

Crime -
Juveniles

Chicago tot's young killers test system

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Handing down a sentence that fits the crime is not always easy. Especially when the offenders aren't even 5 feet tall.

By Debbie Howlett
USA TODAY

CHICAGO — The murder was brutal and shocking: Two boys, ages 10 and 11, dropped a 5-year-old from the 14th-floor window of a housing project last year because he refused to steal candy for them.

Today, Juvenile Court Judge Carol Kelly must hand down a sentence that fits the crime as well as the criminals, neither of whom is yet 5 feet tall.

It's not an easy decision.

In Illinois, as in most states, children under 13 cannot be sent to adult prisons. So they are sent to state facilities that often can't handle their problems, or they simply are sent home on probation.

In rare cases, violent offenders under 13 are sent to juvenile residential facilities in Indiana or Arizona. They are released, with clean records, by the time they turn 21.

Anti-crime activists say time in "kiddie jail" is no longer adequate for a nation on the brink of an unprecedented youth crime wave.

"Kids are very capable of committing adult crimes," says Jim Wooton of the Safe Streets Alliance. "The problem we're faced with now is that the age at which kids are capable of very serious violence seems to be marching down."

And the latest crimes seem to confirm that trend:

► Victoria Dalton, 13, of San Antonio was sentenced this month to 14 years in state custody after she was convicted of smothering a 2-year-old and 5-month-old left in her care last year. She may be sent to adult prison next year.

► Brandon Roses, 10, was convicted last week in a non-jury trial in Portland, Ore., for the murder of his 5-year-old sister. He shot his sister with

his father's rifle because she was annoying him. Brandon probably will spend the next 11 years in state custody at a juvenile facility rather than an adult prison.

► Tony Hicks, 14, of Los Angeles is awaiting trial in adult court in the ambush slaying and robbery of a pizza delivery man. He faces a life sentence in prison if convicted.

► Antwan Little, 14, convicted in Cincinnati of aggravated murder of a carry-out restaurant owner in a bungled robbery, was sentenced to seven years. Ohio law forbids the state from keeping young felons beyond age 21.

During the past 10 years, the number of homicides committed by children age 12 and under grew by 125% — a total of 39 in 1994 — while the juvenile population has declined.

What worries activists like Wooton are U.S. Census projections that show the juvenile population rising to 33.8 million in the year 2010, a sharp increase from 27.1 million in 1990. In response to the growing concern, at least 20 states are considering an overhaul of juvenile criminal codes.

Several already have taken action. In Wisconsin, a 10-year-old now may be tried for any serious crime as an adult and sent to a state prison. New York children as young as 7 can be tried for murder in adult court.

And in Missouri, prosecutors now are free to charge anyone as an adult, regardless of age.

Such get-tough tactics have strong public support: 60% say a teen convicted of murder should get the death penalty, according to a USA TODAY/CNN/Gallup Poll.

A National Law Journal poll last year showed 40% of juvenile judges favor trying 14-year-old children as adults. To



Eric: Dropped from 14th-floor window



By Don Ryan, AP

In Oregon City: Brandon Roses, 10, was convicted in the shooting death of his 5-year-old sister. He said he shot her because she was annoying him.

be tried as an adult makes children subject to the same penalties as adults rather than the more lenient juvenile penalties. The age at which someone can be tried as an adult varies from state to state.

Imposing harsh penalties on young criminals dates back 200 years: The youngest person ever executed in the USA was a 12-year-old Connecticut girl hanged in 1786 after killing a baby left in her care.

"What it reflects is enormous frustration, even centuries ago, with kids who do horrible things," says Victor Streib, a Cleveland State University criminology professor.

But Thomas Blomberg, a Florida State University professor, says imprisoning children who can be rehabilitated

is "dealing with the symptoms and not the causes."

A Department of Justice study shows that 96% of offenders under 15 are never arrested again, but 2% become habitual offenders.

In Chicago, the boys, who have not been identified, lured Derrick Lemon, 8, and his little brother, Eric Morse, to an abandoned 14th-floor apartment in the South Side housing complex under the guise of showing them a clubhouse. The boys told police they then attacked Eric because he had gotten them in trouble and refused to steal candy for them.

In court last month, Derrick said he raced down the stairs of the high-rise while the boys dangled Eric from the window.

When the prosecutor asked

Derrick why he ran down the stairs, Derrick replied: "I tried to catch him."

The cruelty of the act drew national attention. President Clinton referred to the incident in a speech on crime.

Just two weeks before Eric plunged to his death, 11-year-old Robert "Yummy" Sandifer was shot to death after police named him a suspect in the gang-related shooting of a 14-year-old girl. Two fellow gang members, ages 14 and 16, were arrested and charged in adult court with murdering Sandifer to silence him.

In the Eric Morse case, defense lawyers argued that the convicted boys, now 11 and 12, also were victims.

Both have lived in public housing with single mothers all their lives. At least one of the boys' fathers is in prison. One of them has had six documented run-ins with police.

Both boys are functionally illiterate with extremely low IQs. One has been described as mildly retarded. The older boy flunked four fourth-grade classes and still was promoted.

