

Framing Punishment: Expert Selection and Punitive Ideology in the News

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Abstract: This study evaluates the relationship between expert selection and ideology in press coverage of juvenile justice and juvenile delinquency during a moment of punitive reform. It suggests that experts' framing of the causes of and solutions to juvenile delinquency is related to their professional and structural relationship to the juvenile court, and that the rates at which these experts are quoted in news coverage will affect the ideological framing of the issues. This content analysis finds that police and prosecutors were overrepresented in *The Chicago Tribune* during a period of reform, and that this disproportion led to an increased presence of arguments about the failure of the contemporary juvenile justice system and the need for punitive change. These findings suggest that expert selection is an important mechanism in explaining the decline of rehabilitative ideologies and the rise of punitive ideologies in news media discourses.

Key Words: Juvenile justice ; punishment ; journalism ; experts ; ideology.

Résumé: Cette recherche évalue la relation entre la sélection d'experts et l'idéologie véhiculée dans la couverture médiatique de la justice pour les jeunes et de la délinquance juvénile pendant une période de réforme du droit pénal. Les résultats suggèrent que la vision des causes et des solutions à la délinquance juvénile proposée par les experts est associée à la relation structurelle et professionnelle que ceux-ci entretiennent avec la cour juvénile et que la fréquence à laquelle ces experts sont cités dans la couverture médiatique affecte le cadrage idéologique des enjeux. Cette analyse de contenu montre que la police et le procureur général sont surreprésentés dans *The Chicago Tribune* pendant une période de réforme, et que cette disproportion a mené à l'augmentation d'arguments portant sur l'échec du système judiciaire pour les jeunes et sur le besoin d'un virage punitif. Ces résultats suggèrent que la sélection d'experts est un facteur important dans l'explication du déclin des idéologies rééducatives et dans l'essor des idéologies punitives dans le discours des médias.

Mots-clés: justice juvénile ; châtement ; journalisme ; experts ; idéologie.

In 1899, a group of idealistic reformers led by Lucy Flowers, Jane Addams and a number of other settlement house workers, social scientists, judges, and progressives worked to establish Chicago's model juvenile court. The court was infused with an ideal of "child-saving" and worked closely with the burgeoning fields of social work, criminology, psychology and sociology to identify and treat the influences that led young individuals toward offending (Rosenheim et al. 2002; Tanenhaus 2004). These reformers believed that delinquents were fundamentally different from criminals, and were at a critical stage in which intervention could divert them from becoming an adult offender. The supporters of the court provided an institutional outlet for the expertise produced by the burgeoning

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fields of sociology and criminology (Glueck and Glueck 1950; Healy and Bronner 1916; Jordan 1999; Shaw 1930; Thrasher 1927), and occasionally offered a site for the application and refinement of theories on the causes of and remedies to delinquency. The rehabilitative ideal of the juvenile court suggested that through combining social scientific insight and humanitarian compassion, the plight of the urban poor might be ameliorated. Though few would claim that the court ever fully met these lofty standards, and harsh and punitive treatment was common in many juvenile reform institutions (Bernstein 2002; Humes 1997), rehabilitation stood as the dominant ideological framework through which the state related to juvenile offenders for much of the twentieth century (Jordan 1999; Rosenheim et al. 2002).

However, in the late 1970s a series of punitive reforms to the juvenile court began taking root across the country (Fagan and Zimring 2000; Feld 1999). Efforts at rehabilitation had fallen into disfavor, and an attitude that punishment was the only appropriate response to delinquency took hold. States that founded pioneer juvenile courts at the turn of the century, such as Illinois and New York, saw their legislatures pass laws that declared that certain young people were criminals, not delinquents, and mandated that their trials be held in adult criminal courts. In the aftermath of these ‘mandatory waiver’ or ‘automatic transfer’ reforms, the number of young people held in detention facilities skyrocketed (Feld 1999). A number of scholars have correctly identified the roles of racial bias (Bortner, Zatz, and Hawkins 2000; Dorfman and Schiraldi 2001; Feld 2005; Rios 2008), the rise of tough-on-crime politics (Beckett and Sasson 2003; Beckett 1997; Gottschalk 2006; Harris 2007) and shifts in the practice of governance and the structure of the state (Garland 2001; Simon 2009) in explaining how ideological shifts in the orientation of the court and the polity legitimated the restraining of the rehabilitative ideal and a turn toward a more punitive approach toward young offenders.

This study provides a theoretical exploration of one of the mechanisms that may explain how punitive ideologies displaced rehabilitative ideologies as hegemonic frameworks for understanding delinquency as a social problem and establishing the types of interventions that were likely to be successful. This study reports the results of a content analysis of expert selection and issue framing within Chicago Tribune coverage of juvenile delinquency and juvenile justice policy during a period in which a particularly punitive reform was being debated in the early 1980s. Building on scholarship that highlights the growing role of prosecutors and executive state officials in governing social problems (Simon 2009), I argue that by favoring police and prosecutors as experts, The Chicago Tribune reinforced limits around what kinds of explanations for the causes of and appropriate responses to delinquency were acceptable in the press. This study finds that expert selection is associated with ideological framing, and suggests that expert selection in media coverage is one plausible mechanism in explaining why particular ideologies appear dominant or subordinate at various historical moments.

