

By right on time;
unfortunately, the
roanoke



**ASSIGN
BUSTER**

By Laura - Jayne Sally walked out of the coffee shop downtown and wandered to her car.

It was about 12:15 a. m. on one Tuesday over the summer, and her parents had set her curfew for 12:30 a. m. Sally thought she would be home right on time; unfortunately, the Roanoke City Council thought otherwise. Since Sally is 16, she is breaking the teenage curfew in Roanoke City. Roanoke's curfew, which took effect July 31, 1992, requires that teens 16 and under be off the streets by 11 p. m.

from Sunday through Thursday and by 12 p. m. on Friday and Saturday (Turner, "Council" B3). Because Sally's parents did not set her curfew in compliance with the one Roanoke City had set for their child, Sally is now a criminal. Is that really what Roanoke wants to happen. By setting a teenage curfew, Roanoke City is undermining parental authority and turning innocent teens into criminals.

Roanoke, however, is not the only locality that is issuing curfew laws. A survey from the Justice Department found that nearly three-quarters of the 200 largest cities in the United States have implemented curfew laws to lower juvenile crime rates (Gostomski 2). Though backers of curfew laws applaud their effectiveness in this capacity, statistics show no support for their claim that curfews reduce youth crime. As curfews are put into effect across the country, the American Civil Liberties Union and the courts are beginning to question their constitutionality. Though curfew laws are disguised as a mechanism to protect teens and reduce youth crime, they are unconstitutional, ill-advised, and ineffective. Curfew laws violate the basic

constitutional guarantees in the Bill of Rights. Though teenagers are minors, they are still citizens and not exempt from basic constitutional rights. Courts throughout the United States have thrown out local curfew laws, citing various violations of juveniles' constitutional protections.

The 9th U. S. District Court of Appeals threw out a San Diego curfew because it infringed upon youth's first amendment right to speech (Gostomski 4).

In Dallas, U. S. District Court Judge Jerry Buchmeyer said the city curfew defied minors' right to freedom of association (Turner, "Constitutionality" B3). The Supreme Court in Washington state has twice ruled that curfews cannot be ordered upon any citizen unless there is a state of emergency (Brown and Santana). Since curfews began to reappear in the 1980s and 1990s, the American Civil Liberties Union has been fighting their constitutionality because "they punish law-abiding teens more than true criminals" ("Survey"). Along with these infractions, challengers of curfew laws have cited their violation of freedoms of religion and assembly, rights to travel, and rights against unreasonable search and seizure (Crowell 5). Also, opponents say curfew laws violate the due process clause of the Fifth Amendment and the equal protection clause of the 14th Amendment (Crowell 5).

Experts say that "it is a trick, if not impossible, to craft a curfew law that protects the constitutional rights of minors" ("Problems"). If curfew laws do not protect the constitutional rights of minors, they violate the fundamental principles of the United States, and lawmakers should repeal them. Curfew laws, when they are implemented, lead to antagonism

between law-abiding teenagers and the police force, and often turn innocent teenagers into criminals. Also, these laws create a stereotype that all teens are delinquents. Curfew laws allow police to arrest minors for offenses that are not crimes if adults commit them. When teens break the curfew law, they change from law-abiding citizens into criminals. This precedent creates tension between all teens, lawful and unlawful alike, and adults, especially law enforcement officers (Macallair and Males). To teenagers, police represent the unjust curfew laws that oppress them. To police officers, all teens that stay out past curfew hour are criminals. AU. S. District Court threw out a curfew law in the District of Columbia on the basis that it did not differentiate between innocent teens and those who were a threat to society (Racine 233). Lumping all teenagers together stereotypes them in society.

a study by Gallup Polls in 1994 shows that "the average adult believes juveniles commit 43% of violent crime, when the actual figure is just 13%" (Allen 2). Also, most teens are not violent offenders. One survey showed that only 0.

5% of youths engage in violent acts (Allen 3). Curfew laws punish the 99.5% of teenagers that are law-abiding. By grouping all teens together, curfew laws contribute to the belief that youths are the downfall of society and lead to tension between those teens who are not a detriment to the