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Appeals Court Says D.C. Curfew Law Unconstitutional

FOR IMMEDIATE RELEASE Friday, May 22, 1998

WASHINGTON -- The second-highest court in the nation ruled today that the District of Columbia's juvenile curfew law violated the constitutional rights of children.

In a 2-1 decision, the United States Court of Appeals for the District of Columbia Circuit affirmed a lower-court decision that permanently prohibited the D.C. government from enforcing the city's 1995 curfew law. That law prohibited people under age 17 from being in any public place or private establishment between 11 p.m. and 6 a.m. on weekdays, and between midnight at 6 a.m. on weekends. The curfew law had not been enforced since the lower court's decision in October 1996.

The American Civil Liberties Union of the National Capital Area, which brought the lawsuit on behalf of a group of children and their parents, hailed the ruling as an important victory for the rights of young people and families.

While the three judges issued three separate opinions, the majority agreed that although the city had a strong interest in preventing juvenile crime, there was no good reason to believe that the curfew law would have any significant impact on that problem, and it would seriously infringe on the basic right of liberty.

"The enactment of the curfew law created a new casualty in the 'war' against crime--the Bill of Rights," said Robert Plotkin, an attorney at the D.C. law firm of Paul, Hastings, Janofsky & Walker who handled the case for the ACLU. "The court's ruling today restores it to life."

Arthur Spitzer, Legal Director of the ACLU of the National Capital Area, said the court's ruling is important "because it will send the message to cities and towns across the nation that laws punishing all juveniles are not a permissible response to the problems caused by the small fraction of juveniles who commit crimes."

"The proper response to juvenile crime is to arrest the criminals," Spitzer said, "not to put thousands of law-abiding young people under house arrest."

The case -- *Hutchins v. District of Columbia* was filed in November 1995, shortly after the law was enacted. The plaintiffs in the case were eight young residents of the District of Columbia, four parents, and a local movie theater.

An earlier D.C. juvenile curfew law had been enacted and struck down by the courts in 1989. This law was the D.C. Council's second attempt to enact a curfew law.

The latest D.C. curfew law was modeled after a similar law in Dallas, which had been upheld by the courts there. Despite the lack of evidence that curfew laws are effective in crime control, many cities have recently adopted or are considering curfew laws, fueled in part by President Clinton's announced support for curfew laws.



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But as 16-year-old lead plaintiff Tiana Hutchins explained when the D.C. lawsuit was filed, she and many of her friends oppose the curfew because "it is unfair to punish good kids who are out trying to make something of themselves when only a small percentage of young people are committing crimes in the city during curfew hours."