

IN RE GAULT

In re Gault, (1967), was a landmark U.S. Supreme Court decision which established that, under the Fourteenth Amendment, juveniles accused of crimes in a delinquency proceeding must be accorded many of the same due process rights as adults such as the right to timely notification of charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel.

On the morning of June 8, 1964, the sheriff of Gila County, Arizona, took fifteen-year-old Gerald Gault into custody — without notifying Gault's parents — after a neighbor, one Mrs. Ora Cook, complained of receiving a "lewd or indecent" telephone call. After returning home from work that evening to find her son missing, Gault's mother eventually located him at the county Children's Detention Home but was not permitted to take him home.

Judge McGhee of the Gila County Superior Court, acting in his secondary capacity of juvenile court judge, presided over Gault's preliminary hearing the next morning — which he ended by saying he would "think about it" — and Gault remained in custody for several more days until being released without explanation. On Gault's release, his mother received a note from the superintendent of the Detention Home informing her that "Judge McGhee has set Monday, June 15, 1964 at 11:00 A. M. as the date and time for further Hearings on Gerald's delinquency." This was the family's only notification of that hearing. At the June 15 hearing, Judge McGhee found "that said minor is a delinquent child, and that said minor is of the age of 15 years", ordering him confined at the State Industrial School "for the period of his minority (until 21), unless sooner discharged by due process of law." The charge listed in the report prepared by the county probation officers was "Lewd Phone Calls".

Had Gault been an adult and convicted in criminal court for a violation of ARS § 13-377, at the time the punishment was limited to a maximum prison sentence of two months, accompanied by a fine of \$5 to \$50.

Gault's accuser, the neighbor woman Cook, was not present at either hearing, Judge McGhee claiming "she didn't have to be present". Indeed, more than forty years later, Gault lamented "I still don't know what that lady looks like."

With no witnesses having being sworn and the court making no transcript of either hearing, those present later disagreed about what had gone on during the June 1964 hearings. In particular, Gault's parents in later sworn testimony contested McGhee's claim that the teenager had admitted in court to making any of the alleged lewd statements.

After McGhee's Gila County Superior Court dismissed the habeas corpus writ, the Gaults appealed, and the case went to the state Supreme Court. The Arizona Supreme Court affirmed the dismissal of the habeas corpus writ. They acknowledged that the constitutionality of the Juvenile Court proceedings required adherence to due process, but, in affirming the lower court's dismissal of the habeas corpus writ, found that the Arizona Juvenile Code in general and the Gault proceedings in specific did not violate due process.

Upon their affirmation, the case was appealed to the United States Supreme Court. In an 8-1 decision, the United States Supreme Court ruled that Gault's commitment to the State Industrial School was a clear violation of his 14th Amendment due process rights, since he (1) had been denied the right to legal counsel; (2) had not been formally notified of the charges against him; (3) had not been informed of his right against self-incrimination (remain silent); (4) had no opportunity to confront his accusers; and (5) had been given no right to appeal his sentence to a higher court.