Punishment and Juvenile Justice

Automatic transfer policies are a hallmark of the late twentieth century punitive reform of juvenile justice in the United States (Fagan and Zimring 2000; Feld 1999; Singer 1996). Transfer, a waiver of the juvenile court’s jurisdiction over the case of a minor (in effect, moving their case into adult criminal court), had been a feature of the juvenile court since its inception, but had historically been left to the discretion of judges. “Gentleman’s agreements” between prosecutors and juvenile court

judges ensured that particularly egregious offenses landed in the criminal court, while preserving the authority of judges to dispense rehabilitative treatment with the discretion and individual attention presumed necessary. Such discretionary waiver policies provided the court with a ‘pressure valve’ to relieve and deflate public outcry that the state was coddling criminals in periods of controversy (Tanenhaus 2000), and a procedure for courts to define and sort ‘chronic’ or ‘serious’ offenders from mere delinquents (Harris 2008). However, this regime gradually (though not completely) gave way as prosecutors sought to expand their discretionary power at the expense of the judiciary, a trend observed with perhaps more vigor in criminal justice through the implementation of mandatory minimum sentences (Gottschalk 2006; Schlesinger 2011; Simon 2009).

On September 8, 1982, after a prolonged campaign led by the State’s Attorney (and later mayor of Chicago) Richard M. Daley, Governor James Thompson of Illinois signed into law a measure mandating that fifteen and sixteen year olds accused of armed robbery, murder with a firearm, or certain types of rape be tried as adults in criminal court rather than as minors in juvenile court (Chicago Tribune 1982). This measure was among the earliest¹ of automatic transfer provisions in the nation (Kotlowitz 2000). By the end of the 1990s, most U.S. states had implemented some type of automatic transfer provision (Feld 2005).²

A potent historical intersection — the Warren Court’s due process revolution, the rise of tough-on-crime politics, and critiques of the rehabilitative ideal from intellectuals and the political left — facilitated the punitive transformation of juvenile justice (Feld 1999, 2005). These changes reconstructed the juvenile court as a space of fact finding and establishment of guilt or innocence, as opposed to a space in which rehabilitative treatment was dispensed (Feld 1999). As the legal infrastructure of therapeutic juvenile justice came under attack from the U.S. Supreme Court, the unity of the traditional defenders of the rehabilitative ideology of the juvenile court was being undermined by fervent internal critique (e.g. Martinson 1974; Platt 1969) and conservatives were rapidly building political careers through advancing punitive ideologies and policies.

A series of U.S. Supreme Court decisions — *Kent v. United States* (1966), *In re Gault* (1967), and *In re Winship* (1970) — established basic due process protections for juveniles and shifted the court’s mode of address from paternalism to the antagonism that characterized criminal proceedings (Feld 1999). Through addressing the rights of juveniles by attacking their inadequate legal representation, challenging the arbitrary authority granted the juvenile court under *parens patriae*³, and instituting a “beyond a reasonable doubt” standard rather than a “preponderance of the evidence” standard for delinquency hearings, these decisions unwittingly paved the road for a shift from an offender-based rehabilitative approach to an offense-based retributive approach (Feld 2005). Ironically, this jurisprudence implied that young people should be approached by the court as criminals rather than delinquents, but stopped short of providing youth with the full due process rights granted to adults (Feld 1999).

Contemporaneously, some on the left (Platt 1969) developed a critique of the juvenile court’s rehabilitative ideal as a mask for soft social control (Bishop, Lanza-Kaduce, and Frazier 1998).

¹ New York’s Juvenile Offender law was the first automatic transfer measure to pass in the nation in 1978.

² The substance of these provisions varied widely. Within Illinois, narrow provisions were rapidly expanded; a law enacted in 1982 mandated transfer for youth ages 15 and older accused of homicide, while later laws expanded automatic transfer to any youth accused of a drug offense within 1000 feet of a public school or public housing facility (Kooy 2008).

³ The legal doctrine justifying state intervention into families, establishing the government’s right to act as “a kind and just parent” (Ayers 1998).

These critiques were also being directed at rehabilitative measures in the adult criminal justice system, and greatly influenced discussions around juvenile justice. Arguments that ‘nothing worked’ (Martinson 1974) were articulated simultaneously with the development of radical criminological critiques of the corrections project writ large as a form of racialized social control. Many of the political, professional, intellectual, and community-based supporters of rehabilitation had their faith shaken, leaving few who would vigorously defend the rehabilitative ideal (Gottschalk 2006; Garland 2001).

The rise of reactionary tough-on-crime politics in the wake of the civil rights movement (Beckett and Sasson 2003; Gottschalk 2006) reframed crime as a social problem and centered policing and punishment as its ideal solutions. Politicians, prosecutors, and police circulated discourses about violent youth criminality that sutured race, violent masculinity and class together (Bishop et al. 1998; Feld 1999, 2005; Rios 2011), as they advocated for increased policing and incarceration as the only appropriate solutions to this threat (Welch, Price, and Yankey 2002). As conservative law-and-order politics swept the nation, both the Democratic and Republican Parties opportunistically launched wars on crime (Gottschalk 2006; Simon 2009), introduced sentencing reform that dramatically increased prison terms (Schlesinger 2011) and gradually abandoned any measure that could be criticized as “soft.” Reluctant liberal politicians were compelled to embrace a racialized punitive approach or risk losing office.⁴ Gradually, policy makers began to argue with increasing uniformity that crime and delinquency were entrenched social problems, rehabilitative approaches had been tried and proven to be failures, and that hardened juvenile offenders would only be deterred from crime by increased sanctions.

News Media and the Legitimation of Carceral Governance

Crime News and Social Structure

The news media provide the overwhelming majority of Americans with most of their information about crime, play a critical role in defining crime and delinquency as social problems, and contribute directly to setting the terms of policy debates (Beckett 1997; Roberts 2004). Public opinion research shows that those who regularly consume news about delinquency (Roberts 2004) and crime (Lowry, Nio, and Leitner 2003; Romer, Jamieson, and Aday 2003) tend to experience an increased fear of victimization, generally believe that offenses occur with more regularity than they actually do, and believe that both crime and delinquency are excessively violent. There is also substantial evidence that the density of crime in the news has a dramatic positive impact on the public’s ranking of crime as an important political issue (Beckett 1997; Lowry et al. 2003). Equally important, public opinion on crime, delinquency, and fear of victimization has been found to have a weak or non-existent correlation to actual crime or delinquency rates (Lowry et al. 2003; Roberts 2004). At various moments in history, different social actors have been well positioned to take advantage of these tendencies.

