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Jacob Pasner

[REDACTED]

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Does America's justice system respect the rights of young people by giving them a substantive role in its system? I believe it does not. This assertion is based on facts that we know well from our history, even from an ancient society that our own is now fashioned in part after. In ancient Rome children were considered chattel, or personal possessions, which is consistent with our laws in which children are essentially owned by their parents.

As well as being owned by our parents young people do not have constitutionally protected free speech. This includes the banning of many types of clothing including (According to Nevada Union High School Dress Code policy); specific colors, rebellious or unpleasant statements, certain clothing styles and much more. I personally know of an instance where a student was reprimanded for having a line from a Shakespearian play on his t-shirt because it incited violence. Does this mean that our governments system now dictates the appropriateness of Shakespeare in our schools?

If the government is going to dictate the appropriateness of certain speech by young people why shouldn't those same age limits apply to all rights? So why 16 and 17 year olds being tried as adults for certain crimes, but not given the same voting rights as adults? One former state senator believes that they should have those same rights.

In March of 2004 Senator Vasconcellos presented a California State Senate Constitutional Amendment that would have lowered the voting age to 14 years for .25 of a vote and 16 years for .50 of a vote. This amendment would have allowed the young people who were affected by the votes to participate in selecting the best course of action. The bill didn't even make it out of its first committee hearing. There was no chance for young people to get the most basic of American rights: the right to vote.

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So are young people given a substantive role in the justice system? No they are most definitely not. Not only do they not have a role in this system but the system itself is unfair to the very people it is supposed to be protecting and enriching the lives of. The system isn't giving these people a chance to change their world so how are they supposed to participate in it?

2nd Place
Kevin Bates
Law

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Laws are the rules that apply to every citizen of a nation. They are set down by the current system of rule, whatever it may be. All styles are different, some similar but still with key differences. However one similarity they all share is a child's role in law creation.

Children play a key role in law creation, but not in the way adults do. Adults make the rules, they get to voice their opinion and vote to pass or veto a potential law. Children only influence the law's creation, when they make poor choices and cause some sort of problem, a law is created to prevent the discretion in the future, they get no voice, and they do not get to argue their side. We live in a world where children are "protected" by the law and justice system but have no voice in it.

The way children are being treated is very reminiscent of the American Revolution. They are being represented by someone who does not share their plight, and therefore cannot make a proper case. The only time a child is properly represented is in an emancipation hearing, where he or she speaks for themselves. In any other case children cannot represent themselves as they are not adults and "lack the ability". The only time a child is properly represented is when they are participating in Peer Court, where, like the sixth amendment to the constitution states "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

However children are very well protected by the laws created for them, and thus should not complain as much as they do. It is believed that the cause of such behavior is the result of the current music industry and its profound effect on our young people. Bands like Linkin Park and System of a Down sing songs that provoke a hostile attitude toward the system we have in place today. Many of these songs are based in truth but are,

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in all respects, false. They are misleading children to think as they do and causing a level of distrust between the youth of America and the American Government. This could be a reason why the adults view the children as "lacking the ability" to make proper choices. But does the fault not lie in the hands of the parent? It is their duty as a parent to guide their child into a political awareness. In today's world this is a characteristic that has faded into nothingness and a problem that is in deep need of a solution.

3rd Place
Mackenzie Hild

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2007 Law Day Scholarship Essay Contest

Youth of America today often complain of their lack of rights yet it is hard for us to see the whole picture and compare our regulations to those of other youth in the different justice systems around the world. Young people, age 18 or less, are given a substantive or independent role in America's justice system because it is believed that minors deserve as much respect as any ordinary adult.

Primarily, a youth's verdicts are given depending on the many variables of their predicament, thus they have more options of treatment and punishment than the ordinary adult. The following are some of the factors that are taken into consideration when a minor is being charged: severity of offense, minor's past record, minor's social history and parent's apparent ability to control the minor. Other factors that are not official but are also considered are minor's attitude, minor's manner of dress, amount of support minor receives from people around him/her and whether he/she has an attorney. It can be observed that minors have quite a unique hearing in relationship to the usual trial of an adult. Once the minor has gone through the judgment process, the minor's punishment is determined. The youth cannot be arrested, only detained, giving more freedom to the charged minor while he/she awaits punishment and this illustrates another right given to America's youth in the justice system. Finally, the punishment is agreed upon and normally is less harsh than an ordinary penalty given to an adult. The focus of the youth justice system in America is to reprimand and teach, not to imprison and punish. Some examples of the punishments given are repairing the damaged property, helping the person who was affected by the crime and doing volunteer service in the area that was affected by the minor's actions. If the crime is bad enough for the court to rule that the juvenile stay in a facility, the minor will be given the opportunity to attend school and even earn their college degree through the facility.

Once again, it is seen that the minors of America have individual rights distinct from the rights of the adults around them and thus have more flexibility in their charges within the justice system.

Additionally, minors in the system of justice are treated with respect. When a juvenile is brought to trial they plea "not delinquent" rather than "not guilty", establishing them as different from an adult criminal and thus showing them that the judges are giving them the proper respect and understanding that minors need. Another way in which the court system shows minors respect is its discretion of the trial and the records. Neither is open to the public, unlike normal trials, and this is the judge's way of helping the juvenile not feel shoved out of society. As shown, minors receive much respect in the American justice system.

Overall, young people have an individualized role in the justice system of America and are greatly respected in court.

