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Juvenile Injustice: The Tragic Case of Miriam White

When a child commits a violent crime, do we judge her like an adult?

By Katti Gray

Few people in her South Philadelphia neighborhood understood why 11-year-old Miriam White snapped that afternoon two summers ago. They learned later that she had been hysterical after an argument with a family member and, seizing a kitchen knife and hiding it under her coat, had run out of the house and down the street. With the force of her frantic preadolescent body, Miriam, according to news reports, drove that knife blade deep into a stranger's chest. It cut through one of 55-year-old Rosemarie Knight's ribs and plunged six inches into her heart. Women at a neighborhood hair salon told police that the girl burst into the establishment on August 20, 1999, trembling and begging for help because she had just stabbed someone. Meanwhile, Rosemarie Knight, a hairdresser who had been out walking her dog, lay on the sidewalk in front of her home, bleeding to death. Miriam later told the arresting officer, "I wanted to kill the lady. That's why I stabbed her in the heart."

Her alleged brutal act certainly seems premeditated, although by a severely disturbed mind. According to court records, less than three weeks before she stabbed Rosemarie Knight, Miriam had been released from Horsham Clinic, an inpatient facility for children and adults with emotional and behavioral problems. She was back with her adoptive family, but receiving no community-based treatment services, she was having trouble adjusting. She wanted to return to Woods Services, the

residential facility where she had lived from age 8 to 10. She apparently wanted it very badly: Miriam told the Commonwealth of Pennsylvania psychiatrist who examined her months later that she had attacked Knight because she said she believed, "If I hurt someone, I don't have to go home."

She told the psychiatrist that she left the house fully intending to stab somebody--but "a grown-up, not a teenager or a kid or a baby." She explained that she had seen children on the street and passed them by before she came to Knight. "I stabbed that lady," she told the psychiatrist. "I didn't think she had any kids." The doctor asked Miriam why it was important for the adult she chose not to have children. "Kids need their mothers," responded Miriam--an ironic comment given her own circumstance: As a toddler she had been taken by child-welfare authorities from her own birth mother who, like Miriam, was mentally ill.

Today, in the Commonwealth of Pennsylvania, Miriam, now 14 years old, is the youngest person ever charged as an adult with murder and the youngest girl ever remanded to the Federal Detention Center in Philadelphia, an adult facility. Her troubling case has become a part of the escalating national push to try juvenile offenders in adult court. It is a trend that disproportionately impacts Black children in the criminal-justice system, as our kids are more likely to be funneled through adult courts and, if convicted, sent to adult jails unequipped to provide the rehabilitative treatment and services that might help them turn their lives around. Miriam, for example, faces up to 40 years in prison if convicted, with no guarantees of attention to her specific educational and therapeutic needs.

LITTLE GIRL LOST

Life upended Miriam White before she, literally, could stand on her own feet. According to the Philadelphia Inquirer, her mother was a paranoid schizophrenic who, when Miriam was born, was drinking too much and, like the child's father, dabbling in drugs. Three months after Miriam's third birthday, she became a ward of the state. She cycled through two foster homes--Miriam witnessed one foster mother die of a heart attack, and the second returned Miriam to child welfare because she couldn't handle the girl's abusive behavior. Miriam's third foster mother, Michelle White Stevens, legally adopted her. This adoption did not, however, solve Miriam's intricate set of problems. Only three months later, she allegedly stabbed Rosemarie Knight.

According to news reports, psychologists, psychiatrists and social workers who evaluated Miriam testified during court hearings that she suffered from borderline mental retardation. At 13 she was reading only on a first-grade level, and some of her caseworkers suspected that she was also emotionally scarred from having been physically and perhaps even sexually abused, possibly while still a toddler.

But if there is widespread consensus that Miriam is a highly disturbed child who committed a terrible crime, there is divergence of thought on how she should pay for what she is alleged to have done. Indeed, Miriam's heartbreaking case reveals the fault lines in our current criminal-justice system--a system that seems to have no appropriate solutions for a child doomed to fall through the cracks of society even before she was born.