⁴ Though this trend could be observed in the 1970s following Nixon’s declaration of a war on crime, the political defeat of Michael Dukakis following George H.W. Bush’s presidential campaign in 1988 stands as a poignant example. Bill Clinton, the next democratic presidential candidate, made his tough on crime credentials a centerpiece of his campaign, even flying home to Arkansas preside over the execution of an African American man with severe mental disabilities while on the campaign trail (Alexander 2009; Beckett 1997; Feld 2005).

A number of scholars argue, following Stuart Hall and his colleagues, that the bureaucratic structures of news organizations and state institutions position officials such as police, judges and prosecutors as “primary definers” of criminality (Beckett 1997; Hall et al. 1978; Hogeveen 2005; Schlesinger, Tumber, and Murdock 1991; Welch, Fenwick, and Roberts 1997, 1998; Wilson 1997). Because news outlets work on tight deadline-driven schedules, and because they seek to present authoritative information, they build relationships with state officials who have privileged access to information and an image of objectivity, such as police precinct desk officers. State officials and other experts actively cultivate and manage their news role through dedicated public relations staffs, further solidifying a stable corridor of news-worthy information for journalistic consumption. Journalists who offend or criticize these key contacts are likely to be denied further access, jeopardizing their ability to perform their job (Chermak 1997). As a consequence, policing and punishment are represented in a manner consistent with the interests of the officials most relied on as expert sources (Beckett 1997; Welch et al. 1998). As the preferred “primary definer” shifts, so do the frames (Entman 1993) through which crime news is presented. As a well-established site of influence over public opinion, the news media and those experts situated as primary definers heavily influence the public’s understanding of delinquency as a social problem and play a critical role in defining the legitimate scope of reform options (Beckett 1997; Chermak 1997).

Expert selection may also be plausibly explained through evaluating news as a commodity. Editors and journalists may find that certain types of experts are more attractive to readers based either on public perceptions of the legitimacy of particular officials, or a pre-existing public bias toward a particular opinion. Media makers then could be understood as simply providing the public with a product consonant with its views in order to maximize profits. While this study cannot adjudicate between various explanations of how expert selection occurs, it will evaluate whether expert selection plays a role in the relative prominence of particular ideological framings of delinquency.

Experts, Framing, and Primary Definitions

There is substantial variation in the roles played by different kinds of experts in crime news, suggesting a close relationship between the institutional position of an expert, how likely they are to appear in the press, and how they tend to explain the causes of and solutions to crime (Beckett 1997; Chermak 1997, 1997; Hall et al. 1978; Welch et al. 1997, 1998; Yanich 2005).⁵ Several studies have found relationships between an expert’s association with a state criminal justice bureaucracy and the role they play in the news media. Beckett (1997) and Welch and his colleagues (1997, 1998) found that state actors were far more likely to frame their positions in ways that that advocated punitive and carceral solutions to crime, while finding that non-state actors (especially intellectuals) were far more likely to suggest social causes of crime and advocate rehabilitative measures. These studies also indicated that reporters tended to rely on non-state experts to explain crime causation, and tended to rely on state officials to discuss crime control. Most studies find that state officials, criminal-legal officials in particular, are more likely to be quoted in stories than any other source (Beckett 1997; Chermak 1997; Yanich 2005). Chermak identified police, judges, prosecutors, and defense attorneys as constituting over half of all quotes about crime (1997), and Yanich reports that

⁵ Yanich’s study (2005) is the only contemporary research that evaluates the role of experts in news coverage of delinquency. Studies on adult crime and law enforcement are included here for the sake of comparison.

criminal justice officials were quoted in 63 percent of observed television news stories about youth involved in crime as victims or as offenders (2005).

We have relatively little information about the roles played by particular types of experts in juvenile delinquency and juvenile justice coverage, however. Given the differing relationships that judges, prosecutors, police, and court support staff (such as psychiatrists, social workers, and probation officers) have toward both the juvenile court as an institution and to the young people they come into contact with, there is good reason to suspect that breaking up the category “state official” into particular roles will show substantial variation in the number of times officials are quoted and what they say as experts

Data

To assess the relationship between ideology and expert selection within coverage of delinquency and juvenile justice policy, this case study relies on coverage from *The Chicago Tribune* from a key moment in the punitive transformation of juvenile justice. Newspapers served as the primary vehicle for information about and construction of social problems and an important tool in battles over legitimating or attacking policy initiatives designed to tackle them during the rise of the juvenile court as a widespread social institution (a period spanning the last years of the nineteenth century into the middle of the twentieth century). While television news would play a prominent role in propelling tough-on-crime politics between the mid-1980s and 1990s (Dixon, Azocar, and Casas 2003; Garland 2001; Kort-Butler and Hartshorn 2011; Parenti 2003), as the period of punitive reform began, it was still a relatively young media. Given that this study’s focus is the early years of punitive reform, newspapers present a more settled and stable media for analysis than would television news.

This study evaluates *The Chicago Tribune’s* coverage of juvenile delinquency and juvenile justice published in the 18 months preceding the passage of Illinois’ first juvenile automatic transfer law, a period spanning from April 28th, 1981, when the bill was introduced, until September 8th, 1982, when it was signed into law. Selecting this brief 18-month time period enables close qualitative examination of a critical juncture in the political history of the juvenile court in Illinois. Selecting a moment of reform also ensures that coverage will include substantial discussion and debate of juvenile justice policy, which may be less frequently discussed in moments when particular reforms are not under active consideration.

