

The Pinkerton Story

Fifty years of serving the young people of New York City

By ELLIS COSE

IN 1966, AMERICA was in turmoil, roiled by the Vietnam War, the sexual revolution, resurgent feminism, and a brutal fight for civil rights. The Ballad of the Green Berets, a tribute to a soldier slain in Vietnam, was the nation's number one record. The song inspired and moved millions, but support for the war was already collapsing—as was the broad consensus that American instincts were inevitably right. Even some members of the so-called establishment were calling for radical change.

In his 1964 State of the Union Address, President Lyndon Johnson declared “unconditional war on poverty in America.” In this war, proclaimed Johnson, “our chief weapons . . . will be better schools, and better health, and better homes, and better training, and better job opportunities to help more Americans, especially young Americans, escape from squalor and misery and unemployment rolls where other citizens help to carry them.” In his 1966 State of the Union, Johnson doubled down on that commitment, urging Congress “not only to continue, but to speed up the war on poverty.”

The resolve to improve prospects for the young and vulnerable was not confined to President Johnson or to the executive branch. The American judicial system was also rethinking its treatment of America's young. The best known Supreme Court decision of 1966 is the Miranda ruling, which requires arresting officers to inform suspects of certain rights. A lesser known decision (*In re Gault*) handed down the next year was arguably just as important. That ruling addressed the situation of one Gerald Gault of Arizona, who was arrested at the age of 15 for allegedly making an obscene phone call to a neighbor.

At the time, judicial proceedings for juveniles were governed by the doctrine of *parens patriae*, a concept rooted in English chancery law that put the state in charge of children when parental rule was deemed inadequate. The doctrine, first

adopted in Illinois in 1899, became the standard throughout the United States and its territories. As a result, Gerald Gault ended up in court with no attorney and no opportunity to question his accuser, his fate entirely up to the whims of a judge. Gault was sentenced to up to six years (until he became an adult) in a juvenile facility. An adult convicted of the same offense would have served a maximum of two months in jail.

Supreme Court Justice Abe Fortas thought it absurd that children were stripped of important rights in the name of protecting them. In his 8-1 majority decision, Fortas declared that juveniles were as entitled as adults to be represented by counsel, to cross examine witnesses and to otherwise exercise their constitutional rights.

That case marked a revolutionary turn in the evolution of juvenile justice and in the rise of the movement to guarantee even the most vulnerable children a shot at a decent life. As the leader of the most storied crime-fighting detective agency in the world, Robert Pinkerton surely would have been aware of the trends in juvenile justice and jurisprudence. What he could not have been aware of was how strongly those new progressive winds would eventually shape the work of the Foundation formed with his family's fortune or of how pivotal a role that foundation would play in the lives of vulnerable young New Yorkers—and in the field of youth development that grew up around them.

As Rick Smith, president of the Pinkerton Foundation, observed, “Back in the 1960s, Robert Pinkerton could have made any number of respectable decisions about what to do with his money that would not have involved the Foundation. But he made that choice, and he went on to establish the rights to the Foundation to receive the remainder of his daughter's trust when she passed away. Those relatively modest decisions had extraordinary ripples. Robert Pinkerton, making what for him was a relatively modest financial decision, has had an extraordinary impact on the lives of young people in New York City.” ♦