

Proposition 21 aims to send thousands of California teenagers to adult prisons

by Vince Beiser and Karla Solheim

**Pete Wilson's wrath:
Nameless, faceless offenders
Photo by Slobodan Dimitrov**

Thousands of teenagers may be tried, sentenced and imprisoned as adults after California's March primaries, and they'll have major corporations — including Unocal, Transamerica, Pacific Gas & Electric and Chevron — to thank.

On March 7, voters will decide whether to approve Proposition 21, the Gang Violence and Juvenile Crime Prevention Act. The 43-page ballot initiative, if passed, will dramatically overhaul the way California deals with youthful offenders, shifting many of them from the juvenile system, with its emphasis on rehabilitation, to the punishment-oriented adult-justice system. Among other things, Proposition 21 would require teenagers as young as 14 to be tried in adult court for crimes such as murder or serious sex offenses, give prosecutors expanded powers to try juvenile offenders as adults for a range of less serious crimes, and sentence anyone 16 or older convicted in adult court to adult prison. Its impact will be especially sharp in Los Angeles County, source of nearly a third of the state's juvenile offenders.

"The proposition is designed to punish," says Elizabeth Schroeder, associate director of the ACLU of Southern California. "It is a 180-degree turn from the notion that this country has had for a long time that rehabilitation, not punishment, is how we treat kids who get into trouble."

Launched by former Governor Pete Wilson, who now draws a paycheck from Beverly Hills' Pacific Capital Group, the measure has drawn opposition from a range of youth advocates, politicians and law-enforcement groups, and sparked a nascent street-protest campaign in Los Angeles and several other cities around the state. The endorsement battle lines are well-staffed: Governor Gray Davis and several major law-enforcement groups support 21. Its opponents include LAPD Chief Bernard Parks, Assembly Speaker Antonio Villaraigosa and the Chief Probation Officers of California.

One of the most striking things about the measure, though, is that much of the cash to get it on the ballot came from several major corporations with no obvious stake in how California courts treat juvenile offenders. In fact, three of them aren't even based in California. A Nevada casino company and a Texas-based auto-insurance outfit each ponied up \$10,000 for the signature-gathering campaign required to qualify the initiative for the ballot back in 1998. Other unlikely supporters include Unocal (\$50,000), Chevron (\$25,000) and San Diego Gas & Electric (\$25,000). "That's truly bizarre," says Bruce Cain, director of the Institute of Governmental Studies at the University of California at Berkeley. "Normally companies like that put up money only when there's something at stake for them."

But, in fact, those corporations *did* have something at stake: the good will of Proposition 21 godfather Pete Wilson, former governor, former U.S. senator and — at the time — plausible presidential candidate. Wilson withdrew from the race

for the Republican nomination early last year when it became clear that he couldn't close George W. Bush's stratospheric fund-raising lead.

After all, why else would oil giant Unocal give \$50,000 to a measure aimed at locking up juvenile offenders? "We have a strong interest in youth," says El Segundo-based Unocal spokesperson Barry Lane. When asked if helping out a politically powerful ally might also have been a factor, Lane would only repeat his previous answer. Evidently it's a coincidence that on the very same day the company so generously expressed its interest in California's youth by contributing to Proposition 21, it also gave \$50,000 to the Governor Pete Wilson Committee and another \$50,000 to a third Wilson-controlled ballot-initiative group.

Other corporate sponsors are less bashful. Chevron spokesperson Mike Marcy blithely admits that his company coughed up \$25,000 "at then-Governor Wilson's request." Representatives from San Diego Gas & Electric and Pacific Gas & Electric say the same. Most of Proposition 21's corporate donors, in fact, also gave to Wilson's campaign.

Yet after raising nearly three-quarters of a million dollars in 1998, while Wilson was still governor, the Proposition 21 campaign took in only a fraction of that sum last year — and virtually all of that came from the Wilson Committee, which ran Wilson's abortive 2000 presidential-campaign. According to campaign spokesperson Matt Ross, Wilson will be spearheading a series of fund-raisers for Proposition 21 in the coming weeks that are expected to bring in as much as \$200,000.