KIDS IN ADULT COURT

Before the advent of what critics decry as today's law-and-order zeal, cases like Miriam's mainly were heard in courts created for underage youth. The premise was that kids merited treatment other than that

meted out to adult criminals in adult trial courts. Adults were presumed to be more fully aware of the consequences of their actions, children far less so. Juvenile courts reasoned that a child might not clearly comprehend how a knife or gun could snuff out a life forever. And children might very well become confused on the witness stand when probed with sophisticated questions designed to elicit adult answers, and so they could not truly participate in their own defense. They might also be unclear about the ways in which they could unintentionally incriminate themselves.

"Kids don't know the difference between a good fact and a bad fact," says Robin Shellow, a Milwaukee attorney who has represented approximately 50 juveniles tried as adults in the last decade, most of them on murder charges and other violent crimes. "A kid may get on a witness stand and say, 'I wasn't afraid,' when the issue is self-defense, because a child may consider admitting fear to be a weakness." In addition, Shellow says, a defendant in adult court has the right to make certain decisions that a child isn't equipped to make. For example, a defendant can choose whether to be tried by a judge or jury. "A kid may look up at the judge and say, 'She looks really nice. I think I want her...'" Shellow says. "As a lawyer, you'd point out, 'But with a jury trial, 12 people on the jury all have to decide you are guilty.' And the kid will say, 'But the judge, she looks nice.' Children simply don't have the analytical capacities to make the decisions required of them in adult court." Thus, the argument goes, separate court procedures geared to the child's developmental level are the most appropriate.

Further, those who oppose trying kids as adults believe that with close personal and educational supervision by the state, a delinquent child can perhaps be put back on the track to becoming a productive adult citizen. Predictably, the question of whether Miriam White can be rehabilitated is

at the crux of the debate over how her case should be handled. Prior to stabbing Knight, Miriam had set fires, tortured a cat and other kids, and thrown tantrums in special-education classes of various schools she attended. The Reverend Mary Ruffin, pastor of the As the Holy Spirit Leads Church of Deliverance, where Miriam had been in regular attendance since she had come to live with her adoptive mother, says Miriam had admitted to stealing from local merchants. And the day the girl sat on a trolley track surrounded by people coaxing her to get up, Ruffin could not have been more convinced that the child was also quite troubled.

THE RACE FACTOR

Like so many communities of its kind, the South Philadelphia neighborhood where Miriam lived with her adoptive family is a juxtaposition of the ravaged and the resilient. Billboards flash warnings about AIDS. A boarded-up mom-and-pop sits not too far from a house with flowers in the window and the porch swept clean. Some young people from these streets go to college; others have made themselves comfortable, it seems, on the corner.

As one drives steadily westward from South Philly where Miriam lived, the 'hood gives way to an ethnically diverse area in what remains of an old Italian section. Rosemarie Knight, who was White, lived at this geographic and cultural crossroads with

her husband of nearly three decades, Jerome, who is Black. Perhaps because Knight was married to a Black man (she was killed on their twenty-seventh wedding anniversary), the issue of race has not risen to a shrieking pitch in the impassioned discourse over whether Miriam should be tried as an adult. But the child's advocates are highly concerned by

statistics that show a definite racial pattern in how juvenile defendants fare in the criminal-justice system.

Indeed, there is ample evidence that Black youths such as Miriam are the most at risk in the nation's juvenile-justice system. "And Justice for Some," an April 2000 study by the National Council on Crime and Delinquency in Oakland concluded that, for comparable offenses, Black and Latino youths are more likely than White ones to be arrested. Among juveniles with no prison record, Blacks are tried in adult, rather than juvenile, court at six times the rate of their White contemporaries for similar crimes, the report said. And once convicted, Blacks are also handed harsher sentences.