This moment of punitive reform in Chicago is a well-suited case to evaluate the dynamics of ideological framing and expert selection. The juvenile court took shape as a modern institution in Chicago in the late 19th century, and many of its staunchest defenders developed deep roots in the infrastructure of the Cook County Juvenile Court and other local institutions (notably the University of Chicago). As such, we might expect the punitive turn in juvenile justice to face fierce resistance in a place in which support for the rehabilitative ideal of the court ran deep. Because previous research has suggested that an increase in tough-on-crime ideological framing accompanied punitive reform, observations of such trends in Chicago would present stronger confirmatory evidence of a large-scale discursive shift than would other cases.

Chicago has a legacy as a “newspaper town”, and *The Tribune* has longstanding status as the region’s paper of record, occupying a privileged place in the political discourse of Illinois and the Midwest. *The Tribune* has long been required daily reading for regional political insiders, and has also

served the largest number of subscribers of any paper in Illinois. While this sample cannot fully capture political discourse of this moment of reform, investigating this process in *The Tribune* will offer a lens into how expert selection may have influenced framing processes in other newspapers. The paper does have a well-established politically conservative editorial position that may generate bias in expert selection. The paper's editorial board officially endorsed Daley's proposal for automatic transfer, suggesting that they may have systematically selected experts likely to articulate a "get tough" ideology in their juvenile justice reporting. This conservative bias in *The Tribune's* editorial board may negate the bias in favor of defense of the status quo and rehabilitative ideal in Chicago, however, without observations of the underlying mechanisms of expert selection in *The Tribune* newsroom, we cannot precisely identify the magnitude of these effects. However, a comparison of expert mentions between newspapers will provide some degree of comparability in situating *The Tribune* relative to similarly situated newspapers.

To provide some measure of comparability between papers and historical moments, I constructed counts of all coverage of juvenile justice or delinquency in four of the most prestigious U.S. newspapers, the *New York Times*, the *Washington Post*, the *Los Angeles Times*, and the *Chicago Tribune* between the years 1920 and 1989. From these data, I constructed six sets of article counts by newspaper and year based on simple subject queries: one containing all articles which contained juvenile justice or delinquency in its first paragraph, and five subsets of this data including search terms for various titles of experts. These counts are represented in Figure 1.

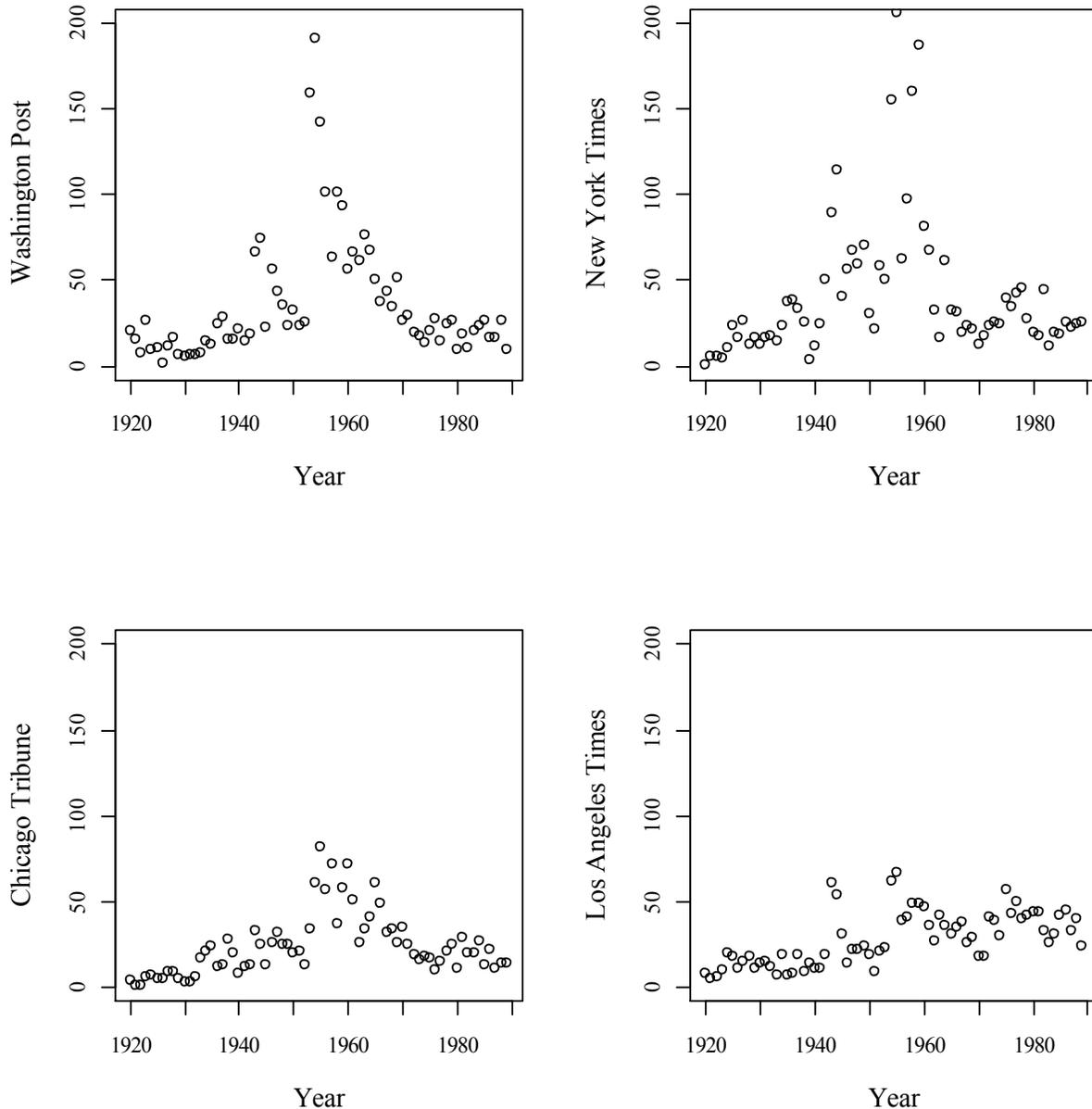
The shape of the distribution of total articles shows that the number of articles appearing over time in *The Tribune* closely resembles the shapes of the distribution of article frequencies for the other three major daily newspapers (with the exception of the 1950s, in which coverage spiked in the *Washington Post* and *New York Times*). However, *The Tribune* covered the issue less frequently in general than did the other papers with a median of 20 articles per year mentioning juvenile justice or juvenile delinquency as subjects, while the *Los Angeles Times* had a median of 26 articles per year, the *New York Times* had a median of 26, and the *Washington Post* had a median of 24 articles per year⁶. *The Tribune* also appears to have been somewhat different from other papers in its preference for certain types of experts⁷. *The Tribune* quoted police, on average, 11 percent more frequently than did the other three papers. *The Tribune* quoted prosecutors only 1 percent more frequently than the average paper, quoted judges 28 percent more frequently than they average paper, quoted intellectuals 2 percent more frequently, and quoted social workers, psychologists, or other rehabilitative personnel approximately 5 percent more frequently than the average rate per year of the *Los Angeles Times*, *New York Times*, and *Washington Post*. Though *The Tribune* covered delinquency less, on average, than did its peer publications, it tended to rely much more heavily on police and judges than did these other newspapers. While the goal of this paper is to evaluate whether a particular explanation for how an ideology came to dominate a discourse is plausible, rather than to provide an empirical test of competing theoretical claims, the position of *The Tribune* on these measures suggests that it is, with the exception of its favoring of police and judges as experts, typical in relation to other major newspapers (Gerring 2007).