The measure's prospects seem good. "Tough-on-crime measures tend to pass overwhelmingly," says Elisabeth Gerber, an associate professor at the University of California at San Diego and an expert on ballot initiatives.

Proposition 21 certainly seems to fit the popular mood. Since 1993, at least 43 states have passed laws making it easier for kids to be tried as adults. A juvenile-justice bill currently awaiting final congressional approval contains similar measures for the federal system. And in January, Michigan's Nathaniel Abraham became the youngest American ever charged and convicted as an adult for murder; he was 11 at the time of his crime.

One of the most controversial aspects of the initiative is that it will shift much of the power to decide whether to try juveniles in adult court from judges to prosecutors. Proposition 21 opponents contend that prosecutors will abuse that power to drive up their conviction rates. They may have a case: In Florida, which passed a similar law in 1981, prosecutors sent nearly as many youths in 1995 to the state's adult courts — 71 per cent of them for nonviolent crimes — as judges did in all other states combined. Such tactics may even be making crime *worse*: Studies have shown that juveniles tried as adults are more likely to re-offend.

The measure would also tighten probation rules, stiffen penalties for crimes that fall under the broad definition of "gang-related," and lower the felony threshold for graffiti damage from \$10,000 to \$400. All of which could land youths in jail for relatively minor crimes that could even count as "third strikes," sending juveniles to prison for 25 years to life under California's mandatory-sentencing laws.

"We believe there should be consequences for juveniles who commit serious crimes," explains Ross.

The bottom line: If it passes, the proposition will almost certainly swell the numbers of juveniles behind bars. Those who wind up in adult lockups, studies have shown, are prime targets for physical and sexual abuse from guards and older prisoners. But it's not only law-breaking teenagers who will be affected. According to the state's Legislative Analyst's Office, the extra court time, prison space and other costs that Proposition 21 would create could end up costing California taxpayers well over \$1 billion.

That's just a waste of money, critics charge, especially at a time when juvenile crime is apparently dropping anyway. According to the latest state Department of Justice figures, juvenile felony arrests have been falling steadily since 1991, and are now at their lowest level since 1966. The juvenile-arrest rate in Los Angeles County has been falling even more sharply than in the rest of the state.

"We don't think the costs will be nearly as high as what the Legislative Analyst projected," responds Ross. "But also, you have to ask what price you would put on your own family's safety."

Whatever the outcome of the March vote, Proposition 21 is having a positive effect for some of California's youth activists. It has galvanized young people up and down the West Coast into organizing educational events and street rallies.

Norma Martinez, 26, of Los Angeles' Californians for Justice, is working with high school gang-prevention programs to recruit the kind of kids who have a personal stake in seeing Proposition 21 fail to handle her door-to-door and telephone awareness-raising campaign. Activists with Innercity Struggle brought about 500 Proposition 21 opponents to a Martin Luther King Jr. Day rally at Crenshaw and Martin Luther King Jr. boulevards, reports organizer Maria Teixeira. The group also has plans for a citywide candlelight vigil on March 5.

"They're saying we don't have a future for this section of society, so they're going to incarcerate them and eventually execute them as a solution," says Teixeira.

"We're not willing to give up our kids."

Organizer Luis Sanchez has high hopes for a mid-February "Week of Rage," with marches at schools and elsewhere, to raise awareness throughout California as the March vote draws nearer. Even the Catholic Church has jumped into the fray. In mid-January, Cardinal Roger Mahony denounced Proposition 21 to a crowd of 150 in Los Angeles' Boyle Heights neighborhood. In San Francisco, activists have already scored at least one small victory. Embarrassed by noisy protests outside its corporate offices, Pacific Gas & Electric has pledged not to give any further support to the Proposition 21 campaign.

"It's insidious that those companies would give so much money to a bill like this," says Dan Macallair, associate director of San Francisco's Center on Juvenile and Criminal Justice. "It's about swapping favors at the expense of kids. California already has the highest rate of youth incarceration in the country. Do we really need to make our juvenile-justice system tougher?"

Vince Beiser and Karla Solheim write for Mother Jones Online, where a version of this article originally appeared.