Such studies challenge the widely held perception that Black urban youths are more apt to commit crimes than their White counterparts. In fact, the profile of youth criminals extends across a wide swath, into cities, towns, suburbs and a range of neighborhoods. And it cuts across racial lines as well: Students' gunning down classmates in small-town Columbine, Colorado; Jonesboro, Arkansas; and Santee, California, made crystal clear the reality of White kids' rage, proving that violent crime is not just a Black thing, despite the fact that Black gangbangers have come to mythically personify youth rage.

Nevertheless, the increase in crimes committed by youths is real. While overall crime rates have declined steadily since the 1990's, down 16 percent between 1995 and 1999, the incidence of murder, rape, assault and other violent crimes committed by youths has soared since the mid-1980's. Indeed, the federal Office of Juvenile Justice and Delinquency Prevention reported that offenders under 15 were at the forefront of a surge in juvenile crime, with arrests for violent crime among that age group almost doubling between 1980 and 1995.

Many of us don't realize, however, that the majority of youth crimes still involve property offenses like burglary, shoplifting and vandalism, along with drug abuse violations. Murder, rape, robbery and aggravated assault account for about 4 percent of all youth arrests.

Yet in roughly the last decade, 44 states have passed laws that make it easier to try juveniles in adult court for assorted crimes. As a result, more and more children are being tried as adults. In its latest available data, the U.S. Justice Department reports that the yearly tally of people under 18 tried as adults and sentenced to adult state prisons more than doubled between 1985 and 1997, from 3,400 to 7,400. And with more Black kids than ever being arrested--according to one FBI study, Blacks represented almost 50 percent of youths taken into custody--more and more of our children are ending up in adult jails.

IN THE HEADLINES

Who are the faces behind these sobering statistics? Anecdotally, they represent children like 14-year-old honor student Nathaniel Brazill, who in May of this year was tried as an adult in Florida and convicted of committing second-degree murder when he was 13 by fatally shooting a favorite teacher. His sentencing is pending, but he faces 25 years to life. Life without parole was the sentence imposed on another Florida boy, 14-year-old Lionel Tate, who was also tried as an adult and convicted in March 2001 for murdering his 6-year-old neighbor, Tiffany Eunick, when he was 12. Lionel said he had been playing, trying wrestling moves he'd seen on television on Tiffany. His mother, insisting that it was all an accident--that he was not a murderer--refused a plea bargain. If she had allowed Lionel to plead guilty to second-degree murder in adult court, he would have been sentenced to three years in a juvenile facility, one year under house arrest and ten years on probation. As it is, Lionel's lawyers

are currently petitioning Florida's state board and Governor Jeb Bush for clemency from his life sentence without parole.

Similar scenarios are being played out all over the country. Malcolm C. Young, founder of The Sentencing Project in Washington, D.C., who returned to litigation after 18 years of devoting himself to research and lobbying on criminal-justice issues, believes that the growing need to protect kids enmeshed in the justice system demanded such a shift in his focus. Adult trial courts, he says, are "a terrible place to try to resolve what children do or deciding what they are guilty of, what their mental state was and what the punishment ought to be. Kids are just not equipped to defend themselves or to be defended there."

Columnist Acel Moore of the Philadelphia Inquirer, which has covered Miriam White's case extensively, agrees. "I don't care how egregious their criminal act, they are children," he insists. But Armstrong Williams, a Washington, D.C.-based commentator considered by many to be the voice of Black neoconservatism, believes that too much of today's bad behavior is being mindlessly waved off. "Murderers, rapists, terrorists--no matter what their age, they should be tried as adults," he declares. "There is something called the rule of law and justice and consequences for your actions. We've had enough kids go out and shoot people in the face and kill them. Enough kids go into a classroom and shoot it up. If you feel man enough or woman enough at 12 or 14 to pull the trigger, you ought to suffer the consequences. I may not feel comfortable with that thought," he admits, "but my sympathies here go to the victim."

