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Juvenile Offenders, a Right to Treatment, and the Costs and Benefits of Rehabilitation

That the United States may soon have to ration health care resources, including mental health services, will almost certainly require its people and governments to take into account the needs of adult prisoners, civilly committed mental hospital patients, and a growing number of juvenile offenders committed to the care of the states. The questions of whether public resources are being used effectively in behalf of juvenile justice, and whether they can be used more efficiently, are of crucial importance at this time. *Who Gets a Childhood?* by historian William S. Bush illuminates the historic mistreatment and outrageous abuses of poor African American, Latino, and white youth in the training schools of twentieth-century Texas. Equally important, the book makes an argument in behalf of a constitutional "right to treatment" that would provide mental health rehabilitation services for juveniles committed to state custody. Bush thus makes a distinctive contribution to the history of racial discrimination and juvenile injustice in a multicultural southern state. Furthermore, his juvenile justice reform advocacy rekindles decades-old moral and political debates that implicate directly the currently strained budgets of numerous states and the federal government.

Writing in response to the 2007 sexual abuse scandal at the West Texas State School near the tiny town of Pyote, Bush tells the 120-year story of the Texas juvenile justice system that spawned this notoriously dysfunctional institution. Organized into seven chapters and an epilogue, *Who Gets a Childhood?* seeks to explain how Texas's regime of juvenile justice reached its current position as one of the more controversial systems in the United States, while also advocating aggressive juvenile justice reform across the nation. Examining closely the experiences of African American, Mexican American, and Euro-American girls and boys in the Texas training schools, which racially segregated inmates into the 1960s, Bush unpacks the historic relationship between race, juvenile justice, and, importantly, competing understandings of childhood. In this account, the history of the Texas juvenile justice system, which began in 1889, is marked by a cyclical pattern of abuse and scandal–from humanitarian reforms in the 1910s, 1940s, and 1970s, to juvenile crime panics and "get-tough" "law and order" crackdowns in the 1950s and 1960s and from about 1985 to 2009. Public fears of "teenage terrorists" at the height of the Cold War and of "super-predators" in the Ronald Reagan era and early 1990s generated the growth of expensive and remote lockdown facilities, which failed to deter juvenile crime but unleashed unconscionable physical and psychological abuses on inmates. This was so notwithstanding the fact that, since the 1940s, experts had reached a consensus on the superior effectiveness of smaller, community-based, rehabilitative programs. Texas consistently failed to sustain its periodic reform efforts–a pattern Bush attributes most to a widespread willingness to view juvenile offenders as fully responsible adults. He also argues that the inadequacies of the Texas system have been a consequence of structural necessity; white racism; the ideological commitments of administrators; the resistance of juveniles placed in state custody; recalcitrant townspeople who staffed, ran, and protected the institutions; legislators who were generally hostile to expenditures for juvenile delinquents they deemed morally suspect' and the transience and disorga-

nization of child advocates, at least until the 1970s.

According to Bush, Texas resembled many other states in its utter failure to live up to Progressive-Era promises of professional, individualized treatment–a lapse, he argues in several chapters, that extended the privileges of a "protected childhood" to white middle- and upper-class youth, while denying those protections to African Americans, Latinos, and poor whites. The central shortcoming of juvenile justice in Texas and elsewhere has been its chronic inability to shelter youth from the dangers, responsibilities, and experiences of the world of adult criminal justice, including, of late, the death penalty. Federal court-ordered reforms in the Texas case *Morales v. Turman* (1974) advanced new due process rights for referred juveniles, a constitutional right to treatment, and community-based rehabilitation programs for them. But the latter were abandoned by the Texas authorities in the late 1980s in the face of a growing public panic over rising juvenile crime and super-predators. A central feature of the solution that Bush advocates for offenders under the age of eighteen, violent and nonviolent, is more aggressive implementation of the kinds of reforms ordered in *Morales* and the firm establishment of the constitutional foundations for such programs articulated in that decision.