The *Tribune* sample was constructed from all articles containing keywords related to juvenile delinquency or juvenile justice. I then excluded news briefs, stories containing fewer than 200 words which typically contained very little context, rarely contained a quote from an expert source, and

⁶ Mean articles per year are *Washington Post*: 36.24, *New York Times*: 41.26, *Chicago Tribune*: 23.91, and *LA Times*: 28.3.

⁷ Frequency tables as well as ProQuest search criteria for these data available from the author upon request.

Figure 1. Articles Covering Juvenile Justice or Juvenile Delinquency by Year



Compiled from ProQuest Historical Newspapers Juvenile Delinquency Subject Search.

very infrequently contained ideologically framing rhetoric. I excluded cases that mentioned juvenile delinquency or juvenile justice but did not have these subjects as the main topic of the article. Although child welfare cases fell under the jurisdiction of the juvenile court at the time, I exclude cases that primarily deal with child abuse or neglect. Because I define the case as the debate surrounding passage of automatic transfer in Illinois, I excluded stories that were international in focus. Lastly, I excluded articles that did not contain reference to any particular expert source. After following these procedures, this sample contained 65 news articles, columns, editorials, and letters to the editor.

Method

To evaluate the relationship between newspaper expert selection and ideological framing, I produced a content analysis of the collected *Chicago Tribune* articles. I conducted two rounds of open coding on quotes or attributed statements using ATLAS.ti, evaluated emergent patterns in groups of codes, and identified a series of ideological frames used by experts across the sample. I developed this list of frames after separating quotes into two groups – one group of quotes contained perspectives on the causes of juvenile delinquency, while the other contained quotes discussing the experts' preference for the goals of the juvenile justice system. I then categorized these quotes into groups based on their similarity in explicit framing statements in dialogue with empirical research on the ideological content of the punitive turn in juvenile and criminal justice (Beckett 1997; Feld 1999; Garland 2001; Hall et al. 1978; Simon 2009), and created codes for each frame that appeared more than once. Each quote was coded according to the type of expert referenced, and each instance of a frame's presence within quotes was coded.⁸

I consolidated similar types of experts into an exhaustive and mutually exclusive list of all experts quoted throughout the sample. This consolidation was conducted with the aim of providing a degree of parsimony while not obscuring real differences between types of experts. I based decisions to consolidate on the position of the expert relative to the operation of the juvenile court. This final list includes court support staff (a group of professionals who provided rehabilitative services for the court including probation officers, counselors and social workers), defense attorneys, delinquent youth and their families, intellectuals, judges, police officers, politicians, prosecutors, and victims of delinquency. These categories capture all quotes present within the sample, and also group together individuals that likely have similar interests in either preserving or disrupting the status quo of the operation of the juvenile court.

Causal Frames

Experts in this sample relied on three sets of frames to explain the causes of juvenile delinquency: *failure of rehabilitation*, *failure of social control*, or *pathology*. It is notable that of the three frames regularly used in the sample, two of three explicitly claim that delinquency is caused by the failure of the juvenile court.

Experts using the *failure of rehabilitation* frame argued either that contact with the juvenile justice system contributed to an exacerbation of delinquent behavior or that the system was consistently failing in its mission to rehabilitate delinquents. These quotes dovetail with some of the critical discourses leveled against the system by civil libertarians and scholars suggesting that the rehabilitative ideal masked a reality of social control on the one hand, and critiques stemming from academic criminology that 'nothing worked' in rehabilitation on the other. For example, The Chicago Law Enforcement Study Group argued that services to low-level offenders in the juvenile justice system "failed largely because the court in many cases failed to make sure the services and

⁸ This coding system is unable to account for varying lengths of quotes, and thus may not adequately describe the importance of specific types of experts. For example, a one line quote or reference to an official statement receives one code, as does a full editorial written by an expert. Clearly the editorial has more weight than a single line of text. A full measure of 'quote importance' would need to include page placement, length, day of publication, and other factors that could lead to some sort of quantitative index, but such a measure would likely introduce false precision to a concept that is difficult to operationalize. As such, I favor the simplicity of a simple count while acknowledging that it introduces some degree of imprecision.

supervision were given to the juveniles” (Enstad 1981). In an article titled “Crime Committed by Children Soars in Cook County”, Prosecutor Catherine Ryan argued that the court was overwhelmed, a common theme: “Because Juvenile Court handles a huge volume of major crimes committed by older teen-agers, too little attention is given to the younger delinquents” (Fritsch 1981).

