

Play by the Rules

Worksheet 1-1: *In re Gault*

Fifteen-year-old Gerald Gault was already on six months' probation because he had been in the company of another boy who had stolen a wallet from a woman's purse. At about 10 a.m. on June 8, 1964, Gerald and a friend were arrested and taken to the county children's detention home. They were accused of telephoning a neighbor, Mrs. Cook, and saying offensive and obscene things to her. Mrs. Cook had called the sheriff.

The boys were questioned by the superintendent of the detention home. The boys admitted making the calls, but each blamed the other.

At the time Gerald was picked up, his parents were at work. The sheriff did not leave a notice telling them Gerald was being taken to the detention home. No one from the sheriff's office informed the Gaults. The Gaults went to the detention home when they found out that Gerald was being held there. An officer told the Gaults a hearing would be held in juvenile court the next afternoon.

Gerald, his mother, his older brother, the officer and judge were at the hearing. Mrs. Cook was not present. No one was asked to swear to tell the truth at the hearing. No record was made of what was said. No lawyers were present. At later hearings, there were disagreements over what Gerald had said at the first hearing.

After the first hearing, Gerald was taken back to the detention home. Two or three days later he was driven home. No explanation was given for why he was kept in the detention home or why he was taken home. The day he was driven home, Mrs. Gault received a note on plain paper notifying her of the next hearing.

On June 15, the Gaults appeared in court. Mrs. Cook was not present although Mrs. Gault had asked that she be present. Again no one was asked to swear to tell the truth and no record was made of the hearing. No lawyers were present. People at this hearing later disagreed about what happened. At this hearing, the probation officer gave the judge a report that was not given to the Gaults. This report said Gerald had made insulting phone calls.

The judge ruled that Gerald had broken a section of the Arizona criminal law that said a person who "in the presence of or hearing of any woman or child ... uses vulgar, abusive or obscene language, is guilty of a misdemeanor." The judge committed Gerald as a juvenile delinquent to the State Industrial School until he reached age 21, unless he was discharged sooner by due process of law.

If Gerald had been 18, he would have been tried in a regular criminal court. There, the maximum penalty for making "vulgar, abusive or obscene" calls would have been a \$5 to \$50 fine or not more than two months imprisonment.

Mr. and Mrs. Gault filed a petition for Gerald's release from the State Industrial School, which was denied. The case was appealed by Gerald's lawyer and eventually reached the U.S. Supreme Court. His lawyers argued that the procedure used in Gerald's case had denied him due process.