Bush acknowledges his intellectual debts to those whose work has explored the historical development of the early nineteenth-century notion of protected childhood, most recently reprised in *Huck's Raft: A History of American Childhood* (2005) by historian Steven J. Mintz, and to social historian David J. Rothman, whose *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (1971) first revealed fully the divergence between lofty child-saving rhetoric and the hard realities of juvenile justice in the United States. Also clearly informing *Who Gets a Childhood?* is *Bad Kids: Race and the Transformation of the Juvenile Court* (1999) by legal historian Barry C. Feld and *Juvenile Justice in the Making* (2004) by legal historian David S. Tanenhaus, both of which examine the tensions between viewing juveniles as children in need of protection and as "little more than adult criminals in miniature" (p. 3). *Fugitive Cultures: Race, Violence, and Youth* (1996), authored by critical pedagogy theorist Henry A. Giroux, and *Rethinking Juvenile Justice* (2008), coauthored by juvenile justice expert Elizabeth S. Scott and psychologist Laurence Steinberg, provide some of the conceptual grist with which Bush makes his point that the characterization of violent juveniles as super-predators is, when flung at people of color, fundamentally racist and that scholars, policy makers, and youth advocates have begun to rethink the recent trajectory toward stern punishment of juveniles. Quite evidently influencing Bush's presentation also is *The Cycle of Juvenile Justice* (1992) by late criminal law specialist Thomas J. Bernard, which examines alternating advocacy for lenient treatment and harsh punishment for juvenile offenders in American history.

Who Gets a Childhood? joins a host of fine works, including those referenced above, that have taken the study of juvenile justice in the United States into new directions. In fact, a veritable rediscovery of juvenile delinquency and corrections has occurred, one that revisits their historical development with an array of new methods, approaches, and geographic foci. Bush deserves much credit for producing the first book-length study to examine the juvenile justice system of a state once belonging to the Confederacy. But it also joins company with criminal justice specialist Jennifer A. Trost's *Gateway to Justice: The Juvenile Court and Progressive Child Welfare in a Southern City* (2005), which breaks new ground in this regard by examining the juvenile courts in Memphis, Tennessee. Expert in criminal justice Geoff K. Ward's *The Black Child-Savers: Racial Democracy and Juvenile Justice* (2012) examines the Jim Crow juvenile justice systems that developed across the United States in the twentieth century and the failure within them of the rehabilitative ideal for black youth. Complementing Bush's investigation of Latino and black youth in the Texas system is Chicana/o studies specialist Miroslava Chávez-García's *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System* (2012), the first book to examine the experiences of Mexican American, African American, and ethnic Euro-American youth in the California juvenile correctional facilities–experiences made more difficult by the interplay of racist science, pseudo-scientific research, and the disproportionate classification of youths of color as "degenerate." Equally relevant to Bush's critique of the super-predator myth is a 2006 scholarly article concerning the period 2002-2005 by former gang member and sociologist Victor Rios, entitled "The Hyper-Criminalization of Black and Latino Male Youth in the Era of Mass Incarceration."[1] Bush's chapters exploring the trials and tribulations of black and Latino girls resonate with an abundance of recent scholarship investigating female youth, the construction of gender, and the juvenile justice system in the United States, including *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1880-1925* (1995) by historian Mary E. Odem; *Reform and Resistance:*

Gender, Delinquency, and America's First Juvenile Court (2001) by educational studies expert Anne Meis Knupfer; *Caught: Montreal's Modern Girls and the Law, 1869-1945* (2007) by Canadian historian Tamara Myer; and *Justice for Girls? Stability and Change in the Youth Justice Systems of the United States and Canada* (2009), coauthored by criminal justice specialist Jane B. Sprott and criminologist Anthony N. Doob.

Bush is completely transparent about his choice to make *Who Gets a Childhood?* a strong response to those who have, since about the mid-1980s, called for incarceration, sterner penalties, and adult sentencing for violent juvenile criminals. He makes no effort to conceal his intention to make his book both a scholarly history and a tool with which to educate readers about the 1990s-spawned myth of the super-predator and the actual circumstances and challenges of juvenile offenders. His research, presentation, and arguments, quite clearly, show an abiding sympathy for the plight of wayward youth who end up in the custody of the state. But it should be noted that Bush proceeds evenhandedly. He gives credit to the Texas juvenile justice system when credit is due. He provides full coverage of the courageous efforts of reformers, judges, and administrators who, time and again, bucked recalcitrant "locals" and conservative reactionaries in the political arena. He presents an abundance of evidence that does not always make his argument easy; for example, he clearly identifies substantial increases in juvenile crime in the last several decades, including data showing this trend in Texas.