Experts using the *failure of social control* frame argued that youth were gaming the system and re-offending because of a lack of deterrent punishment. These quotes contributed to and amplified discourses circulated by some victims’ rights movements (Gottschalk 2006) and tough-on-crime politicians (Beckett 1997; Feld 1999). This unnamed police officer’s quote illustrates his perception that the court was failing to instill young people with a fear of the system necessary to deter them from future delinquency: “During the judge’s opinion, I was concerned with but one matter. To my left stood a boy who entered the room subdued and ever so fearful of what was to transpire. He was now transformed into one whose tight-lipped smile could not betray his disbelief in how easy it was to walk out the door” (Keegan 1981c). Sergeant Joseph Borghese told a reporter “Your very young criminals are self-educated. They usually start with shoplifting. Even if they get caught, the police release them to their parents’ custody. The majority of kids stop there. But some figure that they can get away with it, so they keep going: vandalism, burglary, assault... By the time they’re 15 or 16, they’re pulling triggers. When we catch- them for that, we can’t just call mommy and let ‘em go” (Emmerman 1982).

Pathology frames were used by experts to argue that the causes of delinquency were rooted in individual psychology, trauma, deficient families, or culture. These discourses were circulated by many early criminologists seeking to individualize and medicalize delinquency (Healy 1915), criminologists from or influenced by the Chicago school that proposed ecological models of crime causation (Shaw 1930), and more recently, discourses that suggest that criminality has roots in a culture of poverty (Anderson 2000; Massey and Denton 1993). Leonard Hohbein, assistant director of Juvenile Court Services argued that there were three primary pathological causes of delinquent behavior: “Many are following a family tradition of crime. They have fathers in prison or an older brother or sister who introduced them to crime. Another large number came from “multiproblem” families. Their problems may include broken or poverty-stricken homes. A small number are “very disturbed emotionally” and may have mentally ill parents” (Fritsch 1981). Ernie Jenkins, a counselor, argued, “...juveniles are delinquents not simply because of their own problems but also because of family problems. Too often, they come from one-parent families... The support system isn’t always there” (Swanson 1982).

Goal Frames

Experts fell into two camps regarding the goals of the juvenile justice system: they either argued that the primary goal of the system should be *public safety* or defended the idea that juvenile justice should primarily be oriented toward *rehabilitation*.

Experts used the *public safety* frame to argue that the juvenile justice system’s primary goals should be to provide public safety for citizens constructed as potential victims (Garland 2001; Gottschalk 2006), incapacitate delinquents to prevent them from committing further offenses, or mete out retributive or deterrent punishment on those found guilty. Richard Daley argued this point in an op-ed. “Whatever may be the deterrent value of harsher and more assured sentencing for these juveniles, and that remains an open question, this much is certain: While these juveniles are retained

in facilities of the Department of Corrections, they will not be free to commit further violent offenses against law-abiding people” (Daley 1981). Advocates of deterrence frequently argued that punishment would “send a message to teen-agers that their youth will no longer get them off easy when they commit serious crimes” (Chicago Tribune 1981). In addition to advocating punishment as a means to deter offenders, many of these same experts saw punishment as a means to restore balance: “...the kid has to account for what he has done” (Keegan 1982).

Experts that embraced the ‘child-saving’ perspective articulated by the founders of the juvenile court (Tanenhaus 2004) framed *rehabilitation* as the proper goal of the system. Charles Shireman, a University of Chicago professor argued against automatic transfer and for the rehabilitative ideal in an editorial: “It is important for society not to permanently stigmatize and isolate the developing future citizen. Broad and general though such assumptions are, they do clearly suggest the necessity of imposing upon those involved in the juvenile and criminal justice process the desire to rehabilitate children, to treat them as individuals still in the process of formation and with needs that, if not met, can result in warped adults” (1981). A defense attorney responded to criticism of lenience toward his client by defending the rehabilitative principles of the court:

“For the first time, instead of simply processing J. M., something is being done to help. That help may stop J.M. from becoming just another street kid and being warehoused in a prison — help that J .M. never would have received had the recommendations mentioned not been followed.

Ultimately the system works because of judges like Judge Vasquez and Judge Mooney, who think of something more than just punishment when they deal with a juvenile. After all, that is what J.M. is, a 15-year-old juvenile, not an adult career criminal” (Maimonis and Cowan 1982).

Findings

Police and prosecutors were heavily favored as expert sources by *Tribune* staff, as described in Table 1. Prosecutors were the experts most frequently quoted in this sample. Together, police officers and prosecutors provided nearly half of the total quotes in this sample. Experts that occupied positions within the infrastructure of the juvenile court, or those who worked in professional capacities studying the court or supporting youth moving through the system, were relied on by *Tribune* staff with less frequency. Court support staff issued 12 percent of total quotes containing a causal or goal frame, intellectuals provided 9 percent, while judges and defense attorneys each provided 8 percent. Taken as a whole, this group provided slightly more than one third of the total number of quotes in the sample. People directly impacted by particular offenses or by the juvenile justice system itself were very rarely quoted in the *Tribune*. Youth accused of delinquency and their families made up 8 percent of the total number of quotes. Victims of juvenile offenses were quoted four times. Together, this group of people immediately concerned with juvenile delinquency and juvenile justice provided slightly more than 12 percent of the total number of quotes.

