

PROLOGUE

*Two Boys, Thirty Years,
and Other Numbers*

Gila County, Arizona
June 8, 1964

AMILDLY irritating, lewdly suggestive telephone call and a fifteen-year-old boy named Gerald Francis Gault: that's all it took to bring the nation's juvenile justice system to its knees.

At the time, Gila County was, to put it charitably, something of a backwater. Arid even in winter, it was a place of trailer parks and gritty two-lane roads peeling ruler straight through the scrubby fry pan of the Upper Sonoran Desert. There are no major cities here. The county's principal claims to fame include the fact that Zane Grey's cabin was located here, and that the county seat, Globe, had a neighborhood so contaminated with asbestos-laden mining debris that the U.S. government had to remove its families and entomb its soil beneath gigantic concrete caps. Conservative and insular, it is safe to say that Gila County has never been the sort of place in which obscene phone calls, even pubescent ones, went over very well. So when young Gerry Gault and a snickering friend decided to while away the afternoon by telephoning a certain Mrs. Cook to tell her just how much they admired her physique, the local sheriff did not hesitate to act on the irate woman's complaint.

The sheriff hauled the fifteen-year-old to jail that same day, charging him as a juvenile delinquent. No one explained to Gerald his constitutional rights before demanding that he confess. No one offered him a

lawyer or a dime to make a phone call. No one even took the trouble to tell his parents what had happened. They simply came home from work and found him missing. After canvassing the neighborhood, Gerald's worried mother and father finally learned their son had been arrested. They went to the county detention hall, where a probation officer reluctantly told them that a court hearing had been scheduled to determine their son's fate.

A week later, without any formal charges filed and without ever hearing any testimony from the simmering Mrs. Cook, or anyone else, for that matter—in other words, without any actual evidence against the boy—the juvenile court judge for Gila County pronounced Gerald guilty and proclaimed him a delinquent.

During the hearing, the judge forced Gerald to testify—there would be no claiming the Fifth in his courtroom, thank you. Then, when the boy failed to incriminate himself sufficiently, the judge proclaimed him “habitually immoral.” The judge based this finding upon his vague recollection of an allegation two years earlier—never proven or even heard in court—that Gerald took another boy's baseball bat and glove. Again, this ruling was made without evidence or testimony from anyone.

An adult found guilty of making such a lewd phone call—a misdemeanor roughly as serious as running a stop sign—could have been fined five to fifty dollars or, in rare instances, could have received a brief jail sentence under Arizona law in effect at the time. But the consequences for a juvenile judged guilty of such a charge and designated habitually immoral were profoundly different. As Gerald's horrified parents sat in the judge's chambers, stunned and intimidated into silence, the judge sentenced the boy to the state of Arizona's juvenile prison for up to six years.

Gerald had no attorney to represent him at this hearing, nor was he permitted to have one. He was presumed guilty, not innocent, from the moment he sat down on the hard wooden chair reserved for him in the judge's chamber. No transcript was made of this secret “trial.” No transcript was needed, his parents learned later, because juvenile delinquents like Gerald had no right to appeal. He had no rights, period. Whatever the judge said, that was it. And Gerald and his family soon learned that this was not some high-handed, backroom Star Chamber peculiar to Gila County. This was how juvenile courts throughout the county operated, the judge curtly informed them.

Three years passed before the U.S. Supreme Court agreed to do some-

thing about Gerald Gault's case. When the High Court finally acted, its sweeping decision became a landmark: Juvenile courts throughout the nation were transformed by the simple notion that children should not be convicted of crimes without evidence of their guilt, without fair trials and lawyers and the chance to face their accusers. The turn-of-the-century intent behind the creation of a separate juvenile justice system—that it be informal, stripped of legal ritual, and dedicated to quickly helping troubled kids get back on track—was all well and good, the Supreme Court observed. But those noble intentions had spawned outrageous abuses—not only against poor Gerry Gault, but against thousands of other kids convicted more on whim than evidence, imprisoned on charges for which no adult could serve even a day behind bars.

“Under our Constitution,” reads one particularly caustic passage of the Supreme Court decision, now known as *In Re Gault*, “the condition of being a boy does not justify a kangaroo court.”

And so, on May 15, 1967, Gerry Gault's adolescent prank had the extraordinary effect of bringing every juvenile court in every state of the Union to a grinding halt so that lawyers and court reporters and all the other trappings of real courtrooms could be put into place. When they started up again, the way in which society dealt with its troubled youth had forever changed.

Thirty years later, the system has yet to recover from that one lewd phone call, or from the hidden price tag attached to the reforms it spawned.

Los Angeles County Juvenile Court

Los Padrinos Branch

April 27, 1994

Richard Perez, aka Shorty, a scrawny sixteen-year-old with an adolescent mustache atop an adolescent smirk, walked into the court Gerry Gault built exactly twenty-nine years and ten months after that fateful phone call in Gila County. It was Richard's thirty-first court appearance in Los Angeles's massive Juvenile Court, and his sixth criminal arrest. This time, though, he was in for murder, his world's surest right of passage to adulthood—or, at least, to adult court and adult prison.

Richard's criminal career began with a car theft in 1990, when he was thirteen. At least, that's when he officially entered the system. Truth is, he