Who Gets a Childhood? is based on a stunning amount of archival research. Bush draws substantially on the records of the Texas State Board of Control (TSBC); Texas State Youth Development Council (TSYDC); Texas Youth Council/Commission (TYC); and juvenile court and probation office case files, including correspondence between parents and incarcerated youth at such institutions as the State Juvenile Training School for Boys at Gatesville (founded in 1889), the Gainesville State School for Girls (founded in 1916), and the Brady School for Negro Girls (founded in 1947). The book makes especially effective use of materials from the federal district court proceedings in *Morales v. Turman*, including responses to inmate questionnaires and inmate statements, depositions, and trial testimony. The list of wholly divergent sources goes on and on: census figures and state and federal juvenile justice and crime data; photographs, anti-juvenile delinquency posters, political cartoons, and still shots from movies and documentary films; radio broadcast transcripts, magazines, and newspapers; governor's papers and executive commission reports; state and federal appellate court opinions; and legislative testimony and commission reports. Bush also puts to good use records housed at the Center for American History, University of Texas at Austin, and the Texas State Library and Archives Commission, and documents gleaned from the depositories of various local and national foundations, charitable groups, and philanthropic organizations.

With arguments deftly connected to key debates across numerous disciplines, *Who Gets a Childhood?* comprises skillfully a blend of approaches and methods drawing on critical cultural theory, sociology, criminology, and social and cultural history. Bush can quantify data from the *Uniform Crime Reports* with the best of them. And he certainly employs, to good effect, recent frameworks dealing with the cultural and institutional construction of sexual identity. As indicated above, Bush shows himself to be quite adept with methods employed by cultural and political historians in the interpretation of film and public art and photographs. His legal and constitutional analysis of major United States Supreme Court decisions relevant to juvenile justice in Texas and other states is abbreviated. The discussion of *Kent v. United States* (1966), *In re Gault* (1967), and *In re Winship* (1970) takes up less than a page. But, as will be shown, Bush's chapter 6 and chapter 7 analyses of the background, beginnings, discovery phase, trial, and institutional and political impact of *Morales v. Turman* (1971-1988) is quite impressive. Chapter 7 reveals that *Who Gets a Childhood?* constitutes, among other things, an in-depth sociocultural, institutional, and political study of that important case. It also demonstrates the extraordinary value of trial-level evidence for scholars. Testimony given under oath in such cases such *Morales* can serve as a rare window into institutional practice and individual experiences for social, cultural, and political historians. Given recent trends in the use of comparative approaches in the study of juvenile justice employed by Sprott and Dobb in *Justice for Girls?* and by the late juvenile justice expert Margaret K. Rosenheim and others in *A Century of Juvenile Justice* (2002), however, Bush might well have compared juvenile justice practices and outcomes in Texas with those in some other venues, if only briefly.

Who Gets a Childhood? is an analytical narrative wrought with sophistication, flair, and considerable economy. To cover well so many complex developments over the course of 120 years in only 208 pages of main text is an admirable achievement. Bush explores his subject matter with remarkable skill and judiciousness. He

brings to life and lets us hear the voices of individual youth, their parents, and officials. With clear and precise prose, he illuminates the byzantine workings of an evolving Texas juvenile justice system. Bush unpacks the local dynamics of struggle between reform ideals and hard institutional and socioeconomic realities, while also exploring how the conflicts within that system related dynamically to an ever-changing larger American society, culture, and political order–including the interaction between training school superintendents, TSYDC and TYC officials, the Texas legislature, Congress, the president, and the federal courts.

Emblematic of the nuance and care with which Bush engages his subject matter is chapter 4, which examines the belated opening of the Brady School for Negro Girls in 1947. Bush shows us how growing pressures in behalf of civil rights for African Americans after World War II helped bring the change, while some white leaders saw the school as merely a way to bolster "public safety" and shield white men and boys from black prostitutes supposed to be specially ridden with venereal disease. The delayed construction of the training school for black girls reflected a particularly blatant example of the racial segregation and discrimination of the Jim Crow era. But the lapse was, according to Bush, more fundamentally, a refusal to include African American youth in the emerging protected categories of childhood and adolescence. On the whole, the Brady School fared much better in providing education and treatment than its counterparts for white and Mexican American youth. But it did so by excluding the most difficult girls and by embracing a relatively conservative model of racial uplift. Brady admitted more delinquent girls each year, while including extracurricular activities organized by them and developing strong academic and vocational programs. On the one hand, the school would be widely praised as the best run of the Texas institutions for juvenile delinquents. On the other hand, Bush reveals that Brady's inaugural years saw tensions run high between black and white employees and between adult staff and girl inmates. The largely white local population shaped public discussion about the rehabilitation of black delinquent girls that was strikingly similar to the discourse generated by townspeople at the older training schools for boys at Gatesville and Gainesville. The legislature allotted Brady lower budgets and fewer physical resources than either of those schools. The girls at Brady were also notably resistant to the diagnoses and remedies prescribed by both black and white authorities, which led to the adoption of solitary confinement, whipping, and a barbed-wire fence. Consequently, the goal of juvenile rehabilitation remained elusive and the transition of paroled girls back to noninstitutional life became one of the most persistent problems.