There are several clear associations between expert type and causal frame use (see Table 2). Prosecutors overwhelmingly relied on *failure* frames to explain delinquency; 70 percent of their quotes used either the *failure of control* or *failure of rehabilitation* frame. Police officers almost exclusively used *failure of control* to explain why youths engaged in delinquency. Taken together, prosecutors and

Table 1. Number of Quotes by Expert Type

Expert Type	Number of Quotes (%)
Court Support Staff	11 (12.4)
Defense Attorney	7 (7.9)
Intellectual	8 (9.0)
Judge	7 (7.9)
Police	20 (22.5)
Politician	2 (2.2)
Prosecutor	23 (25.8)
Victim	4 (4.5)
Youth and their Families	7 (7.9)
Total	89 (100.0)

Compiled from Chicago Tribune 4/28/81-9/8/82

police provided 71 percent of the total usage of *failure of control*. Judges used *failure of rehabilitation* in all of their causal quotes, and intellectuals used this frame in 75 percent of their causal quotes. The bulk of *pathology* frame usage came from court support staff; it was the only frame they used to explain delinquency.

As with causal frames, experts had clear preferences in framing their articulation of the ideal goals of the juvenile justice system, described in Table 3. Experts argued that the primary goal of the juvenile justice system should be either *public safety* or *rehabilitation*. *Public safety*, the frame that suggested incarceration, punishment, and policing as the purpose of the juvenile justice system, made up a substantial majority of statements containing goal frames. 68 percent of total goal quotes framed juvenile justice as ideally directed toward public safety, while rehabilitation frames were present in only 32 percent of the total number of statements discussing the aim of the juvenile justice system.

Again, the kind of expert providing the quote was associated with ideological framing. Police and prosecutors almost exclusively framed the ideal goals of juvenile justice as producing public safety. Police used this framing in nearly all of their quotes discussing system goals, and prosecutors used this frame exclusively. By themselves, prosecutors provided a full 34 percent of the total number of goal statements present in the sample. The defenders of *rehabilitation* were limited primarily to court support staff, intellectuals and judges. Together, they provided 77 percent of all statements arguing that rehabilitation should be the primary goal of juvenile justice, but only provided as a group 32 percent of total quotes discussing system goals, fewer than the proportion provided by prosecutors alone.

Table 2. Causal frame usage by expert type

	Failure of Control	Failure of Rehabilitation	Pathology	Total
Court Support Staff	0	0	6	6
Defense Attorney	0	1	1	2
Intellectual	0	3	1	4
Judge	0	3	0	3
Police Officer	11	1	1	13
Politician	1	0	0	1
Prosecutor	4	3	2	9
Victim	4	0	0	4
Delinquent Youth or Family	1	2	3	6
Total	21	13	14	48

Compiled from Chicago Tribune 4/28/81-9/8/82.

Discussion

These data show a clear association between an expert's relationship to the juvenile court and the ideological frames that expert would use to either explain the causes of delinquency or articulate goals for juvenile justice. Experts showed preferences for frames that were consonant with their professional roles, and *The Tribune* systematically favored certain types of experts to articulate juvenile delinquency as a social problem. These patterns produced a discourse within *The Tribune* that identified contemporary interventions as failures and situated punitive approaches as the only measures likely to have any impact. While these data cannot speak to the mechanisms that explain why certain experts were favored over others, this research does identify expert selection as one process that contributes to establishing the ideological content of a particular media discourse. Because there was such univocality among key groups of experts, this relationship between expert selection and ideology produced a debate in which the position in favor of punitive reform received enthusiastic and regular support and the rehabilitative position supporting the status quo received infrequent and tenuous support.

The *Tribune* relied heavily on police and prosecutors to articulate the causes of juvenile delinquency and explain to the public what the goals of the juvenile justice system ought to be during a critical moment in which the public and state legislature were considering dramatic punitive reform. Police officers and prosecutors occupy distinct roles within the infrastructure of the juvenile justice system, and the roles they play help us to understand what kinds of arguments and which frames they were likely to use in dialogue with the press. Policing work, whether it deals with juveniles or with adults, is primarily the work of surveillance and social control (Parenti 2003;

Table 3. Goal frame usage by expert type

	Public Safety	Rehabilitation	Total
Court Support Staff	0	5	5
Defense Attorney	4	1	5
Intellectual	2	2	4
Judge	1	3	4
Police Officer	6	1	7
Politician	1	0	1
Prosecutor	14	0	14
Victim	0	0	0
Delinquent Youth or Family	0	1	1
Total	28	13	41

Compiled from Chicago Tribune 4/28/81-9/8/82.

Williams 2007). As Commander Joseph McCarthy argued in the *Tribune*, "I don't have the cure for society's ills... I don't deal with them (the gangs) as a social worker. I deal with them as a policeman. That's all I am... We are not here to work with street gangs or people engaged in the sale of narcotics... We do not feel that street gangs serve any useful purpose" (Keegan 1981b). Police officers' use of causal and goal frames work together to create a narrative about the contemporary state of the juvenile justice system in which young people choose to offend because they are not afraid of the consequences of their actions. If the public is interested in reducing juvenile crime, the police officer's argument goes, it must embrace harsher punishment to deter delinquency from occurring in the first place. Police frequently claimed that the rehabilitative efforts of the court were too lenient, and only exacerbated delinquency. Their explanations of the causes of delinquency mirror their suggestions for the goals of juvenile justice. An unnamed policeman assigned to Chicago's West Side related this story to Anne Keegan, a *Tribune* columnist who wrote frequently about street crime:

"The hearing went on and, upon being placed under oath, I started to provide the above description of events. Midway through my account, the public defender woefully shook and winced at what was to be my flagrant violation of the boy's rights (the searching for and finding the weapon). Seconds later, the judge slammed the gavel on the bench and deemed my actions illegal.

