

A Short Essay on Government Curfews

by Justin Graham

Minorities in the United States have a long history of standing up for their rights. In the past century, blacks (and other racial minorities), women, and gays have all succeeded in largely eliminating state-sponsored or state-mandated discrimination against them. State-sponsored public segregation is a thing of the past, and the flawed “separate but equal” legacy of discrimination has been largely eradicated. Women now have the right to vote, directly influencing and wielding power over the very governments, federal, state, and local, that they live under and the laws of which they must obey. Anti-sodomy laws, and other forms of discrimination against gays, have been repealed or struck down by courts in recent years, and sexual orientation has been added to numerous state and local equal protection laws. The state of New Jersey, much to its credit, even recently passed a law prohibiting discrimination against transgender individuals, becoming the ninth state to do so. However, one basis for discrimination, including state-sponsored and state-enforced discrimination, remains completely legal in the U.S.: age.

Unfortunately, state-sponsored discrimination against the young is still rampant in the United States today. People who have not yet reached their eighteenth birthday cannot vote; they are prohibited from exercising power over their government, even though they are required to pay sales and income tax. I believe that’s called “taxation without representation.” Our young people, even legal adults, younger than age 21, cannot legally purchase or consume alcohol, no matter how responsible they may be. Well over 500 young American servicemembers under the age of 21 have died in Iraq since 2003. These young people are mature and responsible enough to fight on the front lines, to handle automatic weapons, to drive military vehicles in a war zone, and to lead their fellow

soldiers and Marines into battle. They're expected to remain cool under fire, and to make tactically and strategically sound decisions while being shot at, and while their comrades are being blown up around them. But upon their return home, they are considered too childish, immature, and irresponsible to handle a beer. This is hypocrisy taken to an extreme.

Yet another form of state-sponsored discrimination against our young people, never before seen until recent years, is spreading like wildfire through cities and towns across the country: curfews. I'm not talking about parents setting curfews for their teenage sons and daughters. I'm talking about government laws which prohibit those under a certain age (typically 18, but in some cases 19) from being out of doors at night. Proponents of curfew laws typically employ two arguments in favor of such laws, both of which can be easily debunked.

First, curfew supporters argue that minor teenagers are more likely to commit crimes than adults. They argue that government needs to protect "law-abiding citizens" from "delinquent juveniles." However, I have never seen convincing evidence that minors are more likely to commit crimes than adults are. Most criminals, and most violent criminals, are adults. Curfews that apply to only one class of citizens are inherently discriminatory. The perception that young people are out-of-control, violence-prone juvenile delinquents is an unwarranted stereotype, much like the perception that black people are violent thugs. Should we enforce a government curfew against blacks? Men are statistically much more likely to commit crimes, especially violent crimes, than

women. According to the logic that curfew proponents use, shouldn't we keep men indoors at night by passing a curfew against them? Such discriminatory laws cannot be justified in modern America, and laws discriminating against young people are no exception.

Second, proponents of government-mandated curfews for young people argue that teenagers need to be "protected" from themselves. The core of this argument is essentially that teenagers, even sixteen- and seventeen-year-olds, are mere children, lacking the maturity and reasoning ability to make their own decisions. However, when placed in a historical context, and when examined in light of scientific evidence, this idea simply rings false. Throughout most of human history, humans have joined adult society in the early teen years, shortly after puberty, to no ill effect. In most of the non-industrialized world, this is still the case today. Young people are integrated into adult society early, and they suffer no negative effects as a result. These adults, at thirteen or fourteen years of age, are truly adults in every sense of the word. They are trusted to protect themselves and make their own decisions, and they do so quite competently. It is only in the industrialized world, and only in the past couple of centuries, that this has changed. We have come to the mistaken belief that teenagers are immature and incompetent like children, and we infantilize them to such an extent that they have no meaningful control over their lives. It's no wonder that they have problems. I am convinced that if we stop treating our young people like children, give them at least some measure of meaningful control over their lives, and trust them to make their own

decisions competently, there will be no need to “protect” them. They will learn to protect themselves.

Over the past 150 years, we have created entirely new categories of crime just for minors. “Truancy,” “incurability,” underage drinking, purchasing tobacco products, and “delinquency of a minor” come to mind. With the relatively new addition of curfew laws, we’ve added yet another category of crime that is unique to minors: violating curfew. Not only are such laws blatantly unfair and discriminatory, they’re also unconstitutional. Curfew laws violate the right of minors to freedom of assembly, which is guaranteed by the United States Constitution. How can such discriminatory and unconstitutional measures become law in modern America? How can we completely ignore the constitutional and civil rights of young people, to whom those rights necessarily apply in equal measure as to adults? As American citizens, it is our duty to stand up for the rights of a segment of our population, young people, whose rights are being infringed upon. It is our duty as Americans to work against ageist, blatantly discriminatory, and unconstitutional laws such as government-mandated curfews. We’ve made extraordinary advances towards civil rights for blacks, women, gays, and other minorities in America since its founding. The fight for civil rights for all can’t stop there.