Drawing on his 2004 University of Texas PhD dissertation, it seems, Bush demonstrates intriguingly in chapter 5 how the rapidly growing political and economic fortunes of post-World War II Texas drew top experts from the fields of sociology, psychology, and social work–and thus into urban venues extraordinarily complicated by racial and ethnic diversity and conflict. He reveals how "common sense" understandings of adolescence and juvenile delinquency competed with oppositional understanding nurtured by expert sociologists and psychologists.[2] Particularly impressive in this chapter is his analysis, informed by cultural history methods, of how reformers employed film and other popular media to cast juvenile delinquency as middle-class and white. Bush argues, quite convincingly, that the 1955 film *Rebel without a Cause*, starring James Dean, set the standard for imprinting on the public consciousness the boundary between "normal" rebellious adolescents, who were redeemable, and hopelessly lost teenagers. In Texas and across the country, an invisible line divided juvenile *delinquents*, who were entitled to privileges and protections attached to the life stage of adolescence, from juvenile *offenders*, who were more likely to be incarcerated in facilities, which seemed to remain necessary.

Of particular interest to legal and constitutional historians will be chapter 7, which examines carefully the federal-court litigation in *Morales v. Turman*. In 1970, Alicia Morales sued TYC Director James A. Turman and the agency in the El Paso Juvenile Court on the ground that, when fifteen years of age, her father had her committed to the TYC for disobedience with an "agreed judgment" that entailed no notice of charges, no court appearance, and no representation, an obvious violation of the United States Supreme Court ruling *In re Gault* (1967). Within months, *Morales v. Turman* expanded rapidly into a federal class-action lawsuit destined to bring radical change to the TYC and which would have major national implications for the treatment of juvenile offenders placed in state custody. Bush forthrightly points out that the TYC, at the time, was providing programs for orphans, delinquent girls, and urban parolees that most deemed quite salutary. But, by 1971, many Texans had become impatient with the overreliance of the agency on large institutions, especially for boys, and commitment-phase due process violations. The issue of disproportionate minority confinement, a growing national concern, also punctuated the early proceedings in *Morales v. Tur-*

man, presided over by Judge William Wayne Justice of the Eastern District of Texas.

Morales v. Turman soon also focused on abusive conditions of confinement, thanks to the strategy of the plaintiff's lead attorney Steve Bercu, who headed the juvenile division of the El Paso Legal Aid Society. On his motion during discovery, Judge Justice ordered a questionnaire to be distributed to all TYC inmates in July 1971, which revealed that, of the 2,294 respondents, 863 had hearings without legal counsel. A total of 280 had never set foot in a courtroom, and 50 respondents, on their own initiative, reported abuses suffered at the hands of staff. The trial illuminated the overrepresentation of black and Latino youth in TYC facilities, their segregation by race, and a stern English-only policy. But inmate testimony in July and August 1973 also presented graphic descriptions of training school mistreatment far worse than had previously come to light. This testimony included accounts of coerced physical combat, as a form of initiation after intake; beatings by guards; widespread use of mace; extended solitary confinement; mind-numbing and grueling work details; and an unofficial classification system that categorized a substantial number of inmates as "sexually deviant," that is, as homosexuals–with those denominated "punks" being typically small and frail youth forced to submit to the sexual domination of larger and stronger boys dubbed "jockers."

