harris & Roger W. Wilkins eds., 1988) (noting that unemployment rate for blacks in 1960s doubled rate for whites and that disadvantaged blacks were concentrated in least desirable and least rewarding jobs).

27. Value is determined by what one wears, where one lives, and what type of employment one has. MADHUBUTI, *supra* note 4, at 4.

28. McCall, *supra* note 21, at C4.

29. *Id.*

managed to exceed the accomplishments of their forebears, they still lag behind their white counterparts.<sup>30</sup> The efforts of the prior generation and their limited rewards indicate to the youths that education is not necessarily a way to a better life.<sup>31</sup>

In addition, society expects children not to behave as children. As adults, we expect children to be born with knowledge of "the rules" and to abide by "the rules." We expect them to know what to say, and when and how to express it; we expect them to have "proper etiquette" at the appropriate times. We expect them to be able to socialize themselves by taking responsibility for their own care. We expect them to know that they are loved because of what we do for them; we expect them to cope with the trials and tribulations of adolescence because it is a "natural process." We expect them not to be like their negative peers, but rather to emulate positive or successful "role models," as we define "positive" and "negative." We expect their priorities to be in proper order. We expect them to delay gratification. When they enter adulthood, we expect them to be self-sufficient, independent, and responsible members of society.<sup>32</sup>

The family is the context in which the foundations of learning and socialization need to be laid. Values and morals, including integrity, truthfulness, responsibility, and honor should be taught first within the family. One usually develops one's philosophy of life within the family. The single institution without which a "developing" society *cannot* survive is the family.<sup>33</sup>

30. *Id.*

31. Ellis Cose tells the story of a successful black attorney. He did all of the things he was supposed to do: He went to Harvard, labored for years to make his mark in an elite law firm, and married a highly motivated woman who had an advanced degree and a lucrative career. He and his wife were raising three exemplary children. Yet he was not fulfilled. He received no praise, honor, or acceptance from his white colleagues, or from the white world in general. COSE, *supra* note 14, at 49.

32. Professionals who work with young men know that a smooth transition into adulthood does not happen automatically. If training for adulthood does not occur within the family setting, then the community must provide a means to assist young men in their journey to adulthood. See Beth Macy, *Teaching Teen Dads to Take Responsibility*, ROANOKE TIMES & WORLD-NEWS, Feb. 13, 1994, § 7 (Extra), at 1, 4 (describing support group for teenage fathers).

33. See Hobbs, *supra* note 24, at 519-24 (discussing core functions of family). Hobbs notes:

The law provides that at the instant of birth, the operation of a valid marriage ceremony, or the judicial recognition of a quasi-legal or legal relationship, a



Black males have not had the advantages of their white counterparts in terms of family structure. Black males have had to struggle, often unassisted, for their own achievements. When they abided by "society's rules" and continued to be excluded, these black males began to view mainstream white America *not* as the land of opportunity, but as a way of being controlled.<sup>34</sup> They came to believe that working in the "system" carried too high a price: humiliation by their peers. Assimilation became more frightening than living on the street, where at least the playing field is level and the rules do not change.<sup>35</sup>

African-American males began making their own options—primarily, the drug trade.<sup>36</sup> The drug trade led to other types of crimes, thus beginning the vicious cycle of frustration, violence, and criminal behavior. Black males became hopelessly lost, confused, and alienated from those who might have been able to help them. Black males were without purpose or direction. Nathan McCall, a black journalist, quotes Oliver Wendell Holmes on this issue:

I find the great thing in this world is not so much where we stand as in what direction we are moving. To reach the port of heaven, we must sail, sometimes with the wind and sometimes against it—but we must sail, and not drift, nor lie at anchor.<sup>37</sup>

Incarceration was the "wake-up call" for some black males.

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legal family relationship is constituted. Collective society has, at a minimum, demanded that the legal family unit must socialize its members, provide the necessities of life and provide emotional security. The law imposes upon the family primary responsibility for fulfilling these functions. This is reflected in laws which require the support and emotional nurture of children, the support of dependent spouses, the provision of education, and familial responsibility for the control and discipline of juveniles.

*Id.* at 523.

34. McCall, *supra* note 21, at C4.

35. *Id.*

36. "We say inner-city kids should avoid the fast money that can be made by selling drugs, but we bombard them with advertising for clothes and shoes and high-priced trinkets." Tom Morganthau, *Beyond Black and White*, NEWSWEEK, May 18, 1992, at 24, 30.