But in some cases, these criminally inclined children are victims themselves. Even those who may silently share Williams's belief that violent youths should be punished as adults worry about the inequities Blacks face in the criminal-justice system. "Race, as well as class,

overlies all these decisions, however they're made," Malcolm Young concludes. "What laws we write, who we arrest, how we charge them. The fact is the same things that happen to Black kids don't happen and aren't expected to apply to the majority of White kids."

The Judge's Choice

In Pennsylvania anyone charged with murder is automatically slated to be tried as an adult. But a juvenile charged as an adult can be "decertified" to a youthful offender if a judge so chooses. Judge Legrome G. Davis elected not to permit Miriam White to be tried as a juvenile because the defense had rejected a deal offered by the prosecution. Given Miriam's history of violence and her disturbed emotional state, deputy district attorney Charles Gallagher, who has been overseeing the state's case, had offered to let her plead guilty in adult court to third-degree murder, which normally carries a sentence of ten to forty years in prison. As part of the deal, Miriam would be remanded, not to adult jail, but to a psychiatric juvenile facility until age 21. So long as she did not commit any new crimes and worked at improving herself, she would then be placed on probation for 25 years. She would only be sent to adult jail if she committed a new offense or otherwise violated her probation.

Some speculate that Miriam's court-appointed lawyer, Thurgood Matthews, and her adoptive mother refused this deal because they saw it as setting up the intensely volatile child for failure; they insisted that Miriam be tried as a juvenile and given a sentence that would not hold her in legal custody past the age of 21. (Because Miriam's case is pending, both her attorney and her mother declined to be interviewed by ESSENCE.)

Many of Miriam's supporters believe that in refusing to decertify the child, Judge Davis was taking the path of least resistance to pressures from the office of district attorney Lynne Abraham. But Charles Gallagher, who directs the DA's homicide unit, says, "We've always treated this case within the confines of the law. The bottom line here and the position our office has had is this was an intentional killing. [Miriam] has been mis-raised, if that's a proper phrase, and never gotten what she needed. She needed love. But my number-one responsibility is the safety of the public."

In fact, the record shows that doctors for both the prosecution and the defense agreed that Miriam's psychological problems called for treatment and supervision past the age of 21. Decertifying her to juvenile status would release her into society at age 21 with no supervision. Given this prospect, Davis felt that he could not in good conscience allow Miriam to be tried as a juvenile.

Ironically, the judge's argument that the defense should have accepted the "hybrid solution" on Miriam's behalf implies that neither the adult- nor the juvenile-court systems by themselves provided adequate answers to the question of how Miriam's case should be handled. (ESSENCE was unsuccessful in attempts to obtain comments directly from Rosemarie Knight's family. But according to court records, her husband, Jerome, who had been financially dependent on his late wife because of a disabling accident, also wants Miriam to get treatment, provided that the law can guarantee she won't be in a position to kill or harm anyone ever again.)

THROWING OUT THE BABY/

"We've never asked that Miriam be released," says Sacaree Rhodes, a former social worker in the juvenile system who is widely viewed as one

of Miriam's most ardent supporters. About six years ago, Rhodes founded the African Daughters of Fine Lineage, a grassroots organization of Black women who weigh in on local political and social issues, including the question of whether juveniles should be tried as adults. "Miriam did a terrible thing," continues Rhodes. "We cannot bring Mrs. Knight back. But we risk warehousing a whole generation of young offenders, instead of getting them the help they need."

Although Miriam suffers from multiple psychological disorders, Rhodes points out that initially, instead of getting treatment while awaiting trial, she was kept in her cell for 22 hours a day, segregated from adult inmates whom authorities feared might do her harm. Miriam has since been sent to the Austin, Texas, campus of the Brown Schools, a juvenile facility that diagnoses and treats kids with behavioral and rehabilitative needs. Miriam's lawyer, Thurgood Matthews, petitioned for and won this placement. Brown's clinicians screen all who are referred and admit only those they deem treatable--whose behavior presumably can be altered--to facilities that are fenced in and locked down but devoid of armed guards.