On August 30, 1974, Judge Justice issued his complete ruling. The opinion decried not only the physical but also the psychological damage inflicted on juvenile inmates in the care of the state. More broadly, he held that juveniles taken into the custody of the TYC, regardless of their race, ethnicity, or economic background, had a right to treatment based on the mission statement of the TYC, the prohibition against cruel and unusual punishment in the Eighth Amendment, and the due process clause of the Fourteenth Amendment. The state appealed *Morales* to the Fifth Circuit, which ordered a new trial on the basis that the case should have been heard by a three-judge panel. But the U.S. Supreme Court reversed the ruling and sent it back to the Fifth Circuit for a consideration on the merits. Notwithstanding protracted developments on appeal, the district court supervised sweeping reforms in the TYC from 1974 to 1988 that instituted community-based programs to deter delinquency and provide rehabilitation for those referred to the juvenile courts–increasing the number of youth in such programs from 81 in 1974 to 2,168 by 1981.

The epilogue of *Who Gets a Childhood?* describes how the TYC abandoned many of the progressive principles articulated by Judge Justice in *Morales v. Turman* and associated reforms implemented by the agency in response to his 1974 order. Amid growing alarm over rising violent juvenile crime, the TYC tripled its large institution capacity from 1,686 in 1995 to 4,358 in 2005. The impact of abuse scandals in juvenile facilities fell disproportionately on African American and Latino youth. Black juvenile offenders, in the year 2000, were significantly more likely than whites to be referred to court, detained while awaiting trial, incarcerated in juvenile facilities, and sentenced as adults. In the summer of 2002, Texas attracted bitter condemnations from national and international critics for its administration of the death penalty to juvenile offenders, including erstwhile honor student and straight arrow Napoleon Beazley, an African American, for killing an elderly couple during a carjacking. The general public strongly supported such ultimate punishments out of growing fear of super-predators. This cumulative disadvantage, according to Bush, constitutes a new American dilemma for the twenty-first century, comparable to that articulated by Gunnar Myrdal in 1944, and should set the stage for a new cycle of juvenile justice reform. The challenge, in his estimation, is to extend the privileges and protections of childhood and adolescence to all youth, regardless of social background; to make the reality of juvenile justice hew more closely to its founding rhetoric; and to break the deeply ingrained habit of viewing even the worst youthful offenders as if they were fully responsible adults. He deems the formal establishment of a constitutional right to treatment as central to these changes.

Bush makes a solid case that African American and Mexican American youth were overrepresented in the juvenile training schools of Texas, at least from the end of World War II to about 2009. He demonstrates clearly that white inmates constituted a decreasing segment of that population after the 1940s. But he does not fully substantiate his claim that the increasing overrepresentation of African Americans and Latinos in the committed juvenile population was the consequence of preferential treatment for *middle-class* and *upper-class* white youth within the Texas juvenile justice system. He does not define "middle class" or "upper class" or document with arrest, referral, or commitment data agency practices regarding white youth in these socioeconomic classes. By 1973, 89 percent of the inmates in the TYC training schools had been committed for nonviolent offenses, 11 percent for violent ones, a sad situation that *Morales v. Turman* would rectify, at least temporarily. But what percentage

of inmates, in all the decades Bush examines, was composed of white middle-class or upper-class youth? Juvenile court prosecutors and judges may well have formally and informally, as a consequence of racism, disposed of charges brought against boys in these categories more frequently than similar charges brought against African American and Mexican American male juveniles. It is, in fact, easy to believe that this was the case in Texas and elsewhere, at least before civil rights-era reforms. But Bush provides little evidence to help us make this conclusion.

Given the publication of *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890-1840* (2005) by social historian David B. Walcott, Bush might well have provided more information about police practices with juveniles in large urban areas of Texas, such as Houston, before and after the mid-1960s. By the 1970s, as a consequence of the civil rights movement, Houston was well on its way to making African American and Latino officers an important and substantial part of the force. Bush provides reliable anecdotal evidence suggesting that white middle-class parents more often refrained from reporting their wayward boys to civil authorities than did distressed poor or working-class parents. So, were white middle-class boys more or less likely to be "caught" than boys from poor or working-class families? Did mistrust of police authorities and the courts deter African American and Mexican American parents from reporting their delinquent children? Did legal versus illegal immigrant status affect this predisposition, if it was, in fact, commonplace? In any case, the key question is–to what extent did the police apprehend, arrest, or refrain from arresting or referring minority youth of all classes to the juvenile courts versus their practice in regard to white youth of all classes? Similar data regarding teacher diversion or referral practices would be useful.