37. NATHAN MCCALL, MAKES ME WANNA HOLLER: A YOUNG BLACK MAN IN AMERICA 175 (1994).

*Crossing the Bridge*

Not having walked in the shoes of a young black man, I did not understand his plight. When I began working at Natural Bridge Learning Center, it was the last place I expected to find myself. The job title itself overwhelmed me, particularly the word "rehabilitation." What I learned was that the young black men that I encountered could not be rehabilitated, for they had never been "habilitated."<sup>38</sup>

Although these youths, on the verge of adulthood, needed basic skills in particular areas, they lacked something else. I was not sure what this something was, but while conducting a group entitled "Peer Pressure," I discovered their need.<sup>39</sup> I asked the group why their energy level increased as they talked about their crimes and the role that peer pressure played in the commission of those crimes. The first response came in the form of a question: "Would you do this job if it was not for the money?" I immediately replied that I had not wanted this job even before I found out what it paid. The students quickly informed me that I had not answered the question. They wanted to know why I stayed on the job if I did not like it. Without hesitation, I responded, "for professional and personal growth." Their reactions told me that they were not pleased with my answer: "So you do this *just* for what you can get out of it?" I was not sure whether these young men had a hidden agenda, so I took a few minutes to ponder my response. "Not exactly," I answered, "but I am arrogant enough to think that my being here and having some interaction with you will make a difference in your lives." They all shouted at once: "So you *do* care; why don't you just admit it? You come to work and put up with us because you *do* care." I was speechless, confused, surprised, and deeply touched at the same time. I simply responded, "I no longer wish to leave this job."

That response did not seem to be enough. They persisted. I searched within myself for what was happening at that moment. I analyzed the situation: If I did not tell them that I cared, yet they needed to hear it, what would it do to them? If I told them that I cared, yet they were not serious, what would it do to me? I looked at these two African-American males—a sixteen-year-old who lived with his mother and step-father and a seventeen-year-old who lived with his grandmother—and decided that it was worth the risk. "Yes," I said, "I care."

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38. *Id.* at 206.

39. Group sessions are a part of rehabilitation.

What is it that young black men need? They need to know that their lives have purpose and design, to have their realities and perceptions more closely linked, to have abundant choices, to have the recognition that comes with winning, to have their efforts validated, and to be guided toward a responsible and productive adulthood. Black males need to be free to assimilate because the American dream belongs to them as well:

I, too, sing America.  
 I am the darker brother.  
 They send me to eat in the kitchen  
 When company comes,  
 But I laugh,  
 And eat well,  
 And grow strong.  
 Tomorrow,  
 I'll be at the table  
 When company comes.  
 Nobody'll dare  
 Say to me,  
 "Eat in the kitchen,"  
 Then.  
 Besides,  
 They'll see how beautiful I am  
 And be ashamed—  
 I, too, am America.<sup>40</sup>

*"Their" American Dream*

The plight of young black men is unique. These youths need something more basic than a skill in a particular area. These young African Americans need to know that their lives have purpose and design and that they have just as much right as all other young people to be alive and happy. Children's transgressions, particularly crime, are not the problems solely of parents or legal guardians. Crime is a problem that affects all of us. Make no mistake about it, society is paying the price of juvenile crime. We have to decide if society's money is being well spent.

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40. LANGSTON HUGHES, *I, Too*, in *SELECTED POEMS OF LANGSTON HUGHES* 275, 275 (1959).

Solving the enigma of urban crime is an issue that should be high on the national agenda, and the new gospel of family values<sup>41</sup> and personal responsibility is clearly part of the solution. But reviving the power of the American dream would be much easier if we practiced what we preached.<sup>42</sup> The challenge is to make this society more responsible to, and supportive of, all of its members.<sup>43</sup>

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41. See Steven H. Hobbs, *In Search of Family Value: Constructing a Framework for Jurisprudential Discourse*, 75 MARQ. L. REV. 529, 533-44 (1992) (discussing family values).

42. Morgenthau, *supra* note 36, at 30.

43. ANDREW BILLINGSLEY, CLIMBING JACOB'S LADDER: THE ENDURING LEGACY OF AFRICAN-AMERICAN FAMILIES 393 (1992).

