

KENT v. UNITED STATES (1966)

Facts

Morris Allen Kent was arrested in Washington, D.C., on September 5, 1961, for three home burglaries, three robberies, and two counts of rape. The sixteen-year-old had been on **probation** since he was fourteen for burglary and purse snatching.

Morris was held in **detention** for almost a week. (At the time of Morris's arrest, the District of Columbia allowed minors to be held for up to five days before a hearing— now it's a maximum of forty-eight hours.) His mother hired a lawyer who arranged for two psychiatrists and psychologists to evaluate Morris and determine his mental state. Morris's lawyer wanted to argue that Morris's case should be kept in the juvenile court— not go into adult court. His lawyer asked the juvenile court for a hearing on the question of **waiver** to adult court, and he asked for Morris's **social file**, so he could be better informed about his client's history. The psychiatrist found Morris to be “ a victim of severe psychopathology” and recommended hospitalization.

The Court didn't respond to these requests or to the psychiatrist's evaluation. No hearing was held, and neither Morris, his parents, nor an attorney were allowed to address the court. The court signed a waiver “after a full investigation” that send Morris to adult court. No reasons for the waiver were given. The jury found Morris guilty of the burglary and robbery charges, but not guilty by reason of insanity of the rape charges. The court sentenced Morris to thirty to ninety years in prison.

Morris and his attorney **appealed**, arguing that the court wasn't given enough information about Morris's mental state or his history. They said that he shouldn't have been charged or tried in adult court.

You be the Judge

- Do you think Morris should have been waived into adult court under these circumstances? Why or why not?
- What factors so you think the court considers when deciding whether to waive a minor into adult court?

Decision

This is a key case in the law of juvenile rights. Because the U.S. Supreme Court thought that some of the police and juvenile court practices were “disturbing,” it examined the juvenile court system for the first time. In particular, it looked at **due process** and fair treatment of juveniles before **transfer** to adult court.

The Court determined that waiving a minor into adult court is a “critically important” issue that requires fair treatment, a thorough investigation, and careful consideration. Courts need to follow the laws of their individual states when making the waiver decision. These state laws outline the factors that courts need to consider, including the seriousness of the crime; how it was committed; the juvenile’s age, maturity, and lifestyle; whether the offense is a personal or property crime; and the minor’s criminal background and mental state. Community safety is to be considered, as well as the likelihood of rehabilitating the juvenile in the juvenile system.

The Court felt strongly about protecting an individual’s rights when faced with a criminal charge. It recognized the consequences of sending a juvenile to adult court and wanted to create strict safeguards in the process. In a five to four decision, Justice Abe Fortas wrote: “There is no place in our system of law for reaching a result of such tremendous consequences without ceremony--without hearing, without effective assistance of counsel, without a statement of reasons.” The Court ruled that a hearing must be held to decide whether to transfer a juvenile into adult court, the juvenile must be given an opportunity to address the court with the assistance of an attorney, and the court must provide an explanation of its decision.

The Court found that the lower court violated Morris’s rights. The case was sent back to the trial court for it to determine whether Morris should be transferred into adult court. The federal district court considered the U.S. Supreme Court’s position on Morris’s rights but again decided that Morris should be tried as an adult. Another court of appeals later reversed the decision, due to Morris’s mental condition. It found Morris was mentally ill and needed psychiatric treatment, not prison. The court set aside the conviction and sentence, and ordered that Morris remain hospitalized under the **civil commitment laws**.

Although the *Kent* decision is more than thirty years old, its principle is continually turned to— that juveniles can be treated as adults in the criminal system, but they must be afforded full due process throughout the proceedings. It’s a serious matter for teenagers to face adult consequences for their acts. The responsibility for deciding a teenager’s fate weighs heavily on all of the participants.