At Brown, Miriam's medical records and the specifics of her diagnoses are confidential. "We try hard to stay out of the legal battles," says the school's spokeswoman, Donna Burtanger. "We try, as much as we can, to save the child, to get to the root of what they did. A child does not one day just pick up a gun and decide he or she is going to use it." Her words echo the reasoning Miriam's attorney used when he argued that she should be sent to Brown in the first place. Matthews has spoken sparingly to reporters, but those who have watched him operate in court say he has offered a dogged defense of Miriam. "He is her lawyer and her advocate; he went to the wall for her," says Lucille W. Ijoy, a family therapist and another of Miriam White's supporters. "He came that close

to being held in contempt because he stood in the courtroom and said that what was happening to Miriam was unfair."

A COMMUNITY PRAYS AND ORGANIZES

No date has yet been set for Miriam to be brought back to Pennsylvania for her trial. Whenever that happens, her most assiduous advocates fear she will return as a far less sympathetic defendant. She was only five feet tall and weighed 100 pounds when she was arrested, eight days before she turned 12. She looked every bit the little girl and, given her mental development, sometimes acted much younger than her age.

That first Christmas in jail, "she was wondering if Santa Claus was gonna be able to come see her," recalls activist Sacaree Rhodes. "She was wondering, how is he gon' get to her?" With some concern, Rhodes also observes that as those early months of being behind bars without bail ballooned into more months of the same, Miriam went from doodling on paper during court proceedings to dropping heavily into a chair, sitting stark still and withdrawn. She shot up to five feet six inches in height, and by January of this year, Rhodes and others were buying her size-18 women's clothes and size-11 women's shoes. "She's a big-boned girl," Rhodes says.

The last time her supporters saw Miriam in person was just before she left for Texas last February. She was hunched over from the shoulders, and when in motion, they say, she dragged her body about. They suspect, but have no proof, that the lethargy and weight gain are a side effect of whatever medication Miriam was receiving in jail to contain her sometimes explosive behavior. (Miriam has been charged with five assaultive incidents in jail, including one serious attempt to stab her tutor in the head with a pencil because the tutor threatened to leave if Miriam didn't cooperate and do her schoolwork.)

In a flurry of collect telephone calls to missionary Delores Gilliard of As the Holy Spirit Leads, the child also sounded depressed. The reality that she was in trouble and, at least for the moment, could not leave the jail seemed to be setting in. "She called sometimes twice a day," Gilliard says. "She wanted to know if I had talked to anybody, to her lawyer or anything. She said, 'Are you mad with me?' "

Although Miriam's advocates are a diverse collection of clerics, prison watchdogs and grassroots community people, her inner circle is populated mainly by a handful of mothers and grandmothers led by Rhodes, who does not give her age, but clearly is the baby of the group. "We are," sums up Rhodes, "women who fight. We cuss and raise hell. We come from women who polished the White woman's floors with their ears up and open. We know that you always make a lot of 'to-do' over your own kind: 'Oh, you got on a pretty frock today. Oh, you carry yourself so well. Oh, your shoulders are set so high.' "

Like Rhodes, many of Miriam's supporters believe that any opportunity to make a lot of "to-do" over your own kind is precious. Virginia Irick, another of the Spirit church's missionaries, lost her only two sons, one to an asthma attack when he was 31, the other to a bullet when he was 26. Having had such personal encounters with trouble, she understands the enormity of what so many young people face, and the entanglements in which they can find themselves. As family therapist Lucille Ijoy says, "You know that this situation with Miriam and this celebrated heinous crime happened at the end of a long road of struggle."

As Miriam's future looms with such uncertainty, her community supporters hold tight to a belief in what they cannot see. "Miriam said to me that when she gets married, she's going to have four children and adopt four," Rhodes says. "She said to me, 'Don't ever beat your children.' "

"Then, summing up the Whole point of the fight to have Miriam tried as a juvenile, she adds: "If this child is allowed to be nurtured, maybe she can redeem herself. We want Miriam to have a chance. We want her to live."

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