# McKeiver v. Pennsylvania - 403 U.S. 528, 91 S. Ct. 1976 (1971)

**Case Brief**

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**Summary.**

The U.S. Supreme Court consolidated two cases to decide whether there is a right by the Due Process Clause to trial by jury in a juvenile court proceeding.

**Synopsis of Rule of Law.**

The Due Process Clause does not require a right to trial by jury in juvenile court proceedings.

**Facts.**

Joseph McKeiver, sixteen-years-old, was adjudicated as a juvenile delinquent after being charged with robbery, larceny, and receiving stolen goods, felonies under Pennsylvania law. Another boy, fifteen-years-old, was charged with acts of juvenile delinquency including assault and battery and conspiracy. In each proceeding, counsel’s request for trial by jury was denied. The decisions were affirmed by the Pennsylvania Supreme Court. In North Carolina, juveniles ranging from eleven to fifteen years of age had been declared delinquent by the juvenile court after their requests for trial by jury had been denied. The North Carolina Supreme Court had affirmed those decisions as well. The U.S. Supreme Court granted certiorari and consolidated the cases to decide whether there is a right by the Due Process Clause to trial by jury in a juvenile court proceeding.

**Issue.**

Whether the Due Process Clause requires a right to trial by jury in juvenile court proceedings.

**Held.**

No. Both convictions were affirmed.

**Argument**

The overriding due process standard for juvenile proceedings is fundamental fairness, per In re Gault, 387 U.S. 1, and In re Winship, 397 U.S. 358.  Those cases emphasized fairness in fact-finding procedures, including the right to counsel and right to cross-examination.  A jury is not essential to fairness in fact finding.  A juvenile prosecution is not considered civil or criminal.  Thus, the entirety of the Sixth Amendment does not necessarily apply, and jury trials are not required in juvenile cases.  In that vein, most States do not require jury trials in juvenile cases.

The juvenile courts, with their many shortcomings, have not lived up to their promise of focusing on rehabilitation and the paternal attention juveniles should receive.  Yet, it is not time to give up on juvenile courts and simply treat juveniles as we do adults in criminal court.

**Held.**

The juveniles in all the consolidated cases should be afforded the right to a trial by jury.

**Concurrence.**

The Constitution does not require a jury in any state criminal trial in which a jury would be required in a comparable federal case. Moreover, there is no right to a jury trial in a state criminal case provided by the Sixth Amendment and Due Process Clause.

The majority correctly concludes that there is no right to a trial by jury in a juvenile court proceeding. However, the North Carolina juveniles also were denied the right to a public hearing. The majority wrongly holds that there is also no right to a public hearing.

**Discussion.**

Many of the constitutional requirements found in a state criminal court proceeding transfer to a juvenile court proceeding, including appropriate notice, right to counsel, rights of confrontation and cross-examination, and proof beyond a reasonable doubt. However, the Court has never held that all the rights afforded to adults in criminal proceedings should apply to juveniles in juvenile court proceedings. That is not to say that these children should not be protected. Unfortunately, the juvenile system itself often fails to sufficiently protect the children that enter it. The Task Force Report: Juvenile Delinquency and Youth Crime notes that the juvenile courts lack financial resources, time, and even competent judges and counsel. However, the right to a trial by jury is not a constitutional requirement in such proceedings. First, there is the possibility that the jury trial would turn the juvenile proceeding into a full adversarial proceeding, much like an adult criminal trial. Second, the Task Force Report expressly recommends against instituting a right to jury trial. Third, the imposition of the jury trial on the juvenile court system would not aid in the fact-finding process and would diminish the court’s ability to function in a unique manner. Moreover, most states have decided against allowing the jury trial right into juvenile proceedings. If the jury trial right were to be injected into the juvenile court system as a matter of right, it would bring with it into that system the traditional delay, the formality and the clamor of the adversary system and possibly the public trial. If these formalities, seen in the traditional criminal court, are transferred to the juvenile court system, there is really no need for the separate systems.

**Conclusion.**

Due process in juvenile delinquency proceedings, which are not "criminal prosecutions," does not require the States to provide jury trials on demand so long as some other aspect of the process adequately protects the interests that Sixth Amendment jury trials are intended to serve. In the juvenile context, those interests may be adequately protected by allowing accused individuals to bring the community's attention to bear upon their trials. Since Pennsylvania has no statutory bar to public juvenile trials, and since no claim is made that members of the public were excluded over appellants' objections, the judgment in No. 322 should be affirmed.

In McKeiver v. Pennsylvania, the Supreme Court held that Fourteenth Amendment due process does not require a jury trial in juvenile court delinquency proceedings, which charge that a youth has committed an act that would be a crime if committed by an adult. McKeiver concluded that jury trials were not necessary to assure accurate fact finding in the rehabilitative juvenile court.

McKeiver v. Pennsylvania is significant because it held on to the notion that juvenile courts are fundamentally different in approach and purpose than their criminal court counterparts.  Thus, that difference argues against using jury trials in juvenile court.

**References**

McKeiver v. Pennsylvania. (n.d.). Oyez. Retrieved April 12, 2020, from <https://www.oyez.org/cases/1970/322?_escaped_fragment_=&_escaped_fragment>

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