The dismissal of charges was preceded by a lengthy explanation of how I broke the law.

During the judge's opinion, I was concerned with but one matter, to my left stood a boy who entered the room subdued and ever so fearful of what was to transpire. He was now transformed into one whose tight-lipped smile could not betray his disbelief in how easy it was to walk out the door,

...How many more times must I encounter youths who realize that their birth certificate works as a license to commit crimes?” (Keegan 1981c).

In the latter half of the twentieth century, prosecutors aggressively articulated their role as representing the public through attacking perceived and constructed threats (Gottschalk 2006; Simon 2009). Richard Daley and other Chicago prosecutors repeatedly used this rhetoric to advance what Jonathan Simon has described as “governing through crime” (2009). By constructing the normative citizen-subject as a potential victim of crime, arguing that delinquents and criminals were significant threats to the stability and safety of the public, disparaging rehabilitative efforts as favoring offenders over victims in a zero-sum game, and positioning prosecutors and police as the guardians of the public-as-victim, prosecutors in Chicago were building and reinforcing a dramatic reconfiguration of the state’s strategies of social control. Prosecutors routinely positioned themselves in opposition to the current infrastructure of the juvenile court, relying almost exclusively on *failure of control* and *failure of rehabilitation* arguments to explain occurrences of juvenile delinquency. They argued that the juvenile court was actively jeopardizing the public safety by prioritizing the interests of juvenile delinquents above those of potential citizen-victims. Expressing frustration with discretionary waiver procedures, a state’s attorney’s spokesperson said, “If we can’t get the judges to transfer (from Juvenile Court to Criminal Court) cases of juveniles charged with rape and double murder, we’d be spinning our wheels trying to transfer smash-and-grab cases” (Keegan 1981a). Prosecutors exclusively used *public safety* goal frames, suggesting that rehabilitation measures had no place in dealings with delinquents, and that discretion in these cases should be exclusively in the hands of prosecutors. Richard Daley argued that the court had failed and that prosecutors were better prepared to guard public safety:

“Should a 15-year-old who commits a double murder or a 10-year-old who commits home invasion, rape, and deviate sexual assault against a 79-year-old woman get off with a log of ‘delinquent’ and a short stay in a youth facility? That hardly is suitable punishment for such heinous crimes” (1981).

Only slightly more than one third of the total quotes in the *Tribune* concerning delinquency causation or policy goals were issued by the four combined expert types who were invested in the rehabilitative status quo of the court (judges, intellectuals, support staff and defense attorneys). This group was far more divided in their explanations of the causes of delinquency than either police or prosecutors, though court support staff exclusively used the *pathology* frame to explain the causes of delinquency (notably the only frame for explaining causes of delinquency not grounded in the juvenile justice system itself). Of all *rehabilitation* goal frames used, the overwhelming majority came from this group of professionals and intellectuals linked to the court. However, unlike the unequivocal support for *public safety* proffered by prosecutors and police, defenses of rehabilitation were very often coupled with a qualification that acknowledged that rehabilitation was a limited goal. It appears that these experts had lost some degree of faith in the rehabilitative ideal. Critiquing a program aimed at supporting low-level offenders, a researcher argued that it “has not worked because a court is not equipped to provide social services” (Enstad 1981). In an editorial opposing automatic transfer, Charles Shireman, a professor at The University of Chicago argued:

“Whatever the court where they appear, some youth will have to be institutionalized. But do we really wish to create a situation in which prosecuting authorities and courts have no discretion?”

...Where juveniles are concerned, the Juvenile Court is far better equipped than Criminal Court, with probation staff for thorough investigation, clinical staff for assistance in weighing the probable consequences of court decisions, and the guidance of law framed with juveniles and their roles in society in mind.

The seemingly obvious shortcomings of the proposed legislation do not mean that nothing can be done. The seriously violent juvenile offender truly does present a problem to society, and our posture toward him should be reevaluated” (Shireman 1981).

The strongest supporters of the rehabilitative ideal in this sample routinely critiqued court programs as inadequate and ineffective, acknowledging a deep problem for which experts embracing a punitive approach had a simple solution.

Conclusion

Tough-on-crime ideologies played a critical role in providing an alternative to the perceived failures and permissiveness that had become synonymous with the juvenile court in many of the U.S.’s major cities during the late 1970s and early 1980s. As the public became convinced that delinquency was an intractable problem, and that the failure of the juvenile court was jeopardizing the safety of ordinary citizens, political actors capitalized on the opportunity opened up by this legitimization crisis to dramatically reform the court by restraining its jurisdiction and reorienting its operations toward prioritizing public safety (as the incapacitation and punishment of offenders) over the rehabilitation of juvenile delinquents. As one of the most prominent sources of information about policy and delinquency, newspapers played a prominent role in narrating the punitive turn in juvenile justice policy.

This study suggests that expert selection plays an important role in establishing the ideological content of news coverage. In this case, experts systematically favored strategies of framing that were in line with their professional and institutional position relative to the juvenile court. By favoring police and prosecutors as sources, the *Tribune’s* coverage advanced arguments that delinquency was caused by the leniency and failure of the juvenile justice system, and suggested that incarceration and policing were the best possible measures to produce safety for the city. As judges and therapeutic professionals failed to articulate a systematic defense of the status quo, the unified attack on rehabilitation mounted by police and prosecutors suggested that old strategies had failed and proposed innovations were likely to be more successful than staying the course. This research describes a plausible mechanism through which a tough-on-crime ideology became the hegemonic framework through which the news media would interpret juvenile delinquency and juvenile justice during the era of punitive reform.

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