Bush's emphasis on economic hardship and racism as the root causes of juvenile delinquency seems somewhat problematic in the context of his discussion of recent decades. Beginning in chapter 2, he shows quite credibly that youth committed to the Texas training schools in the period 1929-49 typically came from dire family circumstances–"broken homes," absent fathers, widowed and single mothers, all of which undercut effective parenting. He argues that, through the remainder of the twentieth century, economic deprivation and inequality, ghetto environments, and racial or ethnic conflict remained the root causes of juvenile delinquency in the state. But it seems questionable to cast bare correlations such as these in cause-and-effect terms across the last third of the twentieth century and into the first decade of the twenty-first century, a period during which substantial numbers of African Americans and Latinos worked their way into the prosperous middle class. Bush might have emphasized more that the youthful offenders and parents he investigates, especially after 1970, were autonomous moral agents capable of making beneficial choices even in the face of dysfunctional social practices and cultural predispositions found in some poor and low-income communities. By the same token, he might have taken a bit more seriously the conclusion drawn by federally funded Houston Action for Youth (HAY) reformers in the early 1960s that the problem of school dropouts at that time was, in part, a consequence of the failure of parents to encourage study or inculcate in their children the value of education. Whether this amounted to a kind of absurd blaming-the-victim error is at least worth discussing. And a work strenuously advocating public rehabilitation programs for committed at-risk youth certainly cannot be credible if it presupposes that juvenile offenders ensconced in difficult environments cannot make difficult choices correctly and change their attitudes and behavior.

Bush might have examined more carefully the viability of his claim that the decision of Judge Justice in *Morales v. Turman* laid the foundation for the creation of a constitutional right to treatment in the early twenty-first century. The judge certainly declared such a right for committed juveniles in his 1974 decision. But Bush also allows that the United States Supreme Court in *O'Connor v. Donaldson* (1975), which denied that the United States Constitution provides civilly committed mental patients such a right, effectively reversed Judge Justice's ruling in this connection. Bush maintains that the Supreme Court in *O'Connor* expressed the view that mental health treatment for committed juveniles is "desirable" (pp. 201-202). But he omits to discuss a key *Morales v. Turman* ruling handed down by the Fifth Circuit Court of Appeals in December 1977 that emphatically discounted the proposition that juveniles in the custody of the state had such a right under the Constitution. Bush might also have at least discussed briefly the ruling of the First Circuit in *Santana v. Callazo* (1983), the initial federal court of appeals decision actually to reject the argument that the Constitution guarantees a right to treatment to incarcerated juvenile offenders. The decision was also the first to adopt the concurring opinion of Chief Justice Warren Burger in *O'Conner v. Donaldson*, in which he wrote, rather ominously, that "a State's police power may justify confinement of individuals solely to protect society."

Under the circumstances, one is left to wonder what impact *O'Connor v. Donaldson* and the December 1977 circuit court opinion in *Morales v. Turman* actually had on the overhaul of the TYC in the period 1974-88. The December 1977 Fifth Circuit ruling remanded the case to the district court for evidentiary hearings to determine the extent to which the TYC had complied with Judge Justice's 1974 injunction. Did the TYC institute psychological counseling or psychiatric treatment of inmates after *O'Connor*? After *Santana*? To what extent did the Texas juvenile justice system incorporate mental health treatment into its new system? Bush does not let us know. John Hubner's *Last Chance in Texas*: *The Redemption of Criminal Youth* (2005), however, suggests that the TYC made strenuous efforts in this regard, at least with the Capital Offenders Group Treatment Program at its Giddings State School. According to Hubner, the institution houses nearly four hundred of the most violent juvenile offenders. The program aims to alter the life trajectory of its residents. The Giddings School employs a disciplined regimen wherein boys and girls engage separately in resocialization sessions carefully arranged by teams of psychologists. Structured psychodramas are designed to form emotional connections, enabling participants to identify, confront, and ultimately gain mastery over violent impulses. Vital to this process is recognizing personal accountability and internalizing a genuine sense of remorse for the injury they have caused their victims. The program's unconventional methods are somewhat controversial. But Hubner emphasizes the TYC's success. In contrast to national recidivism rates for youthful offenders, which ranged from 50 to 60 percent in 2004, a study conducted that year reported that only 10 percent of Giddings School graduates were rearrested for a violent crime, at least after three years on parole.

The Texas Capital Offenders program suggests that rehabilitative treatment at a training school, carefully and intelligently administered, can actually work. But it seems quite likely that rehabilitative approaches of all kinds will continue to be explored and gain support. Congress passed the Civil Rights of Institutionalized Peoples Act (CRIPA) in 1980, which authorized the Department of Justice to protect the rights of persons in the care of state institutions, including those committed to juvenile correctional facilities. CRIPA did not create any new rights, but it allows the United States attorney general to enforce rights for juveniles set out in the statutes of individual states or their constitutions. The National Mental Health Association strongly supports treatment for committed juveniles with mental disorders, as does the National Juvenile Defender Center, and myriad other juvenile advocacy organizations.[3] A private-public partnership between the Department of Justice's Office of Juvenile Justice and Delinquency Prevention and the John D. and Catherine T. MacArthur Foundation announced on January 26, 2012, that it will jointly provide two million dollars to advance innovative treatment and services for youth committed to state juvenile justice systems.[4]

Books advocating juvenile justice policy can be most useful if they employ a rigorous cost-benefit analysis that helps to identify rehabilitative programs that are effective as well as humane. Allowing that government programs, agencies, and experts may well be the only solution to the problem of juvenile delinquency and violent juvenile crime, *Who Gets a Childhood?* omits to discuss in any depth the actual results of small, community-based, therapeutic programs that the TSYDC initiated in the late 1940s and that the TYC developed thereafter through at least the 1980s. Bush similarly gives little attention to the results produced by the larger, remote, secure institutions for the rehabilitation of troubled youth. Certainly he is to be praised for illuminating and condemning training school abuses. But we get very little information concerning how training school inmates or those referred to local community-based programs fared after their releases. What number and percentage of juveniles discharged from training schools and from community-based rehabilitative programs reentered civil society successfully? What were the recidivism rates for youth released from these differing institutional regimens? Given that juvenile crime in Texas escalated precipitously in the decades following the *Morales* reforms, what are the implications of this for the viability of traditional community-based, rehabilitative programs? Can the spike be attributed to this kind of regimen or to other factors? If so, what are they?

Bush's advocacy for improved rehabilitation for juvenile delinquents and offenders seems to presuppose abundant public resources. This presupposition is, in fact, the white elephant roaming around in the last four chapters and epilogue of this book. What have been the costs, in tax dollars, for maintaining the community-based rehabilitation regimes ordered by Judge Justice? Are these costs more or less than for the maintenance of well-administered training school facilities, such as the Giddings School? At a time when local, state, and federal budgets are deeply in the red and with drastic cuts in public programs in the offing, questions of not only effectiveness but also cost ought to be addressed thoroughly in a book advocating a major change in policy that will

inevitably involve substantial public expenditures.

Who Gets a Childhood? is a powerful account of juvenile injustice and an important, thought-provoking book that engages boldly, as Bush maintains, a fundamental crisis facing American society. It is worthy of close reading by all who are concerned about juvenile justice and the solutions to the growing problem of juvenile delinquency and violent crime. It will undoubtedly be of particular interest to academic experts in juvenile and criminal justice sciences and juvenile court judges, probation officers, and administrators. It should have special appeal also to sociologists; school psychologists; public policy experts; legal scholars; political scientists; and social, cultural, and political historians, especially those focusing on twentieth-century African American and Hispanic American experiences. The book is certainly accessible to serious lay readers interested in the late nineteenth- and twentieth-century history of Texas and is well suited for undergraduate classes and the graduate seminar room. Students will read *Who Gets a Childhood?* with relish, and the book will almost certainly spur meaningful classroom discussion and healthy debate.

Notes

[1]. Victor Rios, "The Hyper-Criminalization of Black and Latino Male Youth in the Era of Mass Incarceration," *Souls: A Critical Journal of Black Politics, Culture & Society* 8, no. 2 (Spring 2006): 40-54.

[2]. William S. Bush, "Representing the Juvenile Delinquent: Reform, Social Science, and Teenage Troubles in Postwar Texas" (PhD diss., University of Texas at Austin, 2004).

[3]. National Mental Health Association (NMHA) Position Statement, "Children with Emotional Disorders in the Juvenile Justice System," approved by the NMHA Board of Directors, June 6, 1998; and National Juvenile Defender Center, Mission and Vision Statement, `http://www.njdc.info/about_us.php` (accessed February 5, 2012).

[4]. Office of Justice Programs, "Department of Justice, MacArthur Foundation Provide $2 Million to Support Juvenile Justice Reform," January 26, 2012, PRNewswire-USNewswire, `http://www.modelsforchange.net/newsroom/234?~src=hometxt` (accessed February 5, 2012).

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