tional right to a jury trial, even if the aggregate of sentences authorized for the offense exceeds six months.[80]

The Court has also made some changes in the meaning of the term "criminal proceeding." Previously, the term had been applied only to situations in which a person has been accused of an offense by information or presentment.[81] Thus, a civil action to collect statutory penalties and punitive damages, because not technically criminal, has been held not to implicate the right to jury trial.[82] Subsequently, however, the Court focused its analysis on the character of the sanction to be imposed, holding that punitive sanctions may not be imposed without adhering to the guarantees of the Fifth and Sixth Amendments.[83] There is, however, no constitutional right to a jury trial in juvenile proceedings, at least in state systems and probably in the federal system as well.[84]

In a long line of cases, the Court had held that no constitutional right to jury trial existed in trials of criminal contempt.[85] In *Bloom v. Illinois*,[86] however, the Court announced that "[o]ur deliberations have convinced us . . . that serious contempts are so nearly like other serious crimes that they are subject to the jury trial provisions of the Constitution . . . and that the traditional rule is constitutionally infirm insofar as it permits other than petty contempts to be tried without honoring a demand for a jury trial." The Court has consistently held, however, that a jury is not required for pur-

---

[80] Lewis v. United States, 518 U.S. 322 (1996).

[81] United States v. Zucker, 161 U.S. 475, 481 (1896).

[82] 161 U.S. at 481. *See also* Oceanic Steam Navigation Co. v. Stranahan, 214 U.S. 320 (1909); Hepner v. United States, 213 U.S. 103 (1909).

[83] Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963). The statute at issue in *Mendoza-Martinez* automatically divested an American of citizenship for departing or remaining outside the United States to evade military service. A later line of cases, beginning in 1967, held that the Fourteenth Amendment broadly barred Congress from involuntarily expatriating any citizen who was born in the United States.

[84] McKeiver v. Pennsylvania, 403 U.S. 528 (1971).

[85] *E.g.*, Green v. United States, 356 U.S. 165, 183–87 (1958), and cases cited; United States v. Burnett, 376 U.S. 681, 692–700 (1964), and cases cited. A Court plurality in Cheff v. Schnackenberg, 384 U.S. 373 (1966), held, asserting the Court's supervisory power over the lower federal courts, that criminal contempt sentences in excess of six months imprisonment could not be imposed without a jury trial or adequate waiver.

[86] 391 U.S. 194, 198 (1968). Justices Harlan and Stewart dissented. Id. at 215. As in other cases, the Court drew the line between serious and petty offenses at six months, but because, unlike other offenses, no maximum punishments are usually provided for contempts it indicated the actual penalty imposed should be looked to. Id. at 211. *See also* Dyke v. Taylor Implement Mfg. Co., 391 U.S. 216 (1968). The distinction between criminal and civil contempt may be somewhat more elusive. International Union, UMW v. Bagwell, 512 U.S. 821 (1994) (fines levied on the union were criminal in nature where the conduct did not occur in the court's presence, the court's injunction required compliance with an entire code of conduct, and the fines assessed were not compensatory).