Paul Mones, author of *When a Child Kills*, says society might feel better punishing the children who make egregious mistakes, but prison will only harden them and forge a new generation of criminals.

"It's tragic that this boy (Eric) lost his life," Mones says. "The question is whether we want to throw away two more lives."

Contributing: Gary Fields

Free speech case: Contractor vs. government

By Tony Mauro
USA TODAY

Most small towns have a gadfly like Keen Umbeh of Alma, Kan.: someone who goes to all the government meetings and peppers the local newspaper with letters attacking the local powers that be.

But Umbeh was no ordinary burr in the saddle of Wabunsee County commissioners. He was also the county's trash collector, and after two years of taking his criticism, the commissioners voted in 1991 to terminate his contract.

Not surprisingly, Umbeh remained vocal, and today the U.S. Supreme Court debates whether his firing violated his right to freedom of speech.

The case has implications for thousands of government contractors and government-funded entities nationwide.



By Shane Keyser, AP

Trash case taken to highest court: Keen Umbeh's suit involves the protection of government contractors' First Amendment rights.

Government employees generally can't be fired for expressing their views. The First Amendment protects them unless their speech seriously impairs operations or morale.

Free speech advocates, joined by the Clinton administration, worry that if Umbeh loses and contractors are given less First Amendment protection than employees, the threat

of cutting off contracts can be used as a censorship tool.

"Members of the public do not lose their First Amendment rights merely because they enter into government contracts," says Bruce Ennis, lawyer for Planned Parenthood Federation of America.

Planned Parenthood, which operates 925 health clinics nationwide with at least partial government funding, has a lot at stake in the Umbeh case. Clinics in Minnesota, Georgia, Kansas, Texas and New York have already lost government money because of the group's advocacy of abortion rights.

Umbeh says he explains the issue to his four children this way: "I ask them if it would be right to fire someone because he was a Baptist or a member of some group, and then I ask, can they fire me because I wrote an article?"

Umbeh's articles were not mild. He accused commissioners of violating open meetings laws, attacked the road department and criticized a proposed increase in landfill user rates. "I became a real pain in their backside," Umbeh says.

Umbeh has recovered some of the loss by getting business with towns. His wife, Eileen, often drives the truck while he loads trash. His company has one other employee.

Donald Patterson, the commissioners' lawyer, says he will argue that "Umbeh used the First Amendment as a club, a means of extortion, to keep his competitive advantage." He says Umbeh's contract was ended to reduce costs.

Adds Patterson, "Is government required to favor the guy who is vocal?"

The high court is expected to rule on the case by June.

Jesse Jackson Jr. is on today's ballot in Chicago

By Bob Minzesheimer
USA TODAY

In Chicago he's known as "Junior" — as in Jesse Jackson Jr. But today the son of the two-time presidential candidate and civil rights leader is asking voters to make him Congressman Jackson.

In his first bid for elective office, Jackson, 30, faces three Democratic state legislators. All are older and more politically experienced than he. They have accused him of trading on his father's name in a bid to replace former representative Mel Reynolds, who resigned last month after being convicted of sexual abuse.

The general election is Dec. 12, but today's Democratic primary is tantamount to election in a district so Democratic that President Clinton won 80% of its votes in 1992.

The latest *Chicago Tribune* poll conducted two weeks ago showed Jackson leading state Senate Minority Leader Emil Jones, 33% to 20%. Thirty-five percent were undecided.

Jackson has been a Democratic national committeeman for seven years and worked in congressional campaigns. He has a law degree and a master's in theology, and he has been field director of the Rainbow Coalition, his father's political organization.

He combines his father's soaring and rhyming oratory with detailed charts that link unemployment with what he calls the growing "jail-industrial complex."

But Jones, 60, a 22-year veteran of the Illinois Legislature, says, "If he was Jesse Smith, he wouldn't even be a blip on the screen." Jones is endorsed by the party's ward and township



By Robert A. Davis, Chicago Sun-Times via AP

Name recognition fights his way: Jesse Jackson Jr. speaks at True Vine Baptist Church Sunday in Dixmoor, Ill., a Chicago suburb.

leaders, which could be a key factor if voter turnout is as low as officials predict: below 20%.

Also running state Sen. Alice Palmer, 56, who has attacked

Jones' ties to Chicago Mayor Richard Daley; and state Rep. Monique Davis, 59, who says she is endorsed by former representative Gus Savage and

Nation of Islam leader Louis Farrakhan.

The district, where about two-thirds of voters are black, stretches from the south side of Chicago to more affluent suburbs.

Perhaps no other district has had more embarrassing leaders in Congress. For 12 years, it was represented by Savage, who survived charges of absenteeism, sexual harassment and anti-Semitism until Reynolds beat him, on a third try, in 1992. But Reynolds, a former Rhodes Scholar, ran into problems. He's now serving a five-year jail term for having sex with a 16-year-old campaign worker.

Says the Rev. Alvin Love, pastor of Lilydale-First Baptist Church: "The feeling out there is that really, no matter who wins, we